

Laws
of the
State of Maryland

At the Session of the General Assembly Begun and Held in the
City of Annapolis on the Eleventh Day of January 2012
and Ending on the Ninth Day of April 2012

Bills vetoed by the Governor appear after the Laws

VOLUME I

The Department of Legislative Services
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Laws of Maryland

MARYLAND, Sct.:

At a Session of the General Assembly of Maryland, begun and held in the City of Annapolis on the Eleventh Day of January 2012, and ending on the Ninth Day of April 2012, Martin O'Malley, being Governor of the State, the following laws were enacted, to wit:

Chapter 1

(Senate Bill 46)

AN ACT concerning

Somerset County – County Commissioners – Districts

FOR the purpose of repealing the current boundaries for the county commissioner districts in Somerset County; establishing new boundaries for the county commissioner districts in Somerset County; providing for the reopening of a certain candidate filing deadline for a candidate for a certain office of member of the Somerset County Board of Education; prohibiting a certain withdrawal of candidacy; making this Act an emergency measure; and generally relating to county commissioner districts in Somerset County and the filing for candidacy for the office of member of the Somerset County Board of Education.

BY repealing

The Public Local Laws of Somerset County
Section 2–102(b) through (f)
Article 20 – Public Local Laws of Maryland
(2003 Edition and 2009 Supplement, as amended)

BY adding to

The Public Local Laws of Somerset County
Section 2–102(b) through (f)
Article 20 – Public Local Laws of Maryland
(2003 Edition and 2009 Supplement, as amended)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 2–102(b) through (f) of Article 20 – Somerset County of the Code of Public Local Laws of Maryland be repealed.

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

Article 20 – Somerset County

2–102.

(B) DISTRICT 1 CONSISTS OF THE AREA THAT IS BOUNDED BY A LINE THAT BEGINS AT THE INTERSECTION OF BROAD STREET AND BEECHWOOD STREET, RUNNING ALONG THE CENTER OF BEECHWOOD STREET IN A NORTHERLY DIRECTION TO THE INTERSECTION OF BEECHWOOD STREET AND FRONT STREET, THEN IN A WESTERLY DIRECTION ALONG THE CENTER OF FRONT STREET TO SOMERSET AVENUE (MD ROUTE 675), THEN IN A NORTHERLY DIRECTION ALONG THE CENTER OF SOMERSET AVENUE (MD ROUTE 675) TO MAPLE STREET, CONTINUING ALONG THE CENTER OF MAPLE STREET IN A WESTERLY DIRECTION TO THE END OF MAPLE STREET, THEN IN A WESTERLY DIRECTION ACROSS AN IMAGINARY LINE CONSISTING OF APPROXIMATELY 785 FEET TO THE CENTER OF U.S. ROUTE 13 (OCEAN HIGHWAY), THEN IN A NORTHERLY DIRECTION ALONG THE CENTER OF U.S. ROUTE 13 (OCEAN HIGHWAY) TO THE INTERSECTION OF UMES BOULEVARD (MD ROUTE 822) AND U.S. ROUTE 13 (OCEAN HIGHWAY), THEN IN AN EASTERLY DIRECTION ALONG THE CENTER OF UMES BOULEVARD (MD ROUTE 822) TO ITS END AND INTERSECTION OF COLLEGE BACKBONE ROAD, THEN IN A WESTERLY DIRECTION RUNNING ALONG THE CENTER OF COLLEGE BACKBONE ROAD TO THE INTERSECTION OF COLLEGE BACKBONE ROAD AND UNIVERSITY BOULEVARD, THEN IN A SOUTHERLY DIRECTION AND THEN IN AN EASTERLY DIRECTION TO ART SHELL PLAZA, THEN IN A NORTHERLY DIRECTION ALONG THE CENTER OF THE ROAD TO MCCAIN DRIVE, THEN TURNING IN AN EASTERLY DIRECTION ON MCCAIN DRIVE, CONTINUING ALONG THE CENTER OF MCCAIN DRIVE TO COLLEGE BACKBONE ROAD, CONTINUING IN A NORTHEASTERLY DIRECTION ALONG THE CENTER OF COLLEGE BACKBONE ROAD TO PALMETTO CHURCH ROAD, THEN IN AN EASTERLY DIRECTION ALONG THE CENTER OF PALMETTO CHURCH ROAD AND THEN IN A SOUTHERLY DIRECTION ALONG THE CENTER OF PALMETTO CHURCH ROAD TO ITS END AND THE INTERSECTION OF PALMETTO CHURCH ROAD AND WEST POST OFFICE ROAD, THEN IN A SOUTHWESTERLY DIRECTION ALONG THE CENTER OF WEST POST OFFICE ROAD TO PERRYHAWKIN ROAD, THEN RUNNING ALONG THE CENTER OF PERRYHAWKIN ROAD IN A SOUTHEASTERLY DIRECTION TO A BRANCH OF KINGS CREEK AND PERRYHAWKIN ROAD, THEN IN A SOUTHWESTERLY DIRECTION ALONG THE CENTER OF A BRANCH OF KINGS CREEK AND CONTINUING ALONG

THE CENTER OF KINGS CREEK IN A SOUTHWESTERLY DIRECTION CROSSING DUBLIN ROAD AND TAKING A SOUTHERLY TURN FROM KINGS CREEK TO MITCHELL ROAD ACROSS AN IMAGINARY LINE OF A DISTANCE OF APPROXIMATELY 3470 FEET TO MITCHELL ROAD, CROSSING MITCHELL ROAD AND CONTINUING ACROSS AN IMAGINARY LINE OF A DISTANCE OF APPROXIMATELY 3170 FEET TO THE INTERSECTION OF ARDEN STATION ROAD AND NORFOLK SOUTHERN RAILROAD TRACKS, THEN IN A SOUTHERLY DIRECTION ALONG THE CENTER OF ARDEN STATION ROAD CROSSING CURTIS CHAPEL ROAD, CONTINUING ALONG THE CENTER OF ARDEN STATION ROAD AND CROSSING U.S. ROUTE 13 (OCEAN HIGHWAY) TO MENNONITE CHURCH ROAD, CONTINUING ALONG THE CENTER OF MENNONITE CHURCH ROAD TO TURKEY BRANCH ROAD, THEN CONTINUING ALONG THE CENTER OF TURKEY BRANCH ROAD IN A WESTERLY DIRECTION TO ITS END TO OLD WESTOVER MARION ROAD, THEN IN A NORTHERLY DIRECTION ALONG THE CENTER OF OLD WESTOVER MARION ROAD TO RITZEL ROAD, THEN IN A WESTERLY DIRECTION ALONG THE CENTER OF RITZEL ROAD CROSSING CRISFIELD HIGHWAY (MD ROUTE 413) TO FAIRMOUNT ROAD (MD ROUTE 361), THEN IN A WESTERLY DIRECTION ALONG THE CENTER OF FAIRMOUNT ROAD (MD ROUTE 361) TO MILLARD LONG ROAD, THEN CONTINUING IN A NORTHERLY DIRECTION ALONG THE CENTER OF MILLARD LONG ROAD TO ITS END AND TO REVELLS NECK ROAD, THEN CONTINUING IN AN EASTERLY DIRECTION ALONG THE CENTER OF REVELLS NECK ROAD TO STEWART NECK ROAD, THEN IN A NORTHEASTERLY DIRECTION ALONG THE CENTER OF STEWART NECK ROAD TO KINGS CREEK, THEN IN A SOUTHEASTERLY DIRECTION ALONG THE CENTER OF KINGS CREEK TO U.S. ROUTE 13 (OCEAN HIGHWAY), CONTINUING ALONG THE CENTER OF U.S. ROUTE 13 (OCEAN HIGHWAY) IN A NORTHERLY DIRECTION TO SOMERSET AVENUE (MD ROUTE 675), CONTINUING ALONG THE CENTER OF SOMERSET AVENUE (MD ROUTE 675) TO GREENWOOD SCHOOL ROAD, CONTINUING IN A WESTERLY DIRECTION ALONG THE CENTER OF GREENWOOD SCHOOL ROAD TO GREENWOOD ROAD, THEN IN A NORTHERLY DIRECTION ALONG THE CENTER OF GREENWOOD ROAD TO ITS END AND TO STEWART NECK ROAD, THEN TURNING IN A WESTERLY DIRECTION ON STEWART NECK ROAD AND CONTINUING ALONG THE CENTER OF STEWART NECK ROAD TO DRYDEN ROAD, THEN CONTINUING ALONG THE CENTER OF DRYDEN ROAD IN A NORTHERLY DIRECTION TO LINDEN AVENUE, THEN TURNING IN AN EASTERLY DIRECTION ONTO LINDEN AVENUE, AND CONTINUING ALONG THE CENTER OF LINDEN AVENUE TO LANKFORD AVENUE, THEN TURNING IN A NORTHERLY DIRECTION ONTO LANKFORD AVENUE AND CONTINUING ALONG THE CENTER OF LANKFORD AVENUE TO MANOR DRIVE, THEN TURNING IN A WESTERLY DIRECTION ONTO MANOR DRIVE TO DENNIS DRIVE, THEN TURNING IN A NORTHERLY DIRECTION ONTO DENNIS DRIVE AND CONTINUING ALONG THE CENTER OF DENNIS DRIVE TO PLANTATION DRIVE, THEN TURNING IN AN EASTERLY DIRECTION ONTO PLANTATION DRIVE AND CONTINUING ALONG THE CENTER OF THE ROAD OF

PLANTATION DRIVE TO MANSION STREET, TURNING IN A NORTHERLY DIRECTION ONTO MANSION STREET AND CONTINUING ALONG THE CENTER OF MANSION STREET TO PRINCE WILLIAM STREET, THEN IN AN EASTERLY DIRECTION ALONG THE CENTER OF PRINCE WILLIAM STREET TO BECKFORD AVENUE, THEN IN A SOUTHERLY DIRECTION ALONG THE CENTER OF BECKFORD AVENUE TO ANTIOCH AVENUE, THEN IN AN EASTERLY DIRECTION ALONG THE CENTER OF ANTIOCH AVENUE TO BEECHWOOD STREET, THEN TURNING IN A NORTHERLY DIRECTION ON BEECHWOOD STREET AND CONTINUING ALONG THE CENTER OF BEECHWOOD STREET TO BROAD STREET TO ITS POINT OF BEGINNING.

(c) DISTRICT 2 CONSISTS OF THE AREA THAT IS BOUNDED BY A LINE THAT BEGINS AT THE INTERSECTION OF BROAD STREET AND BEECHWOOD STREET, RUNNING ALONG THE CENTER OF BEECHWOOD STREET IN A NORTHERLY DIRECTION TO THE INTERSECTION OF BEECHWOOD STREET AND FRONT STREET, THEN IN A WESTERLY DIRECTION ALONG THE CENTER OF FRONT STREET TO SOMERSET AVENUE (MD ROUTE 675), THEN IN A NORTHERLY DIRECTION ALONG THE CENTER OF SOMERSET AVENUE (MD ROUTE 675) TO MAPLE STREET, CONTINUING ALONG THE CENTER OF MAPLE STREET IN A WESTERLY DIRECTION TO THE END OF MAPLE STREET, THEN IN A WESTERLY DIRECTION ACROSS AN IMAGINARY LINE CONSISTING OF APPROXIMATELY 785 FEET TO THE CENTER OF U.S. ROUTE 13 (OCEAN HIGHWAY), THEN IN A NORTHERLY DIRECTION ALONG THE CENTER OF U.S. ROUTE 13 (OCEAN HIGHWAY) TO THE INTERSECTION OF UMES BOULEVARD (MD ROUTE 822) AND U.S. ROUTE 13 (OCEAN HIGHWAY), THEN IN AN EASTERLY DIRECTION ALONG THE CENTER OF UMES BOULEVARD (MD ROUTE 822) TO ITS END AND INTERSECTION OF COLLEGE BACKBONE ROAD, THEN IN A WESTERLY DIRECTION RUNNING ALONG THE CENTER OF COLLEGE BACKBONE ROAD TO THE INTERSECTION OF COLLEGE BACKBONE ROAD AND UNIVERSITY BOULEVARD, THEN IN A SOUTHERLY DIRECTION AND THEN IN AN EASTERLY DIRECTION TO ART SHELL PLAZA, THEN IN A NORTHERLY DIRECTION ALONG THE CENTER OF THE ROAD TO MCCAIN DRIVE, TURNING IN AN EASTERLY DIRECTION ONTO MCCAIN DRIVE, CONTINUING ALONG THE CENTER OF MCCAIN DRIVE TO COLLEGE BACKBONE ROAD, CONTINUING IN A NORTHEASTERLY DIRECTION ALONG THE CENTER OF COLLEGE BACKBONE ROAD TO PALMETTO CHURCH ROAD, THEN IN AN EASTERLY DIRECTION ALONG THE CENTER OF PALMETTO CHURCH ROAD AND THEN IN A SOUTHERLY DIRECTION ALONG THE CENTER OF PALMETTO CHURCH ROAD TO ITS END AND THE INTERSECTION OF PALMETTO CHURCH ROAD AND WEST POST OFFICE ROAD, THEN IN AN EASTERLY DIRECTION ALONG THE CENTER OF WEST POST OFFICE ROAD CURVING AROUND TO THE NORTH AND TO ITS END AND JOINING UP TO MEADOWBRIDGE ROAD, THEN TURNING IN A NORTHERLY DIRECTION ONTO MEADOWBRIDGE ROAD AND CONTINUING ALONG THE CENTER OF THE

ROAD TO PASSERDYKE CREEK AND THE WICOMICO/SOMERSET BOUNDARY, THEN CONTINUING IN A NORTHWESTERLY DIRECTION ALONG THE CENTER OF PASSERDYKE CREEK TO THE WICOMICO RIVER AND CONTINUING ALONG THE CENTER OF THE WICOMICO RIVER IN A WESTERLY DIRECTION TO MONIE BAY AND THEN IN AN EASTERLY DIRECTION TO NAIL POINT AND THE MOUTH OF MONIE CREEK, CONTINUING IN AN EASTERLY DIRECTION ALONG THE CENTER OF MONIE CREEK TO MOUNT VERNON ROAD (MD ROUTE 362), THEN TURNING IN AN EASTERLY DIRECTION ONTO MOUNT VERNON ROAD (MD ROUTE 362), CONTINUING ALONG THE CENTER OF MOUNT VERNON ROAD (MD ROUTE 362) TO EDGEHILL TERRACE ROAD, THEN TURNING IN A SOUTHERLY DIRECTION ONTO EDGEHILL TERRACE ROAD, THEN CONTINUING ALONG THE CENTER OF THE ROAD TO AND FOLLOWING AROUND IN A WESTERLY DIRECTION TO ITS END TO CRISFIELD LANE, THEN TURNING IN A SOUTHERLY DIRECTION ONTO CRISFIELD LANE AND ALONG THE CENTER OF THE ROAD TO DEAL ISLAND ROAD (MD ROUTE 363), THEN TURNING IN AN EASTERLY DIRECTION ONTO DEAL ISLAND ROAD (MD ROUTE 363) AND CONTINUING ALONG THE CENTER OF THE ROAD TO U.S. ROUTE 13 (OCEAN HIGHWAY), THEN TURNING IN A SOUTHERLY DIRECTION ONTO U.S. ROUTE 13 (OCEAN HIGHWAY) AND CONTINUING ALONG THE CENTER OF THE ROAD TO LINDEN AVENUE, THEN TURNING IN AN EASTERLY DIRECTION ONTO LINDEN AVENUE TO LANKFORD AVENUE, THEN TURNING IN A NORTHERLY DIRECTION ONTO LANKFORD AVENUE AND CONTINUING ALONG THE CENTER OF THE ROAD TO MANOR DRIVE, THEN TURNING IN A WESTERLY DIRECTION ONTO MANOR DRIVE AND CONTINUING ALONG THE CENTER OF THE ROAD TO DENNIS DRIVE, THEN TURNING IN A NORTHERLY DIRECTION ONTO DENNIS DRIVE AND CONTINUING ALONG THE CENTER OF THE ROAD TO PLANTATION DRIVE, THEN TURNING IN AN EASTERLY DIRECTION ONTO PLANTATION DRIVE AND CONTINUING ALONG THE CENTER OF THE ROAD TO MANSION STREET, THEN TURNING IN A NORTHERLY DIRECTION ONTO MANSION STREET ALONG THE CENTER OF THE ROAD TO PRINCE WILLIAM STREET, THEN TURNING IN AN EASTERLY DIRECTION ONTO PRINCE WILLIAM STREET AND CONTINUING ALONG THE CENTER OF THE ROAD TO BECKFORD AVENUE, THEN TURNING IN A SOUTHERLY DIRECTION ONTO BECKFORD AVENUE AND CONTINUING ALONG THE CENTER OF THE ROAD TO ANTIOCH AVENUE, THEN TURNING IN AN EASTERLY DIRECTION ONTO ANTIOCH AVENUE AND CONTINUING ALONG THE CENTER OF THE ROAD TO BEECHWOOD STREET, THEN TURNING IN A NORTHERLY DIRECTION ONTO BEECHWOOD STREET AND CONTINUING ALONG THE CENTER OF THE STREET TO BROAD STREET TO ITS POINT OF BEGINNING.

