Article - State Government

§1–101.

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

(b) "County" means a county of the State and, unless expressly provided otherwise, Baltimore City.

(c) "Includes" or "including" means includes or including by way of illustration and not by way of limitation.

(d) "Person" means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity.

(e) "State" means:

(1) a state, possession, or territory of the United States;

(2) the District of Columbia; or

(3) the Commonwealth of Puerto Rico.

§2–101.

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

(b) "House" means the House of Delegates of Maryland.

(c) "President" means the President of the Senate.

(d) "Senate" means the Senate of Maryland.

(e) "Speaker" means the Speaker of the House.

(f) "Standing committee" means:

(1) a standing committee of the Senate, as set forth in the Senate rules; or

(2) a standing committee of the House, as set forth in the House rules.

§2–102.

(a) The State shall provide the members of the General Assembly with reasonable office space and services, equipment, and secretarial services, as provided in the State budget.

(b) (1) A municipal corporation, county, or other political subdivision or its governing body may not subsidize a member of the General Assembly in the

maintenance of the space, services, or equipment.

(2) This subsection does not prohibit the establishment of an office by a political subdivision to maintain liaison between the subdivision and the General Assembly.

§2–103.

(a) In this section, "permanent part–time legislative employee" means an individual who, for at least 130 days a year, is employed by the General Assembly.

(b) A permanent part–time legislative employee shall receive employment rights, privileges, and benefits that:

(1) equal at least 50% of the employment rights, privileges, and benefits of a permanent full–time employee of the Department of Legislative Services; and

(2) for an individual who is employed for at least 50% of a full workweek, are prorated in proportion to the number of hours worked.

(c) For auditing purposes, permanent time records shall be kept for each permanent part–time legislative employee.

(d) The President and the Speaker shall administer this section.

§2–104.

(a) (1) All full–time permanent employees of the General Assembly of Maryland and the Department of Legislative Services shall be considered as full–time permanent State employees for the purposes of transferring to a position in the Executive or Judicial Branch of State government.

(2) These employees shall receive credit for service with the General Assembly for the purposes of transferring accumulated sick and vacation leave, service credit in the Employees' Retirement System, and all other benefits.

(3) These employees shall be granted the same salary consideration that would be provided to an employee transferring within the Executive or Judicial Branch.

(b) On the transfer of a General Assembly employee or an employee of the Department of Legislative Services to a position in the Executive Branch, the Secretary of Budget and Management may request that the President of the Senate or the Speaker of the House of Delegates or their representative certify as to the full–time permanent status of that employee. The certification shall be satisfactory evidence for the purposes of subsection (a) of this section.

(c) If any employee of the General Assembly transferred to a position in the Executive or Judicial Branch on or after July 1, 1977, and suffered any loss

of compensation or benefits solely as a result of the employee's prior service with the General Assembly not being recognized as full–time permanent service, the employee's compensation and benefits shall be reinstated at the appropriate level and the employee shall be reimbursed for any loss in salary from the effective date of the transfer.

(d) Any full–time permanent employee of the General Assembly of Maryland or the Department of Legislative Services who separates from State service and returns to State service in the Executive or Judicial Branch within 3 years from the time of separation from active duty shall be eligible for reinstatement and shall receive full credit for any prior State service.

§2–105.

While the General Assembly is in session, each member or employee of the General Assembly who also is employed by the State or any of its political subdivisions:

(1) is entitled automatically to a leave of absence from the other employment; and

(2) except for a right to a salary or wages, may not be deprived of or otherwise have impaired any incident of the employment, including tenure, seniority, annual or sick leave, promotional rights, or rights to salary increments.

§2–106.

(a) In this section, "Force" means the Legislative Security Force.

(b) There is a Legislative Security Force.

(c) The Force consists of the members of the Department of State Police who are assigned for duty with the General Assembly.

(d) Under the guidance of the presiding officers of the General Assembly, the Force shall maintain order during the conduct of the legislative process.

§2–107.

(a) In this section, "relative" means:

(1) a spouse;

(2) a parent or stepparent;

(3) a sibling or step sibling;

(4) a child, stepchild, foster child, or ward;

(5) a mother–in–law or father–in–law;

(6) a son–in–law or daughter–in–law;

(7) a grandparent; or

(8) a grandchild.

(b) (1) Except as provided in paragraph (2) of this subsection, a member of the General Assembly may not employ for legislative business the member's own relative, or the relative of another member from the same legislative district, using public funds over which the member has direct control.

(2) Paragraph (1) of this subsection does not apply to a member of the General Assembly who:

(i) has a physical impairment that necessitates the employment of a particular relative; and

(ii) discloses the employment to the Joint Committee on Legislative Ethics.

§2–108.

(a) Public resources may be used by members of the General Assembly only for public purposes.

(b) This section does not prohibit incidental use of public resources for nonpublic purposes.

§2–201.

(a) The State of Maryland is divided into 47 districts for the election of members of the General Assembly of Maryland.

(b) Each legislative district shall elect 1 Senator and 3 Delegates.

(c) Each legislative district may be subdivided into 3 single member delegate districts or into 1 single member delegate district and 1 multimember delegate district.

(d) In any legislative district which contains more than 2 counties:

(1) where Delegates are to be elected at large by the voters of the entire district, a county, or part of a county, may not have more than 1 Delegate residing in that district; and

(2) where Delegates are to be elected by the voters of a multimember subdistrict which contains more than 2 counties or parts of more than 2 counties, a county or a part of a county may not have more than 1 Delegate residing in that subdistrict.

(e) (1) The descriptions of legislative districts in this subtitle, including all references to:

(i) election districts and wards are to the geographical boundaries of the election districts and wards as they existed as of April 1, 2010; and

(ii) precincts are to the geographical boundaries of the precincts as reviewed and certified by the local board of supervisors of elections or their designees, before they were reported to the U.S. Bureau of the Census as part of the 2010 Census Redistricting Data Program and as those precinct lines are specifically indicated in the P.L. 94–171 data or shown on the P.L. 94–171 census block maps provided by the U.S. Bureau of the Census and as reviewed and corrected by the Maryland Department of Planning.

(2) Where precincts are split between legislative districts, census tract and block numbers, as indicated in the P.L. 94–171 data or shown on the P.L. 94–171 census block maps provided by the U.S. Bureau of the Census and referred to in § 2–202 of this subtitle, are used to define the boundaries of legislative districts.

(f) For purposes of elections, the provisions of this subtitle shall be applicable to elections for members of the General Assembly beginning with the primary and general elections of 2014 and, for purposes of representation, shall be applicable beginning with the second Wednesday of January 2015.

§2–202.

The composition of the 47 legislative districts is:

(1) legislative district 1 consists of:

(a) delegate district 1A (single member delegate district):

(i) Garrett County;

(ii) Allegany County election districts 8, 9, 10, and 31; and

(iii) Allegany County election district 7, precinct 2;

(b) delegate district 1B (single member delegate district):

(i) Allegany County election districts 5, 11, 12, 13, 14, 18, 20, 21, 23, 24, 26, 29, and 34;

(ii) Allegany County election district 6, precinct 6;

(iii) Allegany County election district 7, precinct 1;

(iv) that part of Allegany County election district 6, precinct 1 that consists of census tract 12.00, blocks 3000 and 3003;

(v) that part of Allegany County election district 6, precinct 5 that consists of census tract 12.00, blocks 1054 through 1056, 1073, 3020, and 3021; and

(vi) that part of Allegany County election district 22, precinct 0 that consists of the following:

1. census tract 4.00, blocks 2000 through 2005 and 2049 through 2052; and

2. census tract 5.00, blocks 2000 through 2004 and 2018; and

(c) delegate district 1C (single member delegate district):

(i) Allegany County election districts 1, 2, 3, 4, and 16;

(ii) Allegany County election district 6, precinct 3;

(iii) that part of Allegany County election district 6, precinct 1 that consists of the following:

1. census tract 11.00, blocks 1000 through 1043, 1053 through 1058, 1060 through 1065, 1082, 1083, and 1090 through 1092; and

2. census tract 12.00, blocks 1000 through 1013, 1020 through 1035, 1053, and 3010;

(iv) that part of Allegany County election district 6, precinct 5 that consists of the following:

1. census tract 12.00, blocks 1014 through 1019, 1036 through 1052, 1057 through 1060, 1062 through 1069, 1074, 2008, 2012, 2018 through 2028, 2049 through 2052, 3006, 3008, 3011, 3012, 3016 through 3019, 3022, 3023, and 3025 through 3031; and

2. census tract 13.00, block 1002;

(v) that part of Allegany County election district 22, precinct 0 that consists of the following:

1. census tract 4.00, blocks 2006, 2011, 2012, 2020, 2021, 2027, 2032, 2035, 2046 through 2048, 2056 through 2059, and 2065 through 2068; and

2. census tract 5.00, blocks 1000 through 1073, 1075, 1076, 2005 through 2017, and 2019 through 2125; and

(vi) Washington County election districts 2, 4, 5, 15, and 23.

(2) legislative district 2 consists of:

(a) delegate district 2A (two member delegate district):

(i) Washington County election districts 1, 6, 7, 8, 9, 11, 12, 13, 14, 16, 19, 20, 24, 26, and 27;

(ii) Washington County election district 10, precincts 1, 2, and 4;

(iii) Washington County election district 18, precincts 1 and 3;

(iv) that part of Washington County election district 10, precinct 3 that consists of the following:

1. census tract 111.00, blocks 1000 through 1003, 1011 through 1018, 1021 through 1025, 1029 through 1031, 2005, 2016, 2017, 3000, and 3002; and

2. census tract 112.01, blocks 2001 through 2003, 2005, 2006, 2008 through 2017, 2021, 2023, 2025 through 2030, 2032, 2033, and 3035 through 3037; and

(v) that part of Washington County election district 18, precinct 2 that consists of the following:

1. census tract 1.00, blocks 1000, 1045 through 1048, 1051, 1056, and 1057;

2. census tract 5.00, blocks 3000, 3002, 3007, 3027 through 3034, 3037, 3038, 3051, 3053, and 3066;

3. census tract 6.01, blocks 1000, 1002, 1003, 1005, 1013, and 1015 through 1017;

4. census tract 102.00, block 2030;

5. census tract 112.01, blocks 2000, 3000 through 3023, 3046, and 3047; and

6. census tract 112.02, blocks 1002 through 1012 and 1024 through 1028; and

(b) delegate district 2B (single member delegate district):

(i) Washington County election districts 3, 17, 21, 22, and 25;

(ii) that part of Washington County election district 10, precinct 3 that consists of the following:

1. census tract 111.00, blocks 1004, 1005, 1008, 1033, and 2031; and

2. census tract 112.01, blocks 2031 and 3038; and

(iii) that part of Washington County election district 18, precinct 2 that consists of the following:

1. census tract 5.00, block 3049; and

2. census tract 112.01, blocks 3024 through 3034, 3039 through 3045, and 4027 through 4031.

(3) legislative district 3 consists of:

(a) delegate district 3A (two member delegate district):

(i) Frederick County election district 2, precincts 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 15, 17, and 18;

(ii) Frederick County election district 9, precincts 6 and 8;

(iii) Frederick County election district 13, precinct 2;

(iv) Frederick County election district 21, precincts 2 and 3;

(v) Frederick County election district 23, precincts 2 and 3;

(vi) that part of Frederick County election district 9, precinct 3 that consists of the following:

1. census tract 7519.01, blocks 1019 through 1023 and 1032;

2. census tract 7519.02, blocks 3041 and 3042;

3. census tract 7519.04, blocks 1007, 1010 through 1013, 1030, 2000 through 2025, 2027, 2032, 2035, 2036, 2042, 2052, and 2054 through 2060; and

4. census tract 7522.04, block 1001;

(vii) that part of Frederick County election district 20, precinct 1 that consists of census tract 7513.01, block 2011;

(viii) that part of Frederick County election district 21, precinct 1 that consists of census tract 7513.01, blocks 2013 and 2071 through 2073;

(ix) that part of Frederick County election district 23, precinct 1 that consists of census tract 7505.06, blocks 1001 and 1003; and

(x) that part of Frederick County election district 24, precinct 2 that consists of the following:

1. census tract 7505.03, blocks 1006 through 1009 and 1013; and

2. census tract 7505.06, blocks 1004 through 1012, 3009, 3010, 3030, 3031, 3037 through 3039, 3042, 3044, 3045, 3055, and 3056; and

(b) delegate district 3B (single member delegate district):

(i) Frederick County election districts 1 and 14;

(ii) Frederick County election district 2, precincts 6, 14, and 16;

(iii) Frederick County election district 7, precinct 4;

(iv) Frederick County election district 24, precincts 1 and 3;

(v) that part of Frederick County election district 7, precinct 1 that consists of the following:

1. census tract 7522.01, blocks 1000 through 1007, 1009, 1010, 1013 through 1018, and 1023; and

2. census tract 7522.04, blocks 1007, 1009, 1011 through 1023, 1033 through 1043, 3029, 3031, 3037, 3038, 3041, 3051, 3052, 3058, and 3059;

(vi) that part of Frederick County election district 9, precinct 3 that consists of the following:

1. census tract 7519.04, blocks 1006, 1008, 1014, 1015, 1031, 1035, 2026, 2028 through 2031, 2033, 2034, 2037 through 2041, 2043 through 2046, 2050, 2051, and 2053; and

2. census tract 7522.04, blocks 1000, 1002, 2000, 2004, 2007, and 2041;

(vii) that part of Frederick County election district 21, precinct 1 that consists of census tract 7512.03, blocks 3000 through 3002, 3004 through 3012, 3014 through 3025, and 3028;

(viii) that part of Frederick County election district 23, precinct 1 that consists of the following:

1. census tract 7505.05, blocks 2028 through 2030 and 2034;

2. census tract 7505.06, blocks 1026, 1027, and 1029;

3. census tract 7510.04, blocks 1000 through 1005, 1010 through 1012, 1019 through 1036, and 2000 through 2053;

4. census tract 7523.03, blocks 1000 through 1004, 2000 through 2042, and 2051 through 2055;

5. census tract 7525.01, blocks 4000 through 4006, 4022, and 4023;

6. census tract 7525.02, blocks 2000, 2005 through 2007, 2053, and 2054;

7. census tract 7526.02, blocks 1008 through 1010, 3051 through 3055, 3061, and 3062; and

8. census tract 7651.00, blocks 1080 through 1082; and

(ix) that part of Frederick County election district 24, precinct 2 that consists of the following:

1. census tract 7505.06, blocks 1013, 1014, 3011 through 3017, 3029, 3032, and 3033;

2. census tract 7512.03, blocks 1000 through 1041, 1043, 1044, 3026, and 3027; and

3. census tract 7707.00, blocks 1076 and 1079 through 1081.

(4) legislative district 4 consists of:

(a) Carroll County election district 13;

(b) that part of Carroll County election district 9, precinct 1 that consists of the following:

(i) census tract 5090.01, blocks 1001, 1004 through 1013, 1016, 1030, 1031, and 1035 through 1037; and

(ii) census tract 5110.00, block 2044;

(c) that part of Carroll County election district 9, precinct 2 that consists of the following:

(i) census tract 5090.01, blocks 1014, 1015, 1017 through 1024, 1026 through 1029, 1032, 1034, 1038, and 1039; and

(ii) census tract 5090.02, blocks 2000 through 2027 and 2029 through 2031;

(d) Frederick County election districts 3, 4, 5, 6, 8, 10, 11, 12, 15, 16, 17, 18, 19, 22, 25, and 26;

(e) Frederick County election district 7, precincts 2 and 3;

(f) Frederick County election district 9, precincts 1, 2, 4, 5, and 7;

(g) Frederick County election district 13, precinct 1;

(h) that part of Frederick County election district 7, precinct 1 that consists of the following:

(i) census tract 7521.02, blocks 2049 through 2053 and 2056 through 2062;

(ii) census tract 7522.01, blocks 1008, 1011, 1012, 1019 through 1022, 1024 through 1056, and 2000 through 2107; and

(iii) census tract 7522.04, blocks 3026, 3027, 3030, 3032 through 3036, 3039, 3040, 3042 through 3050, 3057, and 3060;

(i) that part of Frederick County election district 9, precinct 3 that consists of census tract 7519.04, block 1005;

(j) that part of Frederick County election district 20, precinct 1 that consists of the following:

(i) census tract 7513.01, blocks 1000 through 1002, 1004, 1019, 1021, 1022, 2000 through 2002, 2004 through 2008, 2010, and 2015 through 2019;

(ii) census tract 7513.02, blocks 1011 through 1022, 1024, 1026 through 1083, 1088 through 1094, 1097, 1102, 2023, 2025, 2026, 2033, 2035 through 2045, 2052 through 2058, and 2061 through 2117; and

(iii) census tract 7675.00, block 3115; and

(k) that part of Frederick County election district 21, precinct 1 that consists of the following:

(i) census tract 7512.03, blocks 3003 and 3013;

(ii) census tract 7513.01, blocks 1003, 1005 through 1018, 1020, 1023 through 1029, 2012, 2020 through 2030, 2037 through 2047, 2049, 2050, 2063 through 2070, and 2095 through 2102;

(iii) census tract 7513.02, blocks 1084 through 1087, 1095, 1096, and 1098; and

(iv) census tract 7707.00, blocks 1083 through 1088.

(5) legislative district 5 consists of:

(a) Carroll County election districts 1, 2, 3, 4, 6, 7, 8, 10, 11, and 12;

(b) Carroll County election district 5, precincts 2 and 3;

(c) Carroll County election district 14, precinct 1;

(d) that part of Carroll County election district 5, precinct 4 that consists of census tract 5052.06, block 1001;

(e) that part of Carroll County election district 9, precinct 1 that consists of census tract 5090.01, blocks 1000, 1002, 1003, 1025, 2000, 2001, and 2004 through 2050;

(f) that part of Carroll County election district 9, precinct 2 that consists of the following:

(i) census tract 5090.01, block 1033; and

(ii) census tract 5090.02, blocks 1000 through 1042, 2028, and 2032 through 2035; and

(g) that part of Carroll County election district 14, precinct 2 that consists of the following:

(i) census tract 5142.01, blocks 1000 through 1003, 1024, 2000 through 2011, 2034 through 2037, 2052, and 2053; and

(ii) census tract 5142.02, blocks 1000 through 1003.

(6) legislative district 6 consists of:

(a) Baltimore County election district 12;

(b) Baltimore County election district 15, precincts 1, 2, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24;

(c) that part of Baltimore County election district 15, precinct 3 that consists of census tract 4512.00, blocks 1033 through 1041, 1044 through 1053, 1057, 1058, 1062 through 1064, 1074, 1075, and 1089; and

(d) that part of Baltimore County election district 15, precinct 4 that consists of the following:

(i) census tract 4512.00, blocks 1000 through 1027, 1030 through 1032, 1042, 1043, 1068, 1069, 1090, 1098, 1099, 2004, and 2008;

(ii) census tract 4513.00, blocks 1000 through 1027, 2000, 2001, 2004 through 2006, and 2013; and

(iii) census tract 4514.01, blocks 1000 through 1012, 2000 through 2003, and 2011.

(7) legislative district 7 consists of:

(a) Baltimore County election district 7, precincts 1 and 2;

(b) Baltimore County election district 10, precincts 3 and 5;

(c) Baltimore County election district 11, precincts 2, 3, 5, 20, and 22;

(d) Baltimore County election district 15, precincts 5, 6, 7, 8, 9, 10, 25, and 26;

(e) that part of Baltimore County election district 10, precinct 1 that consists of census tract 4101.00, blocks 1000 through 1018, 1020, 1021, 2000 through 2037, 2039 through 2042, 2045 through 2058, 3000 through 3015, 3025 through 3029, 3050 through 3065, and 3069 through 3072;

(f) that part of Baltimore County election district 11, precinct 4 that consists of the following:

(i) census tract 4111.02, blocks 2024, 2025, 2034 through 2039, 2044 through 2053, 2055, 2056, 2059, and 2061 through 2082; and

(ii) census tract 4113.02, blocks 1000 through 1024, 1027 through 1029, 1031, 1032, 1036 through 1118, 1121 through 1125, 1128 through 1143, 1154 through 1157, 1170, 1189 through 1192, 1194, 1196, 1197, and 1199 through 1203;

(g) that part of Baltimore County election district 15, precinct 3 that consists of census tract 4512.00, blocks 1065 through 1067, 1070 through 1073, 1076 through 1082, 1085 through 1088, 1097, 2005 through 2007, 2021 through 2025, 2027, 2030 through 2035, 2037, 2041, and 2042;

(h) that part of Baltimore County election district 15, precinct 4 that consists of the following:

(i) census tract 4512.00, blocks 2002 and 2003;

(ii) census tract 4513.00, blocks 2002, 2003, and 2007 through 2012;

(iii) census tract 4514.02, block 1022; and

(iv) census tract 4517.01, blocks 1018 through 1021, 1038 through 1040, 1042, and 2000 through 2062;

(i) Harford County election district 1, precincts 2, 7, 8, and 45;

(j) Harford County election district 3, precincts 3, 6, 7, 9, 13, and 24;

(k) Harford County election district 4, precincts 2, 5, and 6;

(l) that part of Harford County election district 1, precinct 4 that consists of the following:

(i) census tract 3013.01, block 3004; and

(ii) census tract 3014.01, blocks 1002 through 1011, 1013 through 1015, 2000 through 2002, and 2004 through 2030;

(m) that part of Harford County election district 1, precinct 41 that consists of census tract 3014.02, blocks 1000 through 1008 and 2005;

(n) that part of Harford County election district 3, precinct 5 that consists of the following:

(i) census tract 3032.01, blocks 3019, 4004 through 4011, 4016 through 4020, and 4029 through 4031; and

(ii) census tract 3032.05, blocks 1000 through 1006, 1013, and 1014;

(o) that part of Harford County election district 3, precinct 14 that consists of the following:

(i) census tract 3034.00, block 2015; and

(ii) census tract 3035.01, blocks 1000 through 1034, 2043, 2046, 2047, and 2084;

(p) that part of Harford County election district 4, precinct 1 that consists of the following:

(i) census tract 3042.01, blocks 1000 through 1030, 1035, 2000, 2001, 3000 through 3005, 3042, and 3043; and

(ii) census tract 3042.02, blocks 4003 through 4007, 5004 through 5006, 5008 through 5012, 5017 through 5023, 5026, and 5027; and

(q) that part of Harford County election district 4, precinct 3 that consists of the following:

(i) census tract 3041.01, blocks 1015, 1017, and 1019 through 1029; and

(ii) census tract 3041.02, blocks 1000 through 1021, 1024 through 1027, 1033 through 1036, 1039, 1043, 1050, 1057 through 1070, 1072 through 1079, 2000 through 2036, and 3000 through 3046.

(8) legislative district 8 consists of:

(a) Baltimore County election district 14;

(b) Baltimore County election district 9, precincts 17, 19, 20, 21, 22, 23, and 28;

(c) Baltimore County election district 11, precincts 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 21;

(d) that part of Baltimore County election district 11, precinct 4 that consists of census tract 4113.02, blocks 1126, 1127, 1144 through 1153, 1158 through 1169, 1171 through 1188, and 1198; and

(e) that part of Baltimore County election district 11, precinct 8 that consists of the following:

(i) census tract 4114.04, blocks 1009 and 1018;

(ii) census tract 4114.08, block 3001; and

(iii) census tract 4114.09, blocks 2009 through 2014.

(9) legislative district 9 consists of:

(a) delegate district 9A (two member delegate district):

(i) Carroll County election district 5, precincts 1, 5, and 6;

(ii) that part of Carroll County election district 5, precinct 4 that consists of the following:

1. census tract 5052.03, blocks 1000 through 1018, 2000 through 2075, and 3000 through 3023;

2. census tract 5052.05, blocks 1000 through 1016 and 2000 through 2008; and

3. census tract 5052.06, blocks 1000, 1002 through 1037, and 2000 through 2029;

(iii) that part of Carroll County election district 14, precinct 2 that consists of the following:

1. census tract 5142.01, blocks 1004 through 1023, 1025, 2012 through 2033, 2038 through 2051, 2054 through 2062, and 3000 through 3029; and

2. census tract 5142.02, blocks 1004 through 1039 and 2000 through 2018;

(iv) Howard County election district 4;

(v) Howard County election district 2, precincts 6, 7, 8, 11, 18, 19, and 24;

(vi) Howard County election district 3, precincts 1, 2, 3, 5, and 6;

(vii) Howard County election district 5, precincts 1, 19, and 20;

(viii) that part of Howard County election district 2, precinct 17 that consists of census tract 6023.03, blocks 1000 through 1034, 2000 through 2003, 3000, and 3001; and

(ix) that part of Howard County election district 5, precinct 11 that consists of census tract 6051.03, blocks 2003 through 2014, 2023 through 2027, 2034 through 2036, and 2038 through 2050; and

(b) delegate district 9B (single member delegate district):

(i) Howard County election district 1, precinct 4;

(ii) Howard County election district 2, precincts 1, 2, 3, 5, 9, 10, 12, 13, 14, 15, 16, 22, 23, and 25;

(iii) Howard County election district 3, precinct 4; and

(iv) that part of Howard County election district 2, precinct 17 that consists of census tract 6023.03, blocks 2004 through 2011 and 2014 through 2018.

(10) legislative district 10 consists of:

(a) Baltimore County election district 1, precinct 2;

(b) Baltimore County election district 2, precincts 5, 6, 7, 9, 10, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, and 28;

(c) Baltimore County election district 4, precincts 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13;

(d) that part of Baltimore County election district 2, precinct 3 that consists of census tract 4024.07, blocks 1000 through 1069;

(e) that part of Baltimore County election district 2, precinct 4 that consists of census tract 4023.04, blocks 3005 through 3013 and 3023 through 3025;

(f) that part of Baltimore County election district 2, precinct 11 that consists of the following:

(i) census tract 4022.02, blocks 1000 through 1004, 1017, 1042, and 1043;

(ii) census tract 4024.06, blocks 1000 through 1008, 2000 through 2021, and 3000 through 3025; and

(iii) census tract 4024.07, blocks 2000 through 2014;

(g) that part of Baltimore County election district 4, precinct 1 that consists of census tract 4041.02, blocks 1000 through 1010, 1012, 1013, 1015, 1018, 1019, 1021, and 1022; and

(h) that part of Baltimore County election district 5, precinct 1 that consists of census tract 4050.00, blocks 1102, 1103, 1105 through 1107, 1109 through 1113, 2018, 2020 through 2055, 2057, 2058, 2063 through 2065, 2067, 2068, 2090 through 2096, 2103, 2104, and 2108.

(11) legislative district 11 consists of:

(a) Baltimore County election district 2, precincts 8, 15, 25, and 29;

(b) Baltimore County election district 3, precincts 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14;

(c) Baltimore County election district 4, precincts 3 and 14;

(d) Baltimore County election district 8, precincts 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, 21, 23, and 24;

(e) Baltimore County election district 9, precinct 1;

(f) that part of Baltimore County election district 4, precinct 1 that consists of the following:

(i) census tract 4041.01, blocks 2000, 2008 through 2026, and 2042 through 2051;

(ii) census tract 4041.02, blocks 1011, 1014, 1016, 1017, 1020, 1023 through 1029, and 2000 through 2057; and

(iii) census tract 4042.02, blocks 1029 through 1031, 2003, 2004, 3016 through 3018, and 4045 through 4047;

(g) that part of Baltimore County election district 8, precinct 2 that consists of census tract 4083.04, blocks 1000 through 1025 and 1042 through 1053;

(h) that part of Baltimore County election district 8, precinct 5 that consists of the following:

(i) census tract 4085.06, blocks 1002 through 1005, 1017 through 1019, 2000 through 2015, and 2018; and

(ii) census tract 4085.07, blocks 2000 through 2013, 2017, and 2020 through 2023;

(i) that part of Baltimore County election district 8, precinct 11 that consists of the following:

(i) census tract 4085.03, blocks 1016 through 1018, 2013 through 2016, 2018 through 2021, 2023, and 2043; and

(ii) census tract 4085.07, blocks 3007 through 3010 and 3013; and

(j) that part of Baltimore County election district 8, precinct 14 that consists of census tract 4088.00, blocks 1024 through 1027, 1039, 2002, 2003, 2006, 2012, 2014 through 2016, and 2023 through 2026.

(12) legislative district 12 consists of:

(a) Baltimore County election district 13;

(b) Baltimore County election district 1, precincts 10, 13, 14, and 16;

(c) that part of Baltimore County election district 1, precinct 9 that consists of the following:

(i) census tract 4008.00, blocks 1000 through 1035 and 2000 through 2019;

(ii) census tract 4009.00, blocks 1000 through 1006, 1008, 1016 through 1018, 1022, and 1023; and

(iii) census tract 4010.00, blocks 1000 through 1003, 1011 through 1017, and 1020 through 1022;

(d) Howard County election district 1, precincts 1, 3, 5, 7, 10, 11, 12, and 13;

(e) Howard County election district 2, precincts 4, 20, and 21;

(f) Howard County election district 5, precincts 2, 3, 4, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 21, and 23; and

(g) Howard County election district 6, precincts 14 and 16.

(13) legislative district 13 consists of:

(a) Howard County election district 1, precincts 2, 6, 8, 9, 14, and 15;

(b) Howard County election district 5, precincts 5, 6, 10, and 22;

(c) Howard County election district 6, precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35; and

(d) that part of Howard County election district 5, precinct 11 that consists of census tract 6051.03, blocks 2000 through 2002, 2015 through 2022, 2028 through 2033, and 2037.

(14) legislative district 14 consists of:

(a) Montgomery County election district 12;

(b) Montgomery County election district 1, precinct 1;

(c) Montgomery County election district 5, precincts 1, 2, 4, 8, 9, 12, 15, 16, 17, 18, 19, 20, 21, 23, and 24;

(d) Montgomery County election district 8, precincts 1, 2, 5, 6, 7, 9, 10, 11, and 13;

(e) that part of Montgomery County election district 1, precinct 2 that consists of census tract 7001.01, blocks 1004 through 1009, 1011, and 2000 through 2016;

(f) that part of Montgomery County election district 2, precinct 6 that consists of the following:

(i) census tract 7003.11, blocks 2000 through 2007; and

(ii) census tract 7003.12, blocks 3008, 3018, 3019, and 3024 through 3026; and

(g) that part of Montgomery County election district 5, precinct 11 that consists of census tract 7014.15, blocks 3000 through 3020.

(15) legislative district 15 consists of:

(a) Montgomery County election districts 3 and 11;

(b) Montgomery County election district 2, precincts 2, 3, 4, 5, 7, 9, 10, and 11;

(c) Montgomery County election district 4, precincts 12, 23, and 24;

(d) Montgomery County election district 6, precincts 1, 2, 4, 5, 6, 8, 9, 12, 13, and 14;

(e) Montgomery County election district 10, precincts 1, 4, 5, 6, 11, 12, and 13;

(f) that part of Montgomery County election district 2, precinct 8 that consists of the following:

(i) census tract 7003.11, blocks 1008 through 1014, 1016, 1017, 1019 through 1026, 1029 through 1032, and 1039;

(ii) census tract 7003.12, blocks 1000 through 1035, 1041 through 1045, 2004 through 2010, 2014 through 2051, 3000 through 3007, and 3009 through 3017; and

(iii) census tract 7004.00, blocks 2000 through 2003 and 2005;

(g) that part of Montgomery County election district 4, precinct 20 that consists of census tract 7012.20, blocks 1003, 1005, 1007 through 1011, 1014 through 1019, 1021 through 1034, and 2001 through 2024;

(h) that part of Montgomery County election district 6, precinct 11 that consists of the following:

(i) census tract 7006.11, blocks 1000 through 1020, 1022 through 1025, and 2000 through 2035; and

(ii) census tract 7006.13, blocks 1006 and 1007; and

(i) that part of Montgomery County election district 9, precinct 33 that consists of the following:

(i) census tract 7008.16, blocks 3014, 3016, 3020, and 3021; and

(ii) census tract 7008.17, blocks 1015 through 1017 and 3002 through 3020.

(16) legislative district 16 consists of:

(a) Montgomery County election district 4, precincts 10, 13, 17, 18, 28, 31, and 32;

(b) Montgomery County election district 7, precincts 3, 4, 7, 8, 9, 10, 11, 12, 13, 15, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 30, and 31;

(c) Montgomery County election district 10, precincts 2, 3, 7, 9, and 10;

(d) that part of Montgomery County election district 4, precinct 5 that consists of census tract 7010.01, block 3011; and

(e) that part of Montgomery County election district 4, precinct 25 that consists of census tract 7010.02, blocks 1005 through 1014.

(17) legislative district 17 consists of:

(a) Montgomery County election district 4, precincts 2, 3, 6, 14, 16, 21, 22, 26, and 30;

(b) Montgomery County election district 9, precincts 1, 2, 3, 6, 13, 15, 16, 24, 27, 28, 31, and 35;

(c) that part of Montgomery County election district 4, precinct 1 that consists of the following:

(i) census tract 7009.01, blocks 1000, 1005, 2000, and 2010 through 2012;

(ii) census tract 7009.02, blocks 1000 through 1033 and 2000 through 2035;

(iii) census tract 7009.03, blocks 1000 through 1024;

(iv) census tract 7009.04, blocks 1000 and 2000 through 2002;

(v) census tract 7011.02, block 1006;

(vi) census tract 7012.11, blocks 1025, 1026, and 1033 through 1037; and

(vii) census tract 7012.12, blocks 1017, 1018, and 1021;

(d) that part of Montgomery County election district 4, precinct 5 that consists of the following:

(i) census tract 7009.01, blocks 2009, 2015, 2019 through 2024, and 2028;

(ii) census tract 7009.04, blocks 2004 through 2007 and 2009; and

(iii) census tract 7010.01, blocks 1000 through 1022, 2011 through 2014, 2020 through 2027, 3007, 3009, 3010, and 3012;

(e) that part of Montgomery County election district 4, precinct 7 that consists of the following:

(i) census tract 7009.04, blocks 1003 and 1004;

(ii) census tract 7011.02, blocks 2001 through 2015, 2017 through 2020, 3000 through 3010, 3012 through 3015, 4000 through 4003, 4007 through 4010, and 5004 through 5009; and

(iii) census tract 7012.19, blocks 1010 and 1011;

(f) that part of Montgomery County election district 4, precinct 8 that

consists of the following:

(i) census tract 7009.04, blocks 1008 through 1012; and

(ii) census tract 7012.18, blocks 3000 and 3003;

(g) that part of Montgomery County election district 4, precinct 9 that consists of the following:

(i) census tract 7011.01, blocks 2000 through 2008, 2010 through 2017, 3000 through 3012, and 4006 through 4012; and

(ii) census tract 7032.02, blocks 2002 and 2015 through 2017;

(h) that part of Montgomery County election district 4, precinct 15 that consists of census tract 7012.19, blocks 1017 and 1020;

(i) that part of Montgomery County election district 4, precinct 19 that consists of census tract 7012.11, block 1031;

(j) that part of Montgomery County election district 4, precinct 20 that consists of census tract 7012.20, blocks 1001, 1004, and 1013;

(k) that part of Montgomery County election district 4, precinct 25 that consists of census tract 7010.02, blocks 1000 through 1004, 2000 through 2014, 2018, 2019, and 3000 through 3009;

(l) that part of Montgomery County election district 4, precinct 27 that consists of census tract 7012.19, blocks 1003, 1004, 1006, 1007, 1009, 1013, 1014, and 1036;

(m) that part of Montgomery County election district 6, precinct 3 that consists of the following:

(i) census tract 7006.10, blocks 1002 and 1025;

(ii) census tract 7008.20, block 1011; and

(iii) census tract 7008.23, blocks 2003 and 2004;

(n) that part of Montgomery County election district 9, precinct 10 that consists of the following:

(i) census tract 7007.04, blocks 2000, 2001, 2012, 2023, 2027, and 2032 through 2036; and

(ii) census tract 7007.19, block 1006;

(o) that part of Montgomery County election district 9, precinct 11 that

consists of census tract 7008.13, blocks 1009 and 4010;

(p) that part of Montgomery County election district 9, precinct 20 that consists of the following:

(i) census tract 7007.16, blocks 1013, 1016, 1018, 1019, 1021 through 1023, and 1025;

(ii) census tract 7007.19, blocks 2000 through 2008 and 2013; and

(iii) census tract 7007.20, blocks 1000, 1001, and 1005 through 1014;

(q) that part of Montgomery County election district 9, precinct 32 that consists of the following:

(i) census tract 7007.19, blocks 1000 through 1003, 2009 through 2012, 2014 through 2016, 3000, and 3001; and

(ii) census tract 7007.20, blocks 2003 through 2008 and 2016 through 2018;

(r) that part of Montgomery County election district 9, precinct 33 that consists of the following:

(i) census tract 7008.16, blocks 2009, 2014, 2015, 3013, and 3023; and

(ii) census tract 7008.17, blocks 1009, 1014, 1023, 2003 through 2011, 3000, and 3001;

(s) that part of Montgomery County election district 9, precinct 37 that consists of census tract 7007.20, block 2000; and

(t) that part of Montgomery County election district 13, precinct 51 that consists of census tract 7011.01, block 2018.

(18) legislative district 18 consists of:

(a) Montgomery County election district 4, precinct 4;

(b) Montgomery County election district 7, precincts 1, 2, 5, 6, 16, 21, and 32;

(c) Montgomery County election district 13, precincts 3, 7, 16, 17, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 36, 38, 39, 40, 44, 53, 58, and 59;

(d) that part of Montgomery County election district 4, precinct 7 that consists of census tract 7011.02, blocks 2000, 2016, and 2021;

(e) that part of Montgomery County election district 4, precinct 8 that consists of the following:

(i) census tract 7012.01, blocks 3013 through 3015;

(ii) census tract 7012.02, blocks 1000 through 1029 and 1032 through 1037;

(iii) census tract 7012.16, blocks 1000, 3000 through 3003, 4000, and 4001;

(iv) census tract 7012.18, blocks 3001 and 3002;

(v) census tract 7012.19, blocks 1032 and 1033; and

(vi) census tract 7035.02, blocks 2009 and 2013;

(f) that part of Montgomery County election district 4, precinct 15 that consists of the following:

(i) census tract 7012.01, blocks 1001, 1002, 1004 through 1013, 2000 through 2014, 3000 through 3012, and 3016 through 3021;

(ii) census tract 7012.19, blocks 1015, 1016, 1018, 1019, 1021 through 1025, 1029 through 1031, 1034, and 1035;

(iii) census tract 7035.01, block 3008; and

(iv) census tract 7035.02, blocks 1019 and 2010; and

(g) that part of Montgomery County election district 4, precinct 27 that consists of the following:

(i) census tract 7012.01, blocks 1000 and 1003; and

(ii) census tract 7012.19, blocks 1000 through 1002, 1005, 1008, 1012, and 1026 through 1028.

(19) legislative district 19 consists of:

(a) Montgomery County election district 1, precinct 5;

(b) Montgomery County election district 4, precinct 34;

(c) Montgomery County election district 8, precincts 3, 4, 8, and 12;

(d) Montgomery County election district 9, precincts 4, 14, and 36;

(e) Montgomery County election district 13, precincts 1, 2, 11, 20, 33, 35,

37, 41, 43, 45, 46, 48, 49, 52, 54, 55, 56, 57, 61, 62, 63, 64, and 69;

(f) that part of Montgomery County election district 4, precinct 1 that consists of census tract 7012.11, blocks 1022 through 1024 and 1032;

(g) that part of Montgomery County election district 4, precinct 9 that consists of census tract 7011.01, block 2009;

(h) that part of Montgomery County election district 4, precinct 19 that consists of the following:

(i) census tract 7012.11, blocks 1000 through 1021, 1027 through 1030, 1038, 1039, 2000 through 2002, and 2008; and

(ii) census tract 7012.12, blocks 1001 through 1012, 1019, and 1022;

(i) that part of Montgomery County election district 9, precinct 10 that consists of the following:

(i) census tract 7007.04, blocks 2002 through 2011, 2013 through 2022, 2024 through 2026, and 2028 through 2031; and

(ii) census tract 7007.11, blocks 1009, 1011, 1018, 1019, 3000 through 3002, and 3046 through 3048; and

(j) that part of Montgomery County election district 13, precinct 51 that consists of the following:

(i) census tract 7013.03, blocks 2014 and 2015;

(ii) census tract 7032.01, blocks 3000 through 3014 and 4000 through 4008; and

(iii) census tract 7032.02, blocks 2000, 2001, and 2003 through 2014.

(20) legislative district 20 consists of:

(a) Montgomery County election district 5, precincts 3, 5, 6, 7, 10, 13, 14, and 22;

(b) Montgomery County election district 13, precincts 4, 5, 6, 8, 9, 10, 12, 13, 14, 15, 18, 19, 21, 22, 23, 42, 47, 50, 65, 66, 67, and 68; and

(c) that part of Montgomery County election district 5, precinct 11 that consists of census tract 7015.03, blocks 2000 through 2014 and 4000 through 4024.

(21) legislative district 21 consists of:

(a) Anne Arundel County election district 4, precincts 2, 3, 5, 11, 12, 16,

20, and 23;

(b) that part of Anne Arundel County election district 1, precinct 23 that consists of census tract 7515.00, blocks 2001 through 2006;

(c) that part of Anne Arundel County election district 4, precinct 6 that consists of the following:

(i) census tract 7406.03, blocks 1027 through 1040, 1045, 1050, and 1052; and

(ii) census tract 7515.00, blocks 2007 through 2015, 2018 through 2022, 2026 through 2032, 2041 through 2043, 3014, and 3015;

(d) that part of Anne Arundel County election district 4, precinct 8 that consists of census tract 7408.00, blocks 2007, 2008, 2010, 2018, and 3000 through 3017;

(e) that part of Anne Arundel County election district 4, precinct 10 that consists of census tract 7407.02, blocks 1040 through 1045 and 1047;

(f) that part of Anne Arundel County election district 4, precinct 17 that consists of census tract 7515.00, blocks 3002 and 3013;

(g) that part of Anne Arundel County election district 4, precinct 24 that consists of census tract 7407.01, blocks 3000 through 3002;

(h) Prince George's County election district 1;

(i) Prince George's County election district 10, precincts 2, 3, 4, 5, 9, 12, and 13;

(j) Prince George's County election district 21, precincts 4, 14, 15, 17, and 99;

(k) that part of Prince George's County election district 10, precinct 1 that consists of the following:

(i) census tract 8002.09, blocks 2000 through 2012; and

(ii) census tract 8002.10, blocks 1000 through 1005 and 2000;

(l) that part of Prince George's County election district 17, precinct 9 that consists of the following:

(i) census tract 8057.00, blocks 3000 through 3003;

(ii) census tract 8058.01, blocks 1000 through 1003, 1005, and 1030; and

(iii) census tract 8059.04, blocks 1000 through 1022;

(m) that part of Prince George's County election district 19, precinct 1 that consists of census tract 8071.02, blocks 2013 and 2029 through 2031;

(n) that part of Prince George's County election district 19, precinct 3 that consists of census tract 8071.02, blocks 1034 and 2076;

(o) that part of Prince George's County election district 21, precinct 1 that consists of the following:

(i) census tract 8068.00, blocks 3000, 3002 through 3008, 3010, and 3011;

(ii) census tract 8070.00, blocks 1028 through 1032, 2003, 2004, 2019 through 2033, 2036 through 2043, 3000 through 3022, 4000 through 4002, and 4004 through 4047;

(iii) census tract 8072.00, blocks 2000 through 2002, 2004, 2005, and 4008 through 4017; and

(iv) census tract 8073.01, blocks 2020 through 2022;

(p) that part of Prince George's County election district 21, precinct 2 that consists of the following:

(i) census tract 8064.00, blocks 1010, 1014, 1015, 1018 through 1022, 1025, and 1026;

(ii) census tract 8068.00, block 3001;

(iii) census tract 8070.00, blocks 3023 through 3032;

(iv) census tract 8071.02, blocks 1000 through 1033, 2000 through 2007, 2009 through 2012, 2014 through 2024, 2032, 2034, 2075, and 2106; and

(v) census tract 8072.00, blocks 1000 through 1039 and 3016 through 3022;

(q) that part of Prince George's County election district 21, precinct 10 that consists of the following:

(i) census tract 8069.00, blocks 1000 through 1022, 3000, 3001, and 3003 through 3025;

(ii) census tract 8070.00, blocks 1000 through 1027; and

(iii) census tract 8074.04, block 2128;

(r) that part of Prince George's County election district 21, precinct 12 that consists of census tract 8064.00, blocks 1000 through 1003, 1007, and 1016; and

(s) that part of Prince George's County election district 21, precinct 97 that consists of census tract 8074.08, blocks 1107 through 1113 and 1159.

(22) legislative district 22 consists of:

(a) Prince George's County election district 2, precincts 6, 10, and 98;

(b) Prince George's County election district 14, precinct 2;

(c) Prince George's County election district 16, precincts 1, 2, 3, 4, and 5;

(d) Prince George's County election district 19, precincts 2, 4, and 5;

(e) Prince George's County election district 20, precincts 1, 5, 6, 12, and 13;

(f) Prince George's County election district 21, precincts 3, 6, 7, 8, 9, 11, 13, 16, 18, and 98;

(g) that part of Prince George's County election district 2, precinct 5 that consists of census tract 8039.00, blocks 1006 and 1007;

(h) that part of Prince George's County election district 2, precinct 99 that consists of census tract 8063.00, blocks 2023 and 2024;

(i) that part of Prince George's County election district 13, precinct 1 that consists of census tract 8034.02, blocks 3002 and 3004 through 3008;

(j) that part of Prince George's County election district 13, precinct 2 that consists of census tract 8033.00, blocks 1000, 1001, and 1004 through 1006;

(k) that part of Prince George's County election district 13, precinct 3 that consists of the following:

(i) census tract 8035.08, block 1000; and

(ii) census tract 8036.02, blocks 2041, 2046 through 2049, and 2053;

(l) that part of Prince George's County election district 13, precinct 5 that consists of the following:

(i) census tract 8035.16, blocks 1020 through 1061 and 1071 through 1073; and

(ii) census tract 8035.20, blocks 2001 and 3000;

(m) that part of Prince George's County election district 13, precinct 8 that consists of the following:

(i) census tract 8034.01, blocks 1000 through 1010 and 2000 through 2007;

(ii) census tract 8034.02, blocks 2000, 3000, 3001, and 3003; and

(iii) census tract 8035.08, blocks 2026 through 2031, 2035, 2039, 2044, and 3002;

(n) that part of Prince George's County election district 13, precinct 14 that consists of census tract 8036.01, blocks 2003, 2006 through 2009, and 2016;

(o) that part of Prince George's County election district 13, precinct 15 that consists of census tract 8035.16, blocks 1003, 1009, 1010, 1015 through 1019, and 1068 through 1070;

(p) that part of Prince George's County election district 14, precinct 8 that consists of the following:

(i) census tract 8004.11, blocks 1021 through 1025, 1033, 1059 through 1086, 1095 through 1103, and 1108;

(ii) census tract 8004.12, blocks 1000 through 1032; and

(iii) census tract 8067.11, blocks 2000 through 2006 and 2009 through 2011;

(q) that part of Prince George's County election district 17, precinct 8 that consists of the following:

(i) census tract 8059.08, blocks 1001 through 1006, 2003 through 2006, and 2014;

(ii) census tract 8059.09, blocks 1000 through 1014, 2000, and 2001; and

(iii) census tract 8060.00, blocks 1001, 1002, 1007, 1008, 1010, 1013, 1014, 1039, and 1040;

(r) that part of Prince George's County election district 19, precinct 1 that consists of the following:

(i) census tract 8062.00, blocks 1020 and 1021;

(ii) census tract 8063.00, blocks 2000, 2003, and 2004;

(iii) census tract 8065.01, blocks 1000 through 1004, 1009 through

1043, 2000 through 2015, 2017 through 2021, and 3000 through 3013; and

(iv) census tract 8071.02, blocks 2025 through 2028, 2039, 2043 through 2067, 2070 through 2073, 2078 through 2086, and 2089 through 2105;

(s) that part of Prince George's County election district 19, precinct 3 that consists of the following:

(i) census tract 8062.00, blocks 1000 through 1003;

(ii) census tract 8064.00, blocks 1028 through 1030, 1032 through 1034, 2000 through 2029, 2031 through 2042, and 3000 through 3015;

(iii) census tract 8065.01, blocks 1005 through 1008; and

(iv) census tract 8071.02, blocks 2077, 2087, and 2088;

(t) that part of Prince George's County election district 20, precinct 2 that consists of the following:

(i) census tract 8036.08, block 3015;

(ii) census tract 8036.12, blocks 1008, 1009, 2000 through 2004, 2008, and 2016; and

(iii) census tract 8036.13, blocks 1000 through 1002, 1006, 2008, and 2009;

(u) that part of Prince George's County election district 20, precinct 3 that consists of the following:

(i) census tract 8036.01, blocks 1000 and 1028;

(ii) census tract 8036.02, blocks 2042, 2044, and 2045; and

(iii) census tract 8036.08, blocks 4013 and 4014;

(v) that part of Prince George's County election district 20, precinct 4 that consists of the following:

(i) census tract 8004.08, blocks 2027, 2028, 2034, 2036, and 2045 through 2048;

(ii) census tract 8036.07, blocks 3011 through 3013; and

(iii) census tract 8036.08, blocks 1000, 1015 through 1027, 1031, 1044 through 1047, 1053, and 1055;

(w) that part of Prince George's County election district 20, precinct 7 that

consists of the following:

(i) census tract 8035.09, blocks 1006 through 1025, 1027, 2001 through 2005, 2009, 2010, 2016, 2017, 2019, 2021 through 2023, and 2028; and

(ii) census tract 8036.02, blocks 2014 through 2018, 2020 through 2036, 2043, 2051, and 2052;

(x) that part of Prince George's County election district 20, precinct 8 that consists of census tract 8036.07, blocks 1016, 1018, 1026, 1027, 2005 through 2010, 3005 through 3010, and 3014;

(y) that part of Prince George's County election district 20, precinct 9 that consists of census tract 8004.08, blocks 2037 through 2044;

(z) that part of Prince George's County election district 20, precinct 10 that consists of census tract 8036.06, blocks 1000 through 1002, 1014 through 1017, 1034, 2000, 2001, 4000 through 4005, and 4010;

(aa) that part of Prince George's County election district 20, precinct 11 that consists of the following:

(i) census tract 8036.01, blocks 1008 through 1017; and

(ii) census tract 8036.08, blocks 1014, 1028 through 1030, 1033, 1048 through 1052, 1054, 1056, 1057, 3001 through 3014, 4000 through 4012, and 4015 through 4020;

(bb) that part of Prince George's County election district 21, precinct 1 that consists of the following:

(i) census tract 8068.00, block 3009; and

(ii) census tract 8071.02, blocks 2036 through 2038 and 2040;

(cc) that part of Prince George's County election district 21, precinct 2 that consists of census tract 8071.02, blocks 2008, 2033, 2035, 2041, 2042, 2068, 2069, and 2074;

(dd) that part of Prince George's County election district 21, precinct 10 that consists of census tract 8067.14, blocks 2005, 2007 through 2010, 2022 through 2025, 2028 through 2030, and 2036;

(ee) that part of Prince George's County election district 21, precinct 12 that consists of census tract 8064.00, blocks 1004 through 1006, 1008, 1009, 1012, 1013, 1023, 1024, 1027, 1031, and 2030; and

(ff) that part of Prince George's County election district 21, precinct 97

that consists of census tract 8074.08, block 1118.

(23) legislative district 23 consists of:

(a) delegate district 23A (single member delegate district):

(i) Prince George's County election district 7, precinct 5;

(ii) Prince George's County election district 10, precincts 6, 7, 8, 10, and 11;

(iii) Prince George's County election district 14, precincts 1 and 3;

(iv) that part of Prince George's County election district 7, precinct 1 that consists of the following:

1. census tract 8005.13, blocks 3001, 3003, 3004, and 3009 through 3013; and

2. census tract 8005.14, blocks 1000 through 1004 and 1017;

(v) that part of Prince George's County election district 10, precinct 1 that consists of census tract 8002.10, blocks 2001 through 2011;

(vi) that part of Prince George's County election district 14, precinct 5 that consists of the following:

1. census tract 8004.03, blocks 1000, 1001, 1007, 1013, 1017 through 1023, and 2005; and

2. census tract 8004.10, blocks 2009, 2010, 2046, 2047, 2087, 2089, and 2090;

(vii) that part of Prince George's County election district 14, precinct 8 that consists of census tract 8004.11, block 1026;

(viii) that part of Prince George's County election district 14, precinct 9 that consists of census tract 8004.10, blocks 1000 through 1008, 1010 through 1034, 2026 through 2028, 2036 through 2045, 2048 through 2080, 2085, 2086, 3005 through 3007, 3009 through 3012, 3014 through 3033, 3036 through 3042, 3046, 3052, and 3056 through 3061;

(ix) that part of Prince George's County election district 14, precinct 10 that consists of census tract 8004.09, blocks 2007, 2010 through 2019, 3035 through 3045, and 3070 through 3073; and

(x) that part of Prince George's County election district 14, precinct 11 that consists of the following:

1. census tract 8004.10, blocks 3000, 3003, 3004, 3008, 3013, 3034, 3035, 3049, 3050, and 3055; and

2. census tract 8004.11, blocks 1012 through 1020, 1034 through 1057, 1109, and 1111; and

(b) delegate district 23B (two member delegate district):

(i) Prince George's County election district 3, precincts 1, 2, and 5;

(ii) Prince George's County election district 7, precincts 2, 3, 4, 6, 7, 8, 9, 10, 11, 14, 15, 16, and 17;

(iii) Prince George's County election district 14, precincts 4 and 6;

(iv) Prince George's County election district 15, precincts 1, 3, 4, and 6;

(v) that part of Prince George's County election district 3, precinct 3 that consists of the following:

1. census tract 8006.06, blocks 2000 through 2005, 3000, 3002 through 3004, 3008, 3009, and 3011 through 3013;

2. census tract 8006.07, blocks 1043 through 1047, 1049, 2010, 2013 through 2021, 2025 through 2032, 2034, and 2035; and

3. census tract 8006.08, blocks 2000 through 2034;

(vi) that part of Prince George's County election district 7, precinct 1 that consists of the following:

1. census tract 8005.13, blocks 3000, 3002, 3005 through 3008, and 3014;

2. census tract 8005.14, blocks 1015, 1016, and 1050; and

3. census tract 8005.18, blocks 2007, 2009, 2010, 2015, and 2018 through 2035;

(vii) that part of Prince George's County election district 7, precinct 13 that consists of census tract 8005.17, block 1008;

(viii) that part of Prince George's County election district 14, precinct 5 that consists of the following:

1. census tract 8004.02, block 1000;

2. census tract 8004.03, blocks 1002 through 1006, 1008

through 1012, 1014 through 1016, 1024 through 1032, 2000 through 2004, and 2006 through 2019; and

3. census tract 8004.10, block 2014;

(ix) that part of Prince George's County election district 14, precinct 9 that consists of census tract 8004.10, blocks 2011, 2029, 2030, and 2084; and

(x) that part of Prince George's County election district 14, precinct 11 that consists of the following:

1. census tract 8004.01, blocks 1000 through 1009, 1011 through 1013, and 1024; and

2. census tract 8004.10, blocks 2000 through 2008, 2012, 2013, 2015 through 2025, 2031 through 2035, 2081 through 2083, 2088, 3001, and 3002.

(24) legislative district 24 consists of:

(a) Prince George's County election district 6, precincts 3, 9, 12, and 15;

(b) Prince George's County election district 13, precincts 7 and 10;

(c) Prince George's County election district 14, precinct 7;

(d) Prince George's County election district 18, precincts 1, 2, 4, 7, 8, 9, 10, and 11;

(e) that part of Prince George's County election district 6, precinct 6 that consists of the following:

(i) census tract 8020.02, blocks 1000 and 1005;

(ii) census tract 8021.03, blocks 1022 and 1023;

(iii) census tract 8024.05, block 2021;

(iv) census tract 8024.06, blocks 1000 through 1003, 1012, and 2000 through 2022;

(v) census tract 8024.07, blocks 1006, 1008 through 1010, 1012, 2000 through 2022, and 2024 through 2026; and

(vi) census tract 8024.08, blocks 2000, 2001, 2007 through 2012, and 2016;

(f) that part of Prince George's County election district 6, precinct 19 that consists of the following:

(i) census tract 8023.01, blocks 1016 through 1018 and 1020 through 1023;

(ii) census tract 8024.04, blocks 2000 through 2003, 2009, 3000 through 3005, and 3008 through 3020; and

(iii) census tract 8024.07, blocks 1000 through 1005, 1007, 1011, 1013 through 1016, 1018, 1019, 1021 through 1023, 1027, 1029, 1031, 1035, 1036, 1042, and 1043;

(g) that part of Prince George's County election district 6, precinct 24 that consists of the following:

(i) census tract 8019.07, blocks 1008 through 1015 and 2008 through 2012; and

(ii) census tract 8019.08, blocks 2001 through 2010, 2013, and 2017 through 2023;

(h) that part of Prince George's County election district 7, precinct 1 that consists of the following:

(i) census tract 8005.14, blocks 1005 through 1014 and 1018 through 1049; and

(ii) census tract 8005.18, blocks 2000 through 2006, 2008, 2011 through 2014, 2016, 2017, and 2036;

(i) that part of Prince George's County election district 7, precinct 13 that consists of census tract 8005.17, blocks 1000 through 1007 and 1009 through 1047;

(j) that part of Prince George's County election district 13, precinct 1 that consists of census tract 8035.25, block 1001;

(k) that part of Prince George's County election district 13, precinct 3 that consists of the following:

(i) census tract 8035.08, blocks 1001 through 1019, 1022 through 1027, 1033, 2000 through 2015, 2018 through 2020, 2022, 2032 through 2034, 2037, 2038, 2040 through 2043, 3000, 3001, and 3004; and

(ii) census tract 8036.02, blocks 2040 and 2050;

(l) that part of Prince George's County election district 13, precinct 4 that consists of the following:

(i) census tract 8035.14, blocks 2023 through 2027, 2033, and 2036; and

(ii) census tract 8035.27, blocks 1002 through 1006, 1016 through 1034, and 2016;

(m) that part of Prince George's County election district 13, precinct 5 that consists of the following:

(i) census tract 8035.20, blocks 2002 through 2005, 3001 through 3006, 3009 through 3011, 3013, and 3015; and

(ii) census tract 8035.21, blocks 1042 through 1046, 1048 through 1065, and 1067;

(n) that part of Prince George's County election district 13, precinct 8 that consists of the following:

(i) census tract 8035.08, blocks 1020, 1021, 1028 through 1032, 2016, 2017, 2021, 2023 through 2025, 2036, and 3003; and

(ii) census tract 8035.25, block 1000;

(o) that part of Prince George's County election district 13, precinct 9 that consists of census tract 8035.12, blocks 1000 through 1009;

(p) that part of Prince George's County election district 13, precinct 11 that consists of the following:

(i) census tract 8035.22, blocks 2016 through 2022, 2024, 2025, 3001 through 3004, 3007 through 3009, 3011, and 3012; and

(ii) census tract 8035.27, block 1001;

(q) that part of Prince George's County election district 13, precinct 12 that consists of the following:

(i) census tract 8035.14, blocks 2000 through 2022, 2028 through 2032, 2034, and 2035;

(ii) census tract 8035.22, blocks 2000 through 2003, 3000, 3005, 3006, 3010, and 3013 through 3018; and

(iii) census tract 8035.23, blocks 2000 through 2016;

(r) that part of Prince George's County election district 13, precinct 13 that consists of census tract 8035.23, block 1009;

(s) that part of Prince George's County election district 13, precinct 14 that consists of the following:

(i) census tract 8035.14, blocks 1000, 1001, and 1131;

(ii) census tract 8035.20, blocks 3012 and 3014;

(iii) census tract 8035.21, blocks 1000 through 1041, 1047, 1066, and 1068 through 1070; and

(iv) census tract 8036.01, blocks 1030, 2000 through 2002, 2010 through 2015, 2017, and 2018;

(t) that part of Prince George's County election district 13, precinct 15 that consists of the following:

(i) census tract 8035.16, blocks 1000 through 1002, 1004 through 1008, 1011 through 1014, 1062 through 1067, and 2000 through 2011; and

(ii) census tract 8035.20, blocks 1000 through 1020, 2000, and 2006 through 2009;

(u) that part of Prince George's County election district 13, precinct 16 that consists of the following:

(i) census tract 8035.19, blocks 1000 through 1017; and

(ii) census tract 8035.24, blocks 1000 through 1020 and 1027;

(v) that part of Prince George's County election district 14, precinct 8 that consists of census tract 8004.11, blocks 1058, 1087 through 1092, 1106, and 1107;

(w) that part of Prince George's County election district 14, precinct 9 that consists of census tract 8004.10, blocks 1009, 3043, and 3047;

(x) that part of Prince George's County election district 14, precinct 10 that consists of census tract 8004.09, blocks 1020, 1021, 1027 through 1029, 2020, and 2021;

(y) that part of Prince George's County election district 14, precinct 11 that consists of the following:

(i) census tract 8004.10, blocks 3044, 3045, 3048, 3051, 3053, and 3054; and

(ii) census tract 8004.11, blocks 2000 through 2020;

(z) that part of Prince George's County election district 18, precinct 3 that consists of the following:

(i) census tract 8029.01, block 1004; and

(ii) census tract 8030.01, blocks 2000 through 2041;

(aa) that part of Prince George's County election district 18, precinct 5 that consists of census tract 8031.00, blocks 2008 through 2011, 2018 through 2020, and 2022;

(bb) that part of Prince George's County election district 20, precinct 3 that consists of the following:

(i) census tract 8035.20, blocks 3007 and 3008; and

(ii) census tract 8036.01, blocks 1001 through 1007, 1018 through 1027, 1029, 1031, 2004, and 2005;

(cc) that part of Prince George's County election district 20, precinct 4 that consists of the following:

(i) census tract 8004.08, blocks 2025, 2026, and 2029; and

(ii) census tract 8036.08, blocks 1001 through 1013, 1032, 1034 through 1043, and 2000 through 2011;

(dd) that part of Prince George's County election district 20, precinct 7 that consists of the following:

(i) census tract 8035.09, blocks 2000, 2006 through 2008, 2011 through 2015, 2018, 2020, and 2024 through 2027; and

(ii) census tract 8036.02, blocks 1000 through 1007, 2037 through 2039, and 2054;

(ee) that part of Prince George's County election district 20, precinct 8 that consists of the following:

(i) census tract 8004.08, blocks 1002 through 1005 and 1040;

(ii) census tract 8004.12, blocks 2005, 2013, and 2017;

(iii) census tract 8004.13, blocks 2029 and 2030;

(iv) census tract 8036.06, block 1007; and

(v) census tract 8036.07, blocks 1005 through 1015, 1017, 1019 through 1024, 2000 through 2004, and 3000 through 3004;

(ff) that part of Prince George's County election district 20, precinct 9 that consists of the following:

(i) census tract 8004.08, blocks 1000, 1001, 1006 through 1039, 2030 through 2033, and 2035; and

(ii) census tract 8004.13, blocks 2020, 2021, 2027, and 2028;

(gg) that part of Prince George's County election district 20, precinct 10 that consists of the following:

(i) census tract 8036.06, blocks 1003 through 1006, 1008 through 1013, 1018 through 1033, 4006 through 4009, and 4011 through 4020; and

(ii) census tract 8036.07, blocks 1000 through 1004 and 1025; and

(hh) that part of Prince George's County election district 20, precinct 11 that consists of census tract 8036.08, blocks 2012 and 3000.

(25) legislative district 25 consists of:

(a) Prince George's County election district 3, precincts 4 and 6;

(b) Prince George's County election district 6, precincts 1, 4, 5, 10, 11, 16, 20, 21, 22, and 23;

(c) Prince George's County election district 7, precinct 12;

(d) Prince George's County election district 9, precincts 1, 9, and 10;

(e) Prince George's County election district 12, precincts 3, 7, and 16;

(f) Prince George's County election district 13, precinct 6;

(g) Prince George's County election district 15, precincts 2 and 5;

(h) Prince George's County election district 18, precinct 6;

(i) that part of Prince George's County election district 3, precinct 3 that consists of census tract 8006.06, blocks 3001, 3005 through 3007, 3015, and 3016;

(j) that part of Prince George's County election district 6, precinct 6 that consists of census tract 8024.07, block 2023;

(k) that part of Prince George's County election district 6, precinct 7 that consists of the following:

(i) census tract 8019.05, blocks 1004, 1005, 1012, and 1024 through 1026; and

(ii) census tract 8019.06, blocks 1004 through 1014, 1016, 1017, 1021 through 1028, 2000 through 2002, and 2008 through 2019;

(l) that part of Prince George's County election district 6, precinct 14 that consists of the following:

(i) census tract 8019.01, blocks 1009 through 1016, 1021, and 1022; and

(ii) census tract 8019.07, blocks 1023 through 1025, 1029 through 1066, and 1068;

(m) that part of Prince George's County election district 6, precinct 18 that consists of the following:

(i) census tract 8019.04, blocks 1007 through 1012, 1015 through 1020, 1025, 1061 through 1065, and 1067; and

(ii) census tract 8019.05, blocks 1022, 1023, and 1027 through 1030;

(n) that part of Prince George's County election district 6, precinct 19 that consists of census tract 8024.07, blocks 1032 through 1034 and 1037 through 1041;

(o) that part of Prince George's County election district 6, precinct 24 that consists of the following:

(i) census tract 8019.05, block 2021; and

(ii) census tract 8019.07, blocks 1000 through 1007, 1016 through 1021, 1026 through 1028, 1067, and 2000 through 2005;

(p) that part of Prince George's County election district 9, precinct 2 that consists of census tract 8012.11, blocks 1000 through 1031;

(q) that part of Prince George's County election district 9, precinct 3 that consists of census tract 8011.04, blocks 1000 through 1021, 2000 through 2042, 2045, 2048, 2051, 2062 through 2067, 2069 through 2075, and 3000 through 3139;

(r) that part of Prince George's County election district 9, precinct 6 that consists of the following:

(i) census tract 8012.07, block 1000; and

(ii) census tract 8012.14, blocks 2006 through 2027, 2029 through 2036, 2038, 2044 through 2046, and 2048 through 2050;

(s) that part of Prince George's County election district 9, precinct 11 that consists of the following:

(i) census tract 8012.07, blocks 2000 through 2005; and

(ii) census tract 8012.15, blocks 1000 through 1015 and 1033;

(t) that part of Prince George's County election district 11, precinct 3 that consists of census tract 8010.05, blocks 1000 through 1004 and 1007 through 1009;

(u) that part of Prince George's County election district 12, precinct 4 that consists of census tract 8017.06, block 1019;

(v) that part of Prince George's County election district 12, precinct 12 that consists of census tract 8017.02, block 2014;

(w) that part of Prince George's County election district 12, precinct 17 that consists of census tract 8017.01, blocks 2000 through 2008, 2013, and 2014;

(x) that part of Prince George's County election district 13, precinct 4 that consists of the following:

(i) census tract 8035.26, blocks 2006 through 2014; and

(ii) census tract 8035.27, blocks 2001 through 2015 and 2017;

(y) that part of Prince George's County election district 13, precinct 9 that consists of the following:

(i) census tract 8022.04, blocks 4000 through 4060, 4074, and 4075; and

(ii) census tract 8035.12, blocks 1010 through 1024, 2009 through 2014, 2019 through 2022, and 3000 through 3021;

(z) that part of Prince George's County election district 13, precinct 11 that consists of the following:

(i) census tract 8035.22, blocks 2006 through 2015 and 2023;

(ii) census tract 8035.26, blocks 2000 through 2005; and

(iii) census tract 8035.27, blocks 1000, 1007 through 1015, and 2000;

(aa) that part of Prince George's County election district 13, precinct 12 that consists of the following:

(i) census tract 8035.22, blocks 2004 and 2005; and

(ii) census tract 8035.26, blocks 1005, 1006, and 1008; and

(bb) that part of Prince George's County election district 13, precinct 13 that consists of the following:

(i) census tract 8005.09, blocks 1006 and 1007;

(ii) census tract 8035.20, block 1021;

(iii) census tract 8035.22, blocks 1000 through 1006;

(iv) census tract 8035.23, blocks 1000 through 1008 and 1010 through 1013; and

(v) census tract 8035.26, blocks 1000 through 1004.

(26) legislative district 26 consists of:

(a) Prince George's County election district 5, precincts 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12;

(b) Prince George's County election district 6, precincts 2, 8, 13, and 17;

(c) Prince George's County election district 9, precinct 5;

(d) Prince George's County election district 12, precincts 1, 2, 5, 6, 8, 9, 10, 11, 13, 14, and 15;

(e) that part of Prince George's County election district 6, precinct 7 that consists of the following:

(i) census tract 8019.05, blocks 1000 through 1003, 1006 through 1011, 1013 through 1019, 2000, 2002, 2003, 2005 through 2007, 2009, 2010, 2012 through 2014, 2016 through 2018, 2020, 2022, 2024 through 2033, 2045, 2052 through 2054, and 2061 through 2064;

(ii) census tract 8019.06, blocks 2003 through 2007; and

(iii) census tract 8019.07, block 1022;

(f) that part of Prince George's County election district 6, precinct 14 that consists of the following:

(i) census tract 8019.01, blocks 1000 through 1008, 1017 through 1020, 2005 through 2009, 2022 through 2030, 2032, 2034, and 2035;

(ii) census tract 8019.05, blocks 2023, 2046 through 2051, 2055, and 2056;

(g) that part of Prince George's County election district 6, precinct 18 that consists of the following:

(i) census tract 8019.04, blocks 1021 through 1024, 1026 through 1060, and 1066; and

(ii) census tract 8019.05, blocks 1020, 1021, 1031, 1032, 2001, 2004, 2008, 2011, 2015, 2019, 2034 through 2044, and 2057 through 2060;

(h) that part of Prince George's County election district 9, precinct 2 that consists of census tract 8012.12, blocks 1002 through 1025, 2000 through 2019, 2022

through 2027, and 2037 through 2040;

(i) that part of Prince George's County election district 9, precinct 3 that consists of census tract 8012.12, blocks 1000 and 1001;

(j) that part of Prince George's County election district 12, precinct 4 that consists of the following:

(i) census tract 8014.05, blocks 1000 through 1007, 1012 through 1014, and 1060;

(ii) census tract 8017.07, blocks 2003 through 2005, 3000 through 3003, and 3005 through 3026; and

(iii) census tract 8017.08, blocks 1015 through 1020, 1034, 1036, and 2000 through 2008;

(k) that part of Prince George's County election district 12, precinct 12 that consists of the following:

(i) census tract 8014.05, blocks 1011, 1015 through 1026, 1028, 1029, and 1033;

(ii) census tract 8014.08, blocks 1000 through 1010 and 2000 through 2038; and

(iii) census tract 8014.09, blocks 2000 through 2014; and

(l) that part of Prince George's County election district 12, precinct 17 that consists of census tract 8017.01, blocks 2015 through 2028.

(27) legislative district 27 consists of:

(a) delegate district 27A (single member delegate district):

(i) Charles County election district 9;

(ii) Charles County election district 6, precincts 12 and 22;

(iii) Charles County election district 8, precincts 2 and 3;

(iv) that part of Charles County election district 8, precinct 1 that consists of census tract 8513.02, blocks 2026, 2027, 2032 through 2037, 2040 through 2043, 2047, 2049, and 2059 through 2061;

(v) that part of Charles County election district 8, precinct 5 that consists of the following:

1. census tract 8513.02, blocks 2000 through 2025, 2028

through 2031, 2038, 2039, 2050, and 2051; and

2. census tract 8514.00, blocks 3046 through 3053;

(vi) Prince George's County election district 8;

(vii) Prince George's County election district 5, precinct 1;

(viii) Prince George's County election district 9, precincts 4, 7, and 8;

(ix) that part of Prince George's County election district 11, precinct 1 that consists of the following:

1. census tract 8010.04, blocks 1023, 1031, 1032, 1034, 1035, 1044 through 1049, 1051 through 1061, 2016 through 2028, and 2067 through 2093; and

2. census tract 8013.11, block 1044; and

(x) that part of Prince George's County election district 11, precinct 4 that consists of census tract 8010.03, blocks 1000 through 1054, 2008, 2012 through 2014, 2016, 2017, 2019 through 2030, 2035, 2039 through 2050, 2054 through 2068, 2080 through 2082, 2094, 2097 through 2101, and 2103 through 2110;

(b) delegate district 27B (single member delegate district):

(i) Calvert County election district 2, precincts 3, 6, and 7;

(ii) Calvert County election district 3, precincts 3, 6, and 7;

(iii) that part of Calvert County election district 3, precinct 4 that consists of the following:

1. census tract 8603.00, blocks 1028 through 1035, 1045 through 1051, 1053, and 1055 through 1061; and

2. census tract 8604.01, blocks 4035 through 4038, 4042, and 4043;

(iv) that part of Calvert County election district 3, precinct 5 that consists of the following:

1. census tract 8602.00, blocks 2000 through 2054 and 2082; and

2. census tract 8603.00, blocks 1000 through 1027, 1036, 1037, 1044, 1052, 1054, and 1062;

(v) Prince George's County election district 4;

(vi) Prince George's County election district 11, precinct 2;

(vii) that part of Prince George's County election district 9, precinct 6 that consists of the following:

1. census tract 8012.07, blocks 1001 through 1012, 1014 through 1016, 1018, 1019, 2009, 2011, and 2062; and

2. census tract 8012.17, blocks 2000 and 2001;

(viii) that part of Prince George's County election district 9, precinct 11 that consists of the following:

1. census tract 8012.07, blocks 1013, 1017, 2006 through 2008, 2010, 2012 through 2061, and 2063 through 2067;

2. census tract 8012.08, blocks 1000 and 1006; and

3. census tract 8012.15, blocks 1016 through 1032;

(ix) that part of Prince George's County election district 11, precinct 1 that consists of census tract 8010.04, blocks 1020 through 1022, 1024, 1025, 1027, 1033, 1036, 1041 through 1043, 1050, 1062, 1063, 2000 through 2015, 2029 through 2066, and 2094 through 2096;

(x) that part of Prince George's County election district 11, precinct 3 that consists of the following:

1. census tract 8010.05, blocks 1005, 1006, and 1010 through 1020; and

2. census tract 8010.06, blocks 1000 through 1019, 2000 through 2005, 2007, 2009, and 2018; and

(xi) that part of Prince George's County election district 11, precinct 4 that consists of the following:

1. census tract 8008.00, blocks 3008 through 3034;

2. census tract 8010.03, blocks 2000 through 2007, 2009 through 2011, 2015, and 2018; and

3. census tract 8010.04, blocks 1019 and 1037 through 1040; and

(c) delegate district 27C (single member delegate district):

(i) Calvert County election district 1, precinct 4;

(ii) Calvert County election district 2, precincts 1, 2, 4, 5, and 8;

(iii) Calvert County election district 3, precincts 1, 2, and 8;

(iv) that part of Calvert County election district 1, precinct 3 that consists of the following:

1. census tract 8608.02, blocks 2059, 3001 through 3062, and 3066 through 3084;

2. census tract 8609.00, blocks 1000, 1003, 1004, 1006 through 1014, 1018 through 1024, 1027 through 1032, 1038, 1039, 1050, 1078, 1130, and 1133; and

3. census tract 8610.01, blocks 1006 through 1009, 1016, and 1017;

(v) that part of Calvert County election district 3, precinct 4 that consists of census tract 8604.01, blocks 1000 through 1002, 1005 through 1007, 1009, 1010, 1014, 1023, 1058 through 1061, 3000 through 3006, 3008 through 3013, 3017, 3022, 3023, 3079, 3080, 4000 through 4004, 4007 through 4011, 4013 through 4024, and 4027; and

(vi) that part of Calvert County election district 3, precinct 5 that consists of the following:

1. census tract 8603.00, blocks 1038 through 1043; and

2. census tract 8604.01, blocks 1004, 1011 through 1013, 1015 through 1022, 4005, and 4006.

(28) legislative district 28 consists of:

(a) Charles County election districts 1, 2, 3, 4, 5, 7, and 10;

(b) Charles County election district 6, precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, and 21;

(c) Charles County election district 8, precinct 4;

(d) that part of Charles County election district 8, precinct 1 that consists of the following:

(i) census tract 8509.04, blocks 2093 and 2094; and

(ii) census tract 8513.02, blocks 1000 through 1002, 2044 through 2046, 2048, 2052 through 2058, 2062 through 2069, 3013, 3017 through 3020, 3022 through 3053, 3065 through 3077, 3079 through 3087, 3094 through 3149, 3152, 3153, 3155 through 3158, and 3160; and

(e) that part of Charles County election district 8, precinct 5 that consists of the following:

(i) census tract 8513.02, blocks 3000 through 3012, 3014 through 3016, 3021, 3054 through 3064, 3078, 3088 through 3093, 3150, 3151, 3154, and 3159; and

(ii) census tract 8514.00, blocks 1053, 1054, 1072 through 1103, 1105 through 1107, and 1109 through 1160.

(29) legislative district 29 consists of:

(a) delegate district 29A (single member delegate district):

(i) St. Mary's County election districts 4, 5, and 7;

(ii) St. Mary's County election district 3, precincts 1, 2, and 4; and

(iii) St. Mary's County election district 6, precincts 1, 2, and 4;

(b) delegate district 29B (single member delegate district):

(i) St. Mary's County election districts 1 and 9;

(ii) St. Mary's County election district 8, precincts 1, 4, 7, 9, and 10;

(iii) that part of St. Mary's County election district 2, precinct 1 that consists of census tract 8761.00, blocks 1002, 1006, 1013 through 1017, 1019, 1022 through 1041, 1043 through 1052, 1054, 1055, 1058, 1059, 1061 through 1067, 3000 through 3002, 3027, 3029, 3030, 3033 through 3043, 3049, 3052, 3055, 3076, 3077, 4002 through 4004, 4006 through 4008, 4010 through 4017, 4019, 4021, 4022, 4052, 4067, 4068, 4072 through 4074, 4076, 4078, 4083 through 4085, 4088 through 4090, 4092 through 4097, 4099, 4100, 4144, 4145, 4153 through 4155, 4158, 4159, and 4161;

(iv) that part of St. Mary's County election district 2, precinct 2 that consists of census tract 8761.00, blocks 2000, 2001, 2023 through 2030, 2034, 2036 through 2041, 2048, 2055, 2056, 3003 through 3017, 3019 through 3024, 3026, 3044 through 3048, 3051, 3053, 3054, 3056 through 3075, 4023 through 4045, 4047 through 4051, 4053 through 4066, 4082, and 4157;

(v) that part of St. Mary's County election district 8, precinct 3 that consists of census tract 8760.02, blocks 1000 through 1009, 1011, 1013, 1014, 1018, 1020, 1028, 3000 through 3050, and 4017;

(vi) that part of St. Mary's County election district 8, precinct 5 that consists of the following:

1. census tract 8755.00, block 3102; and

2. census tract 8756.00, blocks 1002, 1003, and 1015 through 1020; and

(vii) that part of St. Mary's County election district 8, precinct 6 that consists of the following:

1. census tract 8758.01, blocks 1002 through 1047, 2003 through 2006, 2008, 2009, 2011 through 2014, 2016 through 2029, 2031, and 2032; and

2. census tract 8759.01, block 1001; and

(c) delegate district 29C (single member delegate district):

(i) Calvert County election district 1, precincts 1, 2, 5, 6, and 7;

(ii) that part of Calvert County election district 1, precinct 3 that consists of the following:

1. census tract 8609.00, blocks 1033 through 1037, 1040, 1060 through 1064, and 1131; and

2. census tract 8610.01, blocks 1010, 1012 through 1015, and 1028;

(iii) St. Mary's County election district 3, precincts 3 and 5;

(iv) St. Mary's County election district 6, precinct 3;

(v) St. Mary's County election district 8, precincts 2 and 8;

(vi) that part of St. Mary's County election district 2, precinct 1 that consists of census tract 8761.00, blocks 1000, 1001, 1003 through 1005, 1007 through 1012, and 1018;

(vii) that part of St. Mary's County election district 2, precinct 2 that consists of census tract 8761.00, blocks 2002, 2003, 2009, 2012 through 2017, 2019 through 2022, 2031 through 2033, 2035, 2042, 2043, 2051 through 2053, and 2058;

(viii) that part of St. Mary's County election district 8, precinct 3 that consists of the following:

1. census tract 8755.00, blocks 3056 and 3081; and

2. census tract 8760.02, blocks 1010, 1012, 1016, 1017, 1019, and 1021 through 1027; and

(ix) that part of St. Mary's County election district 8, precinct 5 that consists of the following:

1. census tract 8755.00, blocks 3033 through 3053, 3092 through 3094, 3096, 3097, and 3104 through 3107; and

2. census tract 8756.00, blocks 1005 through 1014, 1021, 2050 through 2052, 2054 through 2058, 2060, and 2061; and

(x) that part of St. Mary's County election district 8, precinct 6 that consists of the following:

1. census tract 8758.01, block 1001; and

2. census tract 8758.02, blocks 2002, 2004, 2005, 2007 through 2009, 2011, 2013 through 2015, and 2017 through 2033.

(30) legislative district 30 consists of:

(a) delegate district 30A (two member delegate district):

(i) Anne Arundel County election district 5, precinct 26;

(ii) Anne Arundel County election district 6, precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 29, and 30;

(iii) that part of Anne Arundel County election district 5, precinct 1 that consists of census tract 7309.01, block 2001;

(iv) that part of Anne Arundel County election district 5, precinct 20 that consists of census tract 7309.01, blocks 1000 through 1026, 1029 through 1035, 2002, 2006 through 2011, 3000 through 3020, 3022 through 3045, 3047, and 3049 through 3051;

(v) that part of Anne Arundel County election district 5, precinct 28 that consists of the following:

1. census tract 7310.04, blocks 2014 and 2024 through 2026; and

2. census tract 7311.02, blocks 3001, 3006 through 3013, and 4014;

(vi) that part of Anne Arundel County election district 6, precinct 21 that consists of the following:

1. census tract 7024.02, blocks 1006, 1008, 1010, 1011, and 1018; and

2. census tract 7027.02, blocks 2010 through 2023, 2027 through 2037, and 2039 through 2054;

(vii) that part of Anne Arundel County election district 7, precinct 5 that consists of census tract 7011.02, blocks 2003 through 2018, 2020 through 2034, 3001 through 3014, 3020 through 3038, 3042 through 3044, 4002 through 4010, and 4012 through 4021; and

(viii) that part of Anne Arundel County election district 7, precinct 19 that consists of census tract 7011.02, blocks 1033 through 1040, 1042 through 1045, 1048, 1051 through 1053, 4011, 4022 through 4039, and 4042; and

(b) delegate district 30B (single member delegate district):

(i) Anne Arundel County election district 7, precincts 1, 2, 3, 4, 6, 8, 9, 10, 21, 23, 25, and 27;

(ii) that part of Anne Arundel County election district 7, precinct 5 that consists of census tract 7011.02, blocks 3015 through 3019, 3039 through 3041, and 3045;

(iii) that part of Anne Arundel County election district 7, precinct 11 that consists of the following:

1. census tract 7011.01, blocks 3008 and 3013 through 3018;

2. census tract 7011.02, blocks 1000 through 1032, 1054, and 1055; and

3. census tract 7013.00, blocks 2017 through 2023;

(iv) that part of Anne Arundel County election district 7, precinct 12 that consists of the following:

1. census tract 7011.01, blocks 1014 through 1016, 1019, 4000, 4001, 4005, 4006, and 4011 through 4013; and

2. census tract 7023.00, blocks 4026, 4028, and 4047; and

(v) that part of Anne Arundel County election district 7, precinct 19 that consists of the following:

1. census tract 7011.02, blocks 1041, 1046, 1047, 1049, and 1056 through 1058; and

2. census tract 7012.00, blocks 1004 through 1028, 1031, 1033, 1035, 1037 through 1040, and 1044 through 1050.

(31) legislative district 31 consists of:

(a) delegate district 31A (single member delegate district):

(i) Anne Arundel County election district 1, precincts 4, 12, 13, 14, 15, 16, 17, and 18;

(ii) Anne Arundel County election district 2, precincts 8, 12, and 19;

(iii) Anne Arundel County election district 3, precinct 25;

(iv) that part of Anne Arundel County election district 2, precinct 10 that consists of census tract 7510.00, blocks 2001, 2002, 2005, 2007 through 2010, and 2024; and

(v) that part of Anne Arundel County election district 3, precinct 8 that consists of the following:

1. census tract 7302.03, blocks 1001 through 1011 and 1013 through 1037; and

2. census tract 7302.04, blocks 1003 through 1012, 2001, 2002, and 3000; and

(b) delegate district 31B (two member delegate district):

(i) Anne Arundel County election district 2, precinct 22;

(ii) Anne Arundel County election district 3, precincts 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24;

(iii) Anne Arundel County election district 5, precincts 10, 29, 30, 31, and 33;

(iv) that part of Anne Arundel County election district 2, precinct 10 that consists of the following:

1. census tract 7510.00, blocks 2000, 2003, 2004, and 2006;

2. census tract 7511.02, blocks 2016 through 2018; and

3. census tract 7511.03, blocks 2002 through 2005, 2007, 3005 through 3016, and 4000 through 4015;

(v) that part of Anne Arundel County election district 2, precinct 20 that consists of the following:

1. census tract 7302.03, block 3001;

2. census tract 7305.02, blocks 3000 through 3009, 3011 through 3017, and 3019 through 3022; and

3. census tract 7312.04, blocks 1003 through 1006, 1008

through 1014, 1017, 1021 through 1028, and 1038;

(vi) that part of Anne Arundel County election district 3, precinct 8 that consists of census tract 7302.04, blocks 1002, 1013, and 1014;

(vii) that part of Anne Arundel County election district 5, precinct 15 that consists of the following:

1. census tract 7306.01, blocks 1003 through 1009, 3006, and 3007; and

2. census tract 7410.00, blocks 2011 through 2013 and 2025; and

(viii) that part of Anne Arundel County election district 5, precinct 19 that consists of census tract 7410.00, blocks 2026 and 2029.

(32) legislative district 32 consists of:

(a) Anne Arundel County election district 1, precincts 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 19, 20, 21, 22, and 24;

(b) Anne Arundel County election district 2, precincts 1, 2, 3, 4, 5, 6, 7, 9, 11, 13, 14, 15, 16, 17, and 18;

(c) Anne Arundel County election district 4, precincts 1, 7, 9, 18, and 19;

(d) that part of Anne Arundel County election district 1, precinct 23 that consists of the following:

(i) census tract 7401.02, blocks 3013, 3014, 3017, 3018, and 3021 through 3049;

(ii) census tract 7404.00, blocks 1000 through 1005;

(iii) census tract 7405.00, blocks 1000 through 1002, 1006, and 1015;

(iv) census tract 7406.01, blocks 1000 through 1005, 4004, 4005, 4007, 4008, 4010, 4011, 4013, 4024 through 4026, 4028 through 4030, 4032, 4033, 4035, 4036, and 4044; and

(v) census tract 7515.00, block 2000;

(e) that part of Anne Arundel County election district 2, precinct 20 that consists of census tract 7305.02, blocks 1000, 2000, 2001, and 2006 through 2009;

(f) that part of Anne Arundel County election district 4, precinct 6 that consists of census tract 7405.00, blocks 1003, 1007 through 1014, 1016 through 1018, 2037, 3000 through 3013, 3015 through 3018, and 3022 through 3026;

(g) that part of Anne Arundel County election district 4, precinct 17 that consists of the following:

(i) census tract 7405.00, blocks 2002, 2004, 2030, 2033 through 2035, and 2038; and

(ii) census tract 7515.00, blocks 1005, 1006, 2023 through 2025, 2033 through 2036, 2038 through 2040, 2049, 3000, 3001, 3003 through 3012, 4000, 4001, 4005, and 4006; and

(h) that part of Anne Arundel County election district 4, precinct 24 that consists of the following:

(i) census tract 7403.03, blocks 2034 through 2038;

(ii) census tract 7403.04, blocks 1002 through 1016, 1024, 1030, 1043 through 1049, 1051 through 1053, 1056 through 1058, and 1066;

(iii) census tract 7403.05, blocks 2010, 2012, 2013, 2016 through 2021, 3002 through 3006, 3008 through 3011, 4000 through 4006, and 4009 through 4013; and

(iv) census tract 7406.03, block 2000.

(33) legislative district 33 consists of:

(a) Anne Arundel County election district 2, precincts 21, 23, and 24;

(b) Anne Arundel County election district 4, precincts 4, 13, 14, 15, 21, and 22;

(c) Anne Arundel County election district 5, precincts 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 16, 17, 18, 21, 22, 23, 24, 25, 27, 32, and 34;

(d) Anne Arundel County election district 6, precincts 27, 28, and 31;

(e) Anne Arundel County election district 7, precincts 7, 13, 14, 15, 16, 17, 18, 20, 22, 24, and 26;

(f) that part of Anne Arundel County election district 4, precinct 8 that consists of census tract 7408.00, block 2015;

(g) that part of Anne Arundel County election district 4, precinct 10 that consists of the following:

(i) census tract 7022.04, blocks 2009, 2019, and 2020;

(ii) census tract 7022.05, blocks 2000 through 2003, 2028, and 2032;

(iii) census tract 7406.03, blocks 1046 through 1049; and

(iv) census tract 7407.02, blocks 1025 through 1033, 1035 through 1039, 1048 through 1059, 1061 through 1063, and 2022 through 2028;

(h) that part of Anne Arundel County election district 5, precinct 1 that consists of the following:

(i) census tract 7309.02, blocks 1010, 1022, 1024 through 1036, 2000 through 2010, 2013, 2015 through 2021, 2023, 2029, and 2030; and

(ii) census tract 7310.02, blocks 1017, 1020, and 2015 through 2017;

(i) that part of Anne Arundel County election district 5, precinct 15 that consists of census tract 7306.01, blocks 1000 through 1002, 1010, 1011, 1013, and 3004;

(j) that part of Anne Arundel County election district 5, precinct 19 that consists of the following:

(i) census tract 7306.01, blocks 2000 through 2017 and 2023;

(ii) census tract 7306.04, blocks 1012 and 1013;

(iii) census tract 7307.00, blocks 4029 through 4033; and

(iv) census tract 7410.00, blocks 2030 through 2032;

(k) that part of Anne Arundel County election district 5, precinct 20 that consists of census tract 7309.02, blocks 1011 through 1021;

(l) that part of Anne Arundel County election district 5, precinct 28 that consists of census tract 7311.02, blocks 4005 through 4008, 4012, 4013, and 4015 through 4018;

(m) that part of Anne Arundel County election district 6, precinct 21 that consists of the following:

(i) census tract 7024.02, blocks 1001, 1003 through 1005, 1007, 1009, 1012, and 1014;

(ii) census tract 7027.02, block 2038; and

(iii) census tract 7516.00, blocks 2014 through 2016, 2018, 2040, and 2054;

(n) that part of Anne Arundel County election district 7, precinct 11 that consists of census tract 7013.00, blocks 2011 through 2016, 2024 through 2027, and 2029 through 2032; and

(o) that part of Anne Arundel County election district 7, precinct 12 that consists of the following:

(i) census tract 7011.01, blocks 1002, 1004 through 1006, 1008 through 1013, and 4002 through 4004; and

(ii) census tract 7023.00, blocks 4002, 4013 through 4025, 4027, 4029, 4031 through 4035, and 4038 through 4046.

(34) legislative district 34 consists of:

(a) delegate district 34A (two member delegate district):

(i) Harford County election district 6;

(ii) Harford County election district 1, precincts 1, 3, 5, 6, 10, 18, and 19;

(iii) Harford County election district 2, precincts 3, 5, 10, 11, 14, 15, and 19;

(iv) that part of Harford County election district 1, precinct 4 that consists of the following:

1. census tract 3013.01, block 3002;

2. census tract 3013.02, block 4011; and

3. census tract 3014.01, block 2003;

(v) that part of Harford County election district 1, precinct 13 that consists of census tract 3011.07, blocks 1001 through 1015, 2000, 2002 through 2006, and 2014;

(vi) that part of Harford County election district 1, precinct 16 that consists of the following:

1. census tract 3017.02, blocks 1011 through 1027, 5041, and 5045;

2. census tract 3017.03, block 2014; and

3. census tract 3017.04, blocks 1000 through 1009, 1011 through 1021, 2000 through 2017, 2020, and 2023 through 2025;

(vii) that part of Harford County election district 1, precinct 20 that consists of the following:

1. census tract 3017.02, blocks 1000 through 1010, 1028, 2000, 2001, 2003, 3000 through 3016, 4000 through 4013, 5000 through 5038, 5042 through 5044, and 5046 through 5048;

2. census tract 3017.04, blocks 1010, 2018, 2019, 2021, and 2022; and

3. census tract 3024.00, blocks 1011 and 1047;

(viii) that part of Harford County election district 1, precinct 41 that consists of the following:

1. census tract 3013.01, blocks 3008 through 3013; and

2. census tract 3014.02, blocks 2000 through 2003, 2006, 2007, 2011, and 2012;

(ix) that part of Harford County election district 2, precinct 1 that consists of the following:

1. census tract 3022.00, blocks 2054, 2055, and 2062;

2. census tract 3024.00, blocks 3000 through 3008 and 3023;

3. census tract 3028.01, block 2016; and

4. census tract 3028.02, blocks 3003 through 3005, 3010, 4001, and 4012 through 4016;

(x) that part of Harford County election district 2, precinct 2 that consists of the following:

1. census tract 3022.00, blocks 2049, 2056, and 2057; and

2. census tract 3028.01, block 1001; and

(xi) that part of Harford County election district 2, precinct 4 that consists of census tract 3028.01, blocks 1002 through 1010; and

(b) delegate district 34B (single member delegate district):

(i) Harford County election district 1, precincts 9, 11, 12, 14, 15, and 21;

(ii) Harford County election district 3, precincts 10, 11, 12, 16, and 17;

(iii) that part of Harford County election district 1, precinct 13 that consists of the following:

1. census tract 3011.07, blocks 2001, 2007 through 2013, and 2015; and

2. census tract 3012.05, blocks 1000 through 1013 and 2000;

(iv) that part of Harford County election district 1, precinct 16 that consists of census tract 3017.02, block 5040;

(v) that part of Harford County election district 1, precinct 17 that consists of census tract 3011.02, blocks 1003, 2000 through 2008, 3008 through 3011, 3017, and 3022 through 3025;

(vi) that part of Harford County election district 1, precinct 20 that consists of census tract 3017.02, block 5039;

(vii) that part of Harford County election district 3, precinct 14 that consists of census tract 3035.01, block 2057;

(viii) that part of Harford County election district 3, precinct 15 that consists of census tract 3038.02, block 1043;

(ix) that part of Harford County election district 3, precinct 18 that consists of the following:

1. census tract 3038.03, blocks 3002, 3006, 3013 through 3015, and 3018; and

2. census tract 3039.00, blocks 1001 and 1002; and

(x) that part of Harford County election district 3, precinct 19 that consists of census tract 3038.03, blocks 2001, 2003, 2005, 2016, and 3003.

(35) legislative district 35 consists of:

(a) delegate district 35A (single member delegate district):

(i) Cecil County election district 4;

(ii) that part of Cecil County election district 3, precinct 1 that consists of the following:

1. census tract 305.01, block 2049;

2. census tract 305.03, blocks 2000, 2106, 2107, 2112, 2113, 3000 through 3041, 3043 through 3046, 3051, 3060 through 3064, 3068 through 3072, and 3074 through 3093; and

3. census tract 305.06, blocks 1000, 2000 through 2003, 2020, and 2022;

(iii) that part of Cecil County election district 3, precinct 2 that consists of the following:

1. census tract 305.01, blocks 1000 through 1055, 2005 through 2048, and 2050 through 2060;

2. census tract 305.03, blocks 1000 through 1019, 1021 through 1026, 1028 through 1032, 1042 through 1046, 2001 through 2070, 2076, 2081, 2082, 2088, 2089, 2096 through 2105, 2108, 2110, 2114 through 2120, and 4000 through 4007; and

3. census tract 309.06, blocks 4000 and 4003;

(iv) that part of Cecil County election district 3, precinct 3 that consists of the following:

1. census tract 305.03, blocks 1020, 1033 through 1035, 1041, 4008 through 4013, 4015, 4016, and 4018;

2. census tract 305.06, block 2029; and

3. census tract 309.03, blocks 2000 through 2006, 2087, 2090 through 2114, and 2140;

(v) that part of Cecil County election district 5, precinct 1 that consists of the following:

1. census tract 305.03, blocks 1027 and 1036 through 1040;

2. census tract 309.03, blocks 1000, 1004 through 1010, 1043 through 1045, 1054, 1055, 1070, 1074, 1108 through 1110, 2007 through 2033, 2044, 2045, 2047, 2048, 2051 through 2059, 2061 through 2077, 2123 through 2125, 2129 through 2132, 2134 through 2136, 2139, and 2145 through 2147;

3. census tract 309.04, blocks 5003, 5004, 5006, and 5050 through 5053; and

4. census tract 309.06, blocks 2004 through 2030, 3028, 3030, 3054, 4011 through 4015, 4032 through 4034, and 4049 through 4052;

(vi) that part of Cecil County election district 5, precinct 2 that consists of census tract 309.06, blocks 1000 through 1005, 1008 through 1062, 1064, 1066 through 1087, 1090 through 1098, 1100 through 1118, 1120, 1125 through 1142, 1144 through 1182, 1185 through 1187, 3064, and 3065;

(vii) that part of Cecil County election district 5, precinct 3 that consists of census tract 309.04, blocks 1000, 1012, 1017, and 1018;

(viii) that part of Cecil County election district 5, precinct 4 that consists of the following:

1. census tract 309.03, blocks 1001 through 1003, 1011 through 1042, 1046 through 1053, 1056 through 1069, 1071 through 1073, 1075 through 1093, 1095 through 1099, 1101 through 1107, 2034 through 2043, 2046, 2049, 2050, 2060, 2116 through 2122, 2126 through 2128, 2137, 2138, 2143, and 2144; and

2. census tract 309.06, blocks 3047 through 3050, 3052, 3053, 3055 through 3059, 4010, 4016 through 4021, 4026 through 4031, and 4035 through 4048;

(ix) that part of Cecil County election district 6, precinct 1 that consists of the following:

1. census tract 307.00, blocks 1038 through 1042;

2. census tract 313.01, block 1004; and

3. census tract 313.02, blocks 1000 through 1075, 1079, 2000 through 2062, 2076, 2077, 2092, 2094, 3000 through 3027, 3040, 3041, 3053, 3054, and 3059 through 3064;

(x) that part of Cecil County election district 7, precinct 1 that consists of census tract 312.01, blocks 1047, 1048, 1052, 3006, 3008, 3012, 3013, 3016, 3021 through 3028, 3030 through 3045, 3053 through 3079, 3086, 3087, 3090, 3100 through 3144, 3147 through 3156, 3162, 3164, 3165, 3168 through 3170, 3174, and 3175;

(xi) that part of Cecil County election district 7, precinct 2 that consists of the following:

1. census tract 312.01, blocks 2091 through 2096, 2106 through 2109, 2111 through 2119, 2133, 3171, and 3173; and

2. census tract 312.02, blocks 1003 through 1036, 1039 through 1092, 1097 through 1100, 1103, 2005, 2006, 2012, 2013, 2015 through 2017, 2024 through 2052, 2054 through 2089, 2091 through 2096, 3000 through 3084, 3091 through 3098, and 3100 through 3132;

(xii) that part of Cecil County election district 7, precinct 3 that consists of the following:

1. census tract 312.01, blocks 2054, 2055, 2059, 2060, 2079 through 2090, 2097 through 2105, 2110, 2125, 2126, 3046 through 3052, 3080 through 3085, 3088, 3089, 3091 through 3099, 3145, 3146, 3157 through 3161, 3172, and 3176 through 3181; and

2. census tract 312.02, blocks 1037, 1038, 1093, and 1102; and

(xiii) that part of Cecil County election district 9, precinct 1 that

consists of the following:

1. census tract 307.00, blocks 1000 through 1037, 1046, 1048, 1049, 1051, 2000 through 2043, 2055, 2056, and 3016; and

2. census tract 313.02, blocks 1076 through 1078; and

(b) delegate district 35B (two member delegate district):

(i) Cecil County election district 8;

(ii) Cecil County election district 6, precinct 2;

(iii) that part of Cecil County election district 5, precinct 1 that consists of the following:

1. census tract 309.05, blocks 2000 through 2023, 2027 through 2029, and 2057 through 2067; and

2. census tract 309.06, blocks 2000 through 2003, 3000 through 3008, 3018 through 3027, 3029, 3031, 3051, 4001, 4002, 4004, 4008, 4009, and 4023 through 4025;

(iv) that part of Cecil County election district 5, precinct 2 that consists of the following:

1. census tract 309.05, blocks 1000 through 1034, 2024 through 2026, and 2030 through 2056; and

2. census tract 309.06, blocks 1006, 1007, 1119, 1121 through 1124, 3009 through 3017, 3032 through 3046, 3060 through 3063, and 3066 through 3078;

(v) that part of Cecil County election district 5, precinct 4 that consists of census tract 309.06, blocks 4005 through 4007 and 4022;

(vi) that part of Cecil County election district 6, precinct 1 that consists of the following:

1. census tract 307.00, blocks 1043 through 1045, 1053, and 1054; and

2. census tract 313.01, blocks 1000 through 1003, 1005 through 1074, and 2009;

(vii) that part of Cecil County election district 7, precinct 1 that consists of the following:

1. census tract 312.01, blocks 1003 through 1028, 1031

through 1040, 1042 through 1046, 1049 through 1051, 1053 through 1065, 2019 through 2034, 2039 through 2052, 2120, 2121, 2128, 2129, 2132, 3000 through 3005, 3007, 3009 through 3011, 3014, 3015, 3017 through 3020, 3029, 3166, and 3167; and

2. census tract 313.01, blocks 2028, 2050, 2051, and 2095;

(viii) that part of Cecil County election district 7, precinct 2 that consists of the following:

1. census tract 312.01, blocks 2000 through 2004, 2061 through 2074, 2077, 2078, 2122, 2127, 2130, and 2131; and

2. census tract 312.02, blocks 1000 through 1002, 2000 through 2004, 2007 through 2011, 2014, and 2018 through 2023;

(ix) that part of Cecil County election district 7, precinct 3 that consists of census tract 312.01, blocks 2005 through 2018, 2035 through 2038, 2053, 2056 through 2058, 2075, 2076, 2123, and 2124;

(x) that part of Cecil County election district 9, precinct 1 that consists of census tract 307.00, blocks 1047, 1050, 1052, 1055, 2044 through 2054, 3000 through 3015, and 3017 through 3032;

(xi) Harford County election district 5;

(xii) Harford County election district 3, precincts 2, 4, 8, 20, 21, 22, and 23;

(xiii) Harford County election district 4, precinct 4;

(xiv) that part of Harford County election district 1, precinct 17 that consists of census tract 3011.02, blocks 1000 through 1002, 3001 through 3007, 3012 through 3016, 3018 through 3021, and 3026 through 3028;

(xv) that part of Harford County election district 2, precinct 1 that consists of the following:

1. census tract 3011.02, block 3000;

2. census tract 3022.00, blocks 2059 through 2061, 2066, 2068, and 2070;

3. census tract 3028.01, blocks 2004 and 2018; and

4. census tract 3028.02, blocks 1006 through 1009 and 1030;

(xvi) that part of Harford County election district 2, precinct 2 that consists of the following:

1. census tract 3021.00, blocks 1000 through 1049 and 2000 through 2033;

2. census tract 3022.00, blocks 1000 through 1019, 2000 through 2048, 2051, 2058, 2063 through 2065, 2069, 2071, 2072, and 2076;

3. census tract 3028.01, block 1000; and

4. census tract 3053.00, blocks 2042 and 2043;

(xvii) that part of Harford County election district 2, precinct 4 that consists of census tract 3022.00, blocks 2073 through 2075;

(xviii) that part of Harford County election district 3, precinct 5 that consists of the following:

1. census tract 3032.01, blocks 1000 through 1039, 2000 through 2016, 2018 through 2022, 3010 through 3017, 4000 through 4003, 4012 through 4015, and 4021 through 4027; and

2. census tract 3036.03, block 4019;

(xix) that part of Harford County election district 3, precinct 15 that consists of the following:

1. census tract 3036.03, blocks 1000 through 1008; and

2. census tract 3038.02, blocks 1000 through 1036, 1038 through 1040, 1042, and 1046;

(xx) that part of Harford County election district 3, precinct 18 that consists of the following:

1. census tract 3036.03, blocks 2000 through 2023;

2. census tract 3036.05, blocks 2018 through 2028 and 2030 through 2038;

3. census tract 3038.03, blocks 3000, 3001, and 3007 through 3012; and

4. census tract 3039.00, blocks 1000, 1013, and 1015 through 1020;

(xxi) that part of Harford County election district 3, precinct 19 that consists of the following:

1. census tract 3036.03, blocks 3000 through 3009, 4000 through 4018, and 4020 through 4023; and

2. census tract 3038.03, blocks 2000 and 2002;

(xxii) that part of Harford County election district 4, precinct 1 that consists of census tract 3042.02, blocks 1010 through 1017, 1019 through 1023, 1027 through 1029, 5024, and 5025; and

(xxiii) that part of Harford County election district 4, precinct 3 that consists of census tract 3041.02, blocks 1037 and 1049.

(36) legislative district 36 consists of:

(a) Caroline County election districts 1, 2, 3, 6, 7, and 8;

(b) Cecil County election districts 1 and 2;

(c) that part of Cecil County election district 3, precinct 1 that consists of the following:

(i) census tract 304.00, blocks 4000 through 4004 and 4029;

(ii) census tract 305.03, blocks 3042, 3047 through 3050, 3052 through 3059, 3065 through 3067, and 3073;

(iii) census tract 305.05, block 2054; and

(iv) census tract 305.06, blocks 1001 through 1030, 2004 through 2019, 2021, 2023 through 2028, 3000 through 3049, 3052 through 3067, and 3070 through 3075;

(d) that part of Cecil County election district 3, precinct 2 that consists of the following:

(i) census tract 304.00, blocks 1000 through 1047, 2000 through 2021, and 4005 through 4028;

(ii) census tract 305.03, blocks 2071 through 2075, 2077 through 2080, 2083 through 2087, 2090 through 2095, 2109, 2111, and 2121; and

(iii) census tract 305.06, blocks 3050, 3051, 3068, and 3069;

(e) that part of Cecil County election district 3, precinct 3 that consists of the following:

(i) census tract 304.00, blocks 3000 through 3035;

(ii) census tract 305.03, blocks 4014, 4017, 4019 through 4024, 4026 through 4029, 4031, and 4033 through 4038;

(iii) census tract 305.05, blocks 1000 through 1003, 1008, 1009, 1012

through 1031, 1033, 1037 through 1039, 1043, 1044, 2000 through 2053, and 2055 through 2066;

(iv) census tract 305.06, blocks 2030 through 2041; and

(v) census tract 309.03, blocks 2080 through 2086, 2088, 2089, 2115, 2148, and 2149;

(f) that part of Cecil County election district 5, precinct 1 that consists of the following:

(i) census tract 309.03, blocks 2078, 2079, 2141, and 2142; and

(ii) census tract 309.04, blocks 5000 through 5002, 5005, 5007 through 5012, 5021, 5022, 5044 through 5049, 5054, and 5057;

(g) that part of Cecil County election district 5, precinct 3 that consists of the following:

(i) census tract 305.03, block 4030; and

(ii) census tract 309.04, blocks 1003, 1004, 1006, 1008 through 1011, 1013 through 1016, 1019 through 1024, 1026, 1027, 1029 through 1035, 1037 through 1042, 1048 through 1056, 2000 through 2003, 2011 through 2035, 2038 through 2066, 2070, 2073 through 2076, 3001 through 3024, 4001 through 4008, 4010, 4012 through 4028, 4030 through 4043, 5013 through 5020, 5023 through 5032, 5034 through 5042, 5055, and 5056;

(h) Kent County election districts 1, 2, 3, 4, 5, 6, and 7; and

(i) Queen Anne's County election districts 1, 2, 3, 4, 5, 6, and 7.

(37) legislative district 37 consists of:

(a) delegate district 37A (single member delegate district):

(i) Dorchester County election district 2, precinct 2;

(ii) Dorchester County election district 3, precinct 2;

(iii) Dorchester County election district 7, precincts 2 and 7;

(iv) Dorchester County election district 12, precinct 2;

(v) that part of Dorchester County election district 1, precinct 1 that consists of census tract 9701.00, blocks 2265, 2276, 2277, and 2298;

(vi) that part of Dorchester County election district 3, precinct 1 that consists of census tract 9701.00, blocks 3103, 3114, 3117, 3118, and 3167;

(vii) that part of Dorchester County election district 7, precinct 1 that consists of the following:

1. census tract 9704.00, blocks 1021, 2030, and 2051 through 2053; and

2. census tract 9706.00, blocks 1003, 1007 through 1010, 1012 through 1019, 1022 through 1032, 1034 through 1039, 1041 through 1049, 1051 through 1058, 1074, 1075, 1081, and 1082;

(viii) that part of Dorchester County election district 7, precinct 3 that consists of the following:

1. census tract 9706.00, blocks 3013, 3014, and 3016; and

2. census tract 9709.00, block 1108;

(ix) that part of Dorchester County election district 7, precinct 4 that consists of the following:

1. census tract 9704.00, blocks 2066, 2069 through 2074, 2077, and 2078;

2. census tract 9706.00, blocks 1033, 1040, 1050, 1059 through 1067, 1072, 1076 through 1080, 1083, 2016, 2017, and 2020 through 2027; and

3. census tract 9707.02, blocks 1021 through 1044, 1054, 1056, 1058, 1071 through 1073, 1077 through 1087, 1103 through 1114, 1132, 1133, 1136, and 2089 through 2100;

(x) that part of Dorchester County election district 7, precinct 5 that consists of census tract 9704.00, blocks 1024, 1031 through 1034, and 1036;

(xi) that part of Dorchester County election district 7, precinct 6 that consists of the following:

1. census tract 9704.00, blocks 3020 and 4024; and

2. census tract 9705.00, blocks 2006, 2008, 2011 through 2014, and 2025;

(xii) that part of Dorchester County election district 13, precinct 1 that consists of census tract 9709.00, blocks 1074, 1159, 1160, 1162, and 1349;

(xiii) that part of Dorchester County election district 13, precinct 2 that consists of the following:

1. census tract 9703.00, block 4166; and

2. census tract 9709.00, blocks 1067 through 1069, 1072, 1073, 1075 through 1089, and 1093;

(xiv) that part of Dorchester County election district 14, precinct 1 that consists of census tract 9707.02, blocks 1057 and 1115;

(xv) that part of Dorchester County election district 14, precinct 2 that consists of census tract 9703.00, blocks 4015 through 4017, 4022 through 4035, 4109, 4113, 4118, 4121, 4122, 4124, 4128, 4133, 4135, 4144 through 4164, 4167, and 4174 through 4176;

(xvi) that part of Dorchester County election district 15, precinct 1 that consists of census tract 9702.00, blocks 2153, 2218, 3025 through 3030, 3034, 3035, 3037 through 3041, 3056, 3065, 3071 through 3074, 3083, 3084, 3087 through 3089, 3104, and 3105;

(xvii) that part of Dorchester County election district 15, precinct 3 that consists of census tract 9702.00, blocks 1186 through 1190, 2008, 2009, 2012 through 2014, 2022 through 2030, 2032, 2125 through 2128, 2135 through 2137, 2144, 2152, 2217, 3000 through 3002, 3009 through 3024, 3085, 3086, 3090 through 3092, 4003 through 4031, 4033, 4034, 4037 through 4067, 4081, 4085 through 4092, 4095 through 4107, 4125 through 4136, 4140 through 4143, 4147 through 4155, 4161, 4162, 4165, 4169, 4172 through 4180, and 4184 through 4186;

(xviii) that part of Dorchester County election district 17, precinct 1 that consists of the following:

1. census tract 9701.00, blocks 3069, 3248, and 3249;

2. census tract 9703.00, blocks 4114 through 4117, 4119, 4120, 4123, 4125, 4126, and 4129 through 4132; and

3. census tract 9709.00, blocks 1000 through 1022, 1024, 1027 through 1029, 1031 through 1040, 1043 through 1056, 1161, 1163, 1166, 1167, 1170 through 1176, 1178, 1179, 1267, 1347, 1348, 1351 through 1354, and 1373;

(xix) Wicomico County election district 1, precinct 1;

(xx) Wicomico County election district 5, precinct 2;

(xxi) Wicomico County election district 9, precincts 2 and 4;

(xxii) Wicomico County election district 11, precinct 2;

(xxiii) Wicomico County election district 13, precinct 2;

(xxiv) that part of Wicomico County election district 1, precinct 3 that consists of census tract 107.01, blocks 2029 through 2037, 2040 through 2047, 2057

through 2072, 2075, 2076, 2082 through 2089, 2091 through 2096, 2105, 2116 through 2120, 2161 through 2168, 2175, 2176, 2178, and 2180;

(xxv) that part of Wicomico County election district 1, precinct 4 that consists of census tract 107.01, blocks 2140, 2153, 2154, 2158, 2159, 3018, 3111, 3112, 3115, and 3245 through 3247;

(xxvi) that part of Wicomico County election district 9, precinct 3 that consists of census tract 103.00, blocks 1109 through 1114, 1145 through 1147, 1156, 1161, 2011, 2055 through 2057, 3000 through 3002, and 3005 through 3008;

(xxvii) that part of Wicomico County election district 9, precinct 6 that consists of the following:

1. census tract 3.00, blocks 1000 through 1016, 1018 through 1031, and 2000 through 2035;

2. census tract 102.00, blocks 3011 through 3013, 3018, 3021 through 3033, 4048 through 4051, 5032, 5036 through 5048, 5050 through 5055, 5057, and 5058; and

3. census tract 103.00, blocks 1000 through 1016, 1022 through 1048, 1051 through 1055, 1057, 1059, 1073 through 1076, 1079 through 1087, 1100, 1102 through 1108, 1154, 1155, 1162, 2000, 2002 through 2010, 2013 through 2036, 2038 through 2045, 2050 through 2054, and 2058;

(xxviii) that part of Wicomico County election district 10, precinct 1 that consists of census tract 107.01, blocks 1039, 1041, 1045 through 1054, 1075 through 1087, 1107, 1110, 2000 through 2008, 2012 through 2025, 2039, 2048 through 2056, 2100 through 2102, and 2181;

(xxix) that part of Wicomico County election district 10, precinct 2 that consists of census tract 107.01, blocks 1089, 1090, 1100, 2009, 2026, 2027, and 2038; and

(xxx) that part of Wicomico County election district 15, precinct 1 that consists of census tract 107.02, blocks 1000 through 1015, 1019 through 1022, 1028 through 1038, 1040 through 1061, 1063, 1073 through 1076, 1079, 1081 through 1084, 2000 through 2036, 2049, 2050, 3013 through 3049, 3051 through 3070, 3076 through 3083, 3142 through 3172, 3176, 3177, and 3179 through 3183; and

(b) delegate district 37B (two member delegate district):

(i) Caroline County election districts 4 and 5;

(ii) Dorchester County election districts 4, 5, 6, 8, 9, 10, 11, 16, and 18;

(iii) Dorchester County election district 2, precinct 1;

(iv) Dorchester County election district 12, precinct 1;

(v) Dorchester County election district 15, precinct 2;

(vi) that part of Dorchester County election district 1, precinct 1 that consists of census tract 9701.00, blocks 1000 through 1169, 2000 through 2264, 2266 through 2275, 2282 through 2286, 2288 through 2297, and 2299 through 2312;

(vii) that part of Dorchester County election district 3, precinct 1 that consists of census tract 9701.00, blocks 2287, 3059, 3063, 3104 through 3113, 3115, 3116, 3126, 3127, 3140 through 3166, 3191 through 3207, 3210 through 3218, 3220 through 3226, 3230 through 3243, 3246, 3250, and 3251;

(viii) that part of Dorchester County election district 7, precinct 1 that consists of the following:

1. census tract 9704.00, blocks 1008 through 1020, 1022, 1023, 1035, 2001 through 2026, 2031 through 2050, 2054 through 2065, 2067, 2068, 2075, 2079, 2080, 3002 through 3004, 3017, 3033 through 3037, 3040, and 3041; and

2. census tract 9706.00, blocks 1000 through 1002, 1005, 1006, 1020, and 1021;

(ix) that part of Dorchester County election district 7, precinct 3 that consists of the following:

1. census tract 9706.00, blocks 1068 through 1071, 1073, 2034, 3007, 3015, 3017 through 3022, and 3037;

2. census tract 9707.02, blocks 1074 through 1076, 1102, 1122 through 1131, 1137, 2003 through 2020, 2028 through 2035, 2038 through 2051, 2053, 2057, 2059, 2062 through 2064, 2066, 2069 through 2071, 2074 through 2078, 2080 through 2088, 2101 through 2106, 2116, 2117, 2119, 2120, 2124, 2126 through 2131, 2133, 2134, 2141 through 2144, 2146 through 2148, 2151 through 2156, 3214 through 3216, and 3240;

3. census tract 9708.04, blocks 2000, 2001, and 2117; and

4. census tract 9709.00, blocks 1090 through 1092, 1103 through 1107, 1109, 1110, and 1117;

(x) that part of Dorchester County election district 7, precinct 4 that consists of census tract 9707.02, blocks 1019, 1020, 1045 through 1048, 1050 through 1053, 1061, 1070, 1119, 1120, 1134, and 1140;

(xi) that part of Dorchester County election district 7, precinct 5 that

consists of census tract 9704.00, blocks 1025 through 1030;

(xii) that part of Dorchester County election district 7, precinct 6 that consists of the following:

1. census tract 9704.00, blocks 3007 through 3015, 3018, 3019, 3021 through 3024, 3029 through 3032, 3039, 3042, 4001 through 4023, 4025, 4027, and 4028;

2. census tract 9705.00, blocks 2000 through 2005, 2007, 2009, 2010, 2015 through 2018, 2020 through 2024, 2026, 2027, and 2030; and

3. census tract 9707.02, blocks 4001 through 4006, 4008 through 4060, 4064 through 4071, 4073 through 4075, 4077 through 4079, and 4081;

(xiii) that part of Dorchester County election district 13, precinct 1 that consists of census tract 9709.00, blocks 1057 through 1061, 1063 through 1066, 1071, 1094 through 1102, 1111 through 1116, 1118 through 1153, 1155 through 1158, 1177, 2000 through 2064, 2101 through 2103, 2122 through 2126, 2130, 2205, 2242 through 2244, 2433 through 2436, 2440 through 2444, 2447 through 2450, 2454, 2456, 2457, 2461, 2462, and 2466;

(xiv) that part of Dorchester County election district 13, precinct 2 that consists of census tract 9709.00, blocks 1062, 1070, and 1154;

(xv) that part of Dorchester County election district 14, precinct 1 that consists of the following:

1. census tract 9703.00, blocks 1121, 1122, 3001 through 3005, 3008 through 3011, 3013 through 3053, 3057, 4000 through 4012, 4018 through 4021, 4036, 4038 through 4108, 4110 through 4112, 4127, 4134, 4136 through 4143, 4165, 4168 through 4173, and 4177;

2. census tract 9704.00, blocks 1005 through 1007 and 1037 through 1041; and

3. census tract 9707.02, blocks 1001, 1002, 1005 through 1008, 1010, 1012 through 1018, 1049, 1055, 1059, 1060, 1062 through 1069, 1088 through 1094, 1096 through 1101, 1116 through 1118, 1121, 1135, 1139, and 1141;

(xvi) that part of Dorchester County election district 14, precinct 2 that consists of census tract 9703.00, blocks 4013, 4014, and 4037;

(xvii) that part of Dorchester County election district 15, precinct 1 that consists of census tract 9702.00, blocks 2000 through 2004, 2006, 2007, 2010, 2015 through 2021, 2031, 2033 through 2049, 2051 through 2067, 2070 through 2077, 2079 through 2124, 2129 through 2134, 2138 through 2143, 2145 through 2151, 2154 through 2170, 2172, 2173, 2179 through 2182, 2185 through 2189, 2192 through 2206, 2209,

2211, 2213 through 2216, 2219 through 2224, 3031 through 3033, 3036, 3042 through 3055, 3057 through 3064, 3066 through 3070, 3075 through 3082, 3093 through 3103, 4068 through 4080, 4082 through 4084, 4093, 4094, 4156 through 4160, 4163, 4164, 4166, 4167, and 4181 through 4183;

(xviii) that part of Dorchester County election district 15, precinct 3 that consists of census tract 9702.00, blocks 2005, 2011, 4137, 4144, and 4168;

(xix) that part of Dorchester County election district 17, precinct 1 that consists of census tract 9709.00, blocks 1023, 1025, 1026, 1030, 1041, 1042, 1164, 1165, 1168, and 1372;

(xx) Talbot County election districts 1, 2, 3, 4, and 5;

(xxi) Wicomico County election districts 2, 7, and 17;

(xxii) Wicomico County election district 1, precinct 2;

(xxiii) Wicomico County election district 8, precinct 4;

(xxiv) Wicomico County election district 9, precinct 5;

(xxv) Wicomico County election district 15, precinct 2;

(xxvi) that part of Wicomico County election district 1, precinct 3 that consists of census tract 107.01, blocks 2079, 2169 through 2173, 3136 through 3145, 3147, 3148, and 3150;

(xxvii) that part of Wicomico County election district 1, precinct 4 that consists of census tract 107.01, blocks 3129 through 3135, 3153, 3157, 3158, and 3226 through 3231;

(xxviii) that part of Wicomico County election district 8, precinct 1 that consists of the following:

1. census tract 101.02, blocks 1099 through 1105;

2. census tract 105.02, blocks 1000 through 1006, 1040 through 1052, and 1058;

3. census tract 106.05, blocks 1002 through 1032 and 1036 through 1059; and

4. census tract 106.06, blocks 2008 through 2014, 2019 through 2051, and 2053 through 2055;

(xxix) that part of Wicomico County election district 9, precinct 3 that consists of census tract 103.00, blocks 1018 through 1020, 1072, 1077, 1078, 1090 through 1099, 1115 through 1117, 1119, 1120, 1157, 4000 through 4009, 4017, 4033

through 4035, 4037 through 4052, and 4058;

(xxx) that part of Wicomico County election district 9, precinct 6 that consists of census tract 103.00, blocks 1058, 1060 through 1071, 2001, and 2012;

(xxxi) that part of Wicomico County election district 10, precinct 1 that consists of census tract 107.01, blocks 1000 through 1003, 1017 through 1019, 1034 through 1038, 1040, 1042 through 1044, and 1106;

(xxxii) that part of Wicomico County election district 10, precinct 2 that consists of census tract 107.01, blocks 1004 through 1016, 1020 through 1033, 1055 through 1074, 1088, 1091 through 1099, 1101 through 1105, 1108, 1109, 1111, 2010, 2011, and 2028;

(xxxiii) that part of Wicomico County election district 15, precinct 1 that consists of census tract 107.02, blocks 1016 through 1018, 1023 through 1027, 1039, 1062, 1064 through 1072, 1077, 1078, 1080, 1085 through 1093, 2037 through 2048, and 2051 through 2077;

(xxxiv) that part of Wicomico County election district 16, precinct 1 that consists of the following:

1. census tract 104.00, blocks 1011 through 1026, 1042 through 1050, 1052 through 1057, 1059 through 1066, 1095 through 1099, 4047, 4050 through 4055, and 4059 through 4067;

2. census tract 105.01, blocks 1151, 1164, and 1165; and

3. census tract 106.05, blocks 2053 through 2055; and

(xxxv) that part of Wicomico County election district 16, precinct 2 that consists of the following:

1. census tract 105.01, blocks 1036, 1059 through 1062, 1089 through 1093, 1132 through 1148, 1154 through 1159, 1162, 1163, and 1174 through 1181; and

2. census tract 106.05, blocks 2002, 2003, 2019, 2024, 2029, 2034 through 2052, and 2056 through 2064.

(38) legislative district 38 consists of:

(a) delegate district 38A (single member delegate district):

(i) Somerset County election districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15;

(ii) Worcester County election district 1;

(iii) Worcester County election district 2, precinct 1;

(iv) Worcester County election district 4, precinct 1;

(v) that part of Worcester County election district 2, precinct 2 that consists of the following:

1. census tract 9508.00, blocks 3105 through 3108, 3127, and 3141;

2. census tract 9509.00, blocks 1057, 1058, 1062, 1064, 1065, 1067 through 1070, 1072 through 1074, 1082, 1099, 1100, 1102 through 1105, 1112, 1116, and 1149; and

3. census tract 9512.00, blocks 1017 through 1019, 1050 through 1052, 1084, 1115, 1118, and 1144;

(vi) that part of Worcester County election district 2, precinct 3 that consists of the following:

1. census tract 9509.00, blocks 1052 through 1056 and 1059; and

2. census tract 9510.00, blocks 1063 through 1065, 2001 through 2005, 2007, 2008, 2024, 2025, 2027 through 2034, 2040 through 2052, 2063 through 2072, 2079, 2080, 2082 through 2092, 2094, 3000 through 3007, 3009 through 3020, 3022 through 3028, 3035, 3047, 3048, 3050 through 3053, 3060, and 3061;

(vii) that part of Worcester County election district 3, precinct 3 that consists of the following:

1. census tract 9508.00, blocks 3048, 3112 through 3126, 3130, and 3136;

2. census tract 9509.00, blocks 1022, 1023, 2103, 2108, and 2123 through 2125; and

3. census tract 9510.00, blocks 1000, 1001, 1010, 1011, 1017 through 1026, 1033 through 1062, 1066 through 1094, 1105 through 1110, 1113 through 1118, 2000, 2006, 2009 through 2014, 2018 through 2023, and 2053 through 2062;

(viii) that part of Worcester County election district 4, precinct 2 that consists of the following:

1. census tract 9512.00, blocks 1022 through 1029, 1036 through 1049, 1068 through 1070, 1076 through 1078, 1086, 1089, 1104, 1106 through 1112, 1119 through 1127, 1156, 2001 through 2201, 3017, 3019, 3020, 3023, 3257, 3259 through 3263, 3271, 3277, and 3278;

2. census tract 9513.00, blocks 1004, 1011 through 1018, 1037 through 1046, 1065, 1086, 2000 through 2009, 2014 through 2036, 2040 through 2042, 2059 through 2069, 2079 through 2082, and 2092; and

3. census tract 9514.00, blocks 2000 through 2285; and

(ix) that part of Worcester County election district 4, precinct 3 that consists of the following:

1. census tract 9508.00, blocks 2150 through 2153, 3042 through 3044, 3046, 3049, 3109 through 3111, 3128, 3131 through 3133, and 3138 through 3140;

2. census tract 9509.00, blocks 1060, 1061, 1063, 1066, 1075 through 1081, 1083 through 1085, 1101, 1111, 1113 through 1115, 1117, 1118, and 1159;

3. census tract 9510.00, blocks 1002 through 1009, 1012 through 1016, 1027, 1029 through 1032, 1095 through 1104, 1111, and 1112; and

4. census tract 9512.00, blocks 1053 and 1054;

(b) delegate district 38B (single member delegate district):

(i) Wicomico County election district 5, precincts 3, 4, and 6;

(ii) Wicomico County election district 8, precincts 2 and 3;

(iii) Wicomico County election district 9, precinct 1;

(iv) Wicomico County election district 11, precinct 1;

(v) Wicomico County election district 13, precincts 1 and 3;

(vi) that part of Wicomico County election district 5, precinct 5 that consists of the following:

1. census tract 106.03, blocks 3122, 3124, 3125, 3127 through 3130, 3136, and 4000 through 4067;

2. census tract 106.04, blocks 4079 and 4082; and

3. census tract 106.06, blocks 1010, 1011, 1035 through 1038, 1045, and 1046;

(vii) that part of Wicomico County election district 8, precinct 1 that consists of census tract 105.02, blocks 1029 through 1035, 1053, and 1055 through 1057;

(viii) that part of Wicomico County election district 9, precinct 3 that

consists of census tract 103.00, blocks 1121 through 1123, 1126 through 1144, 1148, 2046 through 2049, 3003, 3004, 3009 through 3029, and 3038 through 3040;

(ix) that part of Wicomico County election district 9, precinct 6 that consists of census tract 103.00, block 2037;

(x) that part of Wicomico County election district 16, precinct 1 that consists of the following:

1. census tract 104.00, blocks 1000 through 1010, 1027 through 1041, 1051, 1058, 1067 through 1094, 1100 through 1105, 3000 through 3032, 3035, 3036, 3039 through 3042, 3045 through 3061, 3064, 4000 through 4027, 4030 through 4033, 4035 through 4046, 4048, 4049, and 4056 through 4058; and

2. census tract 105.01, blocks 1130, 1152, and 1153; and

(xi) that part of Wicomico County election district 16, precinct 2 that consists of the following:

1. census tract 104.00, blocks 3033, 3034, 3037, 3038, 3043, 3044, 3062, 3063, 4028, 4029, and 4034; and

2. census tract 105.01, blocks 1006 through 1015, 1022 through 1029, 1041, 1063 through 1065, 1067 through 1088, 1094 through 1129, 1131, 1149, 1150, 1160, 1161, 1166 through 1173, 1183, and 3000 through 3048; and

(c) delegate district 38C (single member delegate district):

(i) Wicomico County election districts 4, 6, and 14;

(ii) Wicomico County election district 5, precinct 7;

(iii) that part of Wicomico County election district 5, precinct 5 that consists of the following:

1. census tract 106.04, blocks 4013 through 4022, 4024 through 4029, 4033 through 4035, 4037 through 4053, 4057, 4063, 4064, 4078, 4080, 4081, 4083, and 4084; and

2. census tract 106.06, block 1000;

(iv) Worcester County election districts 5, 6, and 7;

(v) Worcester County election district 3, precincts 1 and 2;

(vi) that part of Worcester County election district 2, precinct 2 that consists of the following:

1. census tract 9508.00, block 3129;

2. census tract 9509.00, blocks 1071, 1086 through 1088, 1093, 1094, 1096, 1097, 1106 through 1110, and 1119 through 1124; and

3. census tract 9512.00, blocks 1055 through 1059, 1062 through 1067, 1072 through 1075, 1079, 1081 through 1083, 1085, 1087, 1088, 1090 through 1103, 1113, 1114, 1116, 1117, 1128, 1133, 1136, 1137, 1139, 1140, 1146, 1148, 1149, and 1151 through 1155;

(vii) that part of Worcester County election district 2, precinct 3 that consists of the following:

1. census tract 9509.00, blocks 1010 through 1018, 1020, 1021, 1024 through 1038, 1043 through 1045, 1048 through 1051, 1090, 1126 through 1128, 1131, 1132, 1134, 1136 through 1139, 1141 through 1146, 1148, 1151, 1153 through 1156, and 1160 through 1162;

2. census tract 9510.00, blocks 2026, 2035 through 2039, 2073 through 2078, 2081, 2093, 3008, 3021, 3029 through 3034, 3036 through 3042, 3045, 3046, 3049, 3054 through 3059, and 3062; and

3. census tract 9517.00, blocks 1040 through 1043, 1071, 1101, 1103, 1105 through 1111, and 1136;

(viii) that part of Worcester County election district 3, precinct 3 that consists of the following:

1. census tract 9504.00, blocks 2001, 2003, 2005 through 2013, 2016 through 2018, and 2020 through 2042;

2. census tract 9508.00, block 3047;

3. census tract 9509.00, blocks 1000 through 1009, 1019, 1157, 1158, 2011 through 2014, 2016 through 2027, 2042 through 2048, 2059 through 2067, 2069 through 2080, 2082, 2084, 2087 through 2090, 2100, 2102, 2104, 2107, 2109 through 2122, and 2128;

4. census tract 9510.00, blocks 2015 through 2017;

5. census tract 9511.00, blocks 2026 through 2028, 2030 through 2032, and 2035 through 2047; and

6. census tract 9517.00, blocks 2006, 2025 through 2036, 2043, and 2046;

(ix) that part of Worcester County election district 4, precinct 2 that consists of census tract 9512.00, blocks 1000 through 1016, 1020, 1021, 1030 through 1035, 1105, and 2000; and

(x) that part of Worcester County election district 4, precinct 3 that consists of the following:

1. census tract 9508.00, blocks 1007 through 1010, 1016 through 1077, 1092, 1094, 1096 through 1100, 1102 through 1119, 1135, 1136, 1155, 1165 through 1168, 1170 through 1173, 1176 through 1182, 2000 through 2149, 2154 through 2174, 3000 through 3041, 3045, 3050 through 3104, 3134, 3135, 3137, 3142, and 3143; and

2. census tract 9510.00, block 1028.

(39) legislative district 39 consists of:

(a) Montgomery County election district 1, precincts 3, 4, and 6;

(b) Montgomery County election district 2, precinct 1;

(c) Montgomery County election district 6, precincts 7 and 10;

(d) Montgomery County election district 9, precincts 5, 7, 8, 9, 12, 17, 18, 19, 21, 22, 23, 25, 26, 29, 30, 34, and 38;

(e) that part of Montgomery County election district 1, precinct 2 that consists of census tract 7001.04, blocks 2000 through 2007;

(f) that part of Montgomery County election district 2, precinct 6 that consists of the following:

(i) census tract 7002.05, blocks 1001 through 1032, 1042 through 1057, and 1059 through 1065; and

(ii) census tract 7003.11, blocks 2008 through 2010;

(g) that part of Montgomery County election district 2, precinct 8 that consists of census tract 7003.04, blocks 2000 through 2010;

(h) that part of Montgomery County election district 6, precinct 3 that consists of the following:

(i) census tract 7006.04, blocks 2008, 2009, 4000 through 4008, and 4010 through 4016;

(ii) census tract 7006.10, blocks 1000, 1001, 1003, and 1008 through 1024; and

(iii) census tract 7006.14, blocks 2000, 2001, 3015, and 3016;

(i) that part of Montgomery County election district 6, precinct 11 that consists of census tract 7006.13, blocks 1000 through 1005, 1008 through 1011, and

1018;

(j) that part of Montgomery County election district 9, precinct 10 that consists of the following:

(i) census tract 7007.11, blocks 1012, 1021, 3003 through 3045, 3050, and 3051;

(ii) census tract 7007.19, blocks 1007 and 1008; and

(iii) census tract 7007.20, blocks 2013 and 2014;

(k) that part of Montgomery County election district 9, precinct 11 that consists of the following:

(i) census tract 7007.22, blocks 1007 through 1009;

(ii) census tract 7008.10, blocks 2009, 2010, 3007 through 3012, 3014, and 3015; and

(iii) census tract 7008.13, blocks 1000 through 1008, 2007, 2008, and 3000 through 3007;

(l) that part of Montgomery County election district 9, precinct 20 that consists of the following:

(i) census tract 7007.16, blocks 1012, 1014, 1015, 1017, 1020, and 1024; and

(ii) census tract 7007.20, blocks 1002 through 1004;

(m) that part of Montgomery County election district 9, precinct 32 that consists of census tract 7007.20, blocks 2009 through 2012; and

(n) that part of Montgomery County election district 9, precinct 37 that consists of the following:

(i) census tract 7007.10, block 4001;

(ii) census tract 7007.16, blocks 1009, 1010, and 2000 through 2019; and

(iii) census tract 7007.20, blocks 2001, 2002, and 2015.

(40) legislative district 40 consists of:

(a) Baltimore City ward 18;

(b) Baltimore City ward 4, precincts 2 and 3;

(c) Baltimore City ward 11, precincts 3, 5, and 6;

(d) Baltimore City ward 13, precincts 2, 3, 4, 5, 6, 7, 8, 9, 10, and 12;

(e) Baltimore City ward 14, precincts 1 and 5;

(f) Baltimore City ward 15, precincts 4, 5, 6, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, and 25;

(g) Baltimore City ward 16, precincts 2, 6, 9, 10, 11, and 12;

(h) Baltimore City ward 17, precinct 2;

(i) Baltimore City ward 20, precinct 10;

(j) Baltimore City ward 21, precincts 2 and 3;

(k) Baltimore City ward 25, precincts 3 and 4;

(l) Baltimore City ward 27, precincts 53 and 54;

(m) that part of Baltimore City ward 4, precinct 1 that consists of census tract 401.00, blocks 1010 through 1014, 1059 through 1063, 2000, 2017, 2018, 2024, 2025, 2029, and 2036;

(n) that part of Baltimore City ward 11, precinct 4 that consists of the following:

(i) census tract 1401.00, blocks 4020 and 4021;

(ii) census tract 1701.00, blocks 1003, 1004, 1008 through 1014, and 1021; and

(iii) census tract 1702.00, blocks 1000 through 1010, 1015 through 1019, 1021 through 1024, 2000 through 2003, and 2015 through 2018;

(o) that part of Baltimore City ward 12, precinct 3 that consists of census tract 1202.02, blocks 1000, 1003, and 1006 through 1011;

(p) that part of Baltimore City ward 13, precinct 1 that consists of census tract 1307.00, blocks 2003 through 2005, 2009 through 2012, 3000, and 3001;

(q) that part of Baltimore City ward 13, precinct 11 that consists of the following:

(i) census tract 1306.00, block 2000; and

(ii) census tract 1307.00, blocks 3002 and 3009;

(r) that part of Baltimore City ward 14, precinct 2 that consists of the following:

(i) census tract 1401.00, blocks 2004 through 2007, 2011, and 4000 through 4009; and

(ii) census tract 1402.00, blocks 1008 through 1010 and 1014;

(s) that part of Baltimore City ward 15, precinct 19 that consists of the following:

(i) census tract 1501.00, blocks 1000 through 1007, 2000, 2001, 2004 through 2010, 2017, 2018, 3002 through 3009, and 3011; and

(ii) census tract 1502.00, blocks 3000 through 3002 and 3013 through 3015;

(t) that part of Baltimore City ward 16, precinct 8 that consists of the following:

(i) census tract 1605.00, blocks 4000 through 4003; and

(ii) census tract 1606.00, blocks 1007, 1008, 2015 through 2020, 3000 through 3003, 4000, and 4006 through 4009;

(u) that part of Baltimore City ward 17, precinct 1 that consists of the following:

(i) census tract 401.00, blocks 2006, 2007, and 2010;

(ii) census tract 402.00, blocks 1000, 1004, and 1005;

(iii) census tract 1701.00, blocks 1015, 1016, 1024, 1025, 2000 through 2007, and 2009;

(iv) census tract 1702.00, blocks 1012 through 1014, 1020, and 1026; and

(v) census tract 1703.00, blocks 1000 through 1011;

(v) that part of Baltimore City ward 19, precinct 2 that consists of the following:

(i) census tract 1902.00, blocks 1000 through 1017 and 2000 through 2018; and

(ii) census tract 1903.00, blocks 1000 through 1015, 2008 through 2014, 3000 through 3008, and 4000 through 4015;

(w) that part of Baltimore City ward 20, precinct 9 that consists of census tract 2006.00, blocks 2013 and 2014;

(x) that part of Baltimore City ward 20, precinct 11 that consists of the following:

(i) census tract 2003.00, blocks 1012 through 1019 and 2000 through 2014; and

(ii) census tract 2005.00, blocks 1003 through 1010, 2000 through 2007, 3000 through 3005, 4000 through 4009, and 4012; and

(y) that part of Baltimore City ward 21, precinct 1 that consists of the following:

(i) census tract 2101.00, blocks 1002 and 2027; and

(ii) census tract 2201.00, blocks 1002 through 1014, 1020 through 1028, 1039, and 1040.

(41) legislative district 41 consists of:

(a) Baltimore City ward 15, precincts 1, 2, 3, 7, 8, 9, 10, 11, and 12;

(b) Baltimore City ward 16, precincts 13 and 14;

(c) Baltimore City ward 20, precincts 6 and 7;

(d) Baltimore City ward 27, precincts 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, and 67;

(e) Baltimore City ward 28, precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12;

(f) that part of Baltimore City ward 13, precinct 1 that consists of the following:

(i) census tract 1307.00, blocks 1000 through 1002, 2000 through 2002, 2006 through 2008, and 6000; and

(ii) census tract 2714.00, blocks 3020 through 3026; and

(g) that part of Baltimore City ward 28, precinct 15 that consists of census tract 2804.03, blocks 2000 through 2002, 3000, 3001, 4000 through 4014, 4018, 4019, and 5002 through 5013.

(42) legislative district 42 consists of:

(a) delegate district 42A (single member delegate district):

(i) Baltimore County election district 9, precincts 3, 4, 5, 11, 12, 13, 14, 15, and 29;

(ii) that part of Baltimore County election district 9, precinct 6 that consists of the following:

1. census tract 4903.01, blocks 1000 through 1020, 1026 through 1029, 3000 through 3010, and 3018;

2. census tract 4903.02, blocks 2001, 2002, 2021, and 2022; and

3. census tract 4909.00, blocks 2001 and 2002; and

(iii) that part of Baltimore County election district 9, precinct 10 that consists of the following:

1. census tract 4903.02, blocks 1000 through 1012, 2000, 2003 through 2020, and 2023 through 2025;

2. census tract 4909.00, blocks 1000 through 1007, 2000, and 2003 through 2006; and

3. census tract 4912.01, blocks 1000 through 1017, 1024 through 1026, and 1031; and

(b) delegate district 42B (two member delegate district):

(i) Baltimore County election district 6;

(ii) Baltimore County election district 7, precinct 3;

(iii) Baltimore County election district 8, precincts 1, 3, 4, 12, 13, 15, 22, and 25;

(iv) Baltimore County election district 9, precincts 2, 7, 8, 9, 16, 18, 24, 25, 26, and 27;

(v) Baltimore County election district 10, precincts 2 and 4;

(vi) Baltimore County election district 11, precinct 1;

(vii) that part of Baltimore County election district 5, precinct 1 that consists of census tract 4050.00, blocks 1000 through 1101, 1104, 1108, 1114 through 1147, 2000 through 2017, 2019, 2056, 2059 through 2062, 2066, 2069 through 2089, 2097 through 2102, and 2105 through 2107;

(viii) that part of Baltimore County election district 8, precinct 2 that consists of the following:

1. census tract 4082.00, blocks 1000 through 1044, 1046, and 1049 through 1053; and

2. census tract 4083.04, blocks 2000 through 2016, 2018 through 2027, and 3002;

(ix) that part of Baltimore County election district 8, precinct 5 that consists of census tract 4085.02, blocks 1000 through 1018, 1027, 1032 through 1035, 1054, 1055, and 1058 through 1062;

(x) that part of Baltimore County election district 8, precinct 11 that consists of the following:

1. census tract 4085.03, blocks 2001 through 2012, 2022, 2024 through 2042, and 2044 through 2048;

2. census tract 4085.05, blocks 1022, 2000 through 2037, 2048, 2051 through 2060, and 2062 through 2066; and

3. census tract 4085.07, blocks 2015, 2016, 2018, and 2019;

(xi) that part of Baltimore County election district 8, precinct 14 that consists of the following:

1. census tract 4085.02, blocks 1046 through 1053, 1056, and 1057;

2. census tract 4086.01, blocks 2009 through 2016 and 3016 through 3023;

3. census tract 4086.02, block 1005; and

4. census tract 4088.00, blocks 1000 through 1023, 1028 through 1038, 1040 through 1042, 2000, 2001, and 2005;

(xii) that part of Baltimore County election district 9, precinct 6 that consists of census tract 4903.01, blocks 1021 through 1025, 1030, 1031, 2000 through 2031, and 3011 through 3017;

(xiii) that part of Baltimore County election district 9, precinct 10 that consists of census tract 4916.00, blocks 1000 through 1002, 1004 through 1008, 1010, and 1011;

(xiv) that part of Baltimore County election district 10, precinct 1 that consists of census tract 4101.00, blocks 1019, 1022, 1023, 2038, 2043, 2044, 3016 through 3024, 3030 through 3049, 3066 through 3068, and 3073; and

(xv) that part of Baltimore County election district 11, precinct 8 that

consists of the following:

1. census tract 4114.04, blocks 1000 through 1006, 1010 through 1017, and 2000 through 2009;

2. census tract 4114.07, blocks 1000, 1002, 1004, 1008 through 1011, 2000, 2001, 2005, and 2021; and

3. census tract 4114.08, block 3002.

(43) legislative district 43 consists of:

(a) Baltimore City ward 9, precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 14;

(b) Baltimore City ward 12, precincts 1, 2, 4, 5, 6, 7, 8, 9, 10, and 11;

(c) Baltimore City ward 27, precincts 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, and 41;

(d) that part of Baltimore City ward 8, precinct 1 that consists of census tract 801.01, blocks 1002 through 1021, 1023 through 1027, 1034 through 1036, 2000 through 2008, and 4000;

(e) that part of Baltimore City ward 9, precinct 13 that consists of census tract 908.00, blocks 1005 through 1007, 1018, 1019, and 2000 through 2002;

(f) that part of Baltimore City ward 12, precinct 3 that consists of the following:

(i) census tract 1201.00, blocks 2010 and 4001;

(ii) census tract 1202.02, blocks 1001 and 1002; and

(iii) census tract 1207.00, blocks 1000 through 1006, 1009 through 1015, and 2000 through 2003; and

(g) that part of Baltimore City ward 13, precinct 11 that consists of the following:

(i) census tract 1207.00, blocks 2008 and 3010 through 3012; and

(ii) census tract 1306.00, blocks 1000 through 1009, 1012 through 1018, 1026 through 1030, 2001 through 2011, 3002 through 3007, and 4012.

(44) legislative district 44 consists of:

(a) delegate district 44A (single member delegate district):

(i) Baltimore City ward 14, precincts 3 and 4;

(ii) Baltimore City ward 16, precincts 1, 3, 4, 5, and 7;

(iii) Baltimore City ward 19, precinct 1;

(iv) Baltimore City ward 20, precincts 1, 2, 3, 4, 5, and 8;

(v) Baltimore City ward 25, precincts 1 and 2;

(vi) Baltimore City ward 28, precincts 13 and 14;

(vii) that part of Baltimore City ward 11, precinct 4 that consists of census tract 1702.00, blocks 2004, 2005, 2013, and 2014;

(viii) that part of Baltimore City ward 14, precinct 2 that consists of census tract 1401.00, blocks 3004, 3006, and 3009 through 3012;

(ix) that part of Baltimore City ward 15, precinct 19 that consists of census tract 1501.00, blocks 3000, 3001, and 3012;

(x) that part of Baltimore City ward 16, precinct 8 that consists of the following:

1. census tract 1605.00, blocks 3004 through 3007, 3011, and 4008; and

2. census tract 1606.00, blocks 3004 through 3010;

(xi) that part of Baltimore City ward 17, precinct 1 that consists of census tract 1702.00, blocks 2006 through 2012;

(xii) that part of Baltimore City ward 19, precinct 2 that consists of census tract 1903.00, blocks 2000 through 2007 and 2015;

(xiii) that part of Baltimore City ward 20, precinct 9 that consists of census tract 2006.00, blocks 1016, 1017, 1032 through 1040, 1043 through 1053, 2007, and 2009 through 2012;

(xiv) that part of Baltimore City ward 20, precinct 11 that consists of the following:

1. census tract 2003.00, blocks 1006 and 1008 through 1010; and

2. census tract 2005.00, blocks 1000 through 1002; and

(xv) that part of Baltimore City ward 28, precinct 15 that consists of census tract 2804.03, blocks 2003 through 2011, 3002 through 3020, and 4015 through

4017; and

(b) delegate district 44B (two member delegate district):

(i) Baltimore County election district 1, precincts 1, 3, 4, 5, 6, 7, 8, 11, 12, 15, and 17;

(ii) Baltimore County election district 2, precincts 1 and 2;

(iii) Baltimore County election district 3, precincts 1 and 3;

(iv) that part of Baltimore County election district 1, precinct 9 that consists of census tract 4015.05, blocks 2002 and 2007 through 2022;

(v) that part of Baltimore County election district 2, precinct 3 that consists of census tract 4024.05, blocks 1000 through 1022 and 2000 through 2013;

(vi) that part of Baltimore County election district 2, precinct 4 that consists of the following:

1. census tract 4023.04, blocks 1000 through 1020, 2000 through 2012, 3000 through 3004, 3014 through 3022, 3026, and 3027; and

2. census tract 4023.05, blocks 2000 through 2014; and

(vii) that part of Baltimore County election district 2, precinct 11 that consists of census tract 4022.02, blocks 1015, 1016, 1020 through 1037, and 1039 through 1041.

(45) legislative district 45 consists of:

(a) Baltimore City ward 7;

(b) Baltimore City ward 5, precinct 2;

(c) Baltimore City ward 6, precinct 3;

(d) Baltimore City ward 8, precincts 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11;

(e) Baltimore City ward 9, precinct 15;

(f) Baltimore City ward 10, precincts 1, 2, and 4;

(g) Baltimore City ward 11, precincts 1, 2, and 7;

(h) Baltimore City ward 12, precinct 12;

(i) Baltimore City ward 26, precincts 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31;

(j) Baltimore City ward 27, precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 14;

(k) that part of Baltimore City ward 8, precinct 1 that consists of the following:

(i) census tract 801.01, blocks 1000, 1001, and 2009 through 2011;

(ii) census tract 2701.01, blocks 2032, 2036, and 2038; and

(iii) census tract 2702.00, blocks 1008, 2012, and 2013; and

(l) that part of Baltimore City ward 9, precinct 13 that consists of census tract 908.00, blocks 1016, 1017, 1020 through 1023, 2003 through 2013, 4004 through 4006, 4013 through 4016, and 4019.

(46) legislative district 46 consists of:

(a) Baltimore City wards 1, 2, 3, 22, 23, and 24;

(b) Baltimore City ward 5, precinct 1;

(c) Baltimore City ward 6, precincts 1, 2, 4, and 5;

(d) Baltimore City ward 10, precinct 3;

(e) Baltimore City ward 21, precinct 4;

(f) Baltimore City ward 25, precincts 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16;

(g) Baltimore City ward 26, precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12;

(h) that part of Baltimore City ward 4, precinct 1 that consists of the following:

(i) census tract 302.00, block 1007;

(ii) census tract 401.00, blocks 1000 through 1009, 1015 through 1045, 1047 through 1058, 1064 through 1067, 1077 through 1109, 2047 through 2049, and 2053;

(iii) census tract 2201.00, blocks 3000 through 3002, 3004, 3006, and 3007; and

(iv) census tract 2805.00, blocks 2040 through 2044, 2047 through 2050, 2055, and 2056; and

(i) that part of Baltimore City ward 21, precinct 1 that consists of the following:

(i) census tract 2101.00, blocks 1000, 1001, and 1003 through 1006; and

(ii) census tract 2201.00, blocks 1001, 1015, 1019, 1029, and 1031 through 1037.

(47) legislative district 47 consists of:

(a) delegate district 47A (two member delegate district):

(i) Prince George's County election district 2, precincts 1, 2, 3, 4, 7, 8, and 9;

(ii) Prince George's County election district 13, precinct 17;

(iii) Prince George's County election district 16, precincts 98 and 99;

(iv) Prince George's County election district 17, precincts 1, 2, 4, 7, and 11;

(v) Prince George's County election district 18, precinct 12;

(vi) that part of Prince George's County election district 2, precinct 5 that consists of the following:

1. census tract 8039.00, blocks 1000 through 1005, 1008 through 1019, 2000 through 2007, 3000 through 3004, 3006, 3008 through 3016, and 3020;

2. census tract 8040.01, blocks 2000 and 2008; and

3. census tract 8040.02, blocks 1004, 1008, 2000, and 2069;

(vii) that part of Prince George's County election district 2, precinct 99 that consists of census tract 8040.02, blocks 2010 and 2011;

(viii) that part of Prince George's County election district 13, precinct 1 that consists of census tract 8034.02, blocks 1003, 1011 through 1013, 2001 through 2009, and 3009;

(ix) that part of Prince George's County election district 13, precinct 2 that consists of the following:

1. census tract 8032.00, blocks 1000 through 1013, 1016, and 2000 through 2015; and

2. census tract 8033.00, blocks 1002, 1003, 1007 through 1016, 2000 through 2008, and 2025;

(x) that part of Prince George's County election district 13, precinct 8 that consists of census tract 8034.02, blocks 1000 through 1002, 1004 through 1010, and 1014;

(xi) that part of Prince George's County election district 13, precinct 16 that consists of census tract 8035.24, blocks 1021 through 1026;

(xii) that part of Prince George's County election district 17, precinct 6 that consists of the following:

1. census tract 8050.00, blocks 1000 through 1002, 1006 through 1008, and 1012 through 1016;

2. census tract 8051.01, blocks 1000 through 1020 and 2000 through 2017; and

3. census tract 8058.02, blocks 2012 through 2014 and 2024;

(xiii) that part of Prince George's County election district 18, precinct 3 that consists of the following:

1. census tract 8030.01, blocks 1000 through 1019; and

2. census tract 8030.02, blocks 1000, 1001, 1005 through 1007, 1009, and 1010;

(xiv) that part of Prince George's County election district 18, precinct 5 that consists of the following:

1. census tract 8031.00, blocks 1008, 1009, 1011 through 1038, 2000 through 2007, 2012 through 2017, and 2021; and

2. census tract 8033.00, blocks 3011 and 3013; and

(xv) that part of Prince George's County election district 20, precinct 2 that consists of the following:

1. census tract 8036.02, blocks 2000 through 2013 and 2019; and

2. census tract 8036.12, blocks 1000 through 1005, 1010 through 1046, 1049, 1050, and 1054; and

(b) delegate district 47B (single member delegate district):

(i) Prince George's County election district 17, precincts 3, 5, 10, and 12;

(ii) Prince George's County election district 21, precinct 5;

(iii) that part of Prince George's County election district 17, precinct 6 that consists of census tract 8058.02, blocks 2015 and 2017 through 2023;

(iv) that part of Prince George's County election district 17, precinct 8 that consists of the following:

1. census tract 8059.08, blocks 1000, 2000 through 2002, 2007 through 2013, and 2015;

2. census tract 8059.09, blocks 1015 through 1019 and 2002; and

3. census tract 8060.00, blocks 1003 through 1006, 1024, and 1026; and

(v) that part of Prince George's County election district 17, precinct 9 that consists of census tract 8057.00, blocks 3004 through 3008.

§2–204.

All provisions of this article, and all other laws or parts of laws, public general or public local, inconsistent with the provisions of this subtitle, are repealed to the extent of any such inconsistency.

§2–205.

If any part of this subtitle, including any section or subsection or portion of it, shall be held to be unconstitutional or invalid for any reason, the unconstitutionality or invalidity may not affect the remaining parts of this subtitle. It is the intention that the remaining parts of this subtitle would have been enacted into law if that unconstitutionality or invalidity had been known. To this end, all parts of this subtitle are declared to be severable.

§2–2A–01.

The population count used after each decennial census for the purpose of creating the legislative districting plan for the General Assembly:

(1) may not include individuals who:

(i) were incarcerated in State or federal correctional facilities, as determined by the decennial census; and

(ii) were not residents of the State before their incarceration; and

(2) shall count individuals incarcerated in the State or federal correctional facilities, as determined by the decennial census, at their last known residence before incarceration if the individuals were residents of the State.

§2–401.

In this subtitle, "Committee" means the Legislative Policy Committee.

§2–402.

There is a Legislative Policy Committee.

§2–403.

(a) The Legislative Policy Committee consists of the following 28 members:

(1) from the Senate:

(i) the President;

(ii) the President Pro Tem;

(iii) the Majority Leader;

(iv) the Chairman of the Budget and Taxation Committee;

(v) the Chairman of the Education, Health, and Environmental Affairs Committee;

(vi) the Chairman of the Finance Committee;

(vii) the Chairman of the Judicial Proceedings Committee;

(viii) the Minority Leader; and

(ix) 1. 6 other Senators, appointed by the President and approved by majority vote of the Senate; or

2. if a Senator simultaneously serves in 2 of the positions set forth in items (ii) through (vii), inclusive, of this paragraph, 7 other Senators, appointed by the President and approved by majority vote of the Senate; and

(2) from the House:

(i) the Speaker;

(ii) the Speaker Pro Tem;

(iii) the Majority Leader;

(iv) the Chairman of the Appropriations Committee;

(v) the Chairman of the Health and Government Operations

Committee;

(vi) the Chairman of the Economic Matters Committee;

(vii) the Chairman of the Environment and Transportation Committee;

(viii) the Chairman of the Judiciary Committee;

(ix) the Chairman of the Ways and Means Committee;

(x) the Minority Leader; and

(xi) 1. 4 other Delegates, appointed by the Speaker and approved by majority vote of the House; or

2. if a Delegate simultaneously serves in 2 of the positions set forth in items (ii) through (ix), inclusive, of this paragraph, 5 other Delegates, appointed by the Speaker and approved by majority vote of the House.

(b) (1) As far as possible, the Senators appointed by the President, under subsection (a)(1)(ix) of this section, shall be representative of the various sections and interests of the State.

(2) As far as possible, the Delegates appointed by the Speaker, under subsection (a)(2)(xi) of this section, shall be representative of the various sections and interests of the State.

§2–404.

The President and the Speaker are cochairmen of the Committee.

§2–405.

(a) This section applies only to a vacancy on the Committee that occurs while the General Assembly is not in session.

(b) (1) If a vacancy occurs in one of the offices of cochairmen of the Committee, a successor shall be elected:

(i) for the Senate cochairman, by the Senators on the Committee; and

(ii) for the House cochairman, by the Delegates on the Committee.

(2) If vacancies occur in both offices of the cochairmen of the Committee, the successors shall be elected from among the remaining members of the Committee by those members. One of the cochairmen shall be a Senator, and one shall be a Delegate.

(c) (1) If a vacancy occurs among the Senators on the Committee, a successor shall be appointed by the President.

(2) If a vacancy occurs among the Delegates on the Committee, a successor shall be appointed by the Speaker.

§2–406.

(a) (1) A majority of the full authorized membership of the Committee is a quorum.

(2) The Committee may not act unless at least 8 members concur.

(b) (1) The Committee shall meet as often as necessary, at the times and places that its cochairmen determine.

(2) Any member of the General Assembly may attend a meeting of the Committee and present views on any matter that the Committee is considering. However, only a member of the Committee may vote in any decision of the Committee.

(3) The Committee shall keep minutes of its meetings.

(c) The Department of Legislative Services shall provide staff assistance to the Committee.

§2–407.

(a) The Committee has the following functions:

(1) to review the work of the standing committees;

(2) to collect information about the government and general welfare of the State;

(3) to study the operation of and recommend changes in the Constitution, statutes, and common law of the State;

(4) to study the rules and procedures of the Senate and the House and recommend changes that would improve and expedite the consideration of legislation by the General Assembly;

(5) to coordinate and supervise generally the work of the General Assembly when it is not in session;

(6) to prepare or endorse a legislative program that includes the bills, resolutions, or other recommendations of the Committee that are to be presented to the General Assembly at its next session; and

(7) to carry out its powers and duties under the Maryland Program

Evaluation Act.

(b) To carry out its functions, the Committee:

(1) shall receive, from any source, suggestions for legislation or investigation;

(2) may hold a hearing on any matter;

(3) may appoint a special committee and delegate to that committee the authority specified in § 2–408 of this subtitle;

(4) may refer a matter for study and report to any of its special committees or any committee of the General Assembly;

(5) shall consider the reports of standing, statutory, and special committees;

(6) may have any bill or resolution prepared to carry out its recommendations; and

(7) when the General Assembly is not in session:

(i) may accept a gift or grant of money from a person or public agency for any purpose that relates to the activities of the Legislative Policy Committee or of any other standing, statutory, or special committee; and

(ii) may spend the money for that purpose, in accordance with the State budget.

§2–408.

(a) In carrying out any of its functions or powers, the Committee may:

(1) issue subpoenas;

(2) compel the attendance of witnesses;

(3) compel the production of any papers, books, accounts, documents, and testimony;

(4) administer oaths; and

(5) cause the depositions of witnesses, who reside in or outside of the State, to be taken in the manner provided by law for taking depositions in a civil case.

(b) (1) If a person fails to comply with a subpoena issued under this section or fails to testify on any matter on which the person lawfully may be interrogated, on petition of a member of the Committee, a circuit court may pass an order directing

compliance with the subpoena or compelling testimony and may enforce the order by proceedings for contempt.

(2) Venue and procedures for a proceeding under paragraph (1) of this subsection to direct compliance with a subpoena or compel testimony are as provided in § 2–1803 of this title.

(c) False swearing by a witness before the Committee is perjury.

§2–409.

(a) Subject to § 2-1246 of this title, the Committee shall submit to the General Assembly periodic reports to keep the members of the General Assembly fully informed about matters that come before the Committee.

(b) (1) The Committee shall compile the bills, joint resolutions, and other recommendations that are submitted to it by its special committees and by the committees of the General Assembly and are intended for submission to the General Assembly at its next session.

(2) Before that session of the General Assembly, the Committee shall prepare a report that includes those bills, resolutions, and recommendations and the reports that relate to them.

(3) The Committee shall:

(i) subject to § 2-1246 of this title, submit this report to the General Assembly; and

(ii) send this report to each other elected State officer and to the State Law Library.

§2–410.

Within the amounts made available by appropriation, each officer and unit of the State government shall conduct any study that the Committee requests.

§2–501.

In this subtitle, "Committee" means the Joint Committee on Administrative, Executive, and Legislative Review.

§2–502.

There is a Joint Committee on Administrative, Executive, and Legislative Review, which is a joint committee of the Senate and the House.

§2–503.

(a) (1) The Committee consists of 20 members.

(2) Of the 20 Committee members:

(i) 10 shall be Senators, appointed by the President with the approval of the Senate; and

(ii) 10 shall be Delegates, appointed by the Speaker with the approval of the House.

(b) (1) The Senators appointed by the President shall be chosen so that each political party is represented in approximately the same proportion as the party is represented in the Senate.

(2) The Delegates appointed by the Speaker shall be chosen so that each political party is represented in approximately the same proportion as the party is represented in the House.

(c) Members shall be appointed at the beginning of each regular session of the General Assembly and shall serve until the beginning of the following regular session.

§2–504.

The Senate Chairman and the House Chairman of the Committee shall be appointed by the President and the Speaker, respectively, from the membership of the Committee. One shall be a Senator appointed by the President, and the other shall be a Delegate appointed by the Speaker. The presiding chairmanship and cochairmanship shall be alternated annually between the Senate and the House.

§2–505.

(a) A majority of the full authorized membership of the Committee is a quorum.

(b) The Department of Legislative Services shall provide staff assistance to the Committee.

§2–506.

(a) In addition to any powers set forth elsewhere, the Committee may:

(1) review proposed or adopted regulations of a unit of the Executive Branch of the State government;

(2) consider requests for emergency adoption of regulations;

(3) inquire into an alleged failure of an officer or employee of any branch of the State government to comply with the laws of the State; and

(4) review the operations of any unit of the Executive Branch of the State government.

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

(c) The failure of the Committee to comment on or to object to a proposed or adopted regulation is not an indication that:

(1) the Committee approves the regulation;

(2) the statute under which the regulation is adopted authorizes the adoption; or

(3) the regulation conforms to the legislative intent of the statute.

§2–507.

(a) In carrying out any of its functions or powers, the Committee may:

(1) issue subpoenas;

(2) compel the attendance of witnesses;

(3) compel the production of any papers, books, accounts, documents, and testimony;

(4) administer oaths; and

(5) cause the depositions of witnesses, who reside in or outside of the State, to be taken in the manner provided by law for taking depositions in a civil case.

(b) (1) If a person fails to comply with a subpoena issued under this section or fails to testify on any matter on which the person lawfully may be interrogated, on petition of a member of the Committee, a circuit court may pass an order directing compliance with the subpoena or compelling testimony and may enforce the order by proceedings for contempt.

(2) Venue and procedures for a proceeding under paragraph (1) of this subsection to direct compliance with a subpoena or compel testimony are as provided

in § 2–1803 of this title.

§2–601.

In this subtitle, "Committee" means the Joint Audit Committee.

§2–602.

There is a Joint Audit Committee, which is a joint committee of the Senate and the House.

§2–603.

(a) The Committee consists of 10 members of the Senate, appointed by the President, and 10 members of the House, appointed by the Speaker.

(b) (1) Members of the Committee shall be appointed on the basis of demonstrated ability and interest in the functions of the Committee.

(2) In making appointments from time to time, the President and the Speaker shall provide for representation from the major areas of the State.

(c) (1) Members shall be appointed after the 2 houses and their committees organize during each regular session of the General Assembly and shall serve until the houses and committees organize during the following regular session.

(2) (i) If a vacancy occurs among the Senators on the Committee, a successor promptly shall be appointed by the President.

(ii) If a vacancy occurs among the Delegates on the Committee, a successor promptly shall be appointed by the Speaker.

§2–604.

The President and the Speaker jointly shall appoint the chairman and the vice chairman of the Committee.

§2–605.

In addition to any powers and duties set forth elsewhere, the Committee shall:

(1) review audit reports issued by the Legislative Auditor and submit findings and recommendations to the General Assembly with respect to issues in audit reports; and

(2) review the audit process and procedures and provide comment and recommendations to the President and the Speaker, the Executive Director of the Department of Legislative Services, and the Legislative Auditor.

§2–701.

In this subtitle, "Committee" means the Joint Committee on Legislative Ethics.

§2–702.

There is a Joint Committee on Legislative Ethics, which is a joint committee of the Senate and the House.

§2–703.

(a) (1) The Committee consists of the following 12 regular members:

(i) six Senators appointed by the President; and

(ii) six Delegates appointed by the Speaker.

(2) (i) The Senators appointed by the President shall be chosen so that each political party is represented in approximately the same proportion as the party is represented in the Senate. Minority party members shall be appointed upon the recommendation of the minority leader of the Senate.

(ii) The Delegates appointed by the Speaker shall be chosen so that each political party is represented in approximately the same proportion as the party is represented in the House. Minority party members shall be appointed upon the recommendation of the minority leader of the House.

(b) (1) A member appointed by the President serves at the pleasure of the President.

(2) A member appointed by the Speaker serves at the pleasure of the Speaker.

(c) The President and the Speaker shall be nonvoting ex officio members of the Committee.

§2–704.

(a) The President and the Speaker:

(1) jointly shall appoint a chairman and a vice chairman of the Committee; or

(2) each shall appoint a cochairman of the Committee.

(b) Appointees serve at the pleasure of the appointing authority.

§2–705.

The Committee shall meet at the times and places that it determines.

§2–706.

(a) The Committee shall:

(1) perform all duties assigned to it by law or by legislative rules;

(2) from time to time, recommend to the presiding officers any changes in or amendments to the rules of legislative ethics;

(3) on request of a member of the General Assembly, issue an advisory opinion regarding the legislative ethics of an action taken or contemplated to be taken by the member;

(4) on its own motion, issue advisory opinions as it deems necessary;

(5) at the request of the President or the Speaker, make recommendations concerning matters referred to the Committee;

(6) as it deems necessary, issue guidelines and establish procedures for the implementation of the rules of legislative ethics; and

(7) maintain public records as the rules require.

(b) (1) The Committee shall maintain the statements filed by members of the General Assembly under Title 15, Subtitle 5 of this article and, during normal office hours, make the statements available to the public for examination and copying.

(2) The Committee shall maintain a record of:

(i) the name and home address of each individual who examines or copies a statement filed with the Committee by a member of the General Assembly; and

(ii) the name of the member whose statement was examined or copied.

(3) On the request of the member whose statement was examined or copied, the Committee shall forward to the member a copy of the record maintained by the Committee under paragraph (2)(i) of this subsection.

§2–707.

(a) (1) The Committee may propose the adoption, amendment, or repeal of rules of legislative ethics.

(2) Changes to the rules shall be presented in the form of a joint resolution

and shall become effective after adoption of the joint resolution by a constitutional majority of each house voting separately.

(3) Before presenting a change to the rules, the Committee shall conduct a public hearing.

(b) The rules may supplement but may not be inconsistent with the provisions of the Maryland Public Ethics Law that relate to members of the General Assembly.

(c) The rules are effective whether or not the General Assembly is in session and shall be binding on each member of the General Assembly.

§2–708.

The President and the Speaker may refer to the Committee any matter that they consider appropriate.

§2–709.

(a) The Executive Director of the Department of Legislative Services, subject to the approval of the President and Speaker, shall appoint an attorney to serve as Counsel to the Committee.

(b) The Counsel:

(1) shall devote full time to the duties of the Committee, but may not participate in any investigatory or prosecutorial function;

(2) may provide information to any person regarding laws, rules, and other standards of ethical conduct applicable to members of the General Assembly;

(3) shall carry out any duties prescribed under Title 15, Subtitle 5 of this article;

(4) shall meet individually with each member of the General Assembly each year to:

(i) advise the member regarding the requirements of any applicable ethics law, rule, or standard of conduct; and

(ii) assist the member in preparing statements and reports required to be filed with the Committee under Title 15, Subtitle 5, Part II of this article; and

(5) shall conduct seminars, workshops, and briefings for the benefit of members of the General Assembly, as directed by the Committee, the President, or the Speaker.

(c) The assistance of the Counsel to members of the General Assembly:

(1) is subject to the attorney client privilege, as set forth in § 9–108 of the Courts Article;

(2) is subject to confidentiality under § 5–517 of the General Provisions Article; and

(3) is intended as a service to the members and may not be deemed to diminish a member's personal responsibility for adherence to applicable laws, rules, and standards of ethical conduct.

(d) The Committee shall have other staff assistance as requested by the Committee and as provided in the budget of the General Assembly.

§2–801.

In this subtitle, "Committee" means the Joint Committee on the Management of Public Funds.

§2–802.

There is a Joint Committee on the Management of Public Funds, which is a joint committee of the Senate and the House.

§2–803.

(a) (1) The Committee consists of 8 members.

(2) Of the 8 members:

(i) 4 shall be Senators, appointed by the President; and

(ii) 4 shall be Delegates, appointed by the Speaker.

(b) (1) A member appointed by the President serves at the pleasure of the President.

(2) A member appointed by the Speaker serves at the pleasure of the Speaker.

§2–804.

The President and the Speaker jointly shall appoint the chairman and the vice chairman of the Committee.

§2–805.

(a) A majority of the full authorized membership of the Committee is a quorum.

(b) The Committee shall meet:

(1) at the times and places that it determines; and

(2) at the call of its chairman or, if the chairman is absent, at the call of its vice chairman.

§2–806.

(a) The Committee has the function to review the investment and management policies and procedures:

(1) of the Treasurer with respect to State funds in the State Treasury;

(2) of any officer or unit with respect to State funds that are not in the State Treasury and are not under the jurisdiction of a retirement system; and

(3) of local governments with respect to public funds.

(b) Subject to § 2-1246 of this title, on or before the 1st day of each regular session, the Committee shall submit an annual report to the General Assembly on any recommendations as to the office of Treasurer.

(c) The function and authority of the Treasurer as a member of the Board of Public Works are not subject to the review of the Committee.

§2–807.

(a) In carrying out any of its functions or powers, the Committee may:

(1) issue subpoenas;

(2) compel the attendance of witnesses;

(3) compel the production of any papers, books, accounts, documents, and testimony;

(4) administer oaths; and

(5) cause the depositions of witnesses, who reside in or outside of the State, to be taken in the manner provided by law for taking depositions in a civil case.

(b) (1) If a person fails to comply with a subpoena issued under this section or fails to testify on any matter on which the person lawfully may be interrogated, on petition of a member of the Committee, a circuit court may pass an order directing compliance with the subpoena or compelling testimony and may enforce the order by proceedings for contempt.

(2) Venue and procedures for a proceeding under paragraph (1) of this subsection to direct compliance with a subpoena or compel testimony are as provided in § 2–1803 of this title.

§2–901.

In this subtitle, "Committee" means the Joint Committee on Federal Relations.

§2–902.

There is a Joint Committee on Federal Relations, which is a joint committee of the Senate and the House.

§2–903.

(a) The Committee consists of 16 members.

(b) Of the 16 Committee members:

(1) 8 shall be Senators, appointed by the President; and

(2) 8 shall be Delegates, appointed by the Speaker.

§2–904.

(a) The President and the Speaker jointly shall appoint a chairman and a vice chairman of the Committee.

(b) (1) The President shall appoint a chairman of the Senate members of the Committee.

(2) The Speaker shall appoint a chairman of the House members of the Committee.

§2–905.

The Department of Legislative Services shall provide staff assistance to the Committee.

§2–906.

(a) The Committee shall:

(1) as to the relations between the State and the federal government:

(i) monitor and evaluate the relations;

(ii) monitor proposals to change the relations;

(iii) evaluate the impact of the proposals on the State and its citizens and on local governments; and

(iv) keep officials of the Executive and Legislative branches of the

State government and others informed about the relations and the potential impact of proposals to change the relations;

(2) serve as a forum for consideration of certain State-local issues;

(3) try to advance the cooperation between the State and other units of government by proposing or facilitating any actions that the Committee considers advisable, including:

(i) the adoption of compacts;

(ii) the enactment of uniform statutes;

(iii) the enactment of reciprocal statutes;

(iv) the adoption of uniform administrative rules or regulations;

(v) the adoption of reciprocal administrative rules or regulations;

(vi) the informal cooperation between government offices;

(vii) the personal cooperation between officials and employees of governments; and

(viii) the exchange of information; and

(4) do any other thing that the Legislative Policy Committee assigns.

(b) Subject to § 2-1246 of this title, the Committee shall submit to the General Assembly:

(1) an annual report, within 15 days after the General Assembly convenes for a regular session; and

(2) any other report that the Committee considers appropriate.

§2–1001.

In this subtitle, "Committee" means the Spending Affordability Committee.

§2–1002.

(a) The General Assembly finds that State expenditures for operating and capital programs must be controlled so that the level of State spending is consistent with the economic growth of the State.

(b) (1) The control of spending shall be exercised through the budgetary process as well as through legislative oversight and program review.

(2) The budget focuses on spending for the next fiscal year and provides careful scrutiny of new programs or expansion of existing programs and services and weighs the incremental cost of the State budget in light of the priority needs of the citizens.

(3) Legislative oversight seeks to eliminate inefficiencies in governmental activities and to evaluate programs in order to eliminate those no longer required and to avoid overlap and duplication of services and activities.

(c) (1) The Legislative Policy Committee shall be responsible for coordinating the spending affordability program of the General Assembly by appointment of a Spending Affordability Committee and by selection of program evaluation projects and direction of oversight activities.

(2) The goal of the spending affordability program is to limit the rate of growth of State spending to a level that does not exceed the rate of growth of the State's economy.

§2–1003.

(a) On or before June 1 of each year, the Legislative Policy Committee shall create a Spending Affordability Committee comprised of an equal number of Senators and Delegates. The Committee membership includes:

(1) the President and the Speaker;

(2) the chairmen of the Senate Budget and Taxation Committee and the House Appropriations Committee;

(3) the majority and minority leaders of the Senate and the House or their designees; and

(4) other members of the Senate and the House who may be appointed by the President and the Speaker.

(b) The chairman of the Committee shall be designated jointly by the President and the Speaker.

(c) The President and the Speaker may appoint an advisory committee of citizens to assist the Committee in its deliberations.

§2–1004.

(a) The Committee shall review in detail the status and projections of the revenues and expenditures of the State and the status and projections of the economy of the State.

(b) In evaluating future State expenditures, the Committee shall consider

economic indicators such as personal income, gross State product, or other data.

§2–1005.

(a) On or before December 1 of each year, the Committee shall submit, subject to § 2-1246 of this title, to the Legislative Policy Committee and the Governor a report with recommendations on fiscal goals for the State budget to be considered at the next regular session of the General Assembly, including:

(1) a recommended level of State spending;

(2) a recommended level of new debt authorization;

(3) a recommended level of State personnel;

(4) a recommended use of any anticipated surplus; and

(5) other findings or recommendations that the Committee considers appropriate.

(b) If the report recommends expenditures in excess of the annual increase in personal income, gross State product, or other data that the Committee used to measure the growth of the State's economy, the Committee shall provide the Senate and the House with an analysis as to the extent the recommendation exceeds those economic indicators.

§2–1006.

The Senate and the House budget committees:

(1) in considering a proposed State budget, shall consider the recommendations of the Spending Affordability Committee; and

(2) shall:

(i) report a budget bill that conforms to those recommendations; or

(ii) if the level of the budget bill in the report is above those recommendations, provide, with the report, an analysis stating the extent to which the budget bill exceeds the recommendations and explaining the budget committee's rationale for exceeding the recommendations.

§2–1007.

(a) The Department of Legislative Services shall provide staff services for the Committee.

(b) Units in the Executive Branch of the State government shall cooperate with the Committee and provide information to the Committee and its staff as requested.

§2–1008.

On or before June 1 of each year, the Department of Legislative Services shall report, subject to § 2-1246 of this title, to the Legislative Policy Committee the extent to which the State budget as enacted by the General Assembly conformed to the recommendations of the Spending Affordability Committee.

§2–1009.

On or before June 1 of each year, the Legislative Policy Committee shall select units or programs that the Legislative Policy Committee believes should be subject to legislative review and assign the selected units and programs to an appropriate committee for review and recommendations during that legislative interim.

§2–1010.

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

(2) "Internal Revenue Code" means Title 26 of the United States Code.

(3) "Private activity bond" has the meaning stated in § 141 of the Internal Revenue Code.

(4) "State issuer" means the State of Maryland or any agency of the State of Maryland with authority to issue private activity bonds.

(b) On or before January 15 of each year, any State issuer of private activity bonds shall report, subject to § 2–1246 of this title, to the Committee:

(1) the actual level of private activity bonds issued in the prior year; and

(2) the projected level of private activity bonds to be issued in the current year.

§2–10A–01.

(a) There is a Joint Committee on the Chesapeake and Atlantic Coastal Bays Critical Area.

(b) (1) The Committee consists of 10 members.

(2) Of the 10 members:

(i) 5 shall be members of the Senate appointed by the President of the Senate; and

(ii) 5 shall be members of the House of Delegates appointed by the Speaker of the House.

(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) The Department of Legislative Services shall provide staff assistance to the Committee.

(f) The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays shall meet with the Committee periodically as the Committee requests to review development and implementation of the criteria for program development.

(g) The Committee may study and make recommendations to the Legislative Policy Committee on any other area of the Chesapeake and Atlantic Coastal Bays Critical Area Protection Program the Committee considers appropriate.

(h) The Committee shall meet with the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, representatives of counties and municipalities having land within the critical areas, and any other interested parties to study and determine:

(1) whether adequate flexibility exists under the current criteria to meet the special characteristics and needs of the individual counties and municipalities having land within the critical areas;

(2) whether the current timetable for review of approved local critical area protection programs is adequate to meet the special characteristics and needs of the individual counties and municipalities having land within the critical areas; and

(3) whether the criteria need to be strengthened in any area so as to make the Chesapeake and Atlantic Coastal Bays Critical Area Protection Program more effective in the protection of the water quality and habitat of the Chesapeake Bay and its tributaries.

(i) The Committee shall study and determine the appropriate future role of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, including:

(1) whether the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays should remain an autonomous organization or be incorporated into an existing executive agency;

(2) how long the current oversight role of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays should continue; and

(3) whether the current appeal process is the most effective appeal process to meet the goals of the Chesapeake and Atlantic Coastal Bays Critical Area protection law.

(j) (1) The Committee shall report its preliminary findings and recommendations to the Legislative Policy Committee on or before January 1, 1989.

(2) The Committee shall report its final findings and recommendations to the Legislative Policy Committee on or before January 1, 1990.

§2–10A–02. IN EFFECT

// EFFECTIVE UNTIL MAY 31, 2021 PER CHAPTER 464 OF 2015 //

(a) There is a Joint Committee on Behavioral Health and Opioid Use Disorders.

(b) (1) The Committee consists of 10 members.

(2) Of the 10 members:

(i) 5 shall be members of the Senate, appointed by the President of the Senate; and

(ii) 5 shall be members of the House of Delegates, appointed by the Speaker of the House.

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

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

(e) The Committee shall have oversight over:

(1) the Prescription Drug Monitoring Program;

(2) State and local programs to treat and reduce behavioral health disorders; and

(3) State and local programs to treat and reduce opioid use disorders.

(f) The purposes of the Committee are to:

(1) review the final report of the Governor's Heroin and Opioid Emergency Task Force;

(2) review and monitor the activities of the Governor's Inter–Agency Heroin and Opioid Coordinating Council;

(3) monitor the effectiveness of programs, policies, and practices, including:

(i) the State's behavioral health system;

(ii) the State Overdose Prevention Plan;

(iii) local overdose prevention plans;

(iv) strategic planning practices to reduce prescription drug abuse in the State;

(v) efforts to enhance overdose response statutory laws, regulations, and training;

(vi) local overdose fatality review teams; and

(vii) efforts to expand use of the Prescription Drug Monitoring Program by the Department of Health and Mental Hygiene as a public health tool for monitoring and responding to prescribing patterns across the State;

(4) review the extent to which health insurance carriers in the State are complying with federal and State mental health and addiction parity laws; and

(5) identify areas of concern and, as appropriate, recommend corrective measures to the Governor and the General Assembly.

§2–10A–03.

(a) There is a Joint Committee on Workers' Compensation Benefit and Insurance Oversight.

(b) (1) The Committee consists of 16 members.

(2) Of the 16 members:

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

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

(ii) 12 shall be appointed jointly by the President and the Speaker as follows:

1. 1 representative of the business community;

2. 1 representative of the Maryland labor organizations;

3. 1 representative of the Maryland building and construction labor organizations;

4. 1 representative of a self–insured local government entity;

5. 2 members of the public;

6. 1 member of the insurance industry;

7. 1 member of the Medical and Chirurgical Faculty of Maryland;

8. 1 member of a workers' compensation rating organization;

9. 2 members of the Bar of the Court of Appeals of Maryland, 1 of whom represents plaintiffs in workers' compensation cases and 1 of whom represents defendants in workers' compensation cases; and

10. 1 member who is certified by the Workers' Compensation Commission as a Maryland rehabilitation service provider.

(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 cochair.

(e) (1) The Committee shall examine and evaluate:

(i) the condition of the workers' compensation benefit and insurance structure in the State; and

(ii) the effect of Chapters 590 and 591 of the Laws of Maryland of 1987 on that structure.

(2) This examination shall include the regulations adopted by the Workers' Compensation Commission that are to be used by physicians to measure impairment when preparing medical evaluations of claimants.

(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

(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.

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

§2–10A–06.

(a) In this section, "conditions of well–being" means the desired results identified by the Maryland Partnership for Children, Youth, and Families based upon identified needs and used to improve quality.

(b) There is a Joint Committee on Children, Youth, and Families.

(c) The Committee consists of the following 20 members:

(1) from the Senate:

(i) the majority leader;

(ii) the minority leader; and

(iii) two members from each of the four standing committees; and

(2) from the House:

(i) the majority leader;

(ii) the minority leader; and

(iii) eight other Delegates appointed by the Speaker from among the members of the House committees that deal with issues affecting children, youth, and families.

(d) (1) Members of the Committee shall be appointed on the basis of demonstrated ability and interest concerning issues affecting children, youth, and families.

(2) In making appointments, the President and the Speaker shall provide for representation from:

(i) the committees that deal with issues affecting children, youth, and families; and

(ii) the major areas of the State.

(e) (1) (i) A member appointed by the President serves at the pleasure of the President.

(ii) A member appointed by the Speaker serves at the pleasure of the Speaker.

(2) (i) If a vacancy occurs among the Senators on the Committee, a successor promptly shall be appointed by the President.

(ii) If a vacancy occurs among the Delegates on the Committee, a successor promptly shall be appointed by the Speaker.

(f) (1) From among the membership of the Committee, the President shall appoint a Senator to serve as the Senate chairman of the Committee and the Speaker shall appoint a Delegate to serve as the House chairman of the Committee.

(2) The Senate chairman and the House chairman shall alternate annually as presiding chairman and cochairman of the Committee.

(g) A majority of the full authorized membership of the Committee is a quorum.

(h) The Department of Legislative Services, Office of Policy Analysis, shall provide staff assistance to the Committee.

(i) The Committee shall hold:

(1) an organizational meeting promptly after the appointment of its members; and

(2) any other meetings that the Committee considers necessary to carry out its duties efficiently.

(j) The Committee may:

(1) hold a hearing on any matter relating to the functions of the Committee; and

(2) consider a vote on a bill or resolution referred to it by the President or the Speaker.

(k) In addition to any powers and duties set forth elsewhere, in an endeavor to achieve conditions of well–being for Maryland children, youth, and families, the Committee shall:

(1) investigate the problems that jeopardize the well–being of Maryland children, youth, and families;

(2) identify State policies and actions that, in conjunction with public and private partners and in support of families and communities, can work to achieve conditions of well–being for Maryland children, youth, and families;

(3) review and make recommendations to align State statutes, regulations, programs, services, and budgetary priorities with the State policies and actions described in item (2) of this subsection;

(4) search for any interdepartmental gaps, inconsistencies, and inefficiencies in the implementation or attainment of the State policies and actions

described in item (2) of this subsection;

(5) identify any new laws, regulations, programs, services, and budgetary priorities that are needed to ensure and promote desired conditions of well–being for Maryland children, youth, and families;

(6) serve as an informational resource for the Senate and the House on legislative policy matters concerning children, youth, and families; and

(7) perform other activities, including improving public awareness of the special needs of Maryland children, youth, and families.

(l) (1) Subject to § 2–1246 of this title, the Committee shall submit an annual report to the General Assembly on or before December 1 of each year.

(2) The report shall include:

(i) a description of the work of the Committee; and

(ii) any recommendations of the Committee.

§2–10A–08.

(a) There is a Joint Committee on Fair Practices and State Personnel Oversight.

(b) (1) The Joint Committee consists of eight members.

(2) Of the eight members:

(i) four shall be members of the Senate, appointed by the President of the Senate; and

(ii) four shall be members of the House of Delegates, appointed by the Speaker of the House.

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

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

(e) The Joint Committee shall have oversight over:

(1) employment policies and personnel systems in the Executive Branch of State government, including:

(i) the State Personnel Management System;

(ii) the Maryland Department of Transportation's Human Resources

Management System; and

(iii) the personnel systems of State institutions of higher education; and

(2) matters in State government of equal employment opportunity policies and practices for State employees.

(f) The purposes of the Joint Committee are to:

(1) review reports;

(2) evaluate the effectiveness of programs, policies, and practices; and

(3) identify areas of concern and, as appropriate, recommend corrective measures to the Governor and the General Assembly.

§2–10A–11.

(a) There is a Joint Committee on Unemployment Insurance Oversight.

(b) The Committee consists of the following 15 members:

(1) three members of the Senate, appointed by the President of the Senate;

(2) three members of the House of Delegates, appointed by the Speaker of the House of Delegates;

(3) the Secretary of Labor, Licensing, and Regulation, or the Secretary's designee;

(4) the Secretary of Commerce, or the Secretary's designee;

(5) a representative of the Maryland Retailers Association, designated by the Maryland Retailers Association;

(6) a representative of the Maryland Chamber of Commerce, designated by the Maryland Chamber of Commerce;

(7) a representative of the National Federation of Independent Business, designated by the National Federation of Independent Business;

(8) a representative of the Job Opportunities Task Force, designated by the Job Opportunities Task Force;

(9) two representatives of union labor, designated by the Maryland State and District of Columbia AFL–CIO; and

(10) a representative of the academic profession who is knowledgeable in

unemployment insurance law, designated jointly by the President of the Senate and the Speaker of the House of Delegates.

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

(d) The President and the Speaker shall appoint a Senator and a Delegate, respectively, each to serve as cochair.

(e) (1) The Committee shall examine the condition of the unemployment insurance system in the State as a result of the implementation of Chapter 169 of the Acts of the General Assembly of 2005.

(2) The Committee may examine the need for additional alterations to the unemployment insurance system, including the charging and taxation provisions and the eligibility and benefit provisions, in consideration of the fairness of the system and in order to maintain the Unemployment Insurance Trust Fund at a level sufficient to ensure that benefits will be paid from the Fund.

(f) (1) The Department of Legislative Services shall provide staffing for the Committee.

(2) The Department of Labor, Licensing, and Regulation shall report to the Committee on the condition of unemployment insurance in the State.

(g) A member of the Committee may not receive compensation for serving on the Committee, but is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(h) The Committee shall report its findings and recommendations to the Governor and, subject to § 2–1246 of this title, the General Assembly on December 31 of each year.

§2–10A–12.

(a) There is a Joint Committee on Base Realignment and Closure.

(b) (1) The Committee consists of 16 members.

(2) Of the 16 members:

(i) eight shall be members of the Senate of Maryland, appointed by the President of the Senate; and

(ii) eight shall be members of the House of Delegates, appointed by the Speaker of the House.

(c) From among the membership of the Committee, the President of the Senate

shall appoint a Senator to serve as the Senate Chair of the Committee, and the Speaker of the House shall appoint a Delegate to serve as the House Chair of the Committee.

(d) The Department of Legislative Services shall provide staff assistance to the Committee.

(e) The Committee shall provide continuing legislative oversight of the State's response to changes and opportunities occurring as a result of the Base Realignment and Closure process.

(f) The Committee shall oversee and participate, in cooperation with State and local units, in the development of systems and processes that, with the intent of accelerating planning and development so that the State is prepared to receive the influx of jobs and personnel associated with the Base Realignment and Closure process, fast track the approval of:

(1) transportation infrastructure;

(2) water and sewer infrastructure;

(3) State and local planning processes;

(4) affordable housing options;

(5) education facilities, including public school and community college construction; and

(6) health care facilities and infrastructure.

§2–10A–13.

(a) There is a Joint Committee on Cybersecurity, Information Technology, and Biotechnology.

(b) The Committee consists of the following 12 members:

(1) six members of the Senate of Maryland, appointed by the President of the Senate; and

(2) six members of the House of Delegates, appointed by the Speaker of the House.

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

(d) The President and the Speaker shall appoint jointly a Senator and a Delegate to serve as cochairs who shall alternate in serving as the presiding chair of the Committee each year.

(e) The Committee shall:

(1) work to broaden the support, knowledge, and awareness of advances in cybersecurity, information technology, and biotechnology to benefit the people of Maryland;

(2) evaluate State cybersecurity systems and the adequacy of economic development and job skills training programs to advance cybersecurity in the State;

(3) make recommendations regarding actions to promote cybersecurity, information technology, and biotechnology industries in the State; and

(4) examine and evaluate additional cybersecurity–, information technology–, or biotechnology–related issues as designated by the cochairs of the Committee.

(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 31 of each year.

§2–10A–14.

(a) There is a Joint Committee on Legislative Information Technology and Open Government.

(b) (1) The Committee consists of 12 members.

(2) Of the 12 members:

(i) 6 shall be members of the Senate of Maryland, appointed by the President of the Senate; and

(ii) 6 shall be members of the House of Delegates, appointed by the Speaker of the House.

(c) From among the membership of the Committee, the President of the Senate shall appoint a Senator to serve as the Senate Chair of the Committee, and the Speaker of the House shall appoint a Delegate to serve as the House Chair of the Committee.

(d) The Department of Legislative Services shall provide staff assistance to the Committee.

(e) The Committee shall:

(1) review and evaluate legislative information technology systems and goals for the General Assembly and its staff agencies;

(2) identify areas in which the State can improve its technology, Web

sites, programs, and services to increase transparency, citizen engagement, and public awareness of and access to government resources, publications, and actions;

(3) evaluate the effects of transparency and open government policies and actions on the security of State information technology systems and information held by State units;

(4) make recommendations regarding:

(i) legislative information technology systems and goals for the General Assembly and its staff agencies;

(ii) policies or actions to enhance the security of State information technology systems and information held by State units; and

(iii) laws, programs, services, or budgetary priorities necessary to ensure and promote transparency and open government in the State; and

(5) perform any other activity related to legislative information technology systems or open government as designated by the cochairs of the Committee.

(f) (1) Subject to § 2–1246 of this title, the Committee shall submit a report to the Legislative Policy Committee on or before December 1 each year.

(2) The report shall include:

(i) a description of the work of the Committee; and

(ii) any recommendations of the Committee.

§2–10A–15.

(a) There is a Joint Committee on Ending Homelessness.

(b) (1) The Committee consists of 10 members.

(2) Of the 10 members:

(i) five shall be members of the Senate of Maryland, appointed by the President of the Senate; and

(ii) five shall be members of the House of Delegates, appointed by the Speaker of the House.

(c) (1) The members of the Committee serve at the pleasure of the presiding officer who appointed them.

(2) (i) If a vacancy occurs among the Senators on the Committee, a successor promptly shall be appointed by the President of the Senate.

(ii) If a vacancy occurs among the Delegates on the Committee, a successor promptly shall be appointed by the Speaker of the House.

(d) From among the membership of the Committee, the President of the Senate shall appoint a Senator to serve as the Senate Chair of the Committee, and the Speaker of the House shall appoint a Delegate to serve as the House Chair of the Committee.

(e) A majority of the full authorized membership of the Committee is a quorum.

(f) The Department of Legislative Services shall provide staff assistance to the Committee.

(g) The Committee shall hold:

(1) an organizational meeting promptly after the appointment of its members; and

(2) any other meetings that the Committee considers necessary to carry out its duties efficiently.

(h) The Committee may:

(1) hold a hearing on any matter relating to the functions of the Committee; and

(2) consider a vote on a bill or resolution referred to the Committee by the President of the Senate or the Speaker of the House.

(i) To ensure that public resources, programs, and policies are coordinated and effective in preventing, mitigating the effects of, and ending homelessness in Maryland, the Committee shall:

(1) study issues relating to homelessness, including:

(i) housing;

(ii) income;

(iii) health care;

(iv) education;

(v) government supports; and

(vi) veterans experiencing homelessness;

(2) consult with governmental agencies, community–based organizations, and other stakeholders to identify State policies, programs, and actions that should or could prevent, mitigate the effects of, and end homelessness in Maryland;

(3) review and make recommendations to align State statutes, regulations, programs, services, and budgetary priorities with the State policies and actions described in item (2) of this subsection;

(4) search for any intradepartmental or interdepartmental gaps, inconsistencies, and inefficiencies in the implementation or attainment of the State policies, programs, and actions described in item (2) of this subsection; and

(5) identify new laws, regulations, programs, services, and budgetary priorities that are needed to prevent, mitigate the effects of, and end homelessness in Maryland.

(j) The Governor's Interagency Council on Homelessness shall:

(1) cooperate fully with the Committee;

(2) keep the Committee fully informed as to its priorities and progress; 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 includes:

(i) a description of the Council's work;

(ii) a report on the Council's priorities and progress; and

(iii) recommendations for new laws, regulations, programs, services, and budgetary priorities that are needed to prevent, mitigate the effects of, and end homelessness in Maryland.

(k) (1) Subject to § 2–1246 of this title, the Committee shall submit a report to the General Assembly on or before December 1 each year.

(2) The report shall include:

(i) a description of the work of the Committee; and

(ii) any recommendations of the Committee.

§2–1101.

(a) When the General Assembly is not in session, any decision that relates to or affects a member of a committee of the General Assembly shall be made:

(1) as to a Senate member, by the President; and

(2) as to a House member, by the Speaker.

(b) The responsibilities of the President and the Speaker under this section

include:

(1) appointing members of committees;

(2) appointing officers of committees; and

(3) setting the dates, times, and places for committee meetings.

§2–1102.

Each standing committee continues when the General Assembly is not in session.

§2–1103.

(a) While the General Assembly is not in session, each standing committee may:

(1) study and prepare recommendations and reports on any matter that is within the usual and customary jurisdiction of the standing committee; and

(2) otherwise exercise the usual and customary powers that the standing committee has when the General Assembly is in session.

(b) If time permits, each standing committee shall send to the Legislative Policy Committee a copy of each proposed bill and joint resolution that the standing committee intends to introduce in the General Assembly.

§2–1104.

(a) With the prior approval of the Legislative Policy Committee, a standing committee, in carrying out any of its functions or powers, may:

(1) issue subpoenas;

(2) compel the attendance of witnesses;

(3) compel the production of any papers, books, accounts, documents, and testimony;

(4) administer oaths; and

(5) cause the depositions of witnesses, who reside in or outside of the State, to be taken in the manner provided by law for taking depositions in a civil case.

(b) (1) If a person fails to comply with a subpoena issued under this section or fails to testify on any matter on which the person lawfully may be interrogated, on petition of a member of the standing committee, a circuit court may pass an order directing compliance with the subpoena or compelling testimony and may enforce the order by proceedings for contempt.

(2) Venue and procedures for a proceeding under paragraph (1) of this subsection to direct compliance with a subpoena or compel testimony are as provided in § 2–1803 of this title.

(c) False swearing by a witness before a standing committee is perjury.

§2–1105.

Within the amounts made available by appropriation, each officer and unit of the State government shall conduct any study that a standing committee requests.

§2–1201.

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

(b) "Department" means the Department of Legislative Services.

(c) "Executive Director" means the Executive Director of the Department.

§2–1202.

There is a Department of Legislative Services in the Legislative Branch of the State government.

§2–1203.

(a) The head of the Department is the Executive Director, who shall be appointed jointly by the President and the Speaker.

(b) The Executive Director:

(1) serves without a fixed term and may be removed by the Legislative Policy Committee on the recommendation of the President and the Speaker;

(2) is entitled to the salary provided in the State budget;

(3) shall devote full time to the duties of the Office; and

(4) shall serve in a nonpartisan capacity and ensure that the activities of the Department are conducted in a nonpartisan manner.

(c) Subject to the policies and directives of the President of the Senate and the Speaker of the House and the Legislative Policy Committee, the Executive Director has general administrative control of the operation of the Department and its units.

§2–1204.

The Executive Director, under the direction of the President and the Speaker, shall:

(1) oversee the activities of the Department to ensure that its functions are performed correctly, efficiently, and in a timely and nonpartisan manner;

(2) coordinate the activities of the components of the Department to maximize cooperation among the Department's employees and achieve the greatest efficiency in the use of personnel and other resources;

(3) prepare the annual budget for the Department after consultation with the office directors;

(4) conduct an annual evaluation of the performance of each office director and the Legislative Auditor;

(5) communicate the opinions, needs, and concerns of the Department's employees to the President and the Speaker; and

(6) perform any other function required by the President and the Speaker.

§2–1205.

(a) The Department shall employ a staff and engage other staff and consultant services in accordance with the State budget.

(b) Positions in the Department are subject to the personnel guidelines established under subsection (c) of this section.

(c) The Legislative Policy Committee shall adopt guidelines that are not inconsistent with law and that, for employees of the Department, govern:

(1) hiring;

(2) probationary periods;

(3) tenure;

(4) promotion;

(5) overtime compensation;

(6) discrimination;

(7) compensatory work for absences due to religious beliefs;

(8) holidays;

(9) part-time employment;

(10) grievance procedures;

(11) removal; and

(12) political activity.

(d) The provisions of § 2-304 of the State Personnel and Pensions Article do not apply to an employee of the Department.

§2–1206.

The following units are in the Department:

(1) the Office of the Executive Director;

(2) the Office of Legislative Audits;

(3) the Office of Legislative Information Systems;

(4) the Office of Policy Analysis; and

(5) any other offices as may be designated by the President and the Speaker.

§2–1207.

In addition to any duties set forth elsewhere, the Department shall provide:

(1) budget and fiscal review, analysis, research, studies, and reports;

(2) legislative drafting and statutory revision services;

(3) legal research, review, analysis, studies, and reports;

(4) general research and policy analysis;

(5) fiscal/compliance, financial statement, and performance audits of units of the State government;

(6) legislative research, legislative document and material collection and preservation, and other library services;

(7) public information services about legislative activities;

(8) document preparation and publication services;

(9) legislative information systems maintenance, development, and support; and

(10) administrative support services for the Department and, where appropriate, for the General Assembly relating to finance, personnel, distribution,

telecommunications, printing and copying, supplies, housekeeping, and maintenance.

§2–1208.

(a) The staff and facilities of the Department shall be available to prepare fiscal, legal, and policy reports for and otherwise help:

(1) any standing committee;

(2) any statutory committee;

(3) any special committee of the Legislative Policy Committee; and

(4) with the consent of the President and the Speaker, any joint legislative and executive body that the Governor appoints.

(b) The Executive Director shall assign, to the staff of the Department or to a special research or consulting agency, the preparation of any fiscal, legal, or policy report that the Legislative Policy Committee or a standing committee requests.

§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.

§2–1211.

As used in this Part III, "Office" means the Office of the Executive Director.

§2–1212.

(a) There is an Office of the Executive Director in the Department.

(b) The head of the Office is the Executive Director.

§2–1213.

(a) The Office shall have the staff determined by the Executive Director and as

provided in the State budget.

(b) Except as otherwise provided in this subtitle, the staff of the Office is subject to the guidelines as provided in § 2-1205 of this subtitle.

§2–1214.

(a) (1) The Office shall receive and analyze requests from members of the General Assembly for reimbursement and from other persons for payment of legislative expenses, including:

(i) office rent;

(ii) secretarial and other services;

(iii) telephone and other communication expenses;

(iv) equipment;

(v) supplies; and

(vi) travel.

(2) The Office shall provide the reimbursement or make payments as provided in the State budget and account for the reimbursements and payments.

(3) The Office shall make payments and reimbursements consistent with the policies of the President and the Speaker, the Management Subcommittee, and the Legislative Policy Committee.

(b) (1) The President and the Speaker may authorize the Office to create accounts for revenues received from payment of fees or charges and to utilize the funds to provide services to individuals, organizations, or other units of State or local governments.

(2) Funds in the accounts may only be expended in accordance with the budget or by budget amendment.

(3) On directive by the President and the Speaker, unexpended revenues in the accounts may revert to the State or may be retained for expenditure in a subsequent budget.

(4) The Comptroller's Office shall be notified of accounts created in accordance with this section.

§2–1215.

(a) The Office shall manage all personnel activities of the Department and generally carry out the duties set forth in § 2-1205 of this subtitle.

(b) The Office shall manage the personnel activities of the General Assembly as assigned by the President and the Speaker.

§2–1215.1.

In addition to any other duties set forth elsewhere, the Office shall:

(1) provide for the preparation and publication of legislation, session laws, journals of proceedings, indexes, and other documents; and

(2) carry out any other function related to document preparation and publication required by the Executive Director.

§2–1216.

The Office shall:

(1) directly supervise support services to the General Assembly that are not assigned to one of the Department's other offices; and

(2) perform any other function required by the Executive Director, the President and the Speaker, or the Legislative Policy Committee.

§2–1217.

There is an Office of Legislative Audits in the Department.

§2–1218.

(a) The head of the Office of Legislative Audits is the Legislative Auditor, who shall be appointed by the Executive Director, subject to the approval of the President and the Speaker.

(b) The Legislative Auditor must:

(1) be licensed as a certified public accountant in the State;

(2) at the time of appointment, have at least 3 years' auditing experience; and

(3) while in office, be covered by a surety bond in the form and amount required by law.

(c) The Legislative Auditor serves without a fixed term and may be removed by the Executive Director, subject to the approval of the President and the Speaker.

(d) The Legislative Auditor is entitled to the salary provided in the State budget.

(e) Subject to the policies and directives of the President and the Speaker,

the Joint Audit Committee, and the overall supervision and control of the Executive Director, the Legislative Auditor has general administrative control of the operation of the Office of Legislative Audits.

(f) The Legislative Auditor shall devote full time to the duties of office and shall serve in a nonpartisan capacity.

§2–1219.

(a) With the approval of the Executive Director, the Legislative Auditor shall appoint a Deputy Legislative Auditor and other professional staff and may contract with consultants as authorized representatives.

(b) (1) The Deputy Legislative Auditor must be licensed as a certified public accountant in the State.

(2) The Deputy Legislative Auditor:

(i) has the duties delegated by the Legislative Auditor; and

(ii) may be designated by the Executive Director to act as Legislative Auditor if the office is vacant or the Legislative Auditor is unable to perform the duties of office.

(c) With the approval of the Executive Director, the Legislative Auditor shall appoint professional staff to conduct audits of local school systems in accordance with § 2-1220(e) of this subtitle.

§2–1219.1.

In this subtitle, "examination" includes all authorized work and required audits under § 2-1220 of this subtitle.

§2–1220.

(a) (1) In this subsection, "unit" includes each State department, agency, unit, and program, including each clerk of court and each register of wills.

(2) (i) At least once every 3 years, the Office of Legislative Audits shall conduct a fiscal/compliance audit of each unit of the State government, except for units in the Legislative Branch.

(ii) In determining the audit schedule for a unit, the Office of Legislative Audits shall take into consideration:

1. the materiality and risk of the unit's fiscal activities with respect to the State's fiscal activities;

2. the complexity of the unit's fiscal structure; and

3. the nature and extent of audit findings in the unit's prior audit reports.

(iii) Each agency or program may be audited separately or as part of a larger organizational unit of State government.

(3) Performance audits or financial statement audits shall be conducted when authorized by the Legislative Auditor, when directed by the Joint Audit Committee or the Executive Director, or when otherwise required by law.

(4) (i) In addition to the audits required under paragraph (2) of this subsection, the Office of Legislative Audits may conduct a review when the objectives of the work to be performed can be satisfactorily fulfilled without conducting an audit as prescribed in § 2-1221 of this subtitle.

(ii) 1. The Office of Legislative Audits has the authority to conduct a separate investigation of an act or allegation of fraud, waste, or abuse in the obligation, expenditure, receipt, or use of State resources.

2. The Legislative Auditor shall determine whether an investigation shall be conducted in conjunction with an audit undertaken in accordance with this subsection or separately.

(5) If, on request of the Comptroller, the Joint Audit Committee so directs, the Office of Legislative Audits shall audit or review a claim that has been presented to the Comptroller for payment of an expenditure or disbursement and that is alleged to have been made by or for an officer or unit of the State government.

(6) The Office of Legislative Audits shall conduct an audit or review to determine the accuracy of information about or procedures of a unit of the State government, as directed by the Joint Audit Committee or the Executive Director.

(b) If the General Assembly, by resolution, or the Joint Audit Committee so directs, the Office of Legislative Audits shall conduct an audit or review of a corporation or association to which the General Assembly has appropriated money or that has received funds from an appropriation from the State Treasury.

(c) The Office of Legislative Audits may audit any county officer or unit that collects State taxes.

(d) (1) The Office of Legislative Audits shall review any audit report prepared under the authority of:

(i) §§ 16–305 through 16–308 of the Local Government Article, with respect to a county, municipal corporation, or taxing district; or

(ii) § 16–315 of the Education Article, with respect to a community college.

(2) The results of any review made by the Office of Legislative Audits under paragraph (1) of this subsection shall be reported as provided in § 2–1224 of this subtitle.

(e) (1) At least once every 6 years, the Office of Legislative Audits shall conduct an audit of each local school system to evaluate the effectiveness and efficiency of the financial management practices of the local school system.

(2) The audits may be performed concurrently or separately.

(3) The Office of Legislative Audits shall provide information regarding the audit process to the local school system before the audit is conducted.

(f) (1) At least once every 3 years, the Office of Legislative Audits shall conduct a performance audit of the Board of Liquor License Commissioners for Baltimore City to evaluate the effectiveness and efficiency of the management practices of the Board and of the economy with which the Board uses resources.

(2) The performance audit shall focus on operations relating to liquor inspections, licensing, disciplinary procedures, and management oversight.

§2–1221.

(a) A fiscal/compliance audit conducted by the Office of Legislative Audits shall include:

(1) examining financial transactions and records and internal controls;

(2) evaluating compliance with applicable laws and regulations;

(3) examining electronic data processing operations; and

(4) evaluating compliance with applicable laws and regulations relating to the acquisition of goods and services from Maryland Correctional Enterprises.

(b) A performance audit conducted by the Office of Legislative Audits may include:

(1) evaluating the efficiency, effectiveness, and economy with which resources are used;

(2) determining whether desired program results are achieved; and

(3) determining the reliability of performance measures, as defined in § 3–1001(g) of the State Finance and Procurement Article, identified in:

(i) the managing for results agency strategic plan developed under § 3–1002(c) of the State Finance and Procurement Article; or

(ii) the StateStat agency strategic plan developed under § 3–1003(d) of the State Finance and Procurement Article.

(c) The purpose of financial statement audits conducted by the Office of Legislative Audits shall be to express an opinion regarding the fairness of the presentation of a unit's financial statements.

(d) The audits referred to in subsections (a), (b), and (c) of this section shall be conducted in accordance with generally accepted government auditing standards.

(e) (1) Upon approval of the Joint Audit Committee, the Office of Legislative Audits shall develop and use a rating system that is based on the results of a fiscal/compliance audit to determine an overall evaluation of a unit's financial transactions, records, and internal controls and compliance with applicable laws and regulations as a means of comparing the various units of State government.

(2) When an evaluation is issued, it shall be provided to the unit and shall be available to the Joint Audit Committee and the Budget Committees of the Maryland General Assembly.

§2–1222.

(a) An examination conducted by the Office of Legislative Audits shall generally be made at the offices of the State unit, county officer or unit, corporation, association, or local school system that is subject to examination.

(b) (1) If considered appropriate and after consultation with the unit or body being examined, the Legislative Auditor may authorize all or a portion of an examination to be conducted at the offices of the Office of Legislative Audits.

(2) Before the original or only copy of any record is removed from the State unit's premises, the prior approval of the State unit for the removal is required.

§2–1223.

(a) (1) Except as prohibited by the federal Internal Revenue Code, during an examination, the employees or authorized representatives of the Office of Legislative Audits shall have access to and may inspect the records, including those that are confidential by law, of any unit of the State government or of a person or other body receiving State funds, with respect to any matter under the jurisdiction of the Office of Legislative Audits.

(2) In conjunction with an examination authorized under this subtitle, the access required by paragraph (1) of this subsection shall include the records of contractors and subcontractors that perform work under State contracts.

(3) The employees or authorized representatives of the Office of Legislative Audits shall have access to and may inspect the records, including those

that are confidential by law, of:

(i) any local school system to perform the audits authorized under § 2–1220 of this subtitle or in accordance with a request for information as provided in § 5–114(d) of the Education Article; and

(ii) the Board of Liquor License Commissioners for Baltimore City to perform the audits authorized under § 2–1220(f) of this subtitle.

(b) Each officer or employee of the unit or body that is subject to examination shall provide any information that the Legislative Auditor determines to be needed for the examination of that unit or body, or of any matter under the authority of the Office of Legislative Audits, including information that otherwise would be confidential under any provision of law.

(c) (1) The Legislative Auditor may issue process that requires an official who is subject to examination to produce a record that is needed for the examination.

(2) The process shall be sent to the sheriff for the county where the official is located.

(3) The sheriff promptly shall serve the process.

(4) The State shall pay the cost of process.

(5) If a person fails to comply with process issued under this subsection or fails to provide information that is requested during an examination, a circuit court may issue an order directing compliance with the process or compelling that the information requested be provided.

§2–1223.1.

On the preliminary completion of an examination of a public senior higher education institution by the Office of Legislative Audits, the Legislative Auditor shall send a copy of the discussion notes of the examination relating to any preliminary findings of substantial fiscal impropriety to the following individuals and governing boards of the respective institutions that were subject to the examination:

(1) the Chancellor of the University System of Maryland and the University System of Maryland Board of Regents Audit Committee;

(2) the President of Morgan State University and the Finance and Facilities Committee of the Board of Regents of Morgan State University; or

(3) the President of St. Mary's College of Maryland and the Finance, Investment, and Audit Committee of the Board of Trustees of St. Mary's College of Maryland.

§2–1224.

(a) In this section, "unit" includes the Board of Liquor License Commissioners for Baltimore City.

(b) Except with the written approval of the Legislative Auditor, an employee or authorized representative of the Office of Legislative Audits shall submit any report of findings only to the Legislative Auditor.

(c) (1) On the completion of each examination, the Legislative Auditor shall submit a full and detailed report to the Joint Audit Committee.

(2) A report shall include:

(i) the findings;

(ii) any appropriate recommendations for changes in record keeping or in other conduct of the unit or body that is the subject of the report; and

(iii) any response of that unit or body, subject to procedures approved by the Joint Audit Committee.

(d) The Legislative Auditor shall send a copy of the report to:

(1) the President of the Senate and the Speaker of the House of Delegates;

(2) the Chairmen of the Senate Budget and Taxation and House Appropriations Committees;

(3) members of the General Assembly, subject to § 2–1246 of this subtitle;

(4) the Governor, unless the report is of the Board of Liquor License Commissioners for Baltimore City;

(5) the Comptroller;

(6) the State Treasurer, unless the report is of the Board of Liquor License Commissioners for Baltimore City;

(7) the Attorney General, unless the report is of the Board of Liquor License Commissioners for Baltimore City;

(8) the unit or body that is the subject of the report;

(9) the Secretary of Budget and Management, unless the report is of the Board of Liquor License Commissioners for Baltimore City;

(10) the Executive Director; and

(11) any other person whom the Joint Audit Committee specifies.

(e) In addition to the requirements of subsection (d) of this section, each report of:

(1) a local school system shall be distributed to the chair of the House Ways and Means Committee and the cochairs of the Joint Committee on the Management of Public Funds; and

(2) the Board of Liquor License Commissioners for Baltimore City shall be distributed to the chair of the Baltimore City delegation and the chair of the Baltimore City senators.

(f) After the expiration of any period that the Joint Audit Committee specifies, a report of the Legislative Auditor is available to the public under Title 4, Subtitles 1 through 5 of the General Provisions Article.

(g) (1) The Legislative Auditor shall review each unit's response and advise the unit of the results of the review. The Legislative Auditor shall advise the Joint Audit Committee when:

(i) a unit does not make a response to a recommendation;

(ii) a unit does not indicate action to be taken in response to a recommendation;

(iii) a unit has not taken the action the unit indicated in its response to a recommendation;

(iv) a unit requests a waiver from a recommendation; or

(v) the response by the unit is not considered appropriate to carry out the recommendation.

(2) The Executive Director or the Joint Audit Committee may direct the Legislative Auditor to undertake a review to determine the extent to which action has been taken by a unit to implement a report recommendation.

(3) With respect to findings and recommendations of a fiscal/compliance nature, the Committee may recommend to the Governor and the Comptroller that the unit take the corrective action the unit indicates would be taken or take action to correct the findings in the report or the Committee may grant a waiver from the recommended action.

(4) Within 45 days after receipt of the recommendation the Governor shall advise the Committee as to the action taken with respect to the recommendation.

(5) Without concurrence of the Comptroller, the Committee may not

waive a recommendation of the Legislative Auditor with respect to fiscal and financial record keeping, a uniform system of accounting, or the submission of fiscal and financial reports by the units.

(6) With respect to findings and recommendations of a performance nature, the Committee may make recommendations to the Governor or propose legislation after reviewing a unit's response to a recommended action.

(7) The Legislative Auditor shall review each local school system's response to an audit conducted under § 2–1220(e) of this subtitle and advise the local school system of the results of the review. The Legislative Auditor shall advise the Joint Audit Committee when a local school system:

(i) does not make a response to a recommendation;

(ii) does not indicate action to be taken in response to a recommendation;

(iii) has not taken the action the local school system indicated in its response to a recommendation; or

(iv) responds in a manner that is not considered appropriate to carry out the recommendation.

(8) The Executive Director or the Joint Audit Committee may direct the Legislative Auditor to undertake a review to determine the extent to which action has been taken by a local school system to implement a report recommendation.

(9) With respect to findings and recommendations made to a local school system, the Joint Audit Committee may make recommendations to the Governor, State Superintendent of Schools, the local school governing board, or local school officials after reviewing a local school system's response to a recommended action.

(h) (1) The Governor and the Chief Judge of the Court of Appeals shall implement systems and processes to monitor the efforts of the Executive Departmental Units and the Judiciary, respectively, to correct audit findings reported by the Office of Legislative Audits.

(2) Within 9 months of the most recent audit report, any unit that has five or more repeat audit findings shall report to the Office of Legislative Audits for each finding in that audit report:

(i) the corrective actions taken; or

(ii) a schedule for when specific corrective actions will be implemented.

(3) Each unit required to report to the Office of Legislative Audits under

paragraph (2) of this subsection shall continue to report to the Office of Legislative Audits on a quarterly basis after the initial report until the actions reported by the agency indicate that satisfactory progress has been made to address all findings.

§2–1225.

(a) (1) In addition to the reports under § 2-1224 of this subtitle, the Legislative Auditor shall report an apparent violation of any law on use of State funds by the unit of the State government or other body that is examined.

(2) A report under this subsection shall be submitted to:

(i) the Joint Audit Committee;

(ii) the Executive Director;

(iii) the unit or body that is the subject of the report; and

(iv) the Office of the Attorney General.

(b) (1) If the Legislative Auditor discovers any alleged criminal violation by a person during the course of an examination, the Legislative Auditor shall report the alleged violation to the Attorney General and an appropriate State's Attorney.

(2) A report under this subsection shall ask the Attorney General and State's Attorney to take appropriate action.

(3) Unless the Attorney General or State's Attorney decides to prosecute an alleged criminal violation reported under this subsection, the Attorney General and State's Attorney shall keep the report of the Legislative Auditor under this subsection confidential.

(4) The Attorney General may investigate and prosecute any alleged criminal violation reported under this subsection and has all the powers and duties of a State's Attorney, including the use of a grand jury in any county or Baltimore City, to investigate and prosecute the alleged violation.

(c) (1) The Office of the Attorney General shall respond, in writing, to a report received from the Legislative Auditor under this section.

(2) The response of the Attorney General shall include what actions, if any, were taken as a result of the findings of the Legislative Auditor.

(3) The response of the Attorney General shall be submitted to:

(i) the Joint Audit Committee;

(ii) the Executive Director;

(iii) the unit or body that is the subject of the report; and

(iv) the Legislative Auditor.

§2–1226.

(a) Except as provided in § 2-1225 of this subtitle and subsection (b) of this section, information that an employee or authorized representative of the Office of Legislative Audits obtains during an examination:

(1) is confidential; and

(2) may not be disclosed except to another employee or authorized representative of the Office of Legislative Audits.

(b) The Legislative Auditor may authorize the disclosure of information obtained during an examination only to the following:

(1) another employee of the Department, with the approval of the Executive Director;

(2) federal, State, or local officials, or their auditors, who provide evidence to the Legislative Auditor that they are performing investigations, studies, or audits related to that same examination and who provide justification for the specific information requested; or

(3) the Joint Audit Committee, if necessary to assist the Committee in reviewing a report issued by the Legislative Auditor.

(c) Except as provided in § 2-1225 of this subtitle, if information that an employee or authorized representative obtains during an examination also is confidential under another law, the employee, authorized representative, or the Legislative Auditor may not include in a report or otherwise use the information in any manner that discloses the identity of any person who is the subject of the confidential information.

§2–1227.

A person is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 if the person:

(1) fails to comply promptly with process that the Legislative Auditor issues under this Part IV of this subtitle; or

(2) violates any provision of § 2–1224(b) or § 2–1226 of this subtitle.

§2–1228.

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

(b) "Director" means the Director of the Office.

(c) "Office" means the Office of Legislative Information Systems.

§2–1229.

There is an Office of Legislative Information Systems in the Department.

§2–1230.

(a) The head of the Office is the Director, who shall be appointed by the Executive Director, subject to the approval of the President and the Speaker.

(b) The Director serves without a fixed term and may be removed by the Executive Director, subject to the approval of the President and the Speaker.

(c) The Director is entitled to the salary provided in the State budget.

§2–1231.

(a) Subject to the policies and directives of the President and the Speaker and the overall supervision and control of the Executive Director, the Director shall oversee the operation of the Office.

(b) The Director, after consultation with the Executive Director, shall appoint qualified individuals to serve in management functions in the Office.

(c) The Director shall serve in a nonpartisan capacity and conduct the affairs of the Office in a nonpartisan manner.

§2–1232.

In addition to any other duties set forth elsewhere, the Office shall:

(1) develop, coordinate, support, and maintain computer services and automated data processing and information systems for the General Assembly and the Department;

(2) provide training for employees of the General Assembly and the Department who use the information systems;

(3) plan for the future information systems needs of the General Assembly, its staff, and the Department;

(4) as approved by the Executive Director and the Legislative Policy Committee, upgrade the information systems of the General Assembly and the Department; and

(5) carry out any other function required by the Executive Director.

§2–1233.

(a) There is an Information Systems Planning Team in the Department.

(b) The Information Systems Planning Team consists of:

(1) the Executive Director;

(2) the Director of the Office of Legislative Information Systems;

(3) an appropriate number of Department employees who are familiar with and are frequent users of the Department's information systems, selected by the Executive Director and the Director of the Office of Policy Analysis;

(4) a member of the library staff;

(5) a representative of the Legislative Auditor, selected by the Executive Director and the Legislative Auditor;

(6) a representative of the staff of the President of the Senate; and

(7) a representative of the staff of the Speaker of the House of Delegates.

(c) The Information Systems Planning Team shall:

(1) receive and evaluate the needs of the users of the Department's information systems;

(2) develop an integrated plan for the information systems needs of all aspects of the Department's activities;

(3) recommend priorities for the information systems needs of the Department's employees; and

(4) generally plan for and develop the information systems needs of the Department.

§2–1234.

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

(b) "Director" means the Director of the Office.

(c) "Office" means the Office of Policy Analysis.

§2–1235.

There is an Office of Policy Analysis in the Department.

§2–1236.

(a) The head of the Office is the Director, who shall be appointed by the Executive Director, subject to the approval of the President and the Speaker.

(b) The Director serves without a fixed term and may be removed by the Executive Director, subject to the approval of the President and the Speaker.

(c) The Director is entitled to the salary provided in the State budget.

(d) Subject to the policies and directives of the President and the Speaker and the overall supervision and control of the Executive Director, the Director shall oversee the operation of the Office.

(e) The Director shall serve in a nonpartisan capacity and conduct the affairs of the Office in a nonpartisan manner.

(f) The Director, after consultation with the Executive Director, shall appoint an appropriate number of qualified individuals to serve in management functions in the Office.

(g) The Director shall facilitate the creation and oversee the operation of functional, subject matter, special project, and any other workgroups to achieve maximum cooperation and the greatest efficiency in the use of staff and resources in the Office.

§2–1237.

(a) In addition to any duties set forth elsewhere, the Office shall:

(1) conduct studies, develop options, and make recommendations on fiscal matters that relate to the State budget including:

(i) taxes and revenues;

(ii) finances;

(iii) financial policies of public agencies; and

(iv) grants to individuals and private entities;

(2) conduct studies, develop options, and make recommendations on financial and other matters of the State government;

(3) conduct studies, develop options, and make recommendations on organization and management improvement in State government;

(4) study all matters that relate to the efficient and effective operation of the State government, whether or not the matter is a direct budgetary concern;

(5) propose statutory changes to effect operational economy or effective administration;

(6) perform the following duties with respect to the review of expenditures:

(i) review each item in the proposed State budget so as to be able to report on the justification of a unit for that item;

(ii) review the proposed State budget at each stage of its consideration;

(iii) during consideration of the proposed State budget, identify each of the items that:

1. provides for a new function; or

2. has been disapproved previously by the General Assembly;

(iv) evaluate each proposal of a unit of the State government for an appropriation, including any proposal, that:

1. is in the proposed State budget;

2. is considered with the proposed State budget; or

3. involves State financing of a capital improvement; and

(v) evaluate the activities of each unit of the State government as these activities relate to a proposed or actual expenditure of public money;

(7) report, subject to § 2–1246 of this subtitle, on the public debt of the State, including the effect of an additional debt authorization or issue on State finances;

(8) after each session of the General Assembly, summarize the effect of the legislative program on the financial condition of the State;

(9) provide to the General Assembly and its committees information on fiscal matters;

(10) exchange, with federal and State units, information on taxation, revenues, expenditures, and related matters;

(11) conduct studies on the fiscal relationships of the State with its units and with local governments;

(12) conduct studies on the operation, administration, staff, and physical plants of each unit of the State government;

(13) as directed by the General Assembly, the Legislative Policy Committee,

the Joint Audit Committee, or other legislative committees:

(i) subject to § 2–1246 of this subtitle, submit reports on the studies on units of the State government; and

(ii) conduct other special studies and prepare other special reports;

(14) review the financial reports received from each political subdivision in accordance with § 16–103 of the Local Government Article as to completeness and accuracy. If the report needs revision, the political subdivision shall be advised and shall submit the requested information within 15 days. The financial reports of political subdivisions shall be available for public inspection and certified copies shall be provided by the Office for a reasonable fee;

(15) subject to § 2–1246 of this subtitle, publish an annual report on the revenues and expenditures of each county, municipal corporation, and special taxing district created by law; and

(16) carry out any other functions related to budget and fiscal affairs required by the Executive Director.

(b) The Executive Director shall dedicate an appropriate number of employees of the Department and an adequate level of Department resources to the year-round performance of the following functions:

(1) analyzing the State budget;

(2) forecasting trends in the State budget;

(3) identifying significant financial policies of public agencies in the State budget;

(4) reviewing proposed amendments to the State budget approved by the General Assembly; and

(5) conducting revenue forecasts.

§2–1238.

In addition to any duties set forth elsewhere, the Office shall:

(1) on request of a member of the General Assembly, analyze and report on:

(i) the laws of any state on a specific subject and all of the available information about the practical operation and effect of those laws; and

(ii) the acts and records of any state;

(2) compile information on and analyze any matter that is the subject of proposed legislation;

(3) on request of a member of the General Assembly, prepare or help to prepare a bill or resolution that, unless the member specifies otherwise, conforms to the style manual of the Office;

(4) provide analyses of proposed and emergency regulations of Executive Branch agencies;

(5) make recommendations for the reclassification, rearrangement, renumbering, rewording, and other formal revision of the public general laws of Maryland;

(6) make recommendations for appropriate systems to collect and publish:

(i) the public local laws;

(ii) executive orders; and

(iii) the regulations of units of the Executive Branch of the State government;

(7) complete the formal revision of statutory law for the General Assembly by preparing and submitting to the General Assembly recommendations for the repeal or modification of statutes that are obsolete, inconsistent with another statute, unconstitutional, or otherwise in need of formal revision;

(8) correct manifest spelling, grammatical, or clerical errors or errors of addition or omission in the Code maintained by the Department, and include any such correction in the Annual Corrective Bill for ratification by the General Assembly;

(9) maintain the clarity, simplicity, and consistency of style of statutory law;

(10) have a style manual for statutory law;

(11) include in the style manual a drafting rule that requires, to the extent practicable, the use of words that are neutral as to gender except for a subject matter that specifically applies only to one gender and except for a name or organizational title;

(12) assign a chapter number to each bill, and a joint resolution number to each joint resolution, that, by operation of law, becomes law without the signature of the Chief Executive, and notify the Secretary of State in writing of these assignments; and

(13) carry out any other function related to legal affairs required by the

Executive Director.

§2–1239.

In addition to any other duties set forth elsewhere, the Office shall:

(1) prepare analyses of the fiscal, legal, and policy impact of proposed legislation;

(2) research and prepare comprehensive assessments and evaluations of issues of concern to the General Assembly; and

(3) carry out any other function related to research services required by the Executive Director.

§2–1240.

In addition to any other duties set forth elsewhere, the Office shall:

(1) provide professional staffing services, as required by the Executive Director, to any standing committee, statutory committee, or special joint or unicameral committee or subcommittee of the General Assembly;

(2) with the consent of the President and the Speaker, provide professional staffing services, as required by the Executive Director, to any joint legislative and executive body; and

(3) carry out any other function related to committee staffing services required by the Executive Director.

§2–1241.

In addition to any other duties set forth elsewhere, the Office shall:

(1) provide library and information services to the General Assembly and the general public;

(2) index and preserve all information prepared as a result of the provisions of § 2-1238 of this subtitle; and

(3) carry out any other function related to library and public information services required by the Executive Director.

§2–1243.

(a) (1) After each regular session, the Department shall compile and index:

(i) the laws that are enacted during that session;

(ii) the executive orders that have been adopted pursuant to Article II, § 24 of the Maryland Constitution since the last compilation;

(iii) the certificates of the State Board of Elections as to the referendum vote on a law, if the vote has not been published previously; and

(iv) the titles of laws and statements of referendum on laws of each municipal corporation, code county, and charter county that have been delivered to the Department as required by law.

(2) After each special session, the Department shall compile and index the laws that are enacted during that session.

(b) (1) After completion of the compilation and index, the Department shall deliver copies of the laws, executive orders adopted pursuant to Article II, § 24 of the Maryland Constitution, certificates, and titles to the printer who is designated to print the session laws.

(2) The printer shall print promptly:

(i) the documents delivered under this section; and

(ii) with the compilation for a regular session, the statement of receipts and expenditures of public money delivered under § 2-103 of the State Finance and Procurement Article.

(3) The printer shall deliver the volumes to the Executive Director.

(4) The Department shall publish other executive orders delivered to it in accordance with § 3-406(b) of this article.

(c) The Department shall:

(1) create and maintain, in the form of a statutory database, a code comprising the public general laws of the State; and

(2) maintain the structural integrity and textual accuracy of that code.

§2–1244.

(a) The Department shall sell, exchange, or otherwise distribute bound volumes of the laws, the Senate journal, and the House journal.

(b) Distribution under this section shall include provision of 1 copy of a volume to each public, circulating library or library association that requests the volume if, when the request is made, the Department has at least 26 copies of the requested volume.

§2–1245.

The Department shall:

(1) keep a current list of the public local laws of the State;

(2) keep the list accessible to the members of the General Assembly at all times; and

(3) subject to § 2-1246 of this subtitle, annually submit the list to the General Assembly.

§2–1246.

(a) In this section, "publication" includes any report, study, or notification.

(b) For each publication that an official or unit of the State government intends to distribute or submit to the General Assembly or to any committee, staff agency, or employee of the General Assembly, the official or unit shall:

(1) submit one copy to the President and one copy to the Speaker in the format requested by the President and the Speaker;

(2) submit five printed copies to the library of the Department; and

(3) in the case of a publication to be distributed to a committee of the General Assembly:

(i) unless the publication is being submitted to the committee as specifically required by law, obtain approval for the distribution from the committee chair; and

(ii) comply with the distribution requirements of the committee.

(c) An official or unit:

(1) shall submit to the library of the Department, in addition to the copies of a publication required under subsection (b)(2) of this section, any additional copies of the publication requested by the library on behalf of a member of the General Assembly; and

(2) may give a publication directly to a member of the General Assembly only if:

(i) the President and the Speaker have given written approval for distribution of the publication to each member of the General Assembly; or

(ii) the member asks for the publication.

(d) To assist the Department in carrying out its duties under subsection (f) of this section, each publication submitted to the General Assembly or to any committee, staff agency, or employee of the General Assembly in fulfillment of a duty imposed by law shall specify the law under which the publication is being submitted.

(e) The Department shall:

(1) keep a list of the publications of the officials and units;

(2) periodically send the list to each member of the General Assembly; and

(3) on request of a member of the General Assembly, obtain a publication of an official or unit for the member.

(f) The library of the Department shall:

(1) catalog and preserve the publications that officials and units submit as required by law; and

(2) collect, catalog, and preserve any other publication that the Department considers necessary or that the Department is directed by the President or the Speaker to collect, catalog, and preserve.

§2–1247.

(a) (1) (i) On request of a member of the General Assembly, the Department shall provide the member with an annotated code of the public general laws of Maryland that is published by a publisher and produced in a format to be selected by the Executive Director.

(ii) An annotated code shall be provided to a member under this subsection only during the term of the member, at the end of which the annotated code shall be returned to the Department.

(iii) The Department shall keep the annotated code provided under this subsection current.

(2) On request, the Department shall provide one additional copy of an annotated code of Maryland to each:

(i) presiding officer;

(ii) pro tempore officer;

(iii) chairman of a standing committee;

(iv) majority leader; and

(v) minority leader.

(b) A member shall return to the Department the code provided by the Department on or before the expiration of the member's final term of office. If a member resigns or is removed from office before the expiration of the member's term, the member shall promptly return the code to the Department.

§2–1248.

The Department shall:

(1) annually make:

(i) a list that includes the name, position, term of office, and salary of each civil officer whom the Governor appointed during the preceding calendar year; and

(ii) a list that includes the name, position, term of office, and salary of each civil officer whose term expires during the current calendar year;

(2) (i) send a copy of each list to each member of the General Assembly; and

(ii) make the lists available to any person who requests them; and

(3) include on the lists only civil officers whom the Governor appoints, subject to the approval of the Senate or the House of Delegates.

§2–1249.

The Department is the sole determiner of the form of public records released pursuant to Title 10, Subtitle 6, Part III of this article.

§2–1501.

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

(b) "Bill" includes a joint resolution.

(c) "Mandate" means a directive in a bill requiring a local government unit to perform a task or assume a responsibility that has a discernible fiscal impact on the local government unit.

(d) "Mandated appropriation" means a requirement in a bill that the Governor provide a certain level of funding in the annual budget bill for a specific program in the State.

§2–1502.

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

(2) "Department" means the Department of Legislative Services.

(3) "Prefile" means to direct the Department, before a regular session of the General Assembly, to file a bill for introduction during that session.

(b) A member or member-elect of the General Assembly may prefile a bill, as provided in this section.

(c) (1) In a year when an election for members of the General Assembly is held:

(i) a bill may be prefiled only by an individual elected or re-elected to the General Assembly at that election;

(ii) the deadline for directing the Department to file a bill for introduction is December 10;

(iii) the deadline for requesting the Department to prepare a bill for prefiling is November 20; and

(iv) an individual first elected at that election may not request the Department to prepare a bill until after the election.

(2) In any other year, a member may prefile a bill at any regular session by:

(i) on or before the preceding November 15, requesting the Department to prepare the bill; and

(ii) on or before the second Friday following Thanksgiving, directing the Department, in writing, to file the bill for introduction.

(d) A directive to file a bill for introduction shall be in writing and shall state the name of each sponsor of the bill.

(e) (1) On the first day of each regular session, the Department shall send to the Secretary of the Senate and the Chief Clerk of the House, as appropriate, copies of each bill, in the form that the Senate rules set for introduction in the Senate or that the House rules set for introduction in the House.

(2) Each bill that is sent under this subsection shall be considered as filed for introduction.

§2–1503.

A bill that a standing committee recommends as a result of its work when the General Assembly is not in session shall be introduced with the standing committee as sponsor.

§2–1504.

(a) For each regular or special session of the General Assembly, the Department of Legislative Services shall prepare and distribute, in serial order:

(1) a synopsis of each Senate bill that is introduced; and

(2) a synopsis of each House bill that is introduced.

(b) If the Department determines that a bill imposes a mandate on a local government unit, the synopsis shall include a statement that "This bill imposes a mandate on a local government unit."

(c) If the Department determines that a bill requires a mandated appropriation, the synopsis shall include a statement that "This bill requires a mandated appropriation in the annual budget bill."

§2–1505.

(a) Except as otherwise provided in this section, a committee may not vote on a bill unless:

(1) a fiscal note accompanies the bill; and

(2) if the bill affects the funding of a State pension system, an actuarial analysis of the bill is attached to or summarized in the note or the analysis is waived.

(b) (1) If a bill affects the funding of a State pension system and the standing committee to which the bill is referred determines that the fiscal impact on the State warrants an actuarial analysis of the bill, the standing committee shall ask the Department of Legislative Services to obtain the actuarial analysis.

(2) The standing committee may waive the actuarial analysis if the standing committee certifies that prompt action on the bill is needed to conduct legislative business.

(c) (1) The Executive Director of the Department of Legislative Services shall have that Department prepare a fiscal note for each bill.

(2) If the chairman of the committee to which a bill is referred certifies that prompt committee action on the bill is needed to conduct legislative business and, before the Department prepares the fiscal note for the bill, holds a hearing on the bill, the Department shall prepare the note as soon after the hearing as possible.

(3) When a standing committee asks for an actuarial analysis of a bill that affects a State pension system, the Department of Legislative Services shall:

(i) obtain the analysis; and

(ii) summarize the analysis in the fiscal note or attach the analysis to the note.

(4) The Department of Legislative Services shall send a copy of a fiscal note for a bill to the committee to which the bill is referred and to the primary sponsor of the bill.

(d) Upon request of the Department of Legislative Services, a unit of State or local government promptly shall provide any information requested by the Department for preparing a fiscal note.

(e) (1) A fiscal note for a bill shall contain an estimate of the fiscal impact of the bill on the revenues and expenditures of the State government and of local governments:

(i) during the year in which the bill is to become effective and the next 4 years after that year; and

(ii) if the full fiscal impact of a bill is not expected to occur during those years, during each year until and the first year during which that impact is expected to occur.

(2) If a bill, as introduced or amended, imposes a mandate on a local government unit, the fiscal note for the bill shall contain:

(i) a statement that clearly identifies the imposition of the mandate; and

(ii) an estimate of the fiscal impact of the mandate and, if applicable and if data is available, the effect on local property tax rates.

(3) If a bill, as introduced or amended, requires a mandated appropriation, the fiscal note for the bill shall contain:

(i) a statement that clearly identifies the imposition of the mandated appropriation; and

(ii) an estimate of the fiscal impact of the mandated appropriation.

(4) A fiscal note shall identify the sources of the information that the Department used in preparing the estimates of fiscal impact.

(f) As soon as possible after the adoption of an amendment that changes the fiscal impact of a bill, the Department of Legislative Services shall:

(1) prepare a revised fiscal note for the bill; and

(2) send the revised note:

(i) to the chairman of the committee to which the bill is referred in the house of origin;

(ii) if the bill has reached the opposite house, to the chairman of the committee to which the bill is referred in that house;

(iii) if the bill is in the custody of either the Secretary of the Senate or the Chief Clerk of the House, to that officer; and

(iv) to the primary sponsor of the bill.

(g) (1) The Department of Legislative Services shall keep a copy of each fiscal note for 3 years after preparation of the note.

(2) The copies shall be reasonably available for public inspection.

(h) Fiscal notes need not be published in the Senate journal or House journal.

(i) (1) A bill may be introduced without a fiscal note accompanying the bill.

(2) The validity of an enactment is not affected by the presence, absence, or content of the fiscal note.

(j) (1) (i) In its summary report of legislation enacted by the General Assembly that has a fiscal impact, the Department of Legislative Services shall include a list of legislation that:

1. affects local government units; or

2. requires a mandated appropriation in the annual budget bill.

(ii) In the list of legislation described in subparagraph (i)1 of this paragraph, the Department of Legislative Services shall indicate which legislation imposes mandates on local government units.

(2) Where applicable and if data is available, the report shall indicate:

(i) the fiscal impact of the bill on local government units;

(ii) the impact of the bill on local property tax rates;

(iii) the cumulative fiscal impact of all legislation imposing mandates on more than one local government unit; and

(iv) the cumulative fiscal impact of all legislation requiring mandated appropriations.

§2–1505.1.

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

(2) "Economic impact analysis" means an estimate of the cost or the economic benefit to small businesses that may be affected by a proposed bill introduced at a session of the General Assembly.

(3) "Economic impact analysis rating" means an estimate that a proposed bill will have:

(i) minimal or no economic impact on small businesses; or

(ii) meaningful economic impact on small businesses.

(4) "Small business" means a corporation, partnership, sole proprietorship, or other business entity, including its affiliates, that:

(i) is independently owned and operated;

(ii) is not dominant in its field; and

(iii) employs 50 or fewer full-time employees.

(b) (1) An economic impact analysis rating and an economic impact analysis, as appropriate, shall be prepared by the appropriate Executive Branch agency for each bill that is introduced at the request of the administration or a department, agency, or commission of the Executive Branch of State government.

(2) A copy of the economic impact analysis rating and the economic impact analysis required under this subsection shall be submitted by the Governor's office:

(i) to the Department of Legislative Services within a reasonable time frame prior to the hearing on the bill to allow the Department to comment on the economic impact analysis rating and the economic impact analysis; and

(ii) to the committee to which the bill is referred prior to the hearing on the bill.

(c) (1) An economic impact analysis rating and an economic impact analysis, as appropriate, shall be prepared by the Department of Legislative Services for each bill that is introduced by a member of the General Assembly.

(2) A copy of the economic impact analysis rating and the economic impact analysis required under this subsection shall be submitted by the Department of Legislative Services:

(i) to the primary sponsor of the bill; and

(ii) to the committee to which the bill is referred prior to the hearing on the bill.

(d) (1) If the appropriate Executive Branch agency or the Department of Legislative Services determines that a bill will have minimal or no economic impact on small businesses, the agency or Department shall indicate that determination by a brief written statement.

(2) If the appropriate Executive Branch agency or the Department of Legislative Services determines that a bill will have a meaningful economic impact on small businesses, the agency or Department shall develop a complete written economic impact analysis.

(3) (i) If the appropriate Executive Branch agency or the Department of Legislative Services determines that a bill will have a meaningful economic impact on small businesses and is unable to provide a complete written economic impact analysis, the agency or Department shall provide a written explanation of why the agency determined that the bill will have a meaningful economic impact.

(ii) The explanation may identify the impact in general terms and need not quantify the specific economic impact.

(e) The economic impact analysis rating and the economic impact analysis required under this section shall include estimates directly relating to the following factors, as appropriate:

(1) cost of providing goods and services;

(2) effect on the workforce;

(3) effect on the cost of housing;

(4) efficiency in production and marketing;

(5) capital investment, taxation, competition, and economic development; and

(6) consumer choice.

(f) (1) The Executive Branch agency or the Department of Legislative Services preparing the economic impact analysis rating and the economic impact analysis required under this section shall consult with, as appropriate:

(i) other units of State government;

(ii) units of local government; and

(iii) business, trade, consumer, labor, and other groups impacted by

or having an interest in the legislation.

(2) On request of the Executive Director of the Department of Legislative Services, a unit of the State or a local government shall provide the Department with assistance or information in the preparation of an economic impact analysis rating and economic impact analysis.

(g) (1) The Department of Legislative Services may include an economic impact analysis rating and economic impact analysis prepared by the Department or by the appropriate Executive Branch agency as part of a fiscal note.

(2) The Department of Legislative Services may comment on the economic impact analysis rating and economic impact analysis prepared by the appropriate Executive Branch agency.

(h) The Department of Legislative Services may revise the economic impact analysis rating and economic impact analysis consistent with an amended version of a bill.

(i) (1) The Department of Legislative Services shall keep a copy of each economic impact analysis rating and economic impact analysis for 3 years after preparation of the rating or the analysis.

(2) The copies shall be reasonably available for public inspection.