(D) DISTRICT 3 CONSISTS OF THE AREA THAT IS BOUNDED BY A LINE BEGINNING AT THE CENTER OF MONIE BAY, CONTINUING IN AN EASTERLY DIRECTION NEAR NAIL POINT AND CONTINUING ALONG THE CENTER OF MONIE CREEK TO MOUNT VERNON ROAD (MD ROUTE 362), THEN CONTINUING IN AN

EASTERLY DIRECTION ALONG THE CENTER OF MOUNT VERNON ROAD (MD ROUTE 362) TO EDGEHILL TERRACE ROAD, THEN TURNING IN A SOUTHERLY DIRECTION ONTO EDGEHILL TERRACE ROAD CONTINUING ALONG THE CENTER OF THE ROAD TO AND FOLLOWING AROUND IN A WESTERLY DIRECTION TO ITS END AT CRISFIELD LANE, THEN TURNING IN A SOUTHERLY DIRECTION ONTO CRISFIELD LANE AND ALONG THE CENTER OF THE ROAD TO DEAL ISLAND ROAD (MD ROUTE 363), THEN IN AN EASTERLY DIRECTION ALONG THE CENTER OF DEAL ISLAND ROAD (MD ROUTE 363) TO U.S. ROUTE 13 (OCEAN HIGHWAY), THEN IN A SOUTHERLY DIRECTION ALONG THE CENTER OF U.S. ROUTE 13 (OCEAN HIGHWAY) TO LINDEN AVENUE, THEN IN AN EASTERLY DIRECTION ALONG THE CENTER OF LINDEN AVENUE TO DRYDEN ROAD, THEN TURNING IN A SOUTHERLY DIRECTION ONTO DRYDEN ROAD AND CONTINUING ALONG THE CENTER OF THE ROAD TO STEWART NECK ROAD, THEN TURNING IN AN EASTERLY DIRECTION ONTO STEWART NECK ROAD AND CONTINUING ALONG THE CENTER OF THE ROAD TO GREENWOOD ROAD, THEN TURNING IN A SOUTHERLY DIRECTION ONTO GREENWOOD ROAD AND CONTINUING ALONG THE CENTER OF THE ROAD TO GREENWOOD SCHOOL ROAD, THEN TURNING IN A SOUTHEASTERLY DIRECTION ONTO GREENWOOD SCHOOL ROAD AND CONTINUING ALONG THE CENTER OF THE ROAD TO ITS END AND CONNECTING WITH SOMERSET AVENUE (MD ROUTE 675), THEN CONTINUING IN A SOUTHERLY DIRECTION ALONG THE CENTER OF SOMERSET AVENUE (MD ROUTE 675) TO U.S. ROUTE 13 (OCEAN HIGHWAY), CONTINUING IN A SOUTHERLY DIRECTION ALONG THE CENTER OF U.S. ROUTE 13 (OCEAN HIGHWAY) TO KINGS CREEK, THEN TURNING IN A WESTERLY DIRECTION ALONG THE CENTER OF KINGS CREEK TO STEWART NECK ROAD, THEN IN A SOUTHWESTERLY DIRECTION ALONG THE CENTER OF STEWART NECK ROAD TO REVELLS NECK ROAD, THEN TURNING IN A WESTERLY DIRECTION ON REVELLS NECK ROAD AND CONTINUING ALONG THE CENTER OF THE ROAD TO MILLARD LONG ROAD, THEN TURNING IN A SOUTHERLY DIRECTION ON MILLARD LONG ROAD AND CONTINUING ALONG THE CENTER OF MILLARD LONG ROAD TO ITS END AND CONNECTING WITH FAIRMOUNT ROAD (MD ROUTE 361), CROSSING FAIRMOUNT ROAD (MD ROUTE 361) IN A SOUTHERLY DIRECTION TO RIVER ROAD, CONTINUING ALONG THE CENTER OF RIVER ROAD TO THE BIG ANNEMESSEX RIVER, CONTINUING IN A WESTERLY DIRECTION ALONG THE CENTER OF THE BIG ANNEMESSEX RIVER TO TANGIER SOUND THEN ALONG THE CENTER OF TANGIER SOUND, THEN IN A NORTHERLY DIRECTION TO THE WICOMICO-SOMERSET COUNTY LINE AND TO THE CENTER OF MONIE BAY AND ITS POINT OF BEGINNING.

(E) DISTRICT 4 CONSISTS OF THE AREA THAT IS BOUNDED BY A LINE BEGINNING AT THE INTERSECTION OF WEST POST OFFICE ROAD AND MEADOWBRIDGE ROAD, THEN CONTINUING ALONG WEST POST OFFICE ROAD IN A SOUTHWESTERLY DIRECTION ALONG THE CENTER OF THE ROAD TO

PERRYHAWKIN ROAD, THEN TURNING IN A SOUTHEASTERLY DIRECTION TO A BRANCH OF KINGS CREEK, THEN CONTINUING SOUTHWESTERLY ALONG THE CENTER OF KINGS CREEK AND TAKING A SOUTHERLY TURN FROM KINGS CREEK TO MITCHELL ROAD ACROSS AN IMAGINARY LINE OF A DISTANCE OF APPROXIMATELY 3470 FEET TO MITCHELL ROAD, CROSSING MITCHELL ROAD AND CONTINUING ACROSS AN IMAGINARY LINE OF A DISTANCE OF APPROXIMATELY 3170 FEET TO THE INTERSECTION OF ARDEN STATION ROAD AND NORFOLK SOUTHERN RAILROAD TRACKS, THEN IN A SOUTHERLY DIRECTION ALONG THE CENTER OF ARDEN STATION ROAD CROSSING CURTIS CHAPEL ROAD, CONTINUING ALONG THE CENTER OF ARDEN STATION ROAD AND CROSSING U.S. ROUTE 13 (OCEAN HIGHWAY) TO MENNONITE CHURCH ROAD, CONTINUING ALONG THE CENTER OF MENNONITE CHURCH ROAD TO TURKEY BRANCH ROAD, THEN CONTINUING ALONG THE CENTER OF TURKEY BRANCH ROAD IN A WESTERLY DIRECTION TO ITS END TO OLD WESTOVER MARION ROAD, THEN IN A NORTHERLY DIRECTION ALONG THE CENTER OF OLD WESTOVER MARION ROAD TO RITZEL ROAD, THEN IN A WESTERLY DIRECTION ALONG THE CENTER OF RITZEL ROAD CROSSING CRISFIELD HIGHWAY (MD ROUTE 413) TO FAIRMOUNT ROAD (MD ROUTE 361), THEN IN A WESTERLY DIRECTION ALONG THE CENTER OF FAIRMOUNT ROAD (MD ROUTE 361) TO RIVER ROAD, THEN IN A SOUTHERLY DIRECTION ALONG THE CENTER OF RIVER ROAD TO THE BIG ANNEMESSEX RIVER, CONTINUING IN A SOUTHWESTERLY DIRECTION ALONG THE CENTER OF THE BIG ANNEMESSEX RIVER, THEN IN A SOUTHWESTERLY DIRECTION TO FLATCAP BASIN, THEN IN A EASTERLY DIRECTION TO WARD CREEK ON JANES ISLAND, THEN ALONG THE CENTER OF WARD CREEK TO A POINT APPROXIMATELY IN THE CENTER OF THE ISLAND, THEN SOUTHERLY ALONG AN IMAGINARY LINE TO THE SHORELINE AT BACK CREEK, THEN FOLLOWING THE SHORELINE IN A SOUTHEASTERLY DIRECTION TO LITTLE ANNEMESSEX RIVER, CONTINUING ALONG THE CENTER OF LITTLE ANNEMESSEX RIVER CONNECTING TO A PRIVATE RIGHT-OF-WAY, RUNNING ALONG THE CENTER OF THE PRIVATE RIGHT-OF-WAY TO BYRD ROAD, THEN RUNNING IN AN EASTERLY DIRECTION ALONG THE CENTER OF BYRD ROAD TO JACKSONVILLE ROAD, THEN TURNING IN A SOUTHERLY DIRECTION ONTO JACKSONVILLE ROAD AND CONTINUING ALONG THE CENTER OF THE ROAD TO SILVER LANE, THEN TURNING IN AN EASTERLY DIRECTION ONTO SILVER LANE AND CONTINUING ALONG THE CENTER OF SILVER LANE TO CRISFIELD HIGHWAY (MD ROUTE 413), TURNING IN A NORTHERLY DIRECTION ONTO CRISFIELD HIGHWAY (MD ROUTE 413) AND CONTINUING ALONG THE CENTER OF THE ROAD TO LAWSON BARNES ROAD, THEN TURNING IN AN EASTERLY DIRECTION ONTO LAWSON BARNES ROAD AND CONTINUING ALONG THE CENTER OF LAWSON BARNES ROAD AND TURNING IN A SOUTHERLY DIRECTION ALONG THE CENTER OF LAWSON BARNES ROAD, THEN IN A SOUTHERLY DIRECTION ACROSS AN IMAGINARY LINE OF APPROXIMATELY 520 FEET TO A BRANCH OF JOHNSONS CREEK, CONTINUING ALONG THE CENTER OF

JOHNSONS CREEK TO CASH CORNER ROAD, THEN TURNING IN AN EASTERLY DIRECTION ALONG THE CENTER OF CASH CORNER ROAD TO PHOENIX CHURCH ROAD, CONTINUING ALONG THE CENTER OF PHOENIX CHURCH ROAD (APPROXIMATELY 1180 FEET) THEN IN A SOUTHERLY DIRECTION OFF OF PHOENIX CHURCH ROAD TO A BRANCH OF HORSE CREEK, THEN CONTINUING ALONG THE CENTER OF HORSE CREEK TO APE HOLE CREEK, THEN ALONG THE CENTER OF APE HOLE CREEK TO THE POCOMOKE SOUND AND THE MARYLAND–VIRGINIA STATE LINE, THEN ALONG THE STATE LINE TO THE POCOMOKE RIVER, THEN ALONG THE POCOMOKE RIVER TO THE SOMERSET–WORCESTER COUNTY LINE, THEN ALONG THE COUNTY LINE (POCOMOKE RIVER) TO DIVIDING CREEK, CONTINUING ALONG THE CENTER OF DIVIDING CREEK TO MEADOWBRIDGE ROAD, CONTINUING ALONG THE CENTER OF MEADOWBRIDGE ROAD TO THE INTERSECTION OF WEST POST OFFICE ROAD AND MEADOWBRIDGE ROAD AND ITS POINT OF BEGINNING.

(F) DISTRICT 5 CONSISTS OF A POINT OF BEGINNING AT THE SOMERSET COUNTY BOUNDARY LINE LOCATED JUST EAST OF SMITH ISLAND AND ENCOMPASSING SMITH ISLAND, SOUTH MARSH ISLAND, AND THE AREA THAT IS GENERALLY SOUTH AND WEST OF A LINE THAT RUNS FROM THE NORTH END OF SOUTH MARSH ISLAND, THEN IN A SOUTHEASTERLY DIRECTION TO FLATCAP BASIN TO THE CENTER OF WARD CREEK ON JANES ISLAND TO A POINT APPROXIMATELY IN THE CENTER OF THE ISLAND, THEN SOUTHERLY ALONG AN IMAGINARY LINE TO THE SHORELINE AT BACK CREEK, THEN FOLLOWING THE SHORELINE IN A SOUTHEASTERLY DIRECTION TO LITTLE ANNEMESSEX RIVER, CONTINUING ALONG THE CENTER OF LITTLE ANNEMESSEX RIVER CONNECTING TO A PRIVATE RIGHT-OF-WAY, RUNNING ALONG THE CENTER OF THE PRIVATE RIGHT-OF-WAY TO BYRD ROAD, THEN ALONG THE CENTER OF BYRD ROAD TO JACKSONVILLE ROAD, CONTINUING ALONG THE CENTER OF JACKSONVILLE ROAD IN A SOUTHERLY DIRECTION TO SILVER LANE, CONTINUING ALONG THE CENTER OF SILVER LANE TO CRISFIELD HIGHWAY (MD ROUTE 413), CONTINUING IN A NORTHERLY DIRECTION ALONG THE CENTER OF CRISFIELD HIGHWAY (MD ROUTE 413) TO LAWSON BARNES ROAD, THEN CONTINUING ALONG THE CENTER OF LAWSON BARNES ROAD IN A SOUTHEASTERLY DIRECTION, THEN IN A SOUTHERLY DIRECTION ACROSS AN IMAGINARY LINE OF APPROXIMATELY 520 FEET TO A BRANCH OF JOHNSONS CREEK, CONTINUING ALONG THE CENTER OF A BRANCH OF JOHNSONS CREEK TO JOHNSONS CREEK, CONTINUING ALONG THE CENTER OF JOHNSONS CREEK TO CASH CORNER ROAD, THEN IN AN EASTERLY DIRECTION ALONG THE CENTER OF CASH CORNER ROAD TO PHOENIX CHURCH ROAD, CONTINUING ALONG THE CENTER OF PHOENIX CHURCH ROAD (APPROXIMATELY 1180 FEET) THEN IN A SOUTHERLY DIRECTION OFF OF PHOENIX CHURCH ROAD TO A BRANCH OF HORSE CREEK, THEN ALONG THE CENTER OF HORSE CREEK TO APE HOLE CREEK, THEN ALONG THE CENTER OF APE HOLE CREEK TO THE POCOMOKE

SOUND AND THE MARYLAND–VIRGINIA STATE LINE AND CONTINUING IN A WESTERLY DIRECTION AND TO ITS POINT OF BEGINNING.

SECTION 3. AND BE IT FURTHER ENACTED, That, on the effective date of this Act, through 12:00 p.m. on the second business day following the effective date of this Act, the candidate filing deadline will be re–opened for a candidate for the office of member of the Somerset County Board of Education who will be elected at the general election to be held in November 2012. Notwithstanding § 5–501 of the Election Law Article of the Annotated Code of Maryland, an individual who files for the office of member of the Somerset County Board of Education may not withdraw the individual's candidacy.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, January 17, 2012.

Chapter 2

(House Bill 438)

AN ACT concerning

Civil Marriage Protection Act

FOR the purpose of altering a provision of law establishing that only certain marriages are valid in this State; making stylistic and conforming changes in certain provisions of law prohibiting marriages within certain degrees of relationship; prohibiting certain officials from being required to solemnize or officiate a particular marriage or religious rite of a marriage in violation of a certain constitutional right; establishing that certain religious entities have exclusive control over their own theological doctrine, policy teachings, or beliefs regarding who may marry within that faith; prohibiting certain officials from being subject to any fine or penalty for failing or refusing to join individuals in marriage; prohibiting certain religious entities from being required to provide services, accommodations, advantages, facilities, goods, or privileges to an individual under certain circumstances; providing that a certain refusal by a certain religious entity or an individual employed by a certain religious entity may not create a civil claim or cause of action or result in any State action to penalize, withhold benefits from, or discriminate against such entities or individuals; prohibiting certain fraternal benefit societies from being required to

admit an individual as a member or provide insurance benefits to an individual under certain circumstances; providing that a certain refusal by a certain fraternal benefit society may not create a civil claim or cause of action or constitute the basis for the withholding of governmental benefits or services from the fraternal benefit society; providing for the construction of this Act; providing for a delayed effective date; making this Act contingent on the resolution of certain litigation under certain circumstances; declaring that the provisions of this Act are not severable; and generally relating to valid marriages and religious freedom.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 2–201 and 2–202
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

Article – Family Law

2–201.

(A) THIS SECTION MAY NOT BE CONSTRUED TO INVALIDATE ANY OTHER PROVISION OF THIS TITLE.

(B) Only a marriage between [a man and a woman] TWO INDIVIDUALS WHO ARE NOT OTHERWISE PROHIBITED FROM MARRYING is valid in this State.

2–202.

(a) Any marriage performed in this State that is prohibited by this section is void.

(b) (1) [A man] **AN INDIVIDUAL** may not marry [his] **THE INDIVIDUAL’S**:

- (i) grandmother;
- (ii) mother;
- (iii) daughter;
- (iv) sister; or
- (v) granddaughter.

(2) A woman may not marry her:

- (i) grandfather;
- (ii) father;
- (iii) son;
- (iv) brother; or
- (v) grandson]
- (I) GRANDPARENT;**
- (II) PARENT;**
- (III) CHILD;**
- (IV) SIBLING; OR**
- (V) GRANDCHILD.**

[(3) (2)] An individual who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject to a fine of \$1,500.