(j) Economic impact analysis ratings and economic impact analyses need not be published in the Senate journal or House journal.

(k) The validity of an enactment of a bill is not affected by the presence, absence, or content of an economic impact analysis rating or an economic impact analysis.

§2–1505.2.

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

(2) "Committee" means the Joint Committee on Administrative, Executive, and Legislative Review.

(3) "Economic impact analysis" means an estimate of the cost or the economic benefit to small businesses that may be affected by a regulation proposed by an agency pursuant to Title 10, Subtitle 1 of this article.

(4) "Economic impact analysis rating" means an estimate that a proposed regulation will have:

(i) minimal or no economic impact on small businesses; or

(ii) meaningful economic impact on small businesses.

(5) "Small business" means a corporation, partnership, sole proprietorship, or other business entity, including its affiliates, that:

(i) is independently owned and operated;

(ii) is not dominant in its field; and

(iii) employs 50 or fewer full-time employees.

(b) (1) An economic impact analysis rating and an economic impact analysis, as appropriate, shall be prepared by the appropriate Executive Branch agency for each regulation that the agency proposes for adoption pursuant to Title 10, Subtitle 1 of this article.

(2) A copy of the economic impact analysis rating and the economic impact analysis required under this subsection shall be submitted by the appropriate agency:

(i) to the Department of Legislative Services no later than the time the agency submits the regulation to the Committee to allow the Department to comment on the economic impact analysis rating and the economic impact analysis; and

(ii) to the Committee at the time the agency submits the regulation to the Committee.

(c) (1) If the appropriate Executive Branch agency or the Department of Legislative Services determines that a regulation will have minimal or no economic impact on small businesses, the agency or Department shall indicate that determination by a brief written statement.

(2) If the appropriate Executive Branch agency or the Department of Legislative Services determines that a regulation will have a meaningful economic impact on small businesses, the agency or Department shall develop a complete written economic impact analysis.

(3) (i) If the appropriate Executive Branch agency or the Department determines that a regulation will have a meaningful economic impact on small businesses and is unable to provide a complete written economic impact analysis, the agency or Department shall provide a written explanation of why the agency determined that the regulation will have a meaningful economic impact.

(ii) The explanation may identify the impact in general terms and need not quantify the specific economic impact.

(d) The economic impact analysis rating and the economic impact analysis required under this section shall include estimates directly relating to the following factors, as appropriate:

(1) cost of providing goods and services;

(2) effect on the workforce;

(3) effect on the cost of housing;

(4) efficiency in production and marketing;

(5) capital investment, taxation, competition, and economic development; and

(6) consumer choice.

(e) (1) The Executive Branch agency or the Department of Legislative Services preparing the economic impact analysis rating and the economic impact analysis required under this section shall consult with, as appropriate:

(i) other units of State government;

(ii) units of local government; and

(iii) business, trade, consumer, labor, and other groups impacted by or having an interest in the regulation.

(2) On request of the Executive Director of the Department of Legislative Services, a unit of the State or a local government shall provide the Department with assistance or information in the preparation of an economic impact analysis rating and economic impact analysis.

(f) The Department of Legislative Services shall:

(1) comment on the economic impact analysis rating and economic impact analysis prepared by the appropriate Executive Branch agency; and

(2) transmit its comment to the Committee.

(g) The Department of Legislative Services shall revise the economic impact analysis rating and economic impact analysis consistent with an amended version of a regulation.

(h) (1) The Department of Legislative Services shall keep a copy of each economic impact analysis rating and economic impact analysis for 3 years after preparation of the rating or the analysis.

(2) The copies shall be reasonably available for public inspection.

(i) Economic impact analysis ratings and economic impact analyses shall be published in the Maryland Register at the same time as:

(1) a notice of proposed adoption of a regulation is published in the Maryland Register; or

(2) a notice of emergency adoption for a regulation is published in the Maryland Register.

(j) The validity of an enactment of a regulation is not affected by the presence, absence, or content of an economic impact analysis rating or an economic impact analysis.

§2–1506.

When the General Assembly passes a bill, it shall be returned to the house of origin.

§2–1508.

In this Part II of this subtitle, "bill" does not include a joint resolution.

§2–1509.

(a) As soon as practicable after a bill is returned to the house of origin, the presiding officer shall have the State seal affixed to the bill and shall present the bill to the Governor or a designee of the Governor.

(b) The presiding officer who presents the bill or the clerk designated by the presiding officer shall:

(1) in the presence of the individual to whom the bill is presented, make and sign, on the back of the bill, a written memorandum of the day and hour of presentment; and

(2) have a corresponding entry made in the Senate journal or the House journal.

§2–1510.

(a) The Governor may designate another individual to receive bills while the Governor is ill or necessarily absent from the seat of the State government.

(b) A designation under this section:

(1) shall be in writing;

(2) shall be sent to the presiding officer of the Senate and the presiding officer of the House;

(3) on receipt by those officers, shall be entered in full in the Senate journal and the House journal; and

(4) is effective during the period that the Governor specifies.

§2–1511.

(a) The Governor shall deliver to the Secretary of State or a designee in the Secretary's office:

(1) each bill that the Governor approves, immediately after the approval;

(2) each bill that becomes law without the approval of the Governor, on the day the bill becomes law;

(3) each bill that the Governor vetoes; and

(4) each executive order effective under Article II, § 24 of the Maryland Constitution.

(b) (1) Subject to § 2-1238 of this title, the Secretary of State shall assign a chapter number to each bill that becomes law and to each executive order issued pursuant to Article II, § 24 of the Maryland Constitution.

(2) Chapter numbers shall be assigned in the order in which the bills become law.

§2–1512.

(a) The Secretary of State shall keep, for each session, a permanent record of the bills and executive orders that the Governor delivers to the Secretary under this subtitle. The record shall be known as the record of chapter numbers.

(b) (1) The Secretary of State shall enter, in the record, the chapter number of each bill that becomes law and each executive order.

(2) Near the chapter number, the Secretary of State shall enter:

(i) the Senate bill number, the House bill number, or the executive order number;

(ii) a brief summary of the subject of the bill or executive order;

(iii) as to a bill, the date of its presentment to the Governor; and

(iv) the date on which the bill or order was approved by the Governor or otherwise became law.

(c) (1) After the last chapter number, the Secretary of State shall enter, by Senate bill number or House bill number, a list of the bills that the Governor vetoed.

(2) Near the bill number, the Secretary of State shall enter:

(i) a brief summary of the subject of the bill;

(ii) the date of presentment to the Governor; and

(iii) the date of veto.

§2–1513.

(a) The Secretary of State shall deliver to the clerk of the Court of Appeals each bill that becomes law.

(b) With respect to bills that the Governor vetoes, the Secretary of State shall deliver:

(1) to the house of origin, each bill that the Maryland Constitution requires to be returned to that house; and

(2) to the State Archives, every other bill.

§2–1514.

(a) If the General Assembly adopts a joint resolution that asks the Governor or an official of a unit of the Executive Branch of the State government to take any action, the Governor or the official shall give the Legislative Policy Committee and each sponsor of the resolution notice of the action taken under the resolution.

(b) Notice under this section shall be given on or before any date established by the resolution.

§2–1601.

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

(b) (1) "Hearing" means a meeting that an investigating committee holds, during an investigatory proceeding, to take testimony or to receive other evidence.

(2) "Hearing" does not include a preliminary conference or interview at which testimony is not taken under oath.

(c) "Investigating committee" means any of the following bodies that may obtain, for the use of the General Assembly, information on a specific subject by compelling the attendance and testimony of witnesses or the production of books, documents, papers, and records:

(1) a standing committee or a subcommittee of a standing committee;

(2) a joint committee of the Senate and the House or a subcommittee of a joint committee; or

(3) the Legislative Policy Committee or any of its committees or subcommittees.

§2–1602.

(a) This subtitle establishes a code of fair procedures for the operation of an investigating committee so that it may hold hearings and otherwise properly carry out its powers and duties fairly, impartially, and consistently with:

(1) the constitutional rights of a person who is involved in a proceeding of the investigating committee; and

(2) the public good.

(b) This subtitle does not limit the acquisition of information or evidence by an investigating committee through a lawful means other than as provided in this subtitle.

(c) This subtitle does not limit the authority of a committee of the General Assembly or any subcommittee of a committee of the General Assembly to exercise the power to administer oaths and subpoena witnesses and records as otherwise authorized by law.

§2–1603.

(a) An investigating committee may be established only by a resolution of the Senate or the House.

(b) The resolution shall state the investigating committee's:

(1) purpose;

(2) powers;

(3) duties;

(4) duration;

(5) subject matter;

(6) scope of investigatory authority; and

(7) size.

§2–1604.

An investigating committee shall have at least 5 members.

§2–1605.

(a) An investigating committee shall have the chairman and vice chairman who:

(1) are appointed by the resolution that establishes the investigating committee; or

(2) if the resolution does not appoint these officers, are elected by affirmative vote of a majority of all of the members of the investigating committee.

(b) The rules of an investigating committee shall provide for the selection of a presiding officer to act if the chairman and the vice chairman are absent or unable to act.

(c) (1) At a hearing of an investigating committee, the presiding officer shall be:

(i) the chairman of the investigating committee;

(ii) if the chairman is absent or otherwise unable to preside, the vice chairman; or

(iii) if the chairman and vice chairman are absent or otherwise unable to preside, the individual who is selected under the rules of the investigating committee.

(2) At a hearing, the presiding officer:

(i) shall examine the witnesses or supervise the examination by any other member of the investigating committee or by staff who are authorized to examine witnesses; and

(ii) may direct a witness to answer a relevant question or to provide a relevant book, document, or paper.

§2–1606.

(a) (1) A majority of the full authorized membership of an investigating committee is a quorum.

(2) Unless there is a quorum, an investigating committee may not act at any meeting or hold a hearing.

(3) Unless a greater vote expressly is required in this subtitle, an investigating committee may act by a majority vote of its members who are present at a meeting and vote.

(b) Subject to the requirements of law and any rule of the General Assembly, an investigating committee may employ necessary staff for which funds are available.

§2–1607.

(a) An investigating committee may exercise its powers:

(1) when the General Assembly is in session; and

(2) when the General Assembly is not in session, if the investigating committee is authorized to do so:

(i) by law;

(ii) by the resolution that establishes the investigating committee; or

(iii) by the law or resolution from which the investigating committee derives its investigatory powers.

(b) (1) An investigating committee shall adopt rules that govern its procedures, including the conduct of hearings.

(2) The rules may not be inconsistent with law or any applicable rules of the General Assembly.

§2–1608.

(a) (1) By a majority vote of all of the members of an investigating committee, the investigating committee may issue a subpoena that requires the appearance of a person, the production of relevant records, and the giving of relevant testimony.

(2) A request to appear, appearance, or submission of evidence does not limit the subpoena power of the investigating committee.

(b) The subpoena shall be served:

(1) in the manner provided by law for service of a subpoena in a civil action;

(2) at least 7 days before the time that the subpoena sets for appearance or production of records; and

(3) with the following documents:

(i) a copy of the resolution that establishes the investigating committee;

(ii) a copy of the rules of the investigating committee;

(iii) a statement of the subject of the investigation or inquiry of the investigating committee; and

(iv) if the subpoena requires the appearance of a person, notice that

counsel may accompany the person.

(c) A person who is subpoenaed to appear at a hearing is entitled to receive the fees and allowances that are provided for a person who is subpoenaed by a circuit court.

(d) (1) A person may be held in contempt if the person unjustifiably:

(i) fails or refuses to comply with a subpoena for appearance;

(ii) appears but fails or refuses to testify under oath; or

(iii) unless the directive is overruled by a majority vote of the members of the investigating committee who are present at the hearing, disobeys a directive of the presiding officer at the hearing to answer a relevant question or to produce a relevant book, document, or paper that has been subpoenaed.

(2) If an investigating committee fails, in any material respect, to meet the requirements of this subtitle and the person who is subpoenaed is prejudiced by the failure:

(i) the person need not comply; and

(ii) the failure is a complete defense in a proceeding against the person for contempt or other punishment.

(e) (1) By a majority vote of all of the members of an investigating committee, the investigating committee may apply for a contempt citation:

(i) when the General Assembly is not in session, to a circuit court; and

(ii) when the General Assembly is in session:

1. to the General Assembly;

2. to the Senate, if the Senate established the investigating committee; or

3. to the House, if the House established the investigating committee.

(2) The General Assembly, the Senate, or the House:

(i) may consider the application as though the alleged contempt had been committed in or against that body; and

(ii) in addition to any penalty that a court imposes, may impose any other punishment that the body has the inherent power to impose.

§2–1609.

(a) An investigating committee may hold any hearing that the investigating committee considers appropriate, at the times and places that it determines.

(b) (1) The rules of an investigating committee shall provide for written notice of a hearing to be given to the members:

(i) at least 3 days before the hearing, if it is held when the General Assembly is in session; and

(ii) at least 7 days before the hearing, if it is held when the General Assembly is not in session.

(2) Notice of a hearing shall include a statement of the subject matter.

(3) A hearing and action that is taken at a hearing are not invalid only because notice is not given as provided in this subsection.

(c) A hearing shall be public unless, by a majority vote of all of the members of the investigating committee, the investigating committee determines otherwise.

(d) (1) With the consent of a majority of the members of an investigating committee who are present at a hearing, a witness or counsel for the witness may submit to the investigating committee a sworn statement that is relevant to the purpose, subject, and scope of the investigation or inquiry.

(2) If an investigating committee believes that a person may be affected adversely because the person is named or otherwise identified at a hearing, the person may:

(i) on request of the person or a member of the investigating committee, testify in the person's behalf; or

(ii) with the consent of the investigating committee, submit a sworn statement or other documentary evidence.

(3) With the consent of a majority of the members of the investigating committee, any other person may testify or submit a sworn statement or other documentary evidence.

(e) (1) At a hearing, a person shall testify under oath unless, by a majority vote of the members who are present at the hearing, the investigating committee waives the requirement for the person.

(2) Any member of the investigating committee may administer an oath.

(f) (1) Counsel may accompany a witness at a hearing and advise the witness

of the rights of the witness.

(2) An investigating committee may set limits to prevent obstruction of or interference with the orderly conduct of the hearing.

(g) (1) A witness at a hearing or counsel for the witness may submit to the investigating committee a proposed question, for the witness or any other witness.

(2) The investigating committee shall ask the question if the investigating committee considers the question appropriate to the subject matter of the hearing.

(h) (1) An investigating committee shall have a record made of each hearing.

(2) The record shall include:

(i) each ruling of the presiding officer;

(ii) each question of the investigating committee and its staff;

(iii) the testimony and responses of each witness;

(iv) each sworn statement or other documentary evidence that the investigating committee permits a person to submit; and

(v) any other matter that the investigating committee or its chairman directs.

(3) The investigating committee shall provide to a witness a certified transcript of the witness' testimony, if the witness asks in advance and pays for the transcript.

(i) (1) This subsection does not:

(i) prevent the disclosure of evidence by the person who gives evidence, if only that person could claim a privilege against disclosure; or

(ii) limit any power of the General Assembly, the Senate, or the House to discipline a member or employee or to impose a penalty if a State's Attorney or court does not act under this subsection.

(2) If a hearing of an investigating committee is closed to the public, testimony and other evidence that is given at the hearing may not be made public unless, by a majority vote of all of the members of the investigating committee, the investigating committee permits disclosure and specifies the form and manner of disclosure.

(3) On application of a person who claims to have been injured or prejudiced by an unauthorized disclosure or on motion of a State's Attorney, the State's Attorney may begin proceedings for imposition of penalties under this

subsection.

(4) A person who violates any provision of this subsection is subject to a fine not exceeding $1,000 or imprisonment not exceeding 30 days or both.

§2–1701.

(a) A person who is not a member of the General Assembly may not operate an electrical voting machine to vote on a question before the Senate or the House.

(b) In addition to any penalty that the Senate or the House sets, a person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not more than 5 years.

§2–1702.

(a) A person may not willfully disrupt, interfere with, attempt to disrupt, or attempt to interfere with a session, meeting, or proceeding of the General Assembly, the Senate, or the House or any of their committees, by:

(1) making, alone or with another person, a noise that tends to be disruptive;

(2) using abusive or obscene language;

(3) making an obscene gesture;

(4) engaging in violent, tumultuous, or threatening behavior;

(5) refusing to comply with the lawful order of the police to disperse; or

(6) doing any other disruptive or interfering act.

(b) A person may not picket willfully in a building where:

(1) the Senate or the House has a chamber;

(2) a member of the General Assembly has an official office; or

(3) a committee of the General Assembly, the Senate, or the House has an office.

(c) A person may not prevent or attempt to prevent, willfully and with force, the performance of a function, power, or duty by a member, officer, or employee of the General Assembly, the Senate, or the House or any of their committees.

(d) A person may not:

(1) willfully and without legal authority, obtain, withhold, destroy, deface,

or alter an official document or record of the General Assembly, the Senate, or the House or any of their committees; or

(2) without legal authority, possess, withhold, destroy, or deface real or personal property that the General Assembly, the Senate, or the House or any of their committees owns or uses.

(e) (1) This subsection does not apply to:

(i) a law enforcement officer of any state or of the federal government who is carrying out duties of the office; or

(ii) a person whom the officer summons to help in making an arrest or in preserving the peace.

(2) A person may not willfully bring an assault weapon or other firearm or destructive device, as defined in § 4-501 of the Criminal Law Article, into or have an assault weapon or other firearm or destructive device in a building where:

(i) the Senate or the House has a chamber;

(ii) a member, officer, or employee of the General Assembly has an official office; or

(iii) a committee of the General Assembly, the Senate, or the House has an office.

(f) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 1 year or both.

§2–1801.

(a) Privileges from testifying for members of the General Assembly are found in § 9-122 of the Courts Article.

(b) Provisions relating to civil immunity for acts and omissions in the performance of constituent services by members of the General Assembly are found in § 5-525 and § 5-526 of the Courts Article.

§2–1802.

(a) Papers, books, accounts, documents, testimony, and records sought in accordance with a subpoena issued under § 2–408, § 2–507, § 2–807, § 2–1104, or § 2–1608 of this title in connection with a lawfully authorized legislative inquiry or examination must be pertinent to the inquiry or examination.

(b) For purposes of subsection (a) of this section, papers, books, accounts,

documents, testimony, or records are considered pertinent if they:

(1) relate to the matters under inquiry or examination;

(2) assist in assessing the credibility of a witness;

(3) contradict or corroborate the testimony of a witness; or

(4) demonstrate the existence of undue influence on a witness.

§2–1803.

(a) This section applies to a petition for an order directing compliance with a subpoena or compelling testimony under § 2–408, § 2–507, § 2–807, or § 2–1104 of this title.

(b) The petition shall be filed in the Circuit Court for Anne Arundel County or, at the election of the petitioner, in any county in which venue would be appropriate under § 6–201 of the Courts Article.

(c) (1) Except as otherwise provided in this subsection, the petition shall set forth the questions or requests that were asked or made of the party whose conduct necessitated the petition and, if any, the answers or objections provided or raised by that party.

(2) The petitioner may satisfy the provisions of paragraph (1) of this subsection by attaching the relevant portions of a transcript to the petition.

(3) The petitioner need not comply with the provisions of paragraph (1) of this subsection if there has been no response to the subpoena.

(d) Any response to the petition shall be filed by the party served with the petition within 15 days after being served with the petition, unless that time period is shortened by order of the court.

(e) (1) A response to a petition filed by the party whose conduct necessitated the petition is the only pleading that an objecting party may file to object to a subpoena.

(2) The party whose conduct necessitated the petition may not file a motion to quash or a petition for an injunction with respect to the subpoena.

(f) (1) Except for cases that the court considers to require a higher priority, a proceeding under this section, including any subsequent appellate judicial review, shall:

(i) take precedence on the court's docket;

(ii) be heard at the earliest practicable date; and

(iii) be expedited in every way.

(2) In any hearing on the petition in a proceeding under this section, the court may not allow any additional evidence.

(g) Notwithstanding any other provision of law, a party to a proceeding under this section may appeal the decision of the circuit court only by a petition to the Court of Appeals for the issuance of a writ of certiorari.

§2–1804.

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

(2) "Personal information" means an individual's:

(i) Social Security number; or

(ii) driver's license number.

(3) "Publicly post or display" means to intentionally make available to the public.

(b) Except as otherwise provided by law, on or after June 1, 2010, the General Assembly, to the extent practicable, may not publicly post or display on an Internet Web site maintained or paid for by the General Assembly an individual's personal information.

§3–101.

There are a Governor and a Lieutenant Governor of the State, as provided in Article II of the Maryland Constitution.

§3–102.

For the term of office beginning on January 21, 2015, the annual salaries of the Governor and Lieutenant Governor are:

(1) Governor:

(i) for the first year, $165,000;

(ii) for the second year, $170,000;

(iii) for the third year, $175,000; and

(iv) for the fourth year, $180,000; and

(2) Lieutenant Governor:

(i) for the first year, $137,500;

(ii) for the second year, $141,500;

(iii) for the third year, $145,500; and

(iv) for the fourth year, $149,500.

§3–201.

In this subtitle, "Governor-elect" means the individual whom the Board of State Canvassers declares to be the successful candidate for Governor after a general election for that office.

§3–202.

(a) The General Assembly finds that, since a disruption of continuity in the conduct of the affairs of the State government could be detrimental to the safety and welfare of the State and its people, the transfer of executive power, in connection with the expiration of the term of a Governor and the inauguration of another Governor, must be carried out in a manner that ensures continuity.

(b) The purpose of this subtitle is to promote the orderly transfer of executive power.

(c) The General Assembly intends that:

(1) appropriate action be taken to avoid or to minimize any disruption of continuity in the conduct of the affairs of the State government; and

(2) in addition to the specific provisions of this subtitle, each State officer, in conducting the affairs of the State government:

(i) consider the problems that result from a transfer of executive power;

(ii) take appropriate and lawful action to avoid or to minimize any disruption; and

(iii) otherwise promote an orderly transfer of executive power.

§3–203.

This subtitle does not apply if the Governor-elect is the incumbent Governor.

§3–204.

(a) To inform career civil servants about program goals and new policies and to establish communication with the administration of the incumbent Governor, the

Governor-elect may circulate questionnaires or otherwise obtain information from the administration.

(b) The Governor-elect may ask any question that will help to carry out the purpose of this subtitle, including a question that is intended to obtain:

(1) a description of a program;

(2) a recommendation and justification for expansion, limitation, or elimination of a service;

(3) a projection of future developments or needs in a program;

(4) a recommendation for an administrative change;

(5) a comment on anticipated federal developments that might affect a program or the State budget; or

(6) an elaboration of procedural details.

(c) The incumbent Governor shall direct that all official documents, vital information, and procedural manuals are to be made available to the Governor-elect.

§3–205.

(a) The Secretary of Budget and Management shall provide to a Governor-elect:

(1) the information requested by the Governor-elect that is the basis for the proposed budget to be submitted by the Governor-elect for the next fiscal year; and

(2) after completion of the proposed budget:

(i) a copy of the proposed budget; and

(ii) all facilities that the Governor-elect reasonably needs to become familiar with the proposed budget.

(b) (1) After the Governor-elect reviews the proposed budget, the Governor-elect may prepare proposed additions and other changes.

(2) The Secretary of Budget and Management shall:

(i) on request of the Governor-elect, help prepare the proposed changes;

(ii) have printed as many copies of the proposed changes as the Governor-elect requests;

(iii) on or before the 1st day of the regular session of the General

Assembly, compile a summary of the proposed changes; and

(iv) on request of the Governor-elect, distribute the copies of the proposed changes to the appropriate agencies and officials.

(c) Immediately following the meeting of the Board of State Canvassers, the Governor-elect may call upon any unit of the Executive Branch to assist in developing the Governor-elect's budget for the next ensuing fiscal year.

(d) The initial preparation of the budget shall be at the direction of the incumbent Governor. The preparation of the final budget shall be at the direction of the Governor-elect who shall submit it to the General Assembly as provided by Article III, § 52 of the Maryland Constitution.

(e) The Governor whose term is ending may not submit a proposed budget to the General Assembly.

§3–206.

(a) (1) Any State employee may be assigned to the office staff of the Governor-elect.

(2) During that assignment, the employee:

(i) is responsible only to the Governor-elect for the performance of duties;

(ii) is entitled to the compensation provided by law for the regular employment of the employee; and

(iii) retains the rights and privileges of that employment.

(b) (1) In addition to any State employee assigned under subsection (a) of this section, a Governor-elect may appoint other office staff.

(2) An individual who is appointed under this subsection is not a regular employee of the State government.

§3–207.

(a) (1) Subject to the limitation in paragraph (2) of this subsection, the Secretary of General Services may provide any necessary facility or service that a Governor-elect requests for use in preparing to assume the duties of office, including the facilities and services set forth in this section.

(2) The Secretary of General Services may not pay any obligation for the provision of facilities or services that a Governor-elect incurs on or before the date of the general election for the office of Governor.

(b) After consultation with a Governor-elect, the Secretary of General Services may provide office space that is suitable and has appropriate supplies and furnishings.

(c) The Secretary of General Services may authorize:

(1) payment of any expenses for services of consultants for the Governor-elect;

(2) reimbursement of a unit of the State government whose employee is assigned to the office staff of the Governor-elect;

(3) payment of the compensation that the Governor-elect sets for other staff; and

(4) payment of appropriate subsistence allowances and other travel expenses, including the rental of motor vehicles, that the Governor-elect finds necessary for individuals who are employed intermittently or serve without compensation.

(d) The Secretary of General Services may:

(1) provide the communication services that the Governor-elect finds necessary;

(2) authorize payment for necessary printing and binding; and

(3) provide for the conveyance of mail that the Governor-elect sends in connection with preparing to assume the duties of office.

§3–208.

(a) In each budget bill for a fiscal year in which the term of a Governor expires, the Governor shall include an appropriation, to the Secretary of General Services, of the money needed to carry out the purpose of this subtitle.

(b) The appropriation under this section may not be more than $50,000.

(c) If the Governor-elect is the incumbent Governor, the appropriation under this section shall revert to the General Fund of the State.

§3–209.

This subtitle may be cited as the "Maryland Gubernatorial Transition Act".

§3–301.

In addition to the powers granted and duties imposed elsewhere, the Governor has the powers and duties set forth in this subtitle.

§3–302.

The Governor is the head of the Executive Branch of the State government and, except as otherwise provided by law, shall supervise and direct the officers and units in that Branch.

§3–303.

(a) The Governor is the commander-in-chief of the land and naval militia of the State, except for any part of the militia that is in the active military service of the United States.

(b) (1) As to the land militia, the Governor may adopt any regulation or issue any order on enlistment, discharge, organization, discipline, training, and equipment that is needed to conform to Title 13 of the Public Safety Article, to the National Defense Act, or to any regulation that is adopted under the National Defense Act.

(2) As to a naval militia, the Governor may:

(i) by executive order, organize, arm, and equip the naval militia; and

(ii) provide for its administration and discipline in a manner that, to the extent practicable, shall conform to federal law.

§3–304.

The Governor has the emergency powers and duties set forth in:

(1) Title 14 and § 13-702 of the Public Safety Article;

(2) § 18-212.1 of the Health - General Article; and

(3) any other law.

§3–305.

The Governor may send to the Legislative Policy Committee a message that recommends legislation or explains a policy of the Governor.

§3–306.

(a) In this section, "governing board" means a board of directors, managers, trustees, or visitors.

(b) The Governor may appoint 1 or more individuals who are discreet to represent the Governor at a meeting of the governing board of a corporation or institution that receives financial assistance from the State Treasury.

(c) (1) An individual appointed under this section may attend any meeting of the governing board.

(2) At the meeting, the individual may not vote, but may give an opinion on any matter being considered or discussed.

§3–307.

(a) On the filing of a complaint against a civil or military officer who may be suspended or removed from office by the Governor, the Governor:

(1) shall provide to the respondent:

(i) a copy of the complaint; and

(ii) notice of the time when the Governor shall hear the complaint;

(2) may summon any witness to testify concerning the complaint, pay the witness a fee of $1 a day for attending, and reimburse the witness for travel expenses incurred in testifying;

(3) may designate one or more individuals to attend on the Governor's behalf any part of any hearing that relates to the establishment of the facts of the complaint; and

(4) may order either party or the State to pay any costs of the proceeding.

(b) The Governor, in the same manner as a court of the State, may enforce:

(1) the attendance of a witness summoned under subsection (a)(2) of this section; or

(2) an order under subsection (a)(4) of this section for payment of costs by a party or the State.

(c) If the State is ordered to pay costs under subsection (a)(4) of this section, the Comptroller shall issue a warrant to the Treasurer to pay the costs.

§3–308.

(a) (1) In this section, "international trade agreement" means a trade agreement between the federal government and a foreign country to which the State, at the request of the federal government, is a party.

(2) "International trade agreement" does not include a trade agreement between the State and a foreign country to which the federal government is not a party.

(b) Except as provided in subsection (c) of this section, State officials, including the Governor, may not:

(1) bind the State to the government procurement rules of an international trade agreement; or

(2) give consent to the federal government to bind the State to the government procurement rules of an international trade agreement.

(c) The Governor may bind the State or give consent to the federal government to bind the State to the government procurement rules of an international trade agreement only if the General Assembly enacts legislation that explicitly authorizes the Governor to bind the State or give consent to the federal government to bind the State to the government procurement rules of a specific international trade agreement.

§3–401.

In this subtitle, "executive order" means an order or an amendment or rescission of an order that, over the signature of the Governor:

(1) proclaims or ends a state of emergency or exercises the authority of the Governor during an emergency, under Title 14, Subtitle 3 of the Public Safety Article or any other provision of law;

(2) adopts guidelines, rules of conduct, or rules of procedure for:

(i) State employees;

(ii) units of the State government; or

(iii) persons who are under the jurisdiction of those employees or units or who deal with them;

(3) establishes a unit, including an advisory unit, study unit, or task force; or

(4) changes the organization of the Executive Branch of the State government.

§3–402.

An executive order that amends another executive order shall show each addition or deletion in the manner shown in a bill in the General Assembly.

§3–403.

An executive order has the effective date set in the executive order.

§3–404.

(a) Upon issuance of an executive order, the Governor shall deliver the original or a certified copy of it to the Secretary of State.

(b) The Secretary of State shall:

(1) index the executive orders that the Governor delivers under this section;

(2) keep each executive order during the term of office of the Governor who delivered the executive order, including a consecutive term; and

(3) then deliver the executive order to the State Archives.

§3–405.

(a) Within 10 days after the Governor delivers an executive order to the Secretary of State, the Secretary shall deliver 2 copies of the executive order to the Executive Director of the Department of Legislative Services.

(b) The Secretary of State shall deliver 1 certified copy of each executive order to the Administrator of the Division of State Documents.

§3–406.

(a) The publisher of the Code of Public General Laws shall codify each executive order that is issued in statutory form under Article II, § 24 of the Maryland Constitution, as statutes are codified.

(b) (1) The Executive Director of the Department of Legislative Services shall publish all other executive orders and all proclamations that are required to be published.

(2) The Executive Director shall:

(i) to the extent possible, arrange each of these executive orders or proclamations by the article of the Code to which the executive order or proclamation relates; and

(ii) publish these executive orders and proclamations in a volume.

(c) (1) The Executive Director is not required to publish any executive order that has been rescinded or has expired.

(2) The Executive Director shall establish a procedure to remove from the Code an executive order or proclamation that has been rescinded or has expired.

§4–101.

There is a Comptroller of the State, as provided in Article VI, § 1 of the Maryland Constitution.

§4–102.

(a) While in office, the Comptroller shall be covered by a surety bond as required in this section.

(b) The surety bond of the Comptroller shall:

(1) run to the State;

(2) be in the amount of $200,000;

(3) be with surety that the Governor approves; and

(4) be conditioned on the Comptroller:

(i) accounting for the funds that are received under color of office; and

(ii) otherwise discharging faithfully each duty of office.

(c) After execution and approval of a surety bond under this section, the surety bond shall be recorded in the office of the Clerk of the Court of Appeals.

§4–103.

The Comptroller's annual salary shall be:

(1) $137,500 for the first year of the term beginning January 2015;

(2) $141,500 starting on the first anniversary of the beginning of the term;

(3) $145,500 starting on the second anniversary of the beginning of the term; and

(4) $149,500 starting on the third anniversary of the beginning of the term and thereafter.

§4–104.

(a) (1) The Comptroller may employ a staff in accordance with the State budget.

(2) The staff shall perform the duties that the Comptroller assigns.

(b) (1) From among the employees on the staff, the Comptroller may designate 1 Chief Deputy Comptroller and 1 or more deputy comptrollers.

(2) While in office, the Chief Deputy Comptroller and each deputy comptroller shall be covered by a surety bond in the form and amount required by law.

(3) A designation as Chief Deputy Comptroller or as deputy comptroller may be terminated:

(i) by the Comptroller for any reason that the Comptroller considers sufficient; or

(ii) if the Comptroller is ill or absent, by the other members of the Board of Public Works for any reason that the members consider sufficient.

(4) A termination of the designation as Chief Deputy Comptroller or as deputy comptroller is not, of itself, a termination of employment.

§4–105.

(a) If the Comptroller temporarily is unable or unavailable to carry out the duties of office, an acting comptroller shall have the powers and duties of the office, as provided in this section.

(b) The Chief Deputy Comptroller shall be the acting comptroller under this section, unless the members of the Board of Public Works, other than the Comptroller, appoint another individual as acting comptroller and give the Chief Deputy Comptroller written notice of the appointment.

(c) If the Comptroller gives the Board of Public Works and the Chief Deputy Comptroller written notice of a temporary inability or unavailability, the acting comptroller shall serve:

(1) on and after the date that the Comptroller sets in the notice; and

(2) until the Comptroller gives the Board of Public Works and the acting comptroller written notice that the Comptroller is able to carry out the duties.

(d) If the Comptroller has not given notice, but the other members of the Board of Public Works make a formal, written determination of a temporary inability or unavailability of the Comptroller, the acting comptroller shall serve:

(1) on and after the date of the determination; and

(2) until the members determine and give the Comptroller and the acting comptroller written notice that the Comptroller is able to carry out the duties.

(e) The Court of Appeals has exclusive original jurisdiction, on petition of the Governor, the Comptroller, the Treasurer, or the acting comptroller, to determine any issue that arises under this section and to pass any appropriate order.

§4–106.

(a) Subject to the limitation in subsection (b) of this section, the Comptroller

may transfer any staff, funds, or equipment from any unit in the Office of the Comptroller to another unit in the Office.

(b) The class and grade of staff who are transferred may not be reduced by reason of the transfer.

§4–107.

The Governor or any member of the General Assembly may inspect, during regular business hours, the accounts and general books of the Comptroller.

§4–108.

(a) The Comptroller shall set the number and compensation of assistant clerks or deputies employed by each register of wills.

(b) Compensation from an account for services of an assistant clerk, deputy, or other individual who performs any of the duties pertaining to the office of a register of wills may not be allowed until the individual certifies under oath that:

(1) the services have been performed;

(2) the individual has received, for personal use and benefit, the full sum to be charged to the account;

(3) the individual has not paid, deposited, or assigned, or contracted to pay, deposit, or assign, any part of the compensation to the use of another; and

(4) the individual, directly or indirectly, has not paid or given, or contracted to pay or give, a reward or compensation for the office or employment or its emoluments.

(c) The Comptroller shall increase the salary of each of the nonelected employees in the offices of the registers of wills commensurate with the increases granted to State employees generally.

§4–109.

The bond of each register of wills and each other officer and employee of the State or unit of the State shall be made to the State and, other than the bond of the Comptroller, each bond when executed shall be filed with the Comptroller after any approval of the bond required by statute.

§4–110.

(a) This section applies to all licenses issued by the clerks of the courts other than those issued under Title 17 of the Business Regulation Article.

(b) The Comptroller shall have printed or otherwise prepared, in the forms

required by law or usage, blank licenses of every kind:

(1) issued by the clerks of the courts of the State; and

(2) authorized by law.

(c) The Comptroller shall deliver to the clerks the number and kind of blank licenses required by the clerks.

§4–111.

(a) This section applies to all accounts in the public offices of the State and all proceedings in the courts of the State.

(b) All accounts in the State shall be expressed in dollars and cents.

§5–101.

(a) There is a Treasurer of the State, as provided in Article VI, § 1 of the Maryland Constitution.

(b) (1) The General Assembly may designate a committee to consider the qualifications of the candidates and procedures for the casting of ballots for the appointment.

(2) A committee designated under this subsection shall consist of an equal number of Senators and Delegates.

(3) The President and the Speaker shall each designate a cochairman of the committee.

(4) At least 7 days prior to the public hearing, staff shall advertise the position in newspapers of general circulation in the State.

(5) The committee shall conduct a public meeting at which time candidates for the Office of Treasurer shall present themselves.

(6) The committee shall determine its procedures which shall include a secret ballot, limited to the members present and voting, to determine its nominee.

(c) If the General Assembly designates a committee under subsection (b) of this section, the committee shall report to the General Assembly on the qualifications of the candidates for the Office of Treasurer and recommend one of the candidates to the General Assembly for the appointment as Treasurer.

(d) (1) During the first session following the election of new members to the General Assembly, the General Assembly shall meet in joint session to appoint the Treasurer.

(2) If the General Assembly does not appoint someone to the Office of Treasurer at the time of its first joint session to consider the appointment of a Treasurer, the General Assembly shall continue to meet in joint session on a daily basis until a Treasurer is appointed.

(e) (1) The appointment of the Treasurer by the General Assembly shall be determined by a majority of the membership present and voting of the Senate and the House, sitting jointly.

(2) Each member of the General Assembly shall have 1 vote.

(3) (i) The name of each person who applies shall be placed on the ballot that is distributed at the joint session and the ballot shall contain a place for a write-in candidate. A candidate may withdraw his or her name at any time.

(ii) Before ballots are distributed, the Reading Clerk shall read the letter of recommendation, if any, from the joint committee for which provision is made in subsection (c) of this section. Once read, the joint session shall immediately proceed with the balloting. Nominating speeches may not be made from the floor.

(iii) The casting of ballots for the appointment of the Treasurer shall be by secret ballot.

(iv) Ballots shall be distributed by representatives of the Office of the Secretary of the Senate and of the Chief Clerk of the House of Delegates. The Secretary of the Senate shall open each ballot and hand it to the Chief Clerk of the House, who shall announce for whom the vote is cast.

(v) The counting of ballots shall be observed by:

1. the Majority Leader of the Senate;

2. the Minority Leader of the Senate;

3. the Majority Leader of the House of Delegates;

4. the Minority Leader of the House of Delegates; and

5. any other member of either chamber so designated by the President of the Senate or the Speaker of the House.

(4) The Rules of the House of Delegates, as adopted for the session at which the State Treasurer is appointed, shall govern the proceedings of the joint session or sessions. The members of the General Assembly, sitting jointly, shall determine any other procedure necessary for the casting of ballots for the appointment of the Treasurer.

(f) Staff to the joint committee shall be provided by the Department of

Legislative Services.

§5–101.1.

In addition to the oath specified in Article I, § 9 of the Maryland Constitution, the Treasurer shall take an oath to discharge the duties of the Office of Treasurer faithfully, diligently, and honestly.

§5–102.

(a) While in office, the Treasurer shall be covered by a surety bond as required in this section.

(b) The surety bond under this section shall:

(1) run to the State;

(2) be in the amount that the Governor approves;

(3) be with a surety company that is authorized to do business in the State; and

(4) include provisions that secure the money of:

(i) the Injured Workers' Insurance Fund;

(ii) the Subsequent Injury Fund; and

(iii) the Unemployment Insurance Administration Fund.

(c) (1) If the Governor believes that the surety bond under this section has or is likely to become invalid or insufficient, the Governor shall demand that the Treasurer obtain coverage under a new surety bond that meets the requirements of this section.

(2) Neglect or refusal to obtain the coverage within 20 days after the demand constitutes disqualification from office, as authorized in the Maryland Constitution.

(d) After execution and approval of a surety bond under this section, the surety bond shall be recorded in the office of the Clerk of the Court of Appeals.

§5–102.1.

(a) In addition to the bond required under § 5-102 of this subtitle, the State Treasurer shall be covered by a surety bond as required in this section.

(b) The surety bond under this section shall:

(1) be conditioned on the faithful performance of the duties of the State

Treasurer as custodian of the Unemployment Insurance Fund;

(2) run to the State;

(3) be in an amount that the Secretary approves; and

(4) be in a form required by law or approved by the Attorney General.

§5–103.

(a) Before taking office, the Treasurer shall place in a trust over which the Treasurer has no control or otherwise shall be divested of all capital stock of banks, trust companies, and other financial institutions in the State.

(b) While in office, the Treasurer may not own capital stock of or receive compensation from a bank, trust company, or other financial institution in the State.

§5–104.

(a) The Treasurer shall devote full time to the duties of office.

(b) The Treasurer shall address the Legislative Policy Committee of the General Assembly on a semiannual basis and as necessary on issues of legislative importance, including the activities of the Board of Public Works, bond sales, and investment and procurement initiatives.

(c) The Treasurer's annual salary shall be:

(1) $137,500 for the first year of appointment beginning January, 2015;

(2) $141,500 starting on the first anniversary after appointment;

(3) $145,500 starting on the second anniversary after appointment; and

(4) $149,500 starting on the third anniversary after appointment and thereafter.

§5–105.

(a) (1) The Treasurer may employ a staff in accordance with the State budget.

(2) While on the staff, an individual shall be covered by a surety bond in the form and amount required by law.

(3) The staff shall perform the duties that the Treasurer assigns.

(b) (1) From among the employees on the staff, the Treasurer may designate 1 Chief Deputy Treasurer and 1 or more deputy treasurers.

(2) A designation as Chief Deputy Treasurer or as deputy treasurer may be terminated:

(i) by the Treasurer for any reason that the Treasurer considers sufficient; or

(ii) if the Treasurer is ill or absent, by the other members of the Board of Public Works for any reason that the members consider sufficient.

(3) A termination of the designation as Chief Deputy Treasurer or as deputy treasurer is not, of itself, a termination of employment.

§5–106.

(a) If the Treasurer temporarily is unable or unavailable to carry out the duties of office, an acting treasurer shall have the powers and duties of the office, as provided in this section.

(b) (1) If the Treasurer gives the presiding officers of the General Assembly and the Chief Deputy Treasurer written notice of a temporary inability or unavailability, the Chief Deputy Treasurer shall serve as an acting treasurer unless the presiding officers appoint another individual as acting treasurer and give the Chief Deputy Treasurer written notice of the appointment.

(2) An acting treasurer shall serve under this subsection:

(i) on and after the date that the Treasurer sets in the notice; and

(ii) until the Treasurer gives the presiding officers and the acting treasurer written notice that the Treasurer is able to carry out the duties.

(c) (1) If the Treasurer has not given notice, but the presiding officers of the General Assembly make a formal, written determination of a temporary inability or unavailability of the Treasurer, the officers may appoint an acting treasurer.

(2) The acting treasurer shall serve under this subsection:

(i) on and after the date of the appointment; and

(ii) until the presiding officers jointly determine and give the Treasurer and the acting treasurer written notice that the Treasurer is able to carry out the duties.

(d) The Court of Appeals has exclusive original jurisdiction, on petition of the presiding officers of the General Assembly, the Treasurer, or the acting treasurer, to determine any issue that arises under this section and to pass any appropriate order.

§5–107.

If the Office of the Treasurer becomes vacant, the Chief Deputy Treasurer is the deputy treasurer who acts as Treasurer under Article VI, § 1 of the Maryland Constitution.

§6–101.

In this title, "Office" means the Office of the Attorney General.

§6–102.

Except as otherwise provided by law, this title does not apply to:

(1) the Public Service Commission;

(2) a board of supervisors of elections of a county;

(3) the Baltimore City Board of School Commissioners or a county board of education; or

(4) any other county officer or unit.

§6–103.

(a) There is an Attorney General of the State, as provided in Article V, § 1 of the Maryland Constitution.

(b) The Attorney General's annual salary shall be:

(1) $137,500 for the first year of the term beginning January, 2015;

(2) $141,500 starting on the first anniversary of the beginning of the term;

(3) $145,500 starting on the second anniversary of the beginning of the term; and

(4) $149,500 starting on the third anniversary of the beginning of the term and thereafter.

(c) The Attorney General is also entitled to reimbursement for travel and other expenses that are connected with the duties of the Office.

§6–104.

(a) There is an Office of the Attorney General.

(b) The Attorney General may have offices, which the State shall maintain and equip.

§6–105.

(a) (1) The Attorney General may employ a staff in accordance with the State budget.

(2) Attorneys, positions that provide direct support to the Attorney General, and positions that provide direct support to the positions specified in paragraph (3) of this subsection, appointed under this subsection:

(i) notwithstanding any other law, and except as provided in paragraph (3) of this subsection, are deemed special appointments within the meaning of § 6–405(a) of the State Personnel and Pensions Article;

(ii) may not be determined to be special appointments under § 6–405(b) of the State Personnel and Pensions Article; and

(iii) serve at the pleasure of the Attorney General.

(3) The following positions are special appointments under § 6–405(b) of the State Personnel and Pensions Article:

(i) Deputy Attorney General;

(ii) special assistant to the Attorney General;

(iii) executive counsel to the Attorney General;

(iv) director or chief of a division or unit in the Office; and

(v) principal counsel to a State unit.

(4) (i) Staff appointed under this subsection is entitled to compensation as provided in the State budget.

(ii) Unless the State budget provides otherwise, the salary of a Deputy Attorney General, assistant Attorney General, or special attorney appointed under this subsection is payable from the funds of the Office.

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

(b) (1) In addition to any other staff appointed under this section, the Attorney General, with the written approval of the Governor, may employ any assistant counsel that the Attorney General considers necessary to carry out any duty of the Office in an extraordinary or unforeseen case or in special county work.

(2) The Attorney General shall submit to the Governor a written request that:

(i) states the necessity of and each reason for the special employment; and

(ii) states the proposed compensation and its source or certifies that the Attorney General cannot ascertain in advance the proper compensation.

(3) Compensation that cannot be ascertained in advance may be agreed on or adjusted later.

(c) (1) In addition to any other staff appointed under this section, the Attorney General may employ special counsel to defend a State officer or State employee under Title 12, Subtitle 3 of this article if the Attorney General determines that representation by the Attorney General or an assistant is impracticable or uneconomical.

(2) The special counsel is entitled to compensation, as set by the Attorney General and approved by the Board of Public Works, under Title 12, Subtitle 5 of this article.

(d) Each Deputy Attorney General, assistant Attorney General, or special attorney appointed under subsection (a) of this section shall be a practicing lawyer of the State in good standing.

(e) (1) The Attorney General may assign any duty that the law imposes on the Attorney General to a Deputy Attorney General, assistant Attorney General, or special attorney appointed under subsection (a) of this section or, to the extent permitted by law, a law clerk.

(2) The Deputy Attorney General, assistant Attorney General, special attorney, or law clerk shall perform the assigned duty, subject to the control of the Attorney General.

§6–106.

(a) Except as otherwise provided in this section, the Attorney General has general charge of the legal business of the State.

(b) Unless a law expressly provides for a general counsel as the legal adviser and representative of the officer or unit, the Attorney General is the legal adviser of and shall represent and otherwise perform all of the legal work for each officer and unit of the State government.

(c) Notwithstanding any other section of law, an officer or unit of the State government may not employ or be represented by a legal adviser or counsel other than the Attorney General or a designee of the Attorney General, except that:

(1) (i) an officer or unit of the State government may employ or be represented by a legal adviser or counsel other than the Attorney General or the

Attorney General's designee with prior approval of the Attorney General; and

(ii) the approval may be provided under § 6–105(b) or (c) of this subtitle, § 13–107 of the State Finance and Procurement Article, or other authority specified by the Attorney General;

(2) a State institution may employ counsel to represent the institution in a habeas corpus proceeding;

(3) a unit of the State government may employ counsel if:

(i) an investigation by an investigating committee of the General Assembly affects the unit;

(ii) the Attorney General represents both the investigating committee and the unit;

(iii) the Attorney General gives the Board of Public Works and the unit written notice that representation by the Attorney General involves or reasonably may involve a conflict of interest; and

(iv) the Board of Public Works approves the employment of counsel by the unit;

(4) the Office of the Public Defender may employ or be represented by a legal adviser or counsel other than the Attorney General or the Attorney General's designee; and

(5) unless otherwise agreed to by the Attorney General and the County Attorney for Montgomery County, the County Attorney for Montgomery County may represent the Montgomery County Department of Health and Human Services in a contested case under Title 10, Subtitle 2 of this article.

§6–107.

(a) The Attorney General is the legal adviser of and shall represent and otherwise perform all of the legal work for:

(1) the Board of Supervisors of Elections of Baltimore City;

(2) the Board of Liquor Commissioners of Baltimore City; and

(3) the Sheriff of Baltimore City.

(b) (1) The Attorney General may advise or represent a political subdivision of the State or any of its officers, employees, or agents as to a matter that relates to State or federal antitrust law.

(2) Representation under this subsection may include an appearance in

an action or administrative proceeding to defend the subdivision, officer, employee, or agent.

(3) The Attorney General may require a political subdivision to pay into the General Fund of the State reimbursement for the costs of defending the subdivision in an action or proceeding.

(4) This subsection does not deprive any political subdivision, officer, employee, or agent of any right to retain counsel, at the expense of the subdivision, officer, employee, or agent.

§6–108.

(a) The Attorney General or any Deputy Attorney General or assistant Attorney General whom the Attorney General designates may:

(1) become a member of an organization of attorneys general of other states or their deputies or assistants and, as provided in the State budget, contribute to the expenses of the organization; and

(2) use the services of the Council of State Governments and, as provided in the State budget, contribute to the cost of the services.

(b) (1) On January 1 of each year, the Attorney General shall submit an annual report to the Governor.

(2) The annual report shall:

(i) describe the business and proceedings of the Office during the preceding calendar year;

(ii) include an itemized statement of the receipts and disbursements of the Attorney General during the preceding fiscal year; and

(iii) include any recommendations that the Attorney General considers appropriate.

(c) The Attorney General shall keep the following records until they are disposed of in accordance with § 10–616 of this article:

(1) a copy of the pleadings in each suit, action, or other proceeding of which the Office has charge;

(2) a complete and current docket of those proceedings;

(3) a copy of each written opinion that the Office issues; and

(4) an abstract of each title that the Office examines or has examined.

(d) The Attorney General annually shall have published, in bound volume:

(1) the opinions that the Office issued during the preceding calendar year; and

(2) the annual report for that preceding calendar year.

(e) (1) The papers of the Office shall be filed in its offices until disposed of in accordance with § 10–616 of this article.

(2) The papers and books of the Office shall be indexed so that they are readily accessible.

§6–109.

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

(2) "Department" means the Department of Assessments and Taxation.

(3) "Governing body" means the head, board, council, board of directors, or other governing body of a State agency.

(b) (1) A State agency not represented by the Attorney General shall designate a citizen of this State who resides in this State, a Maryland corporation, or an officer of the State agency as its resident agent and change its resident agent by filing for record with the Department a certified copy of a resolution of its governing body that authorizes the designation or change.

(2) A State agency may change the address for its resident agent by filing for record with the Department a statement of the change signed by the chairman or other principal officer of its governing body.

(c) (1) A resident agent whose address changes may notify the Department by filing for record with the Department a statement of the change signed by or for the resident agent.

(2) A resident agent may resign by filing with the Department a statement of resignation.

(d) There is no fee for a filing under this section.

(e) A designation, change of agent, change of address, or resignation is effective as provided in the Corporations and Associations Article for a corporate resident agent.

(f) (1) Service of process on a resident agent of a State agency constitutes effective service of process under the Maryland Rules on the State agency in an action, suit, or proceeding that is pending, filed, or instituted against the State agency.

(2) Any notice required by law to be served by personal service on a

resident agent or other agent or officer of a State agency may be served in the manner provided by the Maryland Rules relating to service of process on State agencies.

(3) Service under the Maryland Rules is equivalent to personal service on a resident agent or other agent or officer of a State agency.

§6–110.

(a) The Chief Deputy Attorney General shall serve as acting Attorney General if the Attorney General temporarily is unable or unavailable to carry out the duties of office.

(b) If the Attorney General gives the Chief Deputy Attorney General written notice of a temporary inability or unavailability, the acting Attorney General shall serve:

(1) on and after the date that the Attorney General sets in the notice; and

(2) until the Attorney General gives the acting Attorney General written notice that the Attorney General is able to carry out the duties of office.

(c) If the Attorney General has not given notice, but the members of the Board of Public Works and the presiding officers of the General Assembly, by a majority vote, make a formal, written determination of a temporary inability or unavailability of the Attorney General, the Chief Deputy Attorney General shall serve as acting Attorney General:

(1) on and after the date of the determination; and

(2) until the members of the Board of Public Works and the presiding officers of the General Assembly, by a majority vote, determine and give the Attorney General and the acting Attorney General written notice that the Attorney General is able to carry out the duties of office.

(d) (1) On petition of any member of the Board of Public Works, a presiding officer of the General Assembly, the Attorney General, or the acting Attorney General, a circuit court has exclusive original jurisdiction to determine any issue that arises under this section and to pass any appropriate order.

(2) Except for cases that the court considers of greater importance, a proceeding under this section, including an appeal, shall:

(i) take precedence on the docket;

(ii) be heard at the earliest practicable date; and

(iii) be expedited in every way.

§6–201.

In this subtitle, "electronic transactions" means the use of, access to, or communication involving the Internet, World Wide Web, or wireless or similar technologies.

§6–202.

(a) There is an Electronic Transaction Education, Advocacy, and Mediation Unit in the Office of the Attorney General.

(b) The purpose of the Unit is to protect the privacy of individuals' personal information and to protect the public from unlawful conduct or practices in electronic transactions.

(c) The Unit shall:

(1) receive complaints concerning:

(i) any persons obtaining, compiling, maintaining, using, disclosing, or disposing of personal information in a manner that may be potentially unlawful or violate a stated privacy policy relating to that individual; and

(ii) unlawful conduct or practices in electronic transactions;

(2) provide information and advice to the public on effective ways of handling complaints that involve violations of:

(i) privacy related laws, including identity theft and identity fraud; or

(ii) unlawful conduct or practices in electronic transactions;

(3) refer complaints where appropriate to local, State, or federal agencies that are available to assist the public with privacy and electronic transaction related complaints;

(4) develop information and educational programs and materials to foster public understanding and recognition of the issues related to privacy in electronic commerce and unlawful conduct or practices in electronic transactions;

(5) identify consumer problems in, and facilitate the development and use of best practices by persons engaged in electronic commerce for the protection of the privacy of personal information in electronic transactions;

(6) promote voluntary and mutually agreed upon nonbinding arbitration and mediation of privacy related or electronic transaction disputes where appropriate;

(7) investigate and assist in the prosecution of:

(i) identity theft and other privacy related crimes, and, as necessary, coordinate with local, State, and federal law enforcement agencies in the investigation of similar crimes; and

(ii) unlawful conduct or practices in electronic transactions; and

(8) assist and coordinate in the training of local, State, and federal law enforcement agencies regarding identity theft, other privacy related crimes, and unlawful conduct or practices in electronic transactions as appropriate.

§6–203.

At the direction of the Attorney General, the Unit may adopt regulations to implement this subtitle.

§6–301.

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

(b) "Commissioner" means the Maryland Insurance Commissioner.

(c) "Division" means the People's Insurance Counsel Division in the Office of the Attorney General.

(d) "Health care provider" has the meaning stated in § 3-2A-01 of the Courts Article.

(e) "Homeowner's insurer" means an insurer that issues or delivers a policy or contract of homeowner's insurance in the State.

(f) "Insurance consumers" means persons insured under policies or contracts of medical professional liability insurance, and homeowner's insurance issued or delivered in the State by a medical professional liability insurer or a homeowner's insurer.

(g) "Insurer" means a medical professional liability insurer or a homeowner's insurer authorized to engage in the insurance business in the State under a certificate of authority issued by the Commissioner.

(h) "Medical injury" has the meaning stated in § 3-2A-01 of the Courts Article.

(i) "Medical professional liability insurer" means an insurer that issues or delivers a policy in the State that insures a health care provider against damages due to medical injury.

(j) "Premium" has the meaning stated in § 1-101 of the Insurance Article to the extent it is allocable to this State.

§6–302.

(a) (1) There is a People's Insurance Counsel Division in the Office of the Attorney General.

(2) The Attorney General shall appoint the People's Insurance Counsel with the advice and consent of the Senate.

(b) The People's Insurance Counsel serves at the pleasure of the Attorney General.

(c) The People's Insurance Counsel shall have been admitted to practice law in the State.

(d) The People's Insurance Counsel shall devote full time to the duties of the Office.

(e) The People's Insurance Counsel is entitled to compensation as provided in the State budget.

(f) The People's Insurance Counsel and employees of the Division may not hold an official relation to or have any pecuniary interest in an insurer, insurance agency, or insurance transaction, other than as a policyholder or claimant under a policy.

§6–303.

(a) The Office of the Attorney General shall include in its annual budget sufficient money for the administration and operation of the Division.

(b) The Division may retain as necessary for a particular matter or employ experts in the field of insurance regulation, including accountants, actuaries, and lawyers.

(c) The People's Insurance Counsel shall direct the Division.

§6–304.

(a) The Commissioner shall:

(1) collect an annual assessment from each medical professional liability insurer and homeowner's insurer for the costs and expenses incurred by the Division in carrying out its duties under this subtitle; and

(2) deposit the amounts collected into the People's Insurance Counsel Fund established under § 6–305 of this subtitle.

(b) The assessment payable by a medical professional liability insurer or homeowner's insurer is the product of the fraction obtained by dividing the gross direct premium written by the medical professional liability insurer or homeowner's insurer

in the prior calendar year by the total amount of gross direct premium written by all medical professional liability insurers or homeowner's insurers in the prior calendar year, multiplied by the amount of the total costs and expenses under subsection (a)(1) of this section.

(c) (1) The assessment collected under this section is:

(i) in addition to any penalties or premium tax imposed under the Insurance Article; and

(ii) due and payable to the Commissioner on or before a date determined by the Commissioner each year.

(2) (i) Failure by an insurer to pay an assessment fee on or before the due date shall subject the insurer to the provisions of §§ 4-113 and 4-114 of the Insurance Article.

(ii) In addition to the penalty imposed under subparagraph (i) of this paragraph, if an assessment fee is not paid on or before the due date, the Commissioner may impose a penalty of 5% of the amount due and interest at the rate determined under § 13-701(b)(1) of the Tax - General Article from the due date until payment is made to the Commissioner.

§6–305.

(a) In this section, "Fund" means the People's Insurance Counsel Fund.

(b) There is a People's Insurance Counsel Fund.

(c) The purpose of the Fund is to pay all costs and expenses incurred by the Division in carrying out its duties under this subtitle.

(d) The Fund shall consist of:

(1) all revenue deposited into the Fund that is received through the imposition and collection of the assessment under § 6-304 of this subtitle; and

(2) income from investments that the State Treasurer makes for the Fund.

(e) (1) Expenditures from the Fund may be made only by:

(i) an appropriation from the Fund approved by the General Assembly in the annual State budget; or

(ii) the budget amendment procedure provided for in § 7-209 of the State Finance and Procurement Article.

(2) (i) If, in any fiscal year, the amount of the assessment revenue collected by the Commissioner and deposited into the Fund exceeds the actual costs

and expenses incurred by the Division to carry out its duties under this subtitle, the excess amount shall be carried forward within the Fund for the purpose of reducing the assessment imposed by the Commissioner for the following fiscal year.

(ii) If, in any fiscal year, the amount of the assessment revenue collected by the Commissioner and deposited into the Fund is insufficient to cover the actual expenditures incurred by the Division to carry out its duties under this subtitle, and expenditures are made in accordance with the budget amendment procedure provided for in § 7-209 of the State Finance and Procurement Article, an additional assessment may be made.

(f) (1) The State Treasurer is the custodian of the Fund.

(2) The Fund shall be invested and reinvested in the same manner as State funds.

(3) The State Treasurer shall deposit payments received from the Commissioner into the Fund.

(g) (1) The Fund is a continuing, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(2) No part of the Fund may revert or be credited to:

(i) the General Fund of the State; or

(ii) a special fund of the State, unless otherwise provided by law.

§6–306.

(a) (1) The Division shall evaluate each medical professional liability insurance and homeowner's insurance matter pending before the Commissioner to determine whether the interests of insurance consumers are affected.

(2) If the Division determines that the interests of insurance consumers are affected, the Division may appear before the Commissioner and courts on behalf of insurance consumers in each matter or proceeding over which the Commissioner has original jurisdiction.

(b) (1) The Division shall review any rate increase of 10% or more filed with the Commissioner by a medical professional liability insurer or homeowner's insurer.

(2) If the Division finds that the rate increase is excessive, inadequate, or unfairly discriminatory, the Division shall appear before the Commissioner on behalf of insurance consumers in any hearing on the rate filing.

(c) As the Division considers necessary, the Division shall conduct investigations and request the Commissioner to initiate an action or proceeding

to protect the interests of insurance consumers.

§6–307.

(a) In appearances before the Commissioner and courts on behalf of insurance consumers, the Division has the rights of counsel for a party to the proceeding, including the right to:

(1) summon witnesses, present evidence, and present argument;

(2) conduct cross-examination and submit rebuttal evidence; and

(3) take depositions in or outside of the State:

(i) in proceedings before the Commissioner, subject to regulation by the Commissioner to prevent undue delay; and

(ii) in proceedings in court, in accordance with the procedure provided by law or rule of court.

(b) The Division may appear before any federal or State tribunal or agency, in a judicial or administrative action, to protect the interests of insurance consumers.

(c) (1) Except as otherwise provided in the Insurance Article and any applicable freedom of information act, the Division shall have full access to the Commissioner's records, including rate filings and supplementary rate information filed with the Commissioner by a medical professional liability insurer or homeowner's insurer under Title 11 of the Insurance Article, and shall have the benefit of all other facilities or information of the Commissioner.

(2) The Division is entitled to the assistance of the Commissioner's staff if:

(i) the staff determines that the assistance is consistent with the staff's responsibilities; and

(ii) the staff and the Division agree that the assistance, in a particular matter, is consistent with their respective interests.

(d) The Division may recommend to the General Assembly legislation on any matter that the Division considers would promote the interests of insurance consumers.

§6–308.

On or before January 1 of each year, the Division shall report to the Governor and, subject to § 2-1246 of this article, to the General Assembly on the activities of the Division during the prior fiscal year.

§6–401.

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

(b) "Department" means the Department of Juvenile Services.

(c) "Disciplinary action" means any punitive action against a child that results in more security, additional obligations, or less personal freedom.

(d) "Executive Director" means the Executive Director of the Governor's Office for Children.

(e) "Facility" means:

(1) a residential facility operated by the Department;

(2) a residential facility owned by the Department but privately operated; and

(3) a residential facility licensed by the Department.

(f) (1) "Grievance" means a complaint made by a child or on behalf of a child due to a circumstance or an action considered to be unjust.

(2) "Grievance" does not include an employee grievance, disciplinary appeal, or complaint.

(g) "Juvenile justice monitor" means an individual employed by the Office of the Attorney General to determine whether the needs of children under the jurisdiction of the Department are being met in compliance with State law, that their rights are being upheld, and that they are not being abused.

(h) "Secretary" means the Secretary of Juvenile Services.

(i) "Unit" means the Juvenile Justice Monitoring Unit of the Office of the Attorney General.

§6–402.

(a) There is a Juvenile Justice Monitoring Unit of the Office of the Attorney General.

(b) The function of the Unit is to investigate and determine whether the needs of children under the jurisdiction of the Department of Juvenile Services are being met in compliance with State law, that their rights are being upheld, and that they are not being abused.

§6–403.

(a) The Unit shall include:

(1) a full-time Director of Juvenile Justice Monitoring; and

(2) staff, including juvenile justice monitors, as provided in the State budget.

(b) Salaries of the Director and juvenile justice monitors and expenses for rent, equipment, supplies, and general operating expenses necessary for the work of the Unit shall be as provided in the State budget.

(c) In cooperation with the Secretary of Budget and Management, the Attorney General shall set minimum salaries, qualifications, and standards of training and experience for positions with the Unit.

§6–404.

The Unit shall:

(1) evaluate at each facility:

(i) the child advocacy grievance process;

(ii) the Department's monitoring process;

(iii) the treatment of and services to youth;

(iv) the physical conditions of the facility; and

(v) the adequacy of staffing;

(2) review all reports of disciplinary actions, grievances, and grievance dispositions received from each facility and alterations in the status or placement of a child that result in more security, additional obligations, or less personal freedom;

(3) receive copies of the grievances submitted to the Department;

(4) perform unannounced site visits and on–site inspections of facilities;

(5) receive and review all incident reports submitted to the Department from facilities;

(6) receive reports of the findings of child protective services investigations of allegations of abuse or neglect of a child in a facility;

(7) ensure that each facility is in compliance with the regulations applicable to residential facilities;

(8) collaborate with the Department, the Department of Human Resources, the Department of Health and Mental Hygiene, and the Governor's Office for Children in all matters related to the licensing and monitoring of children's residential facilities; and

(9) have a representative available to attend meetings of the advisory boards established under § 9–230 of the Human Services Article.

§6–405.

The Unit may:

(1) review relevant laws, policies, procedures, and juvenile justice records, including records relating to individual youth;

(2) on request, conduct interviews with staff, youth, and others;

(3) review investigative reports produced by the Department relating to youth in facilities; and

(4) participate, within the context of the local department of social services' multidisciplinary team process, in a child protective services investigation conducted under Title 5, Subtitle 7 of the Family Law Article concerning any allegation of abuse or neglect within any assigned facility.

§6–406.

(a) The Unit shall report in a timely manner to the Executive Director, the Secretary, and, in accordance with § 2–1246 of this article, the Speaker of the House of Delegates and the President of the Senate:

(1) knowledge of any problem regarding the care, supervision, and treatment of children in facilities;

(2) findings, actions, and recommendations, related to the investigations of disciplinary actions, grievances, incident reports, and alleged cases of child abuse and neglect; and

(3) all other findings and actions related to the monitoring required under this subtitle.

(b) (1) 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.

(c) Beginning in 2006, on or before November 30 of each year, the Unit shall report to the Executive Director, the Secretary, the advisory boards established under § 9–230 of the Human Services Article, the Governor, and, in accordance with § 2–1246 of this article, the General Assembly, on all the activities of the Office and the actions taken by the Department in response to findings and recommendations of the Unit.

§6.5–101.

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

(b) "Acquisition" means:

(1) a sale, lease, transfer, merger, or joint venture that results in the disposal of the assets of a nonprofit health entity to a for-profit corporation or entity or to a mutual benefit corporation or entity when a substantial or significant portion of the assets of the nonprofit health entity are involved or will be involved in the agreement or transaction;

(2) a transfer of ownership, control, responsibility, or governance of a substantial or significant portion of the assets, operations, or business of the nonprofit health entity to any for-profit corporation or entity or to any mutual benefit corporation or entity;

(3) a public offering of stock; or

(4) a conversion to a for-profit entity.

(c) "Administration" means the Maryland Insurance Administration.

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

(e) "Health maintenance organization" has the meaning stated in § 19-701 of the Health - General Article.

(f) "Hospital" has the meaning stated in § 19-301 of the Health - General Article.

(g) "Nonprofit health entity" means:

(1) a nonprofit hospital;

(2) a nonprofit health service plan; or

(3) a nonprofit health maintenance organization.

(h) "Nonprofit health service plan" means a corporation without capital stock with a certificate of authority from the Insurance Commissioner to operate as a nonprofit health service plan or a nonprofit dental plan.

(i) "Public assets" include:

(1) assets held for the benefit of the public or the community;

(2) assets in which the public has an ownership interest; and

(3) assets owned by a governmental entity.

(j) "Regulating entity" means:

(1) for an acquisition of a nonprofit hospital, the Attorney General in consultation with the Department;

(2) for an acquisition of a nonprofit health service plan, the Administration; and

(3) for an acquisition of a nonprofit health maintenance organization, the Administration.

(k) "Transferee" means the person in an acquisition that receives the ownership or control of the nonprofit health entity that is the subject of the acquisition.

(l) "Transferor" means the nonprofit health entity that is the subject of the acquisition, or the corporation that owns the nonprofit health entity that is the subject of the acquisition.

§6.5–102.

A person may not engage in an acquisition of a nonprofit health entity unless the transferor and the transferee receive the approval of the appropriate regulating entity.

§6.5–103.

(a) The Attorney General, the Department, and the Administration shall adopt regulations to carry out this title.

(b) The regulations adopted under subsection (a) of this section shall include provisions that establish hearing and appeal procedures.

§6.5–104.

Nothing in this title shall impair the rights and powers of a court and the Attorney General with respect to any asset devoted to charity or with respect to any charitable trust.

§6.5–201.

(a) (1) A person that seeks to engage in an acquisition of a nonprofit health entity shall submit an application to the appropriate regulating entity.

(2) The application submitted under paragraph (1) of this subsection shall be in addition to any other filing required by law.

(b) An application shall include:

(1) the name of the transferor;

(2) the name of the transferee;

(3) the names of any other parties to the acquisition agreement;

(4) the terms of the proposed acquisition, including the sale price;

(5) a copy of the acquisition agreement;

(6) a financial and community impact analysis report from an independent expert or consultant that addresses the criteria in § 6.5-301 of this title;

(7) an independent valuation of the nonprofit health entity that was obtained prior to the consideration of any bid or offer to acquire the nonprofit health entity;

(8) an antitrust analysis prepared by an appropriate expert; and

(9) any other documents related to the acquisition.

(c) (1) On request to the regulating entity, and subject to paragraphs (2), (3), and (4) of this subsection, an application and related documents shall be available for public inspection and copying.

(2) Except as provided in paragraphs (3) and (4) of this subsection or otherwise by law, all information and documents that are filed with the regulating entity in compliance with the requirements of this title or that are reported to, obtained by, or otherwise disclosed to the regulating entity or any other person in the course of an examination or investigation made under this title:

(i) are confidential material;

(ii) are not subject to subpoena; and

(iii) may not be made public by the regulating entity or any other person.

(3) Material that otherwise is confidential under paragraph (2) of this subsection may be made public by any person to whom the nonprofit health entity to which the material relates gives prior written consent.

(4) If, after giving a nonprofit health entity notice and an opportunity to be heard, the regulating entity determines that it is in the interest of the policyholders, stockholders, or the public to make public any material relating to the nonprofit health entity that otherwise is confidential under paragraph (2) of this subsection, the regulating entity may make public all or part of the material in an appropriate manner.

§6.5–202.

(a) Within 10 working days after receiving an application, the appropriate regulating entity shall:

(1) publish notice of the application in the most widely circulated newspapers that are part of a nonprofit health entity's service area; and

(2) notify by first-class mail any person that has requested in writing notice of the filing of an application.

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

(1) state that an application has been received;

(2) state the names of the parties to the acquisition;

(3) describe the contents of the application;

(4) state the date by which a person must submit written comments on the application; and

(5) provide the date, time, and place of the public hearing on the acquisition.

(c) The applicant shall bear the cost of the notice required under this section.

§6.5–203.

(a) (1) As soon as practicable, but no later than 90 days after receiving a complete application, including all necessary expert reports, the appropriate regulating entity shall hold a public hearing.

(2) If the nonprofit health entity is a hospital, the regulating entity shall hold the public hearing in the jurisdiction in which the hospital is located.

(b) A public hearing under this section shall be a quasi-legislative hearing and not a contested case hearing.

(c) Any person may file written comments and exhibits or make a statement at the public hearing.

(d) The regulating entity may:

(1) subpoena information and witnesses;

(2) require sworn statements;

(3) take depositions; and

(4) use related discovery procedures.

(e) (1) The regulating entity may contract with experts as reasonably necessary to:

(i) determine whether to approve an acquisition generally;

(ii) perform an independent valuation of the public or charitable assets of the transferor;

(iii) evaluate the impact of the acquisition on the affected community;

(iv) determine whether there has been due diligence by the transferor; and

(v) determine the existence of any conflicts of interest.

(2) The selection of an expert by a regulating entity under paragraph (1) of this subsection shall be subject to the State procurement laws.

(3) If a regulating entity contracts for expert assistance under paragraph (1) of this subsection, the transferee shall pay the reasonable cost of the expert assistance, as determined by the regulating entity.

(f) Within 60 days after the record, including the public hearing process, has been closed, the appropriate regulating entity shall:

(1) approve the acquisition, with or without modifications; or

(2) disapprove the acquisition.

(g) (1) Subject to paragraph (2) of this subsection, at its discretion, the

regulating entity may extend for good cause for a 60-day period the time for making a determination under subsection (f) of this section.

(2) The regulating entity is limited to a maximum of two 60-day extensions for making a determination on the same application.

(h) A determination made by the appropriate regulating entity under subsection (f) of this section may not take effect until 90 calendar days after the date the determination is made or when ratified or rejected by the General Assembly, whichever is earlier.

§6.5–301.

(a) The appropriate regulating entity may not approve an acquisition unless it finds the acquisition is in the public interest.

(b) An acquisition is not in the public interest unless appropriate steps have been taken to:

(1) ensure that the value of public or charitable assets is safeguarded;

(2) ensure that the value of public or charitable assets is spent in a manner that corresponds with the potential risk associated with the acquisition;

(3) ensure that:

(i) the fair value of the public or charitable assets of a nonprofit health service plan or a health maintenance organization will be distributed to the Maryland Health Care Trust established under § 6.5-401 of this title; or

(ii) 1. 40% of the fair value of the public or charitable assets of a nonprofit hospital will be distributed to the Maryland Health Care Trust established under § 6.5-401 of this title; and

2. 60% of the fair value of the public or charitable assets of a nonprofit hospital will be distributed to a public or nonprofit charitable entity or trust that is:

A. dedicated to serving the unmet health care needs of the affected community;

B. dedicated to promoting access to health care in the affected community;

C. dedicated to improving the quality of health care in the affected community; and

D. independent of the transferee;

(4) ensure that no part of the public or charitable assets of the acquisition inure directly or indirectly to an officer, director, or trustee of a nonprofit health entity; and

(5) ensure that no officer, director, or trustee of the nonprofit health entity receives any immediate or future remuneration as the result of an acquisition or proposed acquisition except in the form of compensation paid for continued employment with the acquiring entity.

(c) The regulating entity may determine that a distribution of assets of a nonprofit health entity is not required under this section if the transaction is:

(1) determined not to be an acquisition;

(2) in the ordinary course of business; and

(3) for fair value.

(d) In determining fair value, the appropriate regulating entity may consider all relevant factors, including, as determined by the regulating entity:

(1) the value of the nonprofit health entity or an affiliate or the assets of such an entity that is determined as if the entity had voting stock outstanding and 100% of its stock was freely transferable and available for purchase without restriction;

(2) the value as a going concern;

(3) the market value;

(4) the investment or earnings value;

(5) the net asset value; and

(6) a control premium, if any.

(e) (1) In determining whether an acquisition is in the public interest, the appropriate regulating entity shall consider:

(i) whether the transferor exercised due diligence in deciding to engage in an acquisition, selecting the transferee, and negotiating the terms and conditions of the acquisition;

(ii) the procedures the transferor used in making the decision, including whether appropriate expert assistance was used;

(iii) whether any conflicts of interest were disclosed, including conflicts of interest of board members, executives, and experts retained by the transferor, transferee, or any other parties to the acquisition;

(iv) whether the transferor will receive fair value for its public or charitable assets;

(v) whether public or charitable assets are placed at unreasonable risk if the acquisition is financed in part by the transferor;

(vi) whether the acquisition has the likelihood of creating a significant adverse effect on the availability or accessibility of health care services in the affected community;

(vii) whether the acquisition includes sufficient safeguards to ensure that the affected community will have continued access to affordable health care; and

(viii) whether any management contract under the acquisition is for fair value.

(2) In determining whether a nonprofit health entity has exercised due diligence as required under paragraph (1)(i) of this subsection, the appropriate regulating entity may not determine that due diligence was exercised unless the nonprofit health entity considered the risks of an acquisition, including whether an acquisition:

(i) would result in diseconomies of scale; or

(ii) would violate federal or State antitrust laws.

(f) The public or charitable assets distributed to a public or nonprofit charitable entity or trust in accordance with subsection (b)(2) of this section shall be in the form of cash.

(g) The appropriate regulating entity shall determine whether a payment by a nonprofit health entity, required under an agreement or contract for the acquisition of a nonprofit health entity if the agreement or contract is broken by the nonprofit health entity, is in the public interest.

§6.5–302.

In determining whether to approve an acquisition of a nonprofit hospital, the Attorney General shall consider:

(1) the criteria listed in § 6.5-301 of this subtitle; and

(2) whether the affected community will have continued access to affordable health care.

§6.5–303.

In determining whether to approve an acquisition of a nonprofit health service

plan or a nonprofit health maintenance organization, the Administration shall consider:

(1) the criteria listed in § 6.5–301 of this subtitle; and

(2) whether the acquisition:

(i) is equitable to enrollees, insureds, shareholders, and certificate holders, if any, of the transferor;

(ii) is in compliance with Title 2, Subtitle 6 of the Corporations and Associations Article; and

(iii) ensures that the transferee will possess surplus in an amount sufficient to:

1. comply with the surplus required under law; and

2. provide for the security of the transferee's certificate holders and policyholders.

§6.5–304.

(a) A corporation that becomes a for-profit health entity under this title may not be deemed to have abandoned its corporate status by virtue of an acquisition unless the acquisition provides specifically to the contrary.

(b) The certificate of authority, agent appointments, licenses, forms, and any other filings in existence at the time of an acquisition shall continue in full force and effect upon an acquisition if a corporation at all times remains qualified to engage in business in the State.

(c) All outstanding contracts of a transferor shall remain in full force and effect and need not be otherwise endorsed unless ordered by the regulating entity.

§6.5–305.

(a) The Secretary of the Department may revoke or suspend a license to operate a hospital in accordance with § 19-327 of the Health - General Article if an acquisition occurs without the approval of the Attorney General.

(b) An acquisition of a nonprofit health service plan or a nonprofit health maintenance organization may not occur without the approval of the Administration.

(c) A nonprofit health service plan or a nonprofit health maintenance organization may not be operated for profit.

(d) If the Commissioner determines that a nonprofit health service plan or a nonprofit health maintenance organization is in violation of subsection (b) or (c) of this

section, the Commissioner may, in addition to any other remedies authorized by law, require the following:

(1) the divestiture of the acquisition;

(2) that the entity fully comply with this title;

(3) that the entity file a plan for conversion to a for-profit entity as required under this title;

(4) that the certificate of authority of the entity to operate as a nonprofit health service plan or a nonprofit health maintenance organization in this State be revoked or suspended; or

(5) the payment of a penalty as provided for in § 4-113(d)(1) of the Insurance Article for each violation of subsection (b) or (c) of this section.

§6.5–306.

(a) Before a public or nonprofit charitable entity or trust may receive a distribution of public or charitable assets in accordance with an agreement, contract, or transaction approved by the regulating entity under this subtitle, it shall have mechanisms in place to:

(1) avoid conflicts of interest; and

(2) prohibit the making of grants that would benefit:

(i) the public or nonprofit charitable entity's or trust's board of directors;

(ii) the public or nonprofit charitable entity's or trust's management;

(iii) the for-profit stock entity; or

(iv) a mutual entity.

(b) A public or nonprofit charitable entity or trust that receives a distribution of public or charitable assets shall submit an annual report to the office regarding the grant-making and other charitable activities of the entity related to its use of the public or charitable assets received.

(c) The annual report submitted under subsection (b) of this section shall be made available to the public at the principal office of the public or nonprofit charitable entity or trust.

§6.5–307.

(a) This title does not apply to the acquisition of a foreign nonprofit health entity

operating in this State if the appropriate regulating entity determines, based on the standards set forth in this title, that any public or charitable assets of the nonprofit health entity that serve health care needs in this State will be adequately protected.

(b) Any nonprofit health entity that the appropriate regulating entity has determined under subsection (a) of this section that this title does not apply shall submit an information copy of its application to engage in an acquisition to the regulating entity.

§6.5–401.

(a) (1) There is a Maryland Health Care Trust.

(2) The Trust is a body corporate, subject to modification or termination by the General Assembly.

(3) The purpose of the Trust is to:

(i) be of general benefit to the residents of the State;

(ii) be charitable in nature; and

(iii) accept and retain moneys for future expenditures to be used to implement Acts of the General Assembly, other than the State budget bill, that:

1. improve the health status of residents of the State; and

2. specifically direct the use of assets of the Trust.

(4) Moneys expended from the Trust are supplemental to, and are not intended to take the place of, State funds that would otherwise be appropriated by the State for the improvement of the health care status of the residents of the State.

(b) (1) The State Treasurer shall be the trustee of the Trust.

(2) The powers and duties of the Trust shall rest in and be exercised by the trustee.

(c) The powers and duties of the Trust shall be established and modified solely by the General Assembly.

(d) In accordance with this title, the Trust consists of the public and charitable assets received as a result of the acquisition of a nonprofit health service plan or a nonprofit health maintenance organization, approved by the Administration on or after June 1, 2001, or a nonprofit hospital, approved by the Attorney General in consultation with the Department.

(e) (1) The State Treasurer shall manage, invest, and reinvest the Trust in the same manner that State funds are invested.

(2) The Trust shall be held and accounted for separate and apart from the funds of the State.

(f) Any interest or other investment earnings of the Trust shall be credited to and paid into the Trust.

(g) (1) The trustee shall make provision for a system of financial accounting, controls, audits, and reports.

(2) The trustee shall report to the Governor and, in accordance with § 2-1246 of this article, to the General Assembly on or before December 1, 2004, and annually thereafter on the status of the assets of the Trust.

§7–101.

(a) There is a Secretary of State, as provided in Article II, § 22 of the Maryland Constitution.

(b) The Secretary of State is in the Executive Department.

§7–102.

(a) The Governor may appoint an Assistant Secretary of State.

(b) If the Secretary of State is absent from the seat of the State government or ill, the Assistant Secretary may carry out any duty that is imposed by law on the Secretary.

§7–103.

In addition to the powers granted and duties imposed elsewhere, the Secretary of State has the powers and duties set forth in this subtitle.

§7–104.

(a) This section does not apply to an agreement for the care, treatment, or supervision of 1 individual.

(b) Except as provided in subsection (c) of this section, a unit that enters into an international or interstate compact or other international or interstate agreement of general application, including an amendment to a compact or agreement, on behalf of the State, shall file a copy of the compact or agreement with the Division of State Documents in the Office of the Secretary of State.

(c) A unit need not file a copy of a compact or agreement under this section if the compact or agreement is part of the Annotated Code of Maryland.

(d) The Division of State Documents in the Office of the Secretary of State shall:

(1) keep an agreement or compact delivered under this section:

(i) until any limit that is set for the agreement or compact to become effective expires; and

(ii) if the agreement or compact becomes effective, until it is abrogated; and

(2) publish the agreement or compact in the Maryland Register.

(e) After keeping the agreement or compact for the time required under this section, the Division of State Documents may deliver the agreement or compact to the State Archives.

§7–105.

(a) The Secretary of State shall:

(1) keep a book in which the Secretary records each commission that the Governor issues to a civil officer; and

(2) send the commission of each civil officer to the individual before whom the officer is to qualify.

(b) (1) The Secretary of State shall keep the records on qualification of civil officers that the clerks of court file as provided by law.

(2) The Secretary of State may certify to the qualification of a civil officer to the same extent that a clerk of court may certify.

§7–106.

(a) The Secretary of State shall have a seal for the authentication of copies of records in the Office of the Secretary.

(b) Except as otherwise provided by law, the Secretary of State may charge a person:

(1) for the authentication of a copy of a record in the custody of the Secretary, a fee of not more than $5; and

(2) if the person does not provide the copy for authentication, 50 cents a page.

§7–107.

The Secretary of State's annual salary shall be:

(1) $96,500 for the first year of appointment beginning January, 2015;

(2) $99,500 starting on the first anniversary after appointment;

(3) $102,500 starting on the second anniversary after appointment; and

(4) $105,500 starting on the third anniversary after appointment and thereafter.

§7–108.

(a) In this section, "affidavit" means a written statement:

(1) made to the best of the affiant's knowledge, information, and belief; and

(2) the contents of which are affirmed under the penalties of perjury.

(b) A nonprofit association, corporation, or other organization that has been in existence for at least 5 years and promotes social welfare and general civic improvement may register with the Secretary of State as a community association by filing an affidavit that the organization meets the requirements of § 5-406(a)(7) of the Courts Article.

§7–109.

The Office of the Secretary of State shall assume lead responsibility with respect to the maintenance and development of sister-state relationships.

§7–201.

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

(b) "Administrator" means the Administrator of the Division.

(c) "Code of Maryland Regulations" means the Code of Maryland Regulations and its permanent supplements.

(d) "Committee" means the Joint Committee on Administrative, Executive, and Legislative Review.

(e) "Division" means the Division of State Documents.

(f) "Executive order" has the meaning stated in § 3-401 of this article.

(g) "Register" means the Maryland Register.

(h) "Regulation" has the meaning stated in § 10-101 of this article, unless the context clearly requires otherwise.

(i) (1) "Unit" means an officer or unit in the Executive Branch of the State

government that is authorized by law to adopt regulations or to adjudicate contested cases.

(2) "Unit" does not include a board of license commissioners.

§7–202.

There is a Division of State Documents in the Office of the Secretary of State.

§7–203.

(a) The head of the Division is the Administrator, who shall be appointed by the Governor.

(b) (1) The Administrator holds office during good behavior.

(2) Subject to the hearing requirements of this subsection, the Governor may remove the Administrator for inefficiency, neglect of duty, or misconduct in office.

(3) Before the Governor removes the Administrator, the Governor shall:

(i) prepare written charges; and

(ii) give the Administrator a copy of the charges and an opportunity for public hearing.

(4) Notice of the hearing shall be given to the Administrator at least 10 days before the hearing.

(5) The Administrator may be represented at the hearing by counsel.

(c) The Administrator exercises the powers and performs the duties under this subtitle and Title 10, Subtitle 1 of this article subject to the general supervision of the Secretary of State.

§7–204.

(a) The Division shall compile and edit:

(1) the Code of Maryland Regulations; and

(2) as a temporary supplement, the Maryland Register.

(b) Subject to the limitations in this subtitle, the Administrator is responsible for the publication and distribution of the Code of Maryland Regulations and the Register.

§7–205.

(a) Except as otherwise provided by law, the Code of Maryland Regulations shall contain the text of:

(1) each executive order that is generally permanent in nature;

(2) each regulation;

(3) each document that the General Assembly requires to be published with a regulation; and

(4) unless otherwise privileged, each other document that the Committee permits to be published in the Code of Maryland Regulations.

(b) (1) At least once each year, the Division shall integrate into the Code of Maryland Regulations each document that:

(i) is required to be included in the Code of Maryland Regulations; and

(ii) has not previously been integrated or included in the Code of Maryland Regulations.

(2) This integration may be carried out by:

(i) publication of looseleaf pages for insertion in the Code of Maryland Regulations; or

(ii) other appropriate permanent supplements to the Code of Maryland Regulations.

(c) (1) Each part of the Code of Maryland Regulations and each issue of its permanent supplements shall contain a certification of the Administrator that the part or issue includes all of the documents that are effective and have been codified, as of the date set by the Administrator.

(2) Each issue of the permanent supplements shall contain its issue date, which shall be its date of deposit in the United States mail. This date shall appear prominently on the first page.

(d) (1) If the Committee permits a unit to publish a document in the Code of Maryland Regulations and publication otherwise would not be required, the Committee may require the unit to reimburse the Division for the cost of the publication.

(2) The Division shall bill for and collect the reimbursement.

§7–206.

(a) An issue of the Register shall contain:

(1) on the first page:

(i) the closing date and hour of the issue; and

(ii) the issue date, which shall be the date of deposit in the United States mail and shall appear prominently;

(2) the text of each of the following documents that has been submitted to the Division before the closing date and hour and has not been published previously:

(i) during each session of the General Assembly:

1. a synopsis of each bill that is introduced; and

2. a synopsis of each bill that is enacted;

(ii) unless posted promptly on the Web site of the Maryland Judiciary:

1. each proposed rule of court that the Chief Judge of the Court of Appeals directs to be published;

2. each rule of court that the Court of Appeals adopts or permits to be adopted;

3. the hearing calendar of the Court of Appeals;

4. each administrative order or memorandum of the Chief Judge of the Court of Appeals or of the Administrative Office of the Courts that the Chief Judge directs to be published;

5. the hearing calendar of the Court of Special Appeals; and

6. each administrative regulation that the Chief Judge of the District Court adopts;

(iii) each executive order;

(iv) each designation of an official State agency under a federal program;

(v) except for notaries public and special police, a list of gubernatorial appointments that states:

1. the office;

2. the name of the appointee;

3. the county where the appointee resides;

4. the effective date of appointment;

5. the term of office; and

6. the salary;

(vi) for a proposed regulation:

1. the notice of the proposed adoption of the regulation; and

2. the text of the proposed regulation;

(vii) each notice of a public hearing that a unit issues;

(viii) unless otherwise exempted, each other document that is required by law to be published in the Code of Maryland Regulations;

(ix) each other document that is required to be published in the Register;

(x) each notice or other document issued by an agency of a county or municipal government that the Committee permits to be published in the Register; and

(xi) unless otherwise privileged, each other document that the Committee permits to be published in the Register;

(3) a table of contents; and

(4) an index to each title of the Code of Maryland Regulations that a document in the issue affects.

(b) (1) Each issue of the Register shall contain a certification of the Administrator that the issue contains all of the documents that have been submitted to the Division as of the closing date and hour of the issue.

(2) The certification of the Administrator in the Register is conclusive evidence of this fact.

(c) (1) If the Committee permits a unit or an agency of a county or municipal government to publish a document in the Register and publication otherwise would not be required, the Committee may require the unit or agency to reimburse the Division for the cost of the publication.

(2) The Division shall bill for and collect the reimbursement.

§7–206.2.

(a) The Division may arrange for data bases derived from publications issued by the Division to be made available to the public for direct online searching by contracting with third–party or value–added resellers.

(b) Notwithstanding any other provision of law, the Division shall make available to the public, at no cost, direct online searching of:

(1) the Code of Maryland Regulations (COMAR);

(2) the Maryland Register; and

(3) any other material the Division determines to be in the public interest.

(c) The receipt of any material made available to the public under the terms of subsection (b) of this section shall be preceded by a legend stating that:

"The information you are about to receive is made available for personal use only. By proceeding beyond this point you agree that you will not use the information for any prohibited commercial purpose, as defined in § 7–206.2(e) of the State Government Article, including, by way of example and not in limitation, the downloading of this information for resale in any other electronic or printed form.".

(d) The legend referenced in subsection (c) of this section shall be presented to the recipient in a manner that affords the recipient an opportunity to refuse to access the material.

(e) (1) In this subsection, "prohibited commercial purpose" includes any use that involves the resale or other compensated transfer of information made available under subsection (b) of this section.

(2) "Prohibited commercial purpose" does not include the incorporation of portions of information made available under subsection (b) of this section into documents commenting upon or advising persons of the legal effect of that information, even though the person incorporating the information may be compensated for the comments or advice.

(3) Data or material obtained under subsection (b) of this section may not be used for any prohibited commercial purpose.

(f) A person who violates subsection (e) of this section is subject to a fine not exceeding $1,000 for each violation.

§7–207.

(a) (1) Unless the Committee provides otherwise, the Code of Maryland Regulations and the Register may not reprint any text from:

(i) the Annotated Code of Maryland;

(ii) the Session Laws;

(iii) the United States Code;

(iv) the United States Statutes at Large;

(v) the Code of Federal Regulations;

(vi) the Federal Register; or

(vii) any other generally available publication that the Administrator specifies.

(2) State statutes as described under paragraph (1)(i) and (ii) of this subsection need not be incorporated by reference.

(3) (i) Federal laws as described under paragraph (1)(iii), (iv), (v), and (vi) of this subsection may be incorporated by reference.

(ii) Federal law incorporated by reference after October 1, 2005, shall be identified by using the phrase "incorporated by reference".

(iii) The unit incorporating federal law may:

1. incorporate only a specified version of that law by specifying a date; or

2. incorporate future versions of that law by using the phrase "as amended".

(4) (i) Other publications as described in paragraph (1)(vii) of this subsection may be incorporated by reference by:

1. satisfying the requirements of § 23–303 of the Education Article, except as determined by the Administrator; and

2. complying with Title 10, Subtitle 1 of this article and with other requirements specified by the Administrator.

(ii) Incorporated documents shall be identified by using the phrase "incorporated by reference".

(iii) The incorporation shall specify an edition number, year, or other specific indication of the version being adopted.

(iv) Prospective incorporation is not permitted for this category of document.

(v) Agency generated documents have the additional requirement of providing the Division with an electronic version ready for publication on the Division Web site as required by § 7–206.2 of this subtitle.

(b) (1) If the Administrator determines that publication would be in the public interest, nothing in this section prohibits the Administrator from publishing factual information concerning:

(i) documents published or to be published in the Code of Maryland Regulations and the Register; or

(ii) the Code of Maryland Regulations and the Register.

(2) Notwithstanding any other provision of this subtitle or Title 10, Subtitle 1 of this article, the Code of Maryland Regulations and the Register may not include news material or a press release, speech, or other comment.

§7–208.

(a) The Administrator may include in the Code of Maryland Regulations and the Register annotations of judicial decisions and other explanatory materials that relate to a document in the Code of Maryland Regulations or the Register.

(b) The Administrator may prepare the annotations or obtain them by contract.

§7–209.

With the consent of the Attorney General, the Administrator may remove from the Code of Maryland Regulations:

(1) a provision of a regulation that a court of final appeal has declared to be unconstitutional; or

(2) a regulation if the unit that adopted the regulation has been abolished and the regulation does not transfer to a successor.

§7–210.

(a) Except as otherwise provided in this section, an issue of the Register complying with the requirements of § 7-206 of this subtitle shall be published at least once every 2 weeks.

(b) (1) (i) To avoid a conflict with a State or national holiday, with the approval of the Committee, the Administrator may alter the publication date of an issue of the Register by not more than 3 days.

(ii) At least 30 days before a change of publication date occurs, the Administrator shall publish, as appropriate, notice of the change in the Register.

(2) The Committee may provide for more frequent publication of all or any part of the Register.

(c) (1) An index shall be published at least quarterly for the Register.

(2) For the Register, the last index for a calendar year shall be a cumulative index of that publication for that year.

(d) A supplement to the index to the Code of Maryland Regulations or a new index shall be published at least once a year.

§7–211.

(a) Subject to the conditions that the Board of Public Works sets, the Administrator shall contract for the prompt printing and distribution of the Code of Maryland Regulations, including its permanent supplements, and the Register.

(b) The contract shall provide for a typographical arrangement that permits a unit or court to obtain, at reasonable cost, pamphlet reprints of the regulations of the unit or the rules of court that are published in the Code of Maryland Regulations.

§7–212.

(a) (1) The Administrator may adopt a codification system and set editorial standards for the Code of Maryland Regulations and the Register, including a numbering system and captions or tag lines.

(2) The numbering system, captions, or tag lines are not part of the official text of a document.

(b) Except for rules of court, each document that is submitted for publication in the Code of Maryland Regulations and the Register shall conform to the codification system and editorial standards.

(c) After consultation with the unit that adopted a regulation, the Administrator may conform a regulation or other document to the codification system and editorial standards.

§7–213.

(a) Except as provided in subsections (b) and (c) of this section and § 3-405(b) of this article, each document to be published in the Code of Maryland Regulations or the Register shall be submitted to the Administrator, who:

(1) for 1 year after the publication of the document, shall keep and permit inspection of the document; and

(2) then shall deliver the document to the State Archives.

(b) (1) The Clerk of the Court of Appeals shall submit to the Administrator:

(i) each rule of court that the Court of Appeals adopts or permits to be adopted; and

(ii) each administrative order or memorandum of the Chief Judge of the Court of Appeals or the Administrative Office of the Courts that the Chief Judge directs to be published.

(2) The Chief Clerk of the District Court shall submit to the Administrator each administrative regulation that the Chief Judge of the District Court adopts.

(c) The Administrator may require that any document required or permitted to be published in the Register be submitted electronically or on paper, or both.

§7–214.

(a) This subtitle does not affect any other requirement as to notice, including a time that is specifically set for the publication of the notice.

(b) (1) A unit shall submit a notice that sets a date for a hearing or meeting or for the termination of the opportunity to be heard in time for publication in an issue of the Register that will be published:

(i) on or before the date set by law for publication of the notice; or

(ii) if the date for publication is not set by law, at least 15 days before the date for the hearing or meeting or for the termination of the opportunity to be heard.

(2) As to a notice that paragraph (1)(ii) of this subsection governs, publication of the notice less than 15 days before the date for a hearing or meeting or the termination of the opportunity to be heard does not prejudice the effectiveness of the notice, if notice of less than 15 days is reasonable.

(3) Unless notice by publication is insufficient in law, a notice that sets a date for a hearing or meeting or for the termination of the opportunity to be heard and that is submitted as required by this subsection constitutes, on publication, notice to:

(i) each person who resides in the State; or

(ii) each person who holds an interest in property in the State.

(c) Publication of a notice as required by this subtitle and as required by any other provision of the Code are both necessary to constitute full compliance with law.

§7–215.

The Administrator may require a unit to reimburse the Division for the cost of a publication of a document in an issue of the Register if the unit submits, withdraws, or

changes the document after the closing date and hour of that issue.

§7–216.

(a) (1) The Committee shall adopt guidelines for the Administrator to:

(i) sell a subscription list for any publication of the Division; and

(ii) set the price for:

1. a copy of or a subscription to the Code of Maryland Regulations and the Register; and

2. a copy of a database or other computer readable information on magnetic tape or some other electronic media.

(2) The Committee may allow:

(i) a volume discount; and

(ii) the free, reciprocal exchange of publications by the State and other jurisdictions.

(b) A copy of the Code of Maryland Regulations and the Register shall be available to the public at the price set under this section.

(c) The Administrator shall provide, without charge:

(1) to each member of the General Assembly each issue of the Register;

(2) to the Enoch Pratt Library and the State Law Library, 1 copy of:

(i) the Code of Maryland Regulations;

(ii) each issue of the permanent supplements to the Code of Maryland Regulations; and

(iii) each issue of the Register; and

(3) to a judge of a State court except the orphans' court, 1 copy of:

(i) the current Code of Maryland Regulations; and

(ii) each issue of the Register that the judge requests.

(d) Unless authorized by the Committee, the Administrator may not allow public access to a document that is to be included in the Register earlier than the date immediately following the issue date of the Register in which the document is published.

§7–216.1.

(a) There is a special fund in the Division of State Documents.

(b) The purpose of the fund is to pay the costs of publishing and distributing the products of the Division.

(c) The Administrator of the Division shall administer the fund.

(d) (1) The fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(2) The Treasurer shall hold the fund separately and the Comptroller shall account for the fund.

(e) The fund consists of revenue received by the Division in payment of its products.

(f) The fund may be used only for the expenses of production and distribution of its products and to support the operations of the Division.

(g) (1) The Treasurer shall invest the money in the fund in the same manner as other State money may be invested.

(2) Any investment earnings in the fund shall be credited to the General Fund of the State.

(h) Expenditures from the fund may be made only in accordance with the State budget.

(i) Money expended from the fund for the production and distribution of the Division's products is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for the production and distribution of the Division's products.

§7–217.

(a) The official text of a document is:

(1) until incorporation in the Code of Maryland Regulations, the text of the document in the most recent form in the Register; or

(2) after incorporation in the Code of Maryland Regulations, the text of the document in the most recent form in the Code of Maryland Regulations.

(b) Notwithstanding any discrepancy between the official text and any other text of a document, the official text is the only valid and enforceable text.

§7–218.

(a) Subject to subsection (b) of this section, the Administrator shall correct an error in the official text of a document in the Code of Maryland Regulations or the Register by:

(1) inclusion of the correction in an errata list in the Register; or

(2) publication of a corrected form of the affected part of the document in the Code of Maryland Regulations or the Register.

(b) (1) An error that is made in publication of a document under this subtitle and that changes the legal effect of a provision of the document invalidates only:

(i) that provision; and

(ii) any other provision of the document that then is so incomplete that it cannot be carried out in accordance with the purpose of the document.

(2) If the error changes the legal effect of a proposed or adopted regulation, the regulation shall be published anew as provided in § 10-112 of this article.

§7–219.

Unless notice by publication is insufficient in law or unless otherwise specifically provided by law, publication of a document under this subtitle gives a person who is subject to or affected by the document notice of the contents of the document.

§7–220.

Publication of a document in the Code of Maryland Regulations or the Register creates a rebuttable presumption that:

(1) the document:

(i) was issued, prescribed, repealed, or adopted properly; and

(ii) if the document is a regulation, was approved as to legality by the Attorney General; and

(2) the requirements of this subtitle and of §§ 10-111(a), 10-112 through 10-117, and 10-129 of this article have been met.

§7–221.

The provisions of a document in the Code of Maryland Regulations and the Register are severable, unless the document expressly states otherwise.

§7–222.

A rule of court, administrative memorandum of a court, administrative order of a court, or administrative regulation of the Chief Judge of the District Court in the Code of Maryland Regulations or the Register has the effective date set in the document.

§7–301.

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

(b) "Actual address" means a residential street address, school address, or work address of an individual as specified on the individual's application to be a Program participant under this subtitle.

(c) "Disabled person" has the meaning stated in § 13–101 of the Estates and Trusts Article.

(d) "Program" means the Human Trafficking Address Confidentiality Program.

(e) "Program participant" means an individual designated as a Program participant under this subtitle.

(f) "Victim of human trafficking" means an individual who has been recruited, harbored, transported, provided, or obtained for labor, services, or a sexual act through the use of force, fraud, or coercion.

§7–302.

The purpose of this subtitle is to enable:

(1) State and local agencies to respond to requests for public records without disclosing the location of a victim of human trafficking;

(2) interagency cooperation in providing address confidentiality for victims of human trafficking; and

(3) State and local agencies to accept a Program participant's use of an address designated by the Office of the Secretary of State as a substitute address.

§7–303.

The Secretary of State shall establish and administer a Human Trafficking Address Confidentiality Program for victims of human trafficking.

§7–304.

(a) The following individuals may apply to participate in the Program:

(1) an individual acting on the individual's own behalf;

(2) a parent or guardian acting on behalf of a minor who resides with the parent or guardian; or

(3) a guardian acting on behalf of a disabled person.

(b) An application to participate in the Program shall be in the form required by the Secretary of State and shall contain:

(1) a statement that:

(i) the applicant is a victim of human trafficking; and

(ii) the applicant fears for the applicant's safety or the safety of the applicant's child;

(2) evidence that the applicant is a victim of human trafficking, including:

(i) certified law enforcement, court, or other federal or State agency records or files;

(ii) documentation from a human trafficking prevention or assistance program; or

(iii) documentation from a religious, medical, or other professional from whom the applicant has sought assistance or treatment as a victim of human trafficking;

(3) a statement that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child;

(4) a knowing and voluntary designation of the Secretary of State as agent for purposes of service of process and receipt of first–class, certified, or registered mail;

(5) the mailing address and telephone number at which the applicant may be contacted by the Secretary of State;

(6) the actual address that the applicant requests not be disclosed by the Secretary of State because it would increase the risk of human trafficking or other crimes;

(7) a sworn statement by the applicant that, to the best of the applicant's knowledge, all the information contained in the application is true;

(8) the signature of the applicant and the date on which the applicant signed the application; and

(9) a voluntary release and waiver of all future claims against the State that may arise from participation in the Program except for a claim based on gross negligence.

(c) (1) (i) On the filing of a properly completed application and release, the Secretary of State shall:

1. review the application and release; and

2. if the application and release are properly completed and accurate, designate the applicant as a Program participant.

(ii) An applicant shall be a participant for 4 years from the date of filing unless the participation is canceled or withdrawn prior to the end of the 4–year period.

(2) A Program participant may withdraw from participation by filing a signed, notarized request for withdrawal with the Secretary of State.

§7–305.

(a) If an applicant falsely attests in an application that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child or knowingly provides false information when applying for participation or renewal of participation in the Program, the applicant shall no longer be allowed to participate in the Program.

(b) A person may not knowingly make a false attestation or knowingly provide false information in an application in violation of subsection (a) of this section.

(c) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

§7–306.

(a) If a Program participant obtains a legal name change, the Program participant shall notify the Secretary of State within 30 days and provide the Secretary of State with a certified copy of any judgment or order evidencing the change or any other documentation the Secretary of State considers to be sufficient evidence of the change.

(b) If a Program participant makes a change in address or telephone number from an address or a telephone number listed on the Program participant's application, the Program participant shall notify the Secretary of State at least 7 days before the change occurs.

§7–307.

(a) The Secretary of State shall cancel the participation of a Program participant if:

(1) the Program participant fails to notify the Secretary of State of any legal name change or change in address or telephone number in the manner required by § 7–306 of this subtitle;

(2) the Program participant files a request for withdrawal of participation under § 7–304(c)(2) of this subtitle;

(3) the Program participant submits false information in applying for participation in the Program in violation of § 7–305 of this subtitle; or

(4) the Secretary of State forwards mail to the Program participant and the mail is returned as undeliverable.

(b) The Secretary of State shall send notice of any cancellation of participation in the Program to the participant and shall set forth the reason for cancellation.

(c) A Program participant may appeal any cancellation decision by filing an appeal with the Secretary of State within 30 days after the date of the notice of cancellation in accordance with procedures developed by the Secretary of State.

(d) An individual who ceases to be a Program participant is responsible for notifying any person who uses the substitute address designated by the Secretary of State that the substitute address is no longer valid.

§7–308.

(a) A Program participant may make a request to any State or local agency to use a substitute address designated by the Secretary of State as the Program participant's address.

(b) Subject to subsection (c) of this section, when a Program participant has made a request to a State or local agency under subsection (a) of this section, the State or local agency shall use the substitute address designated by the Secretary of State as a Program participant's address.

(c) (1) A State or local agency that has a bona fide statutory or administrative requirement for using a Program participant's actual address may apply to the Secretary of State for a waiver from the requirements of the Program.

(2) If the Secretary of State approves the waiver, the State or local agency shall use the Program participant's actual address only for the required statutory or administrative purposes.

§7–309.

(a) (1) Each local board of elections shall use a Program participant's actual address for all election–related purposes.

(2) A Program participant may not use the substitute address designated by the Secretary of State as the Program participant's address for voter registration purposes.

(b) A local board of elections may not make a Program participant's address contained in voter registration records available for public inspection or copying except:

(1) on request by a law enforcement agency for law enforcement purposes; and

(2) as directed by a court order to disclose the address.

§7–310.

(a) Except as otherwise provided by this subtitle, a record of a Program participant's actual address and telephone number maintained by the Secretary of State or a State or local agency is not a public record within the meaning of § 4–101 of the General Provisions Article.

(b) The Secretary of State may not disclose a Program participant's actual address or telephone number or substitute address except as provided in subsection (c) of this section and:

(1) (i) on request by a law enforcement agency for law enforcement purposes; and

(ii) as directed by a court order; or

(2) on request by a State or local agency to verify a Program participant's participation in the Program or substitute address for use under § 7–308 of this subtitle.

(c) The Secretary of State shall notify the appropriate court of a Program participant's participation in the Program and of the substitute address designated by the Secretary of State if the Program participant:

(1) is subject to a court order or an administrative order;

(2) is involved in a court action or an administrative action; or

(3) is a witness or a party in a civil or criminal proceeding.

§7–311.

(a) A person may not knowingly and intentionally obtain a Program participant's actual address or telephone number from the Secretary of State or any agency without authorization to obtain the information.

(b) (1) This subsection applies only when an employee of the Secretary of State:

(i) obtains a Program participant's actual address or telephone number during the course of the employee's official duties; and

(ii) at the time of disclosure, has specific knowledge that the actual address or telephone number belongs to a Program participant.

(2) An employee of the Secretary of State or any State or local agency may not knowingly and intentionally disclose a Program participant's actual address or telephone number to another person unless the disclosure is authorized by law.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $2,500.

§7–312.

The Secretary of State shall adopt regulations to carry out the provisions of this subtitle.

§8–101.

In this subtitle, "Council" means the Governor's Executive Council.

§8–102.

There is a Governor's Executive Council.

§8–103.

The Council includes:

(1) the Governor;

(2) the Lieutenant Governor;

(3) the Secretary of State;

(4) the secretary of each principal department of the Executive Branch of the State government;

(5) the State Superintendent of Schools; and

(6) the Secretary of Higher Education.

§8–104.

The purposes of the Council are coordination and effective direction and supervision of the State government.

§8–105.

The Governor may appoint an executive secretary for the Council.

§8–201.

(a) The Executive Branch of the State government shall have not more than 21 principal departments, each of which shall embrace a broad, functional area of that Branch.

(b) The principal departments of the Executive Branch of the State government are:

(1) Aging;

(2) Agriculture;

(3) Budget and Management;

(4) Economic Competitiveness and Commerce;

(5) Disabilities;

(6) the Environment;

(7) General Services;

(8) Health and Mental Hygiene;

(9) Housing and Community Development;

(10) Human Resources;

(11) Information Technology;

(12) Juvenile Services;

(13) Labor, Licensing, and Regulation;

(14) Natural Resources;

(15) Planning;

(16) Public Safety and Correctional Services;

(17) State Police;

(18) Transportation; and

(19) Veterans Affairs.

§8–202.

(a) (1) Unless placed by law or expressly exempted from placement by law, the officers and units in the Executive Branch of the State government that are not principal departments may be placed by the Governor in any principal department.

(2) Unless expressly exempted from placement by law, an interstate, regional, or other intergovernmental unit in which the State participates shall be placed in the appropriate principal department.

(b) Notwithstanding the placement of a unit in a principal department:

(1) the powers and duties that are assigned by law to the unit are not changed;

(2) a State officer or State employee who is not in the State Personnel Management System and is transferred with the unit remains exempt from the provisions of the State Personnel and Pensions Article unless the officer or the employee is placed in the State Personnel Management System in accordance with those provisions; and

(3) the head of a unit who is in the State Personnel Management System or holds the position other than at the pleasure of the Governor does not cease to be in the State Personnel Management System or to hold the position other than at the pleasure of the Governor.

§8–203.

(a) The head of each principal department is a secretary, who shall be appointed by the Governor with the advice and consent of the Senate.

(b) The Governor shall select, on the bases of professional and administrative knowledge and experience, a secretary who has the qualifications required by law.

(c) Unless otherwise provided by law, the secretary of a principal department or, with the approval of the Governor, a designee of the secretary shall represent the State and coordinate its participation in an interstate, regional, or other intergovernmental unit that is in the department.

§8–204.

Under the direction of the Governor, the secretaries of the principal departments are responsible for the prevention and elimination of duplication and overlapping of activities in and among their departments, by coordinating those activities.

§8–205.

(a) The secretary of each principal department serves at the pleasure of the

Governor unless otherwise provided by law.

(b) A secretary shall:

(1) receive the salary and have the assistants, employees, and professional consultants provided in the budget, unless otherwise provided by law;

(2) be responsible for establishing policy to be followed by the units of State government within the secretary's department;

(3) be responsible for the efficient and orderly administration of the department;

(4) be responsible for the comprehensive planning of programs and services within the secretary's jurisdiction and for reviewing and approving the plans of all units of State government within the secretary's jurisdiction;

(5) be responsible for the budget of the secretary's office and for the budgets of other units of State government within the secretary's jurisdiction;

(6) be responsible for the organization of the secretary's office and for recommending to the Governor changes in the organization and placement of units of State government within the secretary's jurisdiction; and

(7) recommend to the Governor any modification, abolition, and transfer of advisory bodies within the secretary's jurisdiction.

(c) A secretary may:

(1) appoint officers and employees in the secretary's office as provided in the budget and review the personnel action taken by any unit of State government within the secretary's jurisdiction; and

(2) create the citizen advisory bodies that may be necessary for the operation of the secretary's department.

§8–206.

The secretary of each principal department has authority and responsibility to adopt regulations for all units within the secretary's jurisdiction, except as otherwise provided by law.

§8–301.

(a) The Governor is responsible for a continuing review of the organization of the Executive Branch of the State government.

(b) (1) In addition to any reorganization under Article II, § 24 of the Maryland Constitution, the Governor may order any other reorganization of the

Executive Branch that is considered by the Governor to be necessary and desirable and that is not inconsistent with law.

(2) A reorganization under this subsection may include:

(i) the reorganization of the principal departments;

(ii) the placement of a unit in a principal department; and

(iii) the transfer of a unit or function from 1 principal department to another.

(3) A reorganization under this subsection may be effected through the issuance of an executive order or the approval of a recommendation that the secretary of a principal department submits. An approval shall be treated as an executive order. However, notwithstanding any other provision of law, the recommendation is not effective unless approved or issued as an executive order.

(c) (1) Notwithstanding any other law that relates to organization of the Executive Branch of the State government, if a program involves more than 1 principal department and cannot be carried out efficiently through cooperation of the departments, the Governor may establish a task force to integrate the services of the departments so as to carry out the program.

(2) A task force established under this subsection may exist for not more than 1 year unless the Governor expressly extends the existence of the task force.

(d) The Governor shall recommend to the General Assembly the placement of any new program or new unit within an appropriate principal department.

§8–302.

Each secretary of a principal department is responsible for recommending to the Governor:

(1) any change in the organization, placement, or name of a unit in the department;

(2) any change, abolition, or transfer of an advisory body in the department; and

(3) any centralization or coordination of administrative staff or clerical services in the department, for efficiency and effectiveness.

§8–303.

If the name of a unit in the Executive Branch of the State government is set by statute, the name may be changed only by another statute.

§8–304.

The Governor shall:

(1) make the designation of a unit as the official State agency for participation in a federal program by a written designation that includes the name of the unit and of the program;

(2) give the General Assembly notice of the designation; and

(3) deliver a copy of the designation to the Administrator of the Division of State Documents.

§8–305.

The secretary of each principal department and the head of each other unit in the Executive Branch of the State government that is not in a principal department shall include on the Web site for the department or unit:

(1) an organizational chart that:

(i) shows the major subunits in the unit; and

(ii) lists the name and title of each individual who heads a subunit; and

(2) a concise description of the department or unit and each subunit.

§8–306.

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

(2) (i) "Change the use, purpose, or function" means an abrupt and material change in the type of clients or inmates served in a facility, the licensed purpose of a facility, or the principal activities carried out within a facility.

(ii) "Change the use, purpose, or function" does not mean a gradual change in clients, inmates, or activities due to societal trends or needs.

(3) (i) "Public hearing" means an informational hearing, the sole purpose of which is to obtain public comment and answer public questions.

(ii) "Public hearing" does not mean a contested case hearing under Title 10, Subtitle 2 of this article.

(4) "State facility" means a facility that is owned, leased, or operated by the State for the purpose of providing health, juvenile, or correctional services to clients or inmates.

(b) A principal department of the Executive Branch of the State government may not change the use, purpose, or function of a State facility without giving notice as required in subsection (c) of this section.

(c) (1) Before a principal department changes the use, purpose, or function of a State facility, the principal department shall hold a public hearing on the proposed change.

(2) The principal department shall give notice of the proposed change and the hearing:

(i) to the public, by publication once a week for 2 consecutive weeks before the hearing in a regularly published newspaper of general circulation in any county that may be affected by the change; and

(ii) to each member of the General Assembly in whose district the facility is located, by certified mail.

(d) (1) Before a principal department leases or purchases land, buildings, or office space to be used for the purpose of providing health, juvenile, or correctional services to clients or inmates, the principal department shall give written notice of the proposed use of the land, buildings, or office space to each member of the General Assembly in whose legislative district the property is located.

(2) (i) A member of the General Assembly may request that the department hold a public hearing on the proposed use.

(ii) The department on whose behalf the property is being procured or leased shall hold a public hearing on the proposed use upon the request of a member of the General Assembly.

(iii) The department shall give notice of the hearing to the public as provided in subsection (c)(2)(i) of this section.

(e) (1) If, after a principal department ceases its use of a State facility, the principal department or any other principal department plans to recommence operation of the facility as a State facility, and the proposed operation of the facility would change its use, purpose, or function, the principal department shall hold a public hearing on the proposed operation.

(2) The principal department shall give notice of the hearing to the public as provided in subsection (c)(2)(i) of this section.

§8–3A–01.

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

(2) "Appointing authority" has the meaning stated in § 1–101(b) of the

State Personnel and Pensions Article.

(3) "Office" means the Appointments Office in the Office of the Governor that performs the function of recommending to the Governor the appointment or nomination of an individual to serve as a member of a State or local board, commission, council, committee, authority, task force, or other entity that by law requires the membership to be appointed in whole or in part by the Governor, whether or not the appointment or nomination is with the advice and consent of the Senate or House of Delegates.

(b) The Office may not direct or overrule an appointing authority, the Secretary of Budget and Management, or any unit of the Department of Budget and Management, on any decision to appoint, promote, transfer, reassign, discipline, or terminate an employee under the jurisdiction of the appointing authority.

(c) Only an appointing authority may delegate in writing the authority to act on the appointing authority's behalf, but only to an employee or officer under the jurisdiction of the appointing authority.

(d) An appointing authority may not delegate the authority to make the final decision on the termination of an employee.

(e) An appointing authority shall notify the Secretary of Budget and Management of any delegation of authority authorized under this section by providing the Secretary a copy of the delegation.

§8–3A–02.

(a) On or before December 1 of each gubernatorial election year:

(1) the Secretary of Budget and Management shall compile a list of the position, pay grade, and title of each employee in the State Personnel Management System who is employed with regard to political affiliation, belief, or opinion under § 4–201(c)(2)(ii) of the State Personnel and Pensions Article; and

(2) the Secretary of Transportation shall compile a list of the position, pay grade, and title of each employee in the Maryland Department of Transportation's Human Resource System who is employed with regard to political affiliation, belief, or opinion under § 2–103.4(b)(2)(ii) of the Transportation Article.

(b) The Secretary of Transportation shall provide the list of employees required under subsection (a)(2) of this section to the Secretary of Budget and Management on or before December 15 of each gubernatorial election year.

(c) In accordance with § 2–1246 of this article, on or before December 31 of each gubernatorial election year, the Secretary of Budget and Management shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Delegates on the total number of State employees employed with regard to political

affiliation, belief, or opinion under this section.

§8–401.

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

(b) "Committees of jurisdiction" means the committees of the General Assembly that routinely handle the policy issues and legislation related to a specific governmental activity or unit subject to review under this subtitle.

(c) "Department" means the Department of Legislative Services.

(d) "Evaluation" means the two–tiered process of legislative review of a governmental activity or unit used to determine:

(1) whether the governmental activity or unit should be reestablished or terminated; and

(2) what, if any, statutory or nonstatutory changes should be recommended to the General Assembly to improve the operations of the governmental activity or unit.

(e) "Evaluation year" means the year in which either a preliminary or full evaluation of a governmental activity or unit is to be completed.

(f) "Full evaluation" means:

(1) an examination of issues identified in a preliminary evaluation as requiring further study; or

(2) a follow–up review of how issues identified in a previous evaluation have been implemented by a governmental activity or unit.

(g) "Governmental activity" means a program, service, or other function of government.

(h) "Office" means the Office of Policy Analysis in the Department of Legislative Services.

(i) "Preliminary evaluation" means a review of a governmental activity or unit limited to the items specified under § 8–403(b) of this subtitle that is undertaken to provide a recommendation to the Legislative Policy Committee on whether a governmental activity or unit should undergo a full evaluation.

§8–402.

(a) The General Assembly finds that:

(1) a system for periodic, legislative review of the regulatory, licensing,

and other governmental activities of the Executive Branch of the State government is essential for the maintenance of a government in which the citizens have confidence and of a healthy State economy; and

(2) this legislative review is consistent with other activities and goals of the General Assembly.

(b) The purposes of this subtitle are to:

(1) establish a system of legislative review that will:

(i) determine whether a governmental activity is necessary for the public interest; and

(ii) make units that are responsible for necessary governmental activities accountable and responsive to the public interest; and

(2) ensure that the legislative review takes place by establishing, by statute, dates for the review and other legislative action.

§8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(1) Acupuncture Board, State (§ 1A–201 of the Health Occupations Article: 2022);

(2) Amusement Ride Safety, State Advisory Board (§ 3–303 of the Business Regulation Article: 2021);

(3) Apprenticeship and Training Council (§ 11–403 of the Labor and Employment Article: 2021);

(4) Architects, State Board of (§ 3–201 of the Business Occupations and Professions Article: 2020);

(5) Athletic Commission, State (§ 4–201 of the Business Regulation Article: 2018);

(6) Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists, State Board of Examiners for (§ 2–201 of the Health Occupations Article: 2023);

(7) Barbers, State Board of (§ 4–201 of the Business Occupations and Professions Article: 2018);

(8) Behavior Analyst Advisory Committee (§ 17–6A–05 of the Health Occupations Article: 2021);

(9) Boiler Rules, Board of (§ 12–904 of the Public Safety Article: 2021);

(10) Cemetery Oversight, Office of (§ 5–201 of the Business Regulation Article: 2020);

(11) Chiropractic and Massage Therapy Examiners, State Board of (§ 3–201 of the Health Occupations Article: 2019);

(12) Collection Agency Licensing Board, State (§ 7–201 of the Business Regulation Article: 2019);

(13) Cosmetologists, State Board of (§ 5–201 of the Business Occupations and Professions Article: 2018);

(14) Counselors and Therapists, State Board of Professional (§ 17–201 of the Health Occupations Article: 2016);

(15) Dietetic Practice, State Board of (§ 5–201 of the Health Occupations Article: 2022);

(16) Electricians, State Board of Master (§ 6–201 of the Business Occupations and Professions Article: 2020);

(17) Elevator Safety Review Board (§§ 12–819 through 12–841 of the Public Safety Article: 2016);

(18) Engineers, State Board for Professional (§ 14–201 of the Business Occupations and Professions Article: 2020);

(19) Engineers, State Board of Stationary (§ 6.5–201 of the Business Occupations and Professions Article: 2021);

(20) Environmental Health Specialists, State Board of (§ 21–201 of the Health Occupations Article: 2014);

(21) Financial Regulation, Office of the Commissioner of (§ 2–101 of the Financial Institutions Article: 2019);

(22) Foresters, State Board of (§ 7–201 of the Business Occupations and

Professions Article: 2022);

(23) Health Care Commission, Maryland (§ 19–103 of the Health – General Article: 2015);

(24) Health Services Cost Review Commission, State (§ 19–202 of the Health – General Article: 2015);

(25) Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors, State Board of (§ 9A–201 of the Business Regulation Article: 2020);

(26) Home Improvement Commission, Maryland (§ 8–201 of the Business Regulation Article: 2019);

(27) Horse Industry Board, Maryland (§ 2–701 of the Agriculture Article: 2023);

(28) Individual Tax Preparers, State Board of (§ 21–201 of the Business Occupations and Professions Article: 2023);

(29) Insurance Administration (§§ 2–101 and 2–103 of the Insurance Article: 2016);

(30) Interior Designers, State Board of Certified (§ 8–201 of the Business Occupations and Professions Article: 2021);

(31) Labor and Industry, Division of (Title 2 of the Labor and Employment Article: 2021) and related programs;

(32) Land Surveyors, State Board for Professional (§ 15–201 of the Business Occupations and Professions Article: 2021);

(33) Landscape Architects, State Board of Examiners of (§ 9–201 of the Business Occupations and Professions Article: 2021);

(34) Law Examiners, State Board of (§ 10–201 of the Business Occupations and Professions Article: 2017);

(35) Maryland–Bred Race Fund Advisory Committee (§ 11–531 of the Business Regulation Article: 2021);

(36) mold remediation services, licensing and regulation of (§ 8–701 of the Business Regulation Article: 2016);

(37) Nursing Home Administrators, State Board of Examiners of (§ 9–201 of the Health Occupations Article: 2024);

(38) Occupational Safety and Health Advisory Board (§ 5–302 of the Labor and Employment Article: 2021);

(39) Occupational Therapy Practice, State Board of (§ 10–201 of the Health Occupations Article: 2022);

(40) Optometry, State Board of Examiners in (§ 11–201 of the Health Occupations Article: 2020);

(41) Physical Therapy Examiners, State Board of (§ 13–201 of the Health Occupations Article: 2019);

(42) Pilots, State Board of (§ 11–201 of the Business Occupations and Professions Article: 2019);

(43) Plumbing, State Board of (§ 12–201 of the Business Occupations and Professions Article: 2020);

(44) Podiatric Medical Examiners, State Board of (§ 16–201 of the Health Occupations Article: 2019);

(45) Prescription Drug Monitoring Program in the Department of Health and Mental Hygiene (§ 21–2A–02 of the Health – General Article: 2013);

(46) Psychologists, State Board of Examiners of (§ 18–201 of the Health Occupations Article: 2020);

(47) Public Accountancy, State Board of (§ 2–201 of the Business Occupations and Professions Article: 2022);

(48) Racing Commission, State (§ 11–201 of the Business Regulation Article: 2021);

(49) Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors, State Commission of (§ 16–201 of the Business Occupations and Professions Article: 2020);

(50) Real Estate Commission, State (§ 17–201 of the Business Occupations and Professions Article: 2019);

(51) Residential Child Care Program Professionals, State Board for Certification of (§ 20–202 of the Health Occupations Article: 2021);

(52) security systems technicians, licensing and regulation of (§ 18–201 of the Business Occupations and Professions Article: 2013);

(53) Social Work Examiners, State Board of (§ 19–201 of the Health Occupations Article: 2021);

(54) Standardbred Race Fund Advisory Committee, Maryland (§ 11–625 of the Business Regulation Article: 2021);

(55) Veterinary Medical Examiners, State Board of (§ 2–302 of the Agriculture Article: 2018);

(56) Waterworks and Waste Systems Operators, State Board of (§ 12–201 of the Environment Article: 2018); and

(57) Well Drillers, State Board of (§ 13–201 of the Environment Article: 2018).

(c) A report on a preliminary evaluation shall:

(1) include a summary of:

(i) significant legislative and regulatory changes since the last evaluation;

(ii) licensing and enforcement activities since the last evaluation;

(iii) registered complaints, complaint outcomes, and disciplinary activities since the last evaluation; and

(iv) revenues and expenditures for the most recent 6–year period, including indirect costs; and

(2) recommend whether a full evaluation should be undertaken by the Department.

(d) The Department shall consider recommending a full evaluation of a governmental activity or unit if problems are identified regarding:

(1) implementation of the governmental activity or unit's mandate or statutory requirements;

(2) management or disposition of licensing, enforcement, complaint, or disciplinary activities;

(3) finances or resources; or

(4) other issues as identified by the General Assembly or the Department.

(e) On completion, the Department shall submit each report on a preliminary evaluation to the Legislative Policy Committee.

§8–404.

(a) On or before the 10th day of the regular session of the General Assembly immediately following the evaluation year for a governmental activity or unit specified under § 8–403(b) of this subtitle, the Legislative Policy Committee shall approve or disapprove the recommendations contained in each report on a preliminary evaluation

submitted by the Department.

(b) If the Legislative Policy Committee approves the Department's recommendation to waive a governmental activity or unit from full evaluation, the Department shall prepare legislation to extend the termination date and evaluation year of the governmental activity or unit.

(c) The Department shall conduct a full evaluation of a governmental activity or unit as specified under § 8–405 of this subtitle if the Legislative Policy Committee:

(1) approves the Department's recommendation that a governmental activity or unit undergo full evaluation; or

(2) requests that a governmental activity or unit that the Department has recommended be waived from full evaluation instead undergo full evaluation.

§8–405.

(a) The Department shall:

(1) conduct a full evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each full evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to full evaluation, in the evaluation year specified, without the need for a preliminary evaluation:

(1) Dental Examiners, State Board of (§ 4–201 of the Health Occupations Article: 2019);

(2) Morticians and Funeral Directors, State Board of (§ 7–201 of the Health Occupations Article: 2016);

(3) Nursing, State Board of (§ 8–201 of the Health Occupations Article: 2021) including:

(i) Electrology Practice Committee (§ 8–6B–05 of the Health Occupations Article: 2021); and

(ii) Direct–Entry Midwifery Advisory Committee (§ 8–6C–10 of the Health Occupations Article: 2021);

(4) Pharmacy, State Board of (§ 12–201 of the Health Occupations Article: 2021); and

(5) Physicians, State Board of (§ 14–201 of the Health Occupations Article:

2016), including:

(i) Athletic Training Advisory Committee (§ 14–5D–04 of the Health Occupations Article: 2016);

(ii) Naturopathic Medicine Advisory Committee (§ 14–5F–04 of the Health Occupations Article: 2016);

(iii) Perfusion Advisory Committee (§ 14–5E–05 of the Health Occupations Article: 2016);

(iv) Physician Assistant Advisory Committee (§ 15–201 of the Health Occupations Article: 2016);

(v) Polysomnography Professional Standards Committee (§ 14–5C–05 of the Health Occupations Article: 2016);

(vi) Radiation Therapy, Radiography, Nuclear Medicine Technology Advisory, and Radiology Assistance Committee (§ 14–5B–05 of the Health Occupations Article: 2016); and

(vii) Respiratory Care Professional Standards Committee (§ 14–5A–05 of the Health Occupations Article: 2016).

(c) In addition to the entities specified under subsection (b) of this section, the Department shall conduct a full evaluation of each entity that has undergone a preliminary evaluation for which the Legislative Policy Committee determines a full evaluation is necessary.

(d) Each full evaluation shall be completed on or before:

(1) December 1 of the evaluation year specified for entities subject to a full evaluation without a preliminary evaluation under subsection (b) of this section; or

(2) unless otherwise specified by the Legislative Policy Committee, December 1 of the year following the completion of a preliminary evaluation report.

(e) (1) If a preliminary evaluation has not been conducted, a full evaluation report shall address any issues raised in the previous sunset evaluation conducted by the Department and the governmental activity's or unit's:

(i) efficiency;

(ii) effectiveness;

(iii) role in protecting consumers;

(iv) sufficiency of resources; and

(v) accomplishment of legislative objectives.

(2) If a preliminary evaluation has been conducted, a full evaluation report shall focus on the issues identified in the preliminary evaluation of the governmental activity or unit.

(f) On completion, the Department shall submit each full evaluation report, including draft legislation to implement any recommended statutory changes, to the committees of jurisdiction.

§8–406.

On or before the 10th day of the regular session of the General Assembly in the year after the full evaluation of a governmental activity or unit has been completed, the committees of jurisdiction for the governmental activity or unit shall hold a public hearing to receive testimony on the evaluation report from the Department, the unit under evaluation or responsible for the governmental activity under evaluation, and the public.

§8–407.

(a) Subject to § 2–1246 of this article, on or before the 20th day of the regular session of the General Assembly in the year after a full evaluation of a governmental activity or unit has been completed, the committees of jurisdiction for the governmental activity or unit shall submit a report to the General Assembly.

(b) (1) The report shall recommend whether a governmental activity or unit that has undergone a full evaluation should be reestablished, with or without changes, or allowed to terminate.

(2) The report shall be accompanied by each bill that is needed to accomplish the recommendations in the report.

§8–408.

(a) During an evaluation required under this subtitle, the unit under evaluation or responsible for the governmental activity under evaluation shall:

(1) promptly provide any information that the Department or a committee of the General Assembly requests; and

(2) otherwise cooperate with the Department to carry out the requirements of this subtitle.

(b) Information requested under subsection (a)(1) of this section may be provided in a format that protects the confidentiality of individuals as necessary.

(c) The Department shall follow procedures to maintain the confidentiality

of any information, documents, or proceedings obtained or observed in the course of carrying out the requirements of this subtitle.

§8–409.

(a) (1) The reestablishment of a governmental activity or unit designated for evaluation under § 8–403 of this subtitle is for a 10–year period unless the law that provides for reestablishment sets another period.

(2) After the period of reestablishment expires, the governmental activity or unit terminates as provided by law unless the governmental activity or unit is reestablished again.

(b) The term of office of a member of a unit under evaluation or responsible for a governmental activity under evaluation is not affected by reason of reestablishment of the governmental activity or unit unless the law that reestablishes the governmental activity or unit provides otherwise.

§8–410.

(a) The termination of a governmental activity or unit or repeal of its statute in accordance with this subtitle is not a reason for dismissal of any claim or right of:

(1) the unit that is terminated or is responsible for the governmental activity that is terminated; or

(2) any person against that unit.

(b) The State shall assume these claims and rights.

§8–411.

This subtitle may be cited as the Maryland Program Evaluation Act.

§8–501.

(a) A member of a State board or commission appointed by the Governor who fails to attend at least 50% of the meetings of the board or commission during any consecutive 12-month period shall be considered to have resigned.

(b) Not later than January 15 of the year following the end of the 12-month period the chairman of the board or commission shall forward to the Governor:

(1) the name of the individual considered to have resigned; and

(2) a statement describing the individual's history of attendance during the period.

(c) Except as provided in subsection (d) of this section, after receiving the

chairman's statement the Governor shall appoint a successor for the remainder of the term of the individual.

(d) If the individual has been unable to attend meetings for reasons satisfactory to the Governor, the Governor may waive the resignation if the reasons are made public.

§8–502.

(a) (1) A member of a State board or commission shall be suspended without pay from participation in the activities of the board or commission if the member is convicted of or enters a plea of nolo contendere to any crime that:

(i) is a felony; or

(ii) is a misdemeanor related to the member's public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution.

(2) The suspension shall continue during any period of appeal of the conviction.

(3) If the conviction becomes final, the member shall be removed from the office and the office shall be deemed vacant.

(b) If the conviction of the member is reversed or otherwise vacated:

(1) the member shall be reinstated to the office for the remainder, if any, of the term of office during which the member was so suspended or removed; and

(2) all pay and benefits shall be restored from the date of the suspension or removal.

§8–503.

The official letterhead stationery of each department, agency, or instrumentality of the State shall include the telephone number of the individual public office that uses the stationery.

§8–504.

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

(2) "Department" means a principal department of the Executive Branch of State government.

(3) "Independent unit" means a unit in the Executive Branch of State government that is not in a department.

(4) "Mask" means to redact from public view those portions of a public

record that contain personal information, without permanently altering the original public record.

(5) "Official custodian" means an officer or employee of the State who, whether or not the officer or employee has physical custody and control of a public record, is responsible for keeping the public record.

(6) "Person in interest" means:

(i) an individual that is the subject of personal information contained in a public record or a designee of the individual; or

(ii) if the individual has a legal disability, the parent or legal representative of the individual.

(7) "Personal information" means an individual's:

(i) Social Security number; or

(ii) driver's license number.

(8) (i) "Public record" means the original or any copy of any documentary material that:

1. is made by a unit or instrumentality of the State government or received by the unit in connection with the transaction of public business; and

2. is in any form, including:

A. a card;

B. a computerized record;

C. correspondence;

D. a drawing;

E. film or microfilm;

F. a form;

G. a map;

H. a photograph or photostat;

I. a recording; or

J. a tape.

(ii) "Public record" includes a document that lists the salary of an employee of a unit or instrumentality of the State government.

(iii) "Public record" does not include a digital photographic image or signature of an individual, or the actual stored data thereof, recorded by the Motor Vehicle Administration.

(9) "Publicly post or display" means to intentionally make available to the public.

(b) Except as otherwise provided by law, on or after June 1, 2010, a department or an independent unit, to the extent practicable, may not publicly post or display on an Internet Web site maintained or paid for by the department or independent unit an individual's personal information.

(c) (1) A person in interest may request an official custodian to mask personal information in the Internet version of a public record.

(2) A request made in accordance with this subsection shall:

(i) be in writing; and

(ii) provide an adequate description of the public record including a name and address or type and location of the public record.

(3) Within 30 days after receiving a request under this section, an official custodian shall:

(i) mask the personal information in the Internet version of the record; and

(ii) give the person in interest written notice of the action taken.

(4) This subsection does not apply to a public record after 72 years from the date it was made or received by a unit or instrumentality of the State government.

§8–505.

No board or commission in control of a unit in the Executive Branch of the State government may finally adopt a resolution or regulation at a meeting not open to the public.

§9–101.

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

(b) "Agency" means the State Lottery and Gaming Control Agency.

(c) "Commission" means the State Lottery and Gaming Control Commission.

(d) "Director" means the Director of the Agency.

(e) "Governmental unit" means:

(1) an instrumentality of the State;

(2) a county or municipal corporation of the State; or

(3) an instrumentality of a county or municipal corporation of the State.

(f) "License" means a license issued by the Director to act as a licensed agent.

(g) "Licensed agent" means a person or governmental unit licensed by the Director to act as a State lottery sales agent.

(h) (1) "State lottery" means the lottery established and operated under this subtitle.

(2) "State lottery" includes a raffle conducted by the Agency.

§9–102.

Another law that prohibits the sale of lottery tickets or shares or other acts relating to a lottery does not apply to the State lottery.

§9–103.

There is a State Lottery and Gaming Control Agency.

§9–104.

There is a State Lottery and Gaming Control Commission in the Agency.

§9–105.

(a) (1) The Commission consists of seven members appointed by the Governor with the advice and consent of the Senate.

(2) The presiding officer of either house of the General Assembly may recommend to the Governor a list of individuals for appointment to the Commission.

(b) (1) At the time of appointment, each member of the Commission shall be:

(i) at least 25 years old;

(ii) a resident of the State who has resided in the State for at least 5 years;

(iii) a qualified voter of the State;

(iv) an individual who has not been convicted of or granted probation before judgment for a serious crime or a crime that involves moral turpitude or gambling; and

(v) knowledgeable and experienced in fiscal matters and shall have substantial experience:

1. as an executive with fiduciary responsibilities in charge of a large organization or foundation;

2. in an academic field relating to finance or economics; or

3. as an accountant, economist, or financial analyst, or as a professional in a similar profession relating to fiscal matters or economics.

(2) A member of the Commission may not:

(i) have a direct or indirect financial interest, ownership, or management, including holding any stocks, bonds, or other similar financial interests in any gaming activities, including horse racing, video lottery terminals, table games, or lottery;

(ii) have an official relationship to a person who holds a license under Subtitle 1A of this title;

(iii) be an elected official of State or local government;

(iv) receive or share in, directly or indirectly, the receipts or proceeds of any gaming activities, including horse racing, video lottery terminals, table games, or lottery; or

(v) have a beneficial interest in any contract for the manufacture or sale of gaming devices, the conduct of any gaming activity, or the provision of any independent consulting services in connection with any gaming establishment or gaming activity.

(3) No more than five members may be of the same political party.

(4) The members of the Commission shall reflect the geographic, racial, and gender makeup of the State.

(5) A member of the Commission shall file a financial disclosure statement with the State Ethics Commission in accordance with Title 5, Subtitle 6 of the General Provisions Article.

(c) (1) The term of a member is 5 years.

(2) The terms of members are staggered as required by the terms provided

for members of the Commission on October 1, 2012.

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

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

(5) A member may not serve for more than two full terms.

(d) (1) Subject to the hearing requirements of this subsection, the Governor may remove a member for cause.

(2) Before the Governor removes a member, the Governor shall give the member notice and an opportunity for a public hearing.

(e) The Governor shall appoint one member of the Commission to serve as a liaison to the State Racing Commission established under Title 11 of the Business Regulation Article.

(f) The Commission shall include at least one member who resides in a local jurisdiction in which a video lottery facility is located.

§9–106.

From among its members, the Commission annually shall elect a chairman.

§9–107.

(a) With the advice and consent of the Senate, the Governor shall appoint the Director of the Agency, who is the executive officer of the Agency and secretary of the Commission.

(b) The Director serves at the pleasure of the Governor.

(c) The Director must have the training and experience needed to direct the work of the Agency.

(d) The Director shall devote full time to the duties of office and may not engage in another profession or occupation.

(e) In addition to any duties set forth elsewhere in this subtitle, the Director shall have immediate supervision and direction over the Agency.

(f) The Director is entitled to the salary provided in the State budget.

§9–108.

(a) (1) A majority of the full authorized membership of the Commission is a

quorum.

(2) The Commission may not act unless at least 4 members concur.

(b) The Commission shall determine the times and places of its meetings.

(c) (1) The secretary of the Commission promptly shall send the Governor a certified copy of the minutes of each meeting of the Commission.

(2) The minutes shall include a copy of each regulation of the Agency that is adopted.

(d) (1) Each member of the Commission is entitled to:

(i) the salary provided in the budget of the Commission; and

(ii) reimbursement for reasonable expenses:

1. incurred in the performance of the Commission member's duties; and

2. as provided in the budget of the Commission.

(2) Each member of the Commission shall be paid biweekly.

(3) Each member is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the budget of the Commission.

(e) (1) With the advice of the Commission, the Director may employ deputy directors and other staff in accordance with the State budget.

(2) Except as provided in paragraph (3) of this subsection or otherwise by law, the staff of the Commission is in the State Personnel Management System.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, a deputy director is in the executive service of the State Personnel Management System.

(ii) A deputy director may be removed only for cause after being given notice and an opportunity for a hearing.

(4) (i) With the approval of the Commission and in accordance with the State budget, the Director may set the compensation of an Agency employee in a position that:

1. is unique to the Agency;

2. requires specific skills or experience to perform the duties of the position; and

3. does not require the employee to perform functions that are comparable to functions performed in other units of the Executive Branch of State government.

(ii) The Secretary of Budget and Management, in consultation with the Director, shall determine the positions for which the Director may set compensation under subparagraph (i) of this paragraph.

(5) (i) The Governor shall include in the State budget sufficient money for the Commission to hire, develop, and organize a staff to perform the functions of the Commission.

(ii) As deemed necessary by the Commission, the Commission shall hire experts including economists, gaming specialists, and lawyers.

(iii) 1. The Commission shall contract with an outside consultant to provide continual analysis of the gaming industry both within and outside the State and support the licensing activities of the Commission and the Video Lottery Facility Location Commission.

2. The cost of the consultant required under this subparagraph may be divided proportionally among the video lottery operation licensees as determined by the Commission.

§9–109.

(a) In addition to the specific powers granted and duties imposed by this subtitle, the Commission has the powers and duties set forth in this section.

(b) (1) The Commission shall conduct studies of the State lottery and gaming program to:

(i) identify any defect in this subtitle, Subtitle 1A of this title, or the regulations of the Agency that may allow abuses in the operation and administration of the State lottery and gaming program or any evasion of this subtitle, Subtitle 1A of this title, or the regulations;

(ii) guard against the use of this subtitle, Subtitle 1A of this title, and the regulations of the Agency as a means of conducting organized crime;

(iii) ensure that the regulations of the Agency are proper and that this subtitle, Subtitle 1A of this title, and the regulations are administered to serve the purpose of this subtitle; and

(iv) analyze the gaming industry within and outside the State to determine whether Maryland's gaming program is competitive and maximizing revenues for the State.

(2) The Commission shall conduct studies of:

(i) the operation and administration of similar laws in other states or countries;

(ii) federal laws that may affect the operation of the State lottery or gaming activities;

(iii) literature on lotteries and gaming activities, including problem gambling programs; and

(iv) the reaction of citizens of the State to existing and potential features of the State lottery and gaming program.

(c) (1) The Commission shall submit to the Governor and, subject to § 2–1246 of this article, to the General Assembly the reports required under this subsection.

(2) The Commission shall submit monthly a report that states the total State lottery and gaming revenues and the total prize disbursements and other expenses for the preceding month.

(3) The Commission shall submit annually a report that states the total State lottery and gaming revenues and the total prize disbursements and other expenses for the preceding year.

(4) The Commission shall submit a report whenever a matter requires an immediate change in a State law to:

(i) prevent an abuse or evasion of this subtitle, Subtitle 1A of this title, or a regulation of the Agency; or

(ii) rectify an undesirable condition in the operation or administration of the State lottery and gaming program.

§9–110.

(a) With the approval of the Commission, the Director may adopt regulations of the Agency.

(b) The regulations of the Agency shall provide for:

(1) all matters that are necessary or desirable for the efficient and economical operation and administration of the State lottery; and

(2) the convenience of buyers of State lottery tickets and shares and of the holders of a winning ticket or share.

§9–111.

(a) The Director shall:

(1) supervise and administer the State lottery in accordance with the regulations of the Agency and this subtitle;

(2) confer, at least once a month, with the Commission on the operation and administration of the State lottery;

(3) make available to the Commission any record or other information of the Agency that the Commission requests;

(4) advise the Commission about any change needed to improve the operation or administration of the State lottery;

(5) with the approval of the Commission and subject to Division II of the State Finance and Procurement Article, contract for:

(i) the operation of all or any part of the State lottery; and

(ii) the use of space, for advertising or promotional purposes, on tickets or publications distributed by the Agency, if, in the Director's discretion, the action is fiscally prudent and in the best interest of the State lottery;

(6) submit monthly to the Comptroller and to the Commission a certified statement of the total State lottery revenues and the total prize disbursements and other expenses for the preceding month; and

(7) with the approval of the Commission, contract for the promotion of the State lottery and enter into private sector cooperative marketing project agreements as provided for in § 11–203(a)(1)(xiii) of the State Finance and Procurement Article.

(b) With the approval of the Commission and the Legislative Policy Committee, the Director may enter into agreements to operate multijurisdictional lotteries or raffles with:

(1) any other political entity outside the State or outside the United States that operates a lottery or raffle; or

(2) a private licensee of a state or a foreign nation.

(c) The Commission may advise the Director on the operation and administration of the State lottery.

(d) In accordance with the regulations of the Agency and this subtitle, the Director may:

(1) arrange for a person to perform any activity, function, or service in

connection with the operation of the State lottery which shall constitute a lawful activity, function, or service of the person; and

(2) authorize the Agency to sell lottery tickets for a temporary period at any promotional or special event being held in the State if:

(i) in the Director's determination, no licensed agent is available to conduct the sale; and

(ii) the person holding the promotional or special event has authorized the Agency to sell lottery tickets at the event.

§9–112.

(a) In this section, "veterans' organization" means an organization that is tax exempt and organized as a veterans' organization under § 501(c)(19) or § 501(c)(4) of the Internal Revenue Code.

(b) Except as provided in subsection (d) of this section, in accordance with the regulations of the Agency and this subtitle, the Director shall issue licenses to the persons and governmental units that will best serve the public convenience and promote the sale of State lottery tickets or shares.

(c) Before issuing a license to an applicant, the Director shall consider such factors as:

(1) the financial responsibility and security of the applicant and the business or activity of the applicant;

(2) the accessibility of the place of business or activity to the public;

(3) the sufficiency of existing licenses to serve the public convenience; and

(4) the volume of expected sales.

(d) (1) This subsection does not apply in:

(i) Caroline County;

(ii) Cecil County;

(iii) Dorchester County;

(iv) Kent County;

(v) Queen Anne's County;

(vi) Somerset County;

(vii) Talbot County;

(viii) Wicomico County; and

(ix) Worcester County.

(2) (i) Subject to subparagraph (ii) of this paragraph, the Director may issue a license under this subtitle for not more than five instant ticket lottery machines to an applicant that is a veterans' organization.

(ii) A veterans' organization that is issued a license under this subsection shall locate and operate its instant ticket lottery machines at its principal meeting hall in the county in which the veterans' organization is located.

(3) After deduction of any commission and validation prize payout as provided under § 9–117 of this subtitle, a veterans' organization issued a license under this subsection shall credit the remaining receipts from the sale of tickets from instant ticket lottery machines to the State Lottery Fund established under § 9–118 of this subtitle.

(4) (i) Subject to subparagraph (ii) of this paragraph, a veterans' organization issued a license under this subsection shall purchase or lease the instant ticket lottery machines to be used by the veterans' organization.

(ii) An organization may not use receipts from the sale of tickets from instant ticket lottery machines that would otherwise be credited to the State Lottery Fund for the costs of purchasing or leasing instant ticket lottery machines.

(5) The Director may adopt regulations to implement the provisions of this subsection that included restricting the location of instant ticket lottery machines in areas of a veterans' organization's public meeting hall that is accessible to the public.

(6) The State Lottery and Gaming Control Agency shall ensure that the element of chance in the conduct of the gaming through the instant ticket lottery machines established under this subsection is consistent with the holding in the case of Chesapeake Amusements Inc. v. Riddle, 363 Md. 16 (2001), in that the element of chance must be wholly within the pre–printed instant lottery ticket, and that player enhancements in an instant ticket lottery machine may not affect the element of chance being wholly within the pre–printed instant lottery ticket.

(e) The Director may not issue a license to:

(1) a person or governmental unit to engage in business primarily as a licensed agent; or

(2) an individual who is under the age of 21 years.

(f) The Commission may hear and decide an appeal of a denial of a license.

§9–112.1.

(a) In this section, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) The Agency shall apply to the Central Repository for a State and national criminal history records check for each new applicant for a license under § 9–113 of this subtitle.

(c) The Director may require any applicant seeking a change of ownership or renewal of a license to submit fingerprints to the Central Repository for a State and national criminal history records check.

(d) The Central Repository shall provide to the Agency:

(1) the State and national criminal history records of each individual requiring a criminal history records check under subsection (b) of this section and issue a printed statement of the Federal Bureau of Investigation report;

(2) an update of the initial criminal history records check for an individual requiring a criminal history records check and issue a revised printed statement of the Federal Bureau of Investigation report listing any criminal charge occurring after the date of the initial criminal history records check; and

(3) an acknowledged receipt of the application for a criminal history records check by an individual requiring a criminal history records check.

(e) As part of the application for a criminal history records check, the Agency shall submit to the Central Repository:

(1) a complete set of the applicant's legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(2) the fee authorized in § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(3) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(f) (1) In accordance with §§ 10–201 through 10–234 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Agency a printed statement of the applicant's criminal history record information.

(2) Nothing in paragraph (1) of this subsection shall preclude the Director from notifying a licensed agent or an applicant of the approval or disqualification based on information obtained by the Agency under this section.

(g) Information obtained from the Central Repository under this section:

(1) shall be confidential;

(2) may not be redisseminated; and

(3) may be used only in connection with the issuance of a license required under this subtitle.

(h) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10–223 of the Criminal Procedure Article.

§9–113.

A license authorizes the licensee to act as a State lottery sales agent while the license is effective.

§9–114.

(a) The Director may require any lottery agent granted a license to post either an appropriate surety bond, irrevocable letter of credit, or cash security deposit in the amount that the regulations of the Agency set.

(b) (1) In lieu of a surety bond, irrevocable letter of credit, or cash security deposit, the Agency, at the discretion of the Director, may provide a blanket bond covering all or selected agents in accordance with the availability of bonds and the financial status of an individual or a corporation.

(2) A bond provided by the Agency shall be:

(i) provided at the agent's expense; and

(ii) based upon a financial evaluation of the agent conducted by the Director.

§9–115.

Each licensed agent shall display prominently the license or a copy of it, as the regulations of the Agency require.

§9–116.

The Commission may suspend or revoke a license, on the recommendation of the Director.

§9–117.

(a) (1) A licensed agent shall receive regular commissions of 5.5% of the

licensed agent's gross receipts from ticket sales.

(2) A licensed agent may further receive a cashing fee not to exceed 3% of valid prizes paid for services rendered in cashing winning tickets.

(b) (1) The Commission may authorize the payment of special bonuses to licensed agents and their employees.

(2) The total of the bonuses may not exceed one–half of 1% of the gross receipts from ticket sales for the year for which the bonuses are awarded.

(3) Lottery sales agents may not offer patrons inducements of alcoholic beverages to purchase or redeem lottery tickets.

(c) Unless otherwise expressly provided by a lease for premises on which lottery tickets are sold, whenever lottery tickets are sold by a licensed agent on premises subject to rent that is wholly or partially based on a percentage of gross sales or receipts, the tenant responsible for payment of the rent may calculate that portion of the rent arising from the sale of lottery tickets solely on the basis of:

(1) the commission received by the licensed agent on the sale of those tickets; and

(2) in the case of instant lottery tickets, the difference between the price paid by the licensed agent in purchasing the tickets from the Agency and the price for which they were sold by the agent.

§9–118.

(a) There is a State Lottery Fund.

(b) Except as otherwise specifically provided by law:

(1) the Agency shall account to the Comptroller for all of the revenue under this subtitle; and

(2) the Comptroller shall credit the revenues to the State Lottery Fund.

(c) A system of voucher deposits may be used for:

(1) payout of prizes;

(2) payout of commissions; and

(3) reimbursement for money paid out for prizes or commissions.

§9–119.

(a) Except for the commission of a licensed agent, all of the receipts from the

sale of State lottery tickets or shares are due to the Agency:

(1) on the due date that the Agency sets; or

(2) at the times and within the intervals prescribed by Agency regulations.

(b) (1) (i) The Director shall require all licensed agents to deposit, with a bank that the licensed agent selects and to the credit of the State Lottery Fund, all of the receipts from the sale of State lottery tickets or shares less any commission and validation prize payout.

(ii) 1. A licensed agent may commingle proceeds from the sale of State lottery tickets or shares with business receipts of the licensed agent.

2. Proceeds, including cash proceeds of the sale of any lottery products less any commission and validation prize payout, shall be remitted and paid directly or through the Agency's authorized collection representative.

(iii) Licensed agents and each person who is a guarantor or indemnitor of a licensed agent's financial obligations to the Agency shall be liable for all proceeds from the sale of lottery tickets or shares.

(iv) The Director may adjust the time, interval, or method of collection for collections of proceeds of any licensed agent.

(v) 1. Nothing in this subsection may be construed to impose obligations or liability on any bank in which proceeds from the sale of State lottery tickets or shares are deposited.

2. This subparagraph does not affect the rights and obligations of any financial institution that has issued an irrevocable letter of credit or holds any cash security deposit as provided in § 9-114 of this subtitle.

(2) The Director may require any or all licensed agents to submit to the Director or a designee of the Director a report that:

(i) is in the form that the Director requires; and

(ii) gives the information that the Director requires as to the transactions in and receipts from the sale of State lottery tickets or shares.

(c) (1) The Agency may impose a service charge if the payor bank dishonors:

(i) a check that is given to the Agency by a licensed agent; or

(ii) an electronic transfer of funds to the State lottery account from the account of a licensed agent for money received from the sale of State lottery tickets or shares.

(2) The service charge under paragraph (1) of this subsection shall be sufficient to cover the Agency's costs associated with the dishonored return.

(3) The Director shall adopt regulations specifying the costs and the methodology for determining the costs that are associated with a dishonored return.

(4) The service charge imposed under paragraph (1) of this subsection shall be in addition to any other fees or charges authorized to be charged under this article.

(d) A licensed agent shall be charged:

(1) as provided in § 13-604(a) of the Tax - General Article, interest on the money that is not paid to the Agency within 10 days after the due date; and

(2) if the Agency refers the debt to the Central Collection Unit of the Department of Budget and Management, an additional fee sufficient to cover administrative and collection costs, in an amount equal to any fee charged by the Central Collection Unit in accordance with § 3-304(a)(2) of the State Finance and Procurement Article.

(e) (1) The amount, including any interest or penalty charge, due to the Agency from a licensed agent, as of the time that notice of the lien is filed:

(i) is a lien on the property of that licensed agent; and

(ii) subject to paragraph (5) of this subsection, has the same effect as a judgment lien.

(2) The Agency shall:

(i) file a notice of the lien with the clerk of the circuit court for the county where the property is located; and

(ii) mail a copy of the notice to the business address of the licensed agent.

(3) The clerk of court promptly shall enter in the judgment docket of the court:

(i) the name of the licensed agent;

(ii) the amount of the lien; and

(iii) the date of the lien.

(4) Within 30 days after the lien is filed, the licensed agent may petition the court for a hearing as to the amount that is due to the Agency.

(5) Until an officer of a court levies on personal property, the lien is not effective against an innocent buyer for value.

§9–120.

(a) The Comptroller shall distribute, or cause to be distributed, the State Lottery Fund to pay:

(1) on a pro rata basis for the daily and nondaily State lottery games, the expenses of administering and operating the State lottery, as authorized under this subtitle and the State budget; and

(2) then, except as provided in § 10–113.1 of the Family Law Article, § 11–618 of the Criminal Procedure Article, and § 3–307 of the State Finance and Procurement Article, the holder of each winning ticket or share.

(b) (1) By the end of the month following collection, the Comptroller shall deposit or cause to be deposited:

(i) into the Maryland Stadium Facilities Fund established under § 7–312 of the State Finance and Procurement Article from the money that remains in the State Lottery Fund, after the distribution under subsection (a) of this section, an amount not to exceed $20,000,000 in any fiscal year;

(ii) after June 30, 2014, into the Maryland Veterans Trust Fund 10% of the money that remains in the State Lottery Fund from the proceeds of sales of tickets from instant ticket lottery machines by veterans' organizations under § 9–112(d) of this subtitle, after the distribution under subsection (a) of this section;

(iii) after June 30, 2014, into the Baltimore City Public School Construction Financing Fund established under § 10–656 of the Economic Development Article the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i) and (ii) of this paragraph, an amount equal to $20,000,000 in each fiscal year that bonds are outstanding and unpaid, to be paid in two installments with at least $10,000,000 paid no later than December 1 of each fiscal year; and

(iv) into the General Fund of the State the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i), (ii), and (iii) of this paragraph.

(2) The money paid into the General Fund under this subsection is available in the fiscal year in which the money accumulates in the State Lottery Fund.

(c) The regulations of the Agency shall apportion the money in the State Lottery Fund in accordance with subsection (b) of this section.

§9–121.

(a) (1) The Legislative Auditor shall audit the accounts and transactions of the Agency as provided in § 2-1220 of this article.

(2) If the Legislative Auditor gives the Agency advance notice, the Legislative Auditor may conduct annually a fiscal and compliance audit of the accounts and transactions of the Agency.

(b) The Agency shall pay the cost of the fiscal part of each audit.

§9–122.

(a) The regulations of the Agency shall provide for winning tickets to be drawn at least once a week.

(b) (1) Except as otherwise provided in this subsection, § 10–113.1 of the Family Law Article, § 11–618 of the Criminal Procedure Article, and § 3–307 of the State Finance and Procurement Article, a prize won under this subtitle is not assignable.

(2) If the prize winner dies before the prize is paid, the prize may be paid to the estate of the prize winner.

(3) Under appropriate court order, a prize won under this subtitle may be paid to a person other than the winner.

(4) (i) The right of a person to receive payment under a prize that is paid in installments over time by the Agency may be voluntarily assigned as a whole or in part, if the assignment is made to a person designated in accordance with an order of the circuit court in the county where the headquarters of the Agency is located.

(ii) A circuit court specified under subparagraph (i) of this paragraph may hear petitions for approval of voluntary assignments.

(iii) On the filing by the assignor or the assignee in the circuit court of a petition seeking approval of a voluntary assignment, the court shall issue an order approving a voluntary assignment and directing the Agency to make prize payments as a whole or in part to the assignee if the court finds that:

1. the assignment is in writing, is executed by the assignor, and is by its terms subject to the laws of this State;

2. the assignor provides a sworn affidavit attesting that the assignor is of sound mind, is in full command of the assignor's faculties, and is not acting under duress;

3. the assignor has been advised about the assignment by an

independent attorney who is not related to and not compensated by the assignee or an affiliate of the assignee;

4. the assignor has received independent financial or tax advice concerning the effects of the assignment from an attorney or other professional who is unrelated to and is not compensated by the assignee or an affiliate of the assignee;

5. the assignor understands that the assignor will not receive the prize payments or parts of payments during the years assigned;

6. the assignor understands and agrees the Agency, Commission, and officials and employees of the Agency are not liable or responsible for making any of the assigned payments;

7. the assignee provides the assignor with a one–page disclosure statement that sets forth in bold type not less than 14 points in size the payments being assigned by amount and payment date, the purchase price, the rate of discount to present value assuming daily compounding and funding on the contract date, and any origination or closing fee that will be charged to the assignor; and

8. the contract of assignment expressly states that the assignor has 5 business days after signing the contract to cancel the assignment.

(iv) 1. Written notice of the petition and proposed assignment and any court hearing concerning the petition and proposed assignment shall be given to the Agency's counsel at least 30 days before a court hearing.

2. The Agency need not appear in or be named as party to an action that seeks judicial approval of an assignment but may intervene as of right in the action.

3. A certified copy of a court order approving a voluntary assignment shall be given to the Agency not later than 60 days before the date on which the payment is to be made.

(v) Beginning October 1, 2006, the Agency, not later than 30 days after receiving a certified copy of a court order approving a voluntary assignment, shall send the assignor and the assignee written confirmation of:

1. the court–approved assignment; and

2. the intent of the Agency to rely on the assignment in making payments to the assignee named in the order.

(vi) A voluntary assignment may not include or cover payments or parts of payments to the extent that the payments are subject to child support payments, criminal restitution, or bankruptcy proceedings as of the date of the court

order approving a voluntary assignment.

(vii) 1. The Agency, the Commission, and officials and employees of the Agency are not liable under this paragraph after payment of an assigned prize is made.

2. The assignor and assignee shall hold harmless and indemnify the Agency, the Commission, and the State and its employees and agents from all claims, suits, actions, complaints, or liabilities related to the assignment.

(viii) 1. The Agency may establish a reasonable fee to defray administrative expenses associated with assignments made under this section, including a processing fee imposed by a private annuity provider.

2. The amount of the fee shall reflect the direct and indirect costs of processing assignments.

(ix) 1. A contract of assignment in which the assignor is a lottery winner shall include a sworn affidavit in a form that the Agency provides and the assignee completes.

2. Until the Agency provides the form, an assignee may use its own form that includes the information required in subsubparagraph 3 of this subparagraph.

3. The affidavit shall include:

A. a summary of assignee contacts with the winner;

B. a summary of any complaints, lawsuits, claims, or other legal actions from lottery winners regarding conduct of the assignee or its agents;

C. a statement that the assignee is registered to do business in the State and is in good standing with the Department of Assessments and Taxation and any other licensing or regulatory unit whose approval is required in the conduct of the assignee's business;

D. a brief business history of the assignee;

E. a description of the business of the assignee; and

F. a statement of the assignee's privacy and nonharassment policies and express affirmation that the assignee has followed those policies in the State.

4. The affidavit shall be provided only by the assignee who enters into the contract with the lottery winner or the estate of a lottery winner.

(x) The assignee shall notify the Agency of its business location and mailing address for payment purposes and of any change in location or address during the entire course of the assignment.

(xi) An assignment may be made by a husband and wife who are co–owners of a prize only if they jointly assign the prize to an assignee.

(xii) 1. A court order or a combination of court orders under this section may not require the Agency to divide a single prize payment among more than three different persons.

2. This section does not prohibit the substitution of assignees as long as there are not more than three assignees at any one time for any one prize payment.

3. Any subsequent assignee is bound as the original assignee by the provisions of this section and the terms and conditions of the contract of assignment.

(xiii) If the Internal Revenue Service or a court of competent jurisdiction issues a determination letter, revenue ruling, or other public document declaring that the voluntary assignment of prizes will affect the federal income tax treatment of lottery prize winners who do not assign their prizes:

1. within 15 days after the Agency receives the letter, ruling, or other document, the Director of the Agency shall file a copy of it with the Attorney General; and

2. a court may not issue an order authorizing a voluntary assignment under this paragraph.

(xiv) This paragraph shall prevail over any inconsistent provision in § 9–406 of the Commercial Law Article.

(xv) A contract or agreement made or entered into on or before May 31, 2006, that purports to voluntarily assign or grant an interest in prize payments is void.

(c) A licensed agent may pay in cash game prizes of not more than $5,000.

(d) (1) In this subsection, the words "bank" and "guardian" and references to a "member" of a "minor's family" have the meanings stated in § 13–301 of the Estates and Trusts Article.

(2) If a minor wins a prize of less than $5,000, the Director may give a draft, as provided for in rules and regulations of the Agency payable to the order of the minor, to:

(i) an adult member of the minor's family; or

(ii) a guardian of the minor.

(3) If a minor wins $5,000 or more, the Director may deposit the prize in a bank to the credit of one of the following, as custodian for the minor:

(i) an adult member of the minor's family; or

(ii) a guardian of the minor.

(4) A custodian under paragraph (3) of this subsection has the same powers and duties as a custodian under the Maryland Uniform Transfers to Minors Act.

(e) On payment of a prize in accordance with this section, the Director is discharged of all liability.

(f) (1) A prize winner shall claim a prize within 182 days after the drawing in which the prize is won.

(2) Except as provided in paragraph (3) of this subsection, the Director shall keep an unclaimed prize:

(i) for 182 days after the drawing in which the prize is won, for payment of the winner; and

(ii) then in an unclaimed prize fund for use for other prizes.

(3) For a game that the Agency designates as a bonus game or drawing and that is not a daily or weekly State lottery drawing, the period for claiming a prize may differ from the period set in paragraph (2) of this subsection.

(g) (1) Unless otherwise specifically provided by the laws of the State, and except for prizes paid for any multistate lottery game, the State and every officer, department, agency, board, commission, or other unit of State government may not raise the defense of sovereign immunity in the courts of the State in an action in contract brought by an annuitant or prize winner that is based on the liability of the State to pay an annuitant or prize winner the prize that the annuitant is entitled to receive in accordance with this subtitle and any regulations adopted under this subtitle.

(2) Notwithstanding any other provision of law, the State may raise the defense of sovereign immunity to a contract action brought by an annuitant or prize winner of any multistate lottery game, for any claim that exceeds $200,000.

§9–123.

A State lottery ticket or share may not be bought by and a prize may not be given to:

(1) an officer or employee of the Agency; or

(2) an individual who is a spouse, child, parent, or sibling of an officer or employee of the Agency and resides in the principal residence of the officer or employee.

§9–124.

(a) This section does not prohibit:

(1) giving a State lottery ticket or share as a gift;

(2) buying a State lottery ticket or share as a gift for a minor; or

(3) the Agency from directly selling any State lottery ticket to the public as provided in § 9–111(d) of this subtitle.

(b) Except as otherwise provided in this section, a person or governmental unit may not:

(1) hold itself out to the public as a State lottery sales agent without being licensed by the Agency to act as a licensed agent;

(2) unless a licensed agent or employee of a licensed agent, sell a State lottery ticket or share;

(3) sell or purchase:

(i) a State lottery ticket or share at any price other than the price that the regulations of the Agency set; or

(ii) the prize validated for payment by the Agency;

(4) sell a State lottery ticket or share to a minor;

(5) knowingly present a counterfeit or altered State lottery ticket or share for payment;

(6) knowingly transfer a counterfeit or altered State lottery ticket or share to another person to present for payment; or

(7) knowingly purchase a State lottery ticket or share from another person with the intent to deceive or circumvent the payment of prize winnings to the State, in accordance with:

(i) § 11–616(b) of the Criminal Procedure Article;

(ii) § 10–113.1(b) of the Family Law Article;

(iii) § 3–307 of the State Finance and Procurement Article; or

(iv) § 10–905(c)(3) of the Tax – General Article.

(c) Unless a person receives written authorization from the Agency, the person may not use the term "Maryland State lottery", "Maryland lottery", "State lottery", "Maryland State Lottery Agency", "Maryland State Lottery and Gaming Control Agency", "Maryland State Lottery Commission", "Maryland State Lottery and Gaming Control Commission", or any variation of these terms in the title or name of a charitable or commercial enterprise, product, or service.

(d) (1) A licensed agent may not fail to report, as required by the Internal Revenue Service or the Agency, income tax information relating to holders of winning lottery tickets.

(2) For prizes of over $600, a licensed agent may not fail to determine, through the Agency and prior to paying the prize whether a holder of a winning lottery ticket has been certified under:

(i) § 11–616(b) of the Criminal Procedure Article;

(ii) § 10–113.1(b) of the Family Law Article; or

(iii) § 3–307 of the State Finance and Procurement Article.

(3) A licensed agent may not pay a prize to a holder of a winning lottery ticket if the Agency has notified the licensed agent that the holder has been certified under:

(i) § 11–616(b) of the Criminal Procedure Article;

(ii) § 10–113.1 of the Family Law Article; or

(iii) § 3–307 of the State Finance and Procurement Article.

(4) A licensed agent may not:

(i) pay a prize winner less than the lawfully due prize amount;

(ii) deceive or conspire with another person to pay less than the lawfully due prize amount to any prize winner;

(iii) seek payment or claim reimbursement of a cashing fee for cashing a winning ticket for less than the lawfully due prize amount; or

(iv) receive a cashing fee for cashing a winning ticket filed in error.

(e) A person who violates any provision of subsection (b), (c), or (d) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $2,500 or imprisonment not exceeding 3 years or both.

§9–125.

This subtitle may be cited as the "Maryland State Lottery Law".

§9–1A–01.

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

(b) "Applicant" means a person who applies for any license required under this subtitle.

(c) "Associated equipment" means hardware located on the licensee's premises that is connected to the video lottery system for the purpose of performing communication, validation, or other functions, but not including the communication facilities of a regulated utility or the video lottery terminals.

(d) "Average payout percentage" means the average percentage of money used by players to play a video lottery terminal that is returned to players of that video lottery terminal.

(e) "Award" means the act, by the Video Lottery Facility Location Commission, of approving the issuance of a video lottery operation license by the State Lottery and Gaming Control Commission to an applicant for the operation of video lottery terminals at a specified location.

(f) "Background investigation" means a security, criminal, and credit investigation of a person who applies for or who is granted a license under this subtitle.

(g) "Career offender" means a person whose behavior is pursued in an occupational manner or context for the purpose of economic gain and who utilizes methods that are deemed by the Commission as criminal violations inimical to the interest of the State.

(h) "Career offender cartel" means a group of persons who operate together as career offenders.

(i) "Central monitor and control system" means a central system provided to and controlled by the Commission to which video lottery terminals communicate for purposes of:

(1) information retrieval;

(2) retrieval of the win and loss determination from video lottery terminals; and

(3) programs to activate and disable video lottery terminals.

(j) "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(k) "Commission" means the State Lottery and Gaming Control Commission.

(l) "Control" means the authority to direct the management and policies of an applicant or licensee.

(m) "Costs" means, unless the context otherwise requires, the expenses incurred by the Commission in the administration of this subtitle, including:

(1) the costs of leasing or the capitalized cost of purchasing the video lottery terminals, central monitor and control system, and associated equipment and software;

(2) the costs to repair and maintain the video lottery terminals, central monitor and control system, and associated equipment and software to the extent these costs are not included in the costs of leasing or purchasing the video lottery terminals, central monitor and control system, and associated equipment and software;

(3) the costs of testing and examination of video lottery terminals and the central monitor and control system; and

(4) the costs of performing background investigations and other related activities.

(n) "Family" means spouse, parents, grandparents, children, grandchildren, siblings, uncles, aunts, nephews, nieces, fathers–in–law, mothers–in–law, daughters–in–law, sons–in–law, brothers–in–law, and sisters–in–law, whether by whole blood or half blood, marriage, adoption, or natural relationship.

(o) "Institutional investor" means:

(1) a retirement fund administered by a public agency for the exclusive benefit of federal, state, or local public employees;

(2) an investment company registered under the Investment Company Act of 1940;

(3) a collective investment trust organized by banks under Part 9 of the rules of the Comptroller of the Currency;

(4) a closed end investment trust;

(5) a chartered or licensed life insurance company;

(6) a property and casualty insurance company;

(7) a banking or other chartered or licensed lending institution;

(8) an investment advisor registered under the Investment Advisors Act of 1940; or

(9) any other person registered in any foreign jurisdiction and regulated in accordance with a statute of any foreign jurisdiction that the Commission determines to be substantially similar to that regulated by the Investment Company Act of 1940 or the Investment Advisors Act of 1940.

(p) "License" means, unless the context otherwise requires, a license required under this subtitle.

(q) "Licensee" means an applicant who has been issued a license required under this subtitle.

(r) "Manufacturer" means a person:

(1) (i) that is engaged in the business of designing, building, constructing, assembling, manufacturing, or distributing a central monitor and control system, video lottery terminals, associated equipment or software, or the cabinet in which a video lottery terminal is housed;

(ii) that produces a product that is intended for sale, lease, or other assignment to the Commission or a licensee; and

(iii) that contracts with the Commission or a licensee for the sale, lease, or other assignment of a product described in item (i) of this item; or

(2) (i) that is engaged in the business of designing, building, constructing, assembling, manufacturing, or distributing table games or table game equipment;

(ii) that produces a product related to table games that is intended for sale, lease, or other assignment to a licensee; and

(iii) that contracts with a licensee for the sale, lease, or other assignment of a product described in item (i) of this item.

(s) "Own" means having a beneficial or proprietary interest of at least 5% in the property or business of an applicant or licensee.

(t) "Player" means an individual who plays a video lottery terminal at a video lottery facility licensed by the Commission.

(u) (1) "Proceeds" means the part of the amount of money bet through video lottery terminals and table games that is not returned to successful players but is otherwise allocated under this subtitle.

(2) (i) Subject to subparagraph (ii) of this paragraph, "proceeds" does not include money given away by a video lottery operation licensee as free promotional play and used by players to bet in a video lottery terminal or at a table game.

(ii) After the first fiscal year of operations, the exclusion specified in subparagraph (i) of this paragraph may not exceed a percentage established by the Commission by regulation of the proceeds received from video lottery terminals and table games in the prior fiscal year by the video lottery operation licensee under § 9–1A–27(a)(2), (c)(1)(ii), and (d)(1) of this subtitle.

(v) "Progressive jackpot" means a prize that increases as one or more video lottery terminals are connected to a progressive jackpot system.

(w) "Progressive jackpot system" means a system capable of linking one or more video lottery terminals in one or more licensed facilities and offering one or more common progressive jackpots.

(w–1) "Table game equipment" means equipment that is related to the operation of table games and that is owned or leased by the video lottery facility and located on the video lottery facility's premises.

(w–2) "Table games" means:

(1) roulette, baccarat, blackjack, craps, big six wheel, minibaccarat, poker, pai gow poker, and sic bo, or any variation and composites of such games; and

(2) gaming tournaments in which players compete against one another in one or more of the games authorized under item (1) of this subsection.

(x) "Video lottery" means gaming or betting conducted using a video lottery terminal.

(y) "Video lottery destination location" means a location that is eligible for or has been awarded in the manner provided by law a video lottery operation license.

(z) "Video lottery employee" means an employee of a person who holds a license.

(aa) "Video lottery facility" means a facility at which players play video lottery terminals under this subtitle.

(bb) "Video lottery operation license" means a license awarded by the Video Lottery Facility Location Commission and issued by the State Lottery and Gaming Control Commission to a person that allows players to operate video lottery terminals.

(cc) "Video lottery operator" means a person licensed to operate a video lottery facility under this subtitle.

(dd) (1) "Video lottery terminal" means any machine or other device that, on insertion of a bill, coin, token, voucher, ticket, coupon, or similar item, or on payment of any consideration:

(i) is available to play or simulate the play of any game of chance in which the results, including the options available to the player, are randomly determined by the machine or other device; and

(ii) by the element of chance, may deliver or entitle the player who operates the machine or device to receive cash, premiums, merchandise, tokens, or anything of value, whether the payout is made automatically from the device or in any other manner.

(2) "Video lottery terminal" includes a machine or device:

(i) that does not directly dispense money, tokens, or anything of value to winning players; and

(ii) described under paragraph (1) of this subsection that uses an electronic credit system making the deposit of bills, coins, or tokens unnecessary.

(3) "Video lottery terminal" does not include an authorized slot machine operated by an eligible organization under Title 12, Subtitle 3 of the Criminal Law Article.

§9–1A–02.

(a) This subtitle is statewide and exclusive in its effect.

(b) (1) The Commission shall regulate the operation of video lottery terminals in accordance with this subtitle.

(2) The Maryland State Lottery and Gaming Control Agency shall provide assistance to the Commission in the performance of the Commission's duties under this subtitle.

(3) The Commission shall regulate the operation of table games in accordance with this subtitle.

(c) (1) This subtitle authorizes the operation of video lottery terminals that are connected to a central monitor and control system owned or leased by the State that allows the Commission to monitor a video lottery terminal.

(2) The Commission shall provide and operate a single central monitor and control system into which all licensed video lottery terminals must be connected.

(3) The central monitor and control system shall be capable of:

(i) continuously monitoring, retrieving, and auditing the operations, financial data, and program information of all video lottery terminals;

(ii) allowing the Commission to account for all money inserted in and payouts made from any video lottery terminal;

(iii) disabling from operation or play any video lottery terminal as the Commission deems necessary to carry out the provisions of this subtitle;

(iv) supporting and monitoring a progressive jackpot system capable of operating one or more progressive jackpots; and

(v) providing any other function that the Commission considers necessary.

(4) The central monitor and control system shall employ a widely accepted gaming industry communications protocol to facilitate the ability of video lottery terminal manufacturers to communicate with the statewide system.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, the Commission may not allow a video lottery operation licensee to have access to, or obtain information from, the central monitor and control system.

(ii) Only if the access does not in any way affect the integrity or security of the central monitor and control system, may the Commission allow a video lottery operation licensee to have access to the central monitor and control system that allows the licensee to obtain information pertinent to the legitimate operation of a video lottery facility.

(d) Only a person with a video lottery operation license issued under this subtitle may offer a video lottery terminal and table games for public use in the State under this subtitle.

§9–1A–03.

(a) Except as provided in subsection (b) of this section, any additional forms or expansion of commercial gaming other than as expressly provided in this subtitle are prohibited.

(b) This subtitle, including the authority provided to the Commission under this subtitle, does not apply to:

(1) lotteries conducted under Subtitle 1 of this title;

(2) wagering on horse racing conducted under Title 11 of the Business Regulation Article;

(3) the operation of slot machines as provided under Titles 12 and 13 of the Criminal Law Article; or

(4) other gaming conducted under Titles 12 and 13 of the Criminal Law Article.

§9–1A–04.

(a) The Commission shall:

(1) promptly and in reasonable order, make a determination on license applications and causes affecting the granting or renewal of licenses under this subtitle;

(2) issue licenses in accordance with this subtitle;

(3) after a hearing, promptly and in reasonable order, make a determination on the suspension or revocation of licenses under this subtitle;

(4) except as provided in subsection (b)(1)(v) of this section, after a hearing, suspend or revoke as applicable the license of a licensee who has a license suspended or revoked in another state;

(5) conduct hearings concerning civil violations of this subtitle or regulations issued under this subtitle;

(6) collect application, license, and other fees to cover the administrative costs of this subtitle related to licensing;

(7) deposit application, license, and other fees to a bank account that the State Treasurer designates to the credit of the State Lottery Fund to cover the administrative costs of this subtitle related to licensing;

(8) levy and collect civil penalties for civil violations of the provisions of this subtitle or regulations issued under this subtitle;

(9) be present at a video lottery operation through its employees and agents at any time during the operation of any video lottery terminal or table game for the purpose of certifying revenue from the video lottery terminals or table games, receiving complaints from the public, and conducting any other investigation into the operation of the video lottery terminals or table games and the maintenance of the video lottery terminals and associated equipment and software and table games and table game equipment as the Commission may deem necessary and proper;

(10) review and rule on any complaint by a licensee regarding any investigative procedures of the Commission that are unnecessarily disruptive of video lottery and table games operations; and

(11) authorize a holder of a video lottery operation license under this

subtitle to offer table games to the public in the State.

(b) (1) The Commission may:

(i) issue subpoenas to compel the attendance of witnesses at any place within the State in the course of any investigation or hearing under this subtitle;

(ii) administer oaths and require testimony under oath before the Commission in the course of any investigation or hearing conducted under this subtitle;

(iii) serve or cause to be served its process or notices in a manner provided for service of process in civil actions under the Maryland Rules;

(iv) propound written interrogatories; and

(v) suspend a license on an emergency basis if it is determined that the suspension is necessary to protect the State's gaming program against a serious and imminent risk of harm to its integrity, security, or profitability.

(2) If the Commission suspends a license on an emergency basis, the Commission shall schedule promptly a hearing on the suspension and provide the licensee with written notice of the suspension.

(3) The Commission may delegate to the Director its authority under paragraph (1) of this subsection.

(c) Except as otherwise provided in this subtitle, the Commission shall conduct a hearing in the same manner as specified in Title 10, Subtitle 2 of this article.

(d) The Commission shall adopt regulations that include the following specific provisions in accordance with this subtitle:

(1) establishing the methods and forms of application that an applicant for any license required under this subtitle shall follow and complete before consideration of the application by the Commission;

(2) establishing the methods, procedures, and form for delivery of information from an applicant or licensee concerning any person's family, habits, character, associates, criminal record, business activities, and financial affairs;

(3) establishing the procedures for the fingerprinting of an applicant for any license required under this subtitle or other methods of identification that may be necessary in the judgment of the Commission to accomplish effective enforcement of the provisions of this subtitle;

(4) establishing the manner and procedure of hearings conducted by the Commission;

(5) establishing the manner and method of collection of taxes, fees, and civil penalties;

(6) defining and limiting the areas of operation for video lottery terminals and table games, rules of video lottery terminals and table games, odds for video lottery terminals and table games, the types and values of promotional items that may be given away to encourage play of video lottery terminals and table games, the method of operation of the video lottery terminals and table games, and the number and types of table games;

(7) regulating the practice and procedures for negotiable transactions involving players, including limitations on the circumstances and amounts of negotiable transactions and the establishment of forms and procedures for negotiable instrument transactions, redemptions, and consolidations;

(8) prescribing the grounds and procedures for reprimands of licensees or the revocation or suspension of licenses issued under this subtitle;

(9) governing the manufacture, distribution, sale, and servicing of video lottery terminals and table games;

(10) establishing the procedures, forms, and methods of management controls;

(11) providing for minimum uniform standards of accountancy methods, procedures, and forms as are necessary to assure consistency, comparability, and effective disclosure of all financial information, including percentages of profit for video lottery terminals and table games;

(12) establishing periodic financial reports and the form of the reports, including an annual audit prepared by a certified public accountant licensed to do business in the State, disclosing whether the accounts, records, and control procedures examined are maintained by the video lottery operation licensee as required by this subtitle and the regulations that shall be issued under this subtitle;

(13) requiring licensees under this subtitle to demonstrate and maintain financial viability;

(14) ensuring that the operation of video lottery terminals, table games, and video lottery facilities is conducted legally;

(15) establishing procedures for the removal of video lottery terminals from a video lottery facility;

(16) determining the suitability of:

(i) the use of any variations or composites of the table games authorized under this subtitle after an appropriate test or experimental period under

terms and conditions that the Commission may deem appropriate; and

(ii) any other game that is compatible with the public interest and suitable for casino use after an appropriate test or experimental period deemed appropriate by the Commission;

(17) establishing procedures for accounting for all money exchanged at each table game;

(18) establishing the number of video lottery terminals that may be removed from a video lottery facility to accommodate table games; and

(19) otherwise carrying out the provisions of this subtitle.

(e) (1) The Commission shall by regulation require an applicant or licensee to file a bond for the benefit of the State for the faithful performance of the requirements imposed by this subtitle and any regulations issued under this subtitle.

(2) An applicant or licensee shall obtain and submit satisfactory proof of the bond to the Commission before a license is issued or reissued.

(3) The bonds furnished may be applied by the Commission to the payment of an unpaid liability of the licensee.

(4) The Commission by regulation may exempt categories of video lottery and table game employees who are not directly involved in the video lottery and table game operations from the requirements of this subsection if the Commission determines that the requirement is not necessary in order to protect the public interest or accomplish the policies established under this subtitle.

(f) (1) The Commission shall promptly and thoroughly investigate all applications and enforce this subtitle and regulations that are adopted under this subtitle.

(2) The Commission and its employees and agents shall have the authority, without notice and without warrant, to:

(i) inspect and examine all premises in which video lottery and table game operations under this subtitle are conducted or any authorized table games, table game equipment, video lottery terminals, central monitor and control system, or associated equipment and software designed, built, constructed, assembled, manufactured, sold, distributed, or serviced, or in which records of those activities are prepared or maintained;

(ii) inspect any table games, table game equipment, video lottery terminals, central monitor and control system, or associated equipment and software in, about, on, or around those premises;

(iii) seize summarily and remove from those premises and impound, or assume physical control of, any table games, table game equipment, video lottery terminals, central monitor and control system, or associated equipment and software for the purposes of examination and inspection;

(iv) inspect, examine, and audit books, records, and documents concerning a licensee's video lottery and table game operations, including the financial records of a parent corporation, subsidiary corporation, or similar business entity; and

(v) seize, impound, or assume physical control of books, records, ledgers, cash boxes and their contents, a counting room or its equipment, or other physical objects relating to video lottery or table game operations.

(3) A licensee shall authorize any other person having financial records relating to the licensee to provide those records to the Commission.

(g) The Commission may not charge a video lottery facility a fee to offer table games.

(h) The Commission may not permit the operation of video lottery terminals in Prince George's County before the earlier of July 1, 2016, or 30 months after the video lottery facility in Baltimore City is open to the public.

§9–1A–05.

(a) The Video Lottery Facility Location Commission established under § 9–1A–36 of this subtitle may not:

(1) award more than six video lottery operation licenses;

(2) award more than 16,500 video lottery terminals for operation at video lottery facilities in the State;

(3) subject to the requirements of § 9–1A–36(h) and (i) of this subtitle, award more than 4,750 terminals for operation at any video lottery facility; and

(4) for a location in Allegany County:

(i) award a video lottery operation license to an applicant that does not agree to purchase the Rocky Gap Lodge and Resort; and

(ii) notwithstanding § 9–1A–36(i)(2) of this subtitle, award more than 1,500 video lottery terminals for operation at a video lottery facility in Allegany County.

(b) An owner or operator of a video lottery destination location described under § 9–1A–01 of this subtitle may submit an application for a video lottery operation license.

(c) A video lottery operation license issued under this subtitle is not valid at a geographic location other than the geographic location authorized in the license awarded by the Video Lottery Facility Location Commission and issued by the State Lottery and Gaming Control Commission.

(d) (1) In this subsection, "owner" includes any type of owner or beneficiary of a business entity, including an officer, director, principal employee, partner, investor, stockholder, or beneficial owner of the business entity and, notwithstanding any other provisions of this subtitle, including a person having any ownership interest regardless of the percentage of ownership interest.

(2) An individual or business entity may not own an interest in more than one video lottery facility.

(3) A member of the Senate of Maryland or the House of Delegates may not be an owner or an employee of any business entity that holds a video lottery operation license.

(4) Notwithstanding paragraphs (1) and (2) of this subsection:

(i) an individual or business entity may enter into a management agreement to operate a facility located in Allegany County that it does not own, subject to the approval of the Video Lottery Facility Location Commission and the State Lottery and Gaming Control Commission; and

(ii) a holder of a video lottery operation license may apply to the Video Lottery Facility Location Commission for an additional license provided that the application required under § 9–1A–36 of this subtitle includes a plan for divesting from the video lottery operation license held on the date of the application.

§9–1A–06.

(a) The following persons shall be licensed under this subtitle:

(1) a video lottery operator;

(2) a manufacturer;

(3) a person not licensed under item (1) or (2) of this subsection who manages, operates, supplies, provides security for, or provides service, maintenance, or repairs for video lottery terminals or table games; and

(4) a video lottery employee.

(b) The Commission may by regulation require a person that contracts with a licensee and the person's employees to obtain a license under this subtitle if the Commission determines that the licensing requirements are necessary in order to protect the public interest and accomplish the policies established by this subtitle.

(c) (1) Except as provided in paragraph (2) of this subsection, unless an individual holds a valid license issued under this subtitle, the individual may not be employed by a licensee as a video lottery employee.

(2) The Commission by regulation may exempt categories of video lottery employees who are not directly involved in the video lottery operations from the requirement under paragraph (1) of this subsection if the Commission determines that the requirement is not necessary in order to protect the public interest or accomplish the policies established under this subtitle.

(d) For a period of 1 year after the individual's service on the State Lottery and Gaming Control Commission or the Video Lottery Facility Location Commission ends, a licensee may not employ, or enter into a financial relationship with, an individual who has been a member of the State Lottery and Gaming Control Commission or the Video Lottery Facility Location Commission.

§9–1A–07.

(a) Except as provided in § 9–1A–36 of this subtitle, an applicant for a license shall submit to the Commission an application:

(1) in the form that the Commission requires; and

(2) on or before the date set by the Commission.

(b) (1) This subsection does not apply to license fees for a video lottery operation license.

(2) The Commission shall by regulation establish a fee for a license under this subtitle.

(3) An applicant shall submit the fee with the application.

(c) (1) Applicants and licensees shall have the affirmative responsibility to establish by clear and convincing evidence the person's qualifications.

(2) Applicants and licensees shall provide information required by this subtitle and satisfy requests for information relating to qualifications in the form specified by the Commission or the Video Lottery Facility Location Commission, if applicable.

(3) Applicants and licensees shall consent to inspections, searches, and seizures authorized by this subtitle or regulations issued under this subtitle.

(4) (i) Applicants and licensees shall have the continuing duty to:

1. provide assistance or information required by the Commission; and

2. cooperate in an inquiry, investigation, or hearing conducted by the Commission.

(ii) On issuance of a formal request to answer or produce information, evidence, or testimony, if an applicant or licensee refuses to comply, the application or license of the person may be denied, suspended, or revoked by the Commission.

(5) (i) If the applicant is an individual, the applicant shall be photographed and fingerprinted for identification and investigation purposes.

(ii) If the applicant is not an individual, the Commission by regulation may establish the categories of individuals who shall be photographed and fingerprinted for identification and investigation purposes.

(6) (i) Applicants and licensees shall have a duty to inform the Commission of an act or omission that the person knows or should know constitutes a violation of this subtitle or the regulations issued under this subtitle.

(ii) Applicants and licensees may not discriminate against a person who in good faith informs the Commission of an act or omission that the person believes constitutes a violation of this subtitle or the regulations issued under this subtitle.

(7) Applicants and licensees shall produce information, documentation, and assurances to establish the following qualification criteria by clear and convincing evidence:

(i) the financial stability, integrity, and responsibility of the applicant or licensee;

(ii) the integrity of any financial backers, investors, mortgagees, bondholders, and holders of other evidences of indebtedness that bear a relation to the application;

(iii) the applicant's or licensee's good character, honesty, and integrity;

(iv) sufficient business ability and experience of the applicant or licensee; and

(v) that:

1. the applicant or licensee has entered into a labor peace agreement with each labor organization that is actively engaged in representing or attempting to represent video lottery and hospitality industry workers in the State;

2. the labor peace agreement is valid and enforceable under 29 U.S.C. § 158;

3. the labor peace agreement protects the State's revenues by prohibiting the labor organization and its members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the operation of the video lottery facility within the first 5 years of the effective date of the video lottery operation license; and

4. the labor peace agreement applies to all operations at the video lottery facility that are conducted by a lessee or tenant or under a management agreement.

(d) (1) On the filing of an application for any license required under this subtitle and any supplemental information required by the Commission, the Commission shall:

(i) conduct a background investigation under § 9–1A–20 of this subtitle on the qualifications of the applicant and any person who is required to be qualified under this subtitle as a condition of a license; and

(ii) if the applicant is applying for a video lottery operation license, conduct a hearing on the qualifications of the applicant and any person who is required to be qualified under this subtitle as a condition of a license.

(2) The Commission may refer an application for a license to an approved vendor under § 9–1A–20 of this subtitle to conduct the background investigation for the Commission.

(e) (1) Except for a video lottery operation license, after receiving the results of the background investigation, the Commission may either grant a license to an applicant whom the Commission determines to be qualified or deny the license to an applicant whom the Commission determines to be not qualified or disqualified.

(2) If an application for a license is denied, the Commission shall prepare and file an order denying the license with a statement of the reasons for the denial, including the specific findings of fact.

(f) (1) Except for a video lottery operation license as provided in § 9–1A–13 of this subtitle, if satisfied that an applicant is qualified to receive a license, and on tender of all required application, license, and other fees and taxes, and any bond required under § 9–1A–04(e) of this subtitle, the Commission shall issue a license for a term of 5 years.

(2) The Commission may stagger the terms of licenses.

(g) (1) An individual may not knowingly give false information or make a material misstatement in an application required for any license under this subtitle or in any supplemental information required by the Commission.

(2) An individual who violates this section is guilty of a misdemeanor and

on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

§9–1A–08.

(a) In addition to other information required by this subtitle, a business entity applying for a video lottery operation license shall provide the following information:

(1) the organization, financial structure, and nature of all businesses operated by the business entity;

(2) the names, personal employment, and, when applicable, criminal histories of the officers, directors, partners, and principal employees of the business entity;

(3) the names of all holding, intermediary, and subsidiary companies or other similar business entities of the business entity;

(4) the organization, financial structure, and nature of all businesses operated by the business entity's holding, intermediary, and subsidiary companies or other similar business entities;

(5) the rights and privileges acquired by the holders of different classes of authorized securities, partnership interests, or other similar ownership interests of the business entity and its holding, intermediary, and subsidiary companies or other similar business entities;

(6) the terms on which the securities, partnership interests, or other similar ownership interests have been or are to be offered;

(7) the terms and conditions of all outstanding loans, mortgages, trust deeds, pledges, or other indebtedness or security devices utilized by the business entity;

(8) the extent of the equity security holding in the business entity of the officers, directors, partners, and underwriters and their remuneration in the form of salary, wages, fees, or otherwise;

(9) the names of persons other than the directors and officers who occupy positions specified by the Commission or whose compensation exceeds an amount determined by the Commission;

(10) the names of persons who own or control the business entity;

(11) a description of all bonus and profit sharing arrangements;

(12) copies of management and service contracts; and

(13) a listing of stock options.

(b) If a business entity that applies for a video lottery operation license is a subsidiary or if a business entity holding a video lottery operation license is to become a subsidiary, each holding company and each intermediary company with respect to the business entity shall, as a condition of the subsidiary acquiring or retaining a video lottery operation license:

(1) qualify to do business in the State; or

(2) furnish the Commission with the information required under subsection (a) of this section and other information that the Commission or the Video Lottery Facility Location Commission may require.

(c) (1) Except as provided in paragraph (2) of this subsection, an individual applying for a video lottery operation license shall provide, to the extent applicable to an individual, the information required under subsection (a) of this section in the form required by the Commission.

(2) The Commission may waive the requirement to provide the information required under subsection (a) of this section for an institutional investor.

(d) The Commission shall disqualify an applicant for a video lottery operation license on the basis of any of the following criteria:

(1) failure of the applicant to prove by clear and convincing evidence that the applicant and each person who owns or controls the application are qualified under the provisions of this subtitle;

(2) failure of the applicant or any person required to be qualified under this subtitle as a condition of a license to provide information, documentation, and assurances required by this subtitle or requested by the Commission;

(3) failure of the applicant or any person required to be qualified under this subtitle as a condition of a license to reveal any fact material to qualification;

(4) supplying, by the applicant or any person required to be qualified under this subtitle as a condition of a license, information that is untrue or misleading as to a material fact concerning the qualification criteria;

(5) conviction of the applicant or of any person required to be qualified under this subtitle as a condition of a license of an offense under the laws of any jurisdiction that is a criminal offense involving moral turpitude or a gambling offense;

(6) current prosecution of the applicant or a person who is required to be qualified under this subtitle as a condition of a license for an offense described under item (5) of this subsection, provided that, at the request of the applicant, the Commission may defer its decision on the application during the pendency of the charge;

(7) pursuit by the applicant or a person who is required to be qualified under this subtitle as a condition of a license of economic gain in an occupational manner or context that is in violation of the laws of the State, if the pursuit creates a reasonable belief that participation of the applicant in video lottery operations would be inimical to the policies of this subtitle;

(8) identification of the applicant or a person who is required to be qualified under this subtitle as a condition of a license as a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in a manner that creates a reasonable belief that the association is of a nature as to be inimical to the policies of this subtitle;

(9) commission of an act within the prior 7 years by the applicant or a person who is required to be qualified under this subtitle as a condition of a license that would constitute an offense described under item (5) of this subsection, even if the act was not prosecuted or may not be prosecuted under the criminal laws of any jurisdiction; and

(10) willful defiance by the applicant or a person who is required to be qualified under this subtitle as a condition of a license of a legislative investigatory body or other official investigatory body of the United States or a jurisdiction within the United States when the body is engaged in the investigation of crimes relating to gambling, official corruption, or organized crime activity.

§9–1A–09.

(a) In this section, "racing licensee" means the holder of a license issued by the State Racing Commission to hold a race meeting in the State under Title 11 of the Business Regulation Article.

(b) As a condition of eligibility for funding under § 9–1A–29 of this subtitle, a racing licensee shall:

(1) (i) for Laurel Park and Pimlico Race Course, conduct a minimum of 220 annual live racing days combined between Laurel Park and Pimlico Race Course unless otherwise agreed to by the racing licensee and the organization that represents the majority of licensed thoroughbred owners and trainers in the State or unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control;

(ii) for Rosecroft Raceway, conduct a minimum of 90 annual live racing days unless otherwise agreed to by the racing licensee and the organization that represents the majority of licensed standardbred owners and trainers in the State or unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control; and

(iii) for Ocean Downs Racetrack, conduct a minimum of 40 annual live racing days unless otherwise agreed to by the racing licensee and the organization that

represents the majority of licensed standardbred owners and trainers in the State or unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control;

(2) if the racing licensee holds the racing license for Pimlico Race Course, retain in the State of Maryland the name, common law and statutory copyrights, service marks, trademarks, trade names, and horse racing events that are associated with the Preakness Stakes and the Woodlawn Vase;

(3) if the racing licensee holds the racing license for the Pimlico Race Course, promote and conduct the Preakness Stakes each year at:

(i) the Pimlico Race Course; or

(ii) if the Pimlico Race Course no longer exists, the Preakness Stakes Race is prevented from being conducted at the Pimlico Race Course, or the State Racing Commission, under § 11–513 of the Business Regulation Article, deems an emergency exists, another track located in the State that is approved by the State Racing Commission;

(4) if the racing licensee holds the racing license for Laurel Park, permit the event known as the Maryland Million to be run annually at Laurel Park unless:

(i) the racing licensee is prevented from doing so by weather, acts of God, or other circumstances beyond the control of the racing licensee; or

(ii) the racing licensee and the Maryland Million LLC agree to another location that is approved by the State Racing Commission;

(5) develop and submit to the State Racing Commission a multiyear plan to improve the quality and marketing of horse racing at racetrack locations owned or operated by the racing licensee in Maryland, which shall include:

(i) goals, indicators, and timelines for specific actions that will be taken by the racing licensee to improve the quality and marketing of the horse racing industry in Maryland; and

(ii) a master plan for capital improvements that reflects, at a minimum:

1. commitments that have been made to the State Racing Commission; and

2. an ongoing investment in capital maintenance and improvements in the horse racing facilities of at least $1,500,000 annually, which may include amounts provided as a matching fund as required under § 9–1A–29(e)(2) of this subtitle; and

(6) develop with other racing industry representatives a multiyear plan to improve the quality and marketing of the horse racing industry in Maryland, which shall include goals, indicators, and timelines for specific actions that will be taken by the thoroughbred and harness racing industries to improve the quality and marketing of the horse racing industry in Maryland, including joint marketing efforts.

(c) As part of the capital maintenance and improvement items in the plan submitted under subsection (b)(5) of this section, a racing licensee shall include any improvements necessary to ensure that the condition of any part of the racetrack facility where individuals reside is satisfactory for human habitation and meets minimum housing and sanitation standards in the county where the facility is located.

(d) The plans required under subsection (b) of this section shall also be provided to the Department of General Services and to the Legislative Policy Committee of the General Assembly.

(e) (1) If a video lottery operation license has been issued for a racetrack location at Laurel Park, the video lottery operation license for the location shall be revoked if the name, common law and statutory copyrights, service marks, trademarks, trade names, or horse racing events that are associated with the Preakness Stakes Race or the Woodlawn Vase are transferred to a location outside the State.

(2) As an additional condition of a video lottery operation license, if a racetrack licensee holds a video lottery operation license for Laurel Park, the licensee shall be required to:

(i) promote and conduct the Preakness Stakes Race at the Pimlico Race Course each year; or

(ii) if the Pimlico Race Course no longer exists, the Preakness Stakes Race is prevented from being conducted at the Pimlico Race Course, or the State Racing Commission, under § 11–513 of the Business Regulation Article, deems an emergency exists, promote and conduct the Preakness Stakes Race each year at another track located in the State that is approved by the State Racing Commission.

(3) If a racetrack licensee has been issued a video lottery operation license for a racetrack location at Laurel Park, the licensee shall permit the event known as the Maryland Million to be run annually at Laurel Park unless:

(i) the licensee is prevented from doing so by weather, acts of God, or other circumstances beyond the control of the licensee; or

(ii) the licensee and the Maryland Million LLC agree to another location that is approved by the State Racing Commission.

(4) If a video lottery operation license is issued to a racetrack location at Laurel Park, the video lottery operation licensee shall:

(i) maintain the operation of the Bowie Training Center; or

(ii) if State law no longer requires the Bowie Training Center to operate as a training facility, convey the property associated with the Bowie Training Center to the State as preserved land under Program Open Space.

§9–1A–10.

(a) (1) For the construction and procurement, including the procurement of equipment and ongoing services, related to the operation of video lottery terminals, the applicant or licensee shall at a minimum meet the same requirements of a designated unit for minority business participation as described under Title 14, Subtitle 3 of the State Finance and Procurement Article.

(2) If the county in which a video lottery facility will be located has higher minority business participation requirements than the State as described in paragraph (1) of this subsection, the applicant shall meet the county's minority business participation requirements to the extent possible.

(3) A county in which a video lottery facility will be located may impose local business, local minority business participation, and local hiring requirements to the extent authorized by local law and permitted by the United States Constitution.

(4) Any collective bargaining agreement or agreements, including a project labor agreement or a neutrality agreement, entered into by an applicant or licensee may not negate the requirements of this subsection.

(5) If an applicant for employment at a video lottery facility believes that the applicant has been discriminated against in the employment process, the applicant may appeal the employment decision to the local human relations board in the county where the facility is located.

(6) Notwithstanding any collective bargaining agreement or agreements, a licensee shall:

(i) provide health insurance coverage for its employees; and

(ii) give a preference to hiring qualified employees from the communities within 10 miles of the video lottery facility.

(7) A licensee shall:

(i) provide retirement benefits for its employees; and

(ii) if the licensee is a racetrack licensee, provide retirement benefits to its video lottery operation employees that are equivalent to the level of benefits provided to the racetrack employees who are eligible under the Maryland Racetrack Employees Pension Fund.

(8) Notwithstanding any collective bargaining agreement or agreements, if the licensee is a racetrack location, the licensee shall provide health insurance coverage to all employees of the racetrack, including the employees of the racetrack on the backstretch of the racetrack.

(b) (1) The Commission shall ensure that a video lottery operation licensee complies with the requirements of subsection (a)(1) and (2) of this section as a condition of holding the video lottery operation license.

(2) The Governor's Office of Minority Affairs shall monitor a licensee's compliance with subsection (a)(1) and (2) of this section.

(3) The Governor's Office of Minority Affairs shall report to the Commission at least every 6 months on the compliance of licensees with subsection (a)(1) and (2) of this section.

(4) If the Governor's Office of Minority Affairs reports that a licensee is not in compliance with subsection (a)(1) and (2) of this section, the Commission may take immediate action to ensure the compliance of the licensee.

(c) On or after July 1, 2018, the provisions of subsections (a)(1) and (2) and (b) of this section and any regulations adopted under subsections (a)(1) and (2) and (b) of this section shall be of no effect and may not be enforced.

§9–1A–11.

(a) Any video lottery operation licenses not issued or awarded for a location authorized under this subtitle shall automatically revert to the State.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a licensee shall commence operation of video lottery terminals in a permanent facility at the location for which the video lottery operation license has been awarded within 18 months after the license is awarded.

(2) (i) On a determination by the Commission that extenuating circumstances exist that are beyond the control of an awardee and have prevented the awardee from complying with the requirements of paragraph (1) of this subsection, the Commission may allow the awardee an extension of 6 months to comply with the requirements.

(ii) The Commission may not grant more than two extensions to an awardee under this paragraph.

(3) Notwithstanding paragraphs (1) and (2) of this subsection, the Commission may allow an awardee of a video lottery operation license in Prince George's County to commence operation in a permanent facility more than 18 months, but not more than 30 months, after the license is awarded.

(4) If a video lottery operation awardee fails to comply with the requirements of this subsection, the license awarded to the awardee shall be revoked and shall automatically revert to the State.

(c) (1) Nothing in this subtitle may be construed to prohibit a video lottery operation licensee that is issued a license from beginning video lottery terminal or table game operations in a temporary facility that meets the minimum requirements established in regulations adopted by the State Lottery and Gaming Control Commission.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, a video lottery operation licensee shall be operational in a permanent facility no later than 30 months after the award of the video lottery operation license.

(3) Notwithstanding paragraph (1) of this subsection, a video lottery facility in Prince George's County may not begin video lottery terminal or table game operations in a temporary facility or in a structure, including a hotel or conference center, that exists on August 15, 2012.

(d) (1) For a location in Allegany County, if video lottery terminals are permanently located in the Rocky Gap Lodge and Resort, the licensee shall restrict public access to the video lottery facility from the Rocky Gap Lodge and Resort.

(2) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, for a location in Allegany County, if video lottery terminals are permanently located in the Rocky Gap Lodge and Resort and existing meeting space is eliminated as a result of the video lottery terminals, the licensee shall provide for meeting space that is accessible from the Rocky Gap Lodge and Resort within 36 months after issuance of the video lottery operation license, subject to the approval of the Video Lottery Facility Location Commission and the State Lottery and Gaming Control Commission.

(ii) The licensee shall restrict public access to the video lottery facility from any meeting space provided under subparagraph (i) of this paragraph.

(iii) The licensee may not begin table game operations until the licensee submits evidence satisfactory to the State Lottery and Gaming Control Commission that replacement work has begun to provide meeting space equal to or greater than the eliminated meeting space.

§9–1A–12.

If a video lottery operation licensee contracts with another person other than an employee of the video lottery operation licensee to provide any of the services related to operating a video lottery facility, each person and each other person who owns or controls the person or management and supervisory personnel and other principal employees of the person shall qualify under the standards and provisions set forth in §§ 9–1A–07 and 9–1A–08 of this subtitle for video lottery operation licensees.

§9–1A–13.

(a) The initial term of a video lottery operation license is 15 years from the date on which the video lottery facility is issued the license by the Commission.

(b) During the initial term of a video lottery operation license, the licensee shall provide the Commission with an annual update of the information required under this subtitle for the issuance of a license by the date set by the Commission in regulations and on the form required by the Commission.

(c) One year before the expiration of the term of a video lottery operation license, the licensee shall file with the Commission a notice of intent to reapply for the license under this subtitle.

(d) Within 1 year of the end of the initial 15–year license term, a video lottery operation licensee may reapply for a license that has a license term of 10 years and a license fee to be established by statute.

(e) If a licensee has its license revoked or otherwise surrenders the license, the video lottery operation license reverts to the State.

§9–1A–14.

(a) Unless an individual holds a valid video lottery employee license or temporary video lottery employee license issued by the Commission, the individual may not be employed by a video lottery operation licensee as a video lottery employee.

(b) Before issuance of a video lottery employee license, an applicant shall provide sufficient information, documentation, and assurances that the Commission may require.

(c) The Commission shall deny a video lottery employee license to an applicant who is disqualified due to:

(1) the applicant's failure to prove the applicant's good character, honesty, and integrity;

(2) the applicant's lack of expertise or training to be a video lottery employee;

(3) the applicant's conviction, active parole, or probation for any crime involving moral turpitude or gambling under the laws of the United States or any state within the prior 7 years;

(4) the applicant's current prosecution for any crime involving moral turpitude or gambling under the laws of the United States or any state, but, at the request of the applicant, the Commission may defer a decision on the application during the pendency of the charge;

(5) pursuit by the applicant of economic gain in an occupational manner or context that is in violation of the laws of the State, if the pursuit creates a reasonable belief that participation of the applicant in video lottery operations would be inimical to the policies of this subtitle;

(6) identification of the applicant as a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in a manner that creates a reasonable belief that the association is of a nature as to be inimical to the policies of this subtitle;

(7) willful defiance by the applicant or a person that is required to be qualified under this subtitle as a condition of a license of a legislative investigatory body or other official investigatory body of the United States or a jurisdiction within the United States when the body is engaged in the investigation of crimes relating to gambling, official corruption, or organized crime activity; and

(8) any other reason established in the regulations of the Commission as a reason for denying a license.

(d) (1) The Commission may issue a temporary video lottery employee license that authorizes an applicant to be employed as a video lottery employee.

(2) The Commission:

(i) may issue a temporary license to an applicant who:

1. files a completed application for a video lottery employee license; and

2. acknowledges, in writing, that the State is not financially responsible for any consequences resulting from termination of the temporary license under paragraph (4) of this subsection; and

(ii) may not issue a temporary license to an applicant who:

1. has an immediately known present or prior activity, criminal record, reputation, habit, or association that would disqualify the applicant from holding a video lottery employee license under this subtitle; or

2. poses a serious imminent risk of harm to the integrity, security, or profitability of the State's gaming program.

(3) (i) A temporary license issued under this subsection expires 180 days after the date of issue.

(ii) The Commission may extend a temporary license for an additional 180 days.

(4) Notwithstanding § 9–1A–04(a)(3) of this subtitle, the Commission may terminate without a hearing the temporary license of an applicant for:

(i) failure to pay a required fee;

(ii) failure to submit required information to the Commission;

(iii) failure to comply with the Commission's staff requests;

(iv) engaging in conduct that obstructs the Commission from completing the applicant's background investigation; or

(v) any other reason established in the regulations of the Commission.

(5) If the Commission denies the application for a video lottery employee license of an applicant who has been issued a temporary license, the applicant immediately shall surrender the applicant's temporary license identification to the Commission and cease working as a video lottery employee.

§9–1A–15.

(a) (1) Unless a manufacturer holds a valid manufacturer's license issued by the Commission before conducting business with a licensee or the State, the manufacturer may not offer any video lottery terminal, central monitor and control system, associated equipment or software, or goods or services that directly relate to the operation of video lottery terminals under this subtitle.

(2) Unless a manufacturer holds a valid manufacturer's license issued by the Commission before conducting business with a licensee, the manufacturer may not offer any table games or table game equipment under this subtitle.

(b) Each manufacturer, and each person that owns or controls the manufacturer or management and supervisory personnel and other principal employees of the manufacturer, shall qualify under the standards and provisions set forth in §§ 9–1A–07 and 9–1A–08 of this subtitle for video lottery operation licensees.

(c) Except as provided in § 9–1A–16(a) of this subtitle, the Commission may not grant an exemption or waiver of any licensing requirement to an applicant for or holder of a manufacturer's license.

(d) (1) A manufacturer of the video lottery terminals, central monitor and control system, and associated equipment and software shall manufacture or distribute the video lottery terminals, central monitor and control system, and associated equipment and software that meet specifications and procedures established by the Commission.

(2) A manufacturer of table games and table game equipment shall

manufacture or distribute the table games and table game equipment that meet specifications and procedures established by the Commission.

§9–1A–16.

(a) For all licenses required under this subtitle other than a video lottery operation license, if an applicant or licensee holds a valid license in another state and the Commission determines that the licensing standards of the other state are comprehensive, thorough, and provide similar adequate safeguards to those provided in this subtitle, the Commission may:

(1) waive some or all of the requirements of this subtitle; and

(2) issue a license to a person having a similar license in another state.

(b) (1) Except as provided in subsection (c) of this section, on the request of an applicant, the Commission may grant an exemption or waiver of a licensing requirement or grounds for denial of a license if the Commission determines that the requirement or grounds for denial of a license as applied to the applicant are not necessary in order to protect the public interest or accomplish the policies established by this subtitle.

(2) On granting to an applicant an exemption or waiver of a licensing requirement or grounds for denial of a license, or at any time after a waiver or exemption has been granted, the Commission may:

(i) limit or place restrictions on the exemption or waiver as the Commission considers necessary in the public interest; and

(ii) require the person that is granted the exemption or waiver to cooperate with the Commission and to provide the Commission with any additional information required by the Commission as a condition of the waiver or exemption.

(c) The Commission may not waive any of the requirements of this subtitle related to a video lottery operation license.

§9–1A–17.

Subject to the power of the Commission to deny, revoke, or suspend a license, a license in force may be renewed by the Commission for the next succeeding license period on:

(1) proper application for renewal; and

(2) payment of all required application, license, and other fees and taxes.

§9–1A–18.

(a) Because the public has a vital interest in video lottery and table game operations and has established a limited exception to the policy of the State concerning gambling for private gain, participation in video lottery and table game operations by a licensee under this subtitle shall be deemed a revocable privilege conditioned on the proper and continued qualification of the licensee and on the discharge of the affirmative responsibility of each licensee to provide to the regulatory and investigatory authorities under this subtitle or any other provision of law, any assistance and information necessary to assure that the policies declared by this subtitle are achieved.

(b) Consistent with the policy described in subsection (a) of this section, it is the intent of this section to:

(1) preclude:

(i) the creation of any property right in any license required under this subtitle;

(ii) the accrual of any monetary value to the privilege of participation in video lottery operations; and

(iii) the transfer of any license issued under this subtitle; and

(2) require that participation in video lottery operations be conditioned solely on the continuing individual qualifications of the person who seeks the privilege.

§9–1A–19.

(a) Except as provided in subsection (b) of this section, a license issued under this subtitle may not be:

(1) transferred or assigned to another person; or

(2) pledged as collateral.

(b) (1) A licensee may not sell or otherwise transfer more than 5% of the legal or beneficial interests of the licensee unless:

(i) the licensee notifies the Commission of the proposed sale or transfer;

(ii) the Commission determines that the proposed buyer or transferee meets the requirements of this subtitle; and

(iii) the transfer is consistent with the policies and intent of § 9–1A–18 of this subtitle.

(2) Unless the Commission needs a longer time to determine whether the proposed buyer or transferee meets the requirements of this subtitle, if the requirements of paragraph (1) of this subsection are not satisfied, a license issued under this subtitle is automatically revoked 90 days after the sale or transfer.

§9–1A–20.

(a) In this section, "approved vendor" means a person that:

(1) specializes in conducting background investigations;

(2) has experience in the gaming industry; and

(3) obtains the approval of the Commission to conduct background investigations under this section.

(b) The Commission or an approved vendor shall conduct a background investigation in a timely manner of:

(1) an applicant for a video lottery operation license;

(2) a video lottery operator; and

(3) any other applicant the Commission considers necessary.

(c) (1) An applicant shall provide the Commission or an approved vendor with all information the Commission requires in order to conduct a background investigation.

(2) Failure to provide timely or accurate information is grounds for the Commission to deny an application.

(d) (1) The Commission or an approved vendor shall apply to the Central Repository for a State and a national criminal history records check for the applicant, if required by the Commission.

(2) As part of the application for a criminal history records check, the Commission or an approved vendor shall submit to the Central Repository:

(i) two complete sets of the applicant's legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) the fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records;

(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check; and

(iv) the mandatory processing fee required by Interpol for an international criminal history records check.

(3) In accordance with §§ 10–201 through 10–234 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Commission a printed statement of the applicant's criminal history record information.

(4) Information obtained from the Central Repository under this section:

(i) shall be confidential;

(ii) may not be redisseminated; and

(iii) may be used only in connection with the issuance of a license required under this subtitle.

(5) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10–223 of the Criminal Procedure Article.

(e) After completion of a background investigation conducted under this section, an approved vendor shall promptly forward the results of the investigation to the Commission.

(f) The Commission shall adopt regulations specifying the factors used to determine whether an applicant for a license must submit to an international criminal history records check.

§9–1A–21.

(a) (1) The central monitor and control system and the associated equipment and software shall be:

(i) owned or leased by the Commission; and

(ii) under the control of the Commission.

(2) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, each video lottery terminal device and the associated equipment and software shall be owned or leased by the video lottery facility.

(ii) 1. Subject to subsubparagraph 2 of this subparagraph, for a video lottery facility located in Allegany County or Worcester County, each video lottery terminal device and the associated equipment and software shall be owned or leased by the Commission.

2. A video lottery facility located in Allegany County or Worcester County may apply to the Commission for permission to assume ownership

or the right to lease each video lottery terminal device used by the facility.

(iii) For a video lottery facility located in Anne Arundel County or Cecil County, the Commission shall own each video lottery terminal device and the associated equipment and software through March 31, 2015.

(3) The savings that are attributable to requiring video lottery facilities to own or lease the video lottery terminals and associated equipment and software shall be appropriated to the Education Trust Fund established under § 9–1A–30 of this subtitle in the year in which the spending would have otherwise occurred.

(b) Subject to the Commission's ability to cancel or alter the contract in the event one or more eligible applicants for a video lottery facility fail to obtain a license, the Commission shall contract with one or more licensed manufacturers for the lease or purchase of the video lottery terminals, central monitor and control system, and associated equipment and software authorized under this subtitle.

(c) (1) The Commission shall adopt regulations governing the sale or lease of video lottery terminals by the Commission under this subtitle.

(2) The Commission may adopt regulations to provide incentives to licensed manufacturers based on the performance of the manufacturers' video lottery terminals.

(d) The Commission shall establish a process enabling a licensee and the Commission to select video lottery terminals from a list approved by the Commission, subject to available funds, for use in the licensee's video lottery facility.

§9–1A–22.

(a) Except as provided in subsections (b) and (c) of this section, a video lottery terminal shall have an average payout percentage of at least 87%.

(b) The Commission may by regulation establish an average payout percentage of more than 90% but not more than 95% for video lottery operation licensees.

(c) The Commission may approve an average payout percentage of more than 95% for the video lottery terminals at a video lottery facility.

§9–1A–23.

(a) A video lottery facility may operate 24 hours a day.

(b) A video lottery operation licensee shall be responsible for all marketing, advertising, and promotion for its video lottery operation.

(c) Any State lottery games that are offered by or through the Commission may be offered for sale at a video lottery facility in the State.

(d) (1) Within 30 days after the completion of its first year of operations, a video lottery operation licensee in Baltimore City shall:

(i) compile data on the age, sex, race, and county of residence of its State video lottery employees who worked in the State during the previous year; and

(ii) submit the data to the Commission.

(2) Within 3 months after receiving the data required under paragraph (1) of this subsection, the Commission shall submit a report containing the data to the Governor, the Governor's Office of Minority Affairs, and, subject to § 2–1246 of the State Government Article, the President of the Senate and the Speaker of the House of Delegates.

(3) The Commission shall adopt regulations to carry out this subsection.

§9–1A–24.

(a) Except as provided in subsection (b) of this section, the Commission shall ensure that a video lottery operation licensee complies with the requirements of this section as a condition of holding the video lottery operation license.

(b) (1) The county alcoholic beverages licensing authority for the county in which a video lottery facility is located shall ensure that the video lottery operation licensee complies with the requirements of this subsection.

(2) Except as provided in paragraph (4) of this subsection, a video lottery operation licensee may not provide food or alcoholic beverages to individuals at no cost.

(3) Any food or alcoholic beverages offered by a video lottery operation licensee for sale to individuals may be offered only at prices that are determined by the county alcoholic beverages licensing authority to be commensurate with the price of similar types of food and alcoholic beverages at restaurants in the county in which the video lottery facility is located.

(4) A video lottery operation licensee may provide food at no cost to individuals to the same extent allowed under Article 2B, § 12–106 of the Code for a person engaged in the sale or barter of spirituous, malt, or intoxicating liquors and licensed under the laws of Maryland.

(c) (1) Except as provided in paragraph (2) of this subsection, a video lottery operation licensee shall ensure that intoxicated individuals and individuals under the age of 21 years are not allowed to play video lottery terminals or table games and are not allowed in areas of the video lottery facility where video lottery terminals or table games are located.

(2) A video lottery operation licensee may allow a video lottery employee who is an adult to enter or remain in an area within the video lottery facility that

is designated for table game or video lottery terminal activities if the video lottery employee is working.

(d) (1) By regulation, the Commission shall provide for the establishment of a list of individuals who are to be mandatorily excluded or ejected by a video lottery operation licensee from any video lottery operation licensed under this subtitle.

(2) The regulations under this subsection shall define the standards for exclusion or ejection and shall include standards relating to individuals:

(i) who are career offenders as defined by regulations adopted by the Commission;

(ii) who have been convicted of a criminal offense under the laws of the United States or any jurisdiction within the United States that is a criminal offense involving moral turpitude or a gambling offense; or

(iii) whose presence in the establishment of a licensee would be adverse to the interest of the State, the licensee, or the person.

(3) The Commission may impose sanctions on a licensee in accordance with this subtitle if the licensee knowingly fails to exclude or eject from the premises of the licensee an individual placed by the Commission on the list of individuals to be excluded or ejected.

(4) An order under this subsection is subject to judicial review.

(e) (1) By regulation, the Commission shall adopt measures that are intended to reduce or mitigate the effects of problem gambling.

(2) The regulations shall:

(i) include establishment of a voluntary exclusion list of individuals with gambling problems who have requested to be excluded from any video lottery operation licensed under this subtitle; and

(ii) provide a simple mechanism for an individual who is sober and informed to request placement on the voluntary exclusion list for a specified period of time.

(3) A video lottery operation licensee may not permit an individual on the voluntary exclusion list to enter into the video lottery facility or to play a video lottery terminal.

(4) The Commission may impose sanctions on a licensee in accordance with this subtitle if the licensee knowingly fails to exclude from the premises of the licensee an individual on the voluntary exclusion list.

(f) In order to protect the public interest, the regulations shall include provisions that:

(1) limit the number and location of and maximum withdrawal amounts from automated teller machines;

(2) prohibit authorized automated teller machines from accepting electronic benefit cards, debit cards, or similar negotiable instruments issued by the Department of Human Resources for the purpose of accessing temporary cash assistance;

(3) require payouts above an amount adopted by the Commission to be made by check;

(4) require conspicuous disclosures related to the payout of video lottery terminals;

(5) limit the dollar amount that video lottery terminals will accept;

(6) prohibit the use of specified negotiable instruments at video lottery facilities and the use of credit cards, debit cards, and similar devices in video lottery terminals;

(7) provide consumers with a record of video lottery terminal spending levels if marketing measures are utilized that track consumer spending at video lottery facilities;

(8) prohibit consumers from cashing paychecks at video lottery facilities; and

(9) prohibit video lottery operation licensees from engaging in or contracting with another to engage in predatory marketing practices.

(g) (1) A video lottery operation licensee may not, directly or indirectly, interfere with, hinder, obstruct, impede, or take any action to delay the implementation or establishment of a video lottery facility by any other licensee or applicant for a video lottery operation license awarded or issued under this subtitle.

(2) (i) The Commission shall adopt regulations, to the fullest extent allowed by the first amendment of the Constitution of the United States, to carry out the provisions of this subsection.

(ii) The regulations adopted under this subsection shall include provisions:

1. that expressly prohibit:

A. taking any of the actions described in paragraph (1) of this

subsection relating to the issuance of required State or local governmental approvals for the establishment of a video lottery facility; or

B. providing funding or other material support to engage in any of the actions described in paragraph (1) of this subsection;

2. that prohibit, as unlawful indirect conduct, activity:

A. by an entity in which the licensee owns a beneficial or proprietary interest; or

B. by an entity in which an affiliate of the licensee owns a beneficial or proprietary interest; and

3. that allow the Commission to impose sanctions and penalties in accordance with § 9–1A–25 of this subtitle if a licensee knowingly violates paragraph (1) of this subsection.

§9–1A–25.

(a) The Commission may deny a license to an applicant, reprimand or fine a licensee, or suspend or revoke a license for a violation of:

(1) this subtitle;

(2) a regulation adopted under this subtitle; or

(3) a condition that the Commission sets.

(b) (1) For each violation specified in subsection (a) of this section, the Commission may impose a penalty not exceeding $5,000.

(2) Each day that a person is in violation under this section shall be considered a separate violation.

(3) To determine the amount of the penalty imposed under paragraph (1) of this subsection, the Commission shall consider:

(i) the seriousness of the violation;

(ii) the harm caused by the violation; and

(iii) the good faith or lack of good faith of the person who committed the violation.

(c) Except as otherwise expressly provided in this subtitle, nothing contained in this subtitle abrogates or limits the criminal laws of the State or limits the authority of the General Assembly to enact statutes establishing criminal offenses and penalties relating to video lottery operations.

§9–1A–26.

(a) (1) Except as provided in paragraphs (2) and (3) of this subsection, all proceeds from the operation of video lottery terminals and table games shall be electronically transferred daily into the State Lottery Fund established under Subtitle 1 of this title and distributed as provided under § 9–1A–27 of this subtitle.

(2) The requirement under paragraph (1) of this subsection does not apply on a day when State government is closed.

(3) The amount from the proceeds of video lottery terminals to be paid to video lottery operation licensees under § 9–1A–27(a)(2) and (7), (b), and (c)(1)(ii) and (2) of this subtitle shall be retained by the licensee.

(b) (1) The Commission shall account to the Comptroller for all of the revenue under this subtitle.

(2) The proceeds from video lottery terminals and table games shall be under the control of the Comptroller and shall be distributed as provided under § 9–1A–27 of this subtitle.

(c) The admissions and amusement tax may not be imposed on any proceeds from the operation of video lottery terminals and table games.

§9–1A–27. IN EFFECT

(a) Except as provided in subsections (b) and (c) of this section and § 9–1A–26(a)(3) of this subtitle, on a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at each video lottery facility:

(1) (i) on or before March 31, 2015, 2% to the State Lottery and Gaming Control Agency for costs as defined in § 9–1A–01 of this subtitle; and

(ii) beginning April 1, 2015, 1% to the State Lottery and Gaming Control Agency for costs as defined in § 9–1A–01 of this subtitle;

(2) to the video lottery operation licensee, the percentage stated in the accepted application for the location, not to exceed, except as provided in subsection (b) of this section, 33%;

(3) 5.5% in local impact grants, in accordance with § 9–1A–31 of this subtitle;

(4) 7% to the Purse Dedication Account established under § 9–1A–28 of this subtitle, not to exceed a total of $100,000,000 to the Account annually;

(5) (i) until the issuance of a video lottery operation license in Baltimore

City, 1.75% to the Racetrack Facility Renewal Account established under § 9–1A–29 of this subtitle and distributed in accordance with that section; and

(ii) on or after the issuance of a video lottery operation license in Baltimore City, 1% to the Racetrack Facility Renewal Account established under § 9–1A–29 of this subtitle and distributed in accordance with that section, not to exceed a total of $20,000,000 to the Account annually;

(6) 1.5% to the Small, Minority, and Women–Owned Businesses Account established under § 9–1A–35 of this subtitle;

(7) (i) except as provided in item (ii) of this item, 6% to the video lottery operation licensee if the video lottery operation licensee owns or leases each video lottery terminal device and the associated equipment and software; and

(ii) 8% to the video lottery operation licensee in Anne Arundel County;

(8) beginning after the issuance of a video lottery operation license for a video lottery facility in Prince George's County, 8% to the video lottery operation licensee in Anne Arundel County and 7% to the licensee in Baltimore City for:

(i) marketing, advertising, and promotional costs required under § 9–1A–23 of this subtitle; and

(ii) capital improvements at the video lottery facilities; and

(9) the remainder to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(b) (1) Beginning July 1, 2013, for a video lottery facility in Worcester County with less than 1,000 video lottery terminals, the percentage in subsection (a)(2) of this section is equal to 43% provided that each year an amount equivalent to 2.5% of the proceeds from video lottery terminals at the video lottery facility is spent on capital improvements at the video lottery facility.

(2) After the first 10 years of operations at a video lottery facility in Allegany County, the percentage:

(i) in subsection (a)(2) of this section is equal to 43% provided that each year an amount equivalent to 2.5% of the proceeds from video lottery terminals at the video lottery facility is spent on capital improvements at the video lottery facility; and

(ii) in subsection (a)(1) of this section is equal to 2%.

(3) For a video lottery facility in Prince George's County, the percentage in subsection (a)(2) of this section stated in the accepted application for the location

may not exceed 38%.

(c) (1) For the first 10 years of operations at a video lottery facility in Allegany County, on a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at a video lottery facility in Allegany County:

(i) 2% to the State Lottery and Gaming Control Agency for costs as defined in § 9–1A–01 of this subtitle;

(ii) to the video lottery operation licensee, the percentage stated in the accepted application for the location, not to exceed 50%;

(iii) 2.75% in local impact grants, in accordance with § 9–1A–31 of this subtitle;

(iv) 2.5% to the Purse Dedication Account established under § 9–1A–28 of this subtitle;

(v) 0.75% to the Small, Minority, and Women–Owned Businesses Account established under § 9–1A–35 of this subtitle; and

(vi) the remainder to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(2) After the first 10 years of operations at a video lottery facility in Allegany County, the proceeds generated at the facility in Allegany County shall be allocated as provided in subsections (a) and (b) of this section.

(d) (1) Each video lottery operation licensee shall retain 80% of the proceeds of table games at the video lottery facility.

(2) On a properly approved transmittal prepared by the Commission, the Comptroller shall pay 20% of the proceeds of table games at the video lottery facility to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(e) (1) If the costs of the State Lottery and Gaming Control Agency are less than the proceeds specified in subsection (a)(1) of this section, any amount not distributed to the State Lottery and Gaming Control Agency shall be paid to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(2) The costs of the Commission shall be as provided in the State budget.

9–1A–27. ** CONTINGENCY – NOT IN EFFECT – CHAPTER 1 OF 2012 2ND SS **

(a) Except as provided in subsections (b) and (c) of this section and § 9–1A–26(a)(3) of this subtitle, on a properly approved transmittal prepared by the

Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at each video lottery facility:

(1) (i) on or before March 31, 2015, 2% to the State Lottery and Gaming Control Agency for costs as defined in § 9–1A–01 of this subtitle; and

(ii) beginning April 1, 2015, 1% to the State Lottery and Gaming Control Agency for costs as defined in § 9–1A–01 of this subtitle;

(2) to the video lottery operation licensee, the percentage stated in the accepted application for the location, not to exceed, except as provided in subsection (b) of this section, 33%;

(3) 5.5% in local impact grants, in accordance with § 9–1A–31 of this subtitle;

(4) 6% to the Purse Dedication Account established under § 9–1A–28 of this subtitle, not to exceed a total of $100,000,000 to the Account annually;

(5) (i) until the issuance of a video lottery operation license in Baltimore City, 1.75% to the Racetrack Facility Renewal Account established under § 9–1A–29 of this subtitle and distributed in accordance with that section; and

(ii) on or after the issuance of a video lottery operation license in Baltimore City, 1% to the Racetrack Facility Renewal Account established under § 9–1A–29 of this subtitle and distributed in accordance with that section, not to exceed a total of $20,000,000 to the Account annually;

(6) 1.5% to the Small, Minority, and Women–Owned Businesses Account established under § 9–1A–35 of this subtitle;

(7) (i) except as provided in item (ii) of this item, 6% to the video lottery operation licensee if the video lottery operation licensee owns or leases each video lottery terminal device and the associated equipment and software; and

(ii) 8% to the video lottery operation licensee in Anne Arundel County;

(8) beginning after the issuance of a video lottery operation license for a video lottery facility in Prince George's County, 8% to the video lottery operation licensee in Anne Arundel County and 7% to the licensee in Baltimore City for:

(i) marketing, advertising, and promotional costs required under § 9–1A–23 of this subtitle; and

(ii) capital improvements at the video lottery facilities; and

(9) the remainder to the Education Trust Fund established under §

9–1A–30 of this subtitle.

(b) (1) Beginning July 1, 2013, for a video lottery facility in Worcester County with less than 1,000 video lottery terminals, the percentage in subsection (a)(2) of this section is equal to 43% provided that each year an amount equivalent to 2.5% of the proceeds from video lottery terminals at the video lottery facility is spent on capital improvements at the video lottery facility.

(2) After the first 10 years of operations at a video lottery facility in Allegany County, the percentage:

(i) in subsection (a)(2) of this section is equal to 43% provided that each year an amount equivalent to 2.5% of the proceeds from video lottery terminals at the video lottery facility is spent on capital improvements at the video lottery facility; and

(ii) in subsection (a)(1) of this section is equal to 2%.

(3) For a video lottery facility in Prince George's County, the percentage in subsection (a)(2) of this section stated in the accepted application for the location may not exceed 38%.

(c) (1) For the first 10 years of operations at a video lottery facility in Allegany County, on a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at a video lottery facility in Allegany County:

(i) 2% to the State Lottery and Gaming Control Agency for costs as defined in § 9–1A–01 of this subtitle;

(ii) to the video lottery operation licensee, the percentage stated in the accepted application for the location, not to exceed 50%;

(iii) 2.75% in local impact grants, in accordance with § 9–1A–31 of this subtitle;

(iv) 2.5% to the Purse Dedication Account established under § 9–1A–28 of this subtitle;

(v) 0.75% to the Small, Minority, and Women–Owned Businesses Account established under § 9–1A–35 of this subtitle; and

(vi) the remainder to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(2) After the first 10 years of operations at a video lottery facility in Allegany County, the proceeds generated at the facility in Allegany County shall be allocated as provided in subsections (a) and (b) of this section.

(d) (1) Each video lottery operation licensee shall retain 80% of the proceeds of table games at the video lottery facility.

(2) On a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of table games at each video lottery facility:

(i) 5% to the local jurisdiction in which the video lottery facility is located, provided that:

1. 50% of the proceeds paid to Baltimore City shall be used to fund school construction projects; and

2. 50% of the proceeds paid to Baltimore City shall be used to fund the maintenance, operation, and construction of recreational facilities; and

(ii) 15% to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(e) (1) If the costs of the State Lottery and Gaming Control Agency are less than the proceeds specified in subsection (a)(1) of this section, any amount not distributed to the State Lottery and Gaming Control Agency shall be paid to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(2) The costs of the Commission shall be as provided in the State budget.

(f) On or before December 1, 2019, and every year thereafter, the State Lottery and Gaming Control Commission shall report to the Governor and, in accordance with § 2–1246 of this article, the General Assembly on the distribution of proceeds of video lottery terminals to licensees for the procurement of video lottery terminals; marketing, advertising, and promotional costs; and capital improvements and the distributions of local impact grants to jurisdictions under § 9–1A–31 of this subtitle.

(g) Baltimore City shall report to the Baltimore City Senate and House Delegations by December 31 of each year as to the distribution and use of the funds provided under subsection (d) of this section.

§9–1A–28.

(a) There is a Purse Dedication Account under the authority of the State Racing Commission.

(b) (1) The Account shall receive money as required under § 9–1A–27 of this subtitle.

(2) Money in the Account shall be invested and reinvested by the Treasurer and interest and earnings shall accrue to the Account.

(3) The Comptroller shall:

(i) account for the Account; and

(ii) on a properly approved transmittal prepared by the State Racing Commission, issue a warrant to pay out money from the Account in the manner provided under this section.

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

(5) Expenditures from the Account shall only be made on a properly approved transmittal prepared by the State Racing Commission as provided under subsection (c) of this section.

(c) Subject to subsections (d) and (e) of this section, the State Racing Commission shall allocate funds in the Account as follows:

(1) 80% to the thoroughbred industry; and

(2) 20% to the standardbred industry.

(d) The amount of funds allocated to thoroughbred purses and the Maryland–bred Race Fund shall be allocated as follows:

(1) 89% to thoroughbred purses at the Pimlico Race Course, Laurel Park, the racecourse in Allegany County, and the racecourse at Timonium; and

(2) 11% to the Maryland–bred Race Fund.

(e) The amount of funds allocated to standardbred purses and the Standardbred Race Fund shall be allocated as follows:

(1) 89% to standardbred purses at Rosecroft Raceway, Ocean Downs Race Course, and the racecourse in Allegany County, allocated based on the number of live racing days at each track location; and

(2) 11% to the Standardbred Race Fund.

(f) From the amount provided to thoroughbred purses, the State Racing Commission shall pay an annual grant of $100,000 to Fair Hill, as defined under § 11–811 of the Business Regulation Article.

(g) (1) Of the amount provided from the Purse Dedication Account under subsection (e)(1) of this section:

(i) for Ocean Downs Race Course, up to $1,200,000 each year for calendar years 2015, 2016, 2017, 2018, and 2019 may be used to provide financial assistance for operating losses, in accordance with generally accepted accounting

principles, to support a minimum of 40 annual live racing days for calendar years 2015, 2016, 2017, 2018, and 2019 unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control; and

(ii) for Rosecroft Raceway, up to $1,200,000 each year for calendar years 2015, 2016, 2017, 2018, and 2019 may be used to provide financial assistance for operating losses, in accordance with generally accepted accounting principles, to support a minimum of 40 annual live racing days for calendar years 2015, 2016, 2017, 2018, and 2019 unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control.

(2) Funds received by Ocean Downs Race Course or Rosecroft Raceway under paragraph (1) of this subsection may not be used to contribute to a campaign finance entity under Title 13 of the Election Law Article or make an independent expenditure as defined in § 1–101 of the Election Law Article.

(h) (1) To obtain operating assistance under this section:

(i) a holder of a racing license to race at Ocean Downs Race Course or Rosecroft Raceway may apply to the Secretary of Labor, Licensing, and Regulation for the reimbursement of expenditures made by the racing licensee to conduct the annual live racing schedule; and

(ii) a holder of a racing license to race at Rosecroft Raceway shall:

1. agree to rehire workers employed at the facility prior to the end of live racing on June 27, 2008; and

2. recognize collective bargaining agreements that were in place as of June 1, 2008.

(2) (i) On the completion of the review of the application by a certified public accountant, the Secretary may authorize the reimbursement of expenditures by the racing licensee that are necessary to conduct the annual live racing schedule.

(ii) Expenditures eligible for reimbursement under subparagraph (i) of this paragraph shall include the ordinary and reasonable costs of conducting the race meetings, pari–mutuel wagering, and stabling activities of the racing licensee, net of ordinary income and receipts.

(iii) The reimbursement calculation under subparagraph (ii) of this paragraph may not include:

1. extraordinary income and expense–related items, including extraordinary litigation expenses;

2. lobbying fees;

3. capital investments, including predevelopment costs; or

4. prior year adjustments and claims.

(3) All costs associated with the racing licensee's application shall be paid by the racing licensee.

(4) In support of the racing licensee's application and request for reimbursement submitted under paragraph (1) of this subsection, the racing licensee shall provide to the Secretary:

(i) monthly financial information requested by the Secretary, in a form satisfactory to the Secretary; and

(ii) an annual audited financial statement.

(5) A racing licensee may not receive assistance under this section while the racing licensee is a party to a proceeding challenging the issuance or denial of a video lottery operation license.

(i) The provisions of this section may not be construed to apply to the racecourse in Allegany County until horse racing begins at that racecourse.

(j) On or before December 1, 2014, the State Racing Commission shall:

(1) conduct a study to determine the impact of the Purse Dedication Account on the racing industry in the State; and

(2) make recommendations to the General Assembly regarding the continuation of the Purse Dedication Account and the amount of money distributed to the Purse Dedication Account.

§9–1A–28.1.

(a) In this section, "open purse" means any purse, except for one offered in a race funded by the Maryland Standardbred Race Fund.

(b) (1) The organization that represents a majority of the standardbred owners and trainers in the State may apply to the Secretary of Labor, Licensing, and Regulation for the reimbursement of expenditures listed in subsection (c) of this section.

(2) From the amount allocated to the Purse Dedication Account under § 9–1A–28(e)(1) of this subtitle, the Secretary may allocate to the organization that represents a majority of the standardbred owners and trainers in the State an amount for the reimbursement of expenditures requested under this subsection.

(3) The amount allocated by the Secretary under paragraph (2) of this

subsection, in addition to any amount agreed on under a contractual arrangement with track licensees, may not exceed 2% of all open purses.

(c) Expenditures eligible for reimbursement under subsection (b) of this section include the ordinary and reasonable costs of establishing and maintaining the following programs for standardbred owners and trainers:

(1) counseling programs to address issues such as drug addiction, depression, marital problems, and financial problems;

(2) preventive care programs such as health fairs, mammogram screenings, and flu vaccination clinics;

(3) group health, life, and on–track drivers' insurance plans; and

(4) retirement programs.

(d) The reimbursement calculation under subsection (c) of this section may not include:

(1) extraordinary income and expense–related items, including extraordinary litigation expenses;

(2) lobbying fees;

(3) capital investments, including predevelopment costs; or

(4) prior year adjustments and claims.

(e) In support of an application and a request for reimbursement submitted under subsection (b) of this section, the organization shall provide to the Secretary of Labor, Licensing, and Regulation in a form satisfactory to the Secretary:

(1) an itemized statement under oath for the preceding fiscal year of receipts from all sources and of all disbursements, including salaries of all officers, attorney fees, and lobbying expenses; and

(2) a certified audit by a certified public accountant of the financial records of the organization for the preceding fiscal year.

§9–1A–29.

(a) There is a Racetrack Facility Renewal Account under the authority of the State Racing Commission.

(b) (1) The Account shall receive money as required under § 9–1A–27 of this subtitle for the first 16 years of operations at each video lottery facility.

(2) Money in the Account shall be invested and reinvested by the

Treasurer and interest and earnings shall accrue to the Account.

(3) The Comptroller shall:

(i) account for the Account; and

(ii) on a properly approved transmittal prepared by the State Racing Commission, issue a warrant to pay out money from the Account in the manner provided under this section.

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

(5) Expenditures from the Account shall only be made on a properly approved transmittal prepared by the State Racing Commission as provided under subsection (c) of this section.

(6) (i) Subject to subparagraph (ii) of this paragraph, the State Racing Commission may use the services of a certified public accountant to review an eligible request for a grant under this section.

(ii) The holder of a license to hold a race meeting in the State that has requested a grant under this section shall reimburse the State Racing Commission for any expenditures for services under subparagraph (i) of this paragraph.

(c) Funds from the Account shall be used to provide a grant to the holder of a license to hold a race meeting in the State for racetrack facility capital construction and improvements.

(d) The amount of funds made available from the Racetrack Facility Renewal Account shall be allocated as follows:

(1) 80% to the Pimlico Race Course, Laurel Park, and the racecourse at Timonium; and

(2) 20% to Rosecroft Raceway and Ocean Downs Race Course.

(e) In order to obtain a grant, a holder of a license to hold a race meeting in the State shall:

(1) submit a capital construction plan to be implemented within a specified time frame to the State Racing Commission for approval; and

(2) except as provided in subsection (f) of this section, provide and expend a matching fund.