(c) (1) **[A man] AN INDIVIDUAL** may not marry **[his] THE INDIVIDUAL'S:**

- [(i)]** grandfather's wife;
- (ii) wife's grandmother;
- (iii) father's sister;
- (iv) mother's sister;
- (v) stepmother;
- (vi) wife's mother;
- (vii) wife's daughter;
- (viii) son's wife;
- (ix) grandson's wife;

- (x) wife's granddaughter;
 - (xi) brother's daughter; or
 - (xii) sister's daughter.
- (2) A woman may not marry her:
- (i) grandmother's husband;
 - (ii) husband's grandfather;
 - (iii) father's brother;
 - (iv) mother's brother;
 - (v) stepfather;
 - (vi) husband's father;
 - (vii) husband's son;
 - (viii) daughter's husband;
 - (ix) husband's grandson;
 - (x) brother's son;
 - (xi) sister's son; or
 - (xii) granddaughter's husband]
- (I) GRANDPARENT'S SPOUSE;**
 - (II) SPOUSE'S GRANDPARENT;**
 - (III) PARENT'S SIBLING;**
 - (IV) STEPPARENT;**
 - (V) SPOUSE'S PARENT;**
 - (VI) SPOUSE'S CHILD;**
 - (VII) CHILD'S SPOUSE;**

(VIII) GRANDCHILD'S SPOUSE;

(IX) SPOUSE'S GRANDCHILD; OR

(X) SIBLING'S CHILD.

[(3)] (2) An individual who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject to a fine of \$500.

SECTION 2. AND BE IT FURTHER ENACTED, That an official of a religious order or body authorized by the rules and customs of that order or body to perform a marriage ceremony may not be required to solemnize or officiate any particular marriage or religious rite of any marriage in violation of the right to free exercise of religion guaranteed by the First Amendment to the United States Constitution and by the Maryland Constitution and Maryland Declaration of Rights. Each religious organization, association, or society has exclusive control over its own theological doctrine, policy teachings, and beliefs regarding who may marry within that faith. An official of a religious order or body authorized to join individuals in marriage under § 2-406(a)(2)(i) of the Family Law Article and who fails or refuses to join individuals in marriage is not subject to any fine or other penalty for the failure or refusal.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Notwithstanding any other provision of law, a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by a religious organization, association, or society, may not be required to provide services, accommodations, advantages, facilities, goods, or privileges to an individual if the request for the services, accommodations, advantages, facilities, goods, or privileges is related to:

(1) the solemnization of a marriage or celebration of a marriage that is in violation of the entity's religious beliefs; or

(2) the promotion of marriage through any social or religious programs or services, in violation of the entity's religious beliefs, unless State or federal funds are received for that specific program or service.

(b) A refusal by an entity described in subsection (a) of this section, or of any individual who is employed by an entity described in subsection (a) of this section, to provide services, accommodations, advantages, facilities, goods, or privileges in accordance with subsection (a) of this section may not create a civil claim or cause of action or result in any State action to penalize, withhold benefits from, or discriminate against the entity or individual.

(c) Nothing in this Act shall be deemed or construed to prohibit any religious organization, association, or society, or any nonprofit institution or organization

operated, supervised, or controlled by a religious organization, association, or society, from limiting admission to or giving preferences to individuals of the same religion or denomination when otherwise permitted by law.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) Notwithstanding any other provision of law, a fraternal benefit society described in § 8–402 of the Insurance Article that is operated, supervised, or controlled by a religious organization may not be required to admit an individual as a member or to provide insurance benefits to an individual if to do so would violate the society’s religious beliefs.

(b) A refusal by a fraternal benefit society described in subsection (a) of this section to admit an individual as a member or to provide insurance benefits to an individual may not create a civil claim or cause of action or constitute the basis for the withholding of governmental benefits or services from the fraternal benefit society.

SECTION 5. AND BE IT FURTHER ENACTED, That, if a petition to refer this Act to the people is filed with the Secretary of State in accordance with Article XVI of the Maryland Constitution and Title 6 of the Election Law Article, and a dispute arises as to the validity or sufficiency of the signatures required to complete the referendum petition as provided under Title 6 of the Election Law Article, this Act shall not take effect until the resolution of any litigation resulting from the dispute.

SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Article 1, § 23 of the Annotated Code of Maryland, the provisions of this Act are not severable, and if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, no other provision or application of this Act may be given effect and this Act shall be null and void.

SECTION 7. AND BE IT FURTHER ENACTED, That, subject to Section 5 of this Act, this Act shall take effect ~~October 1, 2012~~ January 1, 2013.

Approved by the Governor, March 1, 2012.

Chapter 3

(Senate Bill 234)

AN ACT concerning

Maryland Health Improvement and Disparities Reduction Act of 2012

FOR the purpose of requiring the Secretary of Health and Mental Hygiene to designate certain areas as Health Enterprise Zones in a certain manner; specifying the purpose of establishing Health Enterprise Zones; ~~requiring~~ authorizing the Department Secretary, in consultation with the Community Health Resources Commission, to adopt certain regulations; requiring the Secretary to consult with the Office of Minority Health and Health Disparities in implementing this Act; authorizing certain nonprofit community-based organizations or local government agencies to apply to the ~~Commission Secretary~~ on behalf of certain areas for designation as Health Enterprise Zones; establishing certain procedures and requirements in connection with the application process; requiring the Commission to make certain recommendations to the Secretary; requiring the Secretary to consider certain factors when designating areas as health enterprise zones and authorizing the Secretary to direct the Commission to conduct certain outreach efforts; requiring the Commission to report to certain committees of the General Assembly on certain information after certain applications are received by the Commission; authorizing the Secretary to limit the number of areas designated as Health Enterprise Zones; requiring the Commission and Secretary to give priority to applications in a certain manner; requiring the Commission to provide funding in accordance with the designation of the Secretary of a Health Enterprise Zone; authorizing certain licensed health care providers who practice in the Health Enterprise Zones to receive certain benefits, including certain grants; authorizing certain nonprofit community-based organizations or local government agencies to receive certain grants; establishing a Health Enterprise Zone Reserve Fund; requiring the Commission and the ~~Department Secretary~~ to submit certain annual reports; allowing a credit against the State income tax for certain health care providers who practice in Health Enterprise Zones under certain circumstances; ~~allowing certain nonprofit community-based organizations or local government agencies to assign certain tax credits~~ allowing a refundable State income tax credit in certain circumstances for certain health care providers who practice in, and hire certain health care providers to practice in, a Health Enterprise Zone; requiring the Department to certify to the Comptroller the applicability of the credit for each health care provider and the amount of each credit assigned; limiting the amount of the credits allowed for a fiscal year; requiring the Department, in consultation with the Comptroller, to adopt certain regulations; requiring a certain evaluation system to establish and incorporate a certain set of measures regarding racial and ethnic variations in quality and outcomes and include certain information on certain actions taken relating to health disparities; requiring a certain community benefit report to include certain information relating to health disparities; requiring certain institutions of higher education to make a certain annual report to the Governor and the General Assembly relating to health disparities; requiring the Health Services Cost Review Commission and the Maryland Health Care Commission to conduct a certain study, develop certain regulations, and report to the Governor and General Assembly on or before a certain date; requiring the Maryland Health Quality and Cost Council to convene a certain workgroup and issue a certain report on or before a certain

date; defining certain terms; providing for the application of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to health improvement and the reduction of health disparities.

BY adding to

Article – Health – General

Section 20–904; and 20–1401 through ~~20–1406~~ 20–1407 to be under the new subtitle “Subtitle 14. Health Enterprise Zones”

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY adding to

Article – Tax – General

Section 10–731

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–134(c) and 19–303(c)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

Preamble

WHEREAS, The State of Maryland has numerous advantages for its residents to enjoy good health care, such as the 3rd highest median household income, the 2nd highest number of primary care physicians per capita, the 10th lowest rate of smoking, and outstanding medical schools; and

WHEREAS, Despite these advantages, the State continues to lag behind other states on a number of key health indicators, such as ranking 43rd in infant mortality, 31st in early prenatal care, 28th in obesity prevalence, 31st in diabetes prevalence, 35th in cardiovascular deaths, 32nd in cancer deaths, and 33rd for geographic health disparities; and

WHEREAS, The State also demonstrates significant disparities in health care and health outcomes; and

WHEREAS, Examples of these disparities include a Black or African American death rate from HIV/AIDS that is 15 times higher than the White rate; an American Indian or Alaska Native end-stage kidney disease rate that is 3 times the White rate; an Asian or Pacific Islander death rate from tuberculosis that is 9 times higher than the White ~~rate, and rate;~~ a Hispanic rate of lack of health insurance that is 4.4 times the White rate; and a White rate of completion of advance directives that is 2 times the Minority rate; and

WHEREAS, Health disparities exist in urban, suburban, and rural communities in the State; and

WHEREAS, Communities where significant health disparities exist also often face shortages in the primary health care workforce, including nurses; and

WHEREAS, Health disparities are the result of modifiable health care system factors, community factors, and individual factors; and

WHEREAS, Key strategies for reducing and eliminating health disparities include collection and analysis of racial and ethnic data; inclusion of minority communities in health planning and outreach to those communities with health education and health services; cultural and linguistic health competency among service providers; diversity in the health care and public health workforce; access to primary care practitioners; and attention to the social determinants of health; and

WHEREAS, Health disparities present a serious fiscal challenge for our State and nation and result in significant costs; a 2009 report titled "The Economic Burden of Health and Equalities in the United States" released by the Joint Center for Political and Economic Studies found that between 2003 and 2006, the U.S. could have saved nearly \$230 billion in direct medical care costs if racial and ethnic health disparities did not exist; and

WHEREAS, By 2045, over one-half of the U.S. population will be persons of color, and in order to reach health equity and stem the tide of rising health care costs, the State must take advantage of the tools provided by the federal Affordable Care Act to expand access, eliminate disparities, and make Maryland the healthiest state in the nation; and

WHEREAS, The Maryland Health Quality and Cost Council formed a workgroup to examine ways to reduce health disparities in the State; and

WHEREAS, The workgroup noted significant disparities between blacks and whites in Maryland in hospital admission rates measured by the federal Agency for Healthcare Research and Quality; and

WHEREAS, The workgroup found that these admission disparities were especially high for lung disease, cardiovascular disease, and diabetes; and

WHEREAS, The workgroup and the Maryland Health Quality and Cost Council recommended taking aggressive action to reduce health disparities in Maryland and improve the health of all Marylanders; now, therefore,

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

Article – Health – General

SUBTITLE 14. HEALTH ENTERPRISE ZONES.

20-1401.

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

(B) “AREA” MEANS A CONTIGUOUS GEOGRAPHIC AREA THAT:

(1) DEMONSTRATES MEASURABLE AND DOCUMENTED HEALTH DISPARITIES AND POOR HEALTH OUTCOMES; AND

(2) IS SMALL ENOUGH TO ALLOW FOR THE INCENTIVES OFFERED UNDER THIS SUBTITLE TO HAVE A SIGNIFICANT IMPACT ON IMPROVING HEALTH OUTCOMES AND REDUCING HEALTH DISPARITIES, INCLUDING RACIAL, ETHNIC, AND GEOGRAPHIC HEALTH DISPARITIES.

(C) “COMMISSION” MEANS THE COMMUNITY HEALTH RESOURCES COMMISSION.

(D) “FUND” MEANS THE HEALTH ENTERPRISE ZONE RESERVE FUND ESTABLISHED UNDER § 20-1406 OF THIS SUBTITLE.

~~(D)~~ (E) “HEALTH ENTERPRISE ZONE” MEANS A CONTIGUOUS GEOGRAPHIC AREA THAT:

(1) DEMONSTRATES MEASURABLE AND DOCUMENTED HEALTH DISPARITIES AND POOR HEALTH OUTCOMES;

(2) IS SMALL ENOUGH TO ALLOW FOR THE INCENTIVES OFFERED UNDER THIS SUBTITLE TO HAVE A SIGNIFICANT IMPACT ON IMPROVING HEALTH OUTCOMES AND REDUCING HEALTH DISPARITIES, INCLUDING RACIAL, ETHNIC, AND GEOGRAPHIC HEALTH DISPARITIES; AND

(3) IS DESIGNATED AS A HEALTH ENTERPRISE ZONE BY THE COMMISSION AND THE SECRETARY IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE.

~~(E)~~ (F) “HEALTH ENTERPRISE ZONE PRACTITIONER” MEANS A ~~LICENSED HEALTH CARE PROVIDER WHO PRACTICES AS A FAMILY PHYSICIAN, AN INTERNIST, A PEDIATRICIAN, AN OBSTETRICIAN, A GYNECOLOGIST, A GERIATRICIAN, A PSYCHIATRIST, A DENTIST, OR A PRIMARY CARE NURSE~~

PRACTITIONER HEALTH CARE PRACTITIONER WHO IS LICENSED OR CERTIFIED UNDER THE HEALTH OCCUPATIONS ARTICLE AND WHO PROVIDES:

(1) PRIMARY CARE, INCLUDING OBSTETRICS, GYNECOLOGICAL SERVICES, PEDIATRIC SERVICES, OR GERIATRIC SERVICES;

(2) BEHAVIORAL HEALTH SERVICES, INCLUDING MENTAL HEALTH OR ALCOHOL AND SUBSTANCE ABUSE SERVICES; OR

(3) DENTAL SERVICES.

20-1402.

(A) THE PURPOSE OF ESTABLISHING HEALTH ENTERPRISE ZONES IS TO TARGET STATE RESOURCES TO REDUCE HEALTH DISPARITIES, IMPROVE HEALTH OUTCOMES, AND REDUCE HEALTH COSTS AND HOSPITAL ADMISSIONS AND READMISSIONS IN SPECIFIC AREAS OF THE STATE.

(B) (1) ~~THE DEPARTMENT~~ SECRETARY, IN CONSULTATION WITH THE COMMISSION, ~~SHALL~~ MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE AND TO SPECIFY ELIGIBILITY CRITERIA AND APPLICATION, APPROVAL, AND MONITORING PROCESSES FOR THE BENEFITS UNDER THIS SUBTITLE.

(2) THE SECRETARY SHALL CONSULT WITH THE OFFICE OF MINORITY HEALTH AND HEALTH DISPARITIES IN IMPLEMENTING THE PROVISIONS OF THIS SUBTITLE.

20-1403.

(A) IN ORDER FOR AN AREA TO RECEIVE DESIGNATION AS A HEALTH ENTERPRISE ZONE, A NONPROFIT COMMUNITY-BASED ORGANIZATION OR A LOCAL GOVERNMENT AGENCY SHALL APPLY TO THE ~~COMMISSION~~ SECRETARY ON BEHALF OF THE AREA TO RECEIVE DESIGNATION.

(B) THE APPLICATION SHALL BE IN THE FORM AND MANNER AND CONTAIN THE INFORMATION THAT THE COMMISSION AND THE SECRETARY REQUIRE.

(C) THE APPLICATION SHALL CONTAIN AN EFFECTIVE AND SUSTAINABLE PLAN TO REDUCE HEALTH DISPARITIES, REDUCE COSTS OR PRODUCE SAVINGS TO THE HEALTH CARE SYSTEM, AND IMPROVE HEALTH OUTCOMES, INCLUDING:

(1) A DESCRIPTION OF THE PLAN OF THE NONPROFIT COMMUNITY-BASED ORGANIZATION OR LOCAL GOVERNMENT AGENCY TO UTILIZE FUNDING AVAILABLE UNDER THIS SUBTITLE TO ADDRESS HEALTH CARE PROVIDER CAPACITY, IMPROVE HEALTH SERVICES DELIVERY, EFFECTUATE COMMUNITY IMPROVEMENTS, OR CONDUCT OUTREACH AND EDUCATION EFFORTS; AND

(2) A PROPOSAL TO USE FUNDING AVAILABLE UNDER THIS SUBTITLE TO PROVIDE FOR LOAN REPAYMENT INCENTIVES TO INDUCE HEALTH ENTERPRISE ZONE PRACTITIONERS TO PRACTICE IN THE AREA.

(D) THE APPLICATION MAY ALSO CONTAIN A PLAN TO UTILIZE OTHER BENEFITS, INCLUDING:

(1) TAX CREDITS AVAILABLE UNDER THIS SUBTITLE AND § 10-731 OF THE TAX - GENERAL ARTICLE TO ENCOURAGE HEALTH ENTERPRISE ZONE PRACTITIONERS TO ESTABLISH OR EXPAND HEALTH CARE PRACTICES IN THE AREA; ~~AND~~

(2) A PROPOSAL TO USE INNOVATIVE PUBLIC HEALTH STRATEGIES TO REDUCE HEALTH DISPARITIES IN THE AREA, SUCH AS THE USE OF COMMUNITY HEALTH WORKERS, HEALTH COACHES, REGISTERED DIETICIANS, OPTOMETRISTS, PEER LEARNING, AND COMMUNITY-BASED DISEASE MANAGEMENT ACTIVITIES, THAT COULD BE SUPPORTED BY GRANTS AWARDED UNDER THIS SUBTITLE; AND

~~(2)~~ (3) A PROPOSAL TO USE OTHER INCENTIVES OR MECHANISMS TO ADDRESS HEALTH DISPARITIES THAT FOCUS ON WAYS TO EXPAND ACCESS TO CARE, EXPAND ACCESS TO FRESH PRODUCE THROUGH GROCERY STORES AND FARMER'S MARKETS, PROMOTE HIRING, AND REDUCE COSTS TO THE HEALTH CARE SYSTEM.