(f) (1) Of the amount provided from the Racetrack Facility Renewal Account under subsection (d)(1) of this section, the racecourse at Timonium shall be provided

the following amounts for racetrack facility capital construction and improvements:

(i) for fiscal year 2012, $1,125,000;

(ii) for fiscal year 2013, $1,250,000;

(iii) for fiscal year 2014, $1,125,000;

(iv) for fiscal year 2015, $1,000,000; and

(v) for fiscal year 2016, $1,000,000.

(2) A matching fund is not required for the amount provided for the racecourse at Timonium under paragraph (1) of this subsection.

(3) (i) From the amounts provided in paragraph (1) of this subsection, the holder of a racing license to race at the racecourse at Timonium may use up to $350,000 per year to support a minimum of 7 live racing days.

(ii) Use of funds authorized under subparagraph (i) of this paragraph must be approved by the Secretary of Labor, Licensing, and Regulation under terms and a process consistent with the provisions of subsection (j) of this section.

(g) Of the amount provided from the Racetrack Facility Renewal Account under subsection (d)(1) of this section, the State Racing Commission may provide direct grant funding for the establishment of a horse racing museum as part of the Pimlico Race Course.

(h) After a grant has been provided under this section, the State Racing Commission shall:

(1) in consultation with the Department of General Services, monitor the implementation of the approved capital construction plan; and

(2) make provisions for recapture of grant moneys if the capital construction plan is not implemented within the time frame approved by the State Racing Commission.

(i) Any unencumbered funds remaining in the Racetrack Facility Renewal Account after a video lottery facility has been in operation for 16 years shall be paid to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(j) The State Racing Commission shall adopt regulations to implement the provisions of this subsection, including regulations to address minimum criteria for the types of improvements to be made by the holder of a license.

(k) The provisions of this section may not be construed to apply to the racecourse in Allegany County.

§9–1A–30.

(a) There is an Education Trust Fund which is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(b) (1) There shall be credited to the Education Trust Fund all proceeds allocated to the Fund under § 9–1A–27 of this subtitle.

(2) Money in the Education Trust Fund shall be invested and reinvested by the Treasurer, and interest and earnings shall accrue to the Fund.

(c) Money in the Education Trust Fund shall be used to:

(1) provide funding for public elementary and secondary education, through continuation of the funding and formulas established under the programs commonly known as the Bridge to Excellence in Public Schools Act, first enacted by Chapter 288 of the Acts of the General Assembly of 2002, including the funding for regional differences in the cost of education under § 5–202(f) of the Education Article;

(2) provide funds to construct public school buildings and provide public school capital improvements in accordance with §§ 5–301 through 5–303 of the Education Article;

(3) provide funds for capital projects at community colleges and public senior higher education institutions; and

(4) provide funds to expand public early childhood education programs in the State.

(d) Expenditures from the Education Trust Fund shall be made each fiscal year in accordance with the State budget.

§9–1A–31. IN EFFECT

(a) (1) Except as provided in paragraph (5) of this subsection, the local impact grants provided under § 9–1A–27 of this subtitle shall be distributed in the following manner:

(i) 82% to the local jurisdictions with video lottery facilities, based on each jurisdiction's percentage of overall gross revenues from video lottery terminals; and

(ii) except as provided in paragraph (2) of this subsection, for operations at a video lottery facility starting in fiscal year 2012 and ending in fiscal year 2032, 18% to Baltimore City with the Pimlico Community Development Authority acting as the local development council in accordance with subsection (d) of this section, to be distributed primarily for capital projects benefiting economic and community development in the following manner:

1. at least 75% in a manner that is consistent with the Park Heights Master Plan; and

2. the remainder dedicated to the needs of:

A. any census blockgroup that Baltimore City identifies as being located partly or entirely within 1 mile of Pimlico Race Course but not within the boundaries of the Park Heights Master Plan in a manner that is consistent with adopted neighborhood priorities;

B. any neighborhood included in the Northwest Community Planning Forum Strategic Neighborhood Action Plan in a manner that is consistent with the adopted Northwest Community Planning Forum Strategic Neighborhood Action Plan priorities; and

C. beginning after a video lottery operation license is issued to a video lottery facility in Baltimore City, any neighborhood within an area bounded by Liberty Heights Avenue, Northern Parkway, Druid Park Drive, and Wabash Avenue in a manner that is consistent with adopted neighborhood priorities.

(2) (i) Of the amount specified under paragraph (1)(ii) of this subsection:

1. $1,000,000 shall be provided annually to Prince George's County to be used for public safety projects in the community within 5 miles surrounding Rosecroft Raceway; and

2. for fiscal years 2015 through 2019, $500,000 shall be provided annually for impact aid to be distributed as provided under § 11–404(d) of the Business Regulation Article to help pay for facilities and services in communities within 3 miles of the Laurel Race Course.

(ii) The Legislative Policy Committee shall report its findings and recommendations concerning the advisability of the continuation of the distribution of funds after fiscal year 2032 to the Comptroller and, in accordance with § 2–1246 of this article, the General Assembly, on or before November 1, 2030.

(3) Anne Arundel County, Howard County, Prince George's County, and the City of Laurel shall report to the Legislative Policy Committee by December 31 of each year as to the distribution of the funds provided under this section.

(4) Baltimore City shall:

(i) establish a schedule for the distribution and expenditure of funds provided under this section; and

(ii) provide a quarterly report to the Legislative Policy Committee on the distribution of the funds provided under this section.

(5) Beginning after a video lottery operation license is issued to a video lottery facility in Baltimore City, 100% of the local impact grants provided under § 9–1A–27 of this subtitle from the proceeds of the video lottery facilities located in Allegany, Cecil, and Worcester counties shall be distributed to the local jurisdictions in which those video lottery facilities are located.

(b) (1) Except as otherwise provided in paragraphs (2) and (3) of this subsection, local impact grants provided under subsection (a)(1)(i) of this section shall be used for improvements primarily in the communities in immediate proximity to the video lottery facilities and may be used for the following purposes:

(i) infrastructure improvements;

(ii) facilities;

(iii) public safety;

(iv) sanitation;

(v) economic and community development, including housing; and

(vi) other public services and improvements.

(2) In Allegany County, local impact grants provided under subsection (a)(1)(i) of this section may be used:

(i) for purposes listed in paragraph (1) of this subsection throughout the county; and

(ii) to pay down the debt incurred by the county in the construction and related costs for the golf course, lodge, and other improvements in Rocky Gap State Park.

(3) In Baltimore City, local impact grants provided under subsection (a)(1)(i) of this section shall be used for improvements in the communities in immediate proximity to the video lottery facility and may be used for the following purposes:

(i) infrastructure improvements;

(ii) facilities;

(iii) public safety;

(iv) sanitation;

(v) economic and community development, including housing; and

(vi) other public services and improvements.

(c) (1) A local development council shall be established in each geographic area where a video lottery facility is located.

(2) Subject to paragraph (3) of this subsection, a local development council shall consist of the following 15 members appointed by the chief executive of the county in which the local development council is located, in consultation with the Senators and Delegates who represent the communities surrounding the facility and the respective county councils, city councils, or county commissioners:

(i) one Senator who represents the district where the facility is located;

(ii) two Delegates who represent the districts where the communities surrounding the facility are located;

(iii) one representative of the video lottery operation licensee;

(iv) seven residents of the communities in immediate proximity to the facility; and

(v) four representatives of businesses or institutions located in immediate proximity to the facility.

(3) (i) If the video lottery facility is at a racetrack location at Laurel Park, the County Executive of Anne Arundel County, the County Executive of Prince George's County, and the County Executive of Howard County shall jointly appoint the local development council.

(ii) If the video lottery facility is at a racetrack location at the Ocean Downs Race Course:

1. the County Commissioners of Worcester County shall appoint the local development council;

2. the Senator or the Senator's designee shall serve as a member of the local development council; and

3. the Delegates or the Delegates' designees shall serve as members of the local development council.

(d) (1) Prior to any expenditure of local impact grant funds provided under § 9–1A–27 of this subtitle, a county or municipality shall develop, in consultation with the local development council, a multiyear plan for the expenditure of the local impact grant funds for services and improvements consistent with subsection (b) of this section.

(2) A county or municipality shall submit the plan to the local development council for review and comment before adopting the plan or expending any grant funds.

(3) The local development council shall advise the county or municipality on the impact of the facility on the communities and the needs and priorities of the communities in immediate proximity to the facility.

(4) (i) A local development council shall have 45 days to review, comment, and make recommendations on the plan required under this subsection.

(ii) Except as provided in subparagraph (iii) of this paragraph, on the request of a local development council, the county or municipality shall hold a public hearing on the plan.

(iii) Baltimore City shall hold a public hearing on the plan for the expenditure of funds allocated under subsection (a)(1)(ii) of this section.

(5) A county or municipality shall make best efforts to accommodate the recommendations of the local development council and any testimony presented at the hearing before adopting the plan required under this subsection.

(e) A video lottery operation licensee shall provide to the local development council a master plan for the development of the site on which the video lottery facility will be located.

9–1A–31. ** CONTINGENCY – NOT IN EFFECT – CHAPTER 1 OF 2012 2ND SS **

(a) (1) Except as provided in paragraph (8) of this subsection, the local impact grants provided under § 9–1A–27 of this subtitle shall be distributed as provided in this subsection.

(2) The following amounts shall be distributed to the following jurisdictions:

(i) Allegany County – $200,000;

(ii) Cecil County – $130,000;

(iii) Town of Perryville – $70,000; and

(iv) Worcester County – $200,000.

(3) The remaining funds for local impact grants shall be distributed in the following manner:

(i) 82% to the local jurisdictions with video lottery facilities, based on each jurisdiction's percentage of overall gross revenues from video lottery terminals; and

(ii) except as provided in paragraph (4) of this subsection, for

operations at a video lottery facility starting in fiscal year 2012 and ending in fiscal year 2032, 18% to Baltimore City with the Pimlico Community Development Authority acting as the local development council in accordance with subsection (d) of this section, to be distributed primarily for capital projects benefiting economic and community development in the following manner:

1. at least 75% in a manner that is consistent with the Park Heights Master Plan; and

2. the remainder dedicated to the needs of:

A. any census blockgroup that Baltimore City identifies as being located partly or entirely within 1 mile of Pimlico Race Course but not within the boundaries of the Park Heights Master Plan in a manner that is consistent with adopted neighborhood priorities;

B. any neighborhood included in the Northwest Community Planning Forum Strategic Neighborhood Action Plan in a manner that is consistent with the adopted Northwest Community Planning Forum Strategic Neighborhood Action Plan priorities; and

C. beginning after a video lottery operation license is issued to a video lottery facility in Baltimore City, any neighborhood within an area bounded by Liberty Heights Avenue, Northern Parkway, Druid Park Drive, and Wabash Avenue in a manner that is consistent with adopted neighborhood priorities.

(4) (i) Of the amount specified under paragraph (3)(ii) of this subsection:

1. $1,000,000 shall be provided annually to Prince George's County to be used for public safety projects in the community within 5 miles surrounding Rosecroft Raceway; and

2. for fiscal years 2015 through 2019, $500,000 shall be provided annually for impact aid to be distributed as provided under § 11–404(d) of the Business Regulation Article to help pay for facilities and services in communities within 3 miles of the Laurel Race Course.

(ii) The Legislative Policy Committee shall report its findings and recommendations concerning the advisability of the continuation of the distribution of funds after fiscal year 2032 to the Comptroller and, in accordance with § 2–1246 of this article, the General Assembly, on or before November 1, 2030.

(5) Anne Arundel County, Howard County, Prince George's County, and the City of Laurel shall report to the Legislative Policy Committee by December 31 of each year as to the distribution of the funds provided under this section.

(6) Baltimore City shall:

(i) establish a schedule for the distribution and expenditure of funds provided under this section; and

(ii) provide a quarterly report to the Legislative Policy Committee on the distribution of the funds provided under this section.

(7) (i) The distribution under paragraph (3)(i) of this subsection to Anne Arundel County, Baltimore City, and Prince George's County equals the sum of the amounts to be distributed to Anne Arundel County, Baltimore City, and Prince George's County divided by three.

(ii) Notwithstanding subparagraph (i) of this paragraph, the amount distributed to Anne Arundel County and Baltimore City under paragraph (3)(i) of this subsection may not be less than the amount received in the fiscal year before the video lottery operation license for a video lottery facility in Prince George's County was issued.

(8) Beginning after a video lottery operation license is issued to a video lottery facility in Baltimore City, 100% of the local impact grants provided under § 9–1A–27 of this subtitle from the proceeds of the video lottery facilities located in Allegany, Cecil, and Worcester counties shall be distributed to the local jurisdictions in which those video lottery facilities are located.

(b) (1) Except as otherwise provided in paragraphs (2) and (3) of this subsection and subject to paragraph (4) of this subsection, local impact grants provided under subsection (a)(3)(i) of this section shall be used for improvements primarily in the communities in immediate proximity to the video lottery facilities and may be used for the following purposes:

(i) infrastructure improvements;

(ii) facilities;

(iii) public safety;

(iv) sanitation;

(v) economic and community development, including housing; and

(vi) other public services and improvements.

(2) In Allegany County, local impact grants provided under subsection (a)(3)(i) of this section may be used:

(i) for purposes listed in paragraph (1) of this subsection throughout the county; and

(ii) to pay down the debt incurred by the county in the construction

and related costs for the golf course, lodge, and other improvements in Rocky Gap State Park.

(3) In Baltimore City, local impact grants provided under subsection (a)(3)(i) of this section shall be used for improvements in the communities in immediate proximity to the video lottery facility and may be used for the following purposes:

(i) infrastructure improvements;

(ii) facilities;

(iii) public safety;

(iv) sanitation;

(v) economic and community development, including housing; and

(vi) other public services and improvements.

(4) (i) Subject to subparagraph (ii) of this paragraph, in Prince George's County, 40% of local impact grants provided under this section shall be used to address infrastructure needs related to Maryland Route 210 in Prince George's County.

(ii) The amount of local impact grants used as provided in subparagraph (i) of this paragraph may not exceed $15,000,000 in a fiscal year.

(iii) Prince George's County may be reimbursed by the State for any money used as provided in this paragraph.

(c) (1) A local development council shall be established in each geographic area where a video lottery facility is located.

(2) Subject to paragraph (3) of this subsection, a local development council shall consist of the following 15 members appointed by the chief executive of the county in which the local development council is located, in consultation with the Senators and Delegates who represent the communities surrounding the facility and the respective county councils, city councils, or county commissioners:

(i) one Senator who represents the district where the facility is located;

(ii) two Delegates who represent the districts where the communities surrounding the facility are located;

(iii) one representative of the video lottery operation licensee;

(iv) seven residents of the communities in immediate proximity to the facility; and

(v) four representatives of businesses or institutions located in immediate proximity to the facility.

(3) (i) If the video lottery facility is at a racetrack location at Laurel Park, the County Executive of Anne Arundel County, the County Executive of Prince George's County, and the County Executive of Howard County shall jointly appoint the local development council.

(ii) If the video lottery facility is at a racetrack location at the Ocean Downs Race Course:

1. the County Commissioners of Worcester County shall appoint the local development council;

2. the Senator or the Senator's designee shall serve as a member of the local development council; and

3. the Delegates or the Delegates' designees shall serve as members of the local development council.

(d) (1) Prior to any expenditure of local impact grant funds provided under § 9–1A–27 of this subtitle, a county or municipality shall develop, in consultation with the local development council, a multiyear plan for the expenditure of the local impact grant funds for services and improvements consistent with subsection (b) of this section.

(2) A county or municipality shall submit the plan to the local development council for review and comment before adopting the plan or expending any grant funds.

(3) The local development council shall advise the county or municipality on the impact of the facility on the communities and the needs and priorities of the communities in immediate proximity to the facility.

(4) (i) A local development council shall have 45 days to review, comment, and make recommendations on the plan required under this subsection.

(ii) Except as provided in subparagraph (iii) of this paragraph, on the request of a local development council, the county or municipality shall hold a public hearing on the plan.

(iii) Baltimore City shall hold a public hearing on the plan for the expenditure of funds allocated under subsection (a)(1)(ii) of this section.

(5) A county or municipality shall make best efforts to accommodate the recommendations of the local development council and any testimony presented at the hearing before adopting the plan required under this subsection.

(e) A video lottery operation licensee shall provide to the local development council a master plan for the development of the site on which the video lottery facility

will be located.

§9–1A–32.

(a) The State may pay for the reasonable transportation costs to:

(1) mitigate the impact on the communities in the immediate proximity to the facility; and

(2) make each video lottery facility accessible to the public.

(b) (1) A comprehensive transportation plan shall be:

(i) developed by each county where a facility is located, in consultation with the local development council created under § 9–1A–31 of this subtitle; and

(ii) approved by the Maryland Department of Transportation.

(2) The comprehensive transportation plan shall include provisions on roads and provisions regarding mass transit if mass transit is a substantial manner of transportation in the county where a video lottery facility is located.

(c) The Maryland Department of Transportation shall facilitate negotiations with affected communities to ensure the most practical ingress to and egress from the video lottery facility.

(d) (1) Notwithstanding any other provision of this section, the Department of Transportation may pay for and undertake the improvement and enhancement of MD Route 589 from the intersection of MD Route 50 through MD Route 113 in Worcester County to address the needs related to traffic capacity, public safety, and esthetics in the area where a video lottery facility is located.

(2) The Department may take the necessary steps to ensure that the plans for the improvements and enhancements to MD Route 589 are under development on or before the date on which the video lottery facility at the Worcester County location is operational and open to the public.

§9–1A–33.

(a) (1) The Commission shall:

(i) establish an annual fee of $425, to be paid by each video lottery operation licensee, for each video lottery terminal operated by the licensee during the year, based on the maximum number of terminal positions in use during the year; and

(ii) distribute the fees collected under item (i) of this paragraph to the Problem Gambling Fund established in subsection (b) of this section.

(2) The Commission may establish an annual fee of up to $500 for each table game to be paid by each video lottery operation licensee and distributed to the Problem Gambling Fund under subsection (b) of this section in order to ensure sufficient funds are available to provide requested services.

(b) (1) There is a Problem Gambling Fund in the Department of Health and Mental Hygiene.

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

(3) Money in the Problem Gambling Fund shall be invested and reinvested by the Treasurer, and interest and earnings shall accrue to the Fund.

(4) Except as provided in paragraph (5) of this subsection, expenditures from the Problem Gambling Fund shall be made only by the Department of Health and Mental Hygiene to:

(i) establish a 24–hour hotline for compulsive and problem gamblers and to provide counseling and other support services for compulsive and problem gamblers; and

(ii) develop and implement problem gambling treatment and prevention programs, including the programs established under Title 19, Subtitle 8 of the Health – General Article.

(5) After satisfying the requirements of paragraph (4) of this subsection, any unspent funds in the Problem Gambling Fund may be expended by the Department of Health and Mental Hygiene on drug and other addiction treatment services.

(6) Expenditures from the Problem Gambling Fund shall be made in accordance with an appropriation approved by the General Assembly in the annual State budget or by the budget amendment procedure provided for in § 7–209 of the State Finance and Procurement Article.

§9–1A–34.

(a) The Commission shall make an annual report to the Governor and, subject to § 2–1246 of this article, to the General Assembly:

(1) on the operation and finances of the video lottery facilities;

(2) with the assistance of local police departments and the Department of State Police, detailing the crimes that occur within the communities surrounding a video lottery facility; and

(3) on the attainment of minority business participation goals specified for licensees under § 9–1A–10(a)(1) and (2) of this subtitle and the efforts by licensees to

maintain those goals.

(b) Each fiscal year the Legislative Auditor shall audit and evaluate the information submitted to the Commission by licensees under subsection (a)(3) of this section, with special emphasis on the licensee's utilization of contractors across a broad spectrum of its business activities, including those that are functionally related to the gaming industry.

§9–1A–35.

(a) There is a Small, Minority, and Women–Owned Businesses Account under the authority of the Board of Public Works.

(b) (1) The Account shall receive money as required under § 9–1A–27 of this subtitle.

(2) Money in the Account shall be invested and reinvested by the Treasurer and interest and earnings shall accrue to the Account.

(3) The Comptroller shall:

(i) account for the Account; and

(ii) on a properly approved transmittal prepared by the Board of Public Works, issue a warrant to pay out money from the Account in the manner provided under this section.

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

(5) Expenditures from the Account shall only be made on a properly approved transmittal prepared by the Board of Public Works as provided under subsection (c) of this section.

(c) (1) In this subsection, "eligible fund manager" means an entity that has significant financial or investment experience, under criteria developed by the Board of Public Works.

(2) Subject to the provisions of paragraph (3) of this subsection, the Board of Public Works shall make grants to eligible fund managers to provide investment capital and loans to small, minority, and women–owned businesses in the State.

(3) The Board of Public Works shall ensure that eligible fund managers allocate at least 50% of the funds from this Account to small, minority, and women–owned businesses in the jurisdictions and communities surrounding a video lottery facility.

(d) Fund managers receiving grants under this section shall:

(1) keep proper records of funds and accounts;

(2) provide an annual report to the Governor and, in accordance with § 2–1246 of this article, the General Assembly on investment capital and loans made pursuant to subsection (c) of this section; and

(3) be subject to audit by the Office of Legislative Audits of the Department of Legislative Services.

(e) (1) Subject to paragraph (2) of this subsection, an eligible fund manager may use money from grants received under this section to pay expenses for administrative, actuarial, legal, and technical services.

(2) The Board of Public Works shall set the maximum amount of grant money that each eligible fund manager may use under paragraph (1) of this subsection.

(f) Each fiscal year the Legislative Auditor shall audit and evaluate the utilization of the funds that are allocated to small, minority, and women–owned businesses by eligible fund managers under subsection (c)(3) of this section.

§9–1A–36.

(a) There is a Video Lottery Facility Location Commission.

(b) (1) The Video Lottery Facility Location Commission consists of seven members.

(2) (i) Three of the members shall be appointed by the Governor.

(ii) Two of the members shall be appointed by the President of the Senate but may not be members of the Senate of Maryland.

(iii) Two of the members shall be appointed by the Speaker of the House of Delegates but may not be members of the House.

(3) The membership of the Video Lottery Facility Location Commission appointed under this subsection should reflect the race, gender, and geographic diversity of the population of the State.

(4) One of the members appointed by the Governor shall be the chair of the Video Lottery Facility Location Commission.

(5) The Governor, in consultation with the President of the Senate and the Speaker of the House of Delegates, may remove a member of the Video Lottery Facility Location Commission for inefficiency, misconduct in office, or neglect of duty.

(c) A member of the Video Lottery Facility Location Commission:

(1) shall be at least 21 years of age;

(2) shall be a citizen of the United States;

(3) shall be a resident of the State;

(4) shall be knowledgeable and experienced in fiscal matters and shall have at least 10 years substantial experience:

(i) as an executive with fiduciary responsibilities in charge of a large organization or foundation;

(ii) in an academic field relating to finance or economics; or

(iii) as an economist, financial analyst, or accountant, or as a professional in a similar profession relating to fiscal matters or economics;

(5) may not have been convicted of or granted probation before judgment for a serious crime or a crime that involves gambling or moral turpitude;

(6) may not have an official relationship to a person that holds a license under this subtitle;

(7) may not have any direct or indirect financial interest, ownership, or management, including holding any stocks, bonds, or other similar financial interests in any gaming activities, including horse racing, video lottery terminals, or lottery;

(8) may not receive or share in, directly or indirectly, the receipts or proceeds of any gaming activities, including horse racing or lottery;

(9) may not have a beneficial interest in any contract for the manufacture or sale of gaming devices, the conduct of any gaming activity, or the provision of any independent consulting services in connection with any gaming establishment or gaming activity;

(10) may not be an elected official of State or local government; and

(11) shall file a financial disclosure statement with the State Ethics Commission in accordance with Title 15, Subtitle 6 of this article.

(d) A member of the Video Lottery Facility Location Commission:

(1) may not receive compensation for serving on the Video Lottery Facility Location Commission; but

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

(e) The State Lottery and Gaming Control Commission shall provide staff to the Video Lottery Facility Location Commission.

(f) The Video Lottery Facility Location Commission may award not more than six video lottery operation licenses to qualified applicants, through a competitive process consistent with the process for competitive sealed proposals under Title 13 of the State Finance and Procurement Article.

(g) The Video Lottery Facility Location Commission may not award more than one video lottery facility operation license in a single county or Baltimore City.

(h) (1) In order to qualify for a video lottery operation license under this section, a proposed video lottery facility shall be located in one of the following counties:

(i) a location in Anne Arundel County, within 2 miles of MD Route 295;

(ii) a location in Cecil County, within 2 miles of Interstate 95;

(iii) a location on State property associated with the Rocky Gap State Park in Allegany County;

(iv) a location in Worcester County, within 1 mile of the intersection of Route 50 and Route 589;

(v) a location in Baltimore City that is:

1. located:

A. in a nonresidential area;

B. within one–half mile of Interstate 95;

C. within one–half mile of MD Route 295; and

D. on property that is owned by Baltimore City on the date on which the application for a video lottery operation license is submitted; and

2. not adjacent to or within one–quarter mile of property that is:

A. zoned for residential use; and

B. used for a residential dwelling on the date the application for a video lottery operation license is submitted; or

(vi) a location in Prince George's County within a 4–mile radius of the intersection of Bock Road and St. Barnabas Road.

(2) Nothing in this subtitle may be construed to preempt the exclusive authority of the Video Lottery Facility Location Commission to award video lottery operation licenses in accordance with this subtitle.

(3) (i) With respect to a video lottery operation license awarded to a location under paragraph (1)(iv) of this subsection, the holder of the video lottery operation license or any other person with a direct or indirect legal or financial interest in the Ocean Downs racetrack or video lottery facility may not:

1. build any type of hotel, motel, or other public lodging accommodation on or within 10 miles of the property owned by the holder of the license on which a video lottery facility is operated;

2. convert an existing facility on or within 10 miles of the property described in item 1 of this subparagraph into any type of hotel, motel, or other public lodging accommodation; or

3. build or operate a conference center or convention center, amusement park, amusement rides, arcade, or miniature golf course on or within 10 miles of the property described in item 1 of this subparagraph.

(ii) The prohibitions under subparagraph (i) of this paragraph apply to any subsequent holder of a video lottery operation license awarded under paragraph (1)(iv) of this subsection.

(i) (1) Except as provided in paragraphs (2) and (3) of this subsection, the Video Lottery Facility Location Commission may not allocate more than the following number of video lottery terminals for:

(i) a location in Anne Arundel County – 4,750 video lottery terminals;

(ii) a location in Baltimore City – 3,750 video lottery terminals;

(iii) a location in Cecil County – 2,500 video lottery terminals;

(iv) a location in Prince George's County – 3,000 video lottery terminals;

(v) a location in Rocky Gap State Park (Allegany County) –1,500 video lottery terminals; and

(vi) a location in Worcester County – 2,500 video lottery terminals.

(2) The Video Lottery Facility Location Commission may allocate video lottery terminals in a manner that is different from the allocation provided in paragraph (1) of this subsection on a determination that the market factors and other factors evaluated under subsection (k) of this section warrant the different allocation, provided that no one location may be allocated more than 4,750 video lottery terminals.

(3) (i) Beginning with the termination date for the Video Lottery Facility Location Commission and every 3 years thereafter, if all of the video lottery

terminals authorized under this subtitle are not allocated or have been allocated but are not in regular operation, the State Lottery and Gaming Control Commission may allocate or reallocate video lottery terminals to video lottery operation licensees in a manner that ensures that the highest potential revenues are achieved.

(ii) In determining the highest potential revenues to be achieved by additional video lottery terminals at each potential location, the State Lottery and Gaming Control Commission shall consider the market performance of the existing video lottery terminals at each location.

(j) (1) (i) Except as provided in subparagraph (ii) of this paragraph, an application submitted for a video lottery operation license under this section shall include an initial license fee in the application of at least $3,000,000 for each 500 video lottery terminals included in the application.

(ii) For an application submitted for a video lottery operation license in Allegany County, the initial license fee for up to 500 video lottery terminals shall be waived.

(2) All initial license fees submitted under this subtitle shall accrue to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(3) (i) An application submitted for a video lottery operation license under this section shall provide for at least $25,000,000 in direct investment by the applicant in construction and related costs for each 500 video lottery terminals contained in the proposed application that shall be prorated based on the exact number of video lottery terminals contained in the application.

(ii) For an application submitted for a video lottery operation license in Allegany County, the purchase price for the Rocky Gap Lodge and Resort shall be counted in the calculation of the applicant's direct investment under this paragraph, as determined by the Video Lottery Facility Location Commission.

(k) (1) In awarding a video lottery operation license, the Video Lottery Facility Location Commission shall evaluate the factors under this subsection in the manner specified.

(2) The decision by the Video Lottery Facility Location Commission to award a license shall be weighted by 70% based on business and market factors including:

(i) the highest potential benefit and highest prospective total revenues to be derived by the State;

(ii) the potential revenues from a proposed location based on a market analysis;

(iii) the extent to which the proposed location encourages Maryland

gaming participants to remain in the State;

(iv) the extent to which the proposed location demonstrates that the facility will be a substantial regional and national tourist destination;

(v) the proposed facility capital construction plans and competitiveness of the proposed facility;

(vi) the amount of gross revenues to be allocated to the video lottery operator over the term of the license;

(vii) the percent of ownership by entities meeting the definition of minority business enterprise under Title 14, Subtitle 3 of the State Finance and Procurement Article;

(viii) the extent to which the proposed location will preserve existing Maryland jobs and the number of net new jobs to be created; and

(ix) the contents of the licensee's plan to achieve minority business participation goals in accordance with the requirements described under § 9–1A–10(a)(1) and (2) of this subtitle.

(3) The decision by the Video Lottery Facility Location Commission to award a license shall be weighted by 15% based on economic development factors, including:

(i) the anticipated wages and benefits for new jobs to be created; and

(ii) any additional economic development planned in the area of the proposed facility.

(4) The decision by the Video Lottery Facility Location Commission to award a license shall be weighted by 15% based on location siting factors, including:

(i) the existing transportation infrastructure surrounding the proposed facility location;

(ii) the negative impact, if any, of a proposed facility location on the surrounding residential community; and

(iii) the need for additional public infrastructure expenditures at the proposed facility.

(l) (1) If an applicant is seeking investors in the entity applying for a video lottery operation license, it shall take the following steps before being awarded a license by the Video Lottery Facility Location Commission:

(i) make serious, good–faith efforts to solicit and interview a

reasonable number of minority investors;

(ii) as part of the application, submit a statement that lists the names and addresses of all minority investors interviewed and whether or not any of those investors have purchased an equity share in the entity submitting an application; and

(iii) if an applicant is awarded a license by the Video Lottery Facility Location Commission, the applicant shall sign a memorandum of understanding with the Video Lottery Facility Location Commission that requires the awardee to again make serious, good–faith efforts to interview minority investors in any future attempts to raise venture capital or attract new investors to the entity awarded the license.

(2) The Governor's Office of Minority Affairs, in consultation with the Office of the Attorney General, shall provide assistance to all potential applicants and potential minority investors to satisfy the requirements under paragraph (1)(i) and (iii) of this subsection.

(m) The Video Lottery Facility Location Commission may not award a video lottery operation license to a person that is not qualified under this section or this subtitle.

(n) (1) The Video Lottery Facility Location Commission shall refer to the State Lottery and Gaming Control Commission the name and all relevant information concerning a person that makes an application under this section.

(2) On receipt of the information in paragraph (1) of this subsection, the State Lottery and Gaming Control Commission shall evaluate whether an applicant is qualified to hold a video lottery operation license under this subtitle.

(3) On completion of its determination, the State Lottery and Gaming Control Commission shall notify the Video Lottery Facility Location Commission of its evaluation as to whether an applicant is qualified to hold a video lottery operation license under this subtitle.

(o) After an award of a video lottery operation license under this section, the Video Lottery Facility Location Commission shall notify the State Lottery and Gaming Control Commission of the successful applicants.

(p) After an award of a video lottery operation license under this section, the State Lottery and Gaming Control Commission shall:

(1) issue the video lottery operation license; and

(2) be responsible for all matters relating to regulation of the licensee.

(q) (1) An unsuccessful applicant for a video lottery operation license under this section may seek, under Title 15 of the State Finance and Procurement Article, review by the State Board of Contract Appeals of the awarding of the video lottery

operation license by the Video Lottery Facility Location Commission.

(2) A proceeding under this subsection shall:

(i) take precedence on the Board's docket;

(ii) be heard at the earliest practicable date; and

(iii) be expedited in every way.

(r) (1) Nothing in this subtitle may be construed to require the Video Lottery Facility Location Commission to award all six video lottery operation licenses authorized under this subtitle.

(2) Notwithstanding any of the provisions of this subtitle, the Video Lottery Facility Location Commission may not award a video lottery operation license under this subtitle unless the Video Lottery Facility Location Commission determines and declares that an applicant selected for award of the license is in the public interest and is consistent with the purposes of this subtitle.

(s) The Video Lottery Facility Location Commission may award a video lottery operation license that is revoked or surrendered utilizing the criteria established in this subtitle.

(t) (1) Except as provided in paragraph (2) of this subsection, the Video Lottery Facility Location Commission shall terminate on January 1, 2015.

(2) The Governor may reconstitute the Video Lottery Facility Location Commission, which shall include the appointment of new members based on the criteria established under subsections (b) and (c) of this section:

(i) one year prior to the expiration of a video lottery operation license; or

(ii) following the revocation or surrender of a video lottery operation license.

§9–1A–37.

(a) (1) The Commission may consider and make recommendations on proposed changes to this subtitle, Subtitle 1 of this title, and any provisions of Article 2B of the Code that relate to the regulation of alcoholic beverages at video lottery facilities.

(2) On request of the Governor or the presiding officer of either house of the General Assembly, the Commission shall consider and make recommendations on proposed changes to this subtitle, Subtitle 1 of this title, and any provisions of Article 2B of the Code that relate to the regulation of alcoholic beverages at video lottery facilities.

(3) A video lottery facility may request that the Commission consider and make recommendations on proposed changes to this subtitle and any provisions of Article 2B of the Code that relate to the regulation of alcoholic beverages at video lottery facilities.

(b) (1) The Commission may recommend or propose legislation on any matter within or related to the jurisdiction of the Commission.

(2) The Commission shall review and comment on any legislation introduced during a session of the General Assembly that relates to a matter within the jurisdiction of the Commission.

(c) (1) Subject to paragraphs (2) through (5) of this subsection, if a video lottery operation license is awarded to a video lottery facility in Prince George's County, the Commission may increase for a video lottery facility located in:

(i) Anne Arundel County, by not more than 2% of the proceeds from video lottery terminals at the video lottery facility, the percentage under § 9–1A–27(a)(8) of this subtitle; and

(ii) Baltimore City, by not more than 3% of the proceeds from video lottery terminals at the video lottery facility, the percentage under § 9–1A–27(a)(8) of this subtitle.

(2) If the Commission increases the percentage of proceeds from video lottery terminals for the video lottery facility in Anne Arundel County under paragraph (1) of this subsection, the Commission shall increase the percentage of proceeds for the video lottery facility in Baltimore City by at least the same percentage point increase as for Anne Arundel County.

(3) (i) If a video lottery operation license is awarded to a video lottery facility in Prince George's County, the Commission may increase for a video lottery facility in Cecil County, by not more than 5% of the proceeds from video lottery terminals at the video lottery facility, the percentage under § 9–1A–27(a)(2) of this subtitle.

(ii) Any increased distribution of video lottery terminal proceeds under this paragraph for a video lottery facility in Cecil County shall be used for:

1. marketing, advertising, and promotional costs required under § 9–1A–23 of this subtitle; and

2. capital improvements at the video lottery facility.

(4) (i) On or before January 1, 2019, the Commission shall determine any adjustment authorized under paragraph (1) of this subsection to the percentage under § 9–1A–27(a)(8) of this subtitle or under paragraph (3) of this subsection.

(ii) Any adjustment authorized under this subsection may not take effect:

1. until a video lottery operation license is issued to a video lottery facility in Prince George's County; and

2. earlier than July 1, 2019.

(5) Before the Commission may make a determination on any adjustment under this subsection, the Commission shall report to the Governor and the General Assembly, in accordance with § 2–1246 of this article, on:

(i) the impact on existing facilities from a video lottery facility located in Prince George's County;

(ii) unexpected monetary gains to licensees from factors including the delayed opening of other facilities;

(iii) the monetary benefit to existing licensees from the removal of statutory or regulatory restrictions on video lottery operations;

(iv) increased revenue to licensees from the authorization of table games;

(v) the impact of any adjustments to the Education Trust Fund;

(vi) the tax implications, if any, and cost of the ownership of the video lottery terminals by video lottery facilities; and

(vii) any other factors related to the gaming market in Maryland and the ability of the State gaming program to compete with surrounding states.

§9–1A–38.

(a) There is a Joint Committee on Gaming Oversight.

(b) (1) The Committee consists of the following eight members:

(i) four members of the Senate, appointed by the President of the Senate; and

(ii) four members of the House of Delegates, appointed by the Speaker of the House.

(2) At least one Senator and one Delegate appointed under this subsection shall be a member of the minority party.

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

(d) The President and the Speaker of the House shall appoint a Senator and a Delegate, respectively, to serve as cochairs.

(e) (1) The Committee shall examine:

(i) the status of the State's gaming program; and

(ii) the implementation of new laws relating to gaming.

(2) The Committee shall make recommendations for potential improvements to the State's gaming program.

(f) The Department of Legislative Services shall provide staffing for the Committee.

(g) A member of the Committee may not receive compensation for serving on the Committee, but is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(h) On or before December 31 of each year, the Committee shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of this article, the General Assembly.

§9–201.

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

(b) "Commission" means the State Commission on Uniform State Laws.

(c) "National Conference" means the National Conference of Commissioners on Uniform State Laws.

§9–202.

There is a State Commission on Uniform State Laws in the Executive Department.

§9–203.

(a) The Commission consists of:

(1) 3 members appointed by the Governor; and

(2) as an ex officio member, any individual elected to life membership in the National Conference of Commissioners on Uniform State Laws, after service as an appointed member of the Commission from this State.

(b) (1) The term of an appointed member is 4 years and begins on June 1 of the year in which the term of the Governor begins.

(2) At the end of a term, an appointed member continues to serve until a successor is appointed.

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

§9–204.

(a) (1) A member of the Commission may not receive compensation.

(2) Members of the Commission and the associate member of the National Conference from the State are entitled to reimbursement for expenses incurred in the performance of their duties, as provided in the State budget.

(b) In accordance with the State budget, the Commission may:

(1) employ a staff; and

(2) make necessary expenditures.

§9–205.

The Commission may contribute to the expenses of the National Conference, as provided in the State budget.

§9–206.

(a) In addition to any duties set forth elsewhere, the Commission shall:

(1) represent the State in the National Conference;

(2) meet with representatives of other states in the National Conference;

(3) draft uniform laws and model acts for submission to and adoption by the states;

(4) recommend the best action to accomplish uniformity in legislation; and

(5) otherwise seek the best means to obtain uniformity in the laws of the states.

(b) (1) Before each regular session of the General Assembly, the Commission shall submit an annual report:

(i) to the Governor; and

(ii) subject to § 2-1246 of this article, to the General Assembly.

(2) The annual report shall:

(i) describe the activities of the Commission; and

(ii) include recommendations on appropriate subjects.

§9–301.

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

(b) "Interdepartmental Committee" means the Interdepartmental Advisory Committee on Minority Affairs.

(c) (1) "Minority person" means:

(i) an individual who has been deprived of the opportunity to develop and keep a competitive position in the economy because of a social or economic disadvantage that arises from cultural, racial, or other similar causes; or

(ii) a sheltered workshop for individuals with disabilities.

(2) "Minority person" includes:

(i) an Aleut;

(ii) an American Indian;

(iii) a Black;

(iv) an Eskimo;

(v) a Hispanic;

(vi) an Oriental;

(vii) a Puerto Rican; or

(viii) a woman.

(d) "Office" means the Office of Minority Affairs.

(e) "Special Secretary" means the Special Secretary for the Office of Minority Affairs.

§9–302.

There is an Office of Minority Affairs in the Executive Department.

§9–303.

(a) The head of the Office of Minority Affairs is the Special Secretary, who shall

be appointed by and serves at the pleasure of the Governor.

(b) The Special Secretary shall receive the salary provided in the State budget.

§9–303.1.

(a) There is an Interdepartmental Advisory Committee for Minority Affairs.

(b) The Interdepartmental Committee is composed of:

(1) the secretary of each principal department of the Executive Branch of government, or the secretary's designee;

(2) the State Superintendent of Schools, or the Superintendent's designee;

(3) the Secretary of Higher Education, or the Secretary's designee; and

(4) the Special Secretary.

(c) The Interdepartmental Committee shall:

(1) advise the Special Secretary on proposals to implement and enhance the duties of the Office, including the promotion of employment of minority persons in the State, and the promotion of the growth and participation of minority business enterprises in the State;

(2) gather such information the Committee deems necessary to promote the goals of the Office;

(3) provide such other assistance as may be required to further the purposes of §§ 9-304 and 9-305 of this subtitle; and

(4) meet at the call of the Special Secretary.

§9–303.2.

(a) In addition to any duties set forth elsewhere, the Office shall conduct necessary and appropriate research to determine the nature and extent of the problems concerning black males and offer recommendations exclusively pertinent to black males in the areas of:

(1) unemployment;

(2) criminal justice;

(3) education; and

(4) health.

(b) As authorized by the Governor, the Special Secretary may create an Advisory Committee on Black Males to assist and advise the Office in developing recommendations in accordance with subsection (a) of this section.

(c) The Office shall submit its findings and recommendations in accordance with this section to the Governor and, subject to § 2-1246 of this article, the General Assembly on or before January 1, 1995 and annually thereafter.

§9–304.

Subject to the limitations of any law that governs the activities of other units of the Executive Branch of the State government, the Special Secretary shall:

(1) advise the Governor on:

(i) the activities of the State government that are intended to promote the employment of minority persons in the State; and

(ii) each other matter that affects the rights and interests of minority persons and the communities in which they live; and

(2) as authorized by the Governor:

(i) provide help to minority persons and the communities in which they live;

(ii) represent the Governor in any matter that relates to minority persons or generally to the promotion of equality among the people of the State; and

(iii) perform any other responsibility that the Governor assigns.

§9–305.

(a) This section applies to the following minority business enterprises:

(1) a publicly owned business if 1 or more minority persons own at least 51% of the stock of the business; or

(2) any other business if 1 or more minority persons own at least 50% of the business.

(b) Subject to the limitations of any law that governs the activities of other units of the Executive Branch of the State government, the Special Secretary shall:

(1) carry out each State or federal program that is created to promote the growth of or participation in minority business enterprises;

(2) promote and coordinate training regarding the requirements of the Minority Business Enterprise Program;

(3) promote, coordinate, and participate in the plans, programs, and operations of the State government that promote or otherwise affect the establishment, preservation, and strengthening of minority business enterprises;

(4) promote activities and the use of the resources of the State government, local governments, and private entities for the growth of minority business enterprises;

(5) coordinate the effort of private entities and public agencies to develop minority business enterprises;

(6) establish a system to develop, collect, summarize, and give out information that would help a person to:

(i) establish a minority business enterprise;

(ii) operate a minority business enterprise successfully; or

(iii) promote the establishment and successful operation of minority business enterprises; and

(7) subject to the limitations of law and the availability of funds:

(i) provide technical and managerial assistance to minority business enterprises;

(ii) provide the managerial and organizational framework for private entities and units of the State government to plan and carry out joint undertakings that relate to minority business enterprises; and

(iii) pay, wholly or partly, the costs of a pilot or demonstration project that is intended to overcome the special problems of minority business enterprises.

§9–306.

(a) On or before the 15th day of each regular session of the General Assembly, the Special Secretary shall send an annual report on the Office of Minority Affairs:

(1) to the Governor; and

(2) subject to § 2-1246 of this article, to the General Assembly.

(b) The annual report may be prepared in conjunction with the report required under § 14-305(b) of the State Finance and Procurement Article.

§9–401.

In this subtitle, "Commission" means the State Commission on the Capital City.

§9–402.

There is a State Commission on the Capital City.

§9–403.

(a) The Commission consists of:

(1) one individual appointed by the Governor;

(2) the Governor;

(3) the State Senator who represents the legislative district in which Annapolis is located;

(4) the Delegates who represent the legislative district in which Annapolis is located;

(5) the County Executive of Anne Arundel County;

(6) the Mayor of Annapolis; and

(7) the Superintendent of the United States Naval Academy.

(b) (1) The term of the appointed member is 4 years.

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

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

§9–404.

The appointed member shall serve as chairman of the Commission.

§9–405.

The Commission shall meet at a regular time and place to be determined by the Commission.

§9–406.

(a) (1) The Commission shall study possible ways to preserve and improve Annapolis as the capital of the State, with particular emphasis on the location of State offices and buildings and county and city buildings.

(2) As part of these studies, the Commission may:

(i) inventory current residential, commercial, and governmental uses of land in Annapolis and adjacent areas;

(ii) study the landmark resources of Annapolis and adjacent areas;

(iii) study the relationship between the needs of governmental activities and the resources of the community; and

(iv) study the fiscal implications of:

1. any program that the Commission investigates; and

2. any recommendation that the Commission supports.

(b) The Commission may cooperate with public agencies to:

(1) develop plans for the physical development of Annapolis and adjacent areas; and

(2) ensure adequate access to and transportation facilities for Annapolis and adjacent areas.

(c) The Commission may make specific recommendations on the following community needs or projects in Annapolis and adjacent areas:

(1) arterial highways;

(2) building codes;

(3) economic development;

(4) federal and State assistance programs;

(5) housing;

(6) industrial and commercial growth;

(7) parking facilities;

(8) space for public buildings;

(9) traffic control;

(10) urban renewal; and

(11) any other community need or project that the Commission believes may improve:

(i) the facilities and development of Annapolis and adjacent areas;

and

(ii) the facilities and development of any unit of the State government.

(d) (1) A study or recommendation of the Commission is advisory only.

(2) The Commission may not require or compel the adoption or implementation of any recommendation.

§9–407.

In addition to any powers set forth elsewhere, the Commission:

(1) may accept money from a private or public agency for use in carrying out the powers and duties of the Commission; and

(2) for that purpose, may give the money to a private or public agency or otherwise spend the money.

§9–501.

In this subtitle, "Trust" means the State House Trust.

§9–502.

There is a State House Trust.

§9–503.

(a) (1) The Trust consists of the following 4 ex officio members:

(i) the Governor;

(ii) the President of the Senate;

(iii) the Speaker of the House of Delegates; and

(iv) from the Maryland Historical Trust, the Chairman or the Chairman's designee, who may be another trustee, the Director, or the State Historic Preservation Officer.

(2) The Trust may include not more than 3 associate members appointed by the members.

(b) (1) Each associate member must have experience and interest in historic preservation.

(2) An associate member may not vote.

§9–504.

The Trust shall determine the times and places of its meetings.

§9–505.

In addition to any duties set forth elsewhere, the Trust shall:

(1) be responsible for the restoration and preservation of the State House; and

(2) disapprove or approve and supervise:

(i) any proposed repair, improvement, or other change to the State House or to any other building within State Circle, including any change to the furnishings or fixtures of those buildings; and

(ii) any proposed landscaping of the grounds of those buildings.

§9–506.

(a) The Trust shall retain an architect as a consultant.

(b) The consultant must:

(1) be registered by the State Board of Architects;

(2) be familiar with all phases of 18th century architecture; and

(3) have the professional experience that is needed to restore the State House in a way that befits its majestic history and its current role as the Capitol.

(c) The consultant is entitled to the compensation provided in the State budget.

(d) The consultant shall:

(1) prepare measured drawings of the State House;

(2) publish the drawings and a descriptive text;

(3) send copies of the drawings to the National Trust for Historic Preservation; and

(4) subject to § 2-1246 of this article, submit to the General Assembly a report on the drawings.

§9–601.

In this subtitle, "Trust" means the Government House Trust.

§9–602.

There is a Government House Trust.

§9–603.

(a) The Trust shall consist of the following voting members:

(1) the Governor;

(2) the President of the Senate;

(3) the Speaker of the House of Delegates;

(4) the Secretary of General Services; and

(5) the Director of the Maryland Historical Trust.

(b) The Trust shall consist of the following advisor nonvoting members:

(1) the Director of the Baltimore Museum of Art;

(2) the Director of the Maryland Historical Society;

(3) the Director of the St. Mary's City Commission;

(4) the Director of the Talbot County Historical Society;

(5) the Director of the Walters Museum of Art;

(6) the Director of the Washington County Museum of Fine Arts;

(7) the Chairman of the History Department of the University of Maryland, College Park;

(8) the Horticulturist from the Paca House and Gardens;

(9) the State Archivist; and

(10) up to three members of the general public appointed by the Governor.

(c) A voting or nonvoting member may designate another individual to represent the member at the Trust.

§9–604.

The Secretary of General Services is the Chairman of the Trust.

§9–605.

(a) The Trust shall meet at least twice a year or as necessary as determined by the Trust.

(b) A voting and nonvoting member of the Trust:

(1) may not receive compensation; but

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

(c) The Trust may:

(1) adopt bylaws for the regulation of its affairs and the conduct of its business; and

(2) appoint committees to carry out the purposes of the Trust.

§9–606.

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

(2) (i) "Furnishings" means personal property and fixtures.

(ii) "Furnishings" includes furniture, art objects, and accessories.

(3) "State room" means any of the following rooms of the Government House:

(i) the center hall;

(ii) the conservatory;

(iii) the private reception room;

(iv) the State dining room;

(v) the State drawing room;

(vi) the State parlour; and

(vii) the State reception room.

(b) In addition to any duties set forth elsewhere, the Trust shall:

(1) be responsible for the renovation of the State rooms, including their design and furnishings;

(2) supervise and direct any improvement or other change in the internal design or furnishings of a State room;

(3) be responsible for any proposed landscaping of the grounds of the Government House;

(4) be responsible for the conservation and restoration of objects in a State room; and

(5) be responsible for and carry out the maintenance of the State rooms.

(c) The Department of General Services shall maintain an inventory of furnishings in the Government House.

(d) In addition to any powers set forth elsewhere, the Trust, on behalf of the State, may:

(1) accept and receive a gift or loan of property for use in a State room; and

(2) accept and receive a gift of money for maintenance and restoration of a State room.

(e) Unless the Trust approves, the internal design and furnishings of a State room may not be changed.

(f) Before the renovation, furnishing, and decoration of a State room, the Trust shall consult with and obtain the input of the Board of Trustees and the Council of the Maryland Historical Society.

§9–701.

(a) There is a Commission to Coordinate the Study, Commemoration, and Impact of Slavery's History and Legacy in Maryland.

(b) The purpose of the Commission is to:

(1) network museums, cultural organizations, cultural parks and centers, and private collections in order to support the cataloging, preservation, and presentation of cultural resources relative to the history and legacy of slavery in Maryland;

(2) work with grass roots organizations, foundations, and government agencies in publicizing and seeking support for initiatives relating to the history and legacy of slavery, with special attention to the development of initiatives aimed at and benefitting Maryland youth;

(3) target funding for the identification and maintenance of library and archival resources relevant to the history and legacy of slavery, in order to produce

guides and maintain online databases of relevant holdings, especially holdings not appropriately cataloged and documented;

(4) identify historical sites throughout the State that relate to the history and legacy of slavery and monitor the preservation and development of those sites;

(5) keep the State informed of how best to support programs and initiatives to commemorate the middle passage, slavery, indentured servitude, and the underground railroad;

(6) keep the State informed of the latest research on the lingering psychological, sociological, and economic impacts of slavery and its legacy, including the impact on crime and crime control; and

(7) work cooperatively with private and public tourist agencies and organizations to oversee and monitor the allocation of public resources to sites and undertakings relating to the history and legacy of slavery in Maryland, and ensure that there is a fair allocation of resources for African American businesses and institutions.

(c) The Commission consists of 11 members.

(d) The membership of the Commission includes:

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

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

(3) the State Archivist or a designee of the State Archivist;

(4) the Director of the Maryland Historical Trust; and

(5) the following individuals, appointed by the Governor:

(i) two historians who are knowledgeable about Maryland history, and particularly about the middle passage, slavery, Reconstruction, and the Jim Crow era;

(ii) two anthropologists or sociologists who are knowledgeable about African American culture and society;

(iii) two representatives of African American organizations; and

(iv) a member of the public, who shall serve as the chair of the Commission.

(e) (1) The term of an appointed member of the Commission is 4 years.

(2) The terms of the appointed members of the Commission are staggered

as provided on October 1, 2000.

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

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

(f) A member of the Commission:

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

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

(g) The Maryland Historical Trust and the State Archives shall provide for the staffing of the Commission.

§9–801.

In this subtitle, "Commission" means the Financial Education and Capability Commission.

§9–802.

There is a Financial Education and Capability Commission.

§9–803.

(a) The Commission consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the State Superintendent of Schools, or the Superintendent's designee;

(4) the Secretary of Housing and Community Development, or the Secretary's designee;

(5) the Commissioner of Financial Regulation in the Department of Labor, Licensing, and Regulation, or the Commissioner's designee;

(6) the Executive Director of the Family Investment Administration in the Department of Human Resources, or the Executive Director's designee;

(7) the Chief of the Consumer Protection Division of the Office of the

Attorney General, or the Chief's designee;

(8) the State Treasurer, or the State Treasurer's designee;

(9) the Comptroller, or the Comptroller's designee;

(10) the Secretary of Higher Education, or the Secretary's designee; and

(11) the following members, appointed by the Governor:

(i) one member of the Board of Trustees of the Maryland Teachers and State Employees Supplemental Retirement Plans;

(ii) one member of the College Savings Plans of Maryland Board;

(iii) one member of the Maryland State Education Association who teaches a course involving principles of financial education;

(iv) one representative of the Maryland CASH Campaign;

(v) one representative of a community–focused nonprofit organization that provides free financial education in the State;

(vi) one representative of a philanthropic organization that provides funding for financial education in the State;

(vii) one representative of the Maryland Council on Economic Education or the Maryland Coalition for Financial Literacy;

(viii) one representative of a bank, whether or not State–chartered, that has a branch in the State;

(ix) one representative of a credit union, whether or not State–chartered, that has a branch in the State;

(x) one licensed mortgage broker holding the Maryland Association of Mortgage Brokers' "Lending Seal of Integrity"; and

(xi) one member of the Maryland Association of CPAs.

(b) (1) The term of an appointed member of the Commission is 4 years.

(2) The terms of the appointed members are staggered as required by the terms provided for appointed members of the Commission on October 1, 2012.

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

(4) A member who is appointed after a term has begun serves only for the

remainder of the term and until a successor is appointed and qualifies.

(c) (1) The President of the Senate shall designate one of the members appointed from the Senate as co–chair of the Commission.

(2) The Speaker of the House of Delegates shall designate one of the members appointed from the House as co–chair of the Commission.

(d) The Maryland CASH Campaign shall provide staff for the Commission.

(e) A member of the Commission:

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

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

(f) The Commission shall meet at least two times each year at the times and places determined by the Commission.

§9–804.

(a) The Commission shall:

(1) monitor the implementation of public and private initiatives to improve the financial education and capability of residents of the State;

(2) make recommendations on the coordination of financial education and capability efforts across State agencies; and

(3) encourage financial education events and activities to highlight April as Financial Education Month.

(b) (1) Subject to paragraph (2) of this subsection, on or before December 1 each year, the Commission shall report to the Governor and, in accordance with § 2–1246 of this article, the General Assembly on its recommendations and the status of efforts undertaken by State agencies or in partnership with State agencies to improve the financial education and capability of residents of the State.

(2) Every 3 years, the report of the Commission required under paragraph (1) of this subsection shall include a comprehensive discussion of statewide efforts to improve the financial education and capability of residents of the State, including initiatives funded by the State or a local government and those undertaken in the private sector by nonprofit organizations, financial institutions, and other persons.

§9–901.

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

(b) "Department" means the Department of Veterans Affairs.

(c) "Secretary" means the Secretary of Veterans Affairs.

(d) Except as otherwise provided in §§ 9-906 and 9-907 of this subtitle, "veteran" means an individual who served on active duty in the armed forces of the United States, other than for training, and was discharged or released under conditions other than dishonorable.

§9–902.

(a) There is a Department of Veterans Affairs, established as a principal department of the State government.

(b) The head of the Department is the Secretary of Veterans Affairs who shall be:

(1) a veteran who has an honorable discharge from active service with a uniformed service of the United States; and

(2) appointed by the Governor with the advice and consent of the Senate.

(c) (1) The Secretary serves at the pleasure of the Governor and is responsible directly to the Governor. The Secretary shall advise the Governor on all matters assigned to the Department and is responsible for carrying out the Governor's policies on these matters.

(2) The Secretary is responsible for the operation of the Department and shall establish guidelines and procedures to promote the orderly and efficient operation of the Department.

(3) Subject to the provisions of this subtitle, the Secretary may establish, reorganize, or consolidate areas of responsibility in the Department as necessary to fulfill the duties assigned by the Secretary.

(4) The Secretary shall adopt regulations necessary to carry out the provisions of this subtitle.

(d) The Secretary is entitled to the salary provided in the State budget.

§9–903.

The Attorney General is the legal adviser to the Department.

§9–904.

(a) (1) The Department may:

(i) establish service centers that the Department considers

necessary or advisable to facilitate and expedite the servicing of claims of veterans and dependents; and

(ii) close any service center that the Department no longer considers necessary.

(2) The Department shall try to locate each service center centrally in the area to be served so that the greatest number of veterans:

(i) have access with the least possible delay, travel, and inconvenience; and

(ii) receive, as far as possible, personal attention.

(b) There shall be a Director of Veterans Service Centers responsible for the supervision of veterans service centers, whose duties shall include maintaining contact with the appropriate governmental unit regarding the status of each claim of a veteran or eligible dependent of a veteran.

§9–905.

The Department shall:

(1) help veterans and their dependents to receive promptly and regularly all of the benefits to which veterans or dependents are entitled under federal law;

(2) help veterans and their dependents in:

(i) preparing, in proper form, claims for benefits;

(ii) presenting the claims to the appropriate governmental unit;

(iii) trying to prevent and to relieve congestion in the processing of the claims; and

(iv) obtaining and expediting action on the claims; and

(3) on request, provide a veteran with a document certifying veteran status.

§9–906.

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

(2) "State veterans' cemetery" means a cemetery that the Department establishes under this section.

(3) In this section and in § 9–907 of this subtitle, "veteran" means an individual who:

(i) served other than dishonorably on active duty in the armed forces of the United States; or

(ii) served other than dishonorably as a member of the State militia ordered into active service of the United States by order of the President and was killed in the line of duty.

(4) "Washington Cemetery" means the Civil War cemetery grounds authorized by Chapter 213 of the Acts of the General Assembly of 1870.

(b) The Department may establish one or more cemeteries in the State for the burial of veterans and their eligible spouse or dependents as authorized by the Secretary.

(c) The Department may accept land, on behalf of the State or a political subdivision of the State, or otherwise acquire land for a State veterans' cemetery, if the Department has the approval of:

(1) the governing body of the county where the State veterans' cemetery is to be located;

(2) the delegation in the General Assembly for the county where the State veterans' cemetery is to be located; and

(3) the Board of Public Works.

(d) (1) The Department shall maintain and supervise each State veterans' cemetery.

(2) The Washington Cemetery shall be under the supervision of the Department.

(e) The Department shall provide a plot in a State veterans' cemetery, without charge, to a veteran who meets the requirements of this section.

(f) To qualify for a plot in a State veterans' cemetery:

(1) the applicant must be a veteran who meets the requirements for burial at a national veterans' cemetery or an eligible spouse or dependent of a veteran who meets the requirements of this subsection; and

(2) if a veteran, the veteran must also have been a resident of the State:

(i) when the veteran entered the armed forces;

(ii) when the veteran died; or

(iii) for 2 years, unless, for a reason that the Department finds compelling, the Department waives the time period.

(g) To obtain a plot in a State veterans' cemetery, an applicant shall submit to the Department an application on the form that the Department provides.

(h) (1) In a plot that is allotted to a veteran, the Department shall bury:

(i) the veteran; and

(ii) any member of the immediate family who is an eligible spouse or dependent of the veteran if the family member can be buried in a space above or below the veteran or in the next available plot.

(2) (i) With each plot, the Department shall provide one grave liner.

(ii) For an eligible veteran, the Department shall pay for the grave liner.

(iii) For an eligible spouse or dependent, the grave liner shall be paid for by the family or estate.

(i) (1) The Department shall bury the veteran without charge.

(2) For burial of a member of the immediate family who is an eligible spouse or dependent, the Department may set a fee that does not exceed the cost of burial.

§9–907.

The Department shall keep a registry of the graves of veterans and family members of veterans who are buried in the State veterans' cemeteries.

§9–908.

(a) In this section, "veterans' memorials and monuments" means:

(1) the Maryland Vietnam Veterans Memorial and Associated Land as established pursuant to Joint Resolution No. 22 of 1983;

(2) the Maryland Korean War Memorial and Associated Land as established pursuant to Joint Resolution No. 3 of 1985; and

(3) the Maryland World War II Memorial and Associated Land.

(b) There is a Veterans' Memorials and Monuments Program administered by the Department of Veterans Affairs.

(c) The purpose of the Program is to provide for the operation, maintenance, security, and preservation of veterans' memorials and monuments.

(d) In furtherance of these purposes, the Department may, as provided for in

the budget:

(1) lease land on behalf of the State or a political subdivision of the State; or

(2) acquire land that has been improved by construction of a memorial or monument.

(e) The Secretary may adopt regulations to carry out the provisions of this section.

(f) (1) The Department shall, as provided for in the budget, provide for the management of the veterans' memorials and monuments as provided in this section.

(2) The Department may delegate any of its powers and duties under this section to a special commission or board created by the Department and approved by the Governor.

(g) The Department may acquire, hold, use, and improve property for the purposes specified in subsection (c) of this section.

(h) Subject to Title 7 of the State Finance and Procurement Article, the Department may:

(1) accept gifts or grants;

(2) unless otherwise provided, spend the principal and income of a gift or grant; and

(3) invest all or part of the principal income in general obligations of the State or any other security.

§9–909.

"Home" means the home or homes for veterans that the Department supervises.

§9–910.

(a) The Department shall:

(1) maintain and supervise generally the home in accordance with this subtitle; and

(2) adopt any regulation that is needed for management of the home, including regulations for admission, maintenance, and discharge of its residents.

(b) (1) The Department may appoint a Director for the home and employ any other staff that is needed to manage the home properly.

(2) In appointing or employing staff, the Department shall give preference to a veteran who has an honorable discharge from the armed forces.

(3) The Director shall:

(i) serve at the pleasure of the Secretary; and

(ii) perform any duty that the Department requires.

§9–911.

(a) In accordance with the regulations of the Department and applicable law, the home shall be open:

(1) to a veteran who:

(i) has an honorable discharge from the armed forces; and

(ii) is a resident of the State as defined in regulations adopted by the Secretary; or

(2) to a spouse of an eligible veteran.

(b) (1) The Department may charge an individual a reasonable fee for residence in the home.

(2) The Department shall set the fee in accordance with the ability of an individual to pay. However, the fee may not exceed the cost of maintaining the resident in the home and shall allow the resident enough money for necessary and incidental expenses.

(c) A resident may be discharged in accordance with the regulations of the Department and applicable law.

§9–912.

(a) To carry out the responsibilities and goals of the Department, the Department may acquire, hold, use, improve, and convey property.

(b) (1) In addition to any other power under this section, the Department may lease any part of the home property for use as a concession or other commercial purpose that is consistent with the purposes of the Department. However, the Department may not lease its property merely for investment purposes.

(2) Notwithstanding any other law, unless the lease expressly provides for redemption by the tenant, the lease is not subject to redemption.

§9–912.1.

(a) Subject to Title 7 of the State Finance and Procurement Article, to carry out the purposes or goals of the Department, the Charlotte Hall Veterans Home may:

(1) accept a gift or grant for use at the Charlotte Hall Veterans Home; and

(2) unless the terms of a gift or grant require otherwise, and subject to the approval of the Secretary, spend the principal and income of the gift or grant for use at the Charlotte Hall Veterans Home.

(b) Gifts and grants that the Charlotte Hall Veterans Home accepts under subsection (a) of this section for use at the Home:

(1) shall be administered by the Director of the Veterans Home Program; and

(2) are not subject to reversion under § 7–302 of the State Finance and Procurement Article.

(c) (1) On or before July 31 of each year, the Director of the Veterans Home Program shall submit a report to the Secretary on the status of the gifts and grants accepted for use at the Charlotte Hall Veterans Home.

(2) On or before August 31 of each year, the Secretary shall submit a report to the General Assembly, in accordance with § 2–1246 of this article, on the status of the gifts and grants accepted for use at the Charlotte Hall Veterans Home.

(3) The reports required under this subsection shall include the following information on the gifts and grants accepted for use at the Charlotte Hall Veterans Home during the previous fiscal year:

(i) the gross amount of the gifts and grants;

(ii) the costs of administration of the gifts and grants; and

(iii) a detailed accounting of the use of the gifts and grants.

§9–913.

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

(b) "Board" means the Board of Trustees of the Maryland Veterans Trust.

(c) "Fund" means the Maryland Veterans Trust Fund.

(d) "Trust" means the Maryland Veterans Trust.

(e) (1) There is a Maryland Veterans Trust established for the purpose of

providing monetary and other assistance to:

(i) veterans and their families; and

(ii) public and private programs that support veterans and their families.

(2) There is a Maryland Veterans Trust Fund.

(f) The Trust shall be a body corporate and shall have perpetual existence, subject to modification or termination by the General Assembly if necessary to effectuate its purpose or if its substantial purpose ceases to exist.

(g) The Fund consists of:

(1) gifts and grants that the Trust receives under § 9–914.2(a)(1) of this subtitle; and

(2) contributions to the Fund from the sale of tickets from instant ticket lottery machines under § 9–112(d) of this title.

(h) Money in the Fund may only be used to:

(1) make grants and loans under § 9–914.2(a)(3) of this subtitle;

(2) be invested under § 9–914.3(b) of this subtitle; and

(3) pay the costs of administering the Fund through distribution to an administrative cost account in the Department.

(i) Money expended from the Fund is not intended to take the place of funding that would otherwise be appropriated to the Department.

§9–914.

(a) The powers and duties of the Trust shall rest in and be exercised by a Board of Trustees.

(b) The Board of Trustees shall consist of the following 11 members:

(1) the Secretary of Veterans Affairs, ex officio, or the Secretary's designee, who shall serve as the chair;

(2) the Secretary of Aging, ex officio, or the Secretary's designee;

(3) the Secretary of Labor, Licensing, and Regulation, ex officio, or the Secretary's designee;

(4) the Secretary of Health and Mental Hygiene, ex officio, or the

Secretary's designee;

(5) the Secretary of Human Resources, ex officio, or the Secretary's designee;

(6) the Adjutant General of the Military Department, ex officio, or the Adjutant General's designee;

(7) one representative of each of the following organizations, appointed by the Governor:

(i) a veterans service organization;

(ii) a nonprofit organization that serves veterans; and

(iii) the business community;

(8) a member of the House of Delegates appointed by the Speaker of the House; and

(9) a member of the Senate appointed by the President of the Senate.

(c) The Governor shall consider geographical balance in making appointments to the Board of Trustees.

(d) Except for the ex officio members or their designees:

(1) the term of a member is 4 years;

(2) the terms of members are staggered as required by the terms provided for members of the Board on July 1, 2013;

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

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

(5) a member may serve no more than 2 terms.

§9–914.1.

(a) The Board shall meet at places and dates to be determined by the Board, but not less than 2 times a year.

(b) A majority of the trustees is a quorum.

(c) A trustee:

(1) may not receive compensation as a trustee; but

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

(d) The Department shall provide staff, supplies, and office space for the Board.

§9–914.2.

(a) The Trust shall have the powers and duties to:

(1) solicit and accept any gift, grant, legacy, or endowment of money from the federal government, State government, local government, or any private source in furtherance of the Trust;

(2) maintain the Fund, which shall consist of any gift, grant, legacy, or endowment provided to the Trust under item (1) of this subsection;

(3) expend money from the Fund to provide grants or loans to:

(i) veterans and their families;

(ii) public and private programs that support veterans and their families; or

(iii) any other programs that the Trust considers to be within the purpose for which the Trust is established;

(4) develop projects for sponsorship by corporate and business organizations or private individuals;

(5) make, execute, and enter into any contract or other legal instrument;

(6) receive appropriations as provided in the State budget;

(7) acquire, hold, use, improve, and convey property;

(8) lease and maintain an office at a place within the State that the Trust designates;

(9) adopt bylaws for the regulation of its affairs and the conduct of its business;

(10) take any other action necessary to carry out the purposes of the Trust;

(11) sue and be sued, but only to enforce contractual or similar agreements with the Trust; and

(12) submit a report on or before August 31 of each year to the Governor

and, subject to § 2–1246 of this article, to the General Assembly, with recommendations or requests deemed appropriate to further the purposes of the Trust, and a description of the activities of the Trust during the preceding year, including:

(i) the gross amount of gifts and grants credited to the Trust;

(ii) the costs of administration of the Trust; and

(iii) a detailed accounting of the use of the Trust.

(b) The Trust may carry out its corporate purposes without obtaining the consent of any department, board, or agency of the State.

(c) In exercising its powers, the Trust is exempt from the provisions of Division II of the State Finance and Procurement Article.

§9–914.3.

(a) All money received by the Trust shall be deposited, as directed by the Trust, in any state or national bank, or federally or state insured savings and loan associations located in the State having a total paid–in capital of at least $1,000,000. The trust department of any state or national bank or savings and loan association may be designated as a depository to receive any securities acquired or owned by the Trust. The restriction with respect to paid–in capital may be waived for any qualifying bank or savings and loan association that agrees to pledge securities of the state or of the United States to protect the funds and securities of the Trust in amounts and under arrangements acceptable to the Trust.

(b) (1) Except as provided in paragraph (2) of this subsection, any money of the Trust, in its discretion and unless otherwise provided in any agreement or covenant between the Trust and the holders of any of its obligations limiting or restricting classes of investments, may be invested in bonds or other obligations of the United States, the State, the political subdivisions or units of the State, direct or indirect federal agencies, corporate bonds with a rating of BAA3/BBB, or mortgage backed and asset backed securities with a rating of AAA.

(2) The overall investment portfolio of the Trust must have a rating of at least AA.

(c) The Trust shall make provision for a system of financial accounting, controls, audits, and reports.

(d) The books, records, and accounts of the Trust are subject to audit by the State.

§9–915.

In this Part II of this subtitle, "Commission" means the Maryland Veterans

Commission.

§9–916.

There is a Maryland Veterans Commission in the Department that shall advise the Secretary of all matters pertaining to veterans issues.

§9–917.

(a) (1) The Commission consists of the following members appointed by the Governor.

(2) Of the members:

(i) 1 shall be appointed from each of the 8 congressional districts in the State;

(ii) 1 shall be a veteran appointed from the State at large;

(iii) 1 shall be a woman veteran appointed from the State at large;

(iv) 1 shall be a representative of a retired enlisted organization;

(v) 1 shall be a veteran of the Iraq or Afghanistan conflict, as defined in § 1–202(a–1) of the Public Safety Article;

(vi) 1 shall be appointed from a list of individuals submitted to the Governor by each of the following organizations:

1. the American Ex–Prisoners of War, Inc.;

2. the American Legion;

3. the Amvets;

4. the Catholic War Veterans;

5. the Disabled American Veterans;

6. the Fleet Reserve Association;

7. the Jewish War Veterans;

8. the Marine Corps League;

9. the Maryland Military Officers Association of America;

10. the Military Order of the Purple Heart;

11. the Polish Legion of American Veterans;

12. the Veterans of Foreign Wars;

13. the Vietnam Veterans of America;

14. the Korean War Veterans Association, Inc.;

15. the National Association for Black Veterans; and

16. the Colonial Chapter of the Paralyzed Veterans of America; and

(vii) 1 shall be an honorary nonvoting member appointed from a list of individuals submitted to the Governor by the Pearl Harbor Survivors Association.

(b) Each member must be a resident of the State and a veteran.

(c) (1) The term of an appointed member is 5 years.

(2) The terms of the appointed members are staggered as required by the terms provided for members of the Commission on October 1, 1984.

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

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

(5) When an organization is no longer a part of the Commission, the appointment shall terminate at the end of the current member's term.

(d) A new organization may not be eligible for representation on the Commission, by appointment of the Governor, unless it is congressionally chartered.

§9–918.

(a) From among the members of the Commission, the Governor shall appoint a chairman.

(b) A vice chairman shall be elected by a simple majority vote of the Commission.

§9–919.

(a) The Commission shall determine the times and places of its meetings.

(b) A member of the Commission:

(1) may not receive compensation; but

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

(c) The Department shall provide staff support to the Commission in accordance with the State budget.

§9–922.

There is a Maryland Veterans' Home Commission in the Department.

§9–923.

(a) The purpose of the Maryland Veterans' Home Commission is to advise the Department of issues related to State veterans homes.

(b) The General Assembly declares the purpose of the Maryland Veterans' Home Commission to be of general benefit to the veterans of the State.

§9–924.

This Part III of this subtitle does not limit any power or activity of:

(1) a unit of the State government;

(2) a political subdivision of the State; or

(3) any person who is interested in veterans in the State.

§9–925.

(a) The Veterans' Home Commission consists of the following 14 members:

(1) 11 individuals appointed by the Governor with the advice and consent of the Senate; and

(2) as ex officio members:

(i) the Governor;

(ii) the President of the Senate; and

(iii) the Speaker of the House of Delegates.

(b) (1) The term of an appointed member is 5 years.

(2) The terms of the appointed members are staggered as required by the terms provided for members of the Veterans' Home Commission on October 1, 1984.

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

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

(c) As far as is practicable and is consistent with the purposes and goals of the Veterans' Home Commission, the Governor shall choose appointed members so as to have a broad distribution from among:

(1) veterans and veterans' organizations; and

(2) the geographical areas of the State.

§9–926.

(a) From among its members, the Veterans' Home Commission shall elect a chairman, a secretary, and any other officers that the Commission considers appropriate.

(b) The manner of election of officers and their terms of office shall be as the Veterans' Home Commission determines.

§9–927.

(a) Seven members of the Veterans' Home Commission are a quorum to do business.

(b) (1) The Veterans' Home Commission shall meet:

(i) at least twice a year, at the times and places that it determines; and

(ii) at the call of the Chairman, on the Chairman's initiative or on the request of at least 4 members.

(2) Unless all of the members of the Veterans' Home Commission agree otherwise, the secretary of the Commission shall give each member at least 7 days' written notice of a meeting.

(3) If the President is unable to attend a meeting, the President may designate a Senator or an employee of the General Assembly to represent the President at the meeting.

(4) If the Speaker is unable to attend a meeting, the Speaker may designate a Delegate or an employee of the General Assembly to represent the Speaker at the meeting.

(5) If the Governor is unable to attend a meeting, the Governor may

designate another individual to represent the Governor at the meeting.

(c) A member of the Veterans' Home Commission:

(1) may not receive compensation; but

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

§9–928.

(a) With the approval of the Secretary, the Veterans' Home Commission may adopt procedures to:

(1) govern itself; and

(2) carry out the responsibilities of the Veterans' Home Commission.

(b) The Commission:

(1) may not incur any expenses without the consent of the Department; and

(2) at each regular meeting of the Commission or more often as it directs, shall submit to the Department a report on any action that the Commission has taken since its last report.

(c) (1) The Veterans' Home Commission shall through the Department submit an annual report:

(i) to the Governor; and

(ii) subject to § 2-1246 of this article, to the General Assembly.

(2) The annual report shall:

(i) describe the activities of the Commission; and

(ii) include any recommendations for furthering the purposes of the Commission.

(d) As far as practicable, the Veterans' Home Commission shall cooperate with persons and public agencies to carry out the purposes and goals of the Commission and Department.

§9–929.

The State is not obligated to provide capital or operating funds for the Veterans' Home Commission but may appropriate money for the purposes and goals of the

Commission.

§9–932.

In this Part IV of this subtitle, "Commission" means the War Memorial Commission.

§9–933.

There is a War Memorial Commission in the Department of Veterans Affairs.

§9–934.

(a) (1) The Commission consists of 10 members.

(2) Of the 10 Commission members:

(i) 5 shall be appointed by the Secretary of Veterans Affairs, with the approval of the Governor; and

(ii) 5 shall be appointed by the Mayor of Baltimore City.

(b) Each member must be a Maryland war veteran.

(c) (1) The term of a member is 5 years.

(2) The terms of a member are staggered as required by the terms provided for members of the Commission on October 1, 1984.

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

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

§9–935.

(a) From among its members, the Commission may elect:

(1) a chairman;

(2) a vice chairman; and

(3) a secretary and a treasurer or a secretary-treasurer.

(b) The manner of election of officers and their terms of office shall be as the Commission determines.

§9–936.

(a) A member of the Commission may not receive compensation.

(b) If the Commission approves the reimbursement and records the vote in the minutes, a member is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

§9–937.

The State and Baltimore City jointly shall hold title to the War Memorial Building and the memorial site.

§9–938.

(a) The Commission may provide for management of the War Memorial Building as provided in this section.

(b) (1) The Commission shall adopt regulations that provide for the management of the War Memorial Building in a manner that:

(i) permits the greatest possible use of the building by the people of the State and by patriotic organizations in the State; and

(ii) to the extent possible, permits the use by the patriotic organizations without cost.

(2) The Commission shall enforce the regulations.

(c) The Commission may appoint a custodian and a janitor for the War Memorial Building.

(d) The Commission may use, for the maintenance and administration of the building, any funds that the General Assembly or the Mayor and City Council of Baltimore appropriate for those purposes.

§9–940.

(a) In this part, "Program" means the Outreach and Advocacy Program.

(b) There is an Outreach and Advocacy Program in the Department.

(c) The purpose of the Program is to ensure that:

(1) veterans are informed of the services, benefits, and assistance available to them from the State and federal government; and

(2) general issues relating to veterans needs are brought to the attention of the Governor and the General Assembly in order for them to be addressed.

§9–941.

(a) The Secretary shall appoint a director for the Program.

(b) The director is entitled to the salary provided in the State budget.

(c) The director shall administer and coordinate the Program.

§9–942.

(a) The Outreach and Advocacy Program shall actively help veterans and their dependents become aware of and access any service or benefit to which they are entitled including:

(1) tax benefits;

(2) health care benefits;

(3) disability benefits;

(4) pension benefits; and

(5) education.

(b) The director of the Program shall:

(1) support veterans and their dependents through the service or benefit process; and

(2) keep in contact with the appropriate governmental unit as to the status of each claim of a veteran, a veteran's dependent, or a veteran's survivor.

§9–943.

(a) (1) For the purposes of reaching any veteran, veteran's dependent, or veteran's survivor in need of assistance in obtaining services or benefits granted by the law, the director shall develop and implement an outreach plan.

(2) In order to carry out the director's responsibilities under paragraph (1) of this subsection, the director may:

(i) enter into contracts; and

(ii) work with governmental units and community–based organizations, including the Department of Health and Mental Hygiene, the Department of Aging, faith–based groups, veterans groups, senior centers, adult day care centers, institutions of higher education, and other entities the director considers appropriate.

(b) (1) The director shall develop mechanisms for outreach to be disseminated by direct mail and through community–based veterans organizations, the Department of Veterans Affairs, the Department of Human Resources, the Department of Health and Mental Hygiene, and any other State agency or unit the director considers appropriate.

(2) The mechanisms for outreach shall include:

(i) the development of a pamphlet describing the services provided by the Outreach and Advocacy Program;

(ii) a regular newsletter;

(iii) brochures describing various benefits or any other issue or benefit of interest to veterans or their dependents; and

(iv) other measures the director considers appropriate.

(c) The Department shall develop and maintain a database of veterans in the State.

(d) The Department, in conjunction with the types of community–based organizations listed in subsection (a)(2) of this section, shall develop a survey to assist in identifying veterans and dependents who may be eligible for pension programs.

(e) The Program shall:

(1) in conjunction with other governmental units and community–based groups, seek out veterans and their dependents who may be eligible for pension program benefits; and

(2) provide wounded or disabled veterans with information on available services and benefits and support in obtaining these services and benefits.

§9–946.

The Secretary shall submit a report by December 31 of each year to the Governor and, in accordance with § 2-1246 of this article, the General Assembly, that includes:

(1) the number of:

(i) requests for help in obtaining benefits; and

(ii) veterans, veterans' dependents, and veterans' survivors helped by the Outreach and Advocacy Program by category;

(2) the benefits obtained through the Outreach and Advocacy Program by category;

(3) the average length of time it takes to process benefit requests and for a recipient to access health benefits;

(4) the average amount of disability and pension benefits received by qualified individuals in this State compared to individuals in other states;

(5) a detailed description of the outreach plan in the Outreach and Advocacy Program;

(6) an account of the costs of operating the Outreach and Advocacy Program;

(7) a status of the accomplishments for, efficacy of, efficiency of, and level of resources available for each of the following programs:

(i) cemetery;

(ii) memorial;

(iii) service;

(iv) veterans homes; and

(v) outreach and advocacy;

(8) a general assessment of the status of veterans in the State;

(9) the estimated impact current military operations are likely to have on the needs of veterans in the future;

(10) the status of federal veterans programs as they relate to Maryland veterans; and

(11) any other issues concerning veterans that the Secretary considers appropriate.

§9–1001.

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

(b) "Archives" means the State Archives.

(c) "Commission" means the Hall of Records Commission.

§9–1002.

(a) There is a State Archives in the office of the Governor.

(b) There is a Hall of Records Commission.

§9–1003.

The Commission consists of the following 11 members:

(1) the Chief Judge of the Court of Appeals;

(2) a member of the Senate appointed by the President of the Senate;

(3) a member of the House of Delegates appointed by the Speaker of the House;

(4) the Comptroller;

(5) the Treasurer who may appoint, as the Treasurer's designee, a deputy treasurer;

(6) the Secretary of General Services;

(7) the President of The Johns Hopkins University or a designee;

(8) the President of the Maryland Historical Society;

(9) the President of the St. John's College or a designee;

(10) the Chancellor of the University System of Maryland or a designee; and

(11) the President of the Morgan State University or a designee.

§9–1004.

(a) The Commission shall meet at least quarterly at the times and places that the Commission determines.

(b) A member of the Commission:

(1) may not receive compensation; but

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

(c) The Archives shall provide staff services for the Commission.

(d) (1) The Commission shall be an advisory body for the Archives.

(2) The Commission shall review and comment on:

(i) the proposed budget of the Archives;

(ii) all proposed publications of the Archives; and

(iii) all proposed policies pertaining to the use of the Archives by the public.

§9–1005.

(a) (1) After consultation with the Commission, the Governor shall appoint a competent, qualified individual as State Archivist.

(2) The Archivist shall:

(i) be knowledgeable in subjects relevant to archival activities; and

(ii) possess experience in archival or related fields.

(b) The State Archivist is entitled to a salary as provided in the State budget.

§9–1006.

(a) (1) The State Archivist may appoint an Assistant State Archivist.

(2) The Assistant State Archivist has the powers and duties of the State Archivist:

(i) to the extent delegated by the State Archivist;

(ii) if the office of the State Archivist is vacant; and

(iii) if for any other reason the State Archivist is unable to perform the duties of office.

(b) The State Archivist may employ other staff in accordance with the State budget.

§9–1007.

(a) In addition to any powers set forth elsewhere, the State Archivist may:

(1) adopt regulations to:

(i) govern the Archives;

(ii) manage the Hall of Records Building and other real and personal property that the Archives acquires;

(iii) manage the records under the supervision of the Archives; and

(iv) define the categories of records in the report of the Records Management Division under § 10–634 of this article;

(2) have a seal; and

(3) on request, or at the State Archivist's discretion, review, evaluate, and make recommendations to the General Assembly regarding State designations under Title 13 of this article.

(b) At the request of the President of the Senate, the Speaker of the House, the Chair of the Senate Education, Health, and Environmental Affairs Committee, or the Chair of the House Health and Government Operations Committee, the State Archivist shall review, evaluate, and make recommendations to the General Assembly regarding State designations under Title 13 of this article.

(c) (1) The State Archivist may establish reasonable fees for the care and preservation of records and other services provided by the Archives.

(2) Fees may be in the form of:

(i) a percentage not to exceed 2% of an existing fee charged at the time of the creation of a record in any form or format; or

(ii) a flat rate subscription charge for a publication of the Archives.

(3) Of the fees collected, 7% shall be deposited in the Archives Endowment Account of the State Archives Fund established under § 9–1013 of this subtitle as an educational and entrepreneurial reserve.

(d) The State Archivist shall submit to the Governor and, subject to § 2–1246 of this article, to the General Assembly an annual report on the activities of the Archives and the Commission during the preceding fiscal year.

§9–1008.

(a) The State Archivist may:

(1) determine, in consultation with the Commission, the types of records and other information that the Archives will accept for safekeeping; and

(2) acquire, as a gift or with money appropriated or given to the Archives for that purpose:

(i) any record or other material that, in consultation with the Commission, the State Archivist considers worthy of preservation; and

(ii) other real or personal property.

(b) The State Archivist:

(1) shall supervise and control the use of the State Hall of Records Building;

(2) may equip and furnish the Building in accordance with law; and

(3) subject to Title 2, Subtitles 4 and 5, Title 4, Subtitles 7 and 8, §§ 8–127, 8–128, and 8–129, Part V of Title 8, Subtitle 1, Title 10, Title 12, Subtitle 2, and §§ 13–219 and 13–221 of the State Finance and Procurement Article, shall supervise and control the use of any other real or personal property that the State acquires for use of the Archives.

(c) The State Archivist shall provide the Commissioner of Land Patents with space in the State Hall of Records Building.

§9–1009.

(a) The Archives may:

(1) repair and preserve the records under the supervision of the State Archivist, as provided in the State budget;

(2) make a copy of any record in the Archives; and

(3) certify the copy.

(b) The Archives may publish, electronically or in print, indices to records, descriptions, summaries of record material, or original record material, in whole or in part, that are not otherwise restricted from access under existing law.

(c) The Archives shall index or provide other finding aids for:

(1) the historical records acquired under § 9–1010 of this subtitle; and

(2) the land records in its custody under § 9–1011 of this subtitle.

(d) (1) Except as provided in paragraph (2) of this subsection, the Archives may charge a reasonable fee for providing a copy of a record and for certifying the record.

(2) If, with the written approval of a judge of a circuit court, the clerk of court asks for a copy of a land record that a court has transferred to the Commission or Archives, the Archives shall provide, without charge, a micrographic copy of the land record.

§9–1010.

(a) The Archives:

(1) shall collect public and private records and other information that

relate to the history of the province and State of Maryland from the earliest times, including church records and newspapers;

(2) may edit and publish these records; and

(3) shall encourage research into the history of the State.

(b) Any records and materials that relate to the history of Maryland and are not needed for the operation of a unit belong to the Archives and shall be under the supervision of the State Archivist.

§9–1011.

(a) The Archives is the central depository for and custodian of each deed, title insurance policy, and other record that relates to real property acquired by the State.

(b) The Archives may allow a unit of the State government to have custody of an original record that relates to real property acquired by the State, if the unit:

(1) needs the record for the daily operation of the unit;

(2) demonstrates to the Archives that the unit will preserve the record adequately; and

(3) deposits with the Archives a security microform copy of the record.

(c) (1) The Archives shall receive, index, and file durable–backed, microfilm aperture card copies or electronic images of plats showing property or rights–of–way acquired or conveyed by the State Roads Commission and the State Highway Administration.

(2) (i) The Archives electronically shall post an image of each plat on the Archives Web site (http://www.plats.net) for the county where the property or right–of–way is located.

(ii) The posted image shall conform to a generally accepted archival standard in quality and permanence.

(iii) The image shall include or be linked to a certification by the State Archivist that the image is an authentic representation of the plat received by the Archives.

(iv) Such certification by the State Archivist shall constitute a recordation of the plat.

(v) The Archives may charge a reasonable fee to the State Roads Commission, the State Highway Administration, and the courts to recover the cost of electronically posting and maintaining the images of plats.

(vi) The Archives may charge a reasonable fee, not to exceed $3, to the public for the cost of reproducing a copy of a plat under this subsection.

§9–1012.

(a) The Archives may allow a unit of local government or its designee to have custody of an original local record if the unit or designee:

(1) demonstrates that the unit or designee will preserve the record adequately; and

(2) deposits with the Archives or permits the Archives to make a security microform copy of the record.

(b) The Archives may not destroy a local record unless the Archives:

(1) offers the record to the appropriate local government or its designee; and

(2) the government or designee declines to accept the record.

§9–1013.

(a) There is a State Archives Fund.

(b) The Comptroller shall credit to the State Archives Fund any money that:

(1) is appropriated or given to the Archives for publication of the series known as "The Archives of Maryland";

(2) is received from the sale of the series;

(3) is received from public grants and private contributions; or

(4) is received from fees collected in accordance with § 9–1007(c) of this subtitle.

(c) (1) The Commission may utilize the proceeds of public grants, private contributions, and fees collected under § 9–1007(c)(3) of this subtitle to create an Archives Endowment Account within the State Archives Fund, if this use is consistent with the terms of the public grants and private contributions.

(2) If an endowment is created, the principal of the endowment may not be expended, except pursuant to a recommendation of the Commission.

(d) (1) The Archives shall use money received by the State Archives Fund for "The Archives of Maryland" to prepare, edit, and publish volumes of the series, including reprints of unavailable volumes.

(2) The Archives may use other money in the Fund for the general dissemination of archival materials. This includes the preparation and distribution of books and other publications using archival materials.

(3) Earnings from the endowment may be used for research on Maryland citizens who achieve national, State, or local prominence, for research on historical and geographical aspects of Maryland, and for an outreach program into the schools.

(e) The Treasurer shall invest money from the State Archives Fund, including money in the Archives Endowment Account, for the use of the Fund, and all earnings shall be credited to the Fund.

(f) Expenditures from the Fund, including earnings from the Archives Endowment Account, shall be made pursuant to an appropriation approved by the General Assembly in the annual State budget or by the budget amendment procedure provided for in § 7–209 of the State Finance and Procurement Article.

(g) The Fund is a continuing, nonlapsing fund which is not subject to § 7–302 of the State Finance and Procurement Article.

(h) The Fund and the Endowment Account are subject to audit by the Legislative Auditor.

§9–1014.

(a) The Archives may establish a consolidated publications account.

(b) The Archives may place in the consolidated publications account revenues from publications, the issuance of land patents, and services of the Archives. However, at the end of each fiscal year, the money in the account in excess of $50,000 shall revert to the General Fund of the State.

(c) The Archives may use the consolidated publications account to produce, distribute, and promote any of the publications of the Archives, except the Maryland Manual.

§9–1015.

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

(2) "Certified or abridged copy" means a copy of a restricted vital record that contains only the personal information that appears on the certificate of birth and does not include any confidential medical information appearing on the certificate.

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

(4) "Extract" means the following information from a restricted vital record:

(i) full names;

(ii) birthplaces of parents; and

(iii) date and place of birth or death.

(5) "File" means to present for registration at the Department any certificate of birth, death, adoption, marriage, divorce, or annulment.

(6) "Restricted vital record" means a certificate of birth that pertains to a birth that occurred fewer than 100 years prior to the request for the record or to a death that occurred fewer than 10 years prior to the request for the record.

(7) "Unrestricted vital record" means a record in the custody of the Archives, including one obtained from the Department by the Archives, that pertains to a birth that occurred more than 100 years prior to the request for the record, or to any marriage license, to a report of absolute divorce or annulment of marriage, or to a death that occurred more than 10 years prior to the request for the record.

(8) "Vital record" means a record of birth, death, marriage, absolute divorce, or marriage annulment required by law to be filed with the Department.

(b) Upon request of the Archives, the Department shall provide the Archives with vital records and indexes of vital records that are in the custody of the Department.

(c) Vital records and indexes may be copied by the Archivist in any manner.

(d) (1) Upon request, the Archives may only disclose and provide copies of vital records to:

(i) an individual who is lawfully entitled under § 4–217(b)(1) of the Health – General Article to obtain a certified or abridged copy of a restricted vital record from the Department or any other original custodian;

(ii) an individual who requests an unrestricted vital record; or

(iii) an individual who has evidence of the death of the person in the restricted vital record.

(2) An individual may examine and obtain a copy of indexes that pertain to vital records that are in the custody of the Archives.

(3) An individual may obtain an extract of a restricted vital record.

(4) An individual may obtain from the Archives a certified copy of the original of a vital record that may be examined under paragraph (1) of this subsection.

(e) The Archives may charge a reasonable fee to cover the expense of copying vital records or indexes to a vital record, to make extracts from restricted vital records

or to undertake a search for vital records.

(f) (1) An individual may not request a copy of vital records, indexes to vital records, or extracts from restricted vital records for the purpose of commercial solicitation or private gain.

(2) The Archives may require an individual to state the individual's intended use of the information obtained under this section.

(g) Under this section, the copying and use of vital records for disclosure, the disclosure of vital records, or extracts of restricted vital records or indexes does not violate the rule of confidentiality in a provision of law, including Title 10, Subtitle 6 of this article or § 4–224 of the Health – General Article.

(h) The Archives is not liable to an individual for:

(1) errors in indexing or extracting information from vital records; or

(2) reasonable reliance on evidence that the person in a restricted vital record is deceased.

(i) Unless a record has been transferred to the custody of the Archives, the information disclosed under this section does not constitute an official record.

§9–1016.

In this Part II of this subtitle, "Commission" means the Commission on Artistic Property.

§9–1017.

There is a Commission on Artistic Property in the State Archives.

§9–1018.

(a) (1) The Commission consists of 15 members, 7 of whom are institutional members and 8 of whom are public members.

(2) The institutional members are the chief executive officers, or their designees, of the following institutions:

(i) the Academy of the Arts in Easton;

(ii) the Baltimore Museum of Art;

(iii) Maryland Historical Society;

(iv) the Maryland Institute, College of Art in Baltimore;

(v) the Peabody Institute;

(vi) Walters Art Gallery; and

(vii) Washington County Museum of Fine Arts in Hagerstown.

(3) (i) The State Archivist shall appoint the public members with the approval of the Governor.

(ii) The State Archivist shall seek to include representatives of the historical museums of the State among the public members.

(iii) The public members serve at the pleasure of the State Archivist.

(b) From time to time, with the approval of the Governor, the State Archivist shall designate a public member of the Commission to serve as chairman.

§9–1019.

(a) A member of the Commission:

(1) may not receive compensation; but

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

(b) The Commission may employ a professional staff, in accordance with the State budget. The Commission may also contract for a curator and for the services of the Archivist of the Peabody Institute to act as curator of some or all of the objects in the Peabody Art Collection once that collection becomes the property of the State.

§9–1020.

(a) (1) With the approval of the Governor and the State Archivist, the Commission may accept, on behalf of the State:

(i) a gift of any painting or other object of decorative art; and

(ii) a loan of any painting or other object of decorative art.

(2) The Commission shall care for any object of decorative art accepted under this section.

(b) With the approval of the Governor, the State Archivist:

(1) may accept a gift of money from any public or private source; and

(2) shall administer and use the gift of money in accordance with any conditions of the gift.

§9–1021.

(a) (1) The Commission is the official custodian of all valuable paintings and other objects of decorative art owned by or loaned to the State, except those located in a State room of the Government House. With respect to the objects subject to its official custody, the Commission shall:

(i) keep a continuing inventory of the objects; and

(ii) be responsible for and supervise the acquisition, custody, display, location, preservation, proper care, security, and restoration of the objects.

(2) At such time as the State acquires the Peabody Art Collection from the Peabody Institute, the Commission shall become the official custodian of the Collection.

(3) In exercising its custodial responsibilities, the Commission may loan objects owned by the State to qualified institutions and may contract with such institutions for the performance of curatorial services.

(b) (1) Each person or agency that desires to acquire a painting or object of decorative art for display in or on the premises of any State building, except in a room of the Government House, must receive both prior approval and final acceptance from the Commission.

(2) Before giving prior approval or final acceptance in accordance with this subsection, the Commission shall consider:

(i) the competence of the artist;

(ii) the proposed location of the object; and

(iii) the quality, historical significance, and appropriateness of the work.

(c) This subtitle does not apply to artwork acquired through the Maryland Public Art Initiative Program established under Title 4, Subtitle 6 of the Economic Development Article.

§9–1022.

As to all paintings or other objects of decorative art in the State rooms of the Government House, the Commission shall:

(1) advise the Government House Trust about acquisition and display of the objects;

(2) insure the objects; and

(3) be responsible for the preservation of the objects.

§9–1023.

In performing its responsibilities in or on the premises of any State building, the Commission shall seek the advice of:

(1) the President of the Senate and the Speaker of the House of Delegates for any State building used by the Legislative Branch of the State government;

(2) the Governor for any State building used by the Executive Branch of the State government; and

(3) the Chief Judge of the Court of Appeals for any State building used by the Judicial Branch of the State government.

§9–1026.

(a) Every 2 years, the State Archives shall compile and edit a Maryland Manual that contains:

(1) a copy of the Maryland Constitution;

(2) the name and address of each officer of the State or a county who is:

(i) elected;

(ii) appointed by the Governor; or

(iii) appointed by the Board of Public Works; and

(3) any other information that, in consultation with the Hall of Records Commission, the State Archivist considers necessary.

(b) In accordance with Division II of the State Finance and Procurement Article, the Archives shall print the Maryland Manual, as provided in the State budget.

§9–1027.

(a) The State Archivist shall provide, without charge:

(1) to the State Law Library, 25 cloth-bound copies of each new Maryland Manual;

(2) to each member of the General Assembly, 2 cloth-bound copies and 8 other copies of each new Maryland Manual;

(3) to each public or private educational institution in the State, 1 copy of each new Maryland Manual; and

(4) to the Legislative Library, 50 cloth-bound copies of each new Maryland

Manual.

(b) If a former member of the General Assembly asks the State Archivist for a copy of the Maryland Manual, the State Archivist shall provide, without charge, a copy of the current Maryland Manual.

(c) The State Archivist and the Secretary of State may distribute other copies of the Maryland Manual as they consider necessary or desirable.

§9–1401.

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

(b) "Office" means the Office of Smart Growth.

(c) "Special Secretary" means the Special Secretary of Smart Growth.

(d) "Subcabinet" means the Smart Growth Subcabinet.

§9–1402.

(a) The General Assembly finds that the State is committed to addressing the high financial, social, and environmental costs of sprawl development through effective smart growth policy.

(b) The purpose of this subtitle is to establish a centralized office in the State in a manner such that the policy of smart growth can be better articulated, coordinated, and implemented in order to better serve the residents of the State.

§9–1403.

There is an Office of Smart Growth, established as part of the Executive Department.

§9–1404.

(a) The head of the Office is the Special Secretary of Smart Growth, who shall be appointed by the Governor.

(b) (1) The Special Secretary serves at the pleasure of the Governor and is responsible directly to the Governor.

(2) The Special Secretary shall advise the Governor on all matters assigned to the Office and is responsible for carrying out the Governor's policies on smart growth.

(c) (1) The Special Secretary is responsible for the operation of the Office and shall establish guidelines and procedures to promote the orderly and efficient administration of the Office.

(2) Subject to the provisions of this subtitle, the Special Secretary may establish, reorganize, or abolish areas of responsibility in the Office as necessary to fulfill the duties assigned to the Special Secretary.

(3) The Special Secretary may adopt regulations necessary to carry out the provisions of this subtitle.

(d) The Special Secretary is entitled to the salary provided in the State budget.

§9–1405.

(a) In addition to any other powers and duties imposed by law, the Office has the powers and duties set forth in this section.

(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.

§9–1406.

(a) There is a Smart Growth Subcabinet.

(b) The Subcabinet consists of:

(1) the Special Secretary;

(2) the Secretary of Agriculture;

(3) the Secretary of Budget and Management;

(4) the Secretary of Commerce;

(5) the Secretary of the Environment;

(6) the Secretary of General Services;

(7) the Secretary of Higher Education;

(8) the Secretary of Housing and Community Development;

(9) the Assistant Secretary of the Office of Neighborhood Revitalization;

(10) the Secretary of Natural Resources;

(11) the Secretary of Planning;

(12) the Secretary of Transportation;

(13) a representative of the Governor's office;

(14) the Secretary of Health and Mental Hygiene;

(15) the Secretary of Labor, Licensing, and Regulation; and

(16) the Director of the Maryland Energy Administration.

(c) The Executive Director of the National Center for Smart Growth Education and Research at the University of Maryland, College Park shall serve as an ex officio member of the Subcabinet.

(d) (1) The Special Secretary shall chair the Subcabinet and shall be responsible for the oversight, direction, and accountability of the work of the Subcabinet.

(2) The Secretary of Planning shall be the vice chair of the Subcabinet.

(e) (1) The Office shall provide the primary staff support for the Subcabinet.

(2) The Special Secretary and the Secretary of Planning may call upon any of the Subcabinet members to provide additional staff assistance as needed.

(f) The Special Secretary and the Secretary of Planning may establish subcommittees to carry out the work of the Subcabinet.

(g) The Subcabinet shall meet regularly at such times and places as it determines.

(h) (1) The Subcabinet shall:

(i) provide a forum for discussion of interdepartmental issues relating to activities that affect growth, development, neighborhood conservation, and resource management;

(ii) work together using all available resources to promote the understanding of smart growth;

(iii) work together to create, enhance, support, and revitalize sustainable communities across the State;

(iv) meet at least biannually with county and municipal elected leaders and planning officials to discuss local government issues relating to activities that affect smart growth, development, neighborhood conservation, and resource management;

(v) subject to paragraph (2) of this subsection, make recommendations to:

1. the Department of Economic Competitiveness and Commerce in accordance with § 5–1304 of the Economic Development Article;

2. the Department of Housing and Community Development in accordance with § 6–206 of the Housing and Community Development Article;

3. the Department of Planning in accordance with § 5A–303 of the State Finance and Procurement Article; and

4. the Department of Transportation in accordance with § 7–101 of the Transportation Article;

(vi) in coordination with State agencies, evaluate and report annually to the Governor and, in accordance with § 2–1246 of this article, to the General Assembly on the implementation of the State's smart growth policy; and

(vii) perform other duties assigned by the Governor.

(2) The failure of the Subcabinet to make a recommendation under paragraph (1)(v) of this subsection may not be construed as prohibiting a department to act in accordance with the department's authority under State law.

(i) The annual report required in subsection (h)(1) of this section shall include:

(1) a description of the projects, programs, and costs of activities located in priority funding areas;

(2) a description of projects, programs, and costs of activities funded under the exceptions allowed in § 5–7B–06 of the State Finance and Procurement Article;

(3) projects submitted to the Board of Public Works for funding outside priority funding areas under the extraordinary circumstances exception in accordance with § 5–7B–05 of the State Finance and Procurement Article and the impact of these projects upon the State's smart growth policy;

(4) a list of programs and policies reviewed and changed to ensure compliance with the State's smart growth policy; and

(5) a list of projects or programs approved and funded under Chapter 759, § 2 of the Acts of 1997.

§9–1601.

(a) This subtitle does not apply to:

(1) the Governor;

(2) any unit of the Judicial Branch;

(3) any unit of the Legislative Branch;

(4) the Comptroller of the Treasury;

(5) the inmate adjustment hearing officers;

(6) the Public Service Commission;

(7) the State Workers' Compensation Commission;

(8) the Parole Commission;

(9) the Health Services Cost Review Commission;

(10) the Maryland Health Care Commission; and

(11) unemployment insurance benefit determinations and employer obligation determinations in the Department of Labor, Licensing, and Regulation, and appeals from those determinations.

(b) Except as provided in subsection (a) of this section, this subtitle shall apply to each agency that employs or engages one or more hearing officers to adjudicate contested cases unless the agency has been exempted by the Governor under subsection (c) of this section.

(c) Until July 1, 1994, the Governor may temporarily exempt an agency from this subtitle.

§9–1602.

The Office of Administrative Hearings is created as an independent unit in the Executive Branch of State government.

§9–1603.

(a) The Office is headed by a Chief Administrative Law Judge appointed by the Governor with the advice and consent of the Senate.

(b) The Chief Administrative Law Judge shall:

(1) be appointed for a term of 6 years;

(2) devote full time to the duties of the Office; and

(3) be eligible for reappointment.

(c) The Chief Administrative Law Judge shall:

(1) receive the salary provided in the State budget;

(2) be admitted to practice law in the State; and

(3) have the powers and duties specified in this subtitle.

(d) The Chief Administrative Law Judge may employ a staff in accordance with the State budget.

§9–1604.

(a) The Chief Administrative Law Judge shall:

(1) supervise the Office of Administrative Hearings;

(2) establish qualifications for administrative law judges;

(3) appoint and remove administrative law judges in accordance with § 9-1605 of this subtitle;

(4) assign administrative law judges to conduct hearings in contested cases;

(5) if necessary, establish classifications for case assignment on the basis of subject matter, expertise, and case complexity;

(6) establish and implement standard and specialized training programs and provide materials for administrative law judges;

(7) provide and coordinate continuing education programs and services for administrative law judges, including research, technical assistance, technical and professional publications, compiling and disseminating information, and advise of changes in the law relative to their duties;

(8) develop model rules of procedure and other guidelines for administrative hearings;

(9) develop a code of professional responsibility for administrative law judges; and

(10) monitor the quality of State administrative hearings.

(b) (1) The Chief Administrative Law Judge may:

(i) serve as an administrative law judge in a contested case;

(ii) furnish administrative law judges on a contractual basis to other governmental entities;

(iii) accept and expend funds, grants, and gifts and accept services from any public or private source;

(iv) enter into agreements and contracts with any public or private agencies or educational institutions;

(v) adopt regulations to implement this subtitle; and

(vi) assess fees to cover administrative expenses as follows:

1. to file an appeal, a fee not exceeding:

A. $150 for an appeal of a driver's license suspension or

revocation related to a violation of the Maryland Vehicle Law; and

B. $50 for all other types of appeals; and

2. to process a subpoena, a fee not exceeding $5.

(2) Fees charged under paragraph (1) of this subsection for administrative expenses may not be charged to:

(i) State agencies; or

(ii) petitioners who are determined by the Office of Administrative Hearings to be unable to pay the fees.

(3) A fee charged under paragraph (1) of this subsection for filing an appeal shall be refunded to a party who initiates the appeal if the party receives a favorable decision from the administrative law judge.

(c) (1) The Chief Administrative Law Judge shall submit an annual report on the activities of the Office to the Governor and, subject to § 2-1246 of this article, to the General Assembly.

(2) This report may be prepared in conjunction with the annual report required under § 9-1610 of this subtitle.

(d) The Chief Administrative Law Judge shall meet and confer regularly with the Advisory Council on Administrative Hearings.

§9–1605.

(a) An administrative law judge:

(1) shall be a special appointment in the State Personnel Management System;

(2) may be removed, suspended, or demoted by the Chief Administrative Law Judge for cause, after notice and an opportunity to be heard;

(3) shall receive the compensation provided in the State budget; and

(4) may not perform duties inconsistent with the duties and responsibilities of an administrative law judge.

(b) An administrative law judge may not be responsible to or subject to the supervision or direction of an officer, employee, or agent engaged in the performance of investigative, prosecuting, or advisory functions for an agency.

(c) In any contested case conducted by an administrative law judge, the administrative law judge may:

(1) authorize the issuance of subpoenas for witnesses;

(2) administer oaths;

(3) examine an individual under oath; and

(4) compel the production of documents or other tangible things.

(d) (1) Without good cause, a person may not refuse an order by any administrative law judge to:

(i) appear for a hearing;

(ii) testify under oath; or

(iii) produce any relevant evidence, including documents or other tangible things.

(2) (i) An administrative law judge may apply, upon affidavit, to any judge of a circuit court for an order, returnable in not less than 2 nor more than 5 days, to show cause why a person should not be committed to jail for refusal to comply with an order issued under paragraph (1) of this subsection.

(ii) On the return of an order issued under subparagraph (i) of this paragraph, if the judge hearing the matter determines that the person is guilty of refusal to comply with the order of the administrative law judge, the judge may commit the offender to jail as in cases of civil contempt.

§9–1606.

(a) All units of State government shall cooperate with the Chief Administrative Law Judge in the discharge of his duties.

(b) The Office shall be subject to audit and examination by the Office of Legislative Audits of the Department of Legislative Services under § 2-1220 of this article.

(c) Except as provided in this subtitle or in regulations adopted under this subtitle, an agency may not select or reject a particular administrative law judge for a particular proceeding.

§9–1607.

If the Office is unable to assign an administrative law judge in response to an agency request, the Chief Administrative Law Judge shall designate in writing an individual to serve as an administrative law judge in a proceeding before the agency if:

(1) the individual meets the qualifications for an administrative law judge established by the Office under § 9-1604(a)(2) of this subtitle; and

(2) the agency that employs the individual consents to the assignment.

§9–1607.1.

(a) An individual who is not licensed to practice law in this State may represent a party in a proceeding before the Office if:

(1) authorized by law;

(2) the individual is representing:

(i) a recipient of or applicant for benefits that are:

1. based on the recipient's or applicant's income and resources; and

2. provided by the Department of Human Resources or the Department of Health and Mental Hygiene;

(ii) a resident of a facility at a proceeding conducted under § 19-344(q)(4) or § 19-345.1 of the Health - General Article;

(iii) a health care facility, as defined in § 10-101 of the Health - General Article, at a proceeding under the provisions of § 10-632 or § 10-708 of the Health - General Article or § 3-121 of the Criminal Procedure Article; or

(iv) a grievant at a proceeding conducted pursuant to Title 10, Subtitle 2 of the Correctional Services Article concerning a grievance submitted to the Inmate Grievance Office, provided the representation is not otherwise restricted for reasons of security or expense pursuant to regulations, rules, directives, or policies adopted by the Division of Correction or Patuxent Institution;

(3) the individual is a designee of a corporation while appearing on its behalf in an administrative proceeding held under § 27-613 of the Insurance Article;

(4) the individual is an officer of a corporation, an employee designated by an officer of a corporation, a general partner in a business operated as a partnership or an employee designated by a general partner, or an employee designated by the owner of a business operated as a sole proprietorship while the officer, partner, or employee is appearing on behalf of the corporation, partnership, or business in an administrative hearing held under:

(i) § 8-312 of the Business Regulation Article (Home Improvement Commission);

(ii) Title 5 of the Labor and Employment Article (Occupational Safety and Health); or

(iii) regulations adopted pursuant to § 14-303 of the State Finance and Procurement Article, concerning the decertification of a minority business enterprise to conduct business with the Department of Transportation;

(5) in the case of an insurer, the individual is a designee of the insurer who:

(i) is employed by the insurer in claims, underwriting, or as otherwise provided by the Commissioner; and

(ii) has been given the authority by the insurer to resolve all issues involved in the proceeding; or

(6) the individual is representing a unit of State government, at the direction of the unit of State government.

(b) (1) An employee designated by a business entity under subsection (a)(3) or (4) of this section:

(i) shall provide the Office a power of attorney sworn to by the employer that certifies that the designated employee is an authorized agent of the business entity and may bind the business entity on matters pending before the Office; and

(ii) may not be a disbarred or suspended lawyer in any state.

(2) A business entity may not contract, hire, or employ another business entity, other than an attorney, to provide appearance services under subsection (a)(3) or (4) of this section.

(3) An employee designated by a business entity under subsection (a)(4) of this section may not be assigned on a full-time basis to appear in administrative hearings before the Office on behalf of the business entity.

(c) This section may not be interpreted to limit the right of an individual to appear on the individual's own behalf.

§9–1607.2.

(a) Subject to subsection (b) of this section, regulations adopted in accordance with § 10–206(a)(1) of this article shall apply to a proceeding before the Office, regardless of whether the proceeding is subject to Title 10, Subtitle 2 of this article (Administrative Procedure Act – Contested Cases).

(b) Unless a federal or State law or regulation requires that a federal or State procedure shall be observed, the regulations specified in subsection (a) of this section shall take precedence in the event of a conflict.

§9–1608.

(a) There is a State Advisory Council on Administrative Hearings.

(b) The Council consists of 10 members.

(c) Of the 10 Council members:

(1) 1 shall be a member of the Senate of Maryland, appointed by the President of the Senate;

(2) 1 shall be a member of the House of Delegates, appointed by the Speaker of the House;

(3) 1 shall be the Attorney General or the Attorney General's designee;

(4) 1 shall be a nongovernmental attorney who practices before the Office of Administrative Hearings;

(5) 2 shall be secretaries or designees from departments involved in the adjudication of contested cases;

(6) 2 shall represent the Maryland State Bar Association; and

(7) 2 shall be from the general public.

(d) The Governor shall appoint the members specified in subsection (c)(4) through (7) of this section.

(e) Of the members appointed under subsection (c) of this section, not more than 5 shall be attorneys who practice before the Office of Administrative Hearings.

§9–1609.

(a) (1) The term of a member of the Council is 4 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Council on January 1, 1990.

(3) A member is eligible to serve more than 1 term.

(b) A member of the Council may not receive compensation, but is entitled to reimbursement for expenses under the Standard State Travel Regulations.

(c) The Council shall designate a chairman from among its members.

§9–1610.

(a) The Council shall:

(1) advise the Chief Administrative Law Judge in carrying out his duties;

(2) identify issues of importance to administrative law judges that should be addressed by the Chief Administrative Law Judge;

(3) review issues and problems relating to administrative hearings and the administrative process;

(4) review and comment upon policies and regulations proposed by the Chief Administrative Law Judge;

(5) advise the Governor as to those agencies for which a continuing exemption under § 9-1601 of this subtitle should be maintained as consistent with the purposes of this subtitle; and

(6) submit an annual report, which may be prepared in conjunction with the report required under § 9-1604 of this subtitle and is subject to § 2-1246 of this article, to the Legislative Policy Committee of the General Assembly, including a list of the agencies that are exempted from this subtitle under § 9-1601(c) of this subtitle and the reasons for the exemptions.

(b) The Council shall meet at a regular time and place to be determined by the Council.

§9–1701.

In this subtitle, "Committee" means the Maryland State Employees Surety Bond Committee.

§9–1702.

There is a committee on bonding of State officers and employees, known as the Maryland State Employees Surety Bond Committee.

§9–1703.

The Committee consists of the State Treasurer, the State Comptroller, and the Attorney General or their designated representatives.

§9–1704.

(a) The Committee may periodically set the type and amount of the bonds of each State officer and employee who is required to be bonded in accordance with any law of the State, having due regard for the duties and responsibilities of the officer or employee.

(b) An officer or employee who is required to be bonded shall be covered, on entering the performance of the officer's or employee's duties, by a surety bond of the

type specified and in the amount and term fixed by the Committee.

§9–1705.

Each State officer or employee other than those specifically required to be bonded in accordance with any law of the State, who in the opinion of the Committee should be bonded, shall be bonded with the type of bond and in the amount and term to be determined by the Committee.

§9–1706.

(a) Bonds purchased in accordance with §§ 9-1704 and 9-1705 of this subtitle shall be purchased by the State Treasurer on prior approval of the Board of Public Works from a company authorized to issue the bonds and authorized to do business in the State.

(b) The premium on bonds purchased in accordance with §§ 9-1704 and 9-1705 of this subtitle shall be provided for in the State budget.

(c) On prior approval of the Board of Public Works, the State Treasurer may at any time any bond coverage is no longer required, cause the bond to be canceled or terminated and may collect any rebate of premium on the bond.

§9–1707.

(a) Each bond required by §§ 9-1704 and 9-1705 of this subtitle shall be approved as to form by the Attorney General and filed in the Office of the State Comptroller.

(b) A record shall be kept in the Office of the State Comptroller giving:

(1) the name of the officer or employee for whom any individual bond is issued;

(2) the name of the agency in which the officer or employee is employed or the name of the agencies covered under a blanket bond program;

(3) the name of the company issuing the bond; and

(4) the amount, date, and time of expiration of the bond and of any certificate renewing the bond.

§9–1901.

(a) There is an Assisted Living Programs Board established to:

(1) develop statewide policy on assisted living programs;

(2) coordinate agency responsibility for implementation of policies and

programs related to assisted living;

(3) review and approve policies and regulations governing assisted living programs; and

(4) establish appropriate interagency agreements relative to assisted living programs.

(b) The Board consists of 15 voting members as follows:

(1) the Secretary of Health and Mental Hygiene;

(2) the Secretary of Human Resources;

(3) the Secretary of Aging; and

(4) the following voting members appointed by the Governor with the advice and consent of the Senate:

(i) one representative of the Disability Law Center;

(ii) one representative of a small program that was certified as a sheltered housing project by the Department of Aging as of December 31, 1995, or could have been certified as a sheltered housing project by the Department of Aging if it had been in existence on December 31, 1995;

(iii) one representative of a small program that was certified as a care program by the Department of Human Resources as of December 31, 1995, or could have been certified as a care program by the Department of Human Resources if it had been in existence on December 31, 1995;

(iv) one representative of a small program that was licensed or registered as a domiciliary care program by the Department of Health and Mental Hygiene as of December 31, 1995, or could have been licensed or registered as a domiciliary care program by the Department of Health and Mental Hygiene if it had been in existence on December 31, 1995;

(v) four consumer members;

(vi) one representative of the Assisted Living Facilities Association of America;

(vii) one representative of the Maryland Association of Nonprofit Homes for the Aging;

(viii) one representative of the Health Facilities Association of Maryland; and

(ix) one representative of the Long-Term Care Association.

(c) (1) The Governor shall appoint a chairperson of the Board from among the three State agency representatives to the Board.

(2) (i) The Governor shall appoint the provider and consumer members from the recommendations of organizations representing assisted living program providers and consumers.

(ii) The Governor is not restricted to these recommendations in appointing members.

(3) The provider and consumer members shall represent a broad geographic cross section of the State.

(d) The term of a member who is not a cabinet member or who does not represent the Maryland Disability Law Center or the Department of Aging is 4 years.

(e) Each member of the Board shall serve without compensation but shall be entitled to reimbursement for expenses under the Standard State Travel Regulations.

(f) The Board may establish its own procedures and voting requirements.

(g) The Departments of Health and Mental Hygiene, Human Resources, and Aging shall provide the Board with the necessary staff and support services.

§9–2001.

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

(b) "Administration" means the Maryland Energy Administration.

(c) "Director" means the Director of the Maryland Energy Administration.

§9–2002.

(a) The Administration is established as a separate unit of State government.

(b) With the approval of the Governor, the Administration shall implement and administer conservation, allocation, or other energy programs or measures under State law or federal laws, orders, or regulations.

(c) The Governor shall appoint a Director of the Administration.

(d) The Administration shall have the staff provided for in the State budget.

§9–2003.

The Administration shall:

(1) provide advisory, consultative, training, and educational services,

technical assistance, grant and loan funds therefor, and financial assistance to any municipality, county, State unit, local public agency, nonprofit organization, or private entity, in order to establish or carry out sound energy policies or practices, including energy management and energy conservation;

(2) assume those responsibilities delegated to the State energy offices in accordance with the orders, rules, and regulations adopted under any federal laws relating to the allocation, conservation, development, or consumption of energy resources or any other delegation of federal authority pertaining to energy;

(3) evaluate and coordinate energy related policies and activities among all agencies of the Executive Branch of the State and, where appropriate, those of the various local governments;

(4) collect, analyze, and evaluate statistics and information related to energy use, conservation, consumption, and energy production and coordinate information related to energy resources, including electricity, natural gas, and the production of oil and natural gas, with the Public Service Commission, the Power Plant Research Program, and the Maryland Geological Survey;

(5) serve as liaison between federal and State agencies for all matters related to energy and maintain liaison with energy agencies in other states;

(6) develop and conduct education and communications programs for and disseminate informative materials to the public on energy production, supply, and conservation;

(7) provide for, encourage, and assist, where practicable, public participation in the development and dissemination of energy programs;

(8) in cooperation with the Department of General Services, monitor the energy savings accrued by the energy management and conservation efforts undertaken by agencies of State government;

(9) coordinate and direct integrated energy planning for State agencies and the public that recognizes the benefits and costs of energy conservation and improved efficiency;

(10) promote the transfer and commercialization of energy conservation methods and energy technology from private and public laboratories to the citizens of the State;

(11) cooperate and coordinate with other State agencies in the research and development of energy conservation methods and alternative energy technologies; and

(12) develop strategic plans and implement policies relating to energy supply management, including the promotion and supervision of research on alternative fuels and energy emergency management.

§9–2004.

The Administration shall assist the Department of General Services in considering the most economical and efficient alternative for meeting the annual heating oil requirements of State agencies.

§9–2005.

The Administration shall have the following additional duties and responsibilities concerning the State's preparedness for, and management of, general energy emergencies and shortfalls:

(1) to prepare contingency plans for mitigating the impact of any severe shortage of fuel resources, including middle distillate oil, motor gasoline, residual fuel oil, and propane gas, on various classes of consumers;

(2) to work with the United States Department of Energy in preparing and training for an energy emergency response;

(3) to maintain communications, including computerized electronic communication, with the United States Department of Energy and with neighboring states to obtain and share energy data pertaining to energy emergencies; and

(4) to collect, analyze, evaluate, and maintain on a proprietary basis so as to preserve the confidentiality of its source, data related to managing any energy emergency or shortfall.

§9–2006.

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

(2) "Ballast" means a device used with an electric discharge lamp to obtain necessary circuit conditions, including voltage, current, and waveform, for starting and operating the lamp.