20-1404.

(A) THE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE SECRETARY ON THE DESIGNATION OF HEALTH ENTERPRISE ZONES UNDER THIS SUBTITLE.

(B) (1) THE SECRETARY SHALL DESIGNATE AREAS AS HEALTH ENTERPRISE ZONES IN ACCORDANCE WITH THIS SUBTITLE.

(2) THE SECRETARY SHALL CONSIDER GEOGRAPHIC DIVERSITY, AMONG OTHER FACTORS, WHEN DESIGNATING AREAS AS HEALTH ENTERPRISE ZONES AND MAY DIRECT THE COMMISSION TO CONDUCT OUTREACH EFFORTS

TO FACILITATE A GEOGRAPHICALLY DIVERSE POOL OF APPLICANTS, INCLUDING PROMOTING APPLICATIONS FROM RURAL AREAS.

(3) AFTER RECEIVING ALL APPLICATIONS SUBMITTED TO THE COMMISSION, THE COMMISSION SHALL REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE ON THE NAMES OF APPLICANTS AND GEOGRAPHIC AREAS IN WHICH APPLICANTS ARE LOCATED.

(C) THE SECRETARY MAY LIMIT THE NUMBER OF AREAS DESIGNATED AS HEALTH ENTERPRISE ZONES IN ACCORDANCE WITH THE STATE BUDGET.

(D) THE COMMISSION AND THE SECRETARY SHALL GIVE PRIORITY TO APPLICATIONS THAT DEMONSTRATE THE FOLLOWING:

(1) SUPPORT FROM AND PARTICIPATION OF KEY STAKEHOLDERS IN THE PUBLIC AND PRIVATE SECTORS, INCLUDING RESIDENTS OF THE AREA AND LOCAL GOVERNMENT;

(2) A PLAN FOR LONG-TERM FUNDING AND SUSTAINABILITY;

(3) INCLUSION OF SUPPORTING FUNDS FROM THE PRIVATE SECTOR;

(4) ~~THE SUPPORT~~ INTEGRATION WITH THE STATE HEALTH IMPROVEMENT PROCESS AND THE GOALS SET OUT IN THE STRATEGIC PLAN OF THE LOCAL HEALTH IMPROVEMENT COALITION;

(5) A PLAN FOR EVALUATION OF THE IMPACT OF DESIGNATION OF THE PROPOSED AREA AS A HEALTH ENTERPRISE ZONE; AND

(6) OTHER FACTORS THAT THE COMMISSION AND THE SECRETARY DETERMINE ARE APPROPRIATE TO DEMONSTRATE A COMMITMENT TO REDUCE DISPARITIES AND IMPROVE HEALTH OUTCOMES.

(E) THE DECISION OF THE SECRETARY TO DESIGNATE AN AREA AS A HEALTH ENTERPRISE ZONE IS FINAL.

20-1405.

(A) HEALTH ENTERPRISE ZONE PRACTITIONERS THAT PRACTICE IN A HEALTH ENTERPRISE ZONE MAY RECEIVE:

(1) TAX CREDITS AGAINST THE STATE INCOME TAX AS PROVIDED IN § 10-731 OF THE TAX – GENERAL ARTICLE;

(2) LOAN REPAYMENT ASSISTANCE, AS PROVIDED FOR IN THE APPLICATION FOR DESIGNATION FOR THE HEALTH ENTERPRISE ZONE AND APPROVED BY THE SECRETARY AND THE COMMISSION UNDER THIS SUBTITLE;

(3) PRIORITY TO ENTER THE MARYLAND PATIENT CENTERED MEDICAL HOME PROGRAM, IF THE HEALTH ENTERPRISE ZONE PRACTITIONER MEETS THE STANDARDS DEVELOPED BY THE MARYLAND HEALTH CARE COMMISSION FOR ENTRY INTO THE PROGRAM; AND

(4) PRIORITY FOR THE RECEIPT OF ANY STATE FUNDING AVAILABLE FOR ELECTRONIC HEALTH RECORDS, IF FEASIBLE AND IF OTHER STANDARDS FOR RECEIPT OF THE FUNDING ARE MET.

(B) A NONPROFIT COMMUNITY-BASED ORGANIZATION OR A LOCAL GOVERNMENT AGENCY THAT APPLIES ON BEHALF OF AN AREA FOR DESIGNATION AS A HEALTH ENTERPRISE ZONE MAY RECEIVE GRANTS, AS DETERMINED BY THE COMMISSION AND THE SECRETARY, TO IMPLEMENT ACTIONS OUTLINED IN THE ORGANIZATION'S OR AGENCY'S APPLICATION TO IMPROVE HEALTH OUTCOMES AND REDUCE HEALTH DISPARITIES IN THE HEALTH ENTERPRISE ZONE.

(C) (1) A HEALTH ENTERPRISE ZONE PRACTITIONER MAY APPLY TO THE SECRETARY FOR A GRANT TO DEFRAY THE COSTS OF CAPITAL OR LEASEHOLD IMPROVEMENTS TO, OR MEDICAL OR DENTAL EQUIPMENT TO BE USED IN, A HEALTH ENTERPRISE ZONE.

(2) TO QUALIFY FOR A GRANT UNDER PARAGRAPH (1) OF THIS SUBSECTION, A HEALTH ENTERPRISE ZONE PRACTITIONER SHALL:

(I) OWN OR LEASE THE HEALTH CARE FACILITY; AND

(II) PROVIDE HEALTH CARE FROM THAT FACILITY.

(3) (I) A GRANT TO DEFRAY THE COST OF MEDICAL OR DENTAL EQUIPMENT MAY NOT EXCEED THE LESSER OF \$25,000 OR 50% OF THE COST OF THE EQUIPMENT.

(II) GRANTS FOR CAPITAL OR LEASEHOLD IMPROVEMENTS SHALL BE FOR THE PURPOSES OF IMPROVING OR EXPANDING THE DELIVERY OF HEALTH CARE IN THE HEALTH ENTERPRISE ZONE.

20-1406.

(A) THERE IS A HEALTH ENTERPRISE ZONE RESERVE FUND.

(B) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(C) (1) THE STATE 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 CREDITED TO THE GENERAL FUND OF THE STATE.

(D) THE MONEY IN THE FUND SHALL BE USED FOR:

(1) ANY ACTIVITY AUTHORIZED UNDER THIS SUBTITLE; AND

(2) THE STATE INCOME TAX CREDIT AUTHORIZED UNDER § 10-731 OF THE TAX – GENERAL ARTICLE.

(E) THE COMMISSION SHALL ADMINISTER THE FUND AND PROVIDE FUNDING IN ACCORDANCE WITH THE DESIGNATION BY THE SECRETARY OF A HEALTH ENTERPRISE ZONE UNDER THIS SUBTITLE.

20-1407.

ON OR BEFORE DECEMBER 15 OF EACH YEAR, THE COMMISSION AND THE ~~DEPARTMENT~~ SECRETARY SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, A REPORT THAT INCLUDES:

(1) THE NUMBER AND TYPES OF INCENTIVES GRANTED IN EACH HEALTH ENTERPRISE ZONE;

(2) ~~ANY EVIDENCE~~ EVIDENCE OF THE ~~SUCCESS~~ IMPACT OF THE TAX AND LOAN REPAYMENT INCENTIVES IN ATTRACTING HEALTH ENTERPRISE ZONE PRACTITIONERS TO HEALTH ENTERPRISE ZONES;

(3) ~~ANY EVIDENCE~~ EVIDENCE OF THE ~~SUCCESS~~ IMPACT OF THE INCENTIVES OFFERED IN HEALTH ENTERPRISE ZONES IN REDUCING HEALTH DISPARITIES AND IMPROVING HEALTH OUTCOMES; AND

(4) ~~ANY EVIDENCE~~ EVIDENCE OF THE SUCCESS PROGRESS IN REDUCING HEALTH COSTS AND HOSPITAL ADMISSIONS AND READMISSIONS IN HEALTH ENTERPRISE ZONES.

Article – Tax – General

10-731.

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

(2) “DEPARTMENT” MEANS THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(3) “FUND” MEANS THE HEALTH ENTERPRISE ZONE RESERVE FUND ESTABLISHED UNDER § 20-1406 OF THE HEALTH – GENERAL ARTICLE.

~~(3)~~ (4) “HEALTH ENTERPRISE ZONE” HAS THE MEANING STATED IN § 20-1401 OF THE HEALTH – GENERAL ARTICLE.

~~(4)~~ (5) “HEALTH ENTERPRISE ZONE PRACTITIONER” HAS THE MEANING STATED IN § 20-1401 OF THE HEALTH – GENERAL ARTICLE.

(6) “QUALIFIED EMPLOYEE” MEANS A HEALTH ENTERPRISE ZONE PRACTITIONER, COMMUNITY HEALTH WORKER, OR INTERPRETER WHO:

(I) PROVIDES DIRECT SUPPORT TO A HEALTH ENTERPRISE ZONE PRACTITIONER; AND

(II) EXPANDS ACCESS TO SERVICES IN A HEALTH ENTERPRISE ZONE.

(7) (I) “QUALIFIED POSITION” MEANS A QUALIFIED EMPLOYEE POSITION THAT:

1. PAYS AT LEAST 150% OF THE FEDERAL MINIMUM WAGE;

2. IS FULL TIME AND OF INDEFINITE DURATION;

3. IS LOCATED IN A HEALTH ENTERPRISE ZONE;

4. IS NEWLY CREATED AS A RESULT OF THE ESTABLISHMENT OF, OR EXPANSION OF SERVICES IN, A HEALTH ENTERPRISE ZONE; AND

5. IS FILLED.

(II) "QUALIFIED POSITION" DOES NOT INCLUDE A POSITION THAT IS FILLED FOR A PERIOD OF LESS THAN 12 MONTHS.

(B) A HEALTH ENTERPRISE ZONE PRACTITIONER WHO PRACTICES HEALTH CARE IN A HEALTH ENTERPRISE ZONE MAY BE ELIGIBLE FOR A TAX CREDIT AGAINST THE STATE INCOME TAX IN ACCORDANCE WITH A PROPOSAL APPROVED BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE, IF THE INDIVIDUAL:

(1) DEMONSTRATES COMPETENCY IN CULTURAL, LINGUISTIC, AND HEALTH LITERACY IN A MANNER DETERMINED BY THE DEPARTMENT;

(2) ACCEPTS AND PROVIDES CARE FOR PATIENTS ENROLLED IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND FOR UNINSURED PATIENTS; AND

(3) MEETS ANY OTHER CRITERIA ESTABLISHED BY THE DEPARTMENT.

(C) (1) A NONPROFIT COMMUNITY-BASED ORGANIZATION OR A LOCAL GOVERNMENT AGENCY ~~MAY SUBMIT~~ THAT SUBMITS A PROPOSAL TO THE DEPARTMENT AND THE COMMUNITY HEALTH RESOURCES COMMISSION UNDER TITLE 20, SUBTITLE 14 OF THE HEALTH - GENERAL ARTICLE ~~REQUESTING AN ALLOCATION OF TAX CREDITS AGAINST THE STATE INCOME TAX FOR USE BY~~ MAY ALSO SUBMIT TO THE DEPARTMENT A REQUEST FOR CERTIFICATION OF ELIGIBILITY FOR CERTAIN INCOME TAX CREDITS ON BEHALF OF A HEALTH ENTERPRISE ZONE PRACTITIONERS PRACTITIONER PRACTICING OR SEEKING TO PRACTICE IN A HEALTH ENTERPRISE ZONE.

(2) THE PROPOSAL SHALL MEET THE REQUIREMENTS SPECIFIED UNDER TITLE 20, SUBTITLE 14 OF THE HEALTH - GENERAL ARTICLE.

~~(D) IF THE DEPARTMENT APPROVES A PROPOSAL SUBMITTED UNDER THIS SECTION AND UNDER TITLE 20, SUBTITLE 14 OF THE HEALTH - GENERAL ARTICLE, THE NONPROFIT COMMUNITY-BASED ORGANIZATION OR LOCAL GOVERNMENT AGENCY THAT SUBMITTED THE PROPOSAL MAY ASSIGN THE TAX CREDIT AMOUNTS ALLOCATED TO THE HEALTH ENTERPRISE ZONE FOR A TAXABLE YEAR TO HEALTH ENTERPRISE ZONE PRACTITIONERS THAT~~

~~ESTABLISH, EXPAND, OR MAINTAIN HEALTH CARE PRACTICES IN THE HEALTH ENTERPRISE ZONE DURING THE TAXABLE YEAR AND MEET THE REQUIREMENTS OF THIS SECTION.~~

~~(E) A HEALTH ENTERPRISE ZONE PRACTITIONER MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX IN AN AMOUNT EQUAL TO THE AMOUNT OF THE TAX CREDIT ASSIGNED BY THE NONPROFIT COMMUNITY-BASED ORGANIZATION OR LOCAL GOVERNMENT AGENCY, AS CERTIFIED BY THE DEPARTMENT, FOR THE TAXABLE YEAR~~

(1) IF THE DEPARTMENT APPROVES A REQUEST FOR CERTIFICATION SUBMITTED UNDER THIS SECTION, A HEALTH ENTERPRISE ZONE PRACTITIONER MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX IN AN AMOUNT EQUAL TO 100% OF THE AMOUNT OF THE STATE INCOME TAX EXPECTED TO BE DUE FROM THE HEALTH ENTERPRISE ZONE PRACTITIONER FROM INCOME TO BE DERIVED FROM PRACTICE IN THE HEALTH ENTERPRISE ZONE, AS CERTIFIED BY THE DEPARTMENT FOR THE TAXABLE YEAR.

(2) (I) IN ADDITION TO THE STATE INCOME TAX CREDIT PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, A HEALTH ENTERPRISE ZONE PRACTITIONER MAY CLAIM A REFUNDABLE CREDIT OF \$10,000 AGAINST THE STATE INCOME TAX FOR HIRING FOR A QUALIFIED POSITION IN THE HEALTH ENTERPRISE ZONE, AS CERTIFIED BY THE DEPARTMENT FOR THE TAXABLE YEAR.

(II) TO BE ELIGIBLE FOR THE CREDIT PROVIDED UNDER THIS PARAGRAPH, A HEALTH ENTERPRISE ZONE PRACTITIONER MAY CREATE ONE OR MORE QUALIFIED POSITIONS DURING ANY 24-MONTH PERIOD.

(III) THE CREDIT EARNED UNDER THIS PARAGRAPH SHALL BE TAKEN OVER A 24-MONTH PERIOD, WITH ONE-HALF FOR THE CREDIT AMOUNT ALLOWED EACH YEAR BEGINNING WITH THE FIRST TAXABLE YEAR IN WHICH THE CREDIT IS CERTIFIED.

(IV) IF THE QUALIFIED POSITION IS FILLED FOR A PERIOD OF LESS THAN 24 MONTHS, THE TAX CREDIT SHALL BE RECAPTURED AS FOLLOWS:

1. THE TAX CREDIT SHALL BE RECOMPUTED AND REDUCED ON A PRORATED BASIS, BASED ON THE PERIOD OF TIME THE POSITION WAS FILLED, AS DETERMINED BY THE DEPARTMENT AND REPORTED TO THE COMPTROLLER; AND

2. THE HEALTH ENTERPRISE ZONE PRACTITIONER WHO RECEIVED THE TAX CREDIT SHALL REPAY ANY AMOUNT OF THE CREDIT THAT MAY HAVE ALREADY BEEN REFUNDED TO THE PRACTITIONER THAT EXCEEDS THE AMOUNT RECOMPUTED BY THE DEPARTMENT IN ACCORDANCE WITH ITEM 1 OF THIS SUBPARAGRAPH.

(3) (i) TO BE CERTIFIED AS ELIGIBLE FOR THE CREDITS PROVIDED UNDER THIS SECTION, A HEALTH ENTERPRISE ZONE PRACTITIONER MAY APPLY FOR CERTIFICATION THROUGH THE NONPROFIT COMMUNITY-BASED ORGANIZATION OR LOCAL GOVERNMENT THAT SUBMITS AN APPROVED PROPOSAL UNDER TITLE 20, SUBTITLE 14 OF THE HEALTH – GENERAL ARTICLE.