(3) "Bottle–type water dispenser" means a water dispenser that uses a bottle or reservoir as the source of potable water.

(4) "Ceiling fan" means a nonportable device that is suspended from a ceiling for the purpose of circulating air via the rotation of fan blades.

(5) "Ceiling fan light kit" means equipment designed to provide light from a ceiling fan, which can be:

(i) integral, such that the equipment is hardwired to the ceiling fan; or

(ii) attachable, such that at the time of sale the equipment is not

physically attached to the ceiling fan but may be included inside the ceiling fan package at the time of sale or sold separately for subsequent attachment to the fan.

(6) "Commercial clothes washer" means a soft mount front–loading or soft mount top–loading clothes washer that is designed for use in:

(i) applications where the occupants of more than one household will be using it, including multifamily housing common areas and coin laundries; or

(ii) other commercial applications, if the clothes container compartment is not greater than:

1. 3.5 cubic feet for horizontal–axis clothes washers; or

2. 4.0 cubic feet for vertical–axis clothes washers.

(7) (i) "Commercial hot food holding cabinet" means a heated, fully enclosed compartment with one or more solid or glass doors that is designed to maintain the temperature of hot food that has been cooked in a separate appliance.

(ii) "Commercial hot food holding cabinet" does not include a heated glass merchandizing cabinet, drawer warmer, or cook–and–hold appliance.

(8) (i) "Commercial refrigeration cabinet" means a refrigerator, freezer, or refrigerator–freezer designed for use by commercial or institutional facilities for the purpose of storing food products, ice, or other perishable items at specified temperatures and that may be configured with either solid or transparent doors as a:

1. reach–in cabinet;

2. pass–through cabinet;

3. roll–in cabinet; or

4. roll–through cabinet.

(ii) "Commercial refrigeration cabinet" does not include:

1. a product with 85 cubic feet or more of internal volume;

2. a walk–in refrigerator or walk–in freezer;

3. a consumer product regulated under the National Appliance Energy Conservation Act of 1987 (Public Law 100–12); or

4. any refrigerator, freezer, or refrigerator–freezer designed and marketed exclusively for medical, scientific, or research purposes.

(9) (i) "Electricity ratio" is the ratio of furnace electricity use to total

furnace energy use.

(ii) "Electricity ratio" is equal to a fraction:

1. the numerator of which is 3.412 times the average annual auxiliary electrical consumption as defined in Appendix N to subpart B of part 430 of title 10 of the Code of Federal Regulations; and

2. the denominator of which is the sum of:

A. 1,000 times the average annual fuel energy consumption as defined in Appendix N to subpart B of part 430 of title 10 of the Code of Federal Regulations, expressed in millions of B.T.U. per year; and

B. the amount calculated for the numerator.

(10) "High–intensity discharge lamp" means a lamp in which:

(i) light is produced by the passage of an electric current through a vapor or gas;

(ii) the light–producing arc is stabilized by bulb wall temperature; and

(iii) the arc tube has a bulb wall loading in excess of 3 watts per square centimeter.

(11) "Illuminated exit sign" means an internally illuminated sign that is designed to be permanently fixed in place to identify an exit and the background of which is not transparent.

(12) "Large packaged air–conditioning equipment" means packaged air–conditioning equipment with at least 20 tons but not more than 80 tons of cooling capacity.

(13) (i) "Low–voltage dry–type distribution transformer" means a distribution transformer that:

1. has an input voltage of 600 volts or less;

2. is air–cooled; and

3. does not use oil as a coolant.

(ii) "Low–voltage dry–type distribution transformer" does not include any of the following transformers:

1. an autotransformer in which the primary and secondary windings are not electronically isolated and at least a portion of the secondary voltage

is derived from the primary winding;

2. a drive transformer designed only to provide power to operate an electronic variable speed motor drive;

3. a grounding transformer designed only to provide a system ground reference point;

4. a harmonic transformer designed to supply a load with a higher than normal harmonic current level and that has a k–rating of k–4 or greater;

5. an impedance transformer that has a specified impedance of less than 4% or greater than 8%;

6. a machine tool transformer designed only to provide power to machine tool equipment;

7. a rectifier transformer designed to provide power only to a rectifier circuit and that has a nameplate rating for both the fundamental frequency power rating and the RMS power rating;

8. a regulating transformer with automatic tap changers;

9. a sealed and nonventilating transformer designed to prevent airflow through the transformer;

10. a testing transformer designed only as part of, or to supply power to, electrical test equipment;

11. a UPS transformer designed only as an integral part of an uninterruptible power system; or

12. a welding transformer designed only to provide power to welding equipment.

(14) "Metal halide lamp" means a high intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, and possibly in combination with metallic vapors.

(15) "Metal halide lamp fixture" means a light fixture designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.

(16) "Packaged air–conditioning equipment" means air–conditioning equipment that is built as a package and shipped as a whole to end–user sites.

(17) "Pass–through cabinet" means a commercial refrigerator or commercial freezer with hinged or sliding doors on both the front and rear of the refrigerator or freezer.

(18) "Probe–start metal halide ballast" means a ballast used to operate metal halide lamps, that:

(i) does not contain an igniter; and

(ii) starts lamps by using a third starting electrode probe in the arc tube.

(19) (i) "Reach–in cabinet" means a commercial refrigerator, commercial freezer, or commercial refrigerator–freezer with hinged or sliding doors or lids.

(ii) "Reach–in cabinet" does not include a roll–in or roll–through cabinet or a pass–through cabinet.

(20) "Residential furnace" means a self–contained space heater that:

(i) is designed to supply heated air through ducts of more than 10 inches in length;

(ii) uses single–phase electric current or DC current in conjunction with natural gas or propane; and

(iii) 1. is designed to be the principal heating source for the living space of one or more residences;

2. is not contained within the same cabinet with a central air conditioner whose rated cooling capacity is above 65,000 B.T.U. per hour; and

3. has a heat input rate of less than 225,000 B.T.U. per hour.

(21) "Retailer" means a person engaged in the business of making retail sales within the State.

(22) "Roll–in cabinet" means a commercial refrigerator or commercial freezer with hinged or sliding doors that allow wheeled racks of product to be rolled into the refrigerator or freezer.

(23) "Roll–through cabinet" means a commercial refrigerator or commercial freezer with hinged or sliding doors that allow wheeled racks of product to be rolled through the refrigerator or freezer.

(24) "Single–voltage external AC to DC power supply" means a device that:

(i) is designed to convert line voltage AC input into lower voltage DC output;

(ii) is able to convert to only one DC output voltage at a time;

(iii) is sold with, or intended to be used with, a separate end–use

product that constitutes the primary power load;

(iv) is contained within a separate physical enclosure from the end–use product;

(v) is connected to the end–use product through a removable or hard–wired male/female electrical connection, cable, cord, or other wiring;

(vi) does not have a battery or battery pack, removable or otherwise, that physically attaches directly to the power supply unit;

(vii) does not have a battery chemistry or type selector switch and indicator light or does not have a battery chemistry or type selector switch and a state–of–charge meter; and

(viii) has a nameplate output power not exceeding 250 watts.

(25) "State–regulated incandescent reflector lamp" means a lamp, not colored or designed for rough or vibration service applications:

(i) with an inner reflective coating on the outer bulb to direct the light;

(ii) with an E26 medium screw base;

(iii) with a rated voltage or voltage range that lies at least partially within 115 to 130 volts; and

(iv) that is:

1. a blown PAR (BPAR);

2. a bulged reflector (BR);

3. an elliptical reflector (ER) or similar bulb shape with a diameter equal to or greater than 2.25 inches; or

4. a reflector (R), parabolic aluminized reflector (PAR), or similar bulb shape with a diameter of 2.25 to 2.75 inches, inclusive.

(26) "Torchiere lighting fixture" means a portable electric lighting fixture with a reflector bowl giving light directed upward so as to give indirect illumination.

(27) "Traffic signal" means a device consisting of a set of signal lights operating in sequence and placed at intersections to regulate traffic.

(28) "Traffic signal module" means a standard 8–inch (200mm) or 12–inch (300mm) round traffic signal indication that:

(i) consists of a light source, lens, full–color ball, and all parts necessary for operation; and

(ii) communicates movement messages to drivers through red, amber, and green colors.

(29) "Transformer" means a device consisting essentially of two or more coils of insulated wire that transfers alternating current by electromagnetic induction from one coil to another in order to change the original voltage or current value.

(30) (i) "Unit heater" means a self–contained fan–type heater that:

1. is designed to be installed within the heated space; and

2. includes an apparatus or appliance to supply heat and a fan for circulating air over a heat exchange surface, all enclosed in a common casing.

(ii) "Unit heater" does not include a "warm air furnace" as defined under the federal Energy Policy Act of 1992.

(31) (i) "Walk–in refrigerator and freezer" means a refrigerated space that:

1. can be walked into;

2. has a total chilled and frozen storage area of less than 3,000 square feet;

3. operates at chilled (above 32 degrees Fahrenheit) or frozen (at or below 32 degrees Fahrenheit) temperature; and

4. is connected to a self–contained or remote condensing unit.

(ii) "Walk–in refrigerator and freezer" does not include:

1. a product designed and marketed exclusively for medical, scientific, or research purposes; and

2. a refrigerated warehouse.

(32) "Water dispenser" means a factory–made assembly that:

(i) mechanically cools and heats potable water; and

(ii) dispenses the cooled or heated water by integral or remote means.

(33) "Widely available in Maryland" means a conforming product available in the State from three or more manufacturers.

(b) (1) This section applies to the testing, certification, and enforcement of efficiency standards for the following types of new products sold, offered for sale, or installed in the State:

(i) torchiere lighting fixtures;

(ii) unit heaters;

(iii) low–voltage dry–type distribution transformers;

(iv) ceiling fan light kits;

(v) red and green traffic signal modules;

(vi) illuminated exit signs;

(vii) commercial refrigeration cabinets;

(viii) large packaged air–conditioning equipment;

(ix) commercial clothes washers;

(x) bottle–type water dispensers;

(xi) commercial hot food holding cabinets;

(xii) metal halide lamp fixtures;

(xiii) residential furnaces;

(xiv) single–voltage external AC to DC power supplies;

(xv) state–regulated incandescent reflector lamps; and

(xvi) walk–in refrigerators and freezers.

(2) This section does not apply to:

(i) new products manufactured in the State and sold outside the State;

(ii) new products manufactured outside the State and sold at wholesale inside the State for final retail sale and installation outside the State;

(iii) products installed in mobile manufactured homes at the time of construction;

(iv) products designed expressly for installation and use in recreational vehicles; or

(v) residential furnaces that use natural gas or propane and that are installed as a replacement for a previously installed furnace.

(c) (1) On or before January 1, 2004, the Administration shall adopt regulations establishing minimum efficiency standards for the types of new products set forth in subsection (b)(1)(i) through (ix) of this section.

(2) The regulations shall provide for the following minimum efficiency standards:

(i) torchiere fixtures may not consume more than 190 watts and may not be capable of operating with lamps that total more than 190 watts;

(ii) unit heaters shall be equipped with an intermittent ignition device and shall have either power venting or an automatic flue damper;

(iii) the efficiency of all low–voltage dry–type distribution transformers may not be less than the values shown in Table 4–2 of National Electrical Manufacturers Association Standard TP–1–2002;

(iv) ceiling fan light kits:

1. shall meet the Tier 1 lighting criteria of version 1.1 of the product specification contained in the "Energy Star Program Requirements for Residential Ceiling Fans", developed by the U.S. Environmental Protection Agency that took effect on January 1, 2002; and

2. may contain light sources that are not compact fluorescent lamps but that have lumen–per–watt performance at least equivalent to comparably configured compact fluorescent lamps meeting "Energy Star Program Requirements for CFLS: Energy Efficiency Criteria – Version 3.0";

(v) red and green traffic signal modules shall:

1. meet the requirements of the "Energy Star Program Requirements for Traffic Signals" developed by the U.S. Environmental Protection Agency that took effect in February 2001; and

2. be installed with compatible, electrically connected signal control interface devices and conflict monitoring systems;

(vi) illuminated exit signs shall meet the requirements of the "Energy Star Program Requirements for Exit Signs – Version 2.0" developed by the U.S. Environmental Protection Agency that took effect on January 1, 1999;

(vii) commercial refrigeration cabinets shall meet the requirements shown in the following Table in which "V" means total volume in cubic feet and "AV" means adjusted volume which is the sum of the volume of refrigerated space and 1.63

times the volume of freezer space:

Equipment Type	Maximum Daily Energy Consumption (kilowatt hours)
Reach–in cabinets, pass–through cabinets, and roll–in or roll–through cabinets that are refrigerators with solid doors	0.125V + 2.76
Reach–in cabinets, pass–through cabinets, and roll–in or roll–through cabinets that are refrigerators with transparent doors	0.172V + 4.77
Reach–in cabinets, pass–through cabinets, and roll–in or roll–through cabinets that are freezers with solid doors	0.398V + 2.28
Reach–in cabinets, pass–through cabinets, and roll–in or roll–through cabinets that are freezers with transparent doors	0.940V + 5.10
Reach–in cabinets that are refrigerator–freezers with solid doors	0.273AV + 1.65

(viii) large packaged air–conditioning equipment shall meet the Tier II requirements of the "Minimum Equipment Efficiencies for Unitary Commercial Air Conditioners" or "Minimum Equipment Efficiencies for Heat Pumps", as appropriate, developed by the Consortium for Energy Efficiency, Boston, Massachusetts, as in effect on January 1, 2002; and

(ix) commercial clothes washers shall have a minimum modified energy factor of 1.26 and a maximum water consumption factor of 9.5, as measured in accordance with the federal test method for clothes washers as defined in 10 C.F.R. Section 430.23(j) (Appendix J1 to Subpart B of Part 430) (2001).

(d) (1) On or before January 1, 2008, the Administration shall adopt

regulations establishing minimum efficiency standards for the types of new products set forth in subsection (b)(1)(x) through (xvi) of this section.

(2) The regulations shall provide for the following minimum efficiency standards:

(i) except as provided in subsubparagraph 2 of this subparagraph:

1. bottle–type water dispensers designed for dispensing both hot and cold water may not have standby energy consumption greater than 1.2 kilowatt–hours per day, as measured in accordance with the test criteria contained in version 1.1 of the U.S. Environmental Protection Agency's "Energy Star Program Requirements for Bottled Water Coolers"; and

2. bottle–type water dispenser units with an integral, automatic timer may not be tested using Section D, "Timer Usage" of the test criteria;

(ii) commercial hot food holding cabinets shall have a maximum idle energy rate not exceeding 40 watts per cubic foot of interior volume, as determined by the "idle energy rate–dry test" in ASTM F2140–01, "Standard Test Method for Performance of Hot Food Holding Cabinets" published by ASTM International, and interior volume shall be measured in accordance with the method shown in the U.S. Environmental Protection Agency's "Energy Star Program Requirements for Commercial Hot Food Holding Cabinets" effective August 15, 2003;

(iii) metal halide lamp fixtures designed to be operated with lamps rated at least 150 watts but not exceeding 500 watts may not contain a probe–start metal halide ballast;

(iv) residential furnaces that use natural gas or propane and that are installed as the original furnace in newly constructed residential buildings shall:

1. have a minimum Annual Fuel Utilization Efficiency (AFUE) of 90% and a maximum electricity ratio of 2%; and

2. be measured in accordance with the federal test method for measuring the energy consumption of furnaces and boilers contained in 10 C.F.R. Part 430 (Appendix N to subpart B);

(v) the standard for single–voltage external AC to DC power supplies:

1. shall apply to single voltage AC to DC power supplies that are sold individually and to those that are sold as a component of or in conjunction with another product;

2. does not apply to single voltage external AC to DC power supplies that require U.S. Food and Drug Administration listing and approval as a

medical device;

3. shall meet the energy efficiency requirements in the following table:

Nameplate Output Power	Minimum Efficiency in Active Mod
From 0 to less than 1 watt	0.49 times the nameplate output
From 1 watt to not more than 49 watts	the sum 0.09 times the natural logarithm of the nameplate output power (expressed in watts) and 0.4
Greater than 49 watts	0.84

Nameplate Output Power	Maximum Energy Consumption in No–Load Mode
From 0 to less than 10 watts	0.5 watts
From 10 watts to not more than 250 watts	0.75 watts

4. shall be measured in accordance with the test methodology specified by the U.S. Environmental Protection Agency's Energy Star Program, "Test Method for Calculating the Energy Efficiency of Single–Voltage External AC–DC and AC–AC Power Supplies (August 11, 2004)", except that tests shall be conducted at 115 volts only;

(vi) the standard for State–regulated incandescent reflector lamps:

1. shall meet the minimum average lamp efficacy requirements for federally regulated incandescent reflector lamps contained in 42 U.S.C. § 6295 (i)(1)(A); and

2. does not apply to the following types of incandescent reflector lamps:

A. lamps rated at 50 watts or less of the following types: BR30, ER30, BR40, and ER40;

B. lamps rated at 65 watts of the following types: BR30, BR40, and ER40; and

C. R20 lamps of 45 watts or less; and

(vii) walk–in refrigerators and freezers:

1. shall have automatic door closers that firmly close all reach–in doors and that firmly close walk–in doors no wider than 3 feet 9 inches and no higher than 6 feet 11 inches that have been closed to within 1 inch of full closure;

2. shall have wall, ceiling, and door insulation of at least R–28 for refrigerators (door insulation requirements do not apply to glazed portions of doors, nor to structural members);

3. shall have wall, ceiling, and door insulation of at least R–32 for freezers (door insulation requirements do not apply to glazed portions of doors, or to structural members);

4. shall have floor insulation of at least R–28 for freezers;

5. shall have, for single–phase evaporator fan motors of under one horsepower and less than 460 volts, electronically commutated motors;

6. shall have, for condenser fan motors of under one horsepower either electronically commutated motors, permanent split capacitor–type motors, or polyphase motors of at least one–half horsepower;

7. shall have light sources with an efficacy of at least 40 lumens per watt, including any ballast losses, except that light sources with an efficacy of 40 lumens per watt or less, including any ballast losses, may be used in conjunction with a timer or device that turns off the lights within 15 minutes after the walk–in ceases to be occupied; and

8. with transparent reach–in doors and walk–in door windows shall meet the following additional requirements:

A. transparent reach–in doors and windows in walk–in doors for walk–in freezers shall be of triple–pane glass with either heat–reflective treated glass or gas fill;

B. transparent reach–in doors and windows in walk–in doors for walk–in refrigerators shall be either double–pane glass with heat–reflective treated glass and gas fill, or triple pane glass with either heat–reflective treated glass or gas fill;

C. for appliances with an anti–sweat heater without anti–sweat heat controls, the appliance shall have a total door rail, glass, and frame heater power draw not exceeding 7.1 watts per square foot of door opening (freezers) and not exceeding 3.0 watts per square foot of door opening (refrigerators); and

D. for appliances with an anti–sweat heater with anti–sweat heat controls, and a total door rail, glass, and frame heater power draw exceeding 7.1 watts per square foot of door opening (freezers) and 3.0 watts per square foot of door opening (refrigerators), the anti–sweat heat controls shall reduce the energy use of the anti–sweat heater in an amount corresponding to the relative humidity in the air outside the door or to the condensation on the inner glass pane.

(e) (1) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, on or after March 1, 2005, a new product of any type set forth in subsection (b)(1)(i) through (ix) of this section may not be sold or offered for sale in the State unless the efficiency of the new product meets or exceeds the efficiency standards set forth in the regulations adopted under subsection (c) of this section.

(ii) With respect to ceiling fan light kits, energy efficiency standards may not take effect until March 1, 2007.

(iii) With respect to commercial clothes washers, efficiency standards may not take effect until March 1, 2007.

(2) (i) This paragraph does not apply to a product that is sold before the applicable date under paragraph (1) of this subsection.

(ii) Except as provided in subparagraphs (iii) and (iv) of this paragraph, on or after January 1, 2006, a new product of a type set forth in subsection (b)(1)(i) through (ix) of this section may not be installed in the State unless the efficiency of the new product meets or exceeds the efficiency standards set forth in the regulations adopted under subsection (c) of this section.

(iii) Ceiling fan light kits that do not meet the energy efficiency standards may be installed in the State until January 1, 2008.

(iv) Commercial clothes washers that do not meet the efficiency standards under subsection (c)(2)(ix) of this section may be installed in the State until January 1, 2008.

(f) (1) On or after January 1, 2009, no new bottle–type water dispenser, commercial hot food holding cabinet, metal halide lamp fixture, State–regulated incandescent reflector lamp, or walk–in refrigerator or walk–in freezer may be sold or offered for sale in the State unless the efficiency of the new product meets or exceeds the efficiency standards set forth in the regulations adopted under subsection (d) of this section.

(2) On or after March 1, 2012, no new single–voltage external AC to DC power supply may be sold or offered for sale in the State unless the efficiency of the new product meets or exceeds the efficiency standards set forth in the regulations adopted under subsection (d) of this section.

(3) (i) The Administration may adopt regulations to exempt compliance

with the residential furnace AFUE standards under subsection (d)(2)(iv) of this section at any building, site, or location where complying with the standards would conflict with any local zoning ordinance, building or plumbing code, or other rule regarding installation and venting of residential furnaces or residential boilers.

(ii) On or before January 1, 2008, the Administration, in consultation with the Attorney General, shall determine if federal law preempts State implementation of the residential furnace standards.

(iii) The Administration shall make separate determinations with respect to minimum AFUE and maximum electricity ratio standards.

(iv) If the Administration determines that a waiver from federal preemption is not needed, then on the later of January 1, 2009, or 1 year after the date of that determination, a new residential furnace may not be sold or offered for sale in the State unless the efficiency of the new product meets or exceeds the applicable nonpreempted efficiency standards set forth in the regulations adopted under subsection (d) of this section.

(v) If the Administration determines that a waiver from federal preemption is required, then the Administration shall apply for the waiver within 1 year after that determination. On approval of the waiver application, the applicable State standards shall take effect at the earliest date allowed by federal law.

(4) Single–voltage external AC to DC power supplies made available by a manufacturer directly to a consumer or to a service or repair facility after and separate from the original sale of the product requiring the power supply as a service part or spare part may not be required to meet the standards of this section before January 1, 2013.

(5) The Administration may delay implementation of subsection (d)(2)(vii)5 of this section on a determination that the motors are only available from one manufacturer or in insufficient quantities to serve the needs of the walk–in industry for evaporator–fan applications.

(6) One year after the sale or offering for sale of a product becomes subject to the requirements of paragraphs (1), (2), and (3) of this subsection, the product may not be installed for compensation in the State unless the efficiency of the new product meets or exceeds the efficiency standards set forth in the regulations adopted under subsection (d) of this section.

(g) (1) By regulation, the Administration may clarify but not expand the scope of the devices defined under subsections (a) and (b) of this section.

(2) On request of a Maryland business or consumer and after public notice and comment, the Administration may delay the effective date of any standard under this section by not more than 1 year if the Administration determines that products conforming to the standard will not be widely available in Maryland by the applicable

date stated in subsections (e)(1) and (f)(1), (2), and (3) of this section.

(3) The Administration may limit a delay under paragraph (2) of this subsection to identifiable subcategories of any category of covered products.

(h) (1) The Administration may adopt regulations to increase the efficiency standards for the products listed in subsection (b)(1)(x) through (xvi) of this section.

(2) Every 2 years, the Administration shall consider and propose to the General Assembly:

(i) new standards for products not specifically listed in subsection (b)(1) of this section; and

(ii) revised, more stringent standards for products listed in subsection (b)(1) of this section.

(3) In considering new or amended standards, the Administration shall propose new or amended efficiency standards if it determines that any new or increased efficiency standards would:

(i) serve to promote energy conservation in the State;

(ii) be life–cycle cost effective for consumers who purchase and use the new products; and

(iii) be technologically feasible and economically justified.

(4) A new or increased efficiency standard may not become effective less than 1 year after the adoption of that standard.

(5) Subject to paragraphs (6) and (7) of this subsection, the Administration may apply for a waiver of federal preemption in accordance with federal procedures (42 U.S.C. § 6297(d)) for State efficiency standards for any product regulated by the federal government.

(6) The Administration may apply for a waiver under paragraph (5) of this subsection, if:

(i) at least 90 days before the day on which the application for the waiver is submitted to the federal government, the Administration announces its intention to submit the application by publication in the Maryland Register and writing to the presiding officers of the General Assembly; and

(ii) at least 60 days before the day on which the application for the waiver is submitted to the federal government, the Administration, after reasonable notice other than publication in the Maryland Register, shall hold a public hearing on the proposed application to receive public comment.

(7) The President of the Senate and the Speaker of the House of Delegates may direct that the appropriate standing committees of the General Assembly hold hearings on the proposed application for the waiver and provide comments to the Administration.

(i) (1) After public notice and comment, the Administration shall adopt procedures by rule for testing the energy efficiency of the new products listed in subsection (b)(1) of this section if testing procedures are not provided for in the Maryland Building Performance Standards.

(2) The Administration may adopt updated test methods by regulation when new versions of test methods become available or when an alternative test method has been adopted by another state or the federal government.

(3) The Administration shall use appropriate nationally recognized test methods such as those approved by the United States Department of Energy.

(4) The manufacturers of new products listed in subsection (b)(1) of this section shall cause samples of their products to be tested in accordance with the test procedures adopted under this subsection or those specified in the Maryland Building Performance Standards.

(j) (1) Except for those products listed in subsection (b)(1)(xiv) and (xvi) of this section, manufacturers of new products listed in subsection (b)(1) of this section shall certify to the Administration that the products are in compliance with the provisions of this section.

(2) (i) The Administration shall adopt regulations governing the certification of new products and may coordinate with the certification programs of other states with similar standards.

(ii) Any manufacturer that has certified a product to another state or to the federal Energy Star Program may provide the Administration with a copy of the certification that the manufacturer made to the other state or agency in place of a separate certification to the State of Maryland, provided that:

1. the other state's standards or the Energy Star specifications are equivalent to or more stringent than the standards of the State of Maryland; and

2. all information required by the regulations adopted under subparagraph (i) of this paragraph is included in the certification.

(k) (1) Manufacturers of new products listed in subsection (b)(1) of this section shall identify each product offered through retailers for sale or installation in the State as in compliance with the minimum efficiency standards established under subsection (c) of this section by means of a mark, label, or tag on the product or packaging at the time of sale or installation.

(2) (i) The Administration shall adopt regulations governing the identification of such products or packaging which shall be coordinated to the greatest practical extent with the labeling programs and requirements of other states and federal agencies with equivalent efficiency standards.

(ii) If a national efficiency standard is established by federal law or regulation for a product listed in subsection (b) of this section, the labeling requirements set forth in COMAR 14.26.03.10 do not apply to that product.

(iii) In accordance with COMAR 14.26.03.10, all display models of products shall be displayed with a mark, label, or tag on the product.

(l) (1) The Administration may test products listed in subsection (b)(1) of this section using an accredited testing facility.

(2) If products tested are found not to be in compliance with the minimum efficiency standards established under subsections (c) and (d) of this section, the Administration shall:

(i) charge the manufacturer of the product for the cost of product purchase and testing; and

(ii) make information available to the public on products found not to be in compliance with the standards.

(m) (1) With prior notice and at reasonable and convenient hours, the Administration may make periodic inspections of distributors or retailers of new products listed in subsection (b)(1) of this section in order to determine compliance with the provisions of this section.

(2) The Administration shall coordinate with the Department of Housing and Community Development regarding inspections, prior to occupancy, of newly constructed buildings containing new products that are also covered by the Maryland Building Performance Standards.

(n) (1) The Administration may investigate complaints received concerning violations of this section and shall report the results of an investigation to the Attorney General.

(2) The Attorney General may institute proceedings to enforce the provisions of this section.

(3) A manufacturer, distributor, or retailer of new products listed in subsection (b)(1) of this section that violates any provision of this section shall be issued a warning by the Administration for a first violation.

(4) Repeat violators shall be subject to a civil penalty of not more than $250.

(5) Each violation of this section shall constitute a separate offense and each day that a violation continues shall constitute a separate offense.

(6) Penalties assessed under this subsection are in addition to costs assessed under subsection (l)(2)(i) of this section.

(7) Penalties assessed under this subsection shall be paid into the General Fund of the State.

§9–2007.

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

(2) "Installed electricity generation capacity" means the maximum direct current power output in watts of the array of photovoltaic modules rated under standard test condition.

(3) "Photovoltaic property" means solar energy property with an installed electricity generation capacity of 20 kilowatts or less that uses a solar photovoltaic process to generate electricity and that meets applicable performance and quality standards and certification requirements in effect at the time of acquisition of the property, as specified by the Maryland Energy Administration.

(4) "Program" means the Solar Energy Grant Program.

(5) (i) "Solar energy property" means equipment that uses solar energy:

1. to generate electricity;

2. to heat or cool a structure or provide hot water for use in a structure; or

3. to provide solar process heat.

(ii) "Solar energy property" does not include a swimming pool, hot tub, or any other energy storage medium that has a function other than storage.

(6) "Solar water heating property" means solar energy property that:

(i) when installed in connection with a structure, uses solar energy for the purpose of providing hot water for use within the structure; and

(ii) meets applicable performance and quality standards and certification requirements in effect at the time of acquisition of the property, as specified by the Maryland Energy Administration.

(b) There is a Solar Energy Grant Program in the Administration.

(c) The purpose of the Program is to provide grants to individuals, local

governments, and businesses for a portion of the costs of acquiring and installing photovoltaic property and solar water heating property.

(d) The Administration shall:

(1) administer the Program;

(2) establish application procedures for the Program; and

(3) award grants from the Program.

(e) A grant awarded under the Program may not exceed:

(1) for photovoltaic property, the lesser of $2,500 per kilowatt of installed electricity generation capacity or $10,000; and

(2) for solar water heating property, the lesser of $3,000 or 30% of the total installed cost of the solar water heating property.

(f) Subject to the limitations in subsection (e) of this section, the Administration may adjust the grant amounts under the Program to reflect market conditions and the prevailing prices of photovoltaic property and solar water heating property.

§9–2008.

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

(2) "Geothermal heat pump" means a heating and cooling device that is installed using ground loop technology.

(3) "Program" means the Geothermal Heat Pump Grant Program.

(4) "Ton" means 1 standard ton of refrigeration equal to 12,000 British thermal units of heat removal per hour.

(b) There is a Geothermal Heat Pump Grant Program in the Administration.

(c) The purpose of the Program is to provide grants to individuals for a portion of the cost of acquiring and installing a geothermal heat pump.

(d) The Administration shall:

(1) administer the Program;

(2) establish application procedures for the Program; and

(3) award grants from the Program.

(e) A grant awarded under the Program may not exceed the lesser of:

(1) $1,000 per ton or $3,000 for a residential system; and

(2) $1,000 per ton or $10,000 for a nonresidential system.

(f) Subject to the limitations in subsection (e) of this section, the Administration may adjust the grant amounts under the Program to reflect market conditions and the prevailing prices of geothermal heat pump systems.

§9–2009.

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

(2) "Electric vehicle recharging equipment rebate" means a rebate issued by the Administration under this section for the cost of qualified electric vehicle recharging equipment.

(3) "Qualified electric vehicle recharging equipment" means property in the State that is used for recharging motor vehicles propelled by electricity.

(4) "Retail service station dealer" has the meaning stated in § 10–101 of the Business Regulation Article.

(b) (1) There is an Electric Vehicle Recharging Equipment Rebate Program.

(2) The Administration shall administer the Program.

(c) (1) For fiscal years 2015 through 2017, subject to the provisions of this section, an individual, a business entity, or a unit of State or local government may apply to the Administration for an electric vehicle recharging equipment rebate for the costs of acquiring and installing qualified electric vehicle recharging equipment.

(2) For each fiscal year, the total amount of rebates issued by the Administration may not exceed $600,000.

(3) The Administration may allow an applicant to include reasonable installation costs in the cost of qualified electric vehicle recharging equipment for the purpose of calculating the amount of an electric vehicle recharging equipment rebate.

(d) Subject to subsection (e) of this section, the Administration may issue an electric vehicle recharging equipment rebate to:

(1) an individual in an amount equal to the lesser of:

(i) 50% of the costs of acquiring and installing qualified electric vehicle recharging equipment; or

(ii) $900;

(2) except as provided in item (3) of this subsection, a business entity or

unit of State or local government in an amount equal to the lesser of:

(i) 50% of the costs of acquiring and installing qualified electric vehicle recharging equipment; or

(ii) $5,000; or

(3) a retail service station dealer in an amount equal to the lesser of:

(i) 50% of the costs of acquiring and installing qualified electric vehicle recharging equipment; or

(ii) $7,500.

(e) An electric vehicle recharging equipment rebate issued under this section is limited to the acquisition of one recharging system per individual.

(f) (1) The Administration may adopt regulations to carry out this section.

(2) The regulations adopted under this subsection may include:

(i) further limitations on the maximum amount of an electric vehicle recharging equipment rebate that may be claimed by an applicant under subsection (d) of this section;

(ii) a requirement that an applicant demonstrate compliance with a State, local, or federal law that applies to the installation or operation of the qualified electric vehicle recharging equipment; and

(iii) any additional application and qualification requirements deemed appropriate by the Administration.

§9–20A–01.

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

(b) "Administration" means the Maryland Energy Administration.

(c) "Borrower" means an eligible local jurisdiction, nonprofit organization, or eligible business that applies and qualifies for a loan under this Program.

(d) "Eligible business" means a commercial enterprise or business that is in good standing with the State Department of Assessments and Taxation and is:

(1) incorporated in the State; or

(2) registered to do business in the State.

(e) "Energy cost savings" means the actual reduction in operating expenses

resulting from the installation, operation, and maintenance of a project financed under the Program.

(f) "Fund" means the Jane E. Lawton Conservation Fund.

(g) (1) "Local jurisdiction" means any county or municipality of the State.

(2) "Local jurisdiction" includes:

(i) a board of education of a county or municipality;

(ii) a special district that is established by State law and that operates within a single county;

(iii) a special district that is established by a county under public general law; and

(iv) an office, board, or department that is established in a county under State law and that is funded, under State law, at least in part by the county governing body.

(h) "Municipality" means any municipal corporation in the State that is subject to the provisions of Article XI–E of the Maryland Constitution or any duly authorized agency or instrumentality of the municipality.

(i) "Nonprofit organization" means a corporation, foundation, school, hospital, or other legal entity, no part of the net earnings of which inure to the benefit of any private shareholder or individual holding an interest in the entity.

(j) "Program" means the Jane E. Lawton Conservation Loan Program.

(k) (1) "Project" means one or more improvements or modifications that enhance the energy efficiency and reduce the operating expenses of a structure located in Maryland.

(2) "Project" does not include improvements or modifications for energy conservation or renewable energy generation in structures used primarily for religious or fraternal activities.

§9–20A–02.

There is a Jane E. Lawton Conservation Loan Program in the Administration.

§9–20A–03.

The purpose of the Program is to provide financial assistance in the form of low interest loans to nonprofit organizations, local jurisdictions, and eligible businesses for projects in order to:

(1) promote energy conservation;

(2) reduce consumption of fossil fuels;

(3) improve energy efficiency; and

(4) enhance energy–related economic development and stability in the nonprofit, commercial, and industrial sectors.

§9–20A–04.

The Administration shall:

(1) manage, supervise, and administer the Program;

(2) adopt regulations to ensure that loans are provided only to projects that carry out the purpose of the Program;

(3) attach specific terms to any loan that are considered necessary to ensure that the purpose of the Program is fulfilled; and

(4) develop procedures for monitoring projects to assess whether the improvements or modifications made by an eligible entity or business that had received a loan under the Program have resulted in a measurable reduction in energy consumption.

§9–20A–05.

(a) (1) To receive a loan under the Program, a borrower must file an application with the Administration.

(2) If the borrower is an eligible business, the application must be signed by the chief operating officer or an authorized officer of the business.

(3) If the borrower is a local jurisdiction, the application must be signed by the chief elected officer of the county or municipality, or if none, by the governing body of the county or municipality in which the project is located.

(4) If the borrower is a public school, the application must be signed by the board of education of the county in which the project is located.

(b) The application shall contain any information the Administration determines is necessary, including:

(1) the projected cost to accomplish a proposed project;

(2) the amount of energy or fuel a proposed project is expected to save over a defined period of time after completion of the project;

(3) the anticipated environmental benefits in the form of reduced emissions or pollution attributable to the proposed project;

(4) the amount of cost savings expected to be generated over a defined period of time after completion of the proposed project;

(5) a description of the borrower's contribution to a proposed project as required by § 9–20A–06 of this subtitle; and

(6) any additional information relating to the borrower or the proposed project that may be required by the Administration in order to administer the Program.

§9–20A–06.

(a) Loans from the Fund may be used for:

(1) the costs of implementing projects, including the costs of all necessary:

(i) technical assessments;

(ii) studies;

(iii) surveys;

(iv) plans and specifications; and

(v) start–up, architectural, engineering, or other special services;

(2) the costs of procuring necessary technology, equipment, licenses, or materials; and

(3) the costs of construction, rehabilitation, or modification, including the purchase and installation of any necessary machinery, equipment, or furnishings.

(b) Each borrower shall make a contribution to a project that is of a type and amount acceptable to the Administration.

(c) The borrower must document that the anticipated energy cost savings to the borrower over a defined period according to a methodology acceptable to the Administration after the completion of the project are greater than the total cost of the project to the borrower.

(d) Loans made under the Program shall:

(1) be repayable by the borrower from specified revenues that may include the energy cost savings generated by a project;

(2) bear interest at a rate that the Administration determines to be necessary and reasonable for the project; and

(3) be repayable in accordance with a schedule that the Administration sets, which may be on a deferred payment basis.

(e) (1) A borrower shall provide assurances for the repayment of a loan.

(2) The assurances:

(i) shall include a promissory note; and

(ii) may include superior or subordinate mortgage liens, guarantees of repayment, or other forms of collateral.

(f) Loans may be made in conjunction with, or in addition to, financial assistance provided through other State or federal programs.

§9–20A–07.

(a) There is a Jane E. Lawton Conservation Fund.

(b) The Administration shall administer the Fund.

(c) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund and the Comptroller shall account for the Fund.

(d) The Fund consists of:

(1) money appropriated in the State budget to the Program;

(2) money received from any public or private source;

(3) interest and investment earnings on the Fund; and

(4) repayments and prepayments of principal and interest on loans made from the Fund.

(e) The Fund may be used only:

(1) to pay the expenses of the Program;

(2) to provide loans to eligible borrowers and projects; and

(3) to enhance the credit of a financing offered by eligible banks and other financial institutions for projects.

(f) (1) The State Treasurer shall invest and reinvest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be paid into the Fund.

(3) Any repayment of principal and interest on loans made from the Fund shall be paid into the Fund.

(g) (1) The Administration shall annually reserve for at least 90 days a portion of the money from the Fund that is available for financial assistance under the Program for loans to nonprofit organizations.

(2) In a fiscal year in which requests for financial assistance from nonprofit organizations are less than the amount of money reserved under paragraph (1) of this subsection for the period determined by the Administration, the Administration may make the unencumbered or noncommitted portion of the reserve available to other borrowers in the Program.

§9–20A–08.

The Administration may enter into contracts with third parties to make, service, or settle loans made under this subtitle.

§9–20A–09.

(a) The Administration may use the Fund to enhance the credit of a financing offered by a bank or other financial institution for a project.

(b) A credit enhancement issued in accordance with subsection (a) of this section shall:

(1) carry out the purpose of the Program in a manner the Administration considers appropriate;

(2) facilitate financing of at least one project of a local jurisdiction, nonprofit organization, or eligible business; and

(3) be offered only to a bank or other financial institution in good standing with the State Department of Assessments and Taxation that is:

(i) incorporated in the State; or

(ii) registered to do business in the State.

(c) The Administration may assess a reasonable fee to a participating bank or financial institution for the administration of this section.

(d) The Administration shall adopt regulations to carry out this section.

§9–20A–10.

(a) A person may not knowingly make or cause to be made any false statement

or report in any document required to be furnished to the Administration by any agreement relating to financial assistance.

(b) A person applying for financial assistance may not knowingly make or cause to be made any false statement for the purpose of influencing any action of the Administration on an application for financial assistance or for the purpose of influencing any action of the Administration affecting financial assistance already provided.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50,000 or imprisonment not exceeding 1 year or both.

§9–20B–01.

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

(b) "Administration" means the Maryland Energy Administration.

(c) "Board" means the Strategic Energy Investment Advisory Board established under § 9–20B–07 of this subtitle.

(d) "Fund" means the Maryland Strategic Energy Investment Fund.

(e) "Program" means the Maryland Strategic Energy Investment Program.

§9–20B–02.

There is a Maryland Strategic Energy Investment Program in the Maryland Energy Administration.

§9–20B–03.

The purpose of the Program is to decrease energy demand and increase energy supply to promote affordable, reliable, and clean energy to fuel Maryland's future prosperity.

§9–20B–04.

The Administration shall:

(1) manage, supervise, and administer the Program;

(2) adopt regulations to implement the Program and to ensure that Fund resources are utilized only to carry out the purposes of the Program;

(3) attach specific terms and conditions to any grant, loan, or other form of assistance that are determined by the Administration as necessary to ensure that the purposes of the Program are fulfilled;

(4) develop procedures for monitoring programs, projects, activities, and investments to verify that Fund resources are being used to meet the purposes of the Program; and

(5) provide moneys annually or as needed to the Clean Air Fund managed by the Department of the Environment to fund the costs of the Department's programs to reduce or mitigate the effects of climate change.

§9–20B–05.

(a) There is a Maryland Strategic Energy Investment Fund.

(b) The purpose of the Fund is to implement the Strategic Energy Investment Program.

(c) The Administration shall administer the Fund.

(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

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

(e) The Fund consists of:

(1) all of the proceeds from the sale of allowances under § 2–1002(g) of the Environment Article;

(2) money appropriated in the State budget to the Program;

(3) repayments and prepayments of principal and interest on loans made from the Fund;

(4) interest and investment earnings on the Fund;

(5) compliance fees paid under § 7–705 of the Public Utilities Article;

(6) money received from any public or private source for the benefit of the Fund; and

(7) money transferred from the Public Service Commission under § 7–207.2(c)(3) of the Public Utilities Article.

(f) The Administration shall use the Fund:

(1) to invest in the promotion, development, and implementation of:

(i) cost–effective energy efficiency and conservation programs, projects, or activities, including measurement and verification of energy savings;

(ii) renewable and clean energy resources;

(iii) climate change programs directly related to reducing or mitigating the effects of climate change; and

(iv) demand response programs that are designed to promote changes in electric usage by customers in response to:

1. changes in the price of electricity over time; or

2. incentives designed to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized;

(2) to provide targeted programs, projects, activities, and investments to reduce electricity consumption by customers in the low–income and moderate–income residential sectors;

(3) to provide supplemental funds for low–income energy assistance through the Electric Universal Service Program established under § 7–512.1 of the Public Utilities Article and other electric assistance programs in the Department of Human Resources;

(4) to provide rate relief by offsetting electricity rates of residential customers, including an offset of surcharges imposed on ratepayers under § 7–211 of the Public Utilities Article;

(5) to provide grants, loans, and other assistance and investment as necessary and appropriate to implement the purposes of the Program as set forth in § 9–20B–03 of this subtitle;

(6) to implement energy–related public education and outreach initiatives regarding reducing energy consumption and greenhouse gas emissions;

(7) to provide rebates under the Electric Vehicle Recharging Equipment Rebate Program established under § 9–2009 of this title;

(8) to provide grants to encourage combined heat and power projects at industrial facilities; and

(9) to pay the expenses of the Program.

(g) Proceeds received by the Fund from the sale of allowances under § 2–1002(g) of the Environment Article shall be allocated as follows:

(1) at least 50% shall be credited to an energy assistance account to be used for the Electric Universal Service Program and other electricity assistance programs in the Department of Human Resources;

(2) at least 20% shall be credited to a low and moderate income efficiency and conservation programs account and to a general efficiency and conservation programs account for energy efficiency and conservation programs, projects, or activities and demand response programs, of which at least one–half shall be targeted to the low and moderate income efficiency and conservation programs account for:

(i) the low–income residential sector at no cost to the participants of the programs, projects, or activities; and

(ii) the moderate–income residential sector;

(3) at least 20% shall be credited to a renewable and clean energy programs account for:

(i) renewable and clean energy programs and initiatives;

(ii) energy–related public education and outreach; and

(iii) climate change and resiliency programs; and

(4) up to 10%, but not more than $5,000,000, shall be credited to an administrative expense account for costs related to the administration of the Fund, including the review of electric company plans for achieving electricity savings and demand reductions that the electric companies are required under law to submit to the Administration.

(h) (1) Energy efficiency and conservation programs under subsection (g)(2) of this section include:

(i) low–income energy efficiency programs;

(ii) residential and small business energy efficiency programs;

(iii) commercial and industrial energy efficiency programs;

(iv) State and local energy efficiency programs;

(v) demand response programs;

(vi) loan programs and alternative financing mechanisms; and

(vii) grants to training funds and other organizations supporting job training for deployment of energy efficiency and energy conservation technology and equipment.

(2) Energy–related public education and outreach and renewable and clean energy programs and initiatives under subsection (g)(3)(i) and (ii) of this section include:

(i) production incentives for specified renewable energy sources;

(ii) expansion of existing grant programs for solar, geothermal, and wind programs;

(iii) loan programs and alternative financing mechanisms; and

(iv) consumer education and outreach programs that are designed to reach low–income communities.

(i) (1) Except as provided in paragraph (2) of this subsection, compliance fees paid under § 7–705(b) of the Public Utilities Article may be used only to make loans and grants to support the creation of new Tier 1 renewable energy sources in the State.

(2) Compliance fees paid under § 7–705(b)(2)(i)2 of the Public Utilities Article shall be accounted for separately within the Fund and may be used only to make loans and grants to support the creation of new solar energy sources in the State.

(j) (1) The Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be paid into an administrative expense account within the Fund.

(3) Any repayment of principal and interest on loans made from the Fund shall be paid into the Fund.

(4) Balances in the Fund shall be held for the benefit of the Program, shall be expended solely for the purposes of the Program, and may not be used for the general obligations of government.

(k) Expenditures from the Fund shall be made by:

(1) an appropriation in the annual State budget; or

(2) a budget amendment in accordance with § 7–209 of the State Finance and Procurement Article.

(l) An expenditure by budget amendment may be made under subsection (k) of this section only after:

(1) the Administration has submitted the proposed budget amendment and supporting documentation to the Senate Budget and Taxation Committee, Senate Finance Committee, House Appropriations Committee, and House Economic Matters Committee; and

(2) the committees have had 45 days for review and comment.

§9–20B–06.

(a) On or before December 15, 2008, the Administration shall develop a plan for expenditures from the Fund for fiscal year 2009 and fiscal year 2010.

(b) On or before September 1, 2009, and every 3 years thereafter, the Administration shall develop a plan for expenditures covering the next 3 fiscal years.

(c) (1) The Administration shall hold one or more public meetings in conjunction with the development of a plan.

(2) The Administration:

(i) shall hold at least four public meetings across the State during the development of the initial plan under subsection (a) of this section, in the eastern, southern, central, and western parts of the State, respectively; and

(ii) is encouraged to solicit input from all regions of the State in developing subsequent plans under this section.

(3) The Administration shall submit a plan to the Board for review.

§9–20B–07.

(a) There is a Strategic Energy Investment Advisory Board.

(b) (1) The Board shall review the Program and the Administration's proposed uses of and expenditures from the Fund and make recommendations to the Administration concerning any proposed use or expenditure.

(2) The Administration shall consider the Board's recommendations when making decisions about uses and expenditures from the Fund.

(c) The Board consists of the following members:

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

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

(3) the following members appointed by the Governor:

(i) two representatives of Maryland residential customers;

(ii) a representative of Maryland commercial customers;

(iii) a representative of large electricity users in the State;

(iv) a representative of an electric company;

(v) a representative of an electric cooperative;

(vi) a representative of electricity suppliers;

(vii) a representative of a Maryland environmental group; and

(viii) a representative of a renewable electricity industry; and

(4) the following nonvoting ex officio members:

(i) the Chairman of the Public Service Commission or the Chairman's designee;

(ii) the People's Counsel or the designee of the People's Counsel; and

(iii) the Secretary of the Environment or the Secretary's designee.

(d) If a regulated lobbyist is appointed to serve as a member of the Board, the lobbyist:

(1) is not subject to § 5–504(d) of the General Provisions Article with respect to that service; and

(2) is not subject to § 5–704(f)(3) of the General Provisions Article as a result of that service.

(e) (1) The term of a member appointed by the Governor is 3 years.

(2) The terms of the members appointed by the Governor are staggered as required by the terms provided for members of the Board on June 1, 2008.

(3) The Board shall meet at least 2 times each year.

(4) The Board may act only by the affirmative vote of at least six voting members.

(5) A member of the Board:

(i) may not receive compensation as a member of the Board; but

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

(f) The Administration shall provide staff support for the Board.

§9–20B–08.

(a) The Administration regularly shall disclose summary information regarding any contract entered into by the Administration that encumbers $100,000 or more from

the Fund.

(b) For each of the contracts specified under subsection (a) of this section, the following information shall be posted on the Administration's Web site on a quarterly basis:

(1) the name and business address of the parties of the contract;

(2) a summary of the goods and services to be provided under the contract; and

(3) the maximum amount of moneys from the Fund that may be obligated by the contract.

§9–20B–09.

(a) The Administration shall monitor and analyze the impact of each program, project, activity, and investment to ensure that the outcome of each program, project, activity, or investment achieves the purposes of the Program.

(b) In monitoring and analyzing the impact of a program, project, activity, or investment under subsection (a) of this section, if the Administration finds that the outcome of the program, project, activity, or investment is not achieving the purposes of the Program, the Administration shall take specific measures to address the findings.

§9–20B–10.

The Administration may enter into contracts with third parties to assist in the development and implementation of programs and projects that will advance the purposes of the Program or to administer the Program, including contracts with third parties to make, service, or settle loans and other assistance or investments made through the Program.

§9–20B–11.

(a) A person may not knowingly make or cause to be made any false statement or report in any document required to be furnished to the Administration by any agreement relating to a grant, loan, or other financial assistance.

(b) A person applying for a grant, loan, or other financial assistance through the Program may not knowingly make or cause to be made any false statements for the purpose of influencing any action of the Administration on an application or for the purpose of influencing any action of the Administration affecting any grant, loan, or other financial assistance already provided.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50,000 or imprisonment not exceeding 1 year or both.

§9–20B–12.

(a) On or before January 1 of each year, the Administration shall report to the Governor and, in accordance with § 2–1246 of this article, to the General Assembly on the uses and expenditures of the Fund from the prior fiscal year.

(b) The report shall include:

(1) a detailed accounting of all amounts received by and disbursed from the Fund, including the amount and recipient of each grant awarded by the Administration;

(2) all amounts used by the Administration for administrative purposes;

(3) programs, projects, and activities included in each category under § 9–20B–05(g) of this subtitle;

(4) the status of programs, projects, activities, and investments implemented with funds from the Fund, including an evaluation of the impact of the programs, projects, activities, and investments that are directed to low–income or moderate–income residential sectors or to other particular classes of ratepayers;

(5) an estimate of electricity savings from the programs, projects, activities, and investments;

(6) the number of allowances sold in each auction;

(7) the average allowance price from each auction;

(8) an estimate of revenue from future auctions; and

(9) recommendations for changes to the allocation of funds under § 9–20B–05(g) of this subtitle.

§9–20C–01.

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

(b) "Administration" means the Maryland Energy Administration.

(c) "Advisory Committee" means the Maryland Offshore Wind Business Development Advisory Committee established under § 9–20C–02 of this subtitle.

(d) "Director" means the Director of the Maryland Energy Administration.

(e) "Emerging business" means a business that is at least 51% owned and controlled by an individual or individuals who are certified to have a personal net worth, as defined in § 14–301 of the State Finance and Procurement Article, that does not exceed $6,500,000 as adjusted each year for inflation according to the Consumer Price Index.

(f) "Fund" means the Maryland Offshore Wind Business Development Fund established under § 9–20C–03 of this subtitle.

(g) "Minority" means an individual who is a member of any of the groups listed in § 14–301(k)(1)(i) of the State Finance and Procurement Article.

§9–20C–02.

(a) There is a Maryland Offshore Wind Business Development Advisory Committee.

(b) The Advisory Committee shall make recommendations to the Administration on the most effective manner to use money in the Fund consistent with the purposes of the Fund.

(c) The Advisory Committee consists of the following members:

(1) two members of the Senate of Maryland, one from each of the principal political parties, appointed by the President of the Senate;

(2) two members of the House of Delegates, one from each of the principal political parties, appointed by the Speaker of the House;

(3) the Director or the Director's designee;

(4) the Secretary of Commerce, or the Secretary's designee;

(5) the Special Secretary of the Governor's Office of Minority Affairs, or the Special Secretary's designee; and

(6) the following 12 members, appointed by the Governor:

(i) 1 representative of a public institution of higher education in the State;

(ii) 1 representative of a historically black or African American university in the State;

(iii) 1 representative of the State's community colleges;

(iv) 1 representative of the Maryland Independent Colleges and Universities Association;

(v) 1 representative of the Maryland Small Business Development Center Network;

(vi) 1 representative of the Maryland Business Coalition for Offshore Wind;

(vii) 1 representative of a business incubator in the State with experience in providing services to minority business enterprises as defined in § 14–301 of the State Finance and Procurement Article, or to emerging businesses, including emerging businesses owned by minorities;

(viii) 1 individual with experience in providing business financing to minority business enterprises as defined in § 14–301 of the State Finance and Procurement Article, or to emerging businesses, including emerging businesses owned by minorities;

(ix) 1 representative of an offshore wind developer;

(x) 1 representative of an original equipment manufacturer;

(xi) 1 individual who is a minority business advocate; and

(xii) 1 individual with experience in offshore wind supply chain issues.

(d) The Governor shall appoint the chair of the Advisory Committee.

(e) The Administration shall provide staff for the Advisory Committee.

(f) A member of the Advisory Committee:

(1) may not receive compensation as a member of the Advisory Committee; but

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

(g) (1) On or before December 31, 2013, the Advisory Committee shall provide written recommendations to the Administration regarding the most effective use of money in the Fund in order to maximize opportunities for emerging businesses in the State, including minority–owned emerging businesses, to participate in the offshore wind industry.

(2) In making a recommendation under paragraph (1) of this subsection, the Advisory Committee shall consider opportunities to maximize leveraging opportunities, mentoring and protege models, innovation clusters, existing incubator and business development programs, and the appropriate role of partnerships with the State's universities and community colleges.

(3) On or before December 31, 2014, the Advisory Committee shall provide updated recommendations to the Administration.

(h) On completion and submission of the written recommendations required under subsection (g) of this section, the Advisory Committee shall terminate its operation and cease to meet.

§9–20C–03.

(a) There is a Maryland Offshore Wind Business Development Fund in the Administration.

(b) The purposes of the Fund are to:

(1) provide financial assistance, business development assistance, and employee training opportunities for the benefit of emerging businesses in the State, including minority–owned emerging businesses, to prepare those businesses to participate in the emerging offshore wind industry; and

(2) encourage emerging businesses in the State, including minority–owned emerging businesses, to participate in the emerging offshore wind industry.

(c) The Administration may use the Fund to:

(1) carry out the purposes of the Fund; and

(2) pay the costs of implementing this subtitle.

(d) The Director shall manage and supervise the Fund.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to reversion under § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(f) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money.

(2) Any investment earnings of the Fund shall be credited to the Fund.

(g) The Fund consists of:

(1) money appropriated by the State to the Fund;

(2) money paid to the Fund by a qualified offshore wind project under § 7–704.1(g) of the Public Utilities Article;

(3) money made available to the Fund through federal programs or private contributions;

(4) repayment of principal or payment of interest on a loan made from the Fund;

(5) proceeds from the sale, disposition, lease, or rental by the

Administration of collateral related to financing that the Administration provides under this subtitle;

(6) investment earnings of the Fund; and

(7) any other money made available to the Administration for the Fund.

(h) (1) In fiscal years 2014 and 2015, $1,500,000 shall be transferred from the Strategic Energy Investment Fund to the Fund.

(2) In fiscal year 2016, $1,000,000 shall be transferred from the Strategic Energy Investment Fund to the Fund.

§9–20C–04.

(a) When determining how most effectively to use the money in the Fund, the Administration shall consider the recommendations of the Advisory Committee.

(b) In carrying out this subtitle, and consistent with the purposes of the Fund, the Administration may contract with:

(1) experts in the area of offshore wind energy;

(2) the Small Business Development Center Network in the University of Maryland; and

(3) entities experienced in assisting emerging businesses, including minority–owned emerging businesses, in accessing market opportunities.

(c) (1) Except as provided in paragraph (2) of this subsection, Division II of the State Finance and Procurement Article does not apply to a service that the Administration obtains under this section.

(2) The Administration is subject to Title 12, Subtitle 4 of the State Finance and Procurement Article for services under this section.

§9–20D–01.

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

(b) "Administration" means the Maryland Energy Administration.

(c) "Program" means the Regulated Sustainable Energy Contract Program.

(d) "Qualified contractor" means a person authorized by the Administration under this subtitle to provide sustainable energy products to residential property owners under a regulated sustainable energy contract.

(e) "Regulated sustainable energy contract" means a contract between a

residential property owner and a qualified contractor that:

(1) meets the requirements of § 9–20D–04 of this subtitle; and

(2) does not exceed $30,000.

(f) "Residential energy efficiency measure" means a product or an improvement to a structure that, when installed, results in a reduction of energy usage in that structure.

(g) "Residential renewable energy installation" means a product that, when installed on residential property, provides energy savings or generates energy from a renewable source.

§9–20D–02.

This subtitle is intended to promote energy conservation and the use of renewable energy by providing a secure form of long–term financing to facilitate the implementation of residential renewable energy installations and residential energy efficiency measures on or in residential properties.

§9–20D–03.

(a) The Administration may create a Regulated Sustainable Energy Contract Program to authorize qualified contractors to provide residential renewable energy installations and residential energy efficiency measures to residential property owners under regulated sustainable energy contracts in accordance with this subtitle.

(b) The Administration shall manage, supervise, and administer a Program created under this subtitle.

(c) If the Administration creates a Program under this subtitle, the Administration shall adopt regulations that:

(1) ensure that financing is provided only to a project that carries out the purposes stated in a regulated sustainable energy contract;

(2) establish eligibility criteria for qualified contractors, including a required minimum level of capitalization;

(3) establish eligibility requirements for property owners that give due regard to the owner's ability to pay in a manner substantially similar to the requirements for a mortgage loan under §§ 12–127, 12–311, 12–409.1, 12–925, and 12–1029 of the Commercial Law Article;

(4) define and place limits on eligible residential renewable energy installations and eligible residential energy efficiency measures;

(5) establish cost–effectiveness requirements for eligible residential renewable energy installations and eligible residential energy efficiency measures;

(6) establish payback requirements, rate–of–return and interest rate guidelines, and limits for regulated sustainable energy contracts;

(7) establish mechanisms for independent quality control and quality assurance;

(8) market the Program to property owners and potential qualified contractors; and

(9) provide a process for adopting brand names for the Program as well as elements of the Program.

(d) The Administration may enter into contracts with third parties to ensure that:

(1) financing is provided only to projects that carry out the terms and conditions of regulated sustainable energy contracts; and

(2) the purposes of the Program are fulfilled.

(e) The Administration may collect reasonable fees from qualified contractors to:

(1) ensure that the purposes of the Program are fulfilled; and

(2) carry out the Administration's duties under this subtitle.

(f) The Administration may authorize qualified contractors to:

(1) enter into regulated sustainable energy contracts with individual residential property owners, groups of residential property owners, or the builder of a new residential structure;

(2) directly bill, in accordance with the rate and payment schedules provided in the regulated sustainable energy contract, each property owner that:

(i) is a party to a regulated sustainable energy contract; or

(ii) owns property subject to a regulated sustainable energy contract; and

(3) enforce payment under a regulated sustainable energy contract in accordance with § 9–20D–08 of this subtitle.

(g) The Administration may:

(1) limit the authorization of a qualified contractor to a particular territory or specified residential renewable energy installation; and

(2) authorize more than one qualified contractor to operate in a particular territory or to offer specified residential renewable energy installation.

(h) The Administration:

(1) before developing and implementing a Program, shall perform a study to assess:

(i) the feasibility of the Program; and

(ii) the Administration's abilities to fulfill its duties regarding the Program under this subtitle;

(2) may develop and implement a test or pilot program; and

(3) notwithstanding the provisions in this subtitle, shall ensure that any financing authorized under this subtitle shall comply with applicable provisions in Title 12, Subtitles 1, 3, 4, 6, 9, and 10 of the Commercial Law Article.

§9–20D–04.

(a) Under a Program created in accordance with § 9–20D–03(a) of this subtitle, a regulated sustainable energy contract shall:

(1) meet the requirements established by the Administration under subsection (d) of this section; and

(2) require, for each property expected to be subject to the regulated sustainable energy contract, the qualified contractor to notify, by first–class certified mail, any party that holds a recorded mortgage or deed of trust on property of:

(i) the expected existence and terms of the regulated sustainable energy contract; and

(ii) the right of the party that holds a recorded mortgage or deed of trust to object to the contract as provided in subsection (b) of this section.

(b) (1) A party that holds a recorded mortgage or deed of trust on property that would be subject to a regulated sustainable energy contract has 30 days from receipt of the notice required under subsection (a)(2) of this section to object to the contract.

(2) Any objection to the contract on the part of a party that holds a recorded mortgage or deed of trust on the property must be in writing and addressed to the owner of the property and the qualified contractor.

(c) If an objection is made under subsection (b) of this section by a party that

holds a recorded mortgage or deed of trust on the property, the regulated sustainable energy contract may not become effective and if executed shall be void.

(d) When creating a Program under this subtitle, the Administration shall, by order or regulation, establish specific requirements for a regulated sustainable energy contract under this subtitle, including:

(1) terms and conditions, including:

(i) interest rates, schedules, and rates for repayment;

(ii) a requirement that, if there is no objection by a party that holds a recorded mortgage or deed of trust, the regulated sustainable energy contract be recorded in the land records of the county in which the property is located;

(iii) time frames for the recordation; and

(iv) any terms and conditions required to create and enforce a lien under the Maryland Contract Lien Act, Title 14, Subtitle 2 of the Real Property Article;

(2) eligibility requirements for property owners that give due regard to the owner's ability to pay in a manner substantially similar to the requirements for a mortgage loan under §§ 12–127, 12–311, 12–409.1, 12–925, and 12–1029 of the Commercial Law Article; and

(3) mechanisms:

(i) for quality control; and

(ii) to ensure that the savings to the property owner under a regulated sustainable energy contract outweigh the cost of the regulated sustainable energy contract.

§9–20D–05.

A qualified contractor may not enter into a regulated sustainable energy contract unless, for each property that would be subject to the regulated sustainable energy contract:

(1) property taxes and mortgage debt are current;

(2) there are no outstanding or unsatisfied liens;

(3) there are no notices of default or other evidence of property–based debt delinquency for the lesser of:

(i) the 3 years immediately preceding the contract date; or

(ii) the length of time that the property owner has owned the

property; and

(4) the regulated sustainable energy contract has not been objected to under § 9–20D–04(b) of this subtitle by a party that holds a recorded mortgage or deed of trust on the property that would be subject to the regulated sustainable energy contract.

§9–20D–06.

(a) A property owner may subject property to a regulated sustainable energy contract by recording or authorizing the recordation of the regulated sustainable energy contract among the land records in the county where the property is located.

(b) (1) Subject to § 9–20D–08 of this subtitle, a person who acquires property subject to a regulated sustainable energy contract, whether by purchase or other means, assumes the obligation to pay the qualified contractor in accordance with the rate and payment schedules in the regulated sustainable energy contract.

(2) A person selling or transferring a property subject to a regulated sustainable energy contract shall provide written notice to the person acquiring the property that the person acquiring the property shall assume the obligation to pay the qualified contractor in accordance with the rate and payment schedules in the regulated sustainable energy contract.

§9–20D–07.

The Administration may revoke the authorization of a qualified contractor under this subtitle if the Administration determines that:

(1) the qualified contractor is not complying with the terms of the authorization;

(2) there is an excessive number of consumer complaints; or

(3) the authorization is no longer serving the purpose of this subtitle.

§9–20D–08.

(a) (1) Subject to subsection (c) of this section, a qualified contractor may collect payments under a regulated sustainable energy contract that are in arrears, including the principal, interest, late charges, costs of collection, and reasonable attorney's fees, by the imposition of a lien on property that is subject to the contract in accordance with the Maryland Contract Lien Act, Title 14, Subtitle 2 of the Real Property Article.

(2) A lien imposed under paragraph (1) of this subsection may not take priority over a lien, mortgage, deed of trust, or other security interest that is already attached to the property.

(b) If a property subject to a regulated sustainable energy contract is foreclosed under Title 7, Subtitle 1 of the Real Property Article, any deficiency due as a result of a lien arising from the regulated sustainable energy contract shall be:

(1) added to the total balance due on the contract; and

(2) subject to periodic payment as provided in the contract.

(c) (1) If a party that holds a recorded mortgage or deed of trust on a property subject to a regulated sustainable energy contract acquires the property through foreclosure, the party may not be charged for any amount due on the regulated sustainable energy contract.

(2) Payment on a regulated sustainable energy contract shall resume when the property subject to the regulated sustainable energy contract is sold or transferred to a person who is not related to the person who held the recorded mortgage or deed of trust when the property was foreclosed.

§9–2201.

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

(b) "Application service provider" means an entity that provides access to or deployment of business software applications and services over the Internet.

(c) "ASP" means application service provider.

(d) "Board" means the CEO Board of Advisors for E-Commerce.

(e) "Consortium" means the "eMaryland" ASP Consortium.

(f) "E-commerce" means electronic business and commerce.

§9–2202.

The CEO Board of Advisors for E-Commerce and the "eMaryland" ASP Consortium are established under this subtitle to assist in the State's efforts to create the most advanced electronic business environment in the nation and become an international leader in the deployment of new Internet technologies.

§9–2203.

(a) There is a CEO Board of Advisors for E-Commerce.

(b) (1) The Board may not exceed 12 members and shall be appointed by the Governor with the advice and consent of the Senate and serve at the pleasure of the Governor.

(2) Each member of the Board serves for a period of 3 years and may be

reappointed.

(3) The Governor shall designate two representatives of State government to serve as ex officio members of the Board.

(4) The members appointed by the Governor shall be industry leaders who have substantial experience and expertise in electronic commerce.

(5) The Governor shall designate a chairman or cochairmen from among the members.

(6) The Board shall meet at least twice annually.

(c) The Board shall:

(1) advise the Governor on economic development policies and initiatives to advance the promotion, deployment, and use of e-commerce in the State;

(2) recommend ways to improve the State's position as an international leader of e-commerce; and

(3) provide policy guidance to the "eMaryland" ASP Consortium and related ASP initiatives.

(d) A member of the Board may not receive compensation as a member but is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.

(e) The Department of Budget and Management and University of Maryland, College Park shall provide staff support to the Board.

§9–2204.

(a) There is an "eMaryland" ASP Consortium at the University of Maryland, College Park.

(b) (1) The general purpose of the Consortium is to promote the deployment of Internet–based technologies in Maryland.

(2) The Consortium shall develop strategic partnerships with the State, institutions of higher education, federal agencies, and world class technology companies to carry out its mission.

(3) The Consortium shall:

(i) develop pilot models for the deployment of Internet–based applications for government and educational institutions, such as procurement, financial, and human resource management applications;

(ii) participate in collaborations to promote the development and testing of ASP technologies in Maryland;

(iii) provide advice and assistance to small start–up companies wishing to utilize ASP technologies; and

(iv) work with industry and public agencies to research and develop emerging e–commerce technologies.

(c) (1) There is a management committee for the Consortium.

(2) The management committee is responsible for approving the activities of the Consortium and providing direction and oversight.

(3) The management committee shall be composed of:

(i) the Secretary of Information Technology;

(ii) the Chief Information Officer at the University of Maryland, College Park;

(iii) the Director of the Supply Chain Management Center at the University of Maryland, College Park;

(iv) the Executive Director of the Maryland Technology Development Corporation; and

(v) a member appointed by the Governor.

§9–2301.

(a) The definitions in § 1-101 of this article do not apply to the interstate compact set forth in § 9-2303 of this subtitle.

(b) In the interstate compact set forth in § 9-2303 of this subtitle, unless the context clearly requires otherwise, "article", "section", and "subsection" mean an article, section, and subsection, respectively, of the interstate compact.

§9–2302.

On behalf of this State, the Governor shall execute, with the City of Baltimore, the Commonwealth of Virginia, and the District of Columbia, an interstate compact substantially as it appears in § 9-2303 of this subtitle.

§9–2303.

The Commonwealth of Virginia, the State of Maryland, the District of Columbia, and the City of Baltimore, hereinafter "Signatories," hereby enter into an interstate compact, as set forth below, for the purpose of hosting the 2012 Olympic Games. This

interstate compact shall be known and may be cited as the Chesapeake Regional Olympic Games Authority Act.

Article I.
Findings.

The Maryland General Assembly finds that:

1. For some time now, the State of Maryland (including the City of Baltimore), the District of Columbia, and the Commonwealth of Virginia, through the nonprofit organization known as the Washington/Baltimore Regional 2012 Coalition (WBRC 2012), have been actively engaged in national competition to win the U.S. Candidate City designation and, subsequently, the Host City designation and the right to host the 2012 Olympic Games.

2. Hosting the Olympic Games will provide several major, lasting, and unique benefits for all of the citizens of the Chesapeake region, including:

(a) Direct, positive economic impact on our regional economy;

(b) An opportunity to showcase our region to the world;

(c) A catalyst for regional action; and

(d) A renewed sense of pride along with a tangible legacy (e.g. new and improved venues and enhanced transportation infrastructure).

3. Independent economic studies show that preparing for and hosting the Olympic Games will have a positive economic impact on the region, including:

(a) Direct and indirect spending in excess of $5,000,000,000;

(b) The creation of approximately 70,000 jobs;

(c) Increased tax revenues resulting from Olympic related economic activity in excess of $130,000,000, without raising or creating any new taxes; and

(d) A lasting improvement in the region's competitive position within the travel/tourism industry, as well as the region's ability to attract new businesses.

4. The citizens of the region have responded positively to WBRC 2012's efforts and solidly embraced the cause to host the Olympic Games, expressed in part by the endorsement of scores of local business, civic, governmental, academic, and amateur sports organizations, and by survey results that show:

(a) 82% of the region's residents support the effort to bring the 2012 Olympic Games to this area; and

(b) 86% of area residents believe that the Olympic Games will bring

substantial economic benefits to our region.

5. Through the submission of the region's official bid proposal to the United States Olympic Committee (USOC) on December 15, 2000, WBRC 2012 reached a milestone in the process of capturing the Olympic Games by providing a 631-page logistical, operational, and financial blueprint for hosting the 2012 Games.

6. The bid proposal highlights the great venues and vistas found in our region and is developed around key principles, including:

(a) Building less, not more;

(b) Utilizing mass transit; and

(c) Protecting the environment.

7. In addition to the region's bid proposal, the USOC and the International Olympic Committee (IOC) require certain government guarantees and commitments in conjunction with hosting the 2012 Olympic Games, should our region win the U.S. Candidate City designation.

8. Our unique regional approach to winning the right to host the Olympic Games creates the added complication of determining which entities will provide the necessary guarantees.

9. It is incumbent upon WBRC 2012 and government leaders to move forward together now to craft the solution that best "lives regionalism" and maximizes the region's chances of winning the 2012 Olympic Games, and reaping the many benefits that come with this honor.

10. Given that all four jurisdictions - Virginia, Maryland, the District of Columbia, and Baltimore - will host a significant number of events and reap substantial benefits, the most effective solution for all four jurisdictions is to enter into a single agreement that gives the USOC (and subsequently the IOC) a single focal point and a united front that reflects the regional nature of our bid.

Article II.
Purpose.

The purpose of this Act is to create a Regional Authority to oversee the conduct of the 2012 Olympic Games, coordinated and managed by the local Organizing Committee for the Olympic Games (OCOG), and to assure that the region's guarantees and commitments accepted in conjunction with hosting the Olympic Games are fulfilled.

Article III.
Definitions.

For the purposes of this Act, the term:

(a) "Bid proposal" shall mean the bid formally submitted by WBRC 2012 to the USOC on December 15, 2000;

(b) "Host City" shall mean the entity which has been selected by the International Olympic Committee to host the 2012 Olympic Games;

(c) "International Olympic Committee" and "IOC" shall mean the International Olympic Committee, a body corporate under international law created by the Congress of Paris of 23rd June, 1894, and having perpetual succession;

(d) "Olympic Games" shall mean any Olympic Games sponsored and governed by the International Olympic Committee and any other educational, cultural, athletic, or sporting events related or preliminary thereto;

(e) "Organizing Committee for the Olympic Games," and "OCOG" shall mean the Committee formed by WBRC 2012 to organize and conduct the Olympic Games, if WBRC 2012 is selected by the IOC as the "Host City" in 2005;

(f) "Regional Authority" shall mean the Chesapeake Regional Olympic Games Authority;

(g) "Signatories" shall mean the Commonwealth of Virginia, the State of Maryland, the District of Columbia, and the City of Baltimore;

(h) "United States Olympic Committee" and "USOC" shall mean the United States Olympic Committee, incorporated by Act of Congress on September 21, 1950, and having perpetual succession;

(i) "U.S. Candidate City" shall mean the entity which has received the United States Olympic Committee's endorsement to submit to the IOC the sole bid from the United States for the hosting of the 2012 Olympic Games; and

(j) "WBRC 2012" shall mean Washington/Baltimore Regional 2012 Coalition, a not for profit corporation organized under the laws of the State of Maryland, and its successors.

Article IV.
Creation of the Regional Authority.

The Signatories hereby provide the mechanism for the creation and termination of the "Chesapeake Regional Olympic Games Authority," hereinafter "Regional Authority," which shall be an instrumentality of the District of Columbia, the Commonwealth of Virginia, the State of Maryland, and the City of Baltimore, and shall have the powers and duties set forth herein, and those additional powers and duties conferred upon it by subsequent actions of the Signatories:

(a) The Regional Authority shall come into existence by the force of this Act when and if, and only if, the IOC awards the 2012 Olympic Games in year 2005 to WBRC 2012, as the U.S. Candidate City and the official representative of the Maryland,

Virginia, District of Columbia, and Baltimore region; and

(b) The Regional Authority shall, if ever brought into existence, cease to exist by the force of this Act on January 1, 2014, unless extended by substantially similar future legislation enacted by each of the Signatories; and

(c) Until such time as the Regional Authority may be triggered into existence, the combined signatures of the Governors of Virginia and Maryland, and the Mayors of the District of Columbia and the City of Baltimore, on any and all documents necessary and appropriate to the pursuit of the 2012 Olympic Games shall be deemed binding on future actions of the Regional Authority. For the purposes of this subsection:

(i) The above referenced signatures may be on the same document, on separate but materially and substantially similar documents, or any combination thereof; and

(ii) No individual signature shall be deemed effective until such time as all four above referenced signatures are obtained.

Article V.

Regional Authority Composition; Terms of Service; Order of Business; Accounting.

1. (a) The Regional Authority shall be composed of 11 "voting members," as follows:

(i) The State of Maryland shall be entitled to three voting members, to be appointed by the Governor;

(ii) The Commonwealth of Virginia shall be entitled to three voting members, to be appointed by the Governor;

(iii) The District of Columbia shall be entitled to three voting members, to be appointed by the Mayor;

(iv) The City of Baltimore shall be entitled to one voting member, to be appointed by the Mayor; and

(v) The Washington/Baltimore Regional 2012 Coalition, a not for profit corporation created for the sole purpose of bringing the Olympic Games to the region, or the OCOG, shall be entitled to one voting member, to be appointed in a manner consistent with its usual procedure;

(b) The Regional Authority shall cause to be formed a Regional Authority Advisory Committee, which shall be comprised of representatives ("advisory members") from each of the local jurisdictions substantially impacted by hosting the Olympic Games in the region, in a manner to be determined by the Regional Authority;

(c) Reasonable efforts should be made to ensure that appointments of voting members and advisory members:

(i) Are residents of the regional community with relevant and useful experience, and with sufficient time to devote to the duties of the Regional Authority, to help facilitate the successful hosting of the Olympic Games;

(ii) Reflect the geographical diversity inherent in the regional nature of WBRC 2012's bid proposal; and

(iii) Reflect the cultural, ethnic, and racial diversity inherent in the Chesapeake Region; and

(d) Voting members shall not be financially compensated for their service on the Regional Authority; such service shall be considered voluntary. Voting members may be reimbursed by the Regional Authority for normal and customary expenses incurred in the performance of their duties.

2. The terms of the voting members of the Regional Authority shall be as follows:

(a) The initial terms of office of the voting members shall be 2 years from the date of appointment, and all subsequent terms of office of the voting members shall be for 2 years. Each voting member shall hold office until his or her successor shall be appointed and duly qualified. Any voting member of the Regional Authority may succeed himself or herself; and

(b) All vacancies in the membership of the voting members of the Regional Authority, whether caused by expiration of term of office, death, resignation, or otherwise, shall be filled in the same manner as that membership was originally filled. The term of any voting member, appointed to fill an unexpired term, shall be for the remainder of the term.

3. The Regional Authority shall elect from its membership a chairman, a vice chairman, a secretary, and a treasurer. Such officers shall serve for such terms as shall be prescribed by resolution of the Regional Authority or until their successors are elected and qualified. No voting member of the Regional Authority shall hold more than one office on the Regional Authority.

4. The Regional Authority shall hold meetings in accordance with the following:

(a) Regular meetings of the Regional Authority shall be held on such dates and at such time and place as shall be fixed by resolution of the Regional Authority;

(b) Special meetings of the Regional Authority may be called by resolution of the Authority, by the chairman or vice chairman, or upon the written request of at least three voting members of the Regional Authority;

(c) Written notice of all meetings shall be delivered to each voting member, not less than 3 days prior to the date of such meeting in the case of regular meetings

and not less than 24 hours in the case of special meetings;

(d) Each voting member should make all reasonable efforts to be in attendance at meetings called by the Regional Authority; and

(e) A majority of the voting members of the Regional Authority in office shall constitute a quorum. A majority of the quorum is empowered to exercise all the rights and perform all the duties of the Regional Authority and no vacancy on the Regional Authority shall impair the right of such majority to act. If at any meeting there is less than a quorum present, a majority of those present may adjourn the meeting to a fixed time and place, and notice of such time and place shall be given in accordance with subsection (c) of this section, provided that if the notice period under subsection (c) of this section cannot reasonably be complied with, such notice, if any, of such adjourned meeting shall be given as is reasonably practical.

5. The Regional Authority shall establish rules and regulations for its own governance, not inconsistent with this Act.

6. The Regional Authority shall:

(a) Make provision for a system of financial accounting and controls, audits, and reports. All accounting systems and records, auditing procedures and standards, and financial reporting shall conform to generally accepted principles of governmental accounting. All financial records, reports, and documents of the Regional Authority shall be public record and open to public inspection under reasonable regulations prescribed by the Regional Authority; and

(b) Adopt a fiscal year, establish a system of accounting and financial control, designate the necessary funds for complete accountability, and specify the basis of accounting for each such fund. The Regional Authority shall cause to be prepared a financial report on all funds at least quarterly and a comprehensive report on the fiscal operations and conditions of the Regional Authority annually.

Article VI.
Compliance with Local Law.

The Regional Authority shall make every effort to comply with the local laws of each of the Signatories to this Act, regarding disclosure, appointment, and open meetings.

Article VII.
Funding of the Regional Authority.

1. The OCOG will provide reasonable funds for the operation of the Regional Authority and the conduct of its business in accordance with the provisions of this Act.

2. For the purposes of this article, payment of any insurance premiums incurred by the Regional Authority under the authority granted to it by Article VIII shall not be considered operations funds referred to in subsection 1 of this article. The OCOG shall pay only such insurance premiums as are reasonable.

3. The OCOG shall not be responsible for any financial liability that the Regional Authority may incur under Article VIII of this Act.

4. The Regional Authority shall submit to the OCOG a planned budget for the Regional Authority's next fiscal year, adopted consistent with Article V 6 (b) of this Act, no less than 90 days before the beginning of the next fiscal year.

Article VIII.
Regional Authority Oversight of the Organizing Committee for the Olympic Games; Additional Powers.

1. The Regional Authority, in recognition of its oversight responsibility over the OCOG, shall have access to:

(a) The quarterly financial statements of the OCOG;

(b) The annual business plans of the OCOG; and

(c) All other OCOG documents necessary to achieve its oversight purpose.

2. The Regional Authority shall have the power to enforce OCOG budgetary and planning changes when:

(a) Review by the Regional Authority of the OCOG financial statements, annual business plans, or other documents contemplated in Article VIII 1 of this Act suggests:

(i) Economic shortfalls that would possibly trigger the Regional Authority's liability outlined in Article VIII 3 of this Act; or

(ii) The OCOG will fail to host the Olympic Games in a manner that would satisfy the requirements of the USOC or the IOC; and

(b) Such changes are supported by a majority of the voting members of the Regional Authority, notwithstanding the quorum requirements of Article V 4 (e) of this Act.

3. The Regional Authority, in recognition of its duties as overseer of the OCOG, shall:

(a) Be bound by the terms of, cause the OCOG to perform, and guaranty performance of the OCOG's obligations under all documents necessary and appropriate to the pursuit of the Olympic Games;

(b) Certify the OCOG's performance of such obligations as requested by the USOC from time to time;

(c) Accept liability for the OCOG, if any, as far as required by all documents necessary and appropriate to the pursuit and hosting of the Olympic

Games, provided, however, that:

(i) With regard to third-party tort liabilities, the OCOG will both indemnify the State against any and all such claims and provide that the State be named as an additional insured on all appropriate insurance policies, and, in any event, nothing contained herein shall in any way modify the State's existing liability limitation;

(ii) With regard to all other liabilities arising out of this subsection, the OCOG agrees to hold the State harmless and indemnify the State for any such losses; and

(iii) Should the State incur any liabilities, the liabilities shall count against the total limit (or cap) on the State's liabilities as noted in section (d) of this article and Article IX 1 below; and

(d) Accept liability, if any, with the OCOG, for any financial deficit of the OCOG, or the Olympic Games, as follows:

(i) The OCOG shall be responsible for any amount up to $25 million;

(ii) The Regional Authority shall be liable for any amount in excess of $25 million, but not to exceed an additional $175 million; and

(iii) Except as set forth in existing applicable law, the OCOG and the Regional Authority shall not be limited in their choice of funding sources for covering possible financial losses, including but not limited to the purchase of insurance, if commercially available and reasonably priced.

4. The Regional Authority, in its financial oversight and safeguard role, shall ensure that:

(a) No legacy programs, funds, or accounts shall be funded from any of the proceeds of the 2012 Olympic Games until all budgetary and operational financial obligations of the OCOG and the Regional Authority for hosting the Olympic Games are first met; and

(b) No liability for any financial deficit resulting from the 2012 Olympic Games shall accrue to the Regional Authority (or the Signatories) until all budgetary and/or operational financial surpluses of the OCOG, if any, are applied to all outstanding financial obligations of the OCOG and the Regional Authority, if any, accrued exclusively in connection with hosting the Olympic Games.

5. The Regional Authority, in order to facilitate its oversight responsibility over the OCOG, shall have the additional powers:

(a) To sue and be sued in contract and in tort;

(b) To complain and defend in all courts;

(c) To implead and be impleaded;

(d) To enter into contracts;

(e) To hire appropriate staff; and

(f) Any additional powers granted to it by subsequent legislation.

Article IX.
Indemnification.

1. Any liability incurred by the Regional Authority, not covered by insurance under Article VIII 3 (d)(iii), shall be further indemnified by the Signatories of this Act, in proportion to the relative economic benefit currently expected to accrue to each Signatory from hosting the Olympic Games, as follows:

(a) The State of Maryland, subject to appropriation, shall be liable for 53%;

(b) The Commonwealth of Virginia shall be liable for 19%; and

(c) The District of Columbia shall be liable for 28%.

2. Each of the Signatories to this Act may provide for its share of any possible liability in any manner it may choose, as befits each Signatory's independent commitment.

Article X.
Commitments of Signatories.

As appropriate to its individual jurisdiction and specific role in hosting the 2012 Olympic Games, each Signatory agrees to:

(a) Ensure that necessary facilities are built and transportation infrastructure improvements take place, including government funding as appropriate;

(b) Provide access to existing state/city-controlled facilities and other important resources as specified in WBRC 2012's bid proposal, in accordance with applicable law and contractual obligations; and

(c) Provide adequate security, fire protection, and other government related services at a reasonable cost to ensure for the safe and orderly operation of the Olympic Games.

Article XI.
Effective Dates.

None of the duties or responsibilities encompassed in this legislation shall have effect until substantially similar legislation is enacted by each of the Signatories, at which time this legislation shall immediately be effective.

§9–2401.

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

(b) "Council" means the Maryland Advisory Council on Deaf and Hard of Hearing Individuals.

(c) (1) "Deaf and hard of hearing individuals" means those residents of Maryland who have a partial or complete loss of hearing.

(2) "Deaf and hard of hearing individuals" includes individuals who are deaf, hard of hearing, deafblind, and late–deafened.

(3) "Deafblind" means those residents of Maryland who have concomitant vision and hearing loss.

(d) "Director" means the Director of the Office.

(e) "Office" means the Office of the Deaf and Hard of Hearing.

§9–2402.

(a) In the Office of the Governor, there is an Office of the Deaf and Hard of Hearing.

(b) (1) The head of the Office is the Director.

(2) (i) The Director is appointed by the Governor with the advice and consent of the Senate.

(ii) The Director serves at the pleasure of the Governor and is responsible directly to the Governor.

(3) The Director shall be:

(i) a deaf or hard of hearing person; and

(ii) knowledgeable and experienced with issues affecting deaf and hard of hearing individuals.

(4) The Director is entitled to the salary provided in the State budget.

(c) (1) The Office shall:

(i) advise the Governor on all matters assigned to the Office; and

(ii) carry out the Governor's policies on the matters assigned to the Office.

(2) The Director shall:

(i) manage the operation of the Office and establish guidelines and procedures to promote the orderly and efficient operation of the Office; and

(ii) adopt regulations necessary to carry out the provisions of this subtitle.

(3) Subject to the provisions of this subtitle, the Director may establish, reorganize, or consolidate areas of responsibility in the Office as necessary to fulfill the responsibilities assigned by the Director.

(d) The Office shall be given adequate staff and funding to carry out its duties.

§9–2403.

(a) The Office shall be responsible for promoting the general welfare of deaf and hard of hearing individuals in the State.

(b) The responsibilities of the Office shall include:

(1) providing, advocating, and coordinating the adoption of public policies, regulations, and programs that will benefit deaf and hard of hearing individuals;

(2) improving access to communication and to existing services and programs for deaf and hard of hearing individuals;

(3) providing direct services to deaf and hard of hearing individuals as appropriate;

(4) increasing public awareness of the needs and issues affecting deaf and hard of hearing individuals;

(5) working with State and local agencies to ensure access for deaf and hard of hearing individuals to safety and emergency services;

(6) developing a referral service for deaf and hard of hearing individuals;

(7) serving as an information clearinghouse on the needs and issues affecting deaf and hard of hearing individuals;

(8) working to increase access for deaf and hard of hearing individuals to educational, health, and social opportunities;

(9) working with private organizations, the federal government, and other units of State government to promote economic development for deaf and hard of hearing individuals;

(10) working to eliminate the underemployment and unemployment of deaf

and hard of hearing individuals;

(11) providing a network through which services provided by State and federal programs serving deaf and hard of hearing individuals can be channeled; and

(12) promoting compliance with State, local, and federal laws and policies protecting and serving deaf and hard of hearing individuals.

(c) The Office shall hold at least two public town hall meetings each year to receive public comments on:

(1) the quality of State services and programs affecting deaf and hard of hearing individuals;

(2) the functions and operations of the Office; and

(3) any other issues that affect deaf and hard of hearing individuals, including those specified in subsection (b) of this section.

(d) The Office shall:

(1) help facilitate the appropriate delivery of State, local, and other public services to deaf and hard of hearing individuals;

(2) advise other units of State government and the General Assembly on the needs of deaf and hard of hearing individuals;

(3) subject to appropriations in the State budget, provide any reasonable resources that any other unit of State government requests to serve or assist deaf and hard of hearing individuals; and

(4) to the greatest extent possible, in order to avoid any duplication of effort, coordinate with other units of the State and the federal government the services provided to deaf and hard of hearing individuals.

§9–2404.

(a) There is a Maryland Advisory Council on the Deaf and Hard of Hearing.

(b) (1) The Council consists of 18 members appointed by the Governor, with the advice and consent of the Senate.

(2) Of the 18 Council members, at least five of the members shall be deaf and hard of hearing individuals.

(c) Of the 18 Council members:

(1) one shall be the State Superintendent or a designee from the State Department of Education;

(2) one shall be the Secretary or a designee from the Department of Health and Mental Hygiene;

(3) one shall be the Secretary or a designee from the Department of Human Resources;

(4) one shall be the Secretary or a designee from the Department of Transportation;

(5) one shall be from the Commission on Civil Rights;

(6) one shall be the Secretary or a designee from the Department of Labor, Licensing, and Regulation;

(7) one shall be the Secretary or a designee from the Department of Housing and Community Development;

(8) one shall be the Superintendent or a designee from the Maryland School for the Deaf;

(9) one shall be the Secretary or a designee from the Department of Aging; and

(10) nine shall be from the general public.

(d) (1) The nine members from the general public shall be chosen from different geographical areas of the State.

(2) Of the nine members from the general public:

(i) five shall be deaf and hard of hearing individuals;

(ii) one shall be a private citizen with special knowledge or expertise relating to services to deaf and hard of hearing individuals;

(iii) one shall be a parent of a deaf or hard of hearing child;

(iv) one shall be from a private agency providing services to deaf and hard of hearing individuals; and

(v) one shall be a person with special knowledge or expertise relating to services to individuals who are deafblind.

§9–2405.

(a) The term of a member of the Council is 3 years.

(b) The terms of the members are staggered as required by the terms provided for members of the Council on October 1, 2001.

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

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

(e) A member may not serve consecutively more than two 3-year terms.

(f) Any member who fails to attend at least 50 percent of the regularly scheduled meetings during any 12-month period shall be considered to have resigned.

§9–2406.

The Council shall:

(1) advise the Office in carrying out its duties;

(2) review statewide activities for deaf and hard of hearing individuals, including reviewing reports and publications of committees and commissions;

(3) foster coordination of and support for programs for deaf and hard of hearing individuals;

(4) study ways to maximize the use of the facilities and services available to deaf and hard of hearing individuals;

(5) hold:

(i) at least quarterly, regularly scheduled meetings; and

(ii) open meetings to provide direct communication, between deaf and hard of hearing individuals and private and public organizations and the general public, about programs and services for and needs of deaf and hard of hearing individuals; and

(6) assist any local governing body of a county to establish a local advisory council for deaf and hard of hearing individuals in the county for purposes of implementing the provisions of the Americans with Disabilities Act of 1990 and other relevant State and federal laws.

§9–2407.

On or before January 1, 2002, and annually thereafter, the Director shall submit to the Governor and, in accordance with § 2-1246 of this article, to the members of the General Assembly, a report on:

(1) the activities of the Office;

(2) the status of programs and services facilitated by the Office;

(3) statistics on compliance with State and federal laws related to deaf and hard of hearing individuals; and

(4) recommendations for improved delivery of services for deaf and hard of hearing individuals.

§9–2601.

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

(b) "Board" means the Board of Directors of the Maryland African American Museum Corporation.

(c) "Corporation" means the Maryland African American Museum Corporation.

§9–2602.

(a) There is a Maryland African American Museum Corporation.

(b) (1) The purpose of the Corporation is to plan, develop, and manage a Maryland museum of African American history and culture in Baltimore City, in cooperation with and with the active support of the Mayor and City Council of Baltimore, affected State units, and other public and private institutions.

(2) The Corporation may carry out its corporate purposes without the consent of any unit of State government.

(c) (1) The Corporation is:

(i) a body politic and corporate;

(ii) a public instrumentality of the State; and

(iii) an independent unit in the Executive Branch of State government.

(2) The exercise by the Corporation of the powers conferred by this subtitle is an essential public function.

§9–2603.

(a) (1) There is a Board of Directors of the Corporation.

(2) The Board shall manage the affairs of the Corporation and shall exercise all of its corporate powers.

(b) (1) The Board shall consist of 37 members, as follows:

(i) the Mayor of Baltimore, serving ex officio, or the Mayor's

designee; and

(ii) thirty-six members appointed by the Governor, as follows:

1. one representative of Morgan State University, approved by the Board of Regents of the University;

2. the chairman of the Commission on African American History and Culture or the chairman's designee and two other Commission members approved by the Commission, to provide continuing coordination and cooperation between the Corporation and the Commission and to ensure consistency with the statewide programs and mandates of the Commission;

3. four representatives of African American historical or cultural institutions in the State; and

4. twenty-eight members who have expertise in African American history, culture, museums, or related areas, expertise in fund-raising, or represent the diversity of communities throughout the State that can benefit from the activities of the Corporation.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the members appointed to the Board shall represent the geographic makeup of the State and shall be racially and ethnically diverse.

(ii) The Governor may appoint to the Board up to five members from outside the State if necessary to ensure that the membership of the Board satisfies the requirements specified in paragraph (1)(ii)4 of this subsection.

(c) A member of the Board:

(1) is not entitled to compensation as a member of the Board; but

(2) is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

(d) (1) The term of an appointed member of the Board is 4 years.

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

(3) The terms of members are staggered as required by the terms provided for members of the Board on October 1, 2004.

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

(5) A member who is appointed after a term has begun serves only for the

remainder of the term and until a successor is appointed and qualifies.

(e) (1) From among its members, the Board shall elect a chairman, a vice chairman, and a treasurer.

(2) A majority of the members then serving on the Board is a quorum.

(3) A vacancy in the membership of the Board does not impair the right of a quorum of the Board to exercise the rights and perform the duties of the Corporation.

(4) The Board shall appoint an executive committee and may appoint other committees that the Board considers necessary or desirable.

§9–2604.

(a) (1) The Board shall appoint an Executive Director who serves at the pleasure of the Board.

(2) The Board shall determine the salary of the Executive Director.

(b) (1) The Executive Director is the chief administrative officer of the Corporation.

(2) The Executive Director shall direct and supervise the administrative affairs and technical activities of the Corporation in accordance with the policies and procedures of the Board.

(3) The Executive Director or the Executive Director's designee shall:

(i) attend each meeting of the Board, act as secretary to the Board, and keep minutes of Board proceedings;

(ii) approve each salary, per diem payment, or other expense of the Corporation, its employees, and consultants; and

(iii) perform other duties as directed by the Board in carrying out the purposes of this subtitle.

(c) (1) (i) In addition to the Executive Director, the Board shall employ professional and clerical staff necessary to carry out the purposes of this subtitle.

(ii) The Board shall establish compensation, holidays, and leave for the staff.

(2) The officers and employees of the Corporation are not subject to the provisions of Division I of the State Personnel and Pensions Article that govern the State Personnel Management System.

(d) The Attorney General shall provide legal counsel to the Corporation and

legal services to the museum.

(e) The Board may contract with any agent or consultant it considers necessary to carry out the purposes of this subtitle.

§9–2605.

The Corporation may:

(1) adopt an official seal;

(2) sue and be sued, plead and be impleaded, in its own name;

(3) maintain offices in the State;

(4) appoint museum advisory boards and other advisory boards and committees;

(5) adopt bylaws for the regulation of its affairs and the conduct of its business;

(6) apply for and accept grants, loans, or assistance of any character from the federal government, State government, a local government, or a private source;

(7) enter into any contract or other legal instrument;

(8) acquire, construct, develop, manage, market, reconstruct, rehabilitate, improve, maintain, equip, lease as lessor or as lessee, repair, or operate any project in the State;

(9) acquire, purchase, hold, lease as lessee, or use a franchise, patent, or license or any real, personal, mixed, tangible, or intangible property or any interest in that property, necessary or convenient for carrying out the purposes of the Corporation;

(10) sell, lease as lessor, transfer, or dispose of its property or interests in property;

(11) acquire, either directly or by or through any person, State unit, or political subdivision, by purchase or by gift or devise, any land, structure, real property, personal property, right, right-of-way, franchise, easement, or other interest in land, including land lying under water and riparian rights that the Corporation considers necessary or convenient for the construction, improvement, rehabilitation, or operation of a project, on any terms and at any price that the Corporation considers reasonable;

(12) enter with the permission of the owner on land, water, or premises for the purpose of making surveys, soundings, borings, and examinations to accomplish any purpose authorized by this subtitle;

(13) fix, revise, and collect rates, rentals, fees, and charges for the use of, or for services and facilities provided or made available by, the Corporation;

(14) (i) borrow money from any source for any corporate purpose, including working capital for its operations, reserves, or interest;

(ii) mortgage, pledge, or otherwise encumber the property and money of the Corporation; and

(iii) contract with or engage the services of any person for any financing;

(15) exercise all the corporate powers granted to Maryland corporations under the Maryland General Corporation Law; and

(16) do all things necessary and convenient to carry out the powers granted by this subtitle.

§9–2606.

The Corporation shall:

(1) prepare a strategic plan at least once every 5 years that establishes short-range and long-range goals, objectives, and priorities for the museum in support of its mission;

(2) report annually to the Governor and, subject to § 2-1246 of this article, to the General Assembly on the Corporation's activities during the preceding year, including:

(i) the number of students and other types of visitors served;

(ii) the number of volunteers and total hours contributed to the operation of the museum;

(iii) the amount and type of private and nonstate money donated, pledged, or otherwise provided; and

(iv) any recommendations or requests the Corporation considers appropriate to further the mission of the museum; and

(3) publish reports and any other material it considers necessary.

§9–2607.

Except for the net earnings of the Corporation necessary to pay debt service or implement the Corporation's museum plan, the net earnings of the Corporation shall inure to the benefit of the State and not to any person.

§9–2608.

(a) Except as provided in subsection (b) of this section, the Corporation is not required to pay taxes or assessments on its:

(1) properties;

(2) activities; or

(3) revenue derived from its properties or activities.

(b) If the Corporation sells or leases land or facilities to a private entity, the land or facilities shall be subject to real property taxes.

§9–2609.

(a) The Board shall prepare and implement an operating and a capital budget for the management of its affairs.

(b) The Governor may include a grant to the Corporation in the State budget.

(c) The Corporation shall support all operating costs, including personnel and retirement costs, from any General Fund allocations, and its other income sources.

(d) This section does not restrict the budgetary power of the General Assembly.

§9–2610.

(a) (1) The Corporation may provide for the creation, continuation, and administration of the funds that it requires.

(2) As the Board directs, money in the funds and other money of the Corporation shall be deposited in a federal or State chartered depository institution that:

(i) is insured by the Federal Deposit Insurance Corporation;

(ii) has a branch or office in the State that accepts deposits; and

(iii) has a total paid-in capital plus surplus of at least $6,000,000.

(3) A federal or State chartered trust company may be designated as a depository to receive securities that the Corporation has or owns.

(b) Money that the State appropriates to the Corporation, and money that the Corporation is required by the General Assembly to raise for museum construction from sources other than the State, shall be invested in bonds or other obligations:

(1) of the United States, the State, a political subdivision of the State, or

a unit of the State; or

(2) that are guaranteed as to principal and interest by the United States, the State, a political subdivision of the State, or a unit of the State.

(c) (1) The Corporation shall adopt a system of financial accounting, controls, audits, and reports.

(2) The fiscal year of the Corporation is July 1 to June 30.

(d) (1) The Corporation shall select an independent certified public accountant to conduct an audit under this subsection.

(2) The accountant:

(i) shall be licensed to practice in the State;

(ii) shall be experienced and qualified in the accounting and auditing of public bodies; and

(iii) may not have a personal interest either directly or indirectly in the fiscal affairs of the Corporation.

(3) As soon as practicable after the end of the fiscal year, the accountant shall audit the financial books, records, and accounts of the Corporation.

(4) The accountant shall report:

(i) the results of its audit, including an unqualified opinion on the financial position of the Corporation's funds; and

(ii) the results of the Corporation's financial operations.

(5) If the accountant is unable to express an unqualified opinion, the accountant shall:

(i) state and explain in detail the reason for any qualifications, disclaimers, or opinions; and

(ii) submit recommendations on changes needed to allow an unqualified opinion in the future.

(e) The books, records, and accounts of the Corporation are subject to audit by the State.

(f) (1) Within the first 90 days of each fiscal year, the Corporation shall submit a report to the Governor and, subject to § 2-1246 of this article, to the General Assembly.

(2) The report shall include:

(i) a complete operating and financial statement covering the Corporation's operations during the preceding fiscal year; and

(ii) a summary of the Corporation's activities during the preceding fiscal year.

§9–2611.

(a) All debts, claims, obligations, and liabilities of the Corporation, whenever incurred, shall be the debts, claims, obligations, and liabilities of the Corporation only and not of the State, other units of State government, other State instrumentalities, State officers, or State employees.

(b) The debts, claims, obligations, and liabilities of the Corporation may not be considered a debt, claim, obligation, or liability of the State or a pledge of its full faith and credit.

§9–2612.

(a) Except as otherwise provided in this section, the Corporation is exempt from:

(1) Title 3 of the General Provisions Article;

(2) Title 2, Subtitles 2, 4, and 6 and § 2–510 of the State Finance and Procurement Article;

(3) Title 3 of the State Finance and Procurement Article;

(4) Title 4, Subtitles 2 through 7 of the State Finance and Procurement Article;

(5) Title 6, Subtitle 1 of the State Finance and Procurement Article;

(6) Title 7, Subtitles 1 through 3 of the State Finance and Procurement Article;

(7) Title 8, Subtitle 1 of the State Finance and Procurement Article; and

(8) Division II of the State Finance and Procurement Article.

(b) The Corporation and its officers and employees are subject to the Maryland Public Ethics Law and the State minority business enterprise laws, except as otherwise provided in this subtitle.

(c) Before approving the final plans for the museum, the Corporation shall:

(1) submit preliminary plans to the City of Baltimore for review; and

(2) consider comments from the City of Baltimore on the preliminary plans.

§9–2613.

This subtitle shall be liberally construed to effect its purposes.

§9–2614.

This subtitle may be cited as the Maryland African American Museum Corporation Act.

§9–2701.

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

(2) "Council" means the Maryland Youth Advisory Council.

(3) "High school student" means a youth who is enrolled in high school, who is a home school student, or who is enrolled in a program that leads to a high school diploma or certificate of attendance or a general equivalency diploma.

(4) "Institution of postsecondary education" has the meaning stated in § 10–101 of the Education Article.

(5) "Public senior higher education institution" has the meaning stated in § 10–101 of the Education Article.

(6) "Youth" means an individual who is 14 to 22 years old.

(b) There is a Maryland Youth Advisory Council.

(c) The Council consists of:

(1) the following members appointed by the President of the Senate:

(i) six high school students, including at least three who are students in the State and who are enrolled in public high schools;

(ii) two youths who are students at institutions of postsecondary education located in the State; and

(iii) one member of the Senate;

(2) the following members appointed by the Speaker of the House of Delegates:

(i) six high school students, including at least three who are students in the State and who are enrolled in public high schools;

(ii) two youths who are students at institutions of postsecondary education located in the State; and

(iii) one member of the House of Delegates;

(3) the following members appointed by the Governor:

(i) twelve youths, including at least ten high school students, at least five of whom shall be students in the State who are enrolled in public high schools; and

(ii) four youths who are students at institutions of postsecondary education located in the State;

(4) the following members selected by other youths, including:

(i) fifteen high school students chosen by the Maryland Association of Student Councils; and

(ii) eight youths who are students at institutions of postsecondary education located in the State, including:

1. three members selected by the University System of Maryland Student Council; and

2. five members selected by the Student Advisory Council to the Maryland Higher Education Commission, including:

A. at least one member who is enrolled in a community college;

B. at least one member who is enrolled in a private college or university; and

C. at least one member who is enrolled in a public senior higher education institution who is not otherwise represented on the Council; and

(5) an executive board that consists of:

(i) four members selected by the youth members appointed by the President of the Senate and the Speaker of the House, including:

1. three high school students; and

2. one student at an institution of postsecondary education;

(ii) four members selected by the youth members appointed by the Governor, including:

1. three high school students; and

2. one student at an institution of postsecondary education; and

(iii) four members selected by the youth members chosen by other youth, including:

1. three high school students; and

2. one student at an institution of postsecondary education.

(d) In deciding which members to appoint or select:

(1) the President of the Senate and the Speaker of the House shall, to the extent practicable, consider:

(i) the geographic and demographic diversity of the State;

(ii) diversity in education, including nontraditional settings such as vocational and tech–oriented education; and

(iii) youths with disabilities;

(2) the Governor shall, to the extent practicable, consider:

(i) the geographic and demographic diversity of the State;

(ii) diversity in education, including nontraditional settings such as vocational and tech–oriented education;

(iii) youths with disabilities; and

(iv) transitional youths who are not in high school or an institution of postsecondary education and not likely to attend an institution of postsecondary education; and

(3) the Maryland Association of Student Councils shall consider youths who are enrolled in schools represented by the Association as well as applicants who are enrolled in schools that are not represented by the Association.

(e) (1) The term of a youth member of the Council is 1 year, from September 1 through August 30 of the following year.

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

(3) A youth member may not serve more than two consecutive terms.

(4) The member from the Senate and the member from the House serve,

respectively, at the pleasure of the President of the Senate and the Speaker of the House.

(f) (1) At the first meeting of each youth member term period, the youth members shall elect one of the youth members to serve as cochair for a term of 1 year.

(2) A representative of the Governor's Office for Children appointed by the Governor, the member from the Senate, and the member from the House shall serve as cochairs with the elected youth member cochair.

(3) The Council may appoint any officers that it considers necessary.

(4) The cochair appointed by the Governor shall, on behalf of the Governor, the President of the Senate, and the Speaker of the House, develop an initial application and application process, both of which the Council may change at its discretion.

(g) The Governor's Office for Children, in addition to the member from the Senate, or the member from the House, or both, shall provide staff support for the Council.

(h) The Council shall:

(1) inform the Governor and the General Assembly of issues concerning youth, including offering testimony on these issues before legislative bodies;

(2) examine issues of importance to youth, including:

(i) education;

(ii) a safe learning environment;

(iii) employment opportunities;

(iv) strategies to increase youth participation in local and State government;

(v) health care access and quality of care;

(vi) substance abuse and underage drinking;

(vii) emotional and physical well–being;

(viii) the environment;

(ix) poverty;

(x) homelessness;

(xi) youth access to State and local services;

(xii) suicide prevention; and

(xiii) educational accessibility issues for students with disabilities, including access to:

1. schools;

2. school–related activities; and

3. classes;

(3) recommend one legislative proposal each legislative session concerning an issue included in item (2) of this subsection for possible introduction; and

(4) conduct a public awareness campaign to raise awareness about the Council among Maryland youth.

(i) (1) The Council shall work with the State Department of Education regarding the granting of school credit for Council service.

(2) The State Department of Education and the Maryland Higher Education Commission shall notify the head administrators of all State high schools and of all institutions of postsecondary education, respectively, of the creation of the Council so that the administrators may inform their students.

(3) The State Department of Education shall allow up to four absences of a youth member from school per school year to be categorized as lawful absences if the absences were due to the business of the Council.

(j) (1) The Council shall set priorities and determine:

(i) the function of subcommittees;

(ii) standards of conduct;

(iii) procedures; and

(iv) the use of technology to convene or conduct meetings or facilitate communications among members.

(2) The Council shall review and consider whether the procedures and rules used by the General Assembly would be appropriate for use as models for the Council.

(k) The Council shall:

(1) meet at least four times each year and conduct one or two public hearings each year on issues of importance to youth;

(2) conduct one educational meeting concerning the legislative process, to which the President of the Senate, the Speaker of the House, and the Executive Director of the Department of Legislative Services, or their designees, shall be invited to speak; and

(3) open all meetings to the public.

(l) A member of the Council:

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

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

(m) On or before the last day of the youth members' terms, the Council shall report its activities to the Governor and, in accordance with § 2–1246 of this article, to the General Assembly.

§9–2901.

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

(2) "Council" means the Maryland Cybersecurity Council.

(3) "Executive Order" means Executive Order 13636 of the President of the United States.

(b) There is a Maryland Cybersecurity Council.

(c) The Council consists of the following members:

(1) the Attorney General, or the Attorney General's designee;

(2) the Secretary of Information Technology, or the Secretary's designee;

(3) the Secretary of State Police, or the Secretary's designee;

(4) the Secretary of Commerce, or the Secretary's designee;

(5) the Adjutant General, or the Adjutant General's designee;

(6) the Executive Director of the Governor's Office of Homeland Security, or the Executive Director's designee;

(7) the Director of the Maryland Coordination and Analysis Center, or the Director's designee;

(8) the Executive Director of the Maryland Emergency Management Agency, or the Executive Director's designee;

(9) the Executive Director of the Maryland Technology Development Corporation, or the Executive Director's designee;

(10) the Chair of the Tech Council of Maryland, or the Chair's designee;

(11) the President of the Fort Meade Alliance, or the President's designee;

(12) the President of the Army Alliance, or the President's designee; and

(13) the following members appointed by the Attorney General:

(i) five representatives of cybersecurity companies located in the State, with at least three representing cybersecurity companies with 50 or fewer employees;

(ii) four representatives from statewide or regional business associations;

(iii) up to ten representatives from institutions of higher education located in the State;

(iv) one representative of a crime victims organization;

(v) four representatives from industries that may be susceptible to attacks on cybersecurity, including at least one representative of a bank, whether or not State–chartered, that has a branch in the State;

(vi) two representatives of organizations that have expertise in electronic health care records; and

(vii) any other stakeholder that the Attorney General determines appropriate.

(d) The President of the Senate may appoint up to two members of the Senate to serve on the Council.

(e) The Speaker of the House of Delegates may appoint up to two members of the House to serve on the Council.

(f) The Attorney General also shall invite, as appropriate, the following representatives of federal agencies to serve on the Council:

(1) the Director of the National Security Agency, or the Director's designee;

(2) the Secretary of Homeland Security, or the Secretary's designee;

(3) the Director of the Defense Information Systems Agency, or the Director's designee;

(4) the Director of the Intelligence Advanced Research Projects Activity, or the Director's designee; and

(5) any other federal agency that the Attorney General determines appropriate.

(g) The Attorney General, or the Attorney General's designee, shall chair the Council.

(h) The University of Maryland, University College shall provide staff for the Council.

(i) A member of the Council:

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

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

(j) The Council shall work with the National Institute of Standards and Technology and other federal agencies, private sector businesses, and private cybersecurity experts to:

(1) for critical infrastructure not covered by federal law or the Executive Order, review and conduct risk assessments to determine which local infrastructure sectors are at the greatest risk of cyber attacks and need the most enhanced cybersecurity measures;

(2) use federal guidance to identify categories of critical infrastructure as critical cyber infrastructure if cyber damage or unauthorized cyber access to the infrastructure could reasonably result in catastrophic consequences, including:

(i) interruption in the provision of energy, water, transportation, emergency services, food, or other life–sustaining services sufficient to cause a mass casualty event or mass evacuations;

(ii) catastrophic economic damage; or

(iii) severe degradation of State or national security;

(3) assist infrastructure entities that are not covered by the Executive Order in complying with federal cybersecurity guidance;

(4) assist private sector cybersecurity businesses in adopting, adapting, and implementing the National Institute of Standards and Technology cybersecurity framework of standards and practices;

(5) examine inconsistencies between State and federal laws regarding

cybersecurity;

(6) recommend a comprehensive State strategic plan to ensure a coordinated and adaptable response to and recovery from cybersecurity attacks; and

(7) recommend any legislative changes considered necessary by the Council to address cybersecurity issues.

(k) Beginning July 1, 2017, and every 2 years thereafter, the Council shall submit a report of its activities to the General Assembly in accordance with § 2–1246 of this article.

§9–3001. IN EFFECT

// EFFECTIVE UNTIL OCTOBER 31, 2020 PER CHAPTER 603 OF 2013 //

(a) There is a Commission on the Commemoration of the 100th Anniversary of the Passage of the 19th Amendment to the United States Constitution.

(b) The Commission consists of the following members:

(1) the Governor, or the Governor's designee;

(2) two members of the Senate of Maryland, appointed by the President of the Senate;

(3) two members of the House of Delegates, appointed by the Speaker of the House;

(4) two members of the Maryland Commission for Women, appointed by the chair of the Maryland Commission for Women;

(5) the Director of the Division of Historical and Cultural Programs in the Department of Housing and Community Development, or the Director's designee;

(6) the Assistant Secretary for Tourism, Film, and the Arts in the Department of Economic Competitiveness and Commerce, or the Assistant Secretary's designee;

(7) the Executive Director of the Maryland Historical Society, or the Executive Director's designee;

(8) the State Archivist, or the State Archivist's designee; and

(9) the following members, appointed by the Governor:

(i) one representative of the League of Women Voters of Maryland;

(ii) one representative of the Maryland State Conference of the

National Association for the Advancement of Colored People;

(iii) one representative of the Maryland Democratic Party Women's Diversity Leadership Council; and

(iv) one representative of the Maryland Federation of Republican Women.

(c) The Governor shall designate the chair of the Commission.

(d) The Maryland State Archives shall provide staff for the Commission.

(e) A member of the Commission:

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

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

(f) The Commission shall:

(1) assemble an inventory of sites in Maryland that are significant to the women's suffrage movement and the ratification of the 19th Amendment to the United States Constitution;

(2) develop a plan for commemorating the events that occurred in Maryland connected to the women's suffrage movement and the ratification of the 19th Amendment to the United States Constitution;

(3) develop a strategy to encourage tourism related to the commemoration;

(4) make recommendations concerning facility development and repair related to the commemoration;

(5) coordinate with the federal government, local governments in the State, and neighboring jurisdictions regarding the development of plans commemorating the women's suffrage movement and the ratification of the 19th Amendment to the United States Constitution; and

(6) if appropriate, receive testimony from and consult with individuals who are knowledgeable regarding the issues of interest to the Commission.

(g) On or before December 31, 2014, and annually thereafter for the following 5 years, the Commission shall report its activities, findings, and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

§9–3101.

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

(b) "Secretary" means the Secretary of Commerce.

(c) "Subcabinet" means the Commerce Subcabinet.

§9–3102.

(a) There is a Commerce Subcabinet.

(b) The Subcabinet is composed of the following members:

(1) the Secretary, or the Secretary's designee;

(2) the Secretary of Transportation, or the Secretary's designee;

(3) the Secretary of Labor, Licensing, and Regulation, or the Secretary's designee;

(4) the Secretary of the Environment, or the Secretary's designee;

(5) the Secretary of Housing and Community Development, or the Secretary's designee;

(6) the Secretary of Planning, or the Secretary's designee; and

(7) the Special Secretary of Minority Affairs, or the Special Secretary's designee.

§9–3103.

The Subcabinet shall:

(1) advise the Governor on proposals to enhance the State's business climate;

(2) gather information the Subcabinet considers necessary to promote the goals of the Subcabinet;

(3) collaborate to facilitate and expedite critical economic development projects in the State; and

(4) provide other assistance that may be required to further the goals of the Subcabinet and enhance the State's business climate.

§9–3104.

(a) The Secretary shall:

(1) chair the Subcabinet;

(2) convene the meetings of the Subcabinet; and

(3) be responsible for the oversight, direction, and accountability of the work of the Subcabinet.

(b) The Office of the Secretary of Commerce shall provide the primary staff support for the Subcabinet.

(c) The Subcabinet shall meet each month.

§9.5–101.

(a) There is a Governor's Office of Community Initiatives, as authorized under Executive Order 01.01.2007.25.

(b) The Governor's Office of Community Initiatives shall include the following units:

(1) the Governor's Office on Service and Volunteerism, under Subtitle 2 of this title;

(2) the Commission on Indian Affairs, under Subtitle 3 of this title;

(3) the Commission on African American History and Culture, under Subtitle 4 of this title; and

(4) any other unit as authorized by law or executive order.

§9.5–201.

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

(b) "Corps" means the Maryland Service Corps.

(c) "Council" means the Governor's Volunteer Council.

(d) "Office" means the Governor's Office on Service and Volunteerism.

§9.5–202.

There is a Governor's Office on Service and Volunteerism within the Governor's Office of Community Initiatives.

§9.5–203.

(a) (1) The head of the Governor's Office on Service and Volunteerism is the Director who shall be appointed by the Governor.

(2) The Director serves at the pleasure of the Governor.

(3) The Director is entitled to the salary provided in the State budget.

(b) (1) The Office shall employ staff to carry out its duties as provided in the State budget.

(2) In furtherance of the purposes of the Office, the Director is authorized to execute contracts and accept grants or donations from governmental or private sources.

§9.5–204.

The Office shall:

(1) encourage volunteering throughout the State by individuals, businesses, and nonprofit organizations;

(2) promote the use of volunteers in State and local government;

(3) identify governmental agencies where private sector involvement in volunteer programs can be of assistance and provide technical assistance in developing such programs;

(4) provide information services to volunteer programs and government units throughout the State;

(5) develop model programs for statewide clearinghouses, skill banks, or information centers for volunteers and projects in the State and implement such programs, if feasible;

(6) plan and execute volunteer recognition events for State volunteers and provide technical assistance and support for recognition events in the private sector in order to increase the visibility and status of volunteers and their accomplishments;

(7) administer the Maryland Service Corps Program, the Executive Fellows Program, and other volunteer programs as may be recommended by the Council and designated by the Governor or otherwise provided by law;

(8) maintain liaison with national and State volunteerism groups to obtain information on federal, State, and private resources that may enhance volunteer projects within the State;

(9) conduct studies and make recommendations to improve volunteer

recruitment and training, volunteer retention, and accountability of volunteer programs; and

(10) provide staff support to the Council.

§9.5–205.

(a) The Maryland Service Corps is established for the purpose of encouraging and developing a program of full– and part–time public service that involves citizens of all ages throughout the State of Maryland in meeting the essential needs, as the Office shall identify, within the human service delivery systems in Maryland.

(b) A project shall not be undertaken under the auspices of the Maryland Service Corps if such project shall replace regular workers or duplicate or replace an existing service in the same locality.

(c) A member of the Corps may not participate in any partisan political activity while engaged in the performance of duties as a stipend volunteer, and the provisions of this subtitle shall be effective only to the extent that they do not conflict with any federal or State laws or regulations relating to participation in partisan political activities.

(d) The number of stipend volunteers in the Corps shall be determined by the Director based on the needs of the community and the limits of budgetary appropriations.

(e) A stipend volunteer in the Corps shall make a commitment of up to 1 year of service. Stipend volunteers shall receive no salary, but shall receive a stipend, as determined by the Director, based on the needs of the stipend volunteer and the limits of budgetary appropriations.

§9.5–206.

(a) The Executive Fellows Program is established to provide an opportunity for individuals from the private sector with demonstrated leadership and managerial potential to participate in State government.

(b) Criteria or guidelines for the recruitment, selection, and assignment of executive fellows shall be developed in consultation with representatives of the business community and appropriate State units.

(c) A committee shall be appointed by the Governor to select qualified applicants to participate in the Executive Fellows Program.

§9.5–301.

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

(b) "Commission" means the Commission on Indian Affairs.

(c) "Community" means a tribe, band, group, or clan.

(d) (1) "Indian" means an individual or community that is, or whose members are, descended from a tribe that inhabited North America before European contact.

(2) "Indian" includes a Native American Indian, a North American Indian, an American Indian, and an aboriginal American.

§9.5–302.

There is a Commission on Indian Affairs in the Governor's Office of Community Initiatives.

§9.5–303.

(a) (1) The Commission consists of nine members appointed by the Governor with the advice and consent of the Senate.

(2) Of the nine Commission members:

(i) a majority shall be members of the Indian communities of the State; and

(ii) at least three shall be members of the Indian communities that are indigenous to the State.

(b) Each member shall:

(1) have a demonstrable knowledge of Indian culture and history; and

(2) be sensitive to the problems of Indian communities.

(c) (1) An applicant for membership on the Commission shall submit under oath a list of the applicant's qualifications, including:

(i) educational history; and

(ii) employment background or other relevant experience.

(2) An applicant for membership on the Commission as an Indian member shall submit documentation or proof of Indian status under the sworn and notarized signature of the custodian of records of the membership rolls of that Indian's community.

(3) The Governor may require the production of any other documents to prove:

(i) the qualifications of the applicant; or

(ii) the standing or history of the Indian community to which the applicant claims membership.

(d) (1) The term of a member is 3 years.

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

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

(4) A member may not serve more than 6 years consecutively.

§9.5–304.

The Commission shall elect annually a chair and a vice chair from among its members.

§9.5–305.

(a) The Commission shall meet at the call of the chair, a majority of the members, or the Governor or the Governor's designee.

(b) A member of the Commission:

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

(2) may receive reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

§9.5–306.

(a) (1) With the approval of the Governor, the Commission shall appoint an administrator.

(2) The administrator may not be a member of the Commission.