(ii) 1. ELIGIBILITY FOR THE CERTIFICATION FOR THE CREDITS PROVIDED UNDER THIS SECTION IS LIMITED BY AVAILABILITY OF BUDGETED FUNDS FOR THAT PURPOSE, AS DETERMINED BY THE DEPARTMENT.

2. CERTIFICATES OF ELIGIBILITY SHALL BE SUBJECT TO APPROVAL BY THE DEPARTMENT ON A FIRST-COME, FIRST-SERVED BASIS, AS DETERMINED BY THE DEPARTMENT IN ITS SOLE DISCRETION.

~~(F)~~ (E) THE DEPARTMENT SHALL CERTIFY TO THE COMPTROLLER THE APPLICABILITY OF THE CREDIT PROVIDED UNDER THIS SECTION FOR EACH HEALTH ENTERPRISE ZONE PRACTITIONER AND THE AMOUNT OF EACH CREDIT ASSIGNED TO A HEALTH ENTERPRISE ZONE PRACTITIONER, FOR EACH TAXABLE YEAR.

~~(G)~~ (F) THE CREDITS ALLOWED UNDER THIS SECTION FOR A FISCAL YEAR MAY NOT EXCEED THE AMOUNT PROVIDED FOR IN THE STATE BUDGET FOR THAT FISCAL YEAR.

~~(H)~~ (G) THE DEPARTMENT, IN CONSULTATION WITH THE COMPTROLLER, SHALL ADOPT REGULATIONS TO IMPLEMENT THE TAX CREDIT UNDER THIS SECTION.

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

Article – Health – General

19–134.

(c) (1) The Commission shall:

(i) Establish and implement a system to comparatively evaluate the quality of care and performance of categories of health benefit plans as determined by the Commission on an objective basis; and

(ii) Annually publish the summary findings of the evaluation.

(2) The purpose of the evaluation system established under this subsection is to assist carriers to improve care by establishing a common set of quality and performance measurements and disseminating the findings to carriers and other interested parties.

(3) The system, where appropriate, shall:

(i) Solicit performance information from enrollees of health benefit plans; [and]

(ii) [On or before October 1, 2007, to the extent feasible, incorporate racial and ethnic variations] **ESTABLISH AND INCORPORATE A STANDARD SET OF MEASURES REGARDING RACIAL AND ETHNIC VARIATIONS IN QUALITY AND OUTCOMES; AND**

(III) INCLUDE INFORMATION ON THE ACTIONS TAKEN BY CARRIERS TO TRACK AND REDUCE HEALTH DISPARITIES, INCLUDING WHETHER THE HEALTH BENEFIT PLAN PROVIDES CULTURALLY APPROPRIATE EDUCATIONAL MATERIALS FOR ITS MEMBERS.

(4) (i) The Commission shall adopt regulations to establish the system of evaluation provided under this subsection.

(ii) Before adopting regulations to implement an evaluation system under this subsection, the Commission shall consider recommendations of nationally recognized organizations that are involved in quality of care and performance measurement.

(III) IN IMPLEMENTING PARAGRAPH (3)(II) AND (III) OF THIS SUBSECTION, THE COMMISSION SHALL CONSULT WITH APPROPRIATE STAKEHOLDERS, INCLUDING AT LEAST ONE REPRESENTATIVE OF A CARRIER THAT DOES BUSINESS PREDOMINANTLY IN THE STATE AND A CARRIER THAT DOES BUSINESS IN THE STATE AND NATIONALLY, TO DETERMINE NATIONAL STANDARDS FOR EVALUATING THE EFFECTIVENESS OF CARRIERS IN ADDRESSING HEALTH DISPARITIES AND TO FULFILL THE PURPOSES OF PARAGRAPH (3)(II) AND (III) OF THIS SUBSECTION IN A MANNER THAT CAN BE EASILY REPLICATED IN OTHER STATES.

(5) The Commission may contract with a private, nonprofit entity to implement the system required under this subsection provided that the entity is not an insurer.

(6) The annual evaluation summary required under paragraph (1) of this subsection shall include to the extent feasible information on racial and ethnic variations.

19-303.

(c) (1) Each nonprofit hospital shall submit an annual community benefit report to the Health Services Cost Review Commission detailing the community benefits provided by the hospital during the preceding year.

(2) The community benefit report shall include:

(i) The mission statement of the hospital;

(ii) A list of the initiatives that were undertaken by the hospital;

(iii) The cost to the hospital of each community benefit initiative;

(iv) The objectives of each community benefit initiative;

(v) A description of efforts taken to evaluate the effectiveness of each community benefit initiative; [and]

(vi) A description of gaps in the availability of specialist providers to serve the uninsured in the hospital; AND

(VII) A DESCRIPTION OF THE HOSPITAL'S EFFORTS TO TRACK AND REDUCE HEALTH DISPARITIES IN THE COMMUNITY THAT THE HOSPITAL SERVES, IN THE FORM SET BY THE DEPARTMENT BY REGULATION.

20-904.

(A) ON OR BEFORE DECEMBER 1 OF EACH YEAR, EACH INSTITUTION OF HIGHER EDUCATION IN THE STATE THAT ~~INCLUDES IN THE CURRICULUM COURSES~~ OFFERS A PROGRAM NECESSARY FOR THE LICENSING OF HEALTH CARE PROFESSIONALS IN THE STATE SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE ACTIONS TAKEN BY THE INSTITUTION TO REDUCE HEALTH DISPARITIES.

(B) THE ~~DEPARTMENT~~ SECRETARY MAY SET STANDARDS FOR THE FORM OF THE REPORT REQUIRED UNDER THIS SECTION.

SECTION 3. AND BE IT FURTHER ENACTED, That the Health Services Cost Review Commission and the Maryland Health Care Commission shall:

(1) Study the feasibility of including racial and ethnic performance data tracking in quality incentive programs;

(2) In coordination with the evaluation of the Maryland Patient Centered Medical Home, develop recommendations for criteria and standards to measure the impact of the Maryland Patient Centered Medical Home on eliminating disparities in health care outcomes;

~~(2)~~ (3) Report to the General Assembly on or before January 1, 2013, data by race and ethnicity in quality incentive programs where feasible and recommendations for criteria and standards to measure the impact of the Maryland Patient Centered Medical Home on eliminating disparities in health care outcomes; and

~~(3)~~ (4) Submit a report on or before January 1, 2013, to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly that explains when data cannot be reported by race and ethnicity and describes any necessary changes to overcome those limitations.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(1) ~~the~~ The Maryland Health Quality and Cost Council shall:

~~(1)~~ (i) Convene a workgroup to examine appropriate standards for cultural and linguistic competency for medical and behavioral health treatment and the feasibility and desirability of incorporating these standards into reporting by health care providers and tiering of reimbursement rates by payors; ~~and~~

(ii) Assess the feasibility of and develop recommendations for criteria and standards establishing multicultural health care equity and assessment programs for the Maryland Patient Centered Medical Home program and other health care settings; and

(iii) Recommend criteria for health care providers in the State to receive continuing education in multicultural health care, including cultural competency and health literacy training.

(2) The workgroup established under this section may include representatives from:

(i) The Maryland Health Care Commission;

Disparities;

(ii) The Maryland Office of Minority Health and Health

(iii) Academic centers of health literacy and academic centers for

health disparities research;

(iv) The Department of Health and Mental Hygiene;

(v) Health Occupations Boards in the State;

(vi) A wide range of health care professionals and providers;

(vii) Experts on health disparities and health literacy;

(viii) Accreditation entities, including the National Committee for
Quality Assurance and URAC;

(ix) Members of the Maryland Patient Centered Medical Home
Program Learning Collaborative; and

(x) The Maryland Advisory Council on Mental Hygiene/Cultural
Competence Advisory Group.

(3) The academic centers of health literacy and the academic centers
for health disparities research shall assist the Maryland Health Care Commission and
the Department of Health and Mental Hygiene in staffing and leading the workgroup.

~~(2)~~ (4) ~~Submit~~ The workgroup shall submit a report to the
~~Governor and, in accordance with § 2-1246 of the State Government Article, the~~
~~General Assembly~~ Maryland Quality and Cost Council on or before ~~January~~ December
1, 2013, on its findings and recommendations.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be applicable to all taxable years beginning after December 31, 2012, but before January 1, 2016.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 2012. It shall remain effective for a period of 4 years and, at the end of June 30, 2016, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on October 1, 2012.

SECTION 8. AND BE IT FURTHER ENACTED, That, except as provided in Sections 6 and 7 of this Act, this Act shall take effect July 1, 2012.

Approved by the Governor, April 10, 2012.

Chapter 4

(Senate Bill 179)

AN ACT concerning

Kathleen A. Mathias Chemotherapy Parity Act of 2012

FOR the purpose of prohibiting insurers, nonprofit health service plans, and health maintenance organizations that provide coverage for certain cancer chemotherapy under certain policies or contracts from imposing certain limits or cost sharing on coverage for orally administered cancer chemotherapy that are less favorable to an insured or enrollee than the limits or cost sharing on coverage for cancer chemotherapy that is administered intravenously or by injection; prohibiting the insurers, nonprofit health service plans, and health maintenance organizations from reclassifying cancer chemotherapy or increasing certain out-of-pocket expenses to achieve certain compliance; ~~prohibiting the insurers, nonprofit health service plans, and health maintenance organizations from increasing an out-of-pocket expense applied to cancer chemotherapy under a health insurance policy or contract or a health maintenance organization contract unless the increase also is applied to certain benefits under the policy or contract;~~ making certain provisions of this Act applicable to health maintenance organizations; defining a certain term; providing for the application of this Act; and generally relating to health insurance coverage for cancer chemotherapy.

BY adding to

Article – Insurance
Section 15–846
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to

Article – Health – General
Section 19–706(III)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Article – Insurance

15-846.

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

~~(2) "AFFORDABLE CARE ACT" MEANS THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT, AS AMENDED BY THE FEDERAL HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010, AND ANY REGULATIONS ADOPTED OR GUIDANCE ISSUED UNDER THE ACTS.~~

~~(3) "CANCER CANCER CANCER CHEMOTHERAPY" MEANS MEDICATION THAT IS PRESCRIBED BY A LICENSED PHYSICIAN TO KILL OR SLOW THE GROWTH OF CANCER CELLS.~~

(B) THIS SECTION APPLIES TO:

(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR BOTH ORALLY ADMINISTERED CANCER CHEMOTHERAPY AND CANCER CHEMOTHERAPY THAT IS ADMINISTERED INTRAVENOUSLY OR BY INJECTION UNDER HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR BOTH ORALLY ADMINISTERED CANCER CHEMOTHERAPY AND CANCER CHEMOTHERAPY THAT IS ADMINISTERED INTRAVENOUSLY OR BY INJECTION UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(C) THIS SECTION DOES NOT APPLY TO A POLICY OR CONTRACT ISSUED OR DELIVERED BY AN ENTITY SUBJECT TO THIS SECTION THAT PROVIDES THE ESSENTIAL HEALTH BENEFITS REQUIRED UNDER § 1302(A) OF THE AFFORDABLE CARE ACT.

~~(c)~~ (D) AN ENTITY SUBJECT TO THIS SECTION MAY NOT IMPOSE DOLLAR LIMITS, COPAYMENTS, DEDUCTIBLES, OR COINSURANCE REQUIREMENTS ON COVERAGE FOR ORALLY ADMINISTERED CANCER CHEMOTHERAPY THAT ARE LESS FAVORABLE TO AN INSURED OR ENROLLEE THAN THE DOLLAR LIMITS, COPAYMENTS, DEDUCTIBLES, OR COINSURANCE REQUIREMENTS THAT APPLY TO COVERAGE FOR CANCER CHEMOTHERAPY THAT IS ADMINISTERED INTRAVENOUSLY OR BY INJECTION.

~~(D)~~ (E) ~~(1)~~ AN ENTITY SUBJECT TO THIS SECTION MAY NOT RECLASSIFY CANCER CHEMOTHERAPY OR INCREASE A COPAYMENT, DEDUCTIBLE, COINSURANCE REQUIREMENT, OR OTHER OUT-OF-POCKET

EXPENSE IMPOSED ON CANCER CHEMOTHERAPY TO ACHIEVE COMPLIANCE WITH THIS SECTION.

~~(2) AN ENTITY SUBJECT TO THIS SECTION MAY NOT INCREASE AN OUT-OF-POCKET EXPENSE APPLIED TO CANCER CHEMOTHERAPY UNDER A HEALTH INSURANCE POLICY OR CONTRACT OR A HEALTH MAINTENANCE ORGANIZATION CONTRACT UNLESS THE ENTITY ALSO APPLIES THE INCREASE TO THE MAJORITY OF COMPARABLE MEDICAL OR PHARMACEUTICAL BENEFITS UNDER THE POLICY OR CONTRACT.~~

Article – Health – General

19–706.

(LLLL) THE PROVISIONS OF § 15–846 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans subject to this Act that are issued, delivered, or renewed in the State on or after October 1, 2012.

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

Approved by the Governor, April 10, 2012.

Chapter 5

(House Bill 243)

AN ACT concerning

Kathleen A. Mathias Chemotherapy Parity Act of 2012

FOR the purpose of prohibiting insurers, nonprofit health service plans, and health maintenance organizations that provide coverage for certain cancer chemotherapy under certain policies or contracts from imposing certain limits or cost sharing on coverage for orally administered cancer chemotherapy that are less favorable to an insured or enrollee than the limits or cost sharing on coverage for cancer chemotherapy that is administered intravenously or by injection; prohibiting the insurers, nonprofit health service plans, and health maintenance organizations from reclassifying cancer chemotherapy or increasing certain out-of-pocket expenses to achieve certain compliance; ~~prohibiting the insurers, nonprofit health service plans, and health~~

~~maintenance organizations from increasing an out-of-pocket expense applied to cancer chemotherapy under a health insurance policy or contract or a health maintenance organization contract unless the increase also is applied to certain benefits under the policy or contract;~~ making certain provisions of this Act applicable to health maintenance organizations; defining a certain term; providing for the application of this Act; and generally relating to health insurance coverage for cancer chemotherapy.

BY adding to

Article – Insurance
Section 15–846
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to

Article – Health – General
Section 19–706(III)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Article – Insurance

15–846.

(A) IN THIS SECTION, “CANCER CHEMOTHERAPY” MEANS MEDICATION THAT IS PRESCRIBED BY A LICENSED PHYSICIAN TO KILL OR SLOW THE GROWTH OF CANCER CELLS.

(B) THIS SECTION APPLIES TO:

(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR BOTH ORALLY ADMINISTERED CANCER CHEMOTHERAPY AND CANCER CHEMOTHERAPY THAT IS ADMINISTERED INTRAVENOUSLY OR BY INJECTION UNDER HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR BOTH ORALLY ADMINISTERED CANCER CHEMOTHERAPY AND CANCER CHEMOTHERAPY THAT IS ADMINISTERED INTRAVENOUSLY OR BY INJECTION UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(C) THIS SECTION DOES NOT APPLY TO A POLICY OR CONTRACT ISSUED OR DELIVERED BY AN ENTITY SUBJECT TO THIS SECTION THAT PROVIDES THE

ESSENTIAL HEALTH BENEFITS REQUIRED UNDER § 1302(A) OF THE AFFORDABLE CARE ACT.

~~(C)~~ (D) AN ENTITY SUBJECT TO THIS SECTION MAY NOT IMPOSE DOLLAR LIMITS, COPAYMENTS, DEDUCTIBLES, OR COINSURANCE REQUIREMENTS ON COVERAGE FOR ORALLY ADMINISTERED CANCER CHEMOTHERAPY THAT ARE LESS FAVORABLE TO AN INSURED OR ENROLLEE THAN THE DOLLAR LIMITS, COPAYMENTS, DEDUCTIBLES, OR COINSURANCE REQUIREMENTS THAT APPLY TO COVERAGE FOR CANCER CHEMOTHERAPY THAT IS ADMINISTERED INTRAVENOUSLY OR BY INJECTION.

~~(D)~~ (E) (1) AN ENTITY SUBJECT TO THIS SECTION MAY NOT RECLASSIFY CANCER CHEMOTHERAPY OR INCREASE A COPAYMENT, DEDUCTIBLE, COINSURANCE REQUIREMENT, OR OTHER OUT-OF-POCKET EXPENSE IMPOSED ON CANCER CHEMOTHERAPY TO ACHIEVE COMPLIANCE WITH THIS SECTION.

~~(2) AN ENTITY SUBJECT TO THIS SECTION MAY NOT INCREASE AN OUT-OF-POCKET EXPENSE APPLIED TO CANCER CHEMOTHERAPY UNDER A HEALTH INSURANCE POLICY OR CONTRACT OR A HEALTH MAINTENANCE ORGANIZATION CONTRACT UNLESS THE ENTITY ALSO APPLIES THE INCREASE TO THE MAJORITY OF COMPARABLE MEDICAL OR PHARMACEUTICAL BENEFITS UNDER THE POLICY OR CONTRACT.~~

Article – Health – General

19–706.

(LLLL) THE PROVISIONS OF § 15–846 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans subject to this Act that are issued, delivered, or renewed in the State on or after October 1, 2012.

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

Approved by the Governor, April 10, 2012.

Chapter 6

(Senate Bill 848)

AN ACT concerning

Education – Maintenance of Effort – ~~Waivers~~

FOR the purpose of authorizing a county governing body, for a certain purpose and under certain circumstances, to set a property tax rate that is higher than the rate authorized under the county's charter or to collect more property tax revenues than are authorized under the county's charter, notwithstanding any provision of the county charter that places certain limits on that county's property tax rate or revenues; requiring a county to appropriate to the local board of education certain revenues under certain circumstances; prohibiting a county from reducing certain funding to the local board of education under certain circumstances; establishing a certain penalty for a county that does not fund the local share of the foundation program or the maintenance of effort requirement; excluding the cost of debt service incurred for school construction projects from a certain calculation; requiring a county to apply to the State Board of Education for a waiver from the maintenance of effort requirement under certain circumstances; establishing a penalty for a county that fails to apply for a waiver and fails to fund the maintenance of effort requirement; establishing the following year's required maintenance of effort amount under certain circumstances; establishing the application procedure for a maintenance of effort waiver; ~~requiring the State Board to grant a waiver request if the county has exceeded the maintenance of effort requirement by a certain amount and has at least a certain local effort; altering certain dates by which a county and the State Board must take certain actions; requiring the State Superintendent of Schools to provide~~ make a preliminary assessment of a county's ~~waiver request to application~~ the State Board; requiring the State Board to hold a public hearing ~~at a certain time; requiring the State Board to consider;~~ establishing certain factors that the State Board shall consider when ~~making a decision~~ deciding whether to grant a ~~certain~~ waiver request; requiring the Department to consult with certain State agencies when making certain calculations; requiring the State Board to grant a waiver ~~if a county has satisfied certain requirements; limiting the amount of a waiver by a certain amount; establishing the required maintenance of effort amount for the fiscal year following a waiver; defining certain terms; and generally relating to education funding~~ under certain circumstances; limiting the amount of a waiver that the State Board may grant under certain circumstances; authorizing a county to request a rebasing waiver under certain circumstances; requiring the State Board to consider certain factors when deciding whether to grant a rebasing waiver; requiring the Comptroller to withhold from a county a certain amount under certain circumstances and distribute the amount to the county board; establishing a certain assessment under certain circumstances; requiring the maintenance of effort amount to increase by a certain amount under certain circumstances; waiving the penalty for not meeting the maintenance of effort requirement in a certain year; establishing the maintenance of effort amount for a certain fiscal year for certain counties; requiring counties to provide a certain

report under certain circumstances; requiring the Superintendent to make a certain report annually; defining certain terms; providing for the application of certain provisions of this Act; providing for the effective date of certain provisions of this Act; making this Act an emergency measure; and generally relating to local funding of education.

BY repealing and reenacting, with amendments,

Article – Education

Section 5–104, 5–202(d), and 5–213

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article – Education~~

~~Section 5–202(d)(1)~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2011 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Education~~

~~Section 5–202(d)(7)~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2011 Supplement)~~

~~BY adding to~~

~~Article – Education~~

~~Section 5–202(d)(9)~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2011 Supplement)~~

BY adding to

Article – Education

Section 5–213.1

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – Tax – General

Section 2–604, 2–605(a), 2–606(a), and 2–607(a)

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 2–608(a)

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 5–202(d)(1)

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

(As enacted by Section 2 of this Act)

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

Article – Education

5–104.

(a) Each county council or board of county commissioners shall levy and collect a tax on the assessable property of the county which, together with other local revenue available, including income tax revenues and bond money, and together with estimated revenues and funds from all sources, will produce the amounts necessary to meet the appropriations made in the approved annual budget of the county board.

(b) (1) Local funds provided for appropriations shall be paid in accordance with the expenditure requirements, as certified by the county board, to the treasurer of the county board on a monthly basis.

(2) Appropriations for school construction, permanent improvements, and repairs for special purposes may be required to be paid more frequently on the order of the president and secretary of the county board to the county commissioners, county council, or the county executive.

(c) (1) Notwithstanding any other provision in this article, this subsection applies to Wicomico County.

(2) The Wicomico County Council annually shall pay to the Wicomico County Board the amount of the budget of the county board that has been approved by the County Council:

(i) In 12 equal monthly installments; or

(ii) At the times on which the County Council and county board mutually agree.

(3) Taxes levied under this section shall be retained by the county and any annual deficiencies in the tax are the responsibility of Wicomico County.

(D) (1) NOTWITHSTANDING ANY PROVISION OF A COUNTY CHARTER THAT PLACES A LIMIT ON THAT COUNTY'S PROPERTY TAX RATE OR REVENUES

AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY GOVERNING BODY MAY SET A PROPERTY TAX RATE THAT IS HIGHER THAN THE RATE AUTHORIZED UNDER THE COUNTY'S CHARTER OR COLLECT MORE PROPERTY TAX REVENUES THAN THE REVENUES AUTHORIZED UNDER THE COUNTY'S CHARTER FOR THE SOLE PURPOSE OF FUNDING THE APPROVED BUDGET OF THE COUNTY BOARD.

(2) IF THE COUNTY GOVERNING BODY SETS A COUNTY PROPERTY TAX RATE THAT IS GREATER THAN THE RATE AUTHORIZED UNDER THE COUNTY'S CHARTER OR COLLECTS MORE PROPERTY TAX REVENUES THAN THE REVENUES AUTHORIZED UNDER THE COUNTY'S CHARTER, THE COUNTY:

(I) MAY NOT REDUCE FUNDING PROVIDED TO THE COUNTY BOARD FROM ANY OTHER LOCAL REVENUE SOURCE BELOW THE FUNDING LEVEL IN THE CURRENT COUNTY BUDGET; AND

(II) SHALL APPROPRIATE TO THE COUNTY BOARD ALL PROPERTY TAX REVENUES EXCEEDING THE AMOUNT THAT WOULD HAVE BEEN AVAILABLE IF THE COUNTY CHARTER LIMITATION HAD APPLIED.

(3) ON OR BEFORE DECEMBER 31 OF ANY YEAR IN WHICH A COUNTY SETS A PROPERTY TAX RATE AS PROVIDED IN THIS SUBSECTION, THE COUNTY SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON THE PROPERTY TAX RATE SET, THE ADDITIONAL AMOUNT OF REVENUES GENERATED, AND THE APPROPRIATION OF THE ADDITIONAL REVENUES.

~~5-202.~~

~~(d) (1) To be eligible to receive the State share of the foundation program:~~

~~(i) The county governing body shall levy an annual tax sufficient to provide an amount of revenue for elementary and secondary public education purposes equal to the local share of the foundation program; and~~

~~(ii) The county governing body shall appropriate local funds to the school operating budget in an amount no less than the product of the county's full-time equivalent enrollment for the current fiscal year and the local appropriation on a per-pupil basis for the prior fiscal year.~~

~~(7) (i) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF A COUNTY'S ABILITY TO FUND THE MAINTENANCE OF EFFORT REQUIREMENT IN PARAGRAPH (1)(II) OF THIS SUBSECTION IS IMPEDED, THE COUNTY SHALL APPLY TO THE STATE BOARD FOR A WAIVER UNDER PARAGRAPH (8) OF THIS SUBSECTION.~~

~~(H) IF A COUNTY FAILS TO APPLY TO THE STATE BOARD FOR A TEMPORARY OR PARTIAL WAIVER FROM THE MAINTENANCE OF EFFORT REQUIREMENT AND FAILS TO MEET THE MAINTENANCE OF EFFORT REQUIREMENT:~~

~~1. A PENALTY SHALL BE ASSESSED AS PROVIDED IN § 5-213 OF THIS SUBTITLE; AND~~

~~2. THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE PRIOR FISCAL YEAR OR THE SECOND PRIOR FISCAL YEAR, WHICHEVER IS GREATER.~~

~~(8) (I) The provisions of this subsection do not apply to a county if the county is granted a temporary waiver or partial waiver from the provisions by the State Board of Education based on a determination that:~~

~~1. [the] THE county's fiscal condition significantly impedes the county's ability to fund the maintenance of effort requirement; OR~~

~~2. A COUNTY HAS SATISFIED THE REQUIREMENTS IN PARAGRAPH (9) OF THIS SUBSECTION.~~

~~(ii) [After a public hearing, the State Board of Education may grant a waiver under this paragraph in accordance with its regulations.~~

~~(iii) In order to qualify for the waiver under this paragraph OR UNDER PARAGRAPH (9) OF THIS SUBSECTION for a fiscal year, a county shall make a request for a waiver to the State Board [of Education] by [April 1] THE EARLIER OF THE SEVENTH DAY FOLLOWING THE END OF THE LEGISLATIVE REGULAR SESSION OR APRIL 20 of the prior fiscal year.~~

~~(III) THE STATE SUPERINTENDENT SHALL PROVIDE A PRELIMINARY ASSESSMENT OF A WAIVER APPLICATION TO THE STATE BOARD PRIOR TO ANY PUBLIC HEARING UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH.~~

~~(IV) THE STATE BOARD SHALL HOLD A PUBLIC HEARING BEFORE ACTING ON AN APPLICATION FOR A WAIVER UNDER THIS PARAGRAPH IN ACCORDANCE WITH REGULATIONS.~~

~~(v) EXCEPT AS PROVIDED IN PARAGRAPH (9) OF THIS SUBSECTION, WHEN CONSIDERING WHETHER TO GRANT A COUNTY'S WAIVER APPLICATION, THE STATE BOARD SHALL CONSIDER THE FOLLOWING FACTORS:~~

~~1. EXTERNAL ENVIRONMENTAL FACTORS SUCH AS A LOSS OF A MAJOR EMPLOYER OR INDUSTRY AFFECTING A COUNTY OR A BROAD ECONOMIC DOWNTURN AFFECTING MORE THAN ONE COUNTY;~~

~~2. A COUNTY'S TAX BASE;~~

~~3. RATE OF INFLATION RELATIVE TO GROWTH OF STUDENT POPULATION IN A COUNTY;~~

~~4. MAINTENANCE OF EFFORT REQUIREMENT RELATIVE TO A COUNTY'S STATUTORY ABILITY TO RAISE REVENUES;~~

~~5. A COUNTY'S HISTORY OF EXCEEDING THE REQUIRED MAINTENANCE OF EFFORT AMOUNT UNDER PARAGRAPH (1) OF THIS SUBSECTION;~~

~~6. AN AGREEMENT BETWEEN A COUNTY AND A COUNTY BOARD THAT A WAIVER SHOULD BE GRANTED; AND~~

~~7. SIGNIFICANT REDUCTIONS IN STATE AID TO A COUNTY AND MUNICIPALITIES OF THE COUNTY FOR THE FISCAL YEAR FOR WHICH A WAIVER IS APPLIED.~~

~~[(iv)] (vi) The State Board [of Education] shall inform the county whether the waiver for a fiscal year is approved or denied in whole or in part [by May 15 of the prior fiscal year] NO LATER THAN 30 DAYS AFTER RECEIPT OF AN APPLICATION OR MAY 20 OF THE PRIOR FISCAL YEAR, WHICHEVER IS EARLIER.~~

~~[(v)] (vii) [If] EXCEPT AS PROVIDED IN PARAGRAPH (9) OF THIS SUBSECTION, IF the State Board [of Education] grants a county a temporary waiver or partial waiver from the provisions of this subsection for any fiscal year, the minimum appropriation of local funds required under this subsection for the county to be eligible to receive the State share of the foundation program for the next fiscal year shall be calculated based on the per pupil local appropriation for the prior fiscal year or the second prior fiscal year, whichever is greater.~~

~~(9) (i) IN THIS PARAGRAPH, "LOCAL EFFORT" MEANS A COUNTY'S EDUCATION APPROPRIATION DIVIDED BY THE COUNTY'S WEALTH.~~

~~(ii) THIS PARAGRAPH APPLIES TO A COUNTY THAT HAS:~~

~~1. EXCEEDED THE MAINTENANCE OF EFFORT REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION BY AN AVERAGE OF AT LEAST 5% IN THE PRIOR 5 FISCAL YEARS; AND~~

~~2. AN AVERAGE LOCAL EFFORT OF AT LEAST 1% IN THE PRIOR 5 FISCAL YEARS.~~

~~(III) THE STATE BOARD SHALL GRANT A WAIVER REQUEST IF THE COUNTY SATISFIES THE REQUIREMENTS IN SUBPARAGRAPH (H) OF THIS PARAGRAPH.~~

~~(IV) THE AMOUNT OF THE WAIVER MAY NOT EXCEED 10% OF THE AVERAGE OF THE COUNTY'S MAINTENANCE OF EFFORT APPROPRIATION IN THE PRIOR 5 FISCAL YEARS.~~

~~(V) FOR THE FISCAL YEAR FOLLOWING A WAIVER, THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE COUNTY TO BE ELIGIBLE TO RECEIVE THE STATE SHARE OF THE FOUNDATION PROGRAM FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE PRIOR FISCAL YEAR APPROVED BY THE STATE BOARD UNDER THIS PARAGRAPH.~~

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

Article - Education

5-202.

(d) (1) (I) [To be eligible to receive the State share of the foundation program:

(i) [The] SUBJECT TO § 5-213.1 OF THIS SUBTITLE, THE county governing body shall levy AND APPROPRIATE an annual tax sufficient to provide an amount of revenue for elementary and secondary public education purposes equal to the local share of the foundation program[; and].

(ii) [The] SUBJECT TO § 5-213 OF THIS SUBTITLE, THE county governing body shall appropriate local funds to the school operating budget in an amount no less than the product of the county's full-time equivalent enrollment for the current fiscal year and the local appropriation on a per pupil basis for the prior fiscal year.

(2) Except as provided in paragraph (3) of this subsection, for purposes of this subsection, the local appropriation on a per pupil basis for the prior fiscal year for a county is derived by dividing the county's highest local appropriation to its school operating budget for the prior fiscal year by the county's full-time equivalent enrollment for the prior fiscal year. For example, the calculation of the foundation aid for fiscal year 2003 shall be based on the highest local appropriation for the school operating budget for a county for fiscal year 2002. Program shifts between a county operating budget and a county school operating budget may not be used to artificially satisfy the requirements of this paragraph.

(3) For purposes of this subsection, for fiscal year 1997 and each subsequent fiscal year, the calculation of the county's highest local appropriation to its school operating budget for the prior fiscal year shall exclude:

(i) A nonrecurring cost that is supplemental to the regular school operating budget, if the exclusion qualifies under regulations adopted by the State Board; [and]

(ii) A cost of a program that has been shifted from the county school operating budget to the county operating budget; AND

(III) THE COST OF DEBT SERVICE INCURRED FOR SCHOOL CONSTRUCTION PROJECTS.

(4) The county board must present satisfactory evidence to the county government that any appropriation under paragraph (3)(i) of this subsection is used only for the purpose designated by the county government in its request for approval.

(5) Any appropriation that is not excluded under paragraph (3)(i) of this subsection as a qualifying nonrecurring cost shall be included in calculating the county's highest local appropriation to its school operating budget.

(6) Qualifying nonrecurring costs, as defined in regulations adopted by the State Board, shall include but are not limited to:

(i) Computer laboratories;

(ii) Technology enhancement;

(iii) New instructional program start-up costs; and

(iv) Books other than classroom textbooks.

(7) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF A COUNTY'S ABILITY TO FUND THE MAINTENANCE OF EFFORT REQUIREMENT IN PARAGRAPH (1)(II) OF THIS SUBSECTION IS IMPEDED, THE COUNTY SHALL

APPLY UNDER PARAGRAPH (8) OF THIS SUBSECTION TO THE STATE BOARD FOR A WAIVER.

(II) IF A COUNTY FAILS TO APPLY TO THE STATE BOARD FOR A WAIVER FROM THE MAINTENANCE OF EFFORT REQUIREMENT AND FAILS TO MEET THE MAINTENANCE OF EFFORT REQUIREMENT:

1. THE COUNTY SHALL BE ASSESSED IN ACCORDANCE WITH § 5-213 OF THIS SUBTITLE; AND

2. THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE PRIOR FISCAL YEAR IN WHICH THE COUNTY MET THE MAINTENANCE OF EFFORT REQUIREMENT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.

[(7)] (8) (i) The [provisions] MAINTENANCE OF EFFORT REQUIREMENT IN PARAGRAPH (1)(II) of this subsection [do] DOES not apply to a county if the county REQUESTS AND is granted a [temporary waiver or partial] waiver from the [provisions] REQUIREMENT by the State Board [of Education] based on:

1. [a] A determination UNDER THIS PARAGRAPH that the county's fiscal condition significantly impedes the county's ability to fund the maintenance of effort requirement;

2. SUBJECT TO PARAGRAPH (9) OF THIS SUBSECTION, AN AGREEMENT BETWEEN THE COUNTY AND THE COUNTY BOARD TO REDUCE RECURRING COSTS; OR

3. SUBJECT TO PARAGRAPH (10) OF THIS SUBSECTION, A DETERMINATION THAT A COUNTY'S ABILITY TO MEET THE MAINTENANCE OF EFFORT REQUIREMENT IS PERMANENTLY IMPEDED.

(ii) [After a public hearing, the State Board of Education may grant a waiver under this paragraph in accordance with its regulations.

(iii) In order to qualify for [the] A waiver [under this paragraph] for a fiscal year, a county shall make a request for a waiver to the State Board [of Education by April 1] BY THE EARLIER OF THE SEVENTH DAY FOLLOWING THE END OF THE LEGISLATIVE REGULAR SESSION OR APRIL 20 of the prior fiscal year.

(III) THE STATE SUPERINTENDENT SHALL PROVIDE A PRELIMINARY ASSESSMENT OF A WAIVER REQUEST TO THE STATE BOARD

BEFORE A PUBLIC HEARING HELD IN ACCORDANCE WITH SUBPARAGRAPH (IV) OF THIS PARAGRAPH.

(IV) BEFORE ACTING ON A REQUEST FOR A WAIVER, THE STATE BOARD SHALL HOLD A PUBLIC HEARING IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE BOARD.

(V) EXCEPT AS PROVIDED IN PARAGRAPH (9) OF THIS SUBSECTION, WHEN CONSIDERING WHETHER TO GRANT A COUNTY'S WAIVER REQUEST, THE STATE BOARD SHALL CONSIDER THE FOLLOWING FACTORS:

1. EXTERNAL ENVIRONMENTAL FACTORS SUCH AS A LOSS OF A MAJOR EMPLOYER OR INDUSTRY AFFECTING A COUNTY OR A BROAD ECONOMIC DOWNTURN AFFECTING MORE THAN ONE COUNTY;

2. A COUNTY'S TAX BASE;

3. RATE OF INFLATION RELATIVE TO GROWTH OF STUDENT POPULATION IN A COUNTY;

4. MAINTENANCE OF EFFORT REQUIREMENT RELATIVE TO A COUNTY'S STATUTORY ABILITY TO RAISE REVENUES;

5. A COUNTY'S HISTORY OF EXCEEDING THE REQUIRED MAINTENANCE OF EFFORT AMOUNT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION;

6. AN AGREEMENT BETWEEN A COUNTY AND A COUNTY BOARD THAT A WAIVER SHOULD BE GRANTED;

7. SIGNIFICANT REDUCTIONS IN STATE AID TO A COUNTY AND MUNICIPALITIES OF THE COUNTY FOR THE FISCAL YEAR FOR WHICH A WAIVER IS REQUESTED;

8. THE NUMBER OF WAIVERS A COUNTY HAS RECEIVED IN THE PAST 5 YEARS; AND

9. THE HISTORY OF COMPENSATION ADJUSTMENTS FOR EMPLOYEES OF THE COUNTY BOARD AND COUNTY GOVERNMENT.

[(iv)] (VI) The State Board [of Education] shall inform the county whether the waiver for a fiscal year is approved or denied in whole or in part [by May 15 of the prior fiscal year] NO LATER THAN 30 DAYS AFTER RECEIPT OF

AN APPLICATION OR MAY 20 OF THE PRIOR FISCAL YEAR, WHICHEVER IS EARLIER.

[(v)] (VII) [If the State Board of Education grants] EXCEPT AS PROVIDED IN PARAGRAPHS (9) AND (10) OF THIS SUBSECTION, IF a county IS GRANTED a [temporary waiver or partial] waiver from the provisions of this subsection BY EITHER THE STATE BOARD OR THE GENERAL ASSEMBLY for any fiscal year, the minimum appropriation of local funds required under this subsection [for the county to be eligible to receive the State share of the foundation program] for the next fiscal year shall be calculated based on the per pupil local appropriation for the prior fiscal year [or the second prior fiscal year, whichever is greater] IN WHICH THE COUNTY MET THE MAINTENANCE OF EFFORT REQUIREMENT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.

(9) (I) THIS PARAGRAPH APPLIES TO A COUNTY THAT REQUESTS A WAIVER UNDER PARAGRAPH (8)(I)2 OF THIS SUBSECTION.

(II) 1. THE STATE BOARD SHALL GRANT A WAIVER REQUEST IN THE AMOUNT THAT HAS BEEN AGREED ON BY THE COUNTY AND COUNTY BOARD THAT IS ATTRIBUTABLE TO REDUCTIONS IN RECURRING COSTS.

2. IF THE REDUCTION IN RECURRING COSTS INCLUDES REDUCTIONS IN PERSONNEL OR PERSONNEL COSTS, THEN THE STATE BOARD SHALL GRANT A WAIVER REQUEST IN THE AMOUNT THAT HAS BEEN MUTUALLY AGREED ON BY THE COUNTY, COUNTY BOARD, AND EXCLUSIVE EMPLOYEE REPRESENTATIVE.

(III) THE AMOUNT OF THE AGREED ON WAIVER MAY BE LESS THAN THE ENTIRE AMOUNT OF THE REDUCTION IN RECURRING COSTS.

(IV) THE AMOUNT OF THE AGREED ON WAIVER MAY NOT:

1. EXCEED THE ENTIRE AMOUNT OF THE REDUCTION IN RECURRING COSTS; OR

2. REDUCE A COUNTY'S EDUCATION APPROPRIATION BELOW THE AMOUNT REQUIRED IN PARAGRAPH (1)(I) OF THIS SUBSECTION.

(V) THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE CURRENT FISCAL YEAR APPROVED BY THE STATE BOARD UNDER THIS PARAGRAPH.

(10) (I) IN THIS PARAGRAPH THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

1. “EDUCATION APPROPRIATION” INCLUDES ANY MONEY REDIRECTED TO A COUNTY BOARD UNDER § 5-213 OR § 5-213.1 OF THIS SUBTITLE.

2. “EDUCATION EFFORT” MEANS A COUNTY’S EDUCATION APPROPRIATION DIVIDED BY THE COUNTY’S WEALTH.

3. “5-YEAR MOVING AVERAGE” MEANS THE AVERAGE OF THE 5 YEARS BEFORE THE WAIVER YEAR.

4. “WAIVER YEAR” MEANS THE FISCAL YEAR FOR WHICH A WAIVER FROM THE MAINTENANCE OF EFFORT REQUIREMENT IN PARAGRAPH (1)(II) OF THIS SUBSECTION IS REQUESTED.

(II) THIS PARAGRAPH APPLIES TO A COUNTY THAT HAS:

1. RECEIVED A WAIVER UNDER PARAGRAPH (8)(I)1 OF THIS SUBSECTION FROM THE MAINTENANCE OF EFFORT REQUIREMENT; AND

2. A REQUIRED COUNTY EDUCATION APPROPRIATION UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION FOR THE WAIVER YEAR THAT EXCEEDS 100% OF THE STATEWIDE 5-YEAR MOVING AVERAGE OF EDUCATION EFFORT TIMES A COUNTY’S LOCAL WEALTH.

(III) A COUNTY THAT SATISFIES THE REQUIREMENTS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY REQUEST A REBASING WAIVER FROM THE STATE BOARD.

(IV) WHEN CONSIDERING WHETHER TO GRANT A COUNTY’S WAIVER REQUEST UNDER THIS PARAGRAPH, THE STATE BOARD SHALL CONSIDER THE FOLLOWING FACTORS:

1. WHETHER A COUNTY HAS SUBMITTED SUFFICIENT EVIDENCE THAT THE FACTORS IN PARAGRAPH (8)(V) OF THIS SUBSECTION WILL AFFECT A COUNTY’S ONGOING ABILITY TO MEET THE MAINTENANCE OF EFFORT REQUIREMENT;

2. WHETHER A COUNTY IS AT ITS MAXIMUM TAXING AUTHORITY UNDER THE LAW;

3. WHETHER A COUNTY'S EDUCATION APPROPRIATION IS COMMENSURATE WITH A COUNTY'S WEALTH;

4. WHETHER A COUNTY'S HISTORY OF EXCEEDING THE REQUIRED MAINTENANCE OF EFFORT HAS MADE MEETING THE MAINTENANCE OF EFFORT REQUIREMENT IN FUTURE YEARS UNSUSTAINABLE; AND

5. WHETHER A COUNTY HAS RECEIVED A REBASING WAIVER IN THE PAST 5 YEARS.

(V) IF THE STATE BOARD GRANTS A REBASING WAIVER UNDER THIS PARAGRAPH, THE AMOUNT OF THE WAIVER FOR ANY FISCAL YEAR IS LIMITED TO THE LESSER OF:

1. AN AMOUNT THAT WOULD RESULT IN A COUNTY'S EDUCATION EFFORT FOR THE WAIVER YEAR FALLING BELOW THE LEVEL ESTABLISHED IN SUBPARAGRAPH (II)2 OF THIS PARAGRAPH; OR

2. A. FOR A COUNTY WITH A 5-YEAR MOVING AVERAGE FOR EDUCATION EFFORT THAT IS LESS THAN OR EQUAL TO 110% OF THE STATEWIDE 5-YEAR MOVING AVERAGE OF EDUCATION EFFORT, 1% OF THE COUNTY'S REQUIRED MAINTENANCE OF EFFORT REQUIREMENT;

B. FOR A COUNTY WITH A 5-YEAR MOVING AVERAGE FOR EDUCATION EFFORT THAT IS MORE THAN 110% AND LESS THAN OR EQUAL TO 120% OF THE STATEWIDE 5-YEAR MOVING AVERAGE OF EDUCATION EFFORT, 2% OF THE COUNTY'S REQUIRED MAINTENANCE OF EFFORT REQUIREMENT; OR

C. FOR A COUNTY WITH A 5-YEAR MOVING AVERAGE FOR EDUCATION EFFORT THAT IS MORE THAN 120% OF THE 5-YEAR MOVING STATEWIDE AVERAGE OF EDUCATION EFFORT, 3% OF THE COUNTY'S REQUIRED MAINTENANCE OF EFFORT REQUIREMENT.

(VI) 1. IF THE STATE BOARD GRANTS A REBASING WAIVER UNDER THIS PARAGRAPH, THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE CURRENT FISCAL YEAR APPROVED BY THE STATE BOARD UNDER THIS PARAGRAPH.

2. IF THE STATE BOARD GRANTS A REBASING WAIVER TO BE IMPLEMENTED OVER A MULTIYEAR PERIOD, WHICH MAY NOT EXCEED 3 YEARS, IN EACH YEAR THE MINIMUM APPROPRIATION OF LOCAL

FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE CURRENT FISCAL YEAR APPROVED BY THE STATE BOARD UNDER THIS PARAGRAPH.

(VII) IF THE STATE BOARD DOES NOT GRANT A WAIVER UNDER THIS PARAGRAPH, THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE PRIOR FISCAL YEAR IN WHICH THE COUNTY MET THE MAINTENANCE OF EFFORT REQUIREMENT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.

(VIII) NOTHING IN THIS PARAGRAPH PRECLUDES A COUNTY FROM ALSO REQUESTING A WAIVER FROM THE MAINTENANCE OF EFFORT REQUIREMENT UNDER PARAGRAPH (9) OF THIS SUBSECTION FOR THE SAME FISCAL YEAR AS THE WAIVER REQUESTED UNDER THIS PARAGRAPH.

(11) IN MAKING THE CALCULATIONS REQUIRED UNDER THIS SUBSECTION, THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF BUDGET AND MANAGEMENT AND THE DEPARTMENT OF LEGISLATIVE SERVICES.

(12) (I) A COUNTY SHALL SUBMIT TO THE SUPERINTENDENT THE COUNTY'S APPROVED BUDGET NO LATER THAN 7 DAYS AFTER APPROVAL OF THE BUDGET OR JUNE 30, WHICHEVER IS EARLIER.

(II) NO LATER THAN 15 DAYS AFTER RECEIPT OF THE COUNTY'S APPROVED BUDGET THE SUPERINTENDENT SHALL CERTIFY WHETHER THE COUNTY HAS MET THE FUNDING REQUIREMENTS ESTABLISHED UNDER THIS SUBSECTION AND SHALL NOTIFY THE COUNTY AND COUNTY BOARD OF THAT CERTIFICATION.

(13) ON OR BEFORE DECEMBER 31 OF EACH YEAR THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON ALL WAIVER REQUESTS, MAINTENANCE OF EFFORT CALCULATIONS MADE BY THE DEPARTMENT AND THE COUNTY, THE DEPARTMENT'S DECISIONS REGARDING WAIVER REQUESTS, THE DEPARTMENT'S CERTIFICATION OF WHETHER A COUNTY HAS MET THE REQUIREMENT, AND ANY OTHER INFORMATION RELATING TO A COUNTY'S REQUEST FOR A WAIVER AND THE DEPARTMENT'S MAINTENANCE OF EFFORT DECISIONS.

(a) After notification from the State Superintendent that a county is not complying with the provisions of the State program of public education, the State Comptroller shall withhold any installment due the county from the General State School Fund.

(b) (1) If the Superintendent finds that a county [is not complying with the maintenance of local effort provisions of § 5–202 of this subtitle or that a county] fails to meet the requirements of Subtitle 4 of this title, the Superintendent shall notify the county of such noncompliance.

(2) If a county disputes the finding within 30 days of the issuance of such notice, the dispute shall be promptly referred to the State Board of Education which shall make a final determination.

(3) Upon receipt of certification of noncompliance by the Superintendent or the State Board, [as the case may be,] the Comptroller shall suspend, until notification of compliance is received[:

(i) For noncompliance with Subtitle 4 of this title], payment of any funds due the county for the current fiscal year, as provided under § 5–202 of this subtitle which are appropriated in the General State School Fund, to the extent that the State's aid due the county in the current fiscal year under that section in the Fund exceeds the amount which the county received in the prior fiscal year[; and

(ii) For noncompliance with § 5–202(d) of this subtitle, payment of any funds due the county for the following fiscal year, as provided under § 5–202 of this subtitle, which are appropriated in the General State School Fund, in the amount that the State's aid due the county in the current fiscal year under that section in the Fund exceeded the amount that the county received in the prior fiscal year].

(C) (1) IF THE SUPERINTENDENT FINDS THAT A COUNTY IS NOT COMPLYING WITH THE MAINTENANCE OF LOCAL EFFORT PROVISIONS OF § 5–202(D)(1)(II) OF THIS SUBTITLE, THE SUPERINTENDENT SHALL NOTIFY THE COUNTY OF SUCH NONCOMPLIANCE.

(2) IF A COUNTY DISPUTES THE FINDING WITHIN 15 DAYS AFTER THE ISSUANCE OF A NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DISPUTE SHALL BE REFERRED PROMPTLY TO THE STATE BOARD, WHICH SHALL MAKE A FINAL DETERMINATION.

(3) (I) WITHIN 15 DAYS OF RECEIPT OF CERTIFICATION OF NONCOMPLIANCE BY THE SUPERINTENDENT OR THE STATE BOARD AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMPTROLLER SHALL, UNDER § 2–608 OF THE TAX – GENERAL ARTICLE, WITHHOLD INCOME TAX REVENUE FROM THE COUNTY SO THAT THE TOTAL AMOUNT WITHHELD IS

EQUAL TO THE AMOUNT BY WHICH A COUNTY FAILED TO MEET THE MAINTENANCE OF EFFORT REQUIREMENT.

(II) THE COMPTROLLER SHALL DISTRIBUTE THE AMOUNT WITHHELD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DIRECTLY TO THE COUNTY BOARD.

5-213.1.

(A) IF THE SUPERINTENDENT FINDS THAT A COUNTY IS NOT COMPLYING WITH THE LOCAL SHARE OF THE FOUNDATION FLOOR REQUIRED UNDER § 5-202(D)(1)(I) OF THIS SUBTITLE, THE SUPERINTENDENT SHALL NOTIFY THE COUNTY OF SUCH NONCOMPLIANCE.

(B) IF A COUNTY DISPUTES THE FINDING WITHIN 15 DAYS OF THE ISSUANCE OF A NOTICE UNDER SUBSECTION (A) OF THIS SECTION, THE DISPUTE SHALL BE REFERRED PROMPTLY TO THE STATE BOARD, WHICH SHALL MAKE A FINAL DETERMINATION.