(3) The administrator serves at the pleasure of the Commission, subject to the concurrence of the Governor.

(b) The administrator is a special appointment in the State Personnel Management System.

(c) Subject to the rules and policies of the Commission and the administrative supervision of the Governor or the Governor's designee in accordance with this title, the administrator shall:

(1) administer the activities of the Commission; and

(2) supervise the appointment and removal of personnel whom the Commission employs.

§9.5–307.

The Commission shall:

(1) initiate, direct, and coordinate projects that further the understanding of Indian history and culture;

(2) survey historic buildings, sites, artifacts, archives, and repositories and publish and disseminate the results;

(3) make a comprehensive study of the influence of indigenous Indian tribes and their influence on Maryland history and culture, including as subjects of the study:

(i) Cherokees;

(ii) Chippewas;

(iii) Choptanks;

(iv) Creeks;

(v) Crees;

(vi) Delawares;

(vii) Haliwas;

(viii) Lumbees;

(ix) Nanticokes;

(x) Piscataways;

(xi) Potomacs;

(xii) Rappahannocks;

(xiii) Seminoles;

(xiv) Susquehannas; and

(xv) Wicomicos;

(4) study the status of all Indian communities in the State and assist them in obtaining recognition from the federal government;

(5) study the economic and social needs of Indians in the State and make recommendations to meet these needs;

(6) locate, preserve, and disseminate to the public information about significant buildings and sites relating to Indian history and culture in the State; and

(7) publish an annual report and any other material the Commission considers necessary.

§9.5–308.

(a) (1) The Commission may seek money from the federal government, foundations, and private sources in addition to State financing.

(2) The Commission may accept gifts, grants, donations, bequests, or endowments for any of its purposes.

(b) Money received under subsection (a) of this section and income and fees derived from educational materials and activities of the Commission are not subject to § 7–302 of the State Finance and Procurement Article.

(c) Money maintained under this section is subject to audit by the State, including the Legislative Auditor.

§9.5–309.

(a) Subject to the approval of the Governor, the Commission may by regulation establish a process for an Indian community that is indigenous to the State to apply to the Commission for recognition of Maryland Indian status.

(b) (1) If the Commission finds that a petitioning group meets the requirements for recognition, the Commission may recommend to the Governor that it be granted recognition of Maryland Indian status.

(2) A member of the Commission may not vote or participate in deliberations on an application for recognition of Maryland Indian status made by the petitioning group to which the member belongs.

(c) (1) The Governor may issue an executive order providing recognition of Maryland Indian status to the petitioning group.

(2) The executive order:

(i) shall be submitted to the Joint Committee on Administrative, Executive, and Legislative Review; and

(ii) shall take effect 30 days after it is submitted.

(d) (1) This section does not:

(i) create a right of ownership or any other right to land;

(ii) create a benefit or entitlement of any kind;

(iii) impair existing rights, benefits, or entitlements belonging to Indians living in the State;

(iv) impair existing judicial rulings of the State regarding Indians of the State; or

(v) give the Commission the power to establish standards for membership in an Indian community.

(2) The power to establish standards for membership in an Indian community is reserved to the community.

(3) An act or failure to act by the Commission under this section does not create a private cause of action under State law.

§9.5–310.

Before formal recognition of Maryland Indian status, members of the petitioning group shall submit an affidavit renouncing all tribal rights of ownership of land in the State.

§9.5–311.

(a) (1) In accordance with Title 10, Subtitle 1 of this article, the Commission shall adopt regulations to carry out §§ 9.5–309 and 9.5–310 of this subtitle.

(2) The regulations shall:

(i) create the application process;

(ii) set genealogical standards; and

(iii) specify the standards to be satisfied by an Indian community applying for formal recognition of Maryland Indian status.

(b) (1) The standards adopted under subsection (a) of this section shall be generally consistent with the standards of the United States Bureau of Indian Affairs for tribal recognition by the United States.

(2) The standards shall take into account the special circumstances of Indians indigenous to the State.

(3) The standards shall require:

(i) that the petitioning group be identified from historical times until

the present as Indian;

(ii) that the members of the petitioning group be descendants from an Indian tribe that existed historically and is indigenous to the State or derived from historical tribes that were indigenous to the State before 1790;

(iii) that the members of the petitioning group be descendants of an Indian tribe that historically inhabited a specific area in the State before 1790; and

(iv) that the membership of the petitioning group be composed principally of individuals who are not members of any other Indian community.

(4) The Commission may adopt regulations to establish any other standards that the Commission considers necessary.

§9.5–312.

(a) In a matter within the scope of this subtitle, a person may not:

(1) knowingly and willfully falsify or conceal a material fact by trick, scheme, or device;

(2) make a false, fictitious, or fraudulent statement or representation; or

(3) make or use a false writing or document knowing the writing or document contains a false, fictitious, or fraudulent statement or entry.

(b) Except as otherwise provided by law, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

§9.5–401.

In this subtitle, "Commission" means the Commission on African American History and Culture.

§9.5–402.

There is a Commission on African American History and Culture in the Governor's Office of Community Initiatives.

§9.5–403.

(a) The Commission consists of 21 members appointed by the Governor with the advice and consent of the Senate.

(b) The members shall:

(1) represent the entire community of the State;

(2) know about African American culture and history;

(3) be sensitive to the problems of minority communities; and

(4) be connected with agencies working to integrate minority history and culture into the history of the State and American culture.

(c) (1) The term of a member is 4 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Commission on October 1, 2005, and October 1, 2011.

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

(d) (1) Except as provided in paragraph (2) of this subsection, a member may be reappointed.

(2) A member who has served two consecutive four–year terms may not be reappointed until at least one year has elapsed after the end of the previous term.

(e) The Governor may remove a member for incompetence or misconduct.

§9.5–404.

The Commission shall elect annually a chair and vice chair from among its members.

§9.5–405.

(a) The Commission shall meet at the call of the chair, a majority of the members, or the Governor.

(b) A member of the Commission:

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

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

§9.5–406.

(a) (1) With the approval of the Governor, the Commission shall appoint a director.

(2) The director may not be a member of the Commission.

(3) The director serves at the pleasure of the Commission, subject to the concurrence of the Governor.

(b) The director is a special appointment in the State Personnel Management System.

(c) Subject to the rules and policies adopted by the Commission and the administrative supervision of the Governor in accordance with Title 8, Subtitle 3 of this article, the director shall:

(1) administer the activities of the Commission; and

(2) supervise the appointment and removal of Commission personnel.

§9.5–407.

(a) The Commission shall:

(1) initiate, direct, and coordinate projects that further the understanding of African American history and culture;

(2) receive and administer any available federal, State, or private money to plan and execute projects or educational activities that further the understanding of African American history and culture;

(3) operate the Banneker–Douglass Museum in Annapolis to house and display photographs, objects, oral history tapes, artifacts, and other materials of African American historic and cultural significance;

(4) locate, preserve, and disseminate to the public information about significant buildings and sites relating to African American history and culture; and

(5) publish an annual report and any other material that the Commission considers necessary.

(b) The Commission may provide operational funding to a museum that specializes in African American history and culture.

§9.5–408.

(a) (1) The Commission may seek money from the federal government, foundations, and private sources in addition to State financing.

(2) The Commission may accept gifts, grants, donations, bequests, or endowments for any of its purposes.

(b) Money received under subsection (a) of this section, income from the operation of the Banneker–Douglass Museum, and money from educational materials and activities of the Commission are not subject to § 7–302 of the State Finance and Procurement Article.

(c) Money maintained under this section is subject to audit by the State,

including the Legislative Auditor.

§10–101.

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

(b) "Administrator" means the Administrator of the Division of State Documents.

(c) "Advisory Council" means the Advisory Council on the Impact of Regulations on Small Businesses established under § 3–502 of the Economic Development Article.

(d) "Committee" means the Joint Committee on Administrative, Executive, and Legislative Review.

(e) "Local government unit" means:

(1) a county;

(2) a municipal corporation;

(3) a special district that is established by State law and that operates within a single county;

(4) a special district that is established by a county pursuant to public general law; or

(5) an office, board, or department that is established in each county under State law and that is funded, pursuant to State law, at least in part by the county governing body.

(f) "Mandate" means a directive in a regulation that requires a local government unit to perform a task or assume a responsibility that has a discernible fiscal impact on the local government unit.

(g) "Register" means the Maryland Register.

(h) (1) "Regulation" means a statement or an amendment or repeal of a statement that:

(i) has general application;

(ii) has future effect;

(iii) is adopted by a unit to:

1. detail or carry out a law that the unit administers;

2. govern organization of the unit;

3. govern the procedure of the unit; or

4. govern practice before the unit; and

(iv) is in any form, including:

1. a guideline;

2. a rule;

3. a standard;

4. a statement of interpretation; or

5. a statement of policy.

(2) "Regulation" does not include:

(i) a statement that:

1. concerns only internal management of the unit; and

2. does not affect directly the rights of the public or the procedures available to the public;

(ii) a response of the unit to a petition for adoption of a regulation, under § 10–123 of this subtitle; or

(iii) a declaratory ruling of the unit as to a regulation, order, or statute, under Subtitle 3 of this title.

(3) "Regulation", as used in §§ 10–110 and 10–111.1 of this subtitle, means all or any portion of a regulation.

(i) (1) "Significant small business impact" means a determination by the Advisory Council that a proposed regulation is likely to have a meaningful effect on the revenues or profits of a significant number of small businesses or a significant percentage of small businesses within a single industry in the State.

(2) "Significant small business impact" does not include an impact resulting from a proposed regulation that is necessary to comply with federal law, unless the Advisory Council determines that the regulation is more stringent than federal law, in accordance with § 3–505 of the Economic Development Article.

(j) "Small business" has the meaning stated in § 2–1505.2 of this article.

(k) "Substantively" means in a manner substantially affecting the rights, duties, or obligations of:

(1) a member of a regulated group or profession; or

(2) a member of the public.

(l) "Unit" means an officer or unit authorized by law to adopt regulations.

§10–102.

(a) Except as otherwise expressly provided by law, this subtitle applies to:

(1) each unit in the Executive Branch of the State government; and

(2) each unit that:

(i) is created by public general law; and

(ii) operates in at least 2 counties.

(b) This subtitle does not apply to:

(1) a unit in the Legislative Branch of the State government;

(2) a unit in the Judicial Branch of the State government;

(3) a board of license commissioners;

(4) the Rural Maryland Council; or

(5) the Military Department.

§10–105.

This Part II of this subtitle does not apply to a regulation of a bicounty commission that county governing bodies appoint.

§10–106.

A regulation is not effective unless it contains a citation of the statutory authority for the regulation.

§10–107.

(a) "Unit counsel" means the unit counsel for the Commission on Civil Rights, the Public Service Commission, and the State Ethics Commission.

(b) Unless a proposed regulation is submitted to the Attorney General or to the unit counsel for approval as to legality, the regulation:

(1) may not be adopted under any statutory authority; and

(2) if adopted, is not effective.

§10–108.

In the preparation of a regulation, a unit shall use the term "African American" instead of "Black", "Negro", "Afro-American", or similar terms.

§10–109.

This Part III of this subtitle applies only to a unit in the Executive Branch of the State government.

§10–110.

(a) Except for subsection (d) of this section, this section does not apply to a regulation adopted under § 10–111(b) of this subtitle.

(b) At least 15 days before the date a proposed regulation is submitted to the Maryland Register for publication under § 10–112 of this subtitle, the promulgating unit shall submit to the State Children's Environmental Health and Protection Advisory Council established under § 13–1503 of the Health – General Article for review any proposed regulations identified by the promulgating unit as having an impact on environmental hazards affecting the health of children.

(c) At least 15 days before the date a proposed regulation is submitted to the Maryland Register for publication under § 10–112 of this subtitle, the promulgating unit shall submit to the Advisory Council on the Impact of Regulations on Small Businesses established under § 3–502 of the Economic Development Article for review each proposed regulation and the estimated impact of the proposed regulation on small businesses identified by the promulgating unit.

(d) (1) At least 15 days before the date a proposed regulation is submitted to the Maryland Register for publication under § 10–112 of this subtitle, the promulgating unit shall submit the proposed regulation to the Committee and the Department of Legislative Services.

(2) (i) If the proposed regulation, either in whole or in part, submitted to the Committee and the Department of Legislative Services in accordance with paragraph (1) of this subsection includes an increase or decrease in a fee for a license to practice any business activity, business or health occupation, or business or health profession licensed or otherwise regulated under State law, the promulgating unit shall include clearly written explanatory reasons that justify the increase or decrease in the fee.

(ii) If a regulation submitted under subparagraph (i) of this paragraph proposes an increase in a fee for a license, the written justification also shall include information about:

1. the amount of money needed by the promulgating unit to operate effectively or to eliminate an imbalance between the revenues and expenditures of the unit;

2. the most recent year in which the promulgating unit had last increased its fees;

3. the structure of the promulgating unit as to whether it is one that retains the license fees it receives or passes them through to a national organization or association that creates and administers a uniform licensing examination that is taken by anyone in the United States who is seeking a license to practice a particular occupation or profession or business activity issued by the promulgating unit;

4. measures taken by the promulgating unit to avoid or mitigate the necessity of a fee increase and the results of those measures;

5. special circumstances about the activities and responsibilities of the promulgating unit, including investigations of individuals licensed by the unit, that have had an adverse impact on the unit's operating expenses;

6. consideration given by the promulgating unit to the hardship a license fee increase may have on individuals and trainees licensed or regulated by the unit; and

7. actions taken by the promulgating unit to elicit the opinions of the individuals who are licensed by the promulgating unit and the members of the public as to the effectiveness and performance of the promulgating unit.

(3) If the promulgating unit estimates that the proposed regulation will have a significant small business impact, the unit shall:

(i) identify each provision in the proposed regulation that will have a significant small business impact;

(ii) quantify or describe the range of potential costs of the proposed regulation on small businesses in the State;

(iii) identify how many small businesses may be impacted by the proposed regulation;

(iv) identify any alternative provisions the unit considered that may have a less significant impact on small businesses in the State and the reason the alternative was not proposed;

(v) identify the beneficial impacts of the regulation, including to public health, safety, and welfare, or to the environment; and

(vi) coordinate with the Advisory Council not later than the date the proposed regulation is submitted to the Committee, the Department of Legislative Services, and the Advisory Council in accordance with this section.

(e) (1) The Committee is not required to take any action with respect to a proposed regulation submitted to it pursuant to subsection (d) of this section.

(2) Failure by the Committee to approve or disapprove the proposed regulation during the period of preliminary review provided by subsection (d) of this section may not be construed to mean that the Committee approves or disapproves the proposed regulation.

(3) During the preliminary review period, the Committee may take any action relating to the proposed regulation that the Committee is authorized to take under §§ 10–111.1 and 10–112 of this subtitle.

(4) (i) If the Advisory Council submits to the Committee and the Department of Legislative Services a written statement of its findings that a proposed regulation will have a significant small business impact as required by § 3–505 of the Economic Development Article, the Committee and the Department of Legislative Services shall review the findings.

(ii) After notification that a proposed regulation will have a significant small business impact, any member of the Committee may request a hearing on the proposed regulation.

(iii) If a member requests a hearing, the Committee:

1. shall hold a hearing; and

2. may request that the promulgating unit delay adoption of the regulation.

(f) Prior to the date specified in subsection (d) of this section, the promulgating unit is encouraged to:

(1) submit the proposed regulation to the Committee and to consult with the Committee concerning the form and content of that regulation; and

(2) submit the proposed regulation to the Advisory Council and to consult with the Advisory Council concerning the estimated small business impact of the regulation and ways to reduce the small business impact.

§10–111.

(a) (1) Except as provided in subsection (b) of this section, a unit may not adopt a proposed regulation until:

(i) after submission of the proposed regulation to the Committee for preliminary review under § 10–110 of this subtitle; and

(ii) at least 45 days after its first publication in the Register.

(2) (i) If the Committee determines that an appropriate review cannot reasonably be conducted within 45 days and that an additional period of review is required, it may delay the adoption of the regulation by so notifying the promulgating unit and the Division of State Documents, in writing, prior to the expiration of the 45–day period.

(ii) If notice is provided to the promulgating unit pursuant to subparagraph (i) of this paragraph, the promulgating unit may not adopt the regulation until it notifies the Committee, in writing, of its intention to adopt the regulation and provides the Committee with a further period of review of the regulation that terminates not earlier than the later of the following:

1. the 30th day following the notice provided by the promulgating unit under this subparagraph; or

2. the 105th day following the initial publication of the regulation in the Register.

(3) The promulgating unit shall permit public comment for at least 30 days of the 45–day period under paragraph (1)(ii) of this subsection.

(b) (1) The unit may adopt a proposed regulation immediately if the unit:

(i) declares that the emergency adoption is necessary;

(ii) submits the proposed regulation to the Committee and the Department of Legislative Services, together with the fiscal impact statement required under subsection (c) of this section; and

(iii) has the approval of the Committee for the emergency adoption.

(2) (i) Subject to subparagraphs (ii), (iii), and (iv) of this paragraph, the approval of the Committee may be given:

1. by a majority of its members who are present and voting at a public hearing or meeting of the Committee; or

2. if staff of the Committee tries but is unable to contact a majority of the members of the Committee in a timely manner and immediate adoption is necessary to protect the public health or safety, by its presiding Chairman or, if its presiding Chairman is unavailable, by its cochair.

(ii) If a member of the Committee requests a public hearing on the

emergency adoption of a regulation, the Committee shall hold a public hearing.

(iii) 1. If a public hearing is held on the emergency adoption of a regulation, the Committee may not approve the emergency adoption except by a majority vote of the members present and voting at the hearing or at a meeting of the Committee subsequent to the hearing.

2. If a vote on the emergency regulation is not taken at the public hearing or immediately thereafter, the Committee members shall be provided at least 1 week's notice of the scheduling of any subsequent meeting to vote on the regulation.

(iv) Unless the Governor declares that immediate adoption is necessary to protect the public health or safety, the Committee may not approve the emergency adoption of a regulation earlier than 10 business days after receipt of the regulation by the Committee and the Department of Legislative Services.

(3) If there is no request for a public hearing, the staff of the Committee may poll, in person, by telephone, or in writing:

(i) the members of the Committee; or

(ii) if staff of the Committee tries but is unable to contact a majority of the members of the Committee in a timely manner and immediate adoption is necessary to protect the public health or safety, the presiding Chairman or the cochair.

(4) (i) The Committee may impose, as part of its approval, any condition.

(ii) The Committee shall impose, as part of its approval, a time limit not to exceed 180 days on each request for emergency status.

(iii) If the unit does not adopt the regulation finally before the time limit expires, the status of the regulation reverts to its status before the emergency adoption.

(5) The Committee may rescind its approval by a majority of its members present and voting at a public hearing or meeting of the Committee.

(c) (1) The fiscal impact statement, prepared by the unit and submitted under subsection (b) of this section, shall state:

(i) an estimate of the impact of the emergency regulation on the revenues and expenditures of the State;

(ii) whether the State budget for the fiscal year in which the regulation will become effective contains an appropriation of the funds necessary for the implementation of the emergency regulation;

(iii) if an appropriation is not contained in the State budget, the source of the funds necessary for the implementation of the emergency regulation; and

(iv) whether the emergency regulation imposes a mandate on a local government unit.

(2) If the emergency regulation imposes a mandate on a local government unit, the fiscal impact statement shall:

(i) indicate whether the regulation is required to comply with a federal statutory or regulatory mandate;

(ii) if the information may be practicably obtained given the emergency circumstances of the regulations, include an estimate of the impact of the emergency regulation on the revenues and expenditures of local government units; and

(iii) if applicable, and if the required data is available, include the estimated effect on local property tax rates.

§10–111.1.

(a) (1) Prior to the expiration of any period of review granted to or reserved by the Committee pursuant to § 10-111(a) of this subtitle, the Committee, by a majority vote, may oppose the adoption of any proposed regulation.

(2) Unless waived by both of the presiding officers, at least 2 weeks prior to acting pursuant to subsection (a)(1) of this section with respect to any proposed regulation, the Committee shall notify the presiding officers who shall notify the appropriate standing committees that the special procedure established by this section may be exercised.

(b) In its review of a proposed regulation pursuant to this section, the factors the Committee shall consider shall include whether the regulation:

(1) is in conformity with the statutory authority of the promulgating unit; and

(2) reasonably complies with the legislative intent of the statute under which the regulation was promulgated.

(c) (1) Within 5 working days after the Committee votes to oppose the adoption of a proposed regulation, it shall provide written notice to the Governor and the promulgating unit of its action.

(2) Upon receipt of such notice, and with written notice to the Committee and as otherwise required by law, the promulgating unit may:

(i) withdraw the regulation;

(ii) modify the regulation, but only in accordance with § 10-113 of this subtitle; or

(iii) submit the regulation to the Governor with a statement of the justification for the unit's refusal to withdraw or modify the regulation.

(3) Following the receipt of notice under paragraph (2)(iii) above, the Governor may consult with the Committee and the unit in an effort to resolve the conflict. After written notice has been provided to the presiding officers and to the Committee, the Governor may:

(i) instruct the unit to withdraw the regulation;

(ii) instruct the unit to modify the regulation, but only in accordance with § 10-113 of this subtitle; or

(iii) approve the adoption of the regulation.

(d) A proposed regulation opposed by the Committee pursuant to this section may not be adopted, and is not effective unless approved, by the Governor pursuant to subsection (c)(3) of this section.

§10–111.2.

(a) (1) The Web site of the General Assembly shall include a list of all emergency regulations the Committee has received but has not approved.

(2) For each regulation, the list shall include:

(i) the date the Committee received the regulation;

(ii) whether a member of the Committee has requested a public hearing;

(iii) the date of any public hearing scheduled;

(iv) the date and a summary of any action the Committee has taken; and

(v) the name and telephone number of a member of the Committee's staff who can provide further information.

(3) A regulation shall be added to the list within 3 business days after receipt of the regulation by the Committee and the Department of Legislative Services.

(b) (1) The Department of Legislative Services shall maintain a list of members of the public who have requested to receive notice when the Department of Legislative Services receives proposed regulations for which the promulgating unit has requested emergency adoption.

(2) A member of the public who requests notice under this subsection shall specify:

(i) whether the individual wants to receive notice by United States mail or electronic mail; and

(ii) which agencies' regulations the individual wants to receive notice of receipt.

(3) Within 2 business days of receipt of a proposed regulation, the Department of Legislative Services shall provide notice to members of the public who have requested notice, as specified in paragraph (2) of this subsection.

(4) The Department of Legislative Services:

(i) may impose a reasonable fee for sending notice under this subsection by United States mail; and

(ii) may not impose a fee for sending notice under this subsection by electronic mail.

(5) Upon request, a promulgating unit shall provide copies of emergency regulations to members of the public.

§10–112.

(a) (1) This subsection does not apply to the emergency adoption of a regulation.

(2) To have a proposed regulation published in the Register, a unit shall submit to the Administrator:

(i) the proposed regulation; and

(ii) a notice of the proposed adoption.

(3) The notice under this subsection shall:

(i) state the estimated economic impact of the proposed regulation on:

1. the revenues and expenditures of units of the State government and of local government units; and

2. groups such as consumer, industry, taxpayer, or trade groups;

(ii) include a statement of purpose;

(iii) satisfy the requirements of § 2–1505.2 of this article;

(iv) comply with § 7–113(c) of the Human Services Article; and

(v) give persons an opportunity to comment before adoption of the proposed regulation, by:

1. setting a date, time, and place for a public hearing at which oral or written views and information may be submitted; or

2. giving a telephone number that a person may call to comment and an address to which a person may send comments.

(4) (i) The estimated economic impact statement required under paragraph (3)(i) of this subsection shall state whether the proposed regulation imposes a mandate on a local government unit.

(ii) If the proposed regulation imposes a mandate, the fiscal impact statement shall:

1. indicate whether the regulation is required to comply with a federal statutory or regulatory mandate; and

2. include, in addition to the estimate under paragraph (3)(i)1 of this subsection, the estimated effect on local property tax rates, if applicable, and if the required data is available.

(b) As soon as the Committee approves emergency adoption of a regulation, the Committee shall submit the regulation to the Administrator.

(c) If a regulation under this section amends or repeals an adopted regulation, the text of the regulation under this section shall show the changes with the symbols that the Administrator requires.

§10–112.1.

(a) Whenever a unit publishes a proposed regulation in the Register in accordance with § 10–112 of this subtitle, the unit shall publish the text of the proposed regulation on the unit's Web site not later than 3 business days after the date that the proposed regulation is published in the Register.

(b) Whenever a unit submits a regulation to the Committee for approval as an emergency adoption in accordance with § 10–111(b) of this subtitle, the unit shall publish the text of the regulation on the unit's Web site not later than 3 business days after the date that the regulation is submitted to the Committee for approval of emergency adoption.

(c) To comply with the publication requirement of this section, a unit shall:

(1) publish the text of the regulation on the unit's home page on its Web site; or

(2) provide a link on the unit's home page to the text of the regulation if the text of the regulation is available elsewhere on the unit's Web site.

(d) The failure of a unit to publish the text of a regulation in a timely manner under this section may not invalidate or otherwise affect the adoption of the regulation.

§10–113.

(a) In this section, "unit counsel" has the meaning stated in § 10–107 of this subtitle.

(b) If a unit wishes to change the text of a proposed regulation so that any part of the text differs substantively from the text previously published in the Register, the unit may not adopt the proposed regulation unless it is proposed anew and adopted in accordance with the requirements of §§ 10–111 and 10–112 of this subtitle.

(c) If the regulation is proposed anew, the changes in the text shall be shown with the symbols that the Administrator requires.

(d) (1) The Administrator shall refuse to publish the notice of adoption of a regulation that differs from the text previously published unless the notice is accompanied by a certification from the Attorney General or the unit counsel that the provisions of subsections (b) and (c) of this section are not applicable.

(2) The certification shall:

(i) be prepared in the form and according to guidelines specified by the Administrator;

(ii) contain a description of the nature of each change and the basis for the conclusion; and

(iii) be published in the Register as part of the notice of adoption.

§10–114.

(a) After adopting a regulation, a unit shall submit to the Administrator a notice of adoption, for publication in the Register.

(b) If the text of the adopted regulation is the same or substantially similar to the proposed regulation, the notice shall:

(1) state that the texts are the same or substantially similar;

(2) cite the date of the Register in which the proposed regulation was published; and

(3) show each change in the text with the symbols that the Administrator requires.

§10–115.

(a) A unit may not reset or reprint a regulation in the Code of Maryland Regulations, the permanent supplements to the Code of Maryland Regulations, or the Register without the written permission of the Committee.

(b) Before reprinting a regulation under this section, a unit shall submit the proposed text of the regulation to the Division of State Documents for comparison with the official text.

§10–116.

(a) A unit:

(1) may withdraw a proposed regulation at any time before its adoption; but

(2) may not adopt the proposed regulation unless it is proposed anew and adopted in accordance with the requirements of §§ 10-111 and 10-112 of this subtitle.

(b) (1) The failure to adopt a proposed regulation within 1 year after its last publication in the Register constitutes withdrawal under this section.

(2) The Administrator shall publish in the Register notice of a withdrawal of a proposed regulation under this subsection.

§10–117.

(a) (1) Except as otherwise provided in subsection (b) of this section or in other law, the effective date of a regulation is:

(i) the 10th calendar day after notice of adoption is published in the Register; or

(ii) a later date that the notice sets.

(2) For calculation of the effective date under this subsection:

(i) § 1–302 of the General Provisions Article does not apply;

(ii) the issue date of the Register in which the notice is published is not counted; and

(iii) each other calendar day, including Saturdays, Sundays, and legal holidays, is counted.

(b) The effective date of a regulation after its emergency adoption is the date that the Committee sets.

§10–118.

The Committee may exercise a power granted under this subtitle over an emergency or proposed regulation or a specific, distinct, and severable provision of an emergency or proposed regulation.

§10–120.

(a) This Part IV of this subtitle does not apply to:

(1) the Governor;

(2) the State Department of Assessments and Taxation;

(3) the Board of Appeals of the Department of Labor, Licensing, and Regulation;

(4) the Insurance Administration;

(5) the Maryland Parole Commission of the Department of Public Safety and Correctional Services;

(6) the Public Service Commission;

(7) the Maryland Tax Court; or

(8) the State Workers' Compensation Commission.

(b) If the Insurance Commissioner states in writing that, as to a particular matter, the Maryland Automobile Insurance Fund need not comply with this Part IV of this subtitle, this Part IV does not apply to the Fund with respect to that matter.

(c) This subtitle does apply to the property tax assessment appeals boards.

§10–121.

A political subdivision of the State or an instrumentality of a political subdivision is entitled, to the same extent as other legal entities, to be an interested person, party, or petitioner in a matter under this subtitle, including an appeal.

§10–122.

(a) Each unit shall adopt regulations to govern procedures under this Part IV of this subtitle, including the related forms that the unit requires and the instructions for completing the forms.

(b) To help persons deal with the unit, the unit shall supplement, so far as practicable, the regulations under this section with a description of the procedures of the unit.

§10–123.

(a) An interested person may submit to a unit a petition for the adoption of a regulation.

(b) Within 60 days after the petition is submitted, the unit shall:

(1) in writing, deny the petition and state the reasons for the denial; or

(2) initiate the procedures for adoption of the regulation.

§10–124.

(a) In this section, "business" means a trade, professional activity, or other business that is conducted for profit.

(b) (1) Before a unit adopts a proposed regulation, the unit shall evaluate whether the proposed regulation has any impact on businesses.

(2) To evaluate the impact, the unit shall:

(i) on the basis of the sizes of the businesses that the proposed regulation might affect, divide those businesses into any classes that the unit considers appropriate for the proposed regulation; and

(ii) particularly consider:

1. the costs that the proposed regulation would impose on each class; and

2. the difficulty of compliance for each class.

(c) On the basis of the evaluation, the unit may adopt 1 or more regulations that apply differently to classes of businesses.

§10–125.

(a) (1) A person may file a petition for a declaratory judgment on the validity of any regulation, whether or not the person has asked the unit to consider the validity of the regulation.

(2) A petition under this section shall be filed with the circuit court for the county where the petitioner resides or has a principal place of business.

(b) A court may determine the validity of any regulation if it appears to the court

that the regulation or its threatened application interferes with or impairs or threatens to interfere with or impair a legal right or privilege of the petitioner.

(c) The unit that adopted the regulation shall be made a party to the proceeding under this section.

(d) Subject to § 10-128 of this subtitle, the court shall declare a provision of a regulation invalid if the court finds that:

(1) the provision violates any provision of the United States or Maryland Constitution;

(2) the provision exceeds the statutory authority of the unit; or

(3) the unit failed to comply with statutory requirements for adoption of the provision.

§10–128.

(a) Unless a regulation expressly states otherwise, its provisions are severable.

(b) The finding of a court that a provision of a regulation is invalid invalidates only any other provision of the regulation that the court finds then is so incomplete that it cannot be carried out in accordance with the purpose of the regulation.

§10–129.

(a) This section applies only to a unit in the Executive Branch of the State government.

(b) Whenever a court of final appeal declares all or any part of a regulation invalid and unconstitutional:

(1) the unit that adopted the regulation shall have notice of that fact published in the Register; and

(2) the Administrator shall publish notice of that fact in the permanent supplements or otherwise in the Code of Maryland Regulations.

§10–130.

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

(b) "Adopting authority" means the individual or entity charged under law with adopting regulations for a unit.

(c) "Committee" means the Joint Committee on Administrative, Executive, and Legislative Review.

(d) "Evaluation report" means the document prepared by a unit of State government in accordance with this part that results from the unit's review of its regulations.

(e) "Regulation" has the meaning stated in § 10–101(h) of this subtitle and is limited to those regulations in effect at the time any action is required or taken under this part.

(f) "Stakeholder" means a person that has an interest in or is impacted by an existing regulation.

(g) "Unit" means each unit in the Executive Branch of State government that is authorized by law to adopt regulations.

(h) "Work plan" means a unit's proposal for the evaluation of its regulations.

§10–131.

This part does not apply to a regulation of a bi-county or multicounty commission or authority or to any other entity not a part of the Executive Branch of State government.

§10–132.

The purposes of this part are to:

(1) establish a system of executive and legislative evaluation of regulations that will:

(i) determine whether the regulations of a unit:

1. continue to be necessary for the public interest;

2. continue to be supported by statutory authority and judicial opinions; and

3. are obsolete or otherwise are appropriate for amendment or repeal; and

(ii) assist the Executive Branch in being accountable and responsive to the public interest; and

(2) assure that the evaluation takes place in a timely and orderly manner.

§10–132.1.

(a) (1) Subject to subsection (b) of this section, the adopting authority for each unit shall every 8 years, beginning on or after October 1, 2001, submit to the Governor and to the Committee a schedule of regulations to be reviewed under this part during

the following 8 years.

(2) (i) To the extent possible and reasonable, an adopting authority shall schedule related regulations to be reviewed concurrently.

(ii) Unless good cause exists for publishing a larger group of regulations concurrently, the largest group of regulations that an adopting authority may schedule for review concurrently shall be a subtitle.

(b) (1) At the time that a unit's regulations are scheduled for review under this part, an adopting authority may certify to the Committee and the Governor that the review of a regulation or group of related regulations would not be effective or cost-effective and is exempt from the review process under this subtitle because the regulation or group of related regulations was:

(i) adopted to implement a federally mandated or federally approved program; or

(ii) initially adopted or comprehensively amended during the preceding 8 years.

(2) An adopting authority issuing a certificate of exemption shall provide the Governor and Committee with written justification for the certificate of exemption.

(3) If there is more than one adopting authority for a regulation or group of related regulations for which an exemption is to be certified, each adopting authority shall sign the certificate of exemption and written justification required under this subsection.

(c) At any time during a review cycle, the Governor or Committee may ask that an adopting authority review a regulation or group of regulations for which a certificate of exemption has been issued, notwithstanding the claim of exemption.

§10–133.

(a) Based on the schedules submitted by the adopting authorities under § 10-132.1 of this subtitle, the Governor shall, by an executive order consistent with this part, provide for the review and evaluation of the regulations of each unit in accordance with this part.

(b) The executive order shall provide that a review and evaluation of the regulations of all units be undertaken every 8 years, beginning on July 1, 1995 and is repeated during each 8-year period thereafter.

(c) The executive order under subsection (b) of this section shall schedule the evaluations in such a manner that:

(1) a deadline is established for each unit to complete its evaluation; and

(2) the deadlines of the various units are staggered across the entire 8-year period.

(d) (1) The executive order shall provide that, on written request from a unit, the Governor may alter the deadline for that unit.

(2) If the Governor approves a request to alter a deadline, the unit shall notify the Committee.

§10–134.

(a) At least 1 year before the commencement of the review and evaluation of its regulations, each unit shall prepare a work plan and submit the work plan to the Governor and, subject to § 2–1246 of this article, the Committee.

(b) The work plan shall:

(1) include a description of the procedures and methods to be used by the unit, which may include:

(i) procedures for inviting public comment, including:

1. the publication of notices in the Maryland Register;

2. the publication of notices in newspapers of general circulation in the State;

3. the posting of a notice on the unit's Web site or on a statewide Web site created for units to post notices of regulations review;

4. the mailing of notices; and

5. the holding of public hearings at various locations around the State;

(ii) procedures for ensuring the participation of stakeholders in the review process;

(iii) procedures for ensuring the participation in the review process of other units affected by the regulations; and

(iv) procedures for gathering and reviewing:

1. recent scientific information related to the regulations being reviewed;

2. similar regulations adopted or repealed by other states or the federal government; and

3. other appropriate information;

(2) identify the individual or individuals in the unit who will coordinate the evaluation and communicate with the Committee; and

(3) establish the schedule the unit will follow to complete its evaluation report in a timely manner.

(c) (1) Within 30 days after receipt of the work plan by the Committee, it shall:

(i) advise the unit in writing of any part of the work plan with which it disagrees;

(ii) submit to the unit in writing any changes it recommends to the work plan; and

(iii) in the event of a disagreement, attempt to meet with the head of the unit.

(2) The head of the unit and the Committee shall attempt to resolve any disagreements within 30 days after the Committee acts under this subsection.

§10–135.

(a) (1) Pursuant to the work plan adopted under § 10–134 of this subtitle, each unit shall complete an evaluation report on or before the deadline established by the executive order.

(2) Consistent with the requirements of § 10–132(1)(i) of this subtitle, the evaluation report shall contain:

(i) a list of any stakeholders invited to review the regulations and a summary of their participation in and input into the review process;

(ii) a list of any affected units invited to review the regulations and a summary of their participation in and input into the review process;

(iii) a description of the process used to solicit public comment, including:

1. any notice published in the Maryland Register;

2. any notice published in newspapers of general circulation;

3. any notice posted on the unit's Web site or on a statewide Web site created for units to post notices of regulations review;

4. any mailing by the adopting authority; and

5. any public hearing held;

(iv) summaries of:

1. all comments received from stakeholders, affected units, or the public; and

2. the adopting authority's responses to those comments;

(v) a description of any interunit conflict reviewed and the resolution or proposed resolution of that conflict;

(vi) a summary of any relevant scientific data gathered;

(vii) a summary of any relevant information gathered related to the regulations of other states or the federal government;

(viii) a summary of any other relevant information gathered;

(ix) a summary of any proposed amendments to the unit's regulations and the reason that the amendments are being proposed;

(x) a summary of any proposed repeal of those regulations and the reason that the repeal is being proposed; and

(xi) any proposed reorganization of those regulations and the reason that the reorganization is being proposed.

(b) (1) On completion of its evaluation report, a unit shall:

(i) provide a copy to the Committee which shall immediately provide copies thereof to the standing committees designated by the presiding officers for their review and comment;

(ii) provide sufficient copies to the State Library Resource Center for distribution to designated depository libraries in accordance with § 23–303 of the Education Article; and

(iii) publish a notice in the Maryland Register that the evaluation report is available for public inspection and comment for 60 days.

(2) The unit may hold a public hearing on the evaluation report at the discretion of the head of the unit.

(c) (1) The Committee shall review the evaluation report.

(2) During the review, the Committee may solicit public comment through written comments or public hearings.

(d) (1) During the 60–day review period established under subsection (b)(1) of this section, the Committee may submit to the unit comments on and recommendations for change in the unit's evaluation report.

(2) Within 30 days after the termination of the 60–day review period, the unit shall:

(i) notify the Committee of the unit's agreement or disagreement with the Committee's recommendations; and

(ii) attempt to resolve any disagreements.

(3) If the Committee submits no comments or recommendations under this subsection, or if any disagreements have been resolved by the termination of the period provided in paragraph (2) of this subsection, the evaluation report is deemed approved.

§10–136.

(a) (1) If a unit, other than those referred to in § 10–137 of this subtitle, disagrees with a Committee recommendation and the disagreement has not been resolved by the termination of the period provided under § 10–135(d)(2) of this subtitle, the unit, within 30 days thereafter, shall submit the evaluation report to the Governor with an explanation of the disagreement and a statement of justification for the unit's position.

(2) After receipt of the report and accompanying justification and after consulting with the presiding Chairman of the Committee, the Governor shall:

(i) approve the evaluation report either as proposed by the unit or with such modifications as the Governor deems appropriate; or

(ii) instruct the unit to modify the evaluation report and, under this section, to submit a revised report to the Governor and to the Committee.

(b) The unit shall provide the Committee, subject to § 2–1246 of this article, with a copy of an evaluation report approved by the Governor and any other written action taken by the Governor under this section.

§10–137.

(a) This section applies to the Comptroller, the Treasurer, the Attorney General, and the Board of Public Works.

(b) Within 30 days of the receipt by one of the units referred to in subsection (a) of this section of a Committee comment or recommendation under § 10–135(d) of this subtitle with which that unit disagrees, the Comptroller, the Treasurer, the Attorney General, or the Board of Public Works, as the case may be, shall, after consultation with the Committee, resolve the disagreement.

(c) The unit involved shall promptly notify the Committee of any resolution of a disagreement under this section and provide the Committee with a copy of the approved evaluation report.

§10–138.

(a) Within 120 days after an evaluation report is approved pursuant to § 10-135(d)(3), § 10-136(a)(2)(i), or § 10-137 of this subtitle, the unit shall propose for adoption any amendments to or repeal of its regulations that were summarized in the unit's evaluation report as approved.

(b) The amendments or repeal shall be proposed in the manner provided under Part III of this subtitle.

§10–139.

This Part VI of this subtitle may be cited as the "Regulatory Review and Evaluation Act".

§10–201.

The purpose of this subtitle is to:

(1) ensure the right of all persons to be treated in a fair and unbiased manner in their efforts to resolve disputes in administrative proceedings governed by this subtitle; and

(2) promote prompt, effective, and efficient government.

§10–202.

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

(b) "Agency" means:

(1) an officer or unit of the State government authorized by law to adjudicate contested cases; or

(2) a unit that:

(i) is created by general law;

(ii) operates in at least 2 counties; and

(iii) is authorized by law to adjudicate contested cases.

(c) "Agency head" means:

(1) an individual or group of individuals in whom the ultimate legal

authority of an agency is vested by any provision of law; or

(2) the secretary of the State department that is responsible for State programs that are administered by the Montgomery County Department of Health and Human Services.

(d) (1) "Contested case" means a proceeding before an agency to determine:

(i) a right, duty, statutory entitlement, or privilege of a person that is required by statute or constitution to be determined only after an opportunity for an agency hearing; or

(ii) the grant, denial, renewal, revocation, suspension, or amendment of a license that is required by statute or constitution to be determined only after an opportunity for an agency hearing.

(2) "Contested case" does not include a proceeding before an agency involving an agency hearing required only by regulation unless the regulation expressly, or by clear implication, requires the hearing to be held in accordance with this subtitle.

(e) "License" means all or any part of permission that:

(1) is required by law to be obtained from an agency;

(2) is not required only for revenue purposes; and

(3) is in any form, including:

(i) an approval;

(ii) a certificate;

(iii) a charter;

(iv) a permit; or

(v) a registration.

(f) "Office" means the Office of Administrative Hearings.

(g) "Presiding officer" means the board, commission, agency head, administrative law judge, or other authorized person conducting an administrative proceeding under this subtitle.

§10–203.

(a) This subtitle does not apply to:

(1) the Legislative Branch of the State government or an agency of the Legislative Branch;

(2) the Judicial Branch of the State government or an agency of the Judicial Branch;

(3) the following agencies of the Executive Branch of the State government:

(i) the Governor;

(ii) the Department of Assessments and Taxation;

(iii) the Insurance Administration except as specifically provided in the Insurance Article;

(iv) the Maryland Parole Commission of the Department of Public Safety and Correctional Services;

(v) the Public Service Commission;

(vi) the Maryland Tax Court;

(vii) the State Workers' Compensation Commission;

(viii) the Maryland Automobile Insurance Fund; or

(ix) the Patuxent Institution Board of Review, when acting on a parole request;

(4) an officer or unit not part of a principal department of State government that:

(i) is created by or pursuant to the Maryland Constitution or general or local law;

(ii) operates in only 1 county; and

(iii) is subject to the control of a local government or is funded wholly or partly from local funds;

(5) unemployment insurance claim determinations, tax determinations, and appeals in the Department of Labor, Licensing, and Regulation except as specifically provided in Subtitle 5A of Title 8 of the Labor and Employment Article; or

(6) any other entity otherwise expressly exempted by statute.

(b) This subtitle does apply to:

(1) the property tax assessment appeals boards; and

(2) as to requests for correction of certificates of death under § 5–310(d)(2) of the Health – General Article, the office of the Chief Medical Examiner.

(c) A public hearing required or provided for by statute or regulation before an agency takes a particular action is not an agency hearing under § 10–202(d) of this subtitle unless the statute or regulation:

(1) expressly requires that the public hearing be held in accordance with this subtitle; or

(2) expressly requires that any judicial review of the agency determination following the public hearing be conducted in accordance with this subtitle.

(d) (1) Subject to paragraphs (2) and (3) of this subsection, this subtitle does apply to a contested case that arises from a State program administered by the Montgomery County Department of Health and Human Services in the same manner as the subtitle applies to a county health department or local department of social services.

(2) For purposes of this subtitle, the Office of the Attorney General, after consultation with the County Attorney for Montgomery County, shall determine if the Montgomery County Department of Health and Human Services administers a State program.

(3) This subsection is not intended to extend or limit the authority of the Montgomery County Department of Health and Human Services to administer State programs in the manner of a county health department or local department of social services.

§10–204.

A political subdivision of the State or an instrumentality of a political subdivision is entitled, to the same extent as other legal entities, to be an interested person, party, or petitioner in a matter under this subtitle, including an appeal.

§10–205.

(a) (1) Except as provided in paragraph (2) of this subsection, a board, commission, or agency head authorized to conduct a contested case hearing shall:

(i) conduct the hearing; or

(ii) delegate the authority to conduct the contested case hearing to:

1. the Office; or

2. with the prior written approval of the Chief Administrative Law Judge, a person not employed by the Office.

(2) A hearing held in accordance with § 4-608(f) or § 5-610(f) of the Business Occupations and Professions Article may not be delegated to the Office.

(3) With the written approval of the Chief Administrative Law Judge, a class of contested case hearings may be delegated as provided in paragraph (1)(ii)2 of this subsection.

(4) This subsection is not intended to restrict the right of an individual, expressly authorized by a statute in effect on October 1, 1993, to conduct a contested case hearing.

(b) An agency may delegate to the Office the authority to issue:

(1) proposed or final findings of fact;

(2) proposed or final conclusions of law;

(3) proposed or final findings of fact and conclusions of law;

(4) proposed or final orders or orders under Title 20 of this article; or

(5) the final administrative decision of an agency in a contested case.

(c) Promptly after receipt of a request for a contested case hearing, an agency shall:

(1) notify the parties that the authorized agency head, board, or commission shall conduct the hearing;

(2) transmit the request to the Office so that the Office shall conduct the hearing in accordance with the agency's delegation; or

(3) request written approval from the Chief Administrative Law Judge to appoint a person not employed by the Office to conduct the hearing.

(d) (1) Except as provided in paragraph (2) of this subsection, an agency's delegation and transmittal of all or part of a contested case to the Office is final.

(2) If an agency has adopted regulations specifying the criteria and procedures for the revocation of a delegation of a contested case, delegation of authority to hear all or part of a contested case may be revoked, by the agency head, board, or commission, in accordance with the agency's regulations, at any time prior to the earlier of:

(i) the issuance of a ruling on a substantive issue; or

(ii) the taking of oral testimony from the first witness.

(e) (1) The Office shall:

(i) conduct the hearing; and

(ii) except as provided in paragraph (2) of this subsection or as otherwise required by law, within 90 days after the completion of the hearing, complete the procedure authorized in the agency's delegation to the Office.

(2) The time limit specified in paragraph (1)(ii) of this subsection may be extended with the written approval of the Chief Administrative Law Judge.

§10–206.

(a) (1) The Office shall adopt regulations to govern the procedures and practice in all contested cases delegated to the Office and conducted under this subtitle.

(2) Unless a federal or State law requires that a federal or State procedure shall be observed, the regulations adopted under paragraph (1) of this subsection shall take precedence in the event of a conflict.

(b) Each agency may adopt regulations to govern procedures under this subtitle and practice before the agency in contested cases.

(c) Regulations adopted under this section may include procedures and criteria for requesting and conducting expedited hearings.

(d) Each agency and the Office may adopt regulations that:

(1) provide for prehearing conferences in contested cases; or

(2) set other appropriate prehearing procedures in contested cases.

(e) To assist the public in understanding the procedures followed by an agency or the Office in contested cases, an agency or the Office may develop and distribute supplemental explanatory materials, including the related forms that the agency or Office requires and instructions for completing the forms.

§10–206.1.

(a) An agency may not:

(1) grant the right to practice law to an individual who is not authorized to practice law;

(2) interfere with the right of a lawyer to practice before an agency or the Office; or

(3) prohibit any party from being advised or represented at the party's own expense by an attorney or, if permitted by law, other representative.

(b) Subsection (a) of this section may not be interpreted to require the State to furnish publicly provided legal services in any proceeding under this subtitle.

§10–207.

(a) An agency shall give reasonable notice of the agency's action.

(b) The notice shall:

(1) state concisely and simply:

(i) the facts that are asserted; or

(ii) if the facts cannot be stated in detail when the notice is given, the issues that are involved;

(2) state the pertinent statutory and regulatory sections under which the agency is taking its action;

(3) state the sanction proposed or the potential penalty, if any, as a result of the agency's action;

(4) unless a hearing is automatically scheduled, state that the recipient of notice of an agency's action may have an opportunity to request a hearing, including:

(i) what, if anything, a person must do to receive a hearing; and

(ii) all relevant time requirements; and

(5) state the direct consequences, sanction, potential penalty, if any, or remedy of the recipient's failure to exercise in a timely manner the opportunity for a hearing or to appear for a scheduled hearing.

(c) The notice of agency action under this section may be consolidated with the notice of hearing required under § 10-208 of this subtitle.

(d) For purposes of this section, publication in the Maryland Register does not constitute reasonable notice to a party.

§10–208.

(a) An agency or the Office shall give all parties in a contested case reasonable written notice of the hearing.

(b) The notice shall state:

(1) the date, time, place, and nature of the hearing;

(2) the right to call witnesses and submit documents or other evidence under § 10-213(f) of this subtitle;

(3) any applicable right to request subpoenas for witnesses and evidence and specify the costs, if any, associated with such a request;

(4) that a copy of the hearing procedure is available on request and specify the costs associated with such a request;

(5) any right or restriction pertaining to representation;

(6) that failure to appear for the scheduled hearing may result in an adverse action against the party; and

(7) that, unless otherwise prohibited by law, the parties may agree to the evidence and waive their right to appear at the hearing.

(c) The notice of hearing may be consolidated with the notice of agency action required under § 10-207 of this subtitle.

(d) For purposes of this subtitle, publication in the Maryland Register does not constitute reasonable notice to a party.

§10–209.

(a) Where a licensing statute provides for service other than by regular mail, notice under this subtitle may be sent by regular mail to the address of record of a person holding a license issued by the agency if:

(1) the person is required by law to advise the agency of the address; and

(2) the agency has been unsuccessful in giving notice in the manner otherwise provided by the licensing statute.

(b) Upon a showing that the person neither knew nor had reasonable opportunity to know of the fact of service, a person served by regular mail under subsection (a) of this section shall be granted a hearing.

(c) A person holding a license shall be deemed to have had a reasonable opportunity to know of the fact of service if:

(1) the person is required by law to notify the agency of a change of address within a specified period of time;

(2) the person failed to notify the agency in accordance with the law;

(3) the agency or the Office mailed the notice to the address of record; and

(4) the agency did not have actual notice of the change of address prior to service.

§10–210.

Unless otherwise precluded by law, an agency or the Office may dispose of a contested case by:

(1) stipulation;

(2) settlement;

(3) consent order;

(4) default;

(5) withdrawal;

(6) summary disposition; or

(7) dismissal.

§10–211.

(a) In accordance with subsection (b) of this section, a hearing may be conducted by telephone, video conferencing, or other electronic means.

(b) (1) For good cause, a party may object to the holding of a hearing by telephone, video conferencing, or other electronic means.

(2) If a party establishes good cause in opposition to the holding of a hearing by telephone or other similar audio electronic means, the hearing shall be held in person or by video conferencing or other similar audiovisual electronic means.

(3) If a party establishes good cause in opposition to the holding of a hearing by video conferencing or other similar audiovisual electronic means, the hearing shall be conducted in person.

§10–212.

(a) Except as otherwise provided by law, a contested case hearing conducted by the Office shall be open to the public.

(b) Hearings conducted by the Office are not subject to Subtitle 5 of this title.

§10–212.1.

(a) (1) In a contested case, a party or witness may apply to the agency for the appointment of a qualified interpreter to assist that party or witness, if the party

or witness is deaf or, because of a hearing impediment, cannot readily understand or communicate the spoken English language.

(2) On application of the party or witness the agency shall appoint a qualified interpreter.

(3) In selecting a qualified interpreter for appointment, the agency may consult the directory of interpreters for manual communication or oral interpretation to assist deaf persons that is maintained by the courts of the State.

(b) (1) An interpreter appointed under this section shall be allowed the compensation that the agency considers reasonable.

(2) Subject to paragraph (3) of this subsection, the compensation shall be paid by the agency.

(3) If the agency has the authority to tax for services and expenses as a part of the costs of a case, the agency may tax the amount paid to an interpreter as a part of these services and expenses in accordance with the federal Americans with Disabilities Act.

§10–213.

(a) (1) Each party in a contested case shall offer all of the evidence that the party wishes to have made part of the record.

(2) If the agency has any evidence that the agency wishes to use in adjudicating the contested case, the agency shall make the evidence part of the record.

(b) The presiding officer may admit probative evidence that reasonable and prudent individuals commonly accept in the conduct of their affairs and give probative effect to that evidence.

(c) Evidence may not be excluded solely on the basis that it is hearsay.

(d) The presiding officer may exclude evidence that is:

(1) incompetent;

(2) irrelevant;

(3) immaterial; or

(4) unduly repetitious.

(e) The presiding officer shall apply a privilege that law recognizes.

(f) On a genuine issue in a contested case, each party is entitled to:

(1) call witnesses;

(2) offer evidence, including rebuttal evidence;

(3) cross-examine any witness that another party or the agency calls; and

(4) present summation and argument.

(g) The presiding officer may receive documentary evidence:

(1) in the form of copies or excerpts; or

(2) by incorporation by reference.

(h) (1) The agency or the Office may take official notice of a fact that is:

(i) judicially noticeable; or

(ii) general, technical, or scientific and within the specialized knowledge of the agency.

(2) Before taking official notice of a fact, the presiding officer:

(i) before or during the hearing, by reference in a preliminary report, or otherwise, shall notify each party; and

(ii) shall give each party an opportunity to contest the fact.

(i) The agency or the Office may use its experience, technical competence, and specialized knowledge in the evaluation of evidence.

§10–214.

(a) Findings of fact must be based exclusively on the evidence of record in the contested case proceeding and on matters officially noticed in that proceeding.

(b) In a contested case, the Office is bound by any agency regulation, declaratory ruling, prior adjudication, or other settled, preexisting policy, to the same extent as the agency is or would have been bound if it were hearing the case.

§10–215.

All or part of proceedings in a contested case shall be transcribed if any party:

(1) requests the transcription; and

(2) pays any required costs.

§10–216.

(a) (1) In the case of a single decision maker, if the final decision maker in a contested case has not personally presided over the hearing, the final decision may not be made until each party is given notice of the proposed decision in accordance with § 10-220 of this subtitle and an opportunity to:

(i) file exceptions with the agency to the proposed decision; and

(ii) present argument to the final decision maker that the proposed decision should be affirmed, reversed, or remanded.

(2) In the case of a decision-making body, if a majority of the officials who are to make a final decision in a contested case have not personally presided over the hearing, the officials may not make the final decision until each party is given notice of the proposed decision in accordance with § 10-220 of this subtitle and an opportunity to:

(i) file exceptions to the proposed decision with the agency; and

(ii) present argument to a majority of the officials who are to make the final decision.

(3) If a party files exceptions or presents argument under paragraph (1) or (2) of this subsection, the official or officials who are to make the final decision shall:

(i) personally consider each part of the record that a party cites in its exceptions or arguments before making a final decision; and

(ii) except as otherwise provided by law or by agreement of the parties, make the final decision within 90 days after the exceptions are filed or the argument is presented, whichever is later.

(b) The final decision shall identify any changes, modifications, or amendments to the proposed decision and the reasons for the changes, modifications, or amendments.

§10–217.

The standard of proof in a contested case shall be the preponderance of evidence unless the standard of clear and convincing evidence is imposed on the agency by regulation, statute, or constitution.

§10–218.

The presiding officer hearing a contested case shall make a record that includes:

(1) all motions and pleadings;

(2) all documentary evidence that the agency or Office receives;

(3) a statement of each fact of which the agency or Office has taken official notice;

(4) any staff memorandum submitted to an individual who is involved in the decision making process of the contested case by an official or employee of the agency who is not authorized to participate in the decision making process;

(5) each question;

(6) each offer of proof;

(7) each objection and the ruling on the objection;

(8) each finding of fact or conclusion of law proposed by:

(i) a party; or

(ii) the presiding officer;

(9) each exception to a finding or conclusion proposed by a presiding officer; and

(10) each intermediate proposed and final ruling by or for the agency, including each report or opinion issued in connection with the ruling.

§10–219.

(a) (1) Except as provided in paragraph (2) of this subsection, a presiding officer may not communicate ex parte directly or indirectly regarding the merits of any issue in the case, while the case is pending, with:

(i) any party to the case or the party's representative or attorney; or

(ii) any person who presided at a previous stage of the case.

(2) An agency head, board, or commission presiding over a contested case may communicate with members of an advisory staff of, or any counsel for, the agency, board, or commission who otherwise does not participate in the contested case.

(b) If, before hearing a contested case, a person receives an ex parte communication of a type that would violate subsection (a) of this section if received while conducting a hearing, the person, promptly after commencing the hearing, shall disclose the communication in the manner prescribed in subsection (c) of this section.

(c) An individual who is involved in the decision making process and who is personally aware of an ex parte communication shall:

(1) give notice to all parties;

(2) include in the record of the contested case:

(i) each written communication received;

(ii) a memorandum that states the substance of each oral communication received;

(iii) each written response to a communication; and

(iv) a memorandum that states the substance of each oral response to the communication; and

(3) send to each party a copy of each communication, memorandum, and response.

(d) A party may rebut an ex parte communication if the party requests the opportunity to rebut within 10 days after notice of the communication.

(e) (1) To eliminate the effect of an ex parte communication that is made in violation of this section, the presiding officer or, if the presiding officer is a multimember body, the individual board or commission member, may:

(i) withdraw from the proceeding; or

(ii) terminate the proceeding without prejudice.

(2) An order to terminate the proceeding without prejudice shall state the last date by which a party may reinstitute the proceeding.

§10–220.

(a) If the Office conducts a hearing under this subtitle, the Office shall prepare proposed findings of fact, conclusions of law, or orders in accordance with the agency's delegation under § 10-205 of this subtitle.

(b) The Office shall send its proposed findings, conclusions, or orders:

(1) to the parties and the agency directly; or

(2) if the agency's delegation under § 10-205 of this subtitle requires, to the agency for distribution by the agency to the parties.

(c) (1) Within 60 days after receipt of the Office's proposed findings, conclusions, or order under subsection (b)(2) of this section, the agency shall:

(i) review the Office's proposed findings, conclusions, or order;

(ii) issue the proposed decision, which may include the Office's proposed findings, conclusions, or order with or without modification; and

(iii) send the proposed decision and a copy of the Office's proposed findings, conclusions, or order to the parties.

(2) The time limit specified in paragraph (1) of this subsection may be extended by the agency head, board, or commission with written notice to the parties.

(d) A proposed decision or order, including proposed decisions or orders issued for contested case hearings subject to this subtitle but not conducted by the Office, shall:

(1) be in writing or stated on the record;

(2) contain separate findings of fact and conclusions of law;

(3) include an explanation of procedures and time limits for filing exceptions; and

(4) if the Office conducted the hearing and the agency's proposed decision includes any changes, modifications, or amendments to the Office's proposed findings, conclusions, or orders, contain an explanation of the reasons for each change, modification, or amendment.

§10–221.

(a) A final decision or order in a contested case that is adverse to a party shall be in writing or stated on the record.

(b) (1) A final decision or order in a contested case, including a remand of a proposed decision, shall contain separate statements of:

(i) the findings of fact;

(ii) the conclusions of law; and

(iii) the order.

(2) A written statement of appeal rights shall be included with the decision.

(3) If the findings of fact are stated in statutory language, the final decision shall state concisely and explicitly the facts that support the findings.

(4) If, in accordance with regulations, a party submitted proposed findings of fact, the final decision shall state a ruling on each proposed finding.

(c) The final decision maker promptly shall deliver or mail a copy of the final decision or order to:

(1) each party; or

(2) the party's attorney of record.

§10–222.

(a) (1) Except as provided in subsection (b) of this section, a party who is aggrieved by the final decision in a contested case is entitled to judicial review of the decision as provided in this section.

(2) An agency, including an agency that has delegated a contested case to the Office, is entitled to judicial review of a decision as provided in this section if the agency was a party before the agency or the Office.

(b) Where the presiding officer has final decision-making authority, a person in a contested case who is aggrieved by an interlocutory order is entitled to judicial review if:

(1) the party would qualify under this section for judicial review of any related final decision;

(2) the interlocutory order:

(i) determines rights and liabilities; and

(ii) has immediate legal consequences; and

(3) postponement of judicial review would result in irreparable harm.

(c) Unless otherwise required by statute, a petition for judicial review shall be filed with the circuit court for the county where any party resides or has a principal place of business.

(d) (1) The court may permit any other interested person to intervene in a proceeding under this section.

(2) If the agency has delegated to the Office the authority to issue the final administrative decision pursuant to § 10-205(a)(3) of this subtitle, and there are 2 or more other parties with adverse interests remaining in the case, the agency may decline to participate in the judicial review. An agency that declines to participate shall inform the court in its initial response.

(e) (1) The filing of a petition for judicial review does not automatically stay the enforcement of the final decision.

(2) Except as otherwise provided by law, the final decision maker may grant or the reviewing court may order a stay of the enforcement of the final decision on terms that the final decision maker or court considers proper.

(f) (1) Judicial review of disputed issues of fact shall be confined to the record for judicial review supplemented by additional evidence taken pursuant to this section.

(2) The court may order the presiding officer to take additional evidence on terms that the court considers proper if:

(i) before the hearing date in court, a party applies for leave to offer additional evidence; and

(ii) the court is satisfied that:

1. the evidence is material; and

2. there were good reasons for the failure to offer the evidence in the proceeding before the presiding officer.

(3) On the basis of the additional evidence, the final decision maker may modify the findings and decision.

(4) The final decision maker shall file with the reviewing court, as part of the record:

(i) the additional evidence; and

(ii) any modifications of the findings or decision.

(g) (1) The court shall conduct a proceeding under this section without a jury.

(2) A party may offer testimony on alleged irregularities in procedure before the presiding officer that do not appear on the record.

(3) On request, the court shall:

(i) hear oral argument; and

(ii) receive written briefs.

(h) In a proceeding under this section, the court may:

(1) remand the case for further proceedings;

(2) affirm the final decision; or

(3) reverse or modify the decision if any substantial right of the petitioner may have been prejudiced because a finding, conclusion, or decision:

(i) is unconstitutional;

(ii) exceeds the statutory authority or jurisdiction of the final

decision maker;

(iii) results from an unlawful procedure;

(iv) is affected by any other error of law;

(v) is unsupported by competent, material, and substantial evidence in light of the entire record as submitted; or

(vi) is arbitrary or capricious.

§10–222.1.

(a) A party to a contested case may timely seek civil enforcement of an administrative order by filing a petition for civil enforcement in an appropriate circuit court.

(b) Unless otherwise required by statute, a party shall file a petition for civil enforcement of an administrative order in the circuit court for the county where any party resides or has a principal place of business.

(c) In an action seeking civil enforcement of an administrative order, a party shall name, as a defendant, each alleged violator against whom the party seeks to obtain civil enforcement.

(d) A party may file an action for civil enforcement of an administrative order if another party is in violation of the administrative order.

(e) A party in an action for civil enforcement of an administrative order may request, and a court may grant, one or more of the following forms of relief:

(1) declaratory relief;

(2) temporary or permanent injunctive relief;

(3) a writ of mandamus; or

(4) any other civil remedy provided by law.

§10–223.

(a) This section does not apply to:

(1) a case that arises under Title 16 of the Transportation Article unless a right to appeal to the Court of Special Appeals is specifically provided; or

(2) a final judgment on actions of the Inmate Grievance Office.

(b) (1) A party who is aggrieved by a final judgment of a circuit court under

this subtitle may appeal to the Court of Special Appeals in the manner that law provides for appeal of civil cases.

(2) An agency that was a party in the circuit court may appeal under paragraph (1) of this subsection.

§10–224.

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

(2) "Business" means a trade, professional activity, or other business that is conducted for profit.

(3) "Nonprofit organization" means an organization that is exempt or eligible for exemption from taxation under § 501(c)(3) of the Internal Revenue Code.

(b) This section applies only to:

(1) an agency operating statewide;

(2) a business that, on the date when the contested case or civil action is initiated:

(i) is independently owned and operated; and

(ii) has less than 50 employees, including, if a corporation owns 50% or more of the stock of the business, each employee of the corporation; and

(3) a nonprofit organization.

(c) Subject to the limitations in this section, an agency or court may award to a business or nonprofit organization reimbursement for expenses that the business or nonprofit organization reasonably incurs in connection with a contested case or civil action that:

(1) is initiated against the business or nonprofit organization by an agency as part of an administrative or regulatory function;

(2) is initiated without substantial justification or in bad faith; and

(3) does not result in:

(i) an adjudication, stipulation, or acceptance of liability of the business or nonprofit organization;

(ii) a determination of noncompliance, violation, infringement, deficiency, or breach on the part of the business or nonprofit organization; or

(iii) a settlement agreement under which the business or nonprofit

organization agrees to take corrective action or to pay a monetary sum.

(d) (1) To qualify for an award under this section when the agency has initiated a contested case, the business or nonprofit organization must make a claim to the agency before taking any appeal.

(2) The agency shall act on the claim.

(e) (1) An award under this section may include:

(i) the expenses incurred in the contested case;

(ii) court costs;

(iii) counsel fees; and

(iv) the fees of necessary witnesses.

(2) An award under this section may not exceed $10,000.

(3) The court may reduce or deny an award to the extent that the conduct of the business or nonprofit organization during the proceedings unreasonably delayed the resolution of the matter in controversy.

(f) An award under this section shall be paid as provided in the State budget.

(g) (1) If the agency denies an award under this section, the business or nonprofit organization may appeal, as provided in this subtitle.

(2) An agency may appeal an award that a court makes under this section.

§10–225.

(a) Upon a finding by the Governor that there is an imminent threat within a time certain of a loss or denial of federal funds to the State because of the operation of any section of this subtitle or of Title 9, Subtitle 16 of this article, the Governor by executive order may suspend the applicability of part or all of this subtitle or of Title 9, Subtitle 16 of this article to a specific class of contested cases.

(b) A suspension under this section is effective only so long as, and to the extent, necessary to avoid a denial or loss of federal funds to the State.

(c) The executive order shall explain the basis for the Governor's finding and state the period of time during which the suspension is to be effective.

(d) The Governor shall declare the termination of a suspension when it is no longer necessary to prevent the loss or denial of federal funds.

(e) An executive order issued under this section shall be:

(1) presented to the Legislative Policy Committee; and

(2) published in the Maryland Register pursuant to § 7–206(a)(2)(iii) of this article.

§10–226.

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

(2) "License" means all or any part of permission that:

(i) is required by law to be obtained from a unit;

(ii) is not required only for revenue purposes; and

(iii) is in any form, including:

1. an approval;

2. a certificate;

3. a charter;

4. a permit; or

5. a registration.

(3) "Unit" means an officer or unit that is authorized by law to:

(i) adopt regulations subject to Subtitle 1 of this title; or

(ii) adjudicate contested cases under this subtitle.

(b) If, at least 2 calendar weeks before a license expires, the licensee makes sufficient application for renewal of the license, the license does not expire until:

(1) the unit takes final action on the application; and

(2) either:

(i) the time for seeking judicial review of the action expires; or

(ii) any judicial stay of the unit's final action expires.

(c) (1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:

(i) written notice of the facts that warrant suspension or revocation; and

(ii) an opportunity to be heard.

(2) A unit may order summarily the suspension of a license if the unit:

(i) finds that the public health, safety, or welfare imperatively requires emergency action; and

(ii) promptly gives the licensee:

1. written notice of the suspension, the finding, and the reasons that support the finding; and

2. an opportunity to be heard.

§10–301.

In this subtitle, "unit" means an officer or unit that is authorized by law to:

(1) adopt regulations subject to Subtitle 1 of this title; or

(2) adjudicate contested cases subject to Subtitle 2 of this title.

§10–302.

(a) This subtitle does not apply to:

(1) the Governor;

(2) the Department of Assessments and Taxation;

(3) the Board of Appeals of the Department of Labor, Licensing, and Regulation;

(4) the Insurance Administration;

(5) the Maryland Parole Commission of the Department of Public Safety and Correctional Services;

(6) the Public Service Commission;

(7) the Maryland Tax Court; or

(8) the State Workers' Compensation Commission.

(b) If the Insurance Commissioner states in writing that, as to a particular matter, the Maryland Automobile Insurance Fund need not comply with this subtitle, this subtitle does not apply to the Fund with respect to that matter.

§10–303.

A political subdivision of the State or an instrumentality of a political subdivision is entitled, to the same extent as other legal entities, to be an interested person, party, or petitioner in a matter under this subtitle, including an appeal.

§10–304.

(a) An interested person may submit to a unit a petition for a declaratory ruling with respect to the manner in which the unit would apply a regulation or order of the unit or a statute that the unit enforces to a person or property on the facts set forth in the petition.

(b) Each unit shall adopt regulations that set:

(1) the form for a petition under this section; and

(2) procedures for the submission, consideration, and disposition of the petition.

§10–305.

(a) A unit may issue a declaratory ruling.

(b) A declaratory ruling binds the unit and the petitioner on the facts set forth in the petition.

(c) A declaratory ruling under this section is subject to review in a circuit court in the manner that Subtitle 2 of this title provides for the review of a contested case.

§10–401.

Before a State agency issues a license or permit to an employer to engage in an activity in which the employer may employ a covered employee, as defined in § 9-101 of the Labor and Employment Article, the employer shall file with the State agency:

(1) a certificate of compliance with the Maryland Workers' Compensation Act; or

(2) the number of a workers' compensation insurance policy or binder.

§10–601.

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

(b) "Department" means a principal department of the Executive Branch of the State government.

(c) "Division" means the Records Management Division of the Department of General Services.

(d) "Form" means a document that has a standard format for the systematic and repetitive collection, maintenance, or transmission of information.

(e) "Independent unit" means a unit of the State government that is not in a department.

(f) "Plan" means a forms management plan for a department or independent unit.

§10–602.

(a) The head of each department and each independent unit shall designate, from among its staff, a forms management officer for the department or independent unit.

(b) The forms management officer shall:

(1) subject to the approval of the Division:

(i) keep a current plan for the management of the forms that the unit uses; and

(ii) administer the plan; and

(2) submit the plan, including each revision, to the Division.

§10–603.

(a) The plan shall:

(1) ensure that the forms management officer approves the use of a form by the department or independent unit only if the form:

(i) is needed for the effective or efficient operation of the department or independent unit;

(ii) requests information that is needed for or relevant to a lawful purpose of the department or independent unit;

(iii) does not impose an undue burden on the individual who is to complete the form;

(iv) is as brief, as plainly written, as well designed, and as easily completed as possible; and

(v) does not duplicate unnecessarily:

1. another form of the department or independent unit; or

2. a form of another department or independent unit;

(2) require a register of the forms that the forms management officer approves;

(3) require identification of each form in accordance with a standard identification system of the Division;

(4) provide for the most economical system by which to prepare, reproduce, and use a form; and

(5) require the forms management officer:

(i) to review periodically each form that has been approved to determine whether the officer still approves the form; and

(ii) if not, to remove the form from the register.

(b) In addition to any duties set forth elsewhere, the Division shall:

(1) develop a standard identification system to identify forms;

(2) help each department and independent unit to:

(i) develop a proposed plan; and

(ii) coordinate the proposed plan with other plans;

(3) review each proposed plan;

(4) approve each proposed plan that meets the requirements of this section; and

(5) monitor and help in the administration of each plan to ensure compliance.

(c) (1) In the preparation of a form that requires identification of individuals by race, a department or independent unit shall include the following racial categories:

(i) American Indian or Alaska Native;

(ii) Asian;

(iii) Black or African American;

(iv) Native Hawaiian or other Pacific Islander; and

(v) White.

(2) A form that requires identification of individuals by race shall include instructions that multiracial respondents may select all applicable racial categories.

(3) (i) Respondents shall select their own answers, except when it is not possible for the respondent to do so.

(ii) In the event that a respondent is not able to select an answer, an observer, such as a family member or friend, may select the answer on behalf of the respondent.

(4) A form that requires identification of individuals by race shall include a separate question about whether a respondent is of Hispanic or Latino origin, with the question preceding the racial category question.

§10–604.

A department or independent unit may use only the forms that are listed on its register of approved forms.

§10–605.

(a) On or before July 31 of each year, each department or independent unit shall submit to the Division an annual report on its activities as to the management of its forms during the previous fiscal year.

(b) On or before September 1 of each year, the Division shall submit, subject to § 2–1246 of this article, to the General Assembly an annual report that consolidates the reports of the departments and independent units.

§10–608.

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

(b) "Division" means the Records Management Division of the Department of General Services.

(c) "Program" means a program for the management of the records of a unit of the State government.

§10–609.

The Division and the State Archivist jointly shall adopt regulations to:

(1) define the character of records of archival quality;

(2) determine the quantity of those records;

(3) set standards for the development of record retention and disposal schedules; and

(4) provide for the periodic transfer to the State Archivist or disposal of records, in accordance with the schedules.

§10–610.

(a) Each unit of the State government shall have a program for the continual, economical, and efficient management of the records of the unit.

(b) The program shall include procedures:

(1) to ensure the security of the records;

(2) to establish and to revise, in accordance with the regulations, record retention and disposal schedules that ensure the prompt and orderly disposition of records that the unit no longer needs for its operation; and

(3) to facilitate compliance with Part III of this subtitle.

§10–611.

The Division shall:

(1) inspect the records of the units of the State government;

(2) study the records management practices of the units;

(3) review a proposal to buy or rent equipment, storage space, or services for records, including microfilming or photocopying, and, as appropriate, make recommendations about the proposal to:

(i) the Department of Budget and Management; or

(ii) the Board of Public Works;

(4) on July 1, 1985 and for each subsequent 5–year period, report a series analysis of the character and quantity of records that a unit of the State government holds and that an official of the State government or the head of a unit is required or is permitted to offer to the State Archives; and

(5) otherwise further the programs of each unit of the State government.

§10–614.

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

(b) "Archives" means the State Archives.

(c) "Commission" means the Hall of Records Commission.

(d) "Public official" includes an official of the State or of a county, city, or town in the State.

§10–615.

Except as expressly provided in § 10–619 of this subtitle, this Part III of this subtitle does not authorize:

(1) the destruction of a permanent book of account;

(2) the destruction of a land record of a clerk of a circuit court;

(3) the destruction of any record that relates to the financial operation of a unit of the State government or to collection of State taxes until the requirements of §§ 2–1220 through 2–1227 of this article are met;

(4) the destruction of any record until the expiration of the period that a statute expressly sets for that record to be kept;

(5) the destruction of any public record that a statute expressly requires to be kept permanently; or

(6) the destruction of any record of a court of record unless:

(i) the destruction is authorized under § 1–605(d)(6) or § 2–205 of the Courts Article;

(ii) an accurate transcript of the record is in use; or

(iii) the record relates to the internal management of or otherwise is a housekeeping record for an office of a clerk of court or register of wills.

§10–616.

(a) In accordance with the record retention and disposal schedules, a public official shall offer to the Archives any public record of the official that no longer is needed, such as:

(1) an original paper;

(2) a book;

(3) a file;

(4) a record of a court of record for which an accurate transcript is in use;

or

(5) a record that relates to the internal management of or otherwise is a housekeeping record for an office of a clerk of court or register of wills.

(b) (1) With the written approval of the State Archivist, a public official may destroy the record that the public official offers under this section, but the Archives declines to accept.

(2) After records are destroyed, the public official shall send to the Archives:

(i) a list of the records that were destroyed; and

(ii) a certificate of destruction.

(3) The State Archivist shall keep each list of the records destroyed under this subsection. The list shall be available for public inspection at reasonable times.

§10–617.

(a) A public official may offer to the Archives or may destroy any of the following materials that the public official no longer needs:

(1) a book, magazine, or newspaper;

(2) other library or museum material that was made or acquired for reference or exhibition purposes;

(3) an extra copy of a document that was kept only for convenience of reference;

(4) a stock of publications;

(5) an acceptance or refusal of an invitation or engagement of a public officer; and

(6) material that otherwise relates to personal business of a public officer.

(b) The State Archivist may set classes of materials that the public official may destroy if the public official no longer needs the materials.

§10–618.

A public official may offer to the Archives any portrait that is in the custody of the public official but is no longer used.

§10–619.

(a) With the written approval of the State Archivist, the head of a unit of the State government or of a unit of a county or municipal corporation may destroy original material that has been photographed, photocopied, or microphotographed if:

(1) the head offers the original material to the Archives, but the Archives declines to accept;

(2) the copy is made in a manner that meets the standard of quality of the Archives for permanent photographic records;

(3) the copy is placed in an adequately accessible container; and

(4) provisions are made:

(i) for the preservation, examination, and use of the copy in a manner that the Archives approves; and

(ii) as to a record that a statute otherwise expressly requires to be kept permanently, for the copy to be available, on request, in the same manner as the original material.

(b) (1) After materials are destroyed under this section, the head of the unit shall send to the Archives:

(i) a list of the materials that were destroyed; and

(ii) a certificate of destruction.

(2) The State Archivist shall keep each list of the materials destroyed under this section. The list shall be available for public inspection at reasonable times.

§10–701.

This subtitle applies if the General Assembly:

(1) abolishes a unit of the State government; or

(2) transfers, wholly or partly, a function or authority of the unit to a successor.

§10–702.

(a) In this section, "property" means:

(1) a record of a unit; and

(2) any other property that is in the possession of a unit or any of its

members or officers.

(b) Property that relates to a transferred function or authority of an abolished or superseded unit vests in and shall be delivered to the successor of the unit.

(c) Records of an abolished or superseded unit that do not vest in a successor shall be delivered to the State Archives.

(d) Other property of an abolished or superseded unit that does not vest in a successor shall be delivered to the Board of Public Works.

§10–703.

Employees of an abolished or superseded unit who are in the skilled service or professional service of the State Personnel Management System, with the exception of special appointments:

(1) keep their status as skilled service or professional service employees; and

(2) in accordance with the provisions of the State Personnel and Pensions Article that govern skilled service or professional service employees and the regulations adopted under them, are eligible for reemployment by the successor or by another unit in the respective skilled service or professional service position in the State Personnel Management System.

§10–704.

(a) Each petition, hearing, or other proceeding that was pending before an abolished or superseded unit and each proceeding or investigation that was begun by the unit remains in force.

(b) The successor or another unit designated in accordance with law may complete a proceeding or investigation and enforce any penalty or forfeiture to the same extent as the abolished or superseded unit.

§10–705.

Each order, rule, and regulation that relates to a transferred function or authority of an abolished or superseded unit remains in effect until the successor amends or rescinds the order, rule, or regulation.

§10–706.

Each contract and other obligation that relates to a transferred function or authority of an abolished or superseded unit remains in effect and shall be carried out by the successor.

§10–801.

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

(b) "Public communication" means any inquiry, request, or complaint made by the public.

(c) "Unit" means each unit in the Executive Branch of the State government.

§10–802.

Each unit shall adopt written policies that are within the legal authority of the unit for:

(1) the procedures to be followed by the unit in responding to a public communication;

(2) the circumstances that require the unit to maintain a record of a public communication and of the response of the unit; and

(3) the manner of maintaining records of public communications and of the responses of the unit.

§10–803.

Each unit shall submit the policies required under § 10-802 of this subtitle to the Joint Committee on Administrative, Executive, and Legislative Review.

§10–901.

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

(b) "Cost of providing the system product" means the cost to:

(1) create, develop, and produce a new system product in printed, hard copy, digital, or other format; or

(2) reproduce an existing system product in printed, hard copy, digital, or other format.

(c) "Governmental unit" means:

(1) the State or a political subdivision, unit, or instrumentality of the State;

(2) a unit or instrumentality of a political subdivision of the State;

(3) a bicounty agency; or

(4) a combination of the entities specified in items (1) through (3) of this subsection.

(d) (1) "System" means an automated mapping–geographic information system in which geographically referenced data:

(i) are entered and stored electronically; and

(ii) can be manipulated to display selected geographic data.

(2) "System" includes data that define physical and nonphysical elements of geographically referenced areas.

(e) "System products" means drawings, maps, photographs, or any other depiction, representation, or compilation of spatial data produced in printed, digital, hard copy, or other format.

§10–902.

The General Assembly finds that:

(1) automated mapping–geographic information system products have value to the general public; and

(2) automated mapping–geographic information system products that are developed at public expense should not be unreasonably withheld from private commercial users of geographic information, but should not provide a public subsidy to private commercial users.

§10–903.

(a) This subtitle is applicable to system products established or maintained by any governmental unit.

(b) Except as otherwise provided in this subtitle, to the extent of any inconsistency, Title 4, Subtitles 1 through 5 of the General Provisions Article do not apply to this subtitle.

§10–904.

(a) A governmental unit may adopt a fee structure for system products that will:

(1) make system products available at a cost consistent with the requirements of this subtitle; and

(2) cover the cost of providing the system product and an additional charge of no more than $50.

(b) A governmental unit may sell system products to the general public for a fee

that reasonably reflects the cost of providing the system product.

(c) A governmental unit:

(1) may reduce or waive the fees that it charges for system products that are to be used for a public purpose; and

(2) shall apply its reduction or waiver of the fees uniformly among persons who are similarly situated.

§10–1001.

(a) In this section, "unit" means an officer or other entity in the Executive Branch.

(b) Unless otherwise provided by statute or regulation, a unit of State government authorized by law to impose a civil penalty up to a specific dollar amount for violation of any statute or regulation shall consider the following in setting the amount of the penalty:

(1) the severity of the violation for which the penalty is to be assessed;

(2) the good faith of the violator; and

(3) any history of prior violations.

§10–1101.

The General Assembly finds that the inability to speak, understand, or read the English language is a barrier that prevents access to public services provided by State departments, agencies, and programs, and that the public services available through these entities are essential to the welfare of Maryland residents. It is the policy of the State that State departments, agencies, and programs shall provide equal access to public services for individuals with limited English proficiency.

§10–1102.

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

(b) "Equal access" means to be informed of, participate in, and benefit from public services offered by a State department, agency, or program, at a level equal to English proficient individuals.

(c) "Limited English proficiency" means the inability to adequately understand or express oneself in the spoken or written English language.

(d) "Oral language services" includes various methods to provide verbal information and interpretation such as staff interpreters, bilingual staff, telephone interpreter programs, and private interpreter programs.

(e) "Program" means all of the operations of a State department, State agency, or any other instrumentality of the State.

(f) (1) "Vital documents" means all applications or informational materials, notices, and complaint forms offered by State departments, agencies, and programs.

(2) "Vital documents" does not include applications and examinations related to the licensure, certification, or registration under the Health Occupations Article, Financial Institutions Article, Business Occupations and Professions Article, and Business Regulation Article within the jurisdiction of the Department of Health and Mental Hygiene or the Department of Labor, Licensing, and Regulation.

§10–1103.

(a) Each State department, agency, or program listed or identified under subsection (c) of this section shall take reasonable steps to provide equal access to public services for individuals with limited English proficiency.

(b) Reasonable steps to provide equal access to public services include:

(1) the provision of oral language services for individuals with limited English proficiency, which must be through face–to–face, in–house oral language services if contact between the agency and individuals with limited English proficiency is on a weekly or more frequent basis;

(2) (i) the translation of vital documents ordinarily provided to the public into any language spoken by any limited English proficient population that constitutes 3% of the overall population within the geographic area served by a local office of a State program as measured by the United States Census; and

(ii) the provision of vital documents translated under item (i) of this paragraph on a statewide basis to any local office as necessary; and

(3) any additional methods or means necessary to achieve equal access to public services.

(c) The provisions of this subtitle shall be fully implemented according to the following schedule:

(1) on or before July 1, 2003, full implementation by:

(i) the Department of Human Resources;

(ii) the Department of Labor, Licensing, and Regulation;

(iii) the Department of Health and Mental Hygiene;

(iv) the Department of Juvenile Services; and

(v) the Workers' Compensation Commission;

(2) on or before July 1, 2004, full implementation by:

(i) the Department of Aging;

(ii) the Department of Public Safety and Correctional Services;

(iii) the Department of Transportation, not including the Maryland Transit Administration;

(iv) the Commission on Civil Rights;

(v) the Department of State Police; and

(vi) five independent agencies, boards, or commissions, to be determined by the Secretary of Human Resources, in consultation with the Office of the Attorney General;

(3) on or before July 1, 2005, full implementation by:

(i) the Comptroller of Maryland;

(ii) the Department of Housing and Community Development;

(iii) the Maryland Transit Administration;

(iv) the Department of Natural Resources;

(v) the Maryland State Department of Education;

(vi) the Office of the Attorney General; and

(vii) five independent agencies, boards, or commissions to be determined by the Secretary of Human Resources, in consultation with the Office of the Attorney General; and

(4) on or before July 1, 2006, full implementation by:

(i) the Department of Agriculture;

(ii) the Department of Economic Competitiveness and Commerce;

(iii) the Department of Veterans Affairs;

(iv) the Department of the Environment; and

(v) five independent agencies, boards, or commissions to be determined by the Secretary of Human Resources, in consultation with the Office of

the Attorney General.

§10–1104.

Each State department, agency, or program not listed or identified under § 10-1103(c) of this subtitle shall monitor its operations to determine if the State department, agency, or program should take reasonable steps to achieve equal access to public services for individuals with limited English proficiency.

§10–1105.

The Department of Human Resources, in consultation with the Office of the Attorney General, shall provide central coordination and technical assistance to State departments, agencies, and programs to aid compliance with this subtitle.

§10–1201.

Each unit of State government shall install and maintain a telephone system that allows a person from anywhere in the State to communicate with employees of the unit by toll-free telephone call during the regular business hours of the unit for the purpose of conducting official State business.

§10–1202.

Each unit of State government shall print its toll-free telephone numbers on the unit's official documents, including stationery, fax cover sheets, business cards, and other publications that are distributed to the public.

§10–1203.

Each unit shall include each of its toll-free telephone numbers in any directory that lists information about the unit.

§10–1301.

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

(b) "Encryption" means the protection of data in electronic or optical form, in storage or in transit, using a technology that:

(1) is certified to meet or exceed the level that has been adopted by the Federal Information Processing Standards issued by the National Institute of Standards and Technology; and

(2) renders such data indecipherable without an associated cryptographic key necessary to enable decryption of such data.

(c) "Personal information" means an individual's first name or first initial and last name, personal mark, or unique biometric or genetic print or image, in combination

with one or more of the following data elements:

(1) a Social Security number;

(2) a driver's license number, state identification card number, or other individual identification number issued by a unit;

(3) a passport number or other identification number issued by the United States government;

(4) an Individual Taxpayer Identification Number; or

(5) a financial or other account number, a credit card number, or a debit card number that, in combination with any required security code, access code, or password, would permit access to an individual's account.

(d) "Reasonable security procedures and practices" means data security procedures and practices developed, in good faith, and set forth in a written information security policy.

(e) "Records" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(f) "Unit" means:

(1) an executive agency, or a department, a board, a commission, an authority, a public institution of higher education, a unit or an instrumentality of the State; or

(2) a county, municipality, bi–county, regional, or multicounty agency, county board of education, public corporation or authority, or any other political subdivision of the State.

§10–1302.

(a) This subtitle does not apply to personal information that:

(1) is publicly available information that is lawfully made available to the general public from federal, State, or local government records;

(2) an individual has consented to have publicly disseminated or listed;

(3) except for a medical record that a person is prohibited from redisclosing under § 4–302(d) of the Health – General Article, is disclosed in accordance with the federal Health Insurance Portability and Accountability Act; or

(4) is disclosed in accordance with the federal Family Educational Rights and Privacy Act.

(b) This subtitle does not apply to the Legislative or Judicial Branch of State government.

§10–1303.

When a unit is destroying records of an individual that contain personal information of the individual, the unit shall take reasonable steps to protect against unauthorized access to or use of the personal information, taking into account:

(1) the sensitivity of the records;

(2) the nature of the unit and its operations;

(3) the costs and benefits of different destruction methods; and

(4) available technology.

§10–1304.

(a) To protect personal information from unauthorized access, use, modification, or disclosure, a unit that collects personal information of an individual shall implement and maintain reasonable security procedures and practices that are appropriate to the nature of the personal information collected and the nature of the unit and its operations.

(b) (1) This subsection shall apply to a written contract or agreement that is entered into on or after July 1, 2014.

(2) A unit that uses a nonaffiliated third party as a service provider to perform services for the unit and discloses personal information about an individual under a written contract or agreement with the third party shall require by written contract or agreement that the third party implement and maintain reasonable security procedures and practices that:

(i) are appropriate to the nature of the personal information disclosed to the nonaffiliated third party; and

(ii) are reasonably designed to help protect the personal information from unauthorized access, use, modification, disclosure, or destruction.

§10–1305.

(a) (1) In this section, "breach of the security of a system" means the unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of the personal information maintained by a unit.

(2) "Breach of the security of a system" does not include the good faith acquisition of personal information by an employee or agent of a unit for the purposes

of the unit, provided that the personal information is not used or subject to further unauthorized disclosure.

(b) (1) If a unit that collects computerized data that includes personal information of an individual discovers or is notified of a breach of the security of a system, the unit shall conduct in good faith a reasonable and prompt investigation to determine whether the unauthorized acquisition of personal information of the individual has resulted in or is likely to result in the misuse of the information.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, if after the investigation is concluded, the unit determines that the misuse of the individual's personal information has occurred or is likely to occur, the unit or the nonaffiliated third party, if authorized under a written contract or agreement with the unit, shall notify the individual of the breach.

(ii) Unless the unit or nonaffiliated third party knows that the encryption key has been broken, a unit or the nonaffiliated third party is not required to notify an individual under subparagraph (i) of this paragraph if:

1. the personal information of the individual was secured by encryption or redacted; and

2. the encryption key has not been compromised or disclosed.

(3) Except as provided in subsection (d) of this section, the notification required under paragraph (2) of this subsection shall be given as soon as reasonably practicable after the unit conducts the investigation required under paragraph (1) of this subsection.

(4) If, after the investigation required under paragraph (1) of this subsection is concluded, the unit determines that notification under paragraph (2) of this subsection is not required, the unit shall maintain records that reflect its determination for 3 years after the determination is made.

(c) (1) A nonaffiliated third party that maintains computerized data that includes personal information provided by a unit shall notify the unit of a breach of the security of a system if the unauthorized acquisition of the individual's personal information has occurred or is likely to occur.

(2) Except as provided in subsection (d) of this section, the notification required under paragraph (1) of this subsection shall be given as soon as reasonably practicable after the nonaffiliated third party discovers or is notified of the breach of the security of a system.

(3) A nonaffiliated third party that is required to notify a unit of a breach of the security of a system under paragraph (1) of this subsection shall share with the unit information relating to the breach.

(d) (1) The notification required under subsection (b) of this section may be delayed:

(i) if a law enforcement agency determines that the notification will impede a criminal investigation or jeopardize homeland or national security; or

(ii) to determine the scope of the breach of the security of a system, identify the individuals affected, or restore the integrity of the system.

(2) If notification is delayed under paragraph (1)(i) of this subsection, notification shall be given as soon as reasonably practicable after the law enforcement agency determines that the notification will not impede a criminal investigation and will not jeopardize homeland or national security.

(e) The notification required under subsection (b) of this section may be given:

(1) by written notice sent to the most recent address of the individual in the records of the unit;

(2) by electronic mail to the most recent electronic mail address of the individual in the records of the unit if:

(i) the individual has expressly consented to receive electronic notice; or

(ii) the unit conducts its duties primarily through Internet account transactions or the Internet;

(3) by telephonic notice, to the most recent telephone number of the individual in the records of the unit; or

(4) by substitute notice as provided in subsection (f) of this section if:

(i) the unit demonstrates that the cost of providing notice would exceed $100,000 or that the affected class of individuals to be notified exceeds 175,000; or

(ii) the unit does not have sufficient contact information to give notice in accordance with item (1), (2), or (3) of this subsection.

(f) Substitute notice under subsection (e)(4) of this section shall consist of:

(1) electronically mailing the notice to an individual entitled to notification under subsection (b) of this section if the unit has an electronic mail address for the individual to be notified;

(2) conspicuous posting of the notice on the Web site of the unit if the unit maintains a Web site; and

(3) notification to appropriate media.

(g) The notification required under subsection (b) of this section shall include:

(1) to the extent possible, a description of the categories of information that were, or are reasonably believed to have been, acquired by an unauthorized person, including which of the elements of personal information were, or are reasonably believed to have been, acquired;

(2) contact information for the unit making the notification, including the unit's address, telephone number, and toll–free telephone number if one is maintained;

(3) the toll–free telephone numbers and addresses for the major consumer reporting agencies; and

(4) (i) the toll–free telephone numbers, addresses, and Web site addresses for:

1. the Federal Trade Commission; and

2. the Office of the Attorney General; and

(ii) a statement that an individual can obtain information from these sources about steps the individual can take to avoid identity theft.

(h) (1) Before giving the notification required under subsection (b) of this section, a unit shall provide notice of a breach of the security of a system to the Office of the Attorney General.

(2) In addition to the notice required under paragraph (1) of this subsection, a unit, as defined in § 10–1301(f)(1) of this subtitle, shall provide notice of a breach of security to the Department of Information Technology.

(i) A waiver of any provision of this section is contrary to public policy and is void and unenforceable.

(j) Compliance with this section does not relieve a unit from a duty to comply with any other requirements of federal law relating to the protection and privacy of personal information.

§10–1306.

The provisions of this subtitle are exclusive and shall preempt any provision of local law.

§10–1307.

(a) If a unit is required under § 10–1305 of this subtitle to give notice of a breach of the security of a system to 1,000 or more individuals, the unit also shall

notify, without unreasonable delay, each consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, as defined by 15 U.S.C. § 1681a(p), of the timing, distribution, and content of the notices.

(b) This section does not require the inclusion of the names or other personal identifying information of recipients of notices of the breach of the security of a system.

§10–1308.

A unit or nonaffiliated third party that complies with § 501(b) of the federal Gramm–Leach–Bliley Act; 15 U.S.C. § 6801, § 216 of the federal Fair and Accurate Credit Transactions Act; 15 U.S.C. § 1681w Disposal of Records; the federal Interagency Guidelines Establishing Information Security Standards; and the federal Interagency Guidance on Response Programs for Unauthorized Access to Customer Information and Customer Notice; and any revisions, additions, or substitutions of those enactments, shall be deemed to be in compliance with this subtitle.

§10–1401.

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

(b) "Drug crime" means:

(1) a violation of Title 5 of the Criminal Law Article;

(2) a violation of Title 12 of the Criminal Procedure Article; or

(3) a violation of the law of any other jurisdiction if the prohibited conduct would be a violation of Title 5 of the Criminal Law Article or Title 12 of the Criminal Procedure Article if committed in the State.

(c) (1) "License" means a license, permit, certification, registration, or other legal authorization:

(i) issued or granted to an individual by a licensing authority; and

(ii) required for engaging in employment, an occupation, or a profession.

(2) "License" includes a commercial driver's license issued under Title 16, Subtitle 8 of the Transportation Article.

(3) Except as provided in paragraph (2) of this subsection, "license" does not include:

(i) a license to drive a motor vehicle issued by the Motor Vehicle Administration under Title 16 of the Transportation Article; or

(ii) the registration of an agent, issuer agent, or investment advisor

representative under the Maryland Securities Act and regulations adopted under that Act.

(d) "Licensee" means a holder of a license issued by a licensing authority.

(e) "Licensing authority" means an agency of the State that issues a license.

§10–1402.

(a) Except as provided in subsection (d) of this section, as a condition on the issuance or renewal of a license, a licensing authority may require an individual applying for a license to disclose whether the individual has been convicted of a drug crime committed on or after January 1, 1991.

(b) Subject to § 10–1405 of this subtitle, if an individual applying for a license has been convicted of a drug crime committed on or after January 1, 1991, a licensing authority may:

(1) refuse to issue a license to the individual; or

(2) issue a license to the individual subject to any terms and conditions that the licensing authority considers appropriate under § 10–1404 of this subtitle.

(c) A licensing authority may suspend or revoke a licensee's license if the licensee fails to disclose information that the licensing authority requires under subsection (a) of this section, unless the licensee shows good cause for the failure to disclose.

(d) If a licensing authority, on or before January 1, 1990, required an applicant for an initial license or a license renewal to disclose a criminal record or prior offense related to a controlled dangerous substance, this section may not be construed to prohibit the licensing authority from:

(1) continuing to require an applicant to disclose a criminal record or prior offense related to a controlled dangerous substance, regardless of the date of the offense; and

(2) taking any action authorized by law, including refusing to issue a license, if the applicant:

(i) discloses a criminal record or prior offense related to a controlled dangerous substance; or

(ii) wrongfully conceals a criminal record or prior offense related to a controlled dangerous substance.

§10–1403.

Subject to § 10–1405 of this subtitle, if a licensing authority receives notification under § 5–810 of the Criminal Law Article that a licensee has been convicted of a drug crime committed on or after January 1, 1991, the licensing authority may:

(1) (i) reprimand the licensee;

(ii) place the licensee on probation for a reasonable period of time; or

(iii) suspend or revoke the license;

(2) assess the licensee, in accordance with applicable regulations, all or part of the cost of any disciplinary proceeding and sanction; or

(3) impose any other sanction or take any other action authorized by law.

§10–1404.

(a) If a licensee is placed on probation under § 10–1402 or § 10–1403 of this subtitle, the licensing authority may:

(1) require the licensee to submit to periodic drug testing during the period of probation;

(2) require the licensee to participate in appropriate counseling or treatment; and

(3) impose any other reasonable term or condition of probation.

(b) If a licensee who is on probation violates any condition of probation, the licensing authority may:

(1) revoke the probation;

(2) suspend or revoke the licensee's license; or

(3) impose additional terms of probation.

§10–1405.

(a) (1) Except as provided in paragraph (2) of this subsection, a licensing authority shall comply with Subtitle 2 of this title before taking any action under this subtitle:

(i) in regard to an initial license application or an application for a license renewal; or

(ii) against a licensee.

(2) The Maryland Rules shall govern in the case of a lawyer or an applicant for admission to the bar.

(b) In deciding whether to deny an application for a license or whether to impose license sanctions against a licensee and the nature of the sanctions, a licensing authority shall consider:

(1) the relationship between the drug crime and the license, including:

(i) the licensee's ability to perform the tasks authorized by the license; and

(ii) whether the public will be protected if:

1. in the case of an applicant, the license is issued; or

2. in the case of a licensee, the license is not suspended or revoked;

(2) the nature and circumstances of the drug crime;

(3) the date of the drug crime, if an individual is applying for a license or license renewal; and

(4) any other relevant information.

(c) If a licensing authority decides that sanctions against a licensee may be appropriate, before imposing sanctions the licensing authority:

(1) shall consider the impact any sanctions may have on third persons; and

(2) to protect the rights of innocent third persons, may take any action that is in the interests of justice and that is not inconsistent with this subtitle.

(d) If a licensing authority decides to suspend or revoke a license, the licensing authority may grant the licensee a reasonable time period to complete any existing contracts.

§10–1406.

(a) If an individual who is convicted of a drug crime committed on or after January 1, 1991, holds a commercial driver's license, the Motor Vehicle Administration may disqualify the individual from driving a commercial motor vehicle or take any other action authorized under this subtitle.

(b) If the Motor Vehicle Administration disqualifies an individual from driving a commercial motor vehicle under this subtitle, the Motor Vehicle Administration shall issue a noncommercial driver's license to the individual if:

(1) the individual surrenders the commercial driver's license; and

(2) the individual's driving privilege is not otherwise refused, suspended, revoked, or canceled in the State or any other state.

(c) This section may not be construed to limit the authority of the Motor Vehicle Administration to disqualify an individual from driving a commercial motor vehicle or taking any other action required or authorized under the Maryland Vehicle Law.

§10–1407.

Each licensing authority may adopt regulations to carry out this subtitle.

§10–1501.

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

(b) "Council" means the Council on Open Data.

(c) (1) "Data" means final versions of statistical or factual information that:

(i) are in alphanumeric or geospatial form reflected in a list, table, graph, chart, map, or other nonnarrative format that can be digitally transmitted or processed;

(ii) are regularly created or maintained by or on behalf of a governmental entity; and

(iii) record a measurement, transaction, or determination or provide information on government services, initiatives, and resources related to the mission of the covered governmental entity.

(2) "Data" does not include draft versions of statistical or factual information that are used for internal analysis by a governmental entity.

(d) "Data portal" means a Web site where governmental entities can post data sets and other data as identified by the Council.

(e) "Data set" means a named collection of related records maintained on a storage device, with the collection containing data organized or formatted in a specific or prescribed way.

(f) "Governmental entity" means a State or local entity.

(g) (1) "Local entity" means a county, municipal corporation, bicounty or multicounty agency, public authority, special taxing district, or other political subdivision or unit of a political subdivision of this State.

(2) "Local entity" includes boards of education and library boards that

receive funding from the State.

(h) "Mapping and geographic information systems portal" means a Web site that provides:

(1) data regarding services provided by and policy initiatives of governmental entities; and

(2) other data provided in geospatial form as identified by the Council.

(i) (1) "Open data" means data that, consistent with any applicable laws, rules, regulations, ordinances, resolutions, policies, or other restrictions including requirements or rights associated with the data, a State entity:

(i) has collected; and

(ii) is permitted, required, or able to make available to the public.

(2) "Open data" includes contractual or other legal orders, restrictions, or requirements.

(3) "Open data" does not include data that if made public would:

(i) violate another law or regulation that prohibits the data from being made public;

(ii) endanger the public health, safety, or welfare;

(iii) hinder the operation of government, including criminal and civil investigations;

(iv) impose an undue financial, operational, or administrative burden on a State entity; or

(v) disclose proprietary or confidential information.

(j) "Open data portal" means a mapping and geographic information systems portal or data portal.

(k) "State entity" means a department, a board, a commission, an agency, or a subunit in the Executive Branch of State government.

§10–1502.

It is the policy of the State that open data be machine readable and released to the public in ways that make the data easy to find, accessible, and usable, including through the use of open data portals.

§10–1503.

(a) There is a Council on Open Data.

(b) The Council consists of the following 37 members:

(1) the Secretary of Agriculture;

(2) the Secretary of the Environment;

(3) the Secretary of Natural Resources;

(4) the Secretary of Planning;

(5) the Secretary of Transportation;

(6) the Secretary of Housing and Community Development;

(7) the Secretary of Commerce;

(8) the Secretary of General Services;

(9) the State Superintendent of Schools;

(10) the Secretary of Health and Mental Hygiene;

(11) the Secretary of Information Technology;

(12) the Secretary of Public Safety and Correctional Services;

(13) the Secretary of State Police;

(14) the Director of Assessments and Taxation;

(15) the Secretary of Budget and Management;

(16) the Adjutant General of the Military Department;

(17) the Director of the Maryland Emergency Management Agency;

(18) the Secretary of Labor, Licensing, and Regulation;

(19) the Secretary of Human Resources;

(20) the Director of the Governor's StateStat Office;

(21) the Governor's Homeland Security Advisor;

(22) the Executive Director of the Governor's Office of Crime Control and Prevention;

(23) the Executive Director of the Maryland Institute for Emergency Medical Services Systems;

(24) the Executive Director of the Department of Legislative Services;

(25) the State Archivist;

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

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

(28) five elected officials or employees from local entities who have knowledge of and interest in open data, appointed by the Governor in accordance with subsections (d) and (e) of this section; and

(29) five members from the private, private utility, academic, or nonprofit sectors who have knowledge of and interest in open data, appointed by the Governor in accordance with subsection (e) of this section.

(c) If a member of the Council listed in subsection (b)(1) through (24) of this section is unable to attend a meeting of the Council, the member may designate the Chief Information Officer or another senior management staff member of the agency or organization to attend the meeting.

(d) Of the five elected officials or employees from local entities appointed by the Governor under subsection (b)(28) of this section, one shall represent each of the following groups of counties:

(1) Allegany County, Frederick County, Garrett County, and Washington County;

(2) Caroline County, Cecil County, Dorchester County, Kent County, Queen Anne's County, Somerset County, Talbot County, Wicomico County, and Worcester County;

(3) Anne Arundel County, Calvert County, Charles County, and St. Mary's County;

(4) Montgomery County and Prince George's County; and

(5) Baltimore City, Baltimore County, Carroll County, Harford County, and Howard County.

(e) (1) This subsection applies to members of the Council appointed under subsection (b)(28) and (29) of this section.

(2) The term of a member is 4 years, except that five members may serve an initial 3–year term as required by the terms provided for staggered members of the Council on July 1, 2014.

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

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

(5) A member may not serve more than two consecutive terms.

(6) The Governor may remove a member for neglect of duty, incompetence, or misconduct.

(f) A member of the Council may not receive compensation but is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.

(g) (1) The Secretary of Information Technology is the Chair of the Council.

(2) The Director of the Governor's StateStat Office is the Vice Chair of the Council.

(h) The staffing responsibilities of the Council shall be shared by the Department of Information Technology, the Governor's StateStat Office, and any other staff designated by the Governor.

(i) The Council may establish workgroups as necessary to complete the duties of the Council.

(j) The Council shall meet at least twice each year.

§10–1504.

(a) The Council shall promote the policy established under § 10–1502 of this subtitle by:

(1) providing guidance and policy recommendations and when appropriate recommend legislation and regulations for:

(i) procedures, standards, and other deliverables for open data, including for open data portals;

(ii) promotion, advertising, and marketing of open data; and

(iii) best practices for sharing open data while taking into account privacy and security concerns;

(2) coordinating the appropriate staff at each State entity for the development, maintenance, and use of open data and open data portals;

(3) (i) identifying the collective cost of operating and investing in open data and funding mechanisms to support open data; and

(ii) advising the Governor and General Assembly on budget matters related to open data;

(4) inviting and encouraging local entities and the legislative and judicial branches to:

(i) use open data portals established by State entities;

(ii) create their own open data portals; and

(iii) adopt policies consistent with the policy established under § 10–1502 of this subtitle;

(5) establishing a plan for providing all open data to the public at no cost;

(6) advocating for sound records management and data preservation practices; and

(7) making recommendations to ensure that the purchase of new data processing devices, systems, and software by the State includes a review of compliance with the open data policy established under § 10–1502 of this subtitle and interoperability with current technology used by the State.

(b) On or before January 10 of each year, the Council shall report to the Governor and the General Assembly, in accordance with § 2–1246 of this article, on the activities of the Council for the previous year and any recommendations for legislation.

§11–101.

(a) Unless the context requires otherwise, in this title the following words have the meanings indicated.

(b) "Applicant" means a person or governmental unit that applies for a development permit.

(c) "Coordinator" means the State Permit Coordinator.

(d) "Development permit" means a permit for a development project.

(e) "Development project" means a proposed construction or development for which more than 1 permit is required.

(f) "Governmental unit" includes:

(1) the State;

(2) a county, municipal corporation, or other political subdivision of the State; and

(3) a unit of a political subdivision of the State.

(g) "Local government" means:

(1) a county;

(2) a municipal corporation in the State; or

(3) a unit of a county or municipal corporation in the State.

(h) (1) "Permit" means a certificate, license, or other document of approval or permission required to be obtained from a local government or a State unit.

(2) "Permit" does not include:

(i) an action on a comprehensive zoning application;

(ii) an action on an application for a zoning map amendment, zoning special exception, zoning variance, or conditional zoning use; or

(iii) an occupational license or operating permit.

(i) (1) "State unit" means a unit of the State government.

(2) Except as provided in paragraph (3) of this subsection, "State unit" includes:

(i) a unit in a principal department of the Executive Branch of the State government; and

(ii) the governing body of a single county or multicounty district or authority.

(3) "State unit" does not include:

(i) the Board of Review of a principal department;

(ii) the governing body of a local government; or

(iii) a unit that a local government creates.

§11–102.

(a) The General Assembly finds that:

(1) the varying and time consuming procedures in obtaining necessary development permits from local governments and State units placed onerous burdens on persons or governmental units undertaking development projects;

(2) the former methods for permitting public comment on development projects were cumbersome and time consuming, placed undue hardship on members of the public, and inhibited the public's ability to present its views to local governments and State units granting development permits; and

(3) it is desirable to ensure prompt, reasonable, and decisive action on development permits and to provide for a consolidation of the fact-finding processes involved in issuing development permits to:

(i) eliminate unnecessary delay, unreasonable expense, and duplication of effort in obtaining necessary development permits, in order to foster development projects that are in the economic, social, and environmental interest of the citizens of the State; and

(ii) remove impediments to the effective expression of public comment on these development projects, in order to safeguard against the approval of development projects that are not in the economic, social, and environmental interest of the citizens of the State.

(b) The purposes of this title are to coordinate and to expedite administrative decision making by:

(1) consolidating application procedures to help those persons or governmental units that must obtain development permits from 1 or more local governments and State units;

(2) consolidating hearings to help local governments and State units in obtaining all relevant information as to applications on which they must act; and

(3) requiring action on all applications for development permits within a reasonable time, whether or not subject to consolidated procedures.

§11–103.

(a) (1) This title applies only to a development project and only through the completion of a final action under § 11–520 of this title.

(2) This title does not apply to an application for a renewal, amendment, or extension of a development permit.

(b) (1) This title applies to the procedures of the Maryland–National Capital Park and Planning Commission for a subdivision or site review to the same extent that this title applies to the procedures of any local government.

(2) Except as otherwise provided in this subsection, this title does not affect any exclusive jurisdiction granted by law to a local government or State unit to act on an application for a particular type of development permit, and a local government or State unit that has power to grant development permits may exercise the power free from interference by another unit.

(3) The coordinator may inquire as to any application for a development permit and may set a time limit for action to issue or deny a development permit, if the application has not been acted on within the prescribed time.

(4) The procedures set forth in this title are exclusive and shall prevail over any inconsistent law or order.

(c) This title does not affect the authority of a local government or State unit to set and to collect an application, permit, or other fee, and the fee shall be paid in accordance with the law and procedures relating to that fee.

(d) This title does not affect the authority of the Department of Planning under Title 5 of the State Finance and Procurement Article.

(e) This title does not apply to the construction of:

(1) an electric generating station; or

(2) an overhead transmission line designed to carry more than 69,000 volts.

§11–104.

(a) A provision of this title that conflicts with a federal requirement for the grant of federal funds to a local government, to the State, or to a State unit is inoperative to the extent of the conflict and with respect to a unit that the conflict directly affects.

(b) To the extent necessary to comply with a conflicting federal requirement, a local government or State unit may modify a notice, timing, hearing, or related procedural requirement of this title.

(c) To the extent necessary to comply with a federal requirement, if a development permit is issued jointly by a State unit and the federal government, the State unit may modify a notice, timing, hearing, or related procedural requirement of this title.

§11–105.

The Board of Public Works may:

(1) adopt regulations to carry out this title; and

(2) appoint hearing examiners to perform the duties set forth in this title.

§11–301.

There is a State Permit Coordinator, who shall be appointed by the Board of Public Works.

§11–302.

(a) The Coordinator shall:

(1) coordinate the administration of this title;

(2) perform the duties set forth in this title; and

(3) carry out the purposes of this title.

(b) The Coordinator shall keep copies of the regulations and application forms that relate to the issuance of development permits by each State unit.

(c) (1) On request, the Coordinator shall give a person or governmental unit proposing a development project:

(i) advice about each development permit that is required for the development project; and

(ii) relevant information about the procedures for obtaining the development permit.

(2) Advice that the Coordinator gives does not constitute a waiver of any requirement for a development permit or of any condition or procedure for the issuance of the development permit.

§11–401.

(a) A local government that requires a development permit shall keep on file with the Coordinator and the Secretary of Housing and Community Development:

(1) a current list of each type of development permit that the local government issues;

(2) a description of the nature of each type of development permit;

(3) the requirements and procedures for issuing each type of development permit; and

(4) a copy of the application form for each type of development permit and the related instructions.

(b) If a local government requires a new type of development permit or changes a requirement or application form for an existing type of development permit, the local government shall submit the information required by subsection (a) of this section as to that type of development permit within 30 days after the effective date of the new requirement or change.

§11–402.

(a) If feasible and with the cooperation of each State unit that has authority to issue a development permit, the Coordinator shall develop a State master application form and appropriate appendices for use in applying for multiple development permits.

(b) The State master application form and its appendices may be used instead of individual application forms.

§11–403.

The State master application form shall provide:

(1) the basic information about a development project that is common to and needed by all or most of the State units that issue development permits; and

(2) space in which to:

(i) list each State unit from which a development permit is requested; and

(ii) describe each development permit.

§11–404.

(a) Each State unit that has authority to issue a development permit shall help the Coordinator to develop an appendix to the State master application form designed to supplement the information on the form and provide the particular information that the State unit needs to issue its development permit.

(b) The form of the appendices shall be as similar as possible.

§11–501.

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

(b) "Consolidated hearing" means a hearing before State units from which development permits are required.

(c) "Joint hearing" means a hearing before the local government and State units from which development permits are required.

§11–502.

(a) This subtitle may not be construed to require a hearing or to require a State unit to participate in a hearing on an application for a development permit before the State unit if the law governing the development permit involved does not require a hearing.

(b) A State unit that does not hold a hearing on an application for a development permit shall proceed in accordance with the law and procedures applicable to the issuance of development permits by that State unit, except that the State unit shall act on the application within 60 days after receiving the completed application.

§11–505.

An applicant who requires a development permit from a local government and a development permit from a State unit may request a joint hearing before the local government and the State unit from which the development permits are required.

§11–506.

(a) (1) A request for a joint hearing shall be submitted to the local government when the application for the local development permit is submitted.

(2) The request to the local government for a joint hearing shall be:

(i) in writing; and

(ii) accompanied by a copy of the application for each State development permit that is required.

(b) (1) At the time the request is made to the local government, the applicant shall send to the Coordinator:

(i) a copy of the request for a joint hearing;

(ii) a copy of the application for each local and State development permit that is required for the relevant development project; and

(iii) a copy of any appendix to any application for a development permit.

(2) The Coordinator shall send copies of the relevant parts of these documents to each State unit from which a development permit is requested.

§11–507.

(a) The local government may approve or disapprove the request for a joint hearing with respect to any or all of the State units.

(b) (1) Within 20 days after receiving a request for a joint hearing, the local government shall give written notice of its decision to the applicant and the Coordinator.

(2) The Coordinator shall notify each State unit that the decision of the local government affects.

(c) If the local government disapproves the request with respect to all of the State units, the local government shall proceed separately to consider the application for the local development permit.

§11–508.

(a) If the local government approves the request for a joint hearing with respect to a State unit, that State unit has 10 days after receipt of the notice from the Coordinator to:

(1) decide whether to participate in a joint hearing; and

(2) give notice of its decision to:

(i) the applicant;

(ii) the local government; and

(iii) the Coordinator.

(b) The Coordinator shall give any other State unit involved in the hearing notice of a decision made by a State unit under subsection (a) of this section.

(c) If there is only 1 State unit affected and the local government elects to have a joint hearing, the State unit shall participate in the joint hearing, unless it is entitled to an extension as provided in § 11-521 of this subtitle.

§11–509.

(a) If a joint hearing is to be held, the local government that approved the request for the joint hearing shall set the time, date, and place of the hearing, as provided in this section.

(b) The joint hearing shall be held in the county where the local government is located.

(c) The joint hearing shall be held no less than 30 days and no more than 90 days after the notices required under § 11-508(a)(2) of this subtitle have been given.

§11–512.

An applicant may request a consolidated hearing:

(1) if the applicant requires at least 2 development permits from State units; and

(2) if:

(i) the applicant does not require a local development permit;

(ii) all required local development permits have been issued; or

(iii) a required local development permit cannot be issued until 1 or more State development permits have been issued.

§11–513.

(a) An applicant who requests a consolidated hearing may give the Coordinator all appropriate applications and appendices.

(b) The Coordinator shall send copies of the relevant parts of these documents to each State unit from which a development permit is required.

(c) The request for a consolidated hearing shall be accompanied by a certificate that the requirements of § 11-512 of this subtitle are satisfied.

(d) If an application for a State development permit has been submitted in connection with a request for a joint hearing, the application need not be resubmitted. However, if the State unit did not participate in the joint hearing, the applicant shall give the Coordinator notice of the action taken by the local government and shall submit the amendments to the State master application or appendices or additional material that are relevant to the consideration of the request for the State development permit. The Coordinator shall send copies of the relevant parts of the amendments, appendices, or additional material to each State unit that is affected.

§11–514.

On receipt of the State master application and appropriate appendices, or the information filed in accordance with § 11-513(d) of this subtitle, and after consulting with the affected State units, the Coordinator shall set the time, date, and place of a consolidated hearing with respect to all of the State development permits requested.

§11–515.

(a) Subject to this section and § 11-521 of this subtitle, the consolidated hearing shall be held no less than 30 days and no more than 90 days after the day on which the Coordinator receives the completed application and appendices or information.

(b) (1) Except as otherwise provided in this subsection, the consolidated hearing shall be held at a convenient location in the county where the development project is to be located.

(2) If the development project is to be located in more than 1 county, the consolidated hearing shall be held in the county where the greatest part of the area to be developed is located.

(3) If the development project is to be located in only 1 county but affects another county, the consolidated hearing shall be held in the county that the Coordinator determines will receive the greatest impact from the development project.

(4) The Coordinator may hold additional hearings in another county or may continue the original hearing in another county.

§11–518.

(a) (1) On receiving notice of the time, date, and place of a joint hearing or consolidated hearing, the applicant shall give public notice of the application and hearing.

(2) The notice shall be published once in each of 2 successive weeks before the hearing in a newspaper of general circulation in each county in which the development project is to be located.

(b) The Coordinator shall publish notice of the application and hearing in the Maryland Register.

(c) Each notice under this section shall contain:

(1) a description of the development project, including its location, the land area involved, and the nature of the development project;

(2) a list of the local and State units that will participate in the hearing and their post office addresses and telephone numbers;

(3) a description of each development permit requested;

(4) the time, date, and place of the hearing; and

(5) if the hearing is a joint hearing with a local government or involves a unit of the federal government, any other information that the local government or federal unit requires.

(d) In addition to the notices required by this section, if the law governing the issuance of a development permit requires that a person or governmental unit provide notice of an application or a hearing to a particular person or unit, that person or governmental unit shall do so in the manner required by that law.

§11–519.

(a) (1) Each State unit participating in a joint hearing or consolidated hearing

shall be represented at the hearing by the official who issues the development permit or that official's designee.

(2) The representative of a State unit at a joint hearing or consolidated hearing may participate fully in the hearing with respect to information, views, and supporting material relevant to the issuance of the development permit by the State unit.

(b) (1) An individual designated by the local government shall preside over a joint hearing.

(2) The Coordinator, or a hearing examiner designated by the Coordinator, shall preside over a consolidated hearing.

(c) At a joint hearing or consolidated hearing, the applicant may submit relevant information and material in support of an application for a development permit that is on the agenda for the hearing.

(d) At a joint hearing or consolidated hearing, any person or governmental unit shall be given the opportunity to present relevant facts, evidence, or arguments for or against the granting of a development permit that is on the agenda for the hearing.

§11–520.

(a) (1) A local government shall act on each application for a development permit to be issued by the local government in accordance with the law and procedures applicable to the granting of the development permit.

(2) If the local government has participated in a joint hearing, it shall give prompt notice of its action to the Coordinator, who shall send the notice to each State unit that participated in the joint hearing.

(b) (1) Each State unit that has participated in a joint hearing shall act promptly on each application for a development permit to be issued by the State unit within 60 days after the day on which the State unit receives notice that the local government has acted on the application for the local development permit.

(2) If the local government has denied the local development permit, the State unit may deny its development permit for that reason. However, the State unit may reconsider the application for a development permit if the local development permit is later granted.

(c) A State unit that has participated in a joint hearing shall give the Coordinator and the local government notice of the action by the State unit on each application for a development permit.

(d) Each State unit that has participated in a consolidated hearing shall act on each application for a development permit to be issued by the State unit within 60 days

after the day on which the consolidated hearing concludes.

(e) Each State unit that does not hold a hearing shall act on an application for a development permit within 60 days after receiving the completed application for the development permit.

(f) Unless a State unit obtains an extension under § 11-521 of this subtitle, failure of the State unit to act within the time set by this section and by § 11-515 of this subtitle constitutes automatic approval of the application for a development permit as submitted to the State unit, and the State unit immediately shall issue the development permit.

§11–521.

(a) A State unit is entitled to an extension of the time specified in § 11-515 of this subtitle, if the State unit:

(1) determines, in writing, that:

(i) the application and appendices are lacking in specific required information; or

(ii) technical information, tests, or studies are needed for consideration of the application;

(2) states the specific information, tests, and studies needed;

(3) states the time required for their completion, if the information, tests, or studies are not required to be submitted by or for the applicant; and

(4) delivers the written determination to the Coordinator and to the applicant at least 10 days before the scheduled hearing date.

(b) A State unit is entitled to an extension of the time specified in § 11-520 of this subtitle, if the State unit:

(1) determines, in writing, that:

(i) the application and appendices are lacking in specific required information;

(ii) technical information, tests, or studies are needed for consideration of the application; or

(iii) new information requiring further evaluation has been obtained from the public hearing;

(2) states the specific information, tests, and studies needed;

(3) states the time required for their completion, if the information, tests, or studies are not required to be submitted by or for the applicant; and

(4) delivers the written determination to the Coordinator and to the applicant at least 10 days before the expiration of the time specified in § 11-520 of this subtitle.