(C) (1) WITHIN 15 DAYS OF RECEIPT OF CERTIFICATION OF NONCOMPLIANCE BY THE SUPERINTENDENT OR THE STATE BOARD AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COMPTROLLER SHALL, UNDER § 2-608 OF THE TAX – GENERAL ARTICLE, WITHHOLD INCOME TAX REVENUE FROM THE COUNTY SO THAT THE TOTAL AMOUNT WITHHELD IS EQUAL TO THE STATE SHARE OF THE FOUNDATION PROGRAM PLUS THE DIFFERENCE BETWEEN THE AMOUNT APPROPRIATED BY THE COUNTY UNDER § 5-202(D)(1)(I) AND THE LOCAL SHARE OF THE FOUNDATION PROGRAM.

(2) THE COMPTROLLER SHALL DISTRIBUTE THE AMOUNT WITHHELD UNDER PARAGRAPH (1) OF THIS SUBSECTION DIRECTLY TO THE COUNTY BOARD.

Article – Tax – General

2-604.

From the income tax revenue from individuals, the Comptroller shall distribute the amount necessary to pay refunds relating to income tax from individuals to the income tax refund account.

2-605.

(a) After making the distribution required under § 2-604 of this subtitle, from the remaining income tax revenue from individuals, the Comptroller shall

distribute the cost of administering the income tax laws to an administrative cost account.

2-606.

(a) After making the distributions required under §§ 2-604 and 2-605 of this subtitle, from the remaining income tax revenue from individuals, the Comptroller shall distribute to an unallocated individual revenue account the income tax revenue:

(1) with respect to which an income tax return is not filed; and

(2) that is attributable to:

(i) income tax withheld from salary, wages, or other compensation for personal services under Title 10 of this article; or

(ii) estimated income tax payments by individuals.

2-607.

(a) After making the distributions required under §§ 2-604 through 2-606 of this subtitle, from the remaining income tax revenue from individuals, the Comptroller shall distribute to each special taxing district that received an income tax revenue distribution in fiscal year 1977 and to each municipal corporation an amount that, based on the certification of the Comptroller as to State income tax liability and county income tax liability of the residents of the district or municipal corporation, equals the greater of:

(1) subject to subsection (b) of this section, 17% of the county income tax liability of those residents; or

(2) 0.37% of the Maryland taxable income of those residents.

2-608.

(a) (1) AFTER MAKING THE DISTRIBUTIONS REQUIRED UNDER §§ 2-604 THROUGH 2-607 OF THIS SUBTITLE, IF IT IS DETERMINED THAT A COUNTY HAS NOT MET THE LOCAL FUNDING REQUIREMENTS FOR EDUCATION UNDER § 5-202(D) OF THE EDUCATION ARTICLE, THE COMPTROLLER SHALL DISTRIBUTE TO THE COUNTY BOARD OF EDUCATION AN AMOUNT EQUAL TO THE AMOUNT CALCULATED UNDER § 5-213 OR § 5-213.1 OF THE EDUCATION ARTICLE.

(2) After making the distributions required under §§ 2-604 through 2-607 of this subtitle AND PARAGRAPH (1) OF THIS SUBSECTION, the Comptroller

shall distribute to each county the remaining income tax revenue from individuals attributable to the county income tax for that county.

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

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

Article – Education

5–202.

(d) (1) (i) Subject to § 5–213.1 of this subtitle, the county governing body shall levy and appropriate an annual tax sufficient to provide an amount of revenue for elementary and secondary public education purposes equal to the local share of the foundation program.

(ii) 1. [Subject] EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH AND SUBJECT to § 5–213 of this subtitle, the county governing body shall appropriate local funds to the school operating budget in an amount no less than the product of the county’s full-time equivalent enrollment for the current fiscal year and the local appropriation on a per pupil basis for the prior fiscal year.

2. IN EACH FISCAL YEAR IF A COUNTY’S EDUCATION EFFORT, AS DEFINED IN PARAGRAPH (10) OF THIS SUBSECTION, IS BELOW 100% OF THE STATEWIDE 5–YEAR MOVING AVERAGE OF EDUCATION EFFORT, THE REQUIRED MAINTENANCE OF EFFORT AMOUNT FOR THE COUNTY SHALL BE ADJUSTED BY INCREASING THE PER PUPIL AMOUNT BY THE LESSER OF:

A. A COUNTY’S INCREASE IN THE LOCAL WEALTH PER PUPIL;

B. THE STATEWIDE AVERAGE INCREASE IN LOCAL WEALTH PER PUPIL; OR

C. 2.5%.

SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, no penalty shall be applied to any county that did not meet the maintenance of effort requirement in fiscal 2012.

SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for a county that does not meet the maintenance of effort funding requirement under § 5–202(d) of the Education Article in fiscal year 2012 and

has a county income tax rate of 3.2%, the maintenance of effort funding requirement for fiscal year 2013 shall be based on the local funds appropriated to the school operating budget for fiscal year 2012.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in Section 5 of this Act, the required fiscal year 2013 maintenance of effort amount under § 5-202(d) of the Education Article for a county that did not meet the maintenance of effort requirement in fiscal year 2012 shall be calculated based on the per pupil amount required for the county to meet maintenance of effort in fiscal year 2012.

SECTION 7. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be applicable to all taxable years beginning after June 30, 2012.

SECTION 8. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2014.

SECTION 9. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly and, except as provided in Section 8 of this Act, shall take effect from the date it is enacted.

Approved by the Governor, April 10, 2012.

Chapter 7

(Senate Bill 9)

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2011 – Montgomery County – Mental Health Association HVAC Replacement

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2011 to allow the matching fund requirement for a certain grant to consist of real property, in kind contributions, and funds expended prior to a certain date; making this Act an emergency measure; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2011.

BY repealing and reenacting, with amendments,
Chapter 396 of the Acts of the General Assembly of 2011
Section 1(3) Item ZA02(AZ) and ZA03(AR)

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

Chapter 396 of the Acts of 2011

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

(3) ZA02 LOCAL SENATE INITIATIVES

- (AZ) Mental Health Association HVAC Replacement. Provide a grant equal to the lesser of (i) \$35,000 or (ii) the amount of the matching fund provided, to the Board of Directors **OF THE** Mental Health Association of Montgomery County, Inc. for the construction, renovation, and replacement of the HVAC system at the Mental Health Association, located in Rockville. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF REAL PROPERTY, IN KIND CONTRIBUTIONS, OR FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT** (Montgomery County) .. 35,000

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

- (AR) Mental Health Association HVAC Replacement. Provide a grant equal to the lesser of (i) \$40,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Mental Health Association of Montgomery County, Inc. for the construction, renovation, and replacement of the HVAC system at the Mental Health Association, located in Rockville. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF REAL PROPERTY, IN KIND CONTRIBUTIONS, OR FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT** (Montgomery County) .. 40,000

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

Approved by the Governor, April 10, 2012.

AN ACT concerning

Slot Machines for Nonprofit Organizations on the Eastern Shore – Uses of Proceeds

FOR the purpose of altering a provision so as to require that one-half of the net after payout proceeds from slot machines operated by certain nonprofit organizations in counties on the Eastern Shore must benefit charities; making this Act an emergency measure; and generally relating to slot machines for nonprofit organizations in certain counties.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 12–304(a)
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 12–304(c)
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

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

Article – Criminal Law

12–304.

(a) In this section, “eligible organization” means:

(1) a nonprofit organization that:

(i) has been located in a county listed in subsection (b) of this section for at least 5 years before the organization applies for a license under subsection (e) of this section; and

(ii) is a bona fide:

1. fraternal organization;
2. religious organization; or
3. war veterans’ organization; or

(2) a nonprofit organization that has been affiliated with a national fraternal organization for less than 5 years and has been located in a county listed in subsection (b) of this section for at least 50 years before the nonprofit organization applies for a license under subsection (e) of this section.

(c) (1) In this subsection, a console or set of affixed slot machines is not an individual slot machine.

(2) Notwithstanding any other provision of this subtitle, an eligible organization may own and operate a slot machine if the eligible organization:

(i) obtains a license under subsection (e) of this section for each slot machine;

(ii) owns each slot machine that the eligible organization operates;

(iii) owns not more than five slot machines;

(iv) locates and operates its slot machines at its principal meeting hall in the county in which the eligible organization is located;

(v) does not locate or operate its slot machines in a private commercial facility;

(vi) uses:

1. at least one-half of the [gross] **NET AFTER PAYOUT** proceeds from its slot machines for the benefit of a charity; and

2. the remainder of the proceeds from its slot machines to further the purposes of the eligible organization;

(vii) does not use any of the proceeds of the slot machine for the financial benefit of an individual; and

(viii) reports annually under affidavit to the State Comptroller:

1. the income of each slot machine; and

2. the disposition of the income from each slot machine.

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

Approved by the Governor, April 10, 2012.

Chapter 9

(House Bill 325)

AN ACT concerning

Slot Machines for Nonprofit Organizations on the Eastern Shore – Uses of Proceeds

FOR the purpose of altering a provision so as to require that one-half of the net after payout proceeds from slot machines operated by certain nonprofit organizations in counties on the Eastern Shore must benefit charities; making this Act an emergency measure; and generally relating to slot machines for nonprofit organizations in certain counties.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 12–304(a)
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 12–304(c)
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

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

Article – Criminal Law

12–304.

(a) In this section, “eligible organization” means:

(1) a nonprofit organization that:

(i) has been located in a county listed in subsection (b) of this section for at least 5 years before the organization applies for a license under subsection (e) of this section; and

- (ii) is a bona fide:
 - 1. fraternal organization;
 - 2. religious organization; or
 - 3. war veterans' organization; or

(2) a nonprofit organization that has been affiliated with a national fraternal organization for less than 5 years and has been located in a county listed in subsection (b) of this section for at least 50 years before the nonprofit organization applies for a license under subsection (e) of this section.

(c) (1) In this subsection, a console or set of affixed slot machines is not an individual slot machine.

(2) Notwithstanding any other provision of this subtitle, an eligible organization may own and operate a slot machine if the eligible organization:

- (i) obtains a license under subsection (e) of this section for each slot machine;
- (ii) owns each slot machine that the eligible organization operates;
- (iii) owns not more than five slot machines;
- (iv) locates and operates its slot machines at its principal meeting hall in the county in which the eligible organization is located;
- (v) does not locate or operate its slot machines in a private commercial facility;
- (vi) uses:
 - 1. at least one-half of the [gross] NET AFTER PAYOUT proceeds from its slot machines for the benefit of a charity; and
 - 2. the remainder of the proceeds from its slot machines to further the purposes of the eligible organization;
- (vii) does not use any of the proceeds of the slot machine for the financial benefit of an individual; and
- (viii) reports annually under affidavit to the State Comptroller:
 - 1. the income of each slot machine; and

2. the disposition of the income from each slot machine.

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

Approved by the Governor, April 10, 2012.

Chapter 10

(Senate Bill 30)

AN ACT concerning

Injured Workers' Insurance Fund – Cancellation of Policies – Failure to Pay a Premium

FOR the purpose of altering the manner in which the Injured Workers' Insurance Fund may cancel policies when a policyholder has failed to pay a premium; repealing a requirement that the Board for the Injured Workers' Insurance Fund refer cases for collection to the Office of the Attorney General; and generally relating to the cancellation and collection procedures of the Injured Workers' Insurance Fund.

BY repealing and reenacting, without amendments,

Article – Insurance
Section 19–406
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Labor and Employment
Section 10–118, 10–133, and 10–135
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Article – Insurance

19–406.

(a) Except for a cancellation for nonpayment of premium, an insurer may not cancel or refuse to renew a workers' compensation insurance policy before its expiration unless, at least 30 days before the date of cancellation or nonrenewal, the insurer:

(1) serves on the employer, by personal service or certified mail addressed to the last known address of the employer, a notice of intention to cancel or nonrenew the policy; and

(2) files a copy of the notice with the State Workers' Compensation Commission's designee.

(b) Notice under this section may be given:

(1) if the employer is a corporation, to an agent or officer of the corporation on whom legal process may be served; and

(2) if the employer is a partnership, to a partner.

(c) Notice under this section shall state when the cancellation or nonrenewal takes effect.

(d) Whenever an employer receives a notice under this section, the employer immediately shall secure coverage in accordance with § 9-402 of the Labor and Employment Article that will be in effect when the cancellation takes effect.

(e) (1) The notice shall state the insurer's actual reason for proposing the cancellation or nonrenewal of the policy.

(2) The Commissioner may not disallow a proposed action of an insurer because the statement of actual reason contains:

(i) grammatical, typographical, or other errors, if the errors are not material to the proposed action and are not misleading;

(ii) surplus information, if the surplus information is not misleading; or

(iii) erroneous information, if in the absence of the erroneous information there is a sufficient basis to support the proposed action.

(f) (1) At least 10 days before the date of cancellation of a workers' compensation insurance policy for nonpayment of premium, the insurer shall send to the employer, by certificate of mail, a written notice of the intention to cancel for nonpayment of premium.

(2) An insurer shall file a copy of the notice sent under paragraph (1) of this subsection with the State Workers' Compensation Commission's designee.

Article – Labor and Employment

10–118.

(a) The Fund shall consist of:

- (1) premiums for insurance that the Fund issues;
- (2) income from investments under § 10–122 of this subtitle;
- (3) interests on deposits or investments of money from the Fund; and

(4) the money that [the Attorney General collects] **IS COLLECTED** under [§ 10–133(c)] **§ 10–133(B)** of this subtitle on debts.

(b) The Fund shall include each security or other property that is acquired with money of the Fund.

(c) The Board shall use the Fund to pay all of the expenses under this subtitle, including losses on insurance that the Fund issues.

10–133.

(a) The Board shall adopt policies that provide procedures and standards for the payment of premiums.

(b) (1) [Subject to paragraph (2) of this subsection, the Board, the President of the Fund, or the Executive Vice President of] **IN ACCORDANCE WITH § 19–406 OF THE INSURANCE ARTICLE**, the Fund may:

(i) cancel the insurance of a policyholder who fails to pay a premium due to the Fund; and

(ii) [refer to the Attorney General, for collection,] **PURSUE COLLECTION OF** the debt of any policyholder whose insurance is being canceled under this paragraph.

[(2) At least 10 days before the date set for cancellation of insurance under this subsection, the Board shall:

(i) serve on the policyholder, by personal service or by certified or registered mail sent to the last known resident address of the policyholder, a notice of intention to cancel insurance; and

(ii) submit a copy of the notice to the Workers' Compensation Commission's designee.

(3) Notice under this subsection may be given:

(i) for a policyholder that is a corporation, to an official or other agent of the corporation on whom legal process may be served; and

(ii) for a policyholder that is a partnership, to any partner.

(4) Notice under this subsection shall state the date on which the cancellation is to become effective.

(5) Whenever a debt is referred under this subsection for collection, the insurance may not be reinstated until the debt is paid in full.

(c) (1) Whenever a debt is referred under this section for collection, the Board, the President of the Fund, or the Executive Vice President of the Fund shall provide the Attorney General with:

(i) the name of the policyholder;

(ii) each known business or resident address of the policyholder;

and

(iii) a statement of the amount that the policyholder owes to the Fund.

(2) The Attorney General may sue, in the name of the Fund, to collect the debt.

(d) (2) If [the President of] the Fund considers settlement to be in the best interest of the Fund, a debt [that is referred under this section for collection] may be settled.

10-135.

(a) The Board may:

(1) adopt requirements for uniform payroll; and

(2) require each policyholder to conform to the requirements.

(b) In accordance with the requirements that the Board adopts, each policyholder shall submit a report on wages or other documentation to the Board at intervals that the Board sets.

(c) The Board or its authorized employee **OR AGENT** may inspect at any time the payroll of a policyholder.

(d) ~~[(1)]~~ [Subject to paragraph (2) of this subsection, the Board, the President of the Fund, or the Executive Vice President of] **IN ACCORDANCE WITH § 19-406 OF THE INSURANCE ARTICLE**, the Fund may cancel the insurance of a policyholder who:

~~[(i)]~~ **(1)** fails to comply with subsection (b) of this section; or

~~[(ii)]~~ **(2)** refuses to allow an inspection authorized under subsection (c) of this section.

(2) At least 30 days before the date set for cancellation of insurance under this subsection, the Board shall:

(i) serve on the policyholder, by personal service or by certified or registered mail sent to the last known resident address of the policyholder, a notice of intention to cancel insurance; and

(ii) submit a copy of the notice to the Workers' Compensation Commission's designee.

(3) Notice under this subsection may be given:

(i) for a policyholder that is a corporation, to an official or other agent of the corporation on whom legal process may be served; and

(ii) for a policyholder that is a partnership, to any partner.

(4) Notice under this subsection shall state the date on which the cancellation is to become effective.]

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

Approved by the Governor, April 10, 2012.

Chapter 11

(House Bill 65)

AN ACT concerning

Injured