(c) (1) Subject to § 11-522 of this subtitle, on timely delivery of the written determination, the time limit shall be extended until 30 days after the information required from the applicant is received or 30 days after the time specified in the determination for the completion of the other information, tests, and studies not required from the applicant, as the case may be.

(2) If new information is obtained from a public hearing, the Coordinator and the State unit involved shall jointly agree to a reasonable extension of time before the unit must act on the development permit.

§11–522.

(a) (1) An applicant for a development permit may appeal the determination of a State unit under § 11-521 of this subtitle on the grounds that:

(i) the specific information, test, or study is unnecessary; or

(ii) the time stated by the State unit for completion is unreasonable.

(2) The appeal shall be made:

(i) to the board of review of the State unit; or

(ii) if the State unit does not have a board of review or its board of review does not have jurisdiction to review the development permit, to the Board of Public Works.

(b) The appeal must be taken within 30 days after the applicant receives the determination.

(c) (1) The board of review or the Board of Public Works:

(i) shall consider the appeal promptly;

(ii) may affirm, modify, or reverse the determination of the State unit; and

(iii) may set a new hearing date with respect to the application.

(2) The applicant has the burden to show that the determination of the State unit was improper.

(3) The State unit shall continue its evaluation of the development project, including tests and studies, through the appeal procedure.

§11–523.

Administrative and judicial review of the final action of a local government or State unit on an application for a development permit shall be in accordance with the law and procedures governing the issuance of development permits by the local government or State unit.

§12–101.

(a) In this subtitle, unless the context clearly requires otherwise, "State personnel" means:

(1) a State employee or official who is paid in whole or in part by the Central Payroll Bureau in the Office of the Comptroller of the Treasury;

(2) an employee or official of the:

(i) Maryland Transportation Authority;

(ii) Maryland Stadium Authority;

(iii) Maryland Environmental Service;

(iv) overseas programs of the University College of the University System of Maryland;

(v) Maryland Economic Development Corporation;

(vi) Maryland Technology Development Corporation;

(vii) Maryland African American Museum Corporation;

(viii) Maryland Automobile Insurance Fund;

(ix) Maryland Health and Higher Educational Facilities Authority;

(x) Maryland Agricultural and Resource–Based Industry Development Corporation;

(xi) Somers Cove Marina Commission;

(xii) Maryland Workforce Corporation;

(xiii) Maryland Underground Facilities Damage Prevention Authority; and

(xiv) Maryland Clean Energy Center;

(3) a person who:

(i) is a member of a State board, commission, or similar State entity; or

(ii) 1. is providing a service to or for the State;

2. is not paid in whole or in part by the State; and

3. satisfies all other requirements for designation as State personnel as may be set forth in regulations adopted by the Treasurer pursuant to Title 10 of this article;

(4) an individual who, without compensation, exercises a part of the sovereignty of the State;

(5) a student enrolled in a State educational institution:

(i) who is providing services to third parties in the course of participation in an approved clinical training or academic program;

(ii) who, as determined by the Treasurer, is required to have liability insurance covering claims arising from services to third parties performed by the student in the course of the approved clinical training or academic program;

(iii) who, as determined by the Treasurer, cannot obtain commercial liability insurance at an affordable cost; and

(iv) who, as determined by the Treasurer, may be required to contribute to an insurance program for claims arising from services to third parties performed by the student in the course of the approved clinical training or academic program;

(6) a sheriff or deputy sheriff of a county or Baltimore City;

(7) an employee of a county who is assigned to a local department of social services, including a Montgomery County employee who carries out State programs administered under Title 3, Subtitle 4 of the Human Services Article;

(8) a State's Attorney of a county or Baltimore City, or an employee of an office of a State's Attorney;

(9) a member of a board of license commissioners of a county or Baltimore City appointed under the provisions of Article 2B of the Code, or an employee of a board of license commissioners;

(10) a member of a local board of elections, or an employee of a local board

of elections;

(11) a judge of a circuit court of a county or Baltimore City, or an employee of a circuit court;

(12) a judge of an orphans' court of a county or Baltimore City, or an employee of an orphans' court;

(13) to the extent of a nonprofit organization's activities as a third party payee, and to the extent the nonprofit organization has no other insurance for this purpose, a nonprofit organization that has been approved by the Department of Human Resources or its designee to serve as a third party payee for purposes of providing temporary cash assistance, transitional assistance, or child–specific benefits to Family Investment Program recipients; or

(14) a student, faculty, or staff member of an institution of higher education who is providing a service under the Family Investment Program in accordance with § 5–305, § 5–306, or § 5–317 of the Human Services Article.

(b) In this subtitle, a unit of the State government includes the Montgomery County government to the extent that Montgomery County administers a State program under Title 3, Subtitle 4 of the Human Services Article.

§12–102.

This subtitle shall be construed broadly, to ensure that injured parties have a remedy.

§12–103.

This subtitle does not:

(1) limit any other law that:

(i) waives the sovereign immunity of the State or the units of the State government in tort; or

(ii) authorizes the State or its units to have insurance for tortious conduct;

(2) waive any right or defense of the State or its units, officials, or employees in an action in a court of the United States or any other state, including any defense that is available under the 11th Amendment to the United States Constitution; or

(3) apply to or waive any immunity of a bicounty unit, county, municipal corporation, or other political subdivision or any unit, official, or employee of any of those agencies or subdivisions.

§12–103.1.

The provisions governing the tort immunity of a member or employee of a board of supervisors of a soil conservation district are found in § 5-517 of the Courts and Judicial Proceedings Article.

§12–103.2.

(a) In this section, "tort claim" means a tort claim filed in State court relating to the administration of a State program under Title 3, Subtitle 4 of the Human Services Article by the Montgomery County government.

(b) (1) A tort claim shall be considered, defended, settled, and paid in the same manner as any other claim covered by the Montgomery County Self–Insurance Fund.

(2) Under this section, whenever Montgomery County administers a State program under Title 3, Subtitle 4 of the Human Services Article, Montgomery County acts as a unit of the State, and any tort claim shall name the State of Maryland as the proper defendant.

(c) Liability for a tort claim may not exceed the insurance coverage granted to units of State government under Title 9 of the State Finance and Procurement Article.

(d) (1) The State Treasurer is not liable under § 9–107(c) of the State Finance and Procurement Article for a tort claim.

(2) For tort claims, the duties, responsibilities, and liabilities of the Treasurer under this subtitle shall be assumed by the Montgomery County Self–Insurance Fund with damages limited in accordance with subsection (c) of this section.

§12–104.

(a) (1) Subject to the exclusions and limitations in this subtitle and notwithstanding any other provision of law, the immunity of the State and of its units is waived as to a tort action, in a court of the State, to the extent provided under paragraph (2) of this subsection.

(2) The liability of the State and its units may not exceed $400,000 to a single claimant for injuries arising from a single incident or occurrence.

(b) Immunity is not waived under this section as described under § 5–522(a) of the Courts and Judicial Proceedings Article.

(c) (1) The Treasurer may pay from the State Insurance Trust Fund all or part of that portion of a tort claim which exceeds the limitation on liability established under subsection (a)(2) of this section under the following conditions:

(i) the tort claim is one for which the State and its units have waived immunity under subsections (a) and (b) of this section;

(ii) a judgment or settlement has been entered granting the claimant damages to the full amount established under subsection (a)(2) of this section; and

(iii) the Board of Public Works, with the advice and counsel of the Attorney General, has approved the payment.

(2) Any payment of part of a settlement or judgment under this subsection does not abrogate the sovereign immunity of the State or any units beyond the waiver provided in subsections (a) and (b) of this section.

§12–105.

State personnel shall have the immunity from liability described under § 5-522(b) of the Courts and Judicial Proceedings Article.

§12–106.

(a) This section does not apply to a claim that is asserted by cross–claim, counterclaim, or third–party claim.

(b) Except as provided in subsection (c) of this section, a claimant may not institute an action under this subtitle unless:

(1) the claimant submits a written claim to the Treasurer or a designee of the Treasurer within 1 year after the injury to person or property that is the basis of the claim;

(2) the Treasurer or designee denies the claim finally; and

(3) the action is filed within 3 years after the cause of action arises.

(c) If a claimant fails to submit a written claim in accordance with subsection (b)(1) of this section, on motion by a claimant and for good cause shown, the court may entertain an action under this subtitle unless the State can affirmatively show that its defense has been prejudiced by the claimant's failure to submit the claim.

§12–107.

(a) A claim under this subtitle shall:

(1) contain a concise statement of facts that sets forth the nature of the claim, including the date and place of the alleged tort;

(2) demand specific damages;

(3) state the name and address of each party;

(4) state the name, address, and telephone number of counsel for the claimant, if any; and

(5) be signed by the claimant, or the legal representative or counsel for the claimant.

(b) The Treasurer may:

(1) consider a claim for money damages under this subtitle or delegate wholly or partly this responsibility to other State personnel; and

(2) contract for any support services that are needed to carry out this responsibility properly.

(c) (1) In this section, "structured settlement" means a plan for the payment of a settlement or judgment to a claimant for damages in periodic installments.

(2) Unless a contract with a private insurer provides otherwise, the Treasurer or designee may compromise and settle a claim for money damages after the Treasurer or designee consults with the Attorney General.

(3) The State may enter into a structured settlement to the extent permitted in § 12-104(a)(2) of this subtitle.

(4) If a structured settlement is entered into, the State and the claimant shall select the investment company by mutual agreement.

(5) The acceptance of a settlement by a claimant is, as to that claimant:

(i) final; and

(ii) a complete release of each claim arising from the same cause of action against:

1. the State;

2. each of its units; and

3. all State personnel.

(d) A claim under this subtitle is denied finally:

(1) if, by certified mail, return receipt requested, under a postmark of the United States Postal Service, the Treasurer or designee sends the claimant, or the legal representative or counsel for the claimant written notice of denial; or

(2) if the Treasurer or designee fails to give notice of a final decision within 6 months after the filing of the claim.

§12–108.

(a) In an action under this subtitle, service of the complaint and accompanying documents is sufficient only if made on the Treasurer.

(b) Unless full representation is provided under a contract of insurance, the Attorney General shall defend an action under this subtitle against the State or any of its units.

§12–109.

Counsel may not charge or receive fees that exceed:

(1) 20% of a settlement made under this subtitle; or

(2) 25% of a judgment made under this subtitle.

§12–110.

This subtitle may be cited as the "Maryland Tort Claims Act".

§12–201.

(a) Except as otherwise expressly provided by a law of the State, the State, its officers, and its units may not raise the defense of sovereign immunity in a contract action, in a court of the State, based on a written contract that an official or employee executed for the State or 1 of its units while the official or employee was acting within the scope of the authority of the official or employee.

(b) In an action under this subtitle, the State and its officers and units shall have the immunity from liability described under § 5-522(d) of the Courts and Judicial Proceedings Article.

§12–202.

A claim under this subtitle is barred unless the claimant files suit within 1 year after the later of:

(1) the date on which the claim arose; or

(2) the completion of the contract that gives rise to the claim.

§12–203.

Except as provided in Title 5 of the Education Article, to carry out this subtitle, the Governor shall include in the budget bill money that is adequate to satisfy a final judgment that, after the exhaustion of the rights of appeal, is rendered against the State or any of its officers or units.

§12–204.

This subtitle does not apply to a contract of the Legislative or Judicial Branch of State government, or any of their agencies, officers, or units.

§12–301.

This subtitle does not apply to:

(1) the Public Service Commission;

(2) a local board of elections;

(3) the Baltimore City Board of School Commissioners or a county board of education; or

(4) any other county officer or unit.

§12–304.

(a) (1) Except as otherwise provided in this Part II of this subtitle, the Attorney General shall appear in a civil action or special proceeding against a State officer or State employee to represent the officer or employee if:

(i) the action or proceeding is in a court of the State or of the United States;

(ii) the officer or employee submits to the Attorney General a written request for representation;

(iii) the Attorney General or a person whom the Attorney General designates investigates the facts on which the action or proceeding is based;

(iv) the Attorney General does not find the officer or employee ineligible for representation under subsection (b)(1) of this section; and

(v) the officer or employee enters into an agreement as required by § 12-305 of this subtitle.

(2) The Attorney General may provide this representation by a deputy attorney general, assistant attorney general, special counsel, or other private counsel.

(b) (1) The Attorney General shall decline to represent a State officer or State employee if, on the basis of the investigation, the Attorney General finds that:

(i) the officer or employee was not acting within the scope of employment of the officer or employee;

(ii) the act or omission was malicious; or

(iii) the act or omission was grossly negligent.

(2) The Attorney General may decline to represent a State officer or State employee who otherwise is eligible for representation if the officer or employee:

(i) retains other counsel; or

(ii) is covered by insurance that requires the carrier to provide counsel.

(c) (1) Subject to the requirements of this section, the Attorney General has sole discretion in undertaking to represent the State officer or State employee.

(2) A decision of the Attorney General not to represent an officer or employee is inadmissible in any legal action or special proceeding. Reference to the decision may not be made in any hearing or trial.

(d) This section does not:

(1) deprive a State officer or State employee of any right to retain counsel, at the expense of the officer or employee; or

(2) prevent the appearance of the Attorney General to protect the interests of the State, even if the officer or employee does not request the appearance.

§12–305.

Before a State officer or State employee may be represented under this Part II of this subtitle, the Attorney General shall have the officer or employee enter into an agreement that:

(1) enables the Attorney General to require, from the officer or employee, reimbursement of court costs, reasonable counsel fees, and other expenses in representing the officer or employee if:

(i) it is determined judicially that:

1. the defense of sovereign immunity is not available to the officer or employee;

2. the injuries arose out of an act or omission of the officer or employee; and

3. the act or omission was malicious or grossly negligent or, when the act or the omission was made, the officer or employee was not performing a duty within the scope of the employment of the officer or employee; and

(ii) the officer or employee did not give the Attorney General complete information or gave the Attorney General information that is false or

misleading;

(2) authorizes collection of the reimbursement, as a debt due to the State;

(3) states that:

(i) this representation of the officer or employee does not constitute an obligation for the State to pay a settlement, if the claim is settled, or a judgment, if judgment is rendered against the officer or employee;

(ii) the State and its units are not responsible for payment of the judgment; and

(iii) the officer or employee is entitled to submit to the Board of Public Works an application for payment of a settlement or judgment;

(4) provides that:

(i) the Attorney General may not compromise or settle the claim against the officer or employee without the written consent of the officer or employee;

(ii) if the officer or employee will not consent, the Attorney General may withdraw the appearance in accordance with the appropriate court rules; and

(iii) the State is not responsible for any costs after the withdrawal; and

(5) includes any other provisions that the Attorney General considers necessary.

§12–306.

(a) Representation under this Part II of this subtitle includes the right to assert a counterclaim or to assert or defend against a third party claim for the officer or employee.

(b) The representation does not deprive any State officer, State employee, or unit of the State government of any sovereign immunity that is available to the officer, employee, or unit.

§12–307.

Information that the Attorney General obtains under § 12-304(a)(1)(iii) of this subtitle is confidential and inadmissible as evidence in any legal action or special proceeding. Reference to the information may not be made in any hearing or trial.

§12–308.

(a) If an action or special proceeding against a State officer or State employee

in which the Attorney General has declined representation under § 12-304(b)(1) of this subtitle results in final judgment, the court or jury shall find whether:

(1) the defense of sovereign immunity is available to the officer or employee;

(2) the officer or employee was acting within the scope of the employment of the officer or employee;

(3) the alleged act or omission was malicious; and

(4) the alleged act or omission was grossly negligent.

(b) A jury shall make the findings by written, special verdict.

§12–309.

(a) A court shall require reimbursement from the person who brings an action or proceeding against a State officer or State employee if:

(1) judgment is rendered for the officer or employee; and

(2) the court finds that the action or proceeding was instituted:

(i) in bad faith; or

(ii) without substantial justification.

(b) Reimbursement shall consist of reasonable counsel fees and other costs and reasonable expenses incurred by the officer or employee in defending against the action or proceeding.

(c) Reimbursement shall be paid:

(1) to the officer or employee; or

(2) if the State or any of its units already has reimbursed the officer or employee, to the State or the unit.

§12–310.

(a) This section does not apply to the extent that a State officer or State employee is reimbursed under § 12-309 of this subtitle.

(b) The State is liable to a State officer or State employee for reimbursement of court costs, counsel fees, and other reasonable expenses that the officer or employee incurs in defending an action or proceeding if:

(1) the Attorney General declined representation under § 12-304(b)(1) of

this subtitle; and

(2) it is determined judicially that:

(i) the defense of sovereign immunity is available to the officer or employee; or

(ii) injuries arose from an act or omission of the officer or employee and, when the act or the omission was made, the officer or employee was acting within the scope of employment and the act or omission was not malicious and was not grossly negligent.

(c) Reimbursement under this section shall be subject to the provisions of Subtitle 5 of this title.

§12–313.

The Attorney General may not represent or appoint or provide counsel to represent a State officer or State employee:

(1) in any investigation of the officer or employee by a criminal law enforcement agency; or

(2) in any criminal action against the officer or employee in a court of the State or the United States.

§12–314.

Subject to the limitations in this Part III of this subtitle, the Board of Public Works may approve reimbursement of a State officer or State employee or otherwise pay for reasonable counsel fees that the officer or employee incurred:

(1) in connection with a criminal investigation into conduct as an officer or employee if the investigation has concluded and criminal charges have not been filed against the officer or employee; or

(2) in defending against criminal charges that related to conduct as an officer or employee if final disposition of all of the charges does not result in a plea of nolo contendere, a guilty plea, or a finding of guilt.

§12–315.

(a) The Board of Public Works may not provide reimbursement or payment under this Part III of this subtitle unless:

(1) the State officer or State employee submits to the Board a written application for reimbursement; and

(2) the Attorney General certifies that:

(i) the applicant retained counsel;

(ii) the applicant gave the Attorney General written notice promptly after counsel was retained; and

(iii) after review of the evidence and other information, the Attorney General or a designee appointed under this section made the following determinations:

1. in connection with the matter under criminal investigation, the applicant discharged the public responsibilities in good faith, did not engage in unlawful conduct, and was reasonable in retaining counsel and incurring the counsel fees for which reimbursement is sought; or

2. in connection with the matter that was the subject of criminal charges, the applicant discharged the public responsibilities in good faith and incurred reasonable counsel fees.

(b) Notwithstanding subsection (a)(2)(ii) of this section, the Board of Public Works may approve reimbursement to an applicant who fails to give the Attorney General notice promptly after counsel is retained if the Board determines that the failure is for good cause.

(c) If the Attorney General believes that it would be inappropriate for the Attorney General to make the determinations under subsection (a)(2)(iii) of this section, the Attorney General or the Board of Public Works may designate other counsel to carry out that duty.

(d) The determinations of the Attorney General or designee under this section are not subject to judicial review.

§12–316.

As a condition to providing reimbursement under this Part III of this subtitle, the Board of Public Works or the Attorney General may require an applicant:

(1) to answer questions under oath; and

(2) to provide any information on the matter that was under criminal investigation or the subject of criminal charges.

§12–318.

If the officer or employee is awarded money in an action for false arrest, malicious prosecution, or other cause that arises from the investigation or charges, the State is subrogated to the extent of any reimbursement under this Part III of this subtitle.

§12–401.

In this subtitle, "State personnel" means:

(1) a regular employee of the State whose compensation:

(i) is provided by a State appropriation; or

(ii) is paid wholly or partly from State funds;

(2) an employee who is under the jurisdiction of the Department of Budget and Management;

(3) an officer, warrant officer, or enlisted member of the organized militia;

(4) an employee of the Maryland Port Administration, as described in § 6–204(n) of the Transportation Article;

(5) a member or employee of a board of trustees for a community college;

(6) except in Montgomery County, an employee of a county health department;

(7) a member or employee of the Baltimore City Board of School Commissioners or of a county board of education;

(8) a member of the Board of Visitors of the Maryland School for the Deaf;

(9) a member or employee of a board of supervisors for a soil conservation district;

(10) a person who, as a volunteer, is providing a service to or for the State;

(11) a person who, for or under contract with a unit of the State or a local government, performs an emergency service during a state of emergency under Title 14 of the Public Safety Article;

(12) any other individual who, with or without compensation, holds a position that requires the exercise of discretion and of a part of the sovereignty of the State;

(13) any other State officer or State employee; and

(14) a Montgomery County employee who administers a State program under Title 3, Subtitle 4 of the Human Services Article.

§12–402.

The General Assembly finds that:

(1) the State is a unique body because:

(i) the State is a sovereign political body that the people have established directly for the sole purpose of providing for their government; and

(ii) the revenue of the State derives principally from taxes on the people, rather than from commercial enterprise;

(2) State personnel who are acting within the scope of public duties and responsibilities are carrying out a governmental program under law and, thus, are discharging a part of the purpose and sovereignty of the State;

(3) decisions of courts throughout the United States have created new grounds for personal liability of a public officer or public employee who is discharging a public duty;

(4) those decisions have resulted in:

(i) increased difficulties in recruiting or retaining qualified individuals for public positions that involve the exercise of discretion or dealing with the general public; and

(ii) increased difficulties and expense in protecting these individuals through public, liability insurance; and

(5) as a matter of State policy, it is essential to protect from liability State personnel who are acting within the scope of public duties and responsibilities and without malice or gross negligence.

§12–403.

(a) This subtitle does not affect any immunity or other defense that is available to State personnel or the State.

(b) Payment of a settlement or judgment under this subtitle does not abrogate the sovereign immunity of the State, any of its units, or State personnel.

§12–404.

Subject to the limitations in this subtitle, the Board of Public Works may:

(1) pay wholly or partly a settlement or judgment against the State or any State personnel; and

(2) include, in the payment, counsel fees and costs.

§12–405.

(a) The application requirements enumerated in subsection (b)(5) of this section

do not apply to claims relating to:

(1) courthouse security;

(2) service of process;

(3) the transportation of inmates to or from court proceedings;

(4) personnel and other administrative activities;

(5) activities, including activities relating to law enforcement functions, arising under a multijurisdictional agreement under the supervision and direction of the Maryland State Police or other State agency; or

(6) any other activities, except for activities relating to performing law enforcement functions or detention center functions.

(b) The Board of Public Works may not pay a settlement or judgment against State personnel unless:

(1) the State personnel submits to the Board a written application that sets forth each reason of the State personnel for believing the settlement or judgment is a responsibility of the State;

(2) the Board or a hearing officer that the Board appoints holds a hearing on the application;

(3) as to a judgment, it was rendered by a court of competent jurisdiction;

(4) as to an applicant for whom the Attorney General appeared under Subtitle 3 of this title, the Attorney General files a written report and recommendation;

(5) as to an application on behalf of a sheriff or deputy sheriff of a county or Baltimore City for any claim:

(i) with respect to any settlement, the county solicitor or county attorney files a written report and recommendation and the Attorney General files a written report and recommendation; or

(ii) with respect to any judgment, the Attorney General files a written report and recommendation;

(6) on the bases of the hearing and any report and recommendation, the Board finds that:

(i) when the act or omission was made, the applicant was performing a duty within the scope of the employment of the applicant;

(ii) the act or omission was not malicious; and

(iii) the act or omission was not grossly negligent; and

(7) if there is any question whether the applicant is State personnel for purposes of this subtitle, the Board finds that, regardless of the method, source, or amount of compensation, the applicant is State personnel.

§12–406.

Payments under this subtitle shall be made in accordance with the provisions of Subtitle 5 of this title.

§12–501.

(a) (1) The Board of Public Works may approve payment of a settlement, a judgment, or counsel fees under Subtitles 3 and 4 of this title with or without a hearing, and direct payment from:

(i) money appropriated for that purpose in the State budget;

(ii) money appropriated to the State Insurance Trust Fund for that purpose; or

(iii) the General Emergency Fund.

(2) The Board of Public Works may approve payment of a settlement, a judgment, or counsel fees under Subtitles 3 and 4 of this title with or without a hearing, and direct payment from any tax which has been appropriated in the State budget to the subdivision represented by the sheriff or deputy sheriff on whose behalf the payment is to be made, or direct payment from the subdivision's share of any income tax collected by the State Comptroller, in connection with any settlement or judgment paid on behalf of any sheriff or deputy sheriff for any claim except those claims relating to:

(i) courthouse security;

(ii) transportation of prisoners;

(iii) service of process;

(iv) personnel and other administrative activities;

(v) activities, including activities relating to performing law enforcement functions, arising under multijurisdictional agreements under the supervision and direction of the Maryland State Police or other State agency; or

(vi) any other activities, except activities relating to performing law enforcement functions or detention center functions.

(3) The Board may direct that payment be made in lump sum or in installments.

(4) If the Board disapproves payment in whole or in part, the Board shall state in writing its reasons for disapproval.

(5) Decisions under this title are not subject to judicial review.

(6) Nothing in this section shall be construed as a waiver of sovereign immunity of the State, any of its units, or State personnel.

(7) If the Board directs payment under paragraph (2) of this subsection, such payment shall be collected in the manner provided by § 7-222 of the State Finance and Procurement Article.

(b) The Board of Public Works may delegate to affected units, in consultation with the Attorney General, authority to pay, from the funds of that unit available for the purpose, settlements, judgments, and counsel fees that do not exceed $10,000 in a particular case.

§17–101.

Until an individual accounts for and pays into the Treasury of the State all money that is charged to and due by the individual on the books of the State, the individual is ineligible to become a member of the Senate of Maryland or the House of Delegates, or to hold any State office of profit or trust if the individual:

(1) is a collector, receiver, or holder of public moneys;

(2) is charged on the books of the State a sum due to the State; and

(3) has failed to account fairly for the public moneys with the Treasury of the State.

§17–102.

An ineligibility established under § 17-101 of this title:

(1) may not be removed by an accounting with or payment into the Treasury of the State to validate an election or appointment that has already occurred; but

(2) shall be removed only for a future election or appointment.

§17–103.

(a) If a commission has been issued to an individual who is ineligible under § 17-101 of this title, the Governor shall instruct the State's Attorney for the county in which the individual resides to obtain in the circuit court of that county a writ of mandamus directed to the individual who professes to hold the office specified in the commission to inquire into the right by which the individual holds the office.

(b) If the circuit court finds that at the time of the election or appointment of an individual, the individual had not accounted for and paid into the Treasury of the State money that the individual should have accounted for and paid into the Treasury of the State before the election or appointment of the individual, then the circuit court shall declare the election or appointment of that individual to be void from the beginning and the office to be vacant.

§17–104.

(a) Whenever a State's Attorney for a county is informed that an individual has been commissioned in that county and that at the time of the election or appointment of the individual to office the individual was in default to the Treasury of the State for not accounting for and paying over to the Treasury of the State any money, the State's Attorney shall request the State Comptroller to provide a statement of the account of the individual.

(b) If the Comptroller certifies that the individual is in default, the State's Attorney shall initiate the mandamus proceeding authorized by § 17-103 of this title.

(c) A State's Attorney who fails to comply with this section is guilty of a misdemeanor and on conviction shall be removed from office.

§17–105.

Nothing in this title invalidates an act done by an officer within the scope of the officer's authority as long as the commission is unannulled.

§17–106.

(a) A postmaster, a deputy of a postmaster, a United States marshal, or a deputy of a United States marshal may not hold any State office or exercise any function of any officer of the State.

(b) An individual who violates subsection (a) of this section is subject to a fine of $50 for each offense, to be recovered by an indictment in the circuit court for the county where the individual commits the offense.

§17–107.

(a) A sheriff, constable, or collector of taxes may not, while in office, purchase any debt or claim held by or due from any individual who resides in the county where the sheriff, constable, or collector of taxes holds office.

(b) An individual who violates subsection (a) of this section is subject to a fine of $50 for each offense.

§17–108.

(a) This section does not affect an appointment:

(1) of an officer who requires special knowledge or training; or

(2) to an office that requires expert knowledge or training.

(b) An individual may not be appointed to any office in the State unless the individual has been a bona fide resident of the State for at least 12 months before the day of the individual's appointment.

(c) A State or county official may not appoint an individual unless the individual has been a bona fide resident of the State for at least 12 months and of the county in which the individual is appointed for at least 6 months before the day of the individual's appointment.

§18–101.

(a) (1) Except as provided in paragraph (2) of this subsection, the Governor, on approval of the application by a Senator representing the senatorial district and subdistrict in which the applicant resides or on approval by any Senator if the senatorial office representing the senatorial district and subdistrict in which the applicant resides is vacant, may appoint and commission individuals as notaries public as provided in this title.

(2) (i) A Senator may delegate the Senator's authority to approve applicants under this subsection to the Secretary of State.

(ii) If a Senator has delegated approval authority under subparagraph (i) of this paragraph, the Governor may appoint and commission an individual as a notary public as provided in this title on approval of the application by the Secretary of State.

(b) (1) The Governor, on approval of the application by the Secretary of State and a member of the Senate of Maryland, shall appoint and commission out–of–state individuals as notaries public as provided in this title.

(2) An out–of–state notary shall be deemed to have irrevocably appointed the Secretary of State as the notary's agent upon whom may be served any summons, subpoena, subpoena duces tecum, or other process.

§18–102.

Each individual appointed as a notary public shall:

(1) be at least 18 years old;

(2) be of good moral character and integrity;

(3) live or work in the State;

(4) if living in the State, be a resident of the senatorial district from which appointed; and

(5) if living outside the State, be a resident of a state that allows Maryland residents working in that state to serve as notaries public in that state.

§18–103.

(a) (1) An application for original appointment as a notary public shall be made on forms prepared by the Secretary of State and shall be sworn to by the applicant.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, an application by a resident of the State shall bear or be accompanied by the written approval of a Senator representing the senatorial district and subdistrict in which the applicant resides or, if that office is vacant, by any Senator's written approval.

(ii) If a Senator has delegated approval authority under § 18–101 of this title, the application shall bear or be accompanied by the written approval of the Secretary of State.

(3) An application by an out–of–state individual shall bear or be accompanied by the written approval of a Maryland State Senator.

(4) Completed applications shall be filed with the Secretary of State.

(b) When the appointment is made by the Governor, the Secretary of State shall notify the applicant.

(c) (1) The term of a notary public commission is 4 years.

(2) The Secretary of State shall adopt, by regulation, a staggered system for the expiration and renewal of notary public commissions.

(d) (1) Notary public commissions may be renewed from term to term, and the Secretary of State shall issue an application of renewal to the notary public at or prior to the expiration of the term of the existing commission.

(2) On receiving of a satisfactory application of renewal from the notary, the Secretary shall issue a notice of renewal to the notary.

(3) Within 30 days after the issuance by the Secretary of State of a notice of appointment or renewal, the notary shall qualify before the appropriate clerk of the court and pay the fees prescribed in subsection (e) of this section.

(4) An out–of–state individual commissioned as a notary shall qualify

before the clerk of the circuit court in any county or Baltimore City and pay the fees prescribed in subsection (e) of this section.

(5) The appointment and commission of any notary who fails to qualify and pay the fees within the time required under this subsection shall be revoked.

(6) If an appointment and commission is revoked under this subsection, the court clerk shall return the commission to the Secretary of State with a certification that the notary failed to qualify and pay the fees within the required time.

(7) The Secretary of State for good cause shown may reinstate the appointment and commission.

(e) (1) At the time the notice of appointment or the notice of renewal is issued, the Secretary of State shall forward to the clerk of the circuit court of the county in which the notary resides or in the case of a notary who lives out–of–state, to the clerk of the circuit court in the county where the notary is to qualify, a commission signed by the Governor and Secretary of State under the great seal of the State.

(2) The clerk of the court shall deliver the commission to the notary upon qualification and payment of the prescribed fees by the notary.

(3) Each notary shall pay to the clerk:

(i) a fee of $1 for qualifying the notary and registering the name, address, and commission expiration date of the notary; and

(ii) a fee of $11 or a lesser amount as prescribed by the Secretary of State for the commission issued.

(4) The fee shall be paid by the clerk to the Treasury of the State.

(5) The Secretary of State may fix other reasonable fees as required for the processing of applications and the issuance and renewal of notarial commissions and may charge a reasonable fee not exceeding $25 for checks returned for insufficient funds.

(6) (i) 1. Except as provided under subparagraph (ii) of this paragraph, if a payment of a fee under this section is made by a check or other negotiable instrument that is dishonored, the commission shall be revoked by operation of law.

2. The revocation is effective beginning on the 60th day after the day on which the notice is sent in accordance with subparagraph (ii) of this paragraph.

(ii) When the Secretary of State receives notice that a check or other negotiable instrument, given by an applicant in payment of a fee under this section has

been dishonored, the Secretary shall inform the applicant, by regular mail, sent to the last home address the applicant has given to the Secretary, that the commission will be revoked by operation of law if within 60 days after the date of the notice the applicant fails to make payment of the fee and any late charge, or fails to provide evidence that the notice of dishonor was in error.

(iii) The removal of a notary public from office under this paragraph is not subject to the provisions applicable to removal under § 18–104 of this title.

(f) The Secretary of State may prepare and adopt forms as required under this section, including the form of original and renewal applications, the form of commissions, and forms for renewal of commissions.

§18–104.

(a) (1) A notary public may be removed or suspended from office by the Governor for good cause either on the Governor's own initiative or on a request made to the Governor in writing by the Senator who approved the appointment.

(2) After notice to the notary and the opportunity for a hearing before the Secretary of State or the Secretary of State's designee, the Secretary of State shall submit a recommendation to the Governor for action as the Governor determines to be required in the case.

(b) (1) The Governor may delegate to the Secretary of State or the Assistant Secretary of State or both the authority to remove or suspend a notary from office under this section.

(2) The Secretary of State or Assistant Secretary of State shall give the notary notice and an opportunity for a hearing as provided in subsection (a) of this section, but is not required to submit a recommendation to the Governor before acting under this subsection.

(c) A hearing under this section is not a contested case under Title 10, Subtitle 2 of this article.

(d) The notice and hearing opportunity under subsections (a) and (b) of this section is deemed satisfied if a letter informing the notary of the impending removal from office and hearing opportunity is mailed to the notary at the last address the notary has given to the Secretary of State, and the letter is returned to the Secretary of State by the United States Postal Service.

§18–105.

(a) A notary public shall have the power to administer oaths according to law in all matters and cases of a civil nature in which a justice of the peace might have administered an oath on or before July 4, 1971, and with the same effect.

(b) A certificate under the notarial seal of a notary shall be sufficient evidence of the notary having administered the oath as notary public.

§18–106.

A notary public may:

(1) receive the proof or acknowledgment of all instruments of writing relating to commerce or navigation and other writings as have been usually proved and acknowledged before notaries; and

(2) make protests and declarations and testify to the truth of the protests and declarations under the notary's notarial seal of office concerning all matters done by the notary in virtue of the notary's office.

§18–107.

A notary public shall keep a fair register of all protests and other official acts done by the notary in virtue of the notary's office and shall, when required, give a certified copy of any record in the notary's office to any person applying for the record on payment of the usual fees for the certified copy by the person applying for it.

§18–108.

(a) A notary public shall provide a public notarial seal or stamp with which the notary shall authenticate the notary's acts, instruments, and attestations, on which seal or stamp shall be shown a device that the notary thinks proper and for legend shall have the name, surname, and office of the notary and the notary's place of residence, which shall be designated by the county of the notary's residence or if the notary is a resident of the City of Baltimore, by the City of Baltimore.

(b) If the notary is an out-of-state notary, the legend shall have the name, surname, office of the notary, and the county where the notary qualified.

(c) Each notary shall include on each act, instrument, or attestation the expiration date of the notary's commission as a notary.

§18–109.

A notary public may exercise all functions of the office of notary in any other county or city than the county or city for which the notary is appointed, with the same power and effect in all respects as if the same were exercised in the county or city for which the notary is appointed.

§18–110.

It is unlawful for any notary public to sign and issue any protest except in the form prescribed by the Comptroller.

§18–111.

(a) Subject to subsection (b) of this section, it is lawful for any notary public who is a stockholder, director, officer, or employee of a bank or other corporation to:

(1) take the acknowledgment of any party to any written instrument executed to or by the corporation, or to administer an oath to any other stockholder, director, officer, employee, or agent of the corporation; or

(2) protest for nonacceptance or nonpayment bills of exchange, drafts, checks, notes, and other negotiable instruments that may be owned or held for collection of the corporation.

(b) It is unlawful for any notary public to:

(1) take the acknowledgment of an instrument by or to a bank or other corporation of which the notary is a stockholder, director, officer, or employee if the notary is a party to the instrument, either individually or as a representative of the corporation; or

(2) protest any negotiable instrument owned or held for collection by the corporation, where the notary is individually a party to the instrument.

§18–112.

(a) The Secretary of State shall adopt regulations to establish fees, not to exceed $4 for an original notarial act, and an appropriate lesser amount for the repetition of that original notarial act or to make a copy of the matter addressed by that original notarial act.

(b) A notary public may charge 19 cents per mile, or a higher amount set by regulation of the Secretary of State, and a fee not to exceed $5, as compensation for travel required for the performance of a notarial act.

§18–113.

(a) If a document presented for notarization does not contain a notarial certificate reflecting the taking of an oath or acknowledgment, a notary may nevertheless witness the signing of the document in the notary's official capacity, in accordance with subsection (b) of this section.

(b) A notary acting as a witness in the notary's official capacity under subsection (a) of this section shall:

(1) obtain satisfactory proof of the identity of the person signing the document;

(2) observe the signing of the document;

(3) date, sign, and seal or stamp the document; and

(4) record the act in the notary's fair register.

§18–114.

(a) Subject to § 4–332 of the General Provisions Article, the Secretary of State may provide lists of public information in its records to those persons who request them if the Secretary of State approves of the purpose for which the information is requested.

(b) (1) The Secretary of State shall charge a reasonable fee, not less than the cost of preparing the list, for any list furnished under this section.

(2) The Secretary of State may charge a reduced fee to persons requesting a list for governmental or not–for–profit purposes.

(c) A person furnished any information under this section may not distribute or otherwise use the information for any purpose other than that for which it was furnished.

(d) The Secretary of State may not disclose information under this section for use in telephone solicitations as defined in § 4–320(a) of the General Provisions Article.

§19–101.

Any instrument may be acknowledged in the manner and form now provided by the laws of the State, or as provided by this subtitle.

§19–102.

The acknowledgment of any instrument may be made in the State before:

(1) a judge of a court of record;

(2) a clerk or deputy clerk of a court having a seal;

(3) a notary public; or

(4) a magistrate in chancery.

§19–103.

The acknowledgment of any instrument may be made outside the State but within another state and within the jurisdiction of the officer, before:

(1) a clerk or deputy clerk of any federal court;

(2) a clerk or deputy clerk of any court of record of any state or other jurisdiction; or

(3) a notary public.

§19–104.

The acknowledgment of any instrument may be made outside the United States before:

(1) an ambassador, minister, charge d'affaires, counselor to or secretary of a legation, consul general, consul, vice-consul, commercial attache, or consular agent of the United States accredited to the country where the acknowledgment is made;

(2) a notary public of the country where the acknowledgment is made; or

(3) a judge or clerk of a court of record of the country where the acknowledgment is made.

§19–105.

The officer taking the acknowledgment shall know or have satisfactory evidence that the person making the acknowledgment is the person described in and who executed the instrument.

§19–106.

An acknowledgment of a married woman may be made in the same form as though she were unmarried.

§19–107.

An officer taking the acknowledgment shall endorse the acknowledgment or attach to the acknowledgment a certificate substantially in one of the following forms:

(a) State of ..... County of .....

On this the ..... day of ....., 20 ....., before me, ..., the undersigned officer, personally appeared ....., known to me (or satisfactorily proven) to be the person whose name ..... subscribed to the within instrument and acknowledged that ..... executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

.....

.....

Title of officer.

(b) State of ..... County of .....

On this the ..... day of ....., 20 ....., before me, ..., the undersigned officer, personally appeared ....., who acknowledged himself to be the ..... of ....., a corporation, and that he, as such ....., being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as ..... .

In witness whereof I hereunto set my hand and official seal.

.....

.....

Title of officer.

(c) State of ..... County of .....

On this the ..... day of ....., 20 ....., before me, ..., the undersigned officer, personally appeared ....., known to me (or satisfactorily proven) to be the person whose name is subscribed as attorney in fact for ....., and acknowledged that he executed the same as the act of his principal for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

.....

.....

Title of officer.

(d) State of ..... County of .....

On this the ..... day of ....., 20 ....., before me, ..., the undersigned officer, personally appeared ....., of the State (county or city as the case may be) of ....., known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

.....

.....

Title of officer.

§19–108.

The certificate of the acknowledging officer shall be completed by:

(1) the signature of the officer;

(2) the official seal of the officer, if the officer has one;

(3) the title of the office of the officer; and

(4) if the officer is a notary public, the date that the officer's commission expires.

§19–109.

(a) No authentication is necessary if the acknowledgment is:

(1) taken within the State; or

(2) made outside the United States by an officer of the United States.

(b) (1) No authentication is necessary if the acknowledgment is taken outside of the State, but within another state.

(2) (i) The certificate may, however, be authenticated by a certificate as to the official character of the officer that took the acknowledgment.

(ii) If the officer that took the acknowledgment is a clerk or deputy clerk of a court, the authenticating certificate shall be executed by the presiding judge of the court.

(iii) If the officer that took the acknowledgment is a notary public, the authenticating certificate shall be executed by a clerk of a court of record of the county, parish, or district in which the acknowledgment is taken.

(iv) When the authenticating certificate bears the seal of the authenticating officer, the signature on the certificate may be a facsimile that is printed, stamped, photographed, or engraved on the certificate.

(c) If the acknowledgment is made outside the United States and by a notary public or a judge or clerk of a court of record of the country where the acknowledgment is made, the certificate shall be authenticated by:

(1) a certificate under the great seal of state of the country, affixed by the custodian of the seal, certifying as to the official character of the officer; or

(2) a certificate of a diplomatic, consular, or commercial officer of the United States accredited to that country, certifying as to the official character of the officer.

§19–110.

Notwithstanding any other provision of this subtitle, the acknowledgment of an

instrument outside the State shall have the same effect as an acknowledgment in the manner and form required by the laws of the State for instruments executed within the State if the acknowledgment:

(1) was executed in another state, in compliance with the manner and form required by the laws of that state; and

(2) is verified by the official seal of the officer before whom the instrument was acknowledged.

§19–111.

(a) In addition to the acknowledgment of instruments in the manner and form otherwise authorized under this subtitle, a person serving in or with the armed forces of the United States and the person's spouse or dependents may acknowledge an instrument:

(1) wherever located; and

(2) before any commissioned officer in active service of the armed forces of the United States with the rank of:

(i) second lieutenant or higher in the Army, Air Force, or Marine Corps; or

(ii) ensign or higher in the Navy or United States Coast Guard.

(b) The instrument may not be rendered invalid by the failure to state in the instrument the place of execution or acknowledgment.

(c) No authentication of the officers' certificate of acknowledgment shall be required but the officer taking the acknowledgment shall endorse on or attach to the certificate of acknowledgment a certificate substantially in the following form:

On this the ..... day of ....., 20....., before me, ..., the undersigned officer, personally appeared ..... known to me (or (Serial No.) (if any), satisfactorily proven) to be (serving in or with the armed forces of the United States) (the spouse of) (a dependent of) ..... a person serving in or with (Serial No.) (if any), the armed forces of the United States and to be the person whose name is subscribed to the within instrument and acknowledged that .... he .... executed the same for the purpose therein contained. And the undersigned does further certify that he is at the date of this certificate a commissioned officer of the rank stated below and is in the active service of the armed forces of the United States.

.....

Signature of officer.

.....

Rank and Serial No. of Officer

and Command to Which Attached.

§19–112.

An acknowledgment taken before June 1, 1941 may not be affected by this subtitle.

§19–113.

This subtitle shall be interpreted to make uniform the laws of the states that enact it.

§19–114.

This subtitle may be cited as the Maryland Uniform Acknowledgments Act.

§19–201.

This subtitle applies only to a person who is:

(1) a member of the armed forces of the United States;

(2) serving as a merchant seaman outside the United States; or

(3) outside the United States by permission, assignment, or direction of any department or official of the United States government, in connection with any activity pertaining to the prosecution of any war in which the United States is engaged.

§19–202.

In addition to the acknowledgment of instruments and the performance of other notarial acts in the manner and form otherwise authorized by law, instruments may be acknowledged, documents attested, oaths and affirmations administered, depositions and affidavits executed, and other notarial acts performed, before or by any commissioned officer in active service of the armed forces of the United States with:

(1) the rank of second lieutenant or higher in the Army or Marine Corps;

(2) the rank of ensign or higher in the Navy or Coast Guard; or

(3) equivalent rank in any component part of the armed forces of the United States.

§19–203.

(a) In taking an acknowledgment or performing another notarial act that requires certification, a certificate endorsed on or attached to the instrument or document is sufficient for all intents and purposes if the certificate:

(1) shows the date of the notarial act; and

(2) states, in substance, that the person appearing before the officer acknowledged the instrument as the person's act or made or signed the instrument or document under oath.

(b) An instrument or document may not be rendered invalid by a failure to state the place of execution or acknowledgment.

§19–204.

(a) An acknowledgment of an instrument, attestation of a document, administration of an oath or affirmation, execution of a deposition or affidavit, and performance of other notarial acts made or taken in accordance with this subtitle is legal, valid, and binding under the same circumstances, and with the same force and effect as if the acknowledgment, attestation, oath, affirmation, deposition, affidavit, or other notarial act had been made or taken within the State before or by a duly qualified officer or official as otherwise provided by law.

(b) Instruments and documents that are acknowledged, authenticated, or sworn to in accordance with this subtitle are admissible in evidence and eligible to record in the State under the same circumstances, and with the same force and effect, as if the acknowledgment, attestation, oath, affirmation, deposition, affidavit, or other notarial act had been made or taken within the State before or by a duly qualified officer or official as otherwise provided by law.

§19–205.

If the signature, rank, and branch of service or subdivision of a branch of service of a commissioned officer appear on an instrument, document, or certificate:

(1) no further proof of the authority of the officer to act is required; and

(2) the action of the commissioned officer is prima facie evidence that the person making the oath or acknowledgment is covered by this subtitle.

§19–301.

Any legal instrument that was properly acknowledged within the 2 years directly preceding June 1, 1953 in accordance with the laws and practices that existed at that time may not be construed to be defective or wrongfully acknowledged by reason of any provision of Chapter 404, Acts of 1953, but shall be construed and treated as properly

acknowledged for all of the purposes of that chapter.

§20–101.

(a) In Subtitles 1 through 11 of this title the following words have the meanings indicated.

(b) "Commission" means the Commission on Civil Rights.

(c) "Complainant" means a person that files a complaint alleging a discriminatory act under this title.

(d) "Discriminatory act" means an act prohibited under:

(1) Subtitle 3 of this title (Discrimination in Places of Public Accommodation);

(2) Subtitle 4 of this title (Discrimination by Persons Licensed or Regulated by Department of Labor, Licensing, and Regulation);

(3) Subtitle 5 of this title (Discrimination in Leasing of Commercial Property);

(4) Subtitle 6 of this title (Discrimination in Employment);

(5) Subtitle 7 of this title (Discrimination in Housing); or

(6) Subtitle 8 of this title (Aiding, Abetting, or Attempting Discriminatory Act; Obstructing Compliance).

(e) "Gender identity" means the gender–related identity, appearance, expression, or behavior of a person, regardless of the person's assigned sex at birth, which may be demonstrated by:

(1) consistent and uniform assertion of the person's gender identity; or

(2) any other evidence that the gender identity is sincerely held as part of the person's core identity.

(f) (1) "Respondent" means a person accused in a complaint of a discriminatory act.

(2) "Respondent" includes a person identified during an investigation of a complaint and joined as an additional or substitute respondent.

(g) "Sexual orientation" means the identification of an individual as to male or female homosexuality, heterosexuality, or bisexuality.

§20–201.

There is a Commission on Civil Rights.

§20–202.

(a) (1) The Commission consists of nine members appointed by the Governor with the advice and consent of the Senate.

(2) In appointing Commission members, the Governor shall consider representation from all areas of the State.

(b) (1) The term of a member is 6 years.

(2) The terms of members are staggered as required by the terms provided for members of the Commission on October 1, 2009.

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

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

§20–203.

The Commission shall designate a chair from among its members.

§20–204.

A member of the Commission:

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

(2) is entitled to:

(i) a per diem as provided in the State budget for attending scheduled meetings of the Commission, including participation in any hearings required by the administrative appeal process; and

(ii) reimbursement for expenses in accordance with the Standard State Travel Regulations, as provided in the State budget.

§20–205.

(a) The Governor shall:

(1) appoint an Executive Director of the Commission from a list of five names submitted by the Commission; and

(2) remove the Executive Director on the recommendation of two–thirds of the members of the Commission.

(b) The Executive Director:

(1) shall appoint a deputy director with the approval of a majority of the members of the Commission; and

(2) may remove the deputy director with the approval of a majority of the members of the Commission.

(c) (1) The Executive Director and deputy director shall perform the duties prescribed by the Commission.

(2) In the absence of the Executive Director, the deputy director shall perform the functions and exercise the authority of the Executive Director.

(d) The Executive Director and deputy director are entitled to the compensation provided in the State budget.

§20–206.

(a) (1) The Commission may employ its own attorney.

(2) The Executive Director shall appoint and remove the attorney with the approval of the Commission.

(b) The attorney shall:

(1) act as general counsel and legal adviser to the Commission; and

(2) represent the Commission at all hearings and judicial proceedings in which the Commission is a party.

(c) The general counsel is entitled to the compensation provided in the State budget.

(d) The office of the general counsel shall include additional personnel as provided in the State budget.

(e) The general counsel and any assistant general counsel are special appointments in the State Personnel Management System.

(f) (1) The Commission may retain legal assistance to advise the commissioners in legal matters.

(2) Legal advisers retained under this subsection shall be compensated as provided in the State budget.

§20–207.

(a) (1) The Commission may:

(i) conduct studies and surveys concerning human relations, conditions, and problems; and

(ii) promote in every way possible the improvement of human relations.

(2) In conducting studies and surveys, the Commission may expend any funds provided in the State budget or otherwise made available.

(3) On the basis of studies or surveys, the Commission may recommend legislation to the Governor.

(b) The Commission may apply for and accept grants from State, federal, and private nonprofit organizations in furtherance of its mission.

(c) On or before January 1 of each year, the Commission shall submit a report on the work of the Commission to the Governor and, subject to § 2–1246 of this article, to the General Assembly.

(d) (1) Whenever any problem of racial discrimination arises, the Commission immediately may hold an investigatory hearing.

(2) The purpose of the hearing shall be to resolve the problem promptly by gathering all of the facts from each interested party and making recommendations as necessary.

(3) The hearing shall be held in the geographic area where the problem exists.

(e) (1) The Commission shall meet at least once each month.

(2) (i) In addition to its regular monthly meetings, the Chair or a majority of the members of the Commission may, at any time, call a special meeting of the Commission.

(ii) At least 5 days' notice of a special meeting shall be given to the members.

(3) The Commission shall establish procedures for the conduct of its meetings.

(f) (1) In addition to their other duties, the commissioners shall serve on appeal boards to review decisions of the administrative law judges.

(2) As determined by the Commission's rules of procedure, an appeal board

may allow any party affected by an administrative law judge's decision to introduce additional relevant testimony or evidence.

§20–301.

In this subtitle, "place of public accommodation" means:

(1) an inn, hotel, motel, or other establishment that provides lodging to transient guests;

(2) a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food or alcoholic beverages for consumption on or off the premises, including a facility located on the premises of a retail establishment or gasoline station;

(3) a motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;

(4) a retail establishment that:

(i) is operated by a public or private entity; and

(ii) offers goods, services, entertainment, recreation, or transportation; and

(5) an establishment:

(i) 1. that is physically located within the premises of any other establishment covered by this subtitle; or

2. within the premises of which any other establishment covered by this subtitle is physically located; and

(ii) that holds itself out as serving patrons of the covered establishment.

§20–302.

This subtitle does not prohibit the proprietor or employees of any establishment from denying service to any person for failure to conform to the usual and regular requirements, standards, and regulations of the establishment, provided that the denial is not based on discrimination on the grounds of race, sex, age, color, creed, national origin, marital status, sexual orientation, gender identity, or disability.

§20–303.

(a) This subtitle does not apply:

(1) to a private club or other establishment that is not open to the public,

except to the extent that the facilities of the private club or other establishment are made available to the customers or patrons of an establishment within the scope of this subtitle;

(2) with respect to sex discrimination, to a facility that is:

(i) uniquely private and personal in nature; and

(ii) designed to accommodate only a particular sex; and

(3) to an establishment providing lodging to transient guests located within a building that:

(i) contains not more than five rooms for rent or hire; and

(ii) is occupied by the proprietor of the establishment as the proprietor's residence.

(b) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Equivalent private space" means a space that is functionally equivalent to the space made available to users of a private facility.

(iii) "Private facility" means a facility:

1. that is designed to accommodate only a particular sex;

2. that is designed to be used simultaneously by more than one user of the same sex; and

3. in which it is customary to disrobe in view of other users of the facility.

(2) Except as provided in paragraph (3) of this subsection, this subtitle applies, with respect to gender identity, to all facilities in a place of public accommodation.

(3) This subtitle does not apply, with respect to gender identity, to a private facility, if the place of public accommodation in which the private facility is located makes available, for the use of persons whose gender identity is different from their assigned sex at birth, an equivalent private space.

§20–304.

An owner or operator of a place of public accommodation or an agent or employee of the owner or operator may not refuse, withhold from, or deny to any person any of the accommodations, advantages, facilities, or privileges of the place of public accommodation because of the person's race, sex, age, color, creed, national origin,

marital status, sexual orientation, gender identity, or disability.

§20–305.

(a) In this section, "reasonable accommodation" means to make a place of public accommodation suitable for access, use, and patronage by an individual with a disability without:

(1) danger to the individual's health or safety; and

(2) undue hardship or expense to the person making the accommodation.

(b) (1) This subtitle does not require structural changes, modifications, or additions to buildings or vehicles, except as required by this section or as otherwise required by law.

(2) Any building constructed, modified, or altered in compliance with, or in accordance with a waiver from, the Maryland Accessibility Code under § 12–202 of the Public Safety Article is not subject to this subtitle.

(c) If a structural change or modification or the provision of special equipment is necessary to accommodate an individual with a disability, the accommodation shall be a reasonable accommodation.

(d) (1) Except as provided in paragraph (2) of this subsection, a private motor coach transportation carrier may not be required to expend more than $2,500 per operating vehicle to make a reasonable accommodation to comply with this title.

(2) At least 10% of the total operating fleet of any private motor coach transportation carrier doing business in the State shall comply with this title.

§20–306.

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

(2) "Closed captioning" means a transcript or dialog of the audio portion of a television program that is displayed on a television receiver screen when the user activates the feature.

(3) "Closed–captioning television receiver" means a receiver of television programming that has the ability to display closed captioning, including a television, digital set top box, and any other technology capable of displaying closed captioning.

(4) "Public area" means a part of a place of public accommodation that is open to the general public.

(5) "Regular hours" means the hours of any day in which a place of public accommodation is open to members of the general public.

(b) On request, a place of public accommodation may not fail to keep closed captioning activated on any closed–captioning television receiver that is in use during regular hours in any public area.

(c) This section does not require a place of public accommodation to make closed captioning available in a public area of the place of public accommodation if:

(1) no television receiver of any kind is available in the public area; or

(2) the only public television receiver available in the public area is not a closed–captioning television receiver.

§20–401.

This subtitle does not prohibit any person that is licensed or regulated by the Department of Labor, Licensing, and Regulation from refusing, withholding from, or denying accommodations, advantages, facilities, privileges, sales, or services to any person for failure to conform to the usual and regular requirements, standards, and regulations of the licensed or regulated person, provided that the denial is not based on discrimination on the grounds of race, sex, color, creed, national origin, marital status, sexual orientation, age, gender identity, or disability.

§20–402.

A person that is licensed or regulated by a unit in the Department of Labor, Licensing, and Regulation listed in § 2–108 of the Business Regulation Article may not refuse, withhold from, or deny any person any of the accommodations, advantages, facilities, privileges, sales, or services of the licensed or regulated person or discriminate against any person because of the person's race, sex, creed, color, national origin, marital status, sexual orientation, age, gender identity, or disability.

§20–501.

An owner or operator of commercial property, an agent or employee of the owner or operator of commercial property, or a person that is licensed or regulated by the State may not discriminate against an individual in the terms, conditions, or privileges of the leasing of property for commercial use, or in the provision of services or facilities in connection with the leasing of property for commercial use, because of the individual's race, color, religion, sex, age, disability, marital status, sexual orientation, gender identity, or national origin.

§20–601.

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

(b) (1) "Disability" means:

(i) 1. a physical disability, infirmity, malformation, or

disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy; or

2. a mental impairment or deficiency;

(ii) a record of having a physical or mental impairment as otherwise defined under this subsection; or

(iii) being regarded as having a physical or mental impairment as otherwise defined under this subsection.

(2) "Disability" includes:

(i) 1. any degree of paralysis, amputation, or lack of physical coordination;

2. blindness or visual impairment;

3. deafness or hearing impairment;

4. muteness or speech impediment; and

5. physical reliance on a service animal, wheelchair, or other remedial appliance or device; and

(ii) retardation and any other mental impairment or deficiency that may have necessitated remedial or special education and related services.

(c) (1) "Employee" means an individual employed by an employer.

(2) Unless the individual is subject to the State or local civil service laws, "employee" does not include:

(i) an individual elected to public office;

(ii) an individual chosen by an elected officer to be on the officer's personal staff;

(iii) an appointee on the policy making level; or

(iv) an immediate adviser with respect to the exercise of the constitutional or legal powers of an elected office.

(d) (1) "Employer" means:

(i) a person that:

1. is engaged in an industry or business; and

2. has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year; and

(ii) an agent of a person described in item (i) of this paragraph.

(2) "Employer" includes the State to the extent provided in this title.

(3) Except for a labor organization, "employer" does not include a bona fide private membership club that is exempt from taxation under § 501(c) of the Internal Revenue Code.

(e) (1) "Employment agency" means:

(i) a person that regularly undertakes with or without compensation to procure:

1. employees for an employer; or

2. opportunities for employees to work for an employer; and

(ii) an agent of a person described in item (i) of this paragraph.

(2) Except for the United States Employment Service and the system of State and local employment services receiving federal assistance, "employment agency" does not include a unit of the United States, the State, or a political subdivision of the State.

(f) "Genetic information" has the meaning stated in § 27–909(a)(3) of the Insurance Article.

(g) "Genetic test" has the meaning stated in § 27–909(a)(5) of the Insurance Article.

(h) (1) "Labor organization" means:

(i) a labor organization engaged in an industry; and

(ii) an agent of an organization described in item (i) of this paragraph.

(2) "Labor organization" includes:

(i) an organization of any kind, an agency, or an employee representation committee, group, association, or plan:

1. in which employees participate; and

2. that exists, wholly or partly, for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other

terms or conditions of employment; and

(ii) a conference, general committee, joint or system board, or joint council that is subordinate to a national or international labor organization.

(i) "Religion" includes all aspects of religious observances, practice, and belief.

§20–602.

It is the policy of the State, in the exercise of its police power for the protection of the public safety, public health, and general welfare, for the maintenance of business and good government, and for the promotion of the State's trade, commerce, and manufacturers:

(1) to assure all persons equal opportunity in receiving employment and in all labor management–union relations, regardless of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment; and

(2) to that end, to prohibit discrimination in employment by any person.

§20–603.

This subtitle does not require:

(1) an employer, employment agency, labor organization, or joint labor–management committee subject to this subtitle to grant preferential treatment to any individual or group on the basis of the race, color, religion, sex, age, national origin, gender identity, sexual orientation, or disability of the individual or group because an imbalance may exist with respect to the total number or percentage of individuals of any race, color, religion, sex, age, national origin, gender identity, or sexual orientation or individuals with disabilities employed by the employer, referred or classified for employment by the employment agency or labor organization, admitted to membership or classified by the labor organization, or admitted to, or employed in, any apprenticeship or other training program, compared to the total number or percentage of individuals of that race, color, religion, sex, age, national origin, gender identity, or sexual orientation or individuals with disabilities in the State or any community, section, or other area, or in the available work force in the State or any community, section, or other area; or

(2) an employer to reasonably accommodate an employee's religion or disability if the accommodation would cause undue hardship on the conduct of the employer's business.

§20–604.

This subtitle does not apply to:

(1) an employer with respect to the employment of aliens outside of the State; or

(2) a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion, sexual orientation, or gender identity to perform work connected with the activities of the religious entity.

§20–605.

(a) Notwithstanding any other provision of this subtitle, this subtitle does not prohibit:

(1) an employer from hiring and employing employees, an employment agency from classifying or referring for employment any individual, a labor organization from classifying its membership or classifying or referring for employment any individual, or an employer, labor organization, or joint labor–management committee controlling apprenticeship or other training or retraining programs from admitting or employing any individual in a program, on the basis of the individual's sex, age, religion, national origin, or disability, if sex, age, religion, national origin, or disability is a bona fide occupational qualification reasonably necessary to the normal operation of that business or enterprise;

(2) an employer from establishing and requiring an employee to adhere to reasonable workplace appearance, grooming, and dress standards that are directly related to the nature of the employment of the employee and that are not precluded by any provision of State or federal law, as long as the employer allows any employee to appear, groom, and dress consistent with the employee's gender identity;

(3) a school, college, university, or other educational institution from hiring and employing employees of a particular religion, if:

(i) the institution is wholly or substantially owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society; or

(ii) the curriculum of the institution is directed toward the propagation of a particular religion; or

(4) except as provided in subsection (b) of this section, an employer, employment agency, or labor organization from observing the terms of a bona fide seniority system or any bona fide employee benefit plan, such as a retirement, pension, or insurance plan, that is not a subterfuge to evade the purposes of this subtitle.

(b) An employee benefit plan may not excuse the failure to hire any individual.

§20–606.

(a) An employer may not:

(1) fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to the individual's compensation, terms, conditions, or privileges of employment because of:

(i) the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment; or

(ii) the individual's refusal to submit to a genetic test or make available the results of a genetic test;

(2) limit, segregate, or classify its employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's status as an employee because of:

(i) the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment; or

(ii) the individual's refusal to submit to a genetic test or make available the results of a genetic test;

(3) request or require genetic tests or genetic information as a condition of hiring or determining benefits; or

(4) fail or refuse to make a reasonable accommodation for the known disability of an otherwise qualified employee.

(b) An employment agency may not:

(1) fail or refuse to refer for employment or otherwise discriminate against any individual because of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment; or

(2) classify or refer for employment any individual on the basis of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment.

(c) A labor organization may not:

(1) exclude or expel from its membership, or otherwise discriminate against, any individual because of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment;

(2) limit, segregate, or classify its membership, or classify or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive the individual of employment opportunities, limit the individual's employment opportunities, or otherwise adversely affect the individual's status as an employee or as an applicant for employment because of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment; or

(3) cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) An employer, labor organization, or joint labor–management committee controlling apprenticeship or other training or retraining programs, including on–the–job training programs, may not discriminate against any individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining because of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment.

(e) (1) Except as provided in paragraph (2) of this subsection, an employer, labor organization, or employment agency may not print or cause to be printed or published any notice or advertisement relating to employment by the employer, membership in or any classification or referral for employment by the labor organization, or any classification or referral for employment by the employment agency that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.

(2) A notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, age, national origin, marital status, or disability if religion, sex, age, national origin, marital status, or disability is a bona fide occupational qualification for employment.

(f) An employer may not discriminate or retaliate against any of its employees or applicants for employment, an employment agency may not discriminate against any individual, and a labor organization may not discriminate or retaliate against any member or applicant for membership because the individual has:

(1) opposed any practice prohibited by this subtitle; or

(2) made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subtitle.

§20–607.

(a) For purposes of this subtitle, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this subtitle, when:

(1) a discriminatory compensation decision or other practice is adopted;

(2) an individual becomes subject to a discriminatory compensation decision or other practice; or

(3) an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting wholly or partly from the discriminatory compensation decision or other practice.

(b) In addition to any relief authorized by this title, liability may accrue and an aggrieved person may obtain relief as provided in § 20–1009 of this title, including recovery of back pay for up to 2 years preceding the filing of the complaint, where the unlawful employment practice that has occurred during the complaint filing period is similar or related to an unlawful employment practice with regard to discrimination in compensation that occurred outside the time for filing a complaint.

§20–608.

An employer shall be immune from liability under this title or under the common law arising out of reasonable acts taken by the employer to verify the sexual orientation or gender identity of any employee or applicant in response to a charge filed against the employer on the basis of sexual orientation or gender identity.

§20–609.

(a) In this section, "reasonable accommodation" means an accommodation:

(1) for an employee's disability caused or contributed to by pregnancy; and

(2) that does not impose an undue hardship on the employee's employer.

(b) Disabilities caused or contributed to by pregnancy or childbirth:

(1) are temporary disabilities for all job–related purposes; and

(2) shall be treated as temporary disabilities under any health or temporary disability insurance or sick leave plan available in connection with employment.

(c) Written and unwritten employment policies and practices involving matters

such as the commencement and duration of leave, the availability of extensions of leave, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities.

(d) If an employee requests a reasonable accommodation, the employer shall explore with the employee all possible means of providing the reasonable accommodation, including:

(1) changing the employee's job duties;

(2) changing the employee's work hours;

(3) relocating the employee's work area;

(4) providing mechanical or electrical aids;

(5) transferring the employee to a less strenuous or less hazardous position; or

(6) providing leave.

(e) If an employee requests a transfer to a less strenuous or less hazardous position as a reasonable accommodation, the employer shall transfer the employee for a period of time up to the duration of the employee's pregnancy if:

(1) the employer has a policy, practice, or collective bargaining agreement requiring or authorizing the transfer of a temporarily disabled employee to a less strenuous or less hazardous position for the duration of the disability; or

(2) the employee's health care provider advises the transfer and the employer can provide the reasonable accommodation by transferring the employee without:

(i) creating additional employment that the employer would not otherwise have created;

(ii) discharging any employee;

(iii) transferring any employee with more seniority than the employee requesting the reasonable accommodation; or

(iv) promoting any employee who is not qualified to perform the job.

(f) (1) An employer may require an employee to provide a certification from the employee's health care provider concerning the medical advisability of a reasonable accommodation to the same extent a certification is required for other

temporary disabilities.

(2) A certification under paragraph (1) of this subsection shall include:

(i) the date the reasonable accommodation became medically advisable;

(ii) the probable duration of the reasonable accommodation; and

(iii) an explanatory statement as to the medical advisability of the reasonable accommodation.

(g) An employer shall post in a conspicuous location, and include in any employee handbook, information concerning an employee's rights to reasonable accommodations and leave for a disability caused or contributed to by pregnancy.

(h) An employer may not interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this section.

(i) This section may not be construed to:

(1) affect any other provision of law relating to discrimination on the basis of sex or pregnancy; or

(2) diminish in any way the coverage of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth under this section.

§20–610.

(a) In this section, "intern" means an individual who performs work for an employer for the purpose of training if:

(1) the employer is not committed to hire the individual at the conclusion of the training period;

(2) the employer and the individual agree that the individual is not entitled to wages for the work performed; and

(3) the work performed:

(i) supplements training given in an educational environment that may enhance the employability of the individual;

(ii) provides experience for the benefit of the individual;

(iii) does not displace regular employees; and

(iv) is performed under the close supervision of existing staff.

(b) An employer may not:

(1) fail or refuse to offer an internship, terminate an internship, or otherwise discriminate against an individual with respect to the terms, conditions, or privileges of an internship because of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability unrelated in nature and extent so as to reasonably preclude the performance of the internship;

(2) limit, segregate, or classify its interns or applicants for internships in any way that would deprive or tend to deprive any individual of internship opportunities or otherwise adversely affect the individual's status as an intern because of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability unrelated in nature and extent so as to reasonably preclude the performance of the internship;

(3) fail or refuse to make a reasonable accommodation for the known disability of an otherwise qualified intern; or

(4) discriminate or retaliate against any of its interns or applicants for internships because the individual has:

(i) opposed any practice prohibited by this subtitle; or

(ii) made a charge, testified, assisted, or participated in any manner in an investigation, a proceeding, or a hearing under this subtitle.

(c) (1) Except as provided in paragraph (2) of this subsection, an employer may not print or cause to be printed or published any notice or advertisement relating to an internship with the employer that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.

(2) A notice or an advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, age, national origin, marital status, or disability if religion, sex, age, national origin, marital status, or disability is a bona fide occupational qualification for the internship.

(d) An intern claiming to be aggrieved by an alleged discriminatory act prohibited under this section:

(1) shall have access to any internal procedure the employer has for resolving a complaint by an employee of sexual harassment or other discrimination; or

(2) if the employer does not have an internal procedure for resolving a complaint of sexual harassment or other discrimination, may file a complaint with the Commission for the nonmonetary administrative remedies provided under Subtitle 10 of this title.

(e) This section does not create and may not be construed as creating an employment relationship between an employer and an intern for the purposes of:

(1) a civil cause of action or monetary damages under Subtitle 10 of this title;

(2) any provision of the Labor and Employment Article; or

(3) any provision of the State Personnel and Pensions Article.

§20–701.

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

(b) (1) "Disability" means:

(i) a physical or mental impairment that substantially limits one or more of an individual's major life activities;

(ii) a record of having a physical or mental impairment that substantially limits one or more of an individual's major life activities; or

(iii) being regarded as having a physical or mental impairment that substantially limits one or more of an individual's major life activities.

(2) "Disability" does not include the current illegal use of or addiction to:

(i) a controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article; or

(ii) a controlled substance, as defined in 21 U.S.C. § 802.

(c) "Discriminatory housing practice" means an act that is prohibited under § 20–705, § 20–706, § 20–707, or § 20–708 of this subtitle.

(d) "Dwelling" means:

(1) any building, structure, or portion of a building or structure that is occupied, or designed or intended for occupancy, as a residence by one or more families; and

(2) any vacant land that is offered for sale or lease for the construction or location on the land of any building, structure, or portion of a building or structure described in item (1) of this subsection.

(e) (1) "Familial status" means the status of one or more minors who are domiciled with:

(i) a parent or other person having legal custody of the minor; or

(ii) the designee of a parent or other person having legal custody of the minor with the written permission of the parent or other person.

(2) "Familial status" includes the status of being:

(i) a pregnant woman; or

(ii) an individual who is in the process of securing legal custody of a minor.

(f) "Family" includes a single individual.

(g) "In the business of selling or renting dwellings" means:

(1) within the preceding 12 months, participating as a principal in three or more transactions involving the sale or rental of any dwelling or any interest in a dwelling;

(2) within the preceding 12 months, participating as an agent, other than in the sale of the individual's own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest in a dwelling; or

(3) being the owner of any dwelling occupied, or designed or intended for occupancy, by five or more families.

(h) "Marital status" means the state of being single, married, separated, divorced, or widowed.

(i) "Rent" includes to lease, sublease, let, or otherwise grant for a consideration the right to occupy premises not owned by the occupant.

§20–702.

(a) It is the policy of the State:

(1) to provide for fair housing throughout the State to all, regardless of race, color, religion, sex, familial status, national origin, marital status, sexual orientation, gender identity, or disability; and

(2) to that end, to prohibit discriminatory practices with respect to residential housing by any person, in order to protect and insure the peace, health, safety, prosperity, and general welfare of all.

(b) This subtitle:

(1) is an exercise of the police power of the State for the protection of the people of the State; and

(2) shall be administered and enforced by the Commission and, as provided in this title, enforced by the appropriate State court.

§20–703.

This subtitle does not:

(1) invalidate or limit any local law that requires dwellings to be designed and constructed in a manner that affords an individual with a disability greater access than is required by § 20–706(b) of this subtitle;

(2) limit the applicability of any reasonable local, State, or federal restrictions regarding the maximum number of occupants allowed to occupy a dwelling;

(3) prohibit the State or a local government from enacting standards that govern the location of group homes, as defined in § 4–601 of the Housing and Community Development Article;

(4) affect the powers of any local government to enact an ordinance on any subject covered by this subtitle, provided that the ordinance does not authorize any act that would be a discriminatory housing practice under this subtitle;

(5) require that a dwelling be made available to an individual whose tenancy would:

(i) constitute a direct threat to the health or safety of other individuals; or

(ii) result in substantial physical damage to the property of others;

(6) prohibit conduct against a person because the person has been convicted by a court of competent jurisdiction of the illegal manufacture or distribution of:

(i) a controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article; or

(ii) a controlled substance, as defined in 21 U.S.C. § 802;

(7) unless membership in the religion is restricted on the basis of race, color, or national origin, prohibit a religious organization, association, or society or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from giving preference or limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion; or

(8) prohibit a private club that is not open to the public and that, as an

incident to its primary purpose or purposes, provides lodgings that it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the dwellings to its members or from giving preference to its members.

§20–704.

(a) This subtitle does not apply to:

(1) the sale or rental of a single–family dwelling, if the dwelling is sold or rented without:

(i) the use of the sales or rental facilities or services of any:

1. real estate broker, agent, or salesperson;

2. agent of any real estate broker, agent, or salesperson;

3. person in the business of selling or renting dwellings; or

4. agent of a person in the business of selling or renting dwellings; or

(ii) the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of this subtitle; and

(2) with respect to discrimination on the basis of sex, sexual orientation, gender identity, or marital status:

(i) the rental of rooms in any dwelling, if the owner maintains the dwelling as the owner's principal residence; or

(ii) the rental of any apartment in a dwelling that contains not more than five rental units, if the owner maintains the dwelling as the owner's principal residence.

(b) The use of attorneys, escrow agents, abstractors, title companies, and other similar professional assistance as necessary to perfect or transfer the title to a single–family dwelling does not subject a person to this subtitle if the person otherwise would be exempted under subsection (a) of this section.

(c) (1) (i) In this subsection, "housing for older persons" means housing:

1. provided under any State or federal program that is specifically designed and operated to assist elderly persons, as defined in the State or federal program;

2. intended for, and solely occupied by, persons who are at least 62 years old;

3. intended and operated for occupancy by at least one person who is at least 55 years old in each unit; or

4. that meets the requirements set forth in regulations adopted by the Secretary of Housing and Urban Development under 42 U.S.C. § 3607(b)(2)(C).

(ii) "Housing for older persons" includes:

1. unoccupied units, if the units are reserved for occupancy by persons who meet the age requirements of subparagraph (i) of this paragraph; or

2. units occupied as of September 13, 1988 by persons who do not meet the age requirements of subparagraph (i) of this paragraph, if the new occupant of the unit meets the age requirement.

(2) The provisions in this subtitle concerning familial status do not apply to housing for older persons.

§20–705.

Except as provided in §§ 20–703 and 20–704 of this subtitle, a person may not:

(1) refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, or national origin;

(2) discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with the sale or rental of a dwelling, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, or national origin;

(3) make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, or national origin, or an intention to make any preference, limitation, or discrimination;

(4) represent to any person, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, or national origin, that any dwelling is not available for inspection, sale, or rental when the dwelling is available; or

(5) for profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, or national origin.

§20–706.

(a) In this section, "covered multifamily dwelling" means:

(1) a building consisting of four or more units, if the building has one or more elevators; or

(2) a ground floor unit in a building consisting of four or more units, if the building has no elevator.

(b) Except as provided in §§ 20–703 and 20–704 of this subtitle, a person may not:

(1) discriminate in the sale or rental of, or otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

(i) the buyer or renter; or

(ii) an individual residing in or intending to reside in the dwelling after it is sold, rented, or made available;

(2) discriminate against any individual in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with the dwelling, because of a disability of:

(i) the individual; or

(ii) an individual residing in or intending to reside in the dwelling after it is sold, rented, or made available;

(3) refuse to allow, at the expense of an individual with a disability, reasonable modifications of existing premises occupied or to be occupied by the individual, if:

(i) the modifications may be necessary to afford the individual with a disability full enjoyment of the dwelling; and

(ii) for a rental dwelling, the tenant agrees that, when the tenant vacates the dwelling, the tenant will restore, at the tenant's expense, the interior of the dwelling to the condition that existed before the modification, except for reasonable wear and tear;

(4) refuse to make reasonable accommodations in rules, policies, practices, or services when the accommodations may be necessary to afford an individual with a disability equal opportunity to use and enjoy a dwelling; or

(5) fail to design or construct a covered multifamily dwelling for first occupancy as required under subsection (c) of this section.

(c) (1) On or after July 1, 1991, a covered multifamily dwelling for first occupancy shall be designed and constructed so that:

(i) the public use and common use portions of the dwelling are readily accessible and usable to individuals with disabilities;

(ii) all the doors designed to allow passage into and within all premises within the dwelling are sufficiently wide to allow passage by individuals with disabilities in wheelchairs; and

(iii) all premises within the dwelling contain the following features of adaptive design:

1. an accessible route into and through the dwelling;

2. light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

3. reinforcements in bathroom walls to allow later installation of grab bars; and

4. usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

(2) The requirements of paragraph (1) of this subsection are satisfied by compliance with:

(i) the appropriate requirements of the most current revision of the American National Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Handicapped People (commonly cited as ANSI A117.1); or

(ii) the federal law, regulations, and guidelines on handicapped accessibility adopted under the federal Fair Housing Amendments Act of 1988 and incorporated by reference in the regulations adopted by the Department of Housing and Community Development under § 12–202 of the Public Safety Article.

§20–707.

(a) In this section, "residential real estate–related transaction" means:

(1) the making or purchasing of loans or providing other financial assistance:

(i) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or

(ii) secured by residential real estate; or

(2) the selling, brokering, or appraising of residential real property.

(b) (1) A person whose business includes engaging in residential real estate–related transactions may not discriminate against any person in making available a transaction, or in the terms or conditions of a transaction, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, or national origin.

(2) Paragraph (1) of this subsection does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, or national origin.

(c) A person may not, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, or national origin:

(1) deny a person access to, or membership or participation in, a multiple–listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings; or

(2) discriminate against a person in the terms or conditions of membership or participation.

§20–708.

A person may not coerce, intimidate, threaten, interfere with, or retaliate against any person:

(1) in the exercise or enjoyment of any right granted or protected by this subtitle;

(2) because a person has exercised or enjoyed any right granted or protected by this subtitle; or

(3) because a person has aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this subtitle.

§20–709.

Each executive unit, including units with regulatory or supervisory authority over financial institutions, shall:

(1) administer its programs and activities in a manner that furthers the purposes of this subtitle; and

(2) cooperate with the Commission to further the purposes of this subtitle.

§20–710.

(a) The Commission shall:

(1) cooperate with and provide technical assistance to federal, State, local, and other governmental units or private agencies, organizations, and institutions that are formulating or carrying on programs to prevent or eliminate discriminatory housing practices;

(2) conduct studies concerning the nature and extent of discriminatory housing practices in representative urban, suburban, and rural communities throughout the State; and

(3) publish and disseminate reports, recommendations, and information derived from studies conducted under item (2) of this subsection.

(b) The Commission may:

(1) cooperate with local units charged with the administration of local fair housing laws;

(2) with the consent of the local units, utilize the services and employees of the local units;

(3) enter into written agreements with local units to further cooperative efforts to carry out the purposes of this subtitle; and

(4) notwithstanding any other law, reimburse local units and their employees for services provided to assist in carrying out this subtitle.

(c) To further the purposes of this subtitle, the Commission may conduct educational and conciliatory activities, including:

(1) conferences to acquaint interested persons with the provisions of this subtitle and the plans for implementation of this subtitle;

(2) in consultation with interested persons, programs of voluntary compliance and of enforcement; and

(3) consultations with interested persons and State and local officials to learn:

(i) the extent, if any, to which housing discrimination exists in the State or local political subdivisions; and

(ii) how State or local enforcement programs may be used to combat housing discrimination in connection with, or instead of, the Commission's enforcement of this subtitle.

(d) (1) In accordance with Title 10, Subtitle 2 of the State Government Article, the Commission may adopt regulations to implement this subtitle and Subtitle 10, Part II of this title.

(2) The Commission shall adopt regulations requiring local units that are certified as substantially equivalent by the U.S. Department of Housing and Urban Development under 42 U.S.C. § 3610 to file annual reports with the Commission containing the information specified by the Commission.

§20–801.

A person may not:

(1) aid, abet, incite, compel, or coerce any person to commit a discriminatory act;

(2) attempt, directly or indirectly, alone or in concert with others, to commit a discriminatory act; or

(3) obstruct or prevent any person from complying with this title or any order issued under this title.

§20–901.

(a) Except as provided in subsection (b) of this section, a unit, officer, or employee of the State, a county, or a municipal corporation may not engage in a discriminatory act prohibited by § 20–304, § 20–606, § 20–705, § 20–706, § 20–707, or § 20–708 of this title.

(b) Sections 20–304, 20–705, and 20–706 of this title do not prohibit the State, a county, or a municipality from:

(1) providing separate facilities for males and females in government–owned or government–operated public institutions; or

(2) operating or funding special or separate programs and facilities for children, seniors, or other special populations.

§20–902.

(a) In an employment discrimination case in which a unit, officer, or employee of the State, a county, or a municipality is a respondent, the rules, procedures, powers, rights, and remedies that apply are the same as those that apply in a discrimination case in which a private person is the respondent.

(b) In a discrimination case in which a unit, officer, or employee of the State, a county, or a municipality is a respondent, the Commission may seek injunctive relief or judicial enforcement of its orders against the respondent.

(c) In a discrimination case in which the Commission, or a member, officer, or employee of the Commission, is a respondent, the Governor shall specially designate a person to perform the functions usually performed by the Commission.

§20–903.

The State, its officers, and its units may not raise sovereign immunity as a defense against an award in an employment discrimination case under this title.

§20–904.

(a) If the State has sufficient money available at the time an award is made against the State under this title, the State shall pay the award as soon as practicable within 20 days after the award is final.

(b) (1) If sufficient money is not available at the time an award is made against the State under this title, the affected State unit or officer shall report the outstanding award to the State Comptroller.

(2) The Comptroller shall:

(i) keep an accounting of all outstanding awards; and

(ii) report the accounting annually to the Governor.

(c) (1) The Governor shall include in the State budget sufficient money to pay all awards made against the State under this title.

(2) On appropriation of money by the General Assembly, the Comptroller shall authorize payment of all outstanding awards under this title in the order of the date on which each award was made.

§20–1001.

In this part, "unlawful employment practice" means an act that is prohibited under § 20–606 of this title.

§20–1002.

(a) This part, including the limitations on damages, does not limit the scope of, or the administrative procedures or relief available under, any other provision of federal, State, or local law.

(b) This part does not limit Subtitle 12 of this title.

§20–1003.

Except as otherwise provided in Part II of this subtitle, this part applies to alleged discriminatory housing practices under Subtitle 7 of this title.

§20–1004.

(a) Any person claiming to be aggrieved by an alleged discriminatory act may

file a complaint with the Commission.

(b) The complaint shall:

(1) be in writing;

(2) state:

(i) the name and address of the person or State or local unit alleged to have committed the discriminatory act; and

(ii) the particulars of the alleged discriminatory act;

(3) contain any other information required by the Commission; and

(4) be signed by the complainant under oath.

(c) (1) A complaint shall be filed within 6 months after the date on which the alleged discriminatory act occurred.

(2) A complaint filed with a federal or local human relations commission within 6 months after the date on which the alleged discriminatory act occurred shall be deemed to have complied with this subsection.

(d) The Commission, on its own motion, and by action of at least three commissioners, may issue a complaint in its name in the same manner as if the complaint had been filed by an individual, if:

(1) the Commission has received reliable information from an individual that a person has been or is engaged in a discriminatory act; and

(2) after a preliminary investigation by the Commission's staff authorized by the chair or vice–chair, the Commission is satisfied that the information warrants the filing of a complaint.

§20–1005.

(a) (1) After a complaint is filed, the Executive Director of the Commission shall:

(i) consider the complaint; and

(ii) refer it to the Commission's staff for prompt investigation and fact–finding.

(2) (i) If the complaint alleges a failure to make a reasonable accommodation under § 20–305 of this title, the investigation shall include an initial determination whether an accommodation is a reasonable accommodation.

(ii) In making the determination for buildings, the Commission may consult with the Department of Housing and Community Development and any other persons that may be useful in determining the cost and feasibility of any structural changes, modifications, or additions or the provision of special equipment.

(3) The Commission's staff shall:

(i) issue the results of the investigation as written findings;

(ii) provide a copy of the written findings to the complainant and the respondent; and

(iii) send a copy of the written findings of an investigation of a real estate broker, associate real estate broker, or real estate salesperson to the State Real Estate Commission.

(b) If there is a finding of probable cause to believe that a discriminatory act has been or is being committed, the Commission's staff immediately shall endeavor to eliminate the discrimination by conference, conciliation, or persuasion.

(c) (1) If an agreement is reached to eliminate the discrimination as a result of the conference, conciliation, or persuasion:

(i) the agreement shall be reduced to writing and signed by the respondent; and

(ii) the Commission shall enter an order setting forth the terms of the agreement.

(2) If an agreement cannot be reached, the Commission's staff shall:

(i) make a written finding to that effect; and

(ii) provide copies of the written finding to the complainant and the respondent.

(3) The Commission may not enter an order at this stage of the proceedings unless it is based on a written agreement.

(d) (1) If there is a finding of no probable cause to believe that a discriminatory act has been or is being committed, the complainant may file a request for reconsideration of the finding in accordance with the Commission's regulations.

(2) Unless the U.S. Equal Employment Opportunity Commission has jurisdiction over the subject matter of the complaint, a denial of a request for reconsideration of a finding of no probable cause by the Commission is a final order appealable to the circuit court as provided in § 10–222 of this article.

§20–1006.

(a) On the making of a finding under § 20–1005(c)(2) of this subtitle that an agreement to remedy and eliminate the discrimination cannot be reached, the entire file, including the complaint and any findings, shall be certified to the general counsel of the Commission.

(b) The Executive Director of the Commission shall cause a written notice to be issued and served in the name of the Commission, together with a copy of the complaint, requiring the respondent to answer the charges of the complaint at a public hearing:

(1) before an administrative law judge at a time and place certified in the notice; or

(2) if the complaint alleges an unlawful employment practice, in a civil action elected under § 20–1007 of this subtitle.

§20–1007.

(a) (1) When a complaint alleging an unlawful employment practice is issued and served under § 20–1006 of this subtitle, a complainant or respondent may elect to have the claims asserted in the complaint determined in a civil action brought by the Commission on the complainant's behalf, if:

(i) the Commission has found probable cause to believe the respondent has engaged in or is engaging in an unlawful employment practice; and

(ii) there is a failure to reach an agreement to remedy and eliminate the unlawful employment practice.

(2) An election under paragraph (1) of this subsection shall be made within 30 days after the complainant or respondent receives service under § 20–1006(b) of this subtitle.

(3) If an election is not made under paragraph (1) of this subsection, the Commission shall provide an opportunity for a hearing as provided under § 20–1008(a) of this subtitle.

(b) When a complaint alleging an unlawful employment practice is issued and served under § 20–1006 of this subtitle, the Commission may elect to have the claims asserted in the complaint determined in a civil action brought on the Commission's own behalf, if:

(1) the Commission has found probable cause to believe the respondent has engaged in or is engaging in an unlawful employment practice; and

(2) there is a failure to reach an agreement to remedy and eliminate the unlawful employment practice.

(c) (1) If a complainant or respondent makes an election under subsection (a) of this section, that party shall give notice of the election to the Commission and to all other complainants and respondents.

(2) If the Commission makes an election under subsection (b) of this section, the Commission shall give notice of the election to all complainants and respondents.

§20–1008.

(a) (1) If a civil action is not elected under § 20–1007 of this subtitle, the case shall be heard by an administrative law judge.

(2) The hearing shall be held in the county where the alleged discriminatory act occurred.

(b) The general counsel of the Commission shall present the case in support of the complaint at the hearing.

(c) The respondent:

(1) may file a written answer to the complaint;

(2) may appear at the hearing in person, or otherwise, with or without counsel;

(3) may submit testimony;

(4) shall be fully heard; and

(5) may examine and cross–examine witnesses.

(d) (1) Testimony taken at the hearing shall be under oath and recorded.

(2) A transcript shall be made of all testimony at the hearing.

(e) The administrative law judge may allow any complaint or answer to be reasonably amended.

§20–1009.

(a) If, after reviewing all of the evidence, the administrative law judge finds that the respondent has engaged in a discriminatory act, the administrative law judge shall:

(1) issue a decision and order stating the judge's findings of fact and conclusions of law; and

(2) issue and cause to be served on the respondent an order requiring the

respondent to:

(i) cease and desist from engaging in the discriminatory acts; and

(ii) take affirmative action to effectuate the purposes of the applicable subtitle of this title.

(b) (1) If the respondent is found to have engaged in or to be engaging in an unlawful employment practice charged in the complaint, the remedy may include:

(i) enjoining the respondent from engaging in the discriminatory act;

(ii) ordering appropriate affirmative relief, including the reinstatement or hiring of employees, with or without back pay;

(iii) awarding compensatory damages; or

(iv) ordering any other equitable relief that the administrative law judge considers appropriate.

(2) Compensatory damages awarded under this subsection are in addition to:

(i) back pay or interest on back pay that the complainant may recover under any other provision of law; and

(ii) any other equitable relief that a complainant may recover under any other provision of law.

(3) The sum of the amount of compensatory damages awarded to each complainant under this subsection for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, or nonpecuniary losses, may not exceed:

(i) $50,000, if the respondent employs not fewer than 15 and not more than 100 employees in each of 20 or more calendar weeks in the current or preceding calendar year;

(ii) $100,000, if the respondent employs not fewer than 101 and not more than 200 employees in each of 20 or more calendar weeks in the current or preceding calendar year;

(iii) $200,000, if the respondent employs not fewer than 201 and not more than 500 employees in each of 20 or more calendar weeks in the current or preceding calendar year; and

(iv) $300,000, if the respondent employs not fewer than 501

employees in each of 20 or more calendar weeks in the current or preceding calendar year.

(4) If back pay is awarded under paragraph (1) of this subsection, the award shall be reduced by any interim earnings or amounts earnable with reasonable diligence by the person discriminated against.

(5) In addition to any other relief authorized by this subsection, a complainant may recover back pay for up to 2 years preceding the filing of the complaint, where the unlawful employment practice that has occurred during the complaint filing period is similar or related to an unlawful employment practice with regard to discrimination in compensation that occurred outside the time for filing a complaint.

(c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, if the respondent is found to have engaged in or to be engaging in a discriminatory act other than an unlawful employment practice, in addition to an award of civil penalties as provided in § 20–1016 of this subtitle, nonmonetary relief may be granted to the complainant.

(ii) An order may not be issued that substantially affects the cost, level, or type of any transportation services.

(2) (i) In cases involving transportation services that are supported fully or partially with funds from the Maryland Department of Transportation, an order may not be issued that would require costs, level, or type of transportation services different from or exceeding those required to meet U.S. Department of Transportation regulations adopted under 29 U.S.C. § 794.

(ii) An order issued in violation of subparagraph (i) of this paragraph is not enforceable under § 20–1011 of this subtitle.

(d) If, after reviewing all of the evidence, the administrative law judge finds that the respondent has not engaged in an alleged discriminatory act, the administrative law judge shall:

(1) state findings of fact and conclusions of law; and

(2) issue an order dismissing the complaint.

(e) Unless a timely appeal is filed with the Commission in accordance with the Commission's regulations, a decision and order issued by the administrative law judge under this section shall become the final order of the Commission.

§20–1010.

(a) In the administration and enforcement of this title, the Commission may:

(1) administer oaths;

(2) issue subpoenas;

(3) compel the attendance and testimony of witnesses; and

(4) compel the production of books, papers, records, and documents relevant or necessary for proceedings under this title.

(b) A subpoena issued by the Commission shall be served by:

(1) certified mail, requesting restricted delivery – show to whom, date, address of delivery; or

(2) personal service of process by:

(i) an employee of the Commission;

(ii) any adult who is not a party to the proceeding; or

(iii) the sheriff or deputy sheriff of the county in which is located the residence or main office of the person to whom or which the subpoena is issued.

(c) (1) In case of failure to comply with a subpoena, the Commission may apply to a circuit court in any county for an order requiring the attendance and testimony of witnesses and the production of books, papers, records, and documents.

(2) The court may issue an order requiring the attendance and testimony of the witness and the production of the books, papers, records, and documents:

(i) after notice to the person subpoenaed as a witness or directed to produce books, papers, records, and documents; and

(ii) on a finding that the attendance and testimony of the witness or the production of the books, papers, records, and documents is relevant or necessary for the proceedings of the Commission.

(3) An order issued by the court under this subsection shall be served on the person to whom it is directed by the sheriff or deputy sheriff of the county where the residence or main office of the person is located.

(4) A failure to obey an order issued by the court under this subsection may be punished by the court as a contempt of court.

§20–1011.

If a respondent refuses to comply with an order of the Commission issued under this title, the Commission may bring a civil action to enforce compliance with the order in the appropriate equity court of the county where the alleged discriminatory

act occurred.

§20–1012.

(a) Within 60 days after an election is made under § 20–1007 of this subtitle, the Commission shall file a civil action in the circuit court for the county where the alleged unlawful employment practice occurred.

(b) If the court finds that an unlawful employment practice occurred, the court may provide the remedies specified in § 20–1009(b) of this subtitle.

(c) If the Commission seeks compensatory damages under this section:

(1) any party may demand a trial by jury; and

(2) the court may not inform the jury of the limitations on compensatory damages imposed under § 20–1009(b)(3) of this subtitle.

§20–1013.

(a) In addition to the right to make an election under § 20–1007 of this subtitle, a complainant may bring a civil action against the respondent alleging an unlawful employment practice, if:

(1) the complainant initially filed a timely administrative charge or a complaint under federal, State, or local law alleging an unlawful employment practice by the respondent;

(2) at least 180 days have elapsed since the filing of the administrative charge or complaint; and

(3) the civil action is filed within 2 years after the alleged unlawful employment practice occurred.

(b) A civil action under this section shall be filed in the circuit court for the county where the alleged unlawful employment practice occurred.

(c) The filing of a civil action under this section automatically terminates any proceeding before the Commission based on the underlying administrative complaint and any amendment to the complaint.

(d) If the court finds that an unlawful employment practice occurred, the court may provide the remedies specified in § 20–1009(b) of this subtitle.

(e) (1) In addition to the relief authorized under subsection (d) of this section, the court may award punitive damages, if:

(i) the respondent is not a governmental unit or political subdivision; and

(ii) the court finds that the respondent has engaged in or is engaging in an unlawful employment practice with actual malice.

(2) If the court awards punitive damages, the sum of the amount of compensatory damages awarded to each complainant under subsection (d) of this section and the amount of punitive damages awarded under this subsection may not exceed the applicable limitation established under § 20–1009(b)(3) of this subtitle.

(f) If a complainant seeks compensatory or punitive damages under this section:

(1) any party may demand a trial by jury; and

(2) the court may not inform the jury of the limitations on compensatory and punitive damages imposed under § 20–1009(b)(3) of this subtitle.

(g) When appropriate and to the extent authorized under law, in a dispute arising under this part, in which the complainant seeks compensatory or punitive damages, the parties are encouraged to use alternative means of dispute resolution, including settlement negotiations or mediation.

§20–1014.

(a) A person may intervene in a civil action brought by the Commission under this part, if the action involves:

(1) an alleged discriminatory act to which the person is a party; or

(2) a conciliation agreement to which the person is a party.

(b) The Commission may intervene in a civil action brought under this part, if:

(1) the Commission certifies that the case is of general public importance; and

(2) timely application is made.

(c) The court may grant any appropriate relief to an intervening party that may be granted to a plaintiff in a civil action under § 20–1013 of this subtitle.

§20–1015.

In an action brought under this part, the court may award the prevailing party reasonable attorney's fees, expert witness fees, and costs.

§20–1016.

(a) Except as provided in subsection (b) of this section, in addition to any other relief authorized, if the Commission finds that a respondent has engaged in a

discriminatory act under Subtitle 3 or Subtitle 4 of this title, the Commission may seek an order assessing a civil penalty against the respondent:

(1) if the respondent has not been adjudicated to have committed any prior discriminatory act, in an amount not exceeding $500;

(2) if the respondent has been adjudicated to have committed one other discriminatory act during the 5–year period ending on the date of the filing of the current charge, in an amount not exceeding $1,000; and

(3) if the respondent has been adjudicated to have committed two or more discriminatory acts during the 7–year period ending on the date of the filing of the current charge, in an amount not exceeding $2,500.

(b) If the discriminatory act is committed by an individual who has been previously adjudicated to have committed one or more discriminatory acts, the time periods set forth in subsection (a)(2) and (3) of this section do not apply.

(c) Any civil penalties collected under this section shall be paid to the General Fund of the State.

§20–1017.

(a) At any time after a complaint has been filed, if the Commission believes that a civil action is necessary to preserve the status of the parties or to prevent irreparable harm from the time the complaint is filed until the time of the final disposition of the complaint, the Commission may bring an action to obtain a temporary injunction.

(b) The action shall be brought in the circuit court for the county where:

(1) the place of public accommodation that is the subject of the alleged discriminatory act is located;

(2) the unlawful employment practice is alleged to have occurred or to be occurring; or

(3) the dwelling that is the subject of the alleged discriminatory housing practice is located.

§20–1020.

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

(b) "Aggrieved person" means any person that claims to have been injured by a discriminatory housing practice.

(c) "Conciliation" means the attempted resolution of issues raised by a complaint, or by the investigation of a complaint, through informal negotiations

involving the aggrieved person, the respondent, and the Commission.

(d) "Conciliation agreement" means a written agreement between the respondent and the complainant setting forth the resolution of the issues in conciliation.

(e) "Discriminatory housing practice" means an act that is prohibited under § 20–705, § 20–706, § 20–707, or § 20–708 of this title.

(f) "Prevailing party" has the meaning as judicially determined under 42 U.S.C. § 1988.

§20–1021.

(a) (1) An aggrieved person may file a complaint with the Commission alleging a discriminatory housing practice.

(2) The complaint shall be filed within 1 year after the alleged discriminatory housing practice occurred or terminated.

(b) The Commission may:

(1) file a complaint on the Commission's own initiative; and

(2) investigate housing practices to determine whether a complaint should be filed under this section.

(c) A complaint shall:

(1) be in writing;

(2) be in the form that the Commission requires; and

(3) contain the information that the Commission requires.

(d) After a complaint is filed, the Commission shall serve notice on the aggrieved person acknowledging the filing and advising the aggrieved person of the time limits and choice of forums provided under this part.

(e) Within 10 days after a complaint is filed or an additional respondent is identified under § 20–1022(b) of this subtitle, the Commission shall serve on the respondent:

(1) a copy of the original complaint; and

(2) a notice identifying the alleged discriminatory housing practice and advising the respondent of the procedural rights and obligations of respondents under this part.

(f) (1) Each respondent may file an answer to the complaint.

(2) The answer shall be filed within 10 days after receipt of the copy of the complaint and notice from the Commission under subsection (e) of this section.

(g) Complaints and answers:

(1) shall be under oath; and

(2) may be reasonably amended at any time.

§20–1022.

(a) (1) The Commission shall investigate a complaint alleging a discriminatory housing practice and determine, based on the facts, whether probable cause exists to believe that a discriminatory housing practice has occurred or is about to occur.

(2) Unless it is impracticable to do so, the Commission shall complete the investigation and make the determination required under paragraph (1) of this subsection within 100 days after the filing of the complaint.

(3) If the Commission is unable to complete the investigation and make the determination required under paragraph (1) of this subsection within 100 days after the filing of the complaint, the Commission shall notify the complainant and the respondent in writing and include the reasons for the delay.

(b) (1) A person that is not named as a respondent in a complaint, but that is identified as a respondent during an investigation, may be joined as an additional or substitute respondent after written notice in accordance with § 20–1021(e) of this subtitle.

(2) In addition to meeting the requirements of § 20–1021(e) of this subtitle, the notice shall explain the basis for the Commission's belief that the person to whom the notice is addressed is properly joined as a respondent.

§20–1023.

(a) The Commission may issue subpoenas and order discovery in aid of investigations and hearings under this part.

(b) (1) Witnesses subpoenaed by the Commission to testify in any proceedings under this part are entitled to the same witness and mileage fees as witnesses in proceedings before any circuit court in the State.

(2) The party who requests that a witness be subpoenaed to testify in a proceeding shall pay the fees or, if the party is unable to pay, the Commission shall pay the fees.

§20–1024.

(a) During the period between the filing of a complaint and the filing of a charge or a dismissal by the Commission, the Commission, to the extent feasible, shall engage in conciliation with respect to the complaint.

(b) (1) A conciliation agreement is subject to approval by the Commission.

(2) (i) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint.

(ii) Any arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

(3) Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the Commission determines that the disclosure is not required to further the purposes of this part and Subtitle 7 of this title.

(c) If the Commission has probable cause to believe that a respondent has breached a conciliation agreement, the Commission may bring a civil action to enforce the conciliation agreement in the same manner as provided in § 20–1011 of this subtitle for the enforcement of an order of the Commission.

(d) Except in a proceeding to enforce a conciliation agreement, statements and acts in the course of conciliation under this section may not be made public or used as evidence in a subsequent proceeding under this part without the written consent of the persons concerned.

§20–1025.

(a) Except as provided in subsections (c) and (d) of this section, if the Commission determines that probable cause exists to believe that a discriminatory housing practice has occurred or is about to occur and that conciliation has failed, the Executive Director of the Commission or the Executive Director's designee shall certify the case for processing.

(b) After review of the certified complaint, the Commission shall:

(1) remand the matter to the Commission's staff for further processing;

(2) issue a charge on behalf of the aggrieved person for further proceedings under this part; or

(3) promptly dismiss the complaint, if the Commission determines that probable cause does not exist to believe that a discriminatory housing practice has occurred or is about to occur.

(c) (1) If the Commission determines that the matter involves the legality of a State or local zoning or other land use law or ordinance, the Commission shall immediately refer the matter to the Attorney General for appropriate action.

(2) Not less than 60 days after the Commission refers the matter to the Attorney General under paragraph (1) of this subsection, the Commission may issue a charge or take other appropriate action in the matter.

(d) After the beginning of the trial of a civil action that is commenced by an aggrieved person under federal or State law and that seeks relief for an alleged discriminatory housing practice, the Commission may not issue a charge under this section for the same alleged discriminatory housing practice.

(e) After the Commission issues a charge under this section, the Commission shall cause a copy of the charge, together with information as to how to make an election under § 20–1026 of this subtitle and the effect of the election, to be served:

(1) on each respondent named in the charge; and

(2) on each aggrieved person on whose behalf the complaint was filed.

§20–1026.

(a) When a charge is issued and served under § 20–1025 of this subtitle, a complainant, respondent, or aggrieved person on whose behalf the complaint was filed may elect to have the claims asserted in the charge decided in a civil action under § 20–1032 of this subtitle instead of a hearing under § 20–1027 of this subtitle.

(b) An election under subsection (a) of this section shall be made within:

(1) 20 days after the complainant, respondent, or aggrieved person on whose behalf the complaint was filed receives service under § 20–1025 of this subtitle; or

(2) if the Commission is the complainant, 20 days after service under § 20–1025 of this subtitle is made on all other parties.

(c) A person that makes an election under subsection (a) of this section shall give notice of the election to the Commission and to all other complainants, respondents, and aggrieved persons on whose behalf the complaint was filed to whom the charge relates.

§20–1027.

(a) If an election is not made under § 20–1026 of this subtitle, the Commission shall provide an opportunity for a hearing on the record with respect to a charge issued under § 20–1025 of this subtitle.

(b) (1) The Commission shall delegate the conduct of a hearing under this section to the Office of Administrative Hearings.

(2) An administrative law judge shall conduct the hearing in the county where the discriminatory housing practice is alleged to have occurred or is about to occur.

(3) (i) Unless it is impracticable to do so, the administrative law judge shall commence the hearing under this section within 120 days after the issuance of the charge.

(ii) If the administrative law judge is unable to commence the hearing within 120 days after the issuance of the charge, the administrative law judge shall notify the Commission, the aggrieved person on whose behalf the charge was filed, and the respondent in writing of the reasons for the delay.

(4) At a hearing under this section, each party may appear in person, be represented by counsel, present evidence, cross–examine witnesses, and obtain the issuance of subpoenas as authorized by this section.

(5) A hearing under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the needs and rights of the parties to obtain a fair hearing and complete record.

(c) (1) The administrative law judge may issue subpoenas and order discovery in connection with a hearing conducted under this section.

(2) Discovery in administrative proceedings under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the need of all parties to obtain relevant evidence.

(d) After the beginning of the trial of a civil action that is commenced by an aggrieved person under federal or State law and that seeks relief for an alleged discriminatory housing practice, an administrative law judge may not continue administrative proceedings under this section for the same alleged discriminatory housing practice.

§20–1028.

(a) (1) Unless it is impracticable to do so, the administrative law judge shall make findings of fact and conclusions of law within 60 days after submission of posthearing memoranda.

(2) If the administrative law judge is unable to make findings of fact and conclusions of law within the 60–day period or any succeeding 60–day period, the administrative law judge shall notify the Commission, the aggrieved person on whose behalf the charge was filed, and the respondent in writing of the reasons for the delay.

(b) (1) If the administrative law judge finds that a respondent has engaged or is about to engage in a discriminatory housing practice, the administrative law judge shall promptly issue an order for appropriate relief, which may include actual damages suffered by the aggrieved person and injunctive or other equitable relief.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the order may assess a civil penalty against the respondent, to be paid to the General Fund of the State:

1. if the respondent has not been adjudicated to have committed any prior discriminatory housing practice, in an amount not exceeding $10,000;

2. if the respondent has been adjudicated to have committed one other discriminatory housing practice during the 5–year period ending on the date of the filing of the current charge, in an amount not exceeding $25,000; and

3. if the respondent has been adjudicated to have committed two or more discriminatory housing practices during the 7–year period ending on the date of the filing of the current charge, in an amount not exceeding $50,000.

(ii) If the discriminatory housing practice is committed by an individual who has been previously adjudicated to have committed one or more discriminatory housing practices, the time periods set forth in paragraph (2)(i)2 and 3 of this subsection do not apply.

(c) An order issued under subsection (b) of this section may not affect any contract, sale, encumbrance, or lease consummated before the issuance of the order and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the charge filed under this part.

(d) (1) If the administrative law judge finds that the respondent has not engaged in a discriminatory housing practice, the administrative law judge shall enter an order dismissing the charge.

(2) The Commission shall publicly disclose each dismissal.

§20–1029.

(a) (1) In accordance with the Commission's regulations, the Commission shall:

(i) review any findings, conclusions, or orders issued under § 20–1028 of this subtitle; and

(ii) issue a final order.

(2) If a timely appeal of the findings, conclusions, or orders issued

under § 20–1028 of this subtitle is not filed with the Commission in accordance with the Commission's regulations, the findings, conclusions, or orders issued by the administrative law judge under § 20–1028 of this subtitle shall become a final order of the Commission.

(b) The Commission shall cause the findings of fact and conclusions of law made with respect to any final order for relief under this section, together with a copy of the order, to be served on each aggrieved person and respondent in the proceeding.

(c) If an order is issued concerning a discriminatory housing practice that occurred in the course of a business subject to licensing or regulation by a State or local unit, the Commission shall, within 30 days after the date of the issuance of the final order of the Commission or, if the order is judicially reviewed, 30 days after the final order is affirmed in substance after review:

(1) send copies of the findings of fact and conclusions of law and the final order to the State or local unit; and

(2) recommend to the State or local unit appropriate disciplinary action, including, if appropriate:

(i) the suspension or revocation of the license of the respondent; or

(ii) the suspension or debarment of the respondent from participation in State and local loan, grant, or other regulated programs.

§20–1030.

(a) Subject to subsections (b) and (c) of this section, any party aggrieved by a final order for relief under § 20–1029 of this subtitle may obtain judicial review of the order in accordance with the provisions for judicial review under Title 10, Subtitle 2 of this article.

(b) A petition for judicial review shall be filed within 30 days after the final order is entered.

(c) A petition for judicial review shall be filed in the circuit court for the county where the discriminatory housing practice is alleged to have occurred.

(d) If the Commission issues a final order in which a finding of a discriminatory housing practice is made, the Commission is a party in any appeal of the final order.

§20–1031.

(a) (1) The Commission may file a petition for the enforcement of an order of the Commission and for appropriate temporary relief or a restraining order.

(2) The petition shall be filed in the circuit court for the county where the

discriminatory housing practice is alleged to have occurred or where any respondent resides or transacts business.

(3) The clerk of the court shall send a copy of the petition to the parties to the proceedings before the Commission under § 20–1029 of this subtitle or before the administrative law judge.

(b) Any party to the proceedings before the Commission under § 20–1029 of this subtitle or before the administrative law judge may intervene in the circuit court in an enforcement proceeding brought under this section.

(c) Unless the failure or neglect to make the objection is excused because of extraordinary circumstances, an objection not made before the Commission under § 20–1029 of this subtitle or before the administrative law judge may not be considered by the court in an enforcement proceeding brought under this section.

(d) If a petition for judicial review is not filed under § 20–1030 of this subtitle, the findings of fact and conclusions of law in the Commission's final order shall be conclusive in connection with any petition for enforcement filed by the Commission under subsection (a) of this section after the 45th day after the order is entered.

(e) If a petition for judicial review has not been filed under § 20–1030 of this subtitle within 60 days after the date the Commission's final order is entered, and the Commission has not sought enforcement of the order under subsection (a) of this section, any person entitled to relief under the order may petition for enforcement of the order in the circuit court for the county in which the discriminatory housing practice is alleged to have occurred.

§20–1032.

(a) (1) If an election is made under § 20–1026 of this subtitle, the Commission shall commence and maintain a civil action seeking relief under subsection (b) of this section on behalf of the aggrieved person.

(2) The action shall be:

(i) commenced within 60 days after the election is made; and

(ii) filed in the circuit court for the county where the dwelling that is the subject of the alleged discriminatory housing practice is located.

(3) Any aggrieved person with respect to the issues to be determined in a civil action under this section may intervene as of right in the civil action.

(b) (1) (i) In a civil action under this section, if the court finds that a discriminatory housing practice has occurred, the court may grant any relief, except for punitive damages, that a court could grant with respect to the discriminatory housing practice in a civil action under § 20–1035 of this subtitle.

(ii) Except for punitive damages, any relief that would accrue to an aggrieved person in a civil action commenced by that aggrieved person under § 20–1035 of this subtitle shall also accrue to the aggrieved person in a civil action under this section.

(iii) If monetary relief is sought for the benefit of an aggrieved person that does not intervene in the civil action, the court may not award the relief if the aggrieved person has not complied with discovery orders entered by the court.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, in addition to the relief authorized under paragraph (1) of this subsection, if the court finds that a discriminatory housing practice has occurred, the court may assess a civil penalty against the respondent to vindicate the public interest and to be paid to the General Fund of the State:

1. if the respondent has not been adjudicated to have committed any prior discriminatory housing practice, in an amount not exceeding $10,000;

2. if the respondent has been adjudicated to have committed one other discriminatory housing practice during the 5–year period ending on the date of the filing of the current charge, in an amount not exceeding $25,000; and

3. if the respondent has been adjudicated to have committed two or more discriminatory housing practices during the 7–year period ending on the date of the filing of the current charge, in an amount not exceeding $50,000.

(ii) If the discriminatory housing practice is committed by an individual who has been previously adjudicated to have committed one or more discriminatory housing practices, the time periods set forth in paragraph (2)(i)2 and 3 of this subsection do not apply.

§20–1033.

In an administrative proceeding under § 20–1027 of this subtitle, a court proceeding arising from the administrative proceeding, or a civil action under § 20–1032 of this subtitle, the administrative law judge or the court may allow the prevailing party, including the Commission, reasonable attorney's fees and costs.

§20–1034.

The Office of Administrative Hearings and the Commission shall adopt regulations to implement §§ 20–1026 through 20–1033 of this subtitle.

§20–1035.

(a) In accordance with this section, an aggrieved person may commence a civil action in an appropriate State court to obtain appropriate relief for an alleged

discriminatory housing practice or the breach of a conciliation agreement entered into under this part.

(b) (1) The action shall be filed within 2 years after the later of the occurrence or termination of the alleged discriminatory housing practice or the breach of the conciliation agreement.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the computation of the 2–year period does not include any time during which an administrative proceeding under this part was pending for a complaint or charge based on the alleged discriminatory housing practice.

(ii) Subparagraph (i) of this paragraph does not apply to an action arising from a breach of a conciliation agreement.

(3) Except as provided in subsection (c) of this section, an aggrieved person may commence a civil action under this section:

(i) not sooner than 130 days after a complaint has been filed under § 20–1021 of this subtitle; and

(ii) regardless of the status of any complaint.

(c) (1) If the Commission or a State or local unit has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file an action under this section for the alleged discriminatory housing practice that forms the basis for the complaint, except for the purpose of enforcing the terms of the conciliation agreement.

(2) An aggrieved person may not commence a civil action under this section with respect to an alleged discriminatory housing practice that forms the basis of a charge issued by the Commission, if an administrative law judge has commenced a hearing on the record under this part with respect to the charge.

(d) On application by a person alleging a discriminatory housing practice or a person against whom a discriminatory housing practice is alleged, the court may:

(1) appoint an attorney for the person; or

(2) if, in the opinion of the court, the person is financially unable to bear the costs of the action, authorize the commencement or continuation of a civil action under subsection (a) of this section without the payment of fees, costs, or security.

(e) (1) In a civil action under this section, if the court finds that a discriminatory housing practice has occurred, the court may:

(i) award to the plaintiff actual and punitive damages; and

(ii) subject to subsection (f) of this section, grant as relief, as the court considers appropriate, any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or ordering affirmative action.

(2) In a civil action under this section, the court may allow the prevailing party reasonable attorney's fees and costs.

(f) Relief granted under this section may not affect any contract, sale, encumbrance, or lease consummated before the granting of relief and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the filing of a complaint with the Commission or civil action under this part.

(g) If the Commission certifies that the case is of general public importance and on timely application, the Commission may:

(1) intervene in a civil action brought under this section; and

(2) obtain any relief that would be available to the Commission under § 20–1036(c) of this subtitle.

§20–1036.

(a) The Commission may commence a civil action in the appropriate circuit court if the Commission has probable cause to believe that:

(1) (i) a person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this part and Subtitle 7 of this title; or

(ii) any group of persons has been denied any of the rights granted by this part and Subtitle 7 of this title; and

(2) the resistance or denial raises an issue of general public importance.

(b) The Commission or other party at whose request a subpoena is issued under this part may enforce a subpoena in appropriate proceedings in the circuit court for the county in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(c) (1) In a civil action under subsection (a) of this section, the court may:

(i) award preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of Subtitle 7 of this title as necessary to assure the full enjoyment of the rights granted by Subtitle 7 of this title;

(ii) award other relief the court considers appropriate, including

monetary damages to aggrieved persons; and

(iii) to vindicate the public interest, assess a civil penalty against the respondent:

1. in an amount not exceeding $50,000, for a first violation; and

2. in an amount not exceeding $100,000, for any subsequent violation.

(2) In a civil action under this section, the court may allow the prevailing party, including the Commission, reasonable attorney's fees and costs.

(d) (1) On timely application, a person may intervene in a civil action commenced by the Commission under subsection (a) or (b) of this section, if the action involves:

(i) an alleged discriminatory housing practice to which the person is an aggrieved person; or

(ii) a conciliation agreement to which the person is a party.

(2) The court may grant any appropriate relief to any intervening party that is authorized to be granted to a plaintiff in a civil action under § 20–1035 of this subtitle.

§20–1037.

(a) If the Commission concludes at any time after the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this part and Subtitle 7 of this title, the Commission may bring a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint under this part.

(b) An action under this section shall be brought in the circuit court for the county where the dwelling that is the subject of the alleged discriminatory housing practice is located.

(c) The commencement of a civil action under this section does not affect the initiation or continuation of administrative proceedings under this part.

§20–1101.

(a) (1) Except as provided in paragraph (2) of this subsection, during an investigation of a complaint alleging a discriminatory act, and until the matter reaches the stage of public hearings:

(i) the activities of all members and employees of the Commission

in connection with the investigation shall be conducted in confidence and without publicity; and

(ii) the members and employees of the Commission may not disclose any information relating to the investigation, including the identity of the complainant and the respondent.

(2) (i) Information may be disclosed at any time if both the complainant and respondent agree to the disclosure in writing.

(ii) The identity of the complainant may be disclosed to the respondent at any time.

(b) A member or employee of the Commission who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

§20–1102.

(a) If it is in the person's power to comply, a person may not willfully fail or neglect to attend and testify, answer any lawful inquiry, or produce records, documents, or other evidence, in compliance with a subpoena or other lawful order issued under § 20–1023(a) of this title.

(b) A person may not, with intent to mislead another person in any proceeding under Subtitle 10, Part II of this title:

(1) make or cause to be made any false entry or statement of fact in any report, account, record, or other document produced in compliance with a subpoena or other lawful order issued under § 20–1023(a) of this title;

(2) willfully neglect or fail to make or cause to be made full, true, and correct entries in any report, account, record, or other document produced in compliance with a subpoena or other lawful order issued under § 20–1023(a) of this title; or

(3) willfully mutilate, alter, or by any other means falsify any documentary evidence.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $100,000 or both.

§20–1103.

(a) In this section, "disability", "dwelling", "familial status", "marital status", and "rent" have the meanings stated in § 20–701 of this title.

(b) Whether or not acting under color of law, a person may not, by force or threat

of force, willfully injure, intimidate, interfere with, or attempt to injure, intimidate, or interfere with:

(1) any person because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, or national origin and because the person is or has been:

(i) selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling; or

(ii) applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings;

(2) any person because the person is or has been, or in order to intimidate the person or any other person or any class of persons from:

(i) participating, without discrimination on account of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, or national origin, in any of the activities, services, organizations, or facilities described in item (1) of this subsection; or

(ii) affording another person or class of persons the opportunity or protection to participate in any of the activities, services, organizations, or facilities described in item (1) of this subsection; or

(3) any person because the person is or has been, or in order to discourage the person or any other person from:

(i) lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, or national origin, in any of the activities, services, organizations, or facilities described in item (1) of this subsection; or

(ii) participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate in any of the activities, services, organizations, or facilities described in item (1) of this subsection.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both;

(2) if the violation results in bodily injury, imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both; or

(3) if the violation results in death, imprisonment not exceeding life.

§20–1104.

(a) This section does not affect the right of a respondent to bring a civil action against a person that has filed a complaint under Subtitle 10, Part I of this title.

(b) A person is guilty of a misdemeanor if:

(1) the person has claimed to be aggrieved under Subtitle 10, Part I of this title;

(2) the person has pursued the complaint under §§ 20–1006 and 20–1008 through 20–1011 of this title;

(3) the Commission has:

(i) found the complaint to be unfounded; or

(ii) dismissed the complaint without further action against the respondent; and

(4) the court has found the complaint to have been made maliciously.

(c) A person convicted under this section is subject to imprisonment not exceeding 1 year or a fine not exceeding $500 or both.

§20–1201.

In this subtitle, "prevailing party" has the meaning as judicially determined under 42 U.S.C. § 1988.

§20–1202.

(a) This section applies only in Howard County, Montgomery County, and Prince George's County.

(b) In accordance with this section, a person that is subjected to a discriminatory act prohibited by the county code may bring and maintain a civil action against the person that committed the alleged discriminatory act for damages, injunctive relief, or other civil relief.

(c) (1) An action under subsection (b) of this section shall be commenced in the circuit court for the county in which the alleged discriminatory act occurred within 2 years after the occurrence of the alleged discriminatory act.

(2) (i) Subject to paragraph (1) of this subsection, an action under subsection (b) of this section alleging discrimination in employment or public accommodations may not be commenced sooner than 45 days after the aggrieved

person files a complaint with the county unit responsible for handling violations of the county discrimination laws.

(ii) Subject to paragraph (1) of this subsection, an action under subsection (b) of this section alleging discrimination in real estate may be commenced at any time.

(d) In a civil action under this section, the court may award the prevailing party reasonable attorney's fees, expert witness fees, and costs.

§20–1203.

(a) This section applies only in Baltimore County.

(b) In accordance with this section, a person that is employed by an employer with fewer than 15 employees and that is subjected to a discriminatory act prohibited by the county code may bring and maintain a civil action against the employer that committed the alleged discriminatory act for relief as provided under subsection (d) of this section.

(c) (1) An action under subsection (b) of this section shall be commenced in the Circuit Court for Baltimore County within 2 years after the occurrence of the alleged discriminatory act.

(2) Subject to paragraph (1) of this subsection, an action under subsection (b) of this section may not be commenced sooner than 60 days after the aggrieved person files a complaint with the county unit responsible for handling violations of the county discrimination laws.

(d) (1) In a civil action under this section, the court may award the prevailing party:

(i) injunctive relief;

(ii) compensatory damages, including back pay; or

(iii) both injunctive relief and compensatory damages.

(2) A prevailing party may not be awarded punitive damages under this section.

(3) The court may award the prevailing party reasonable attorney's fees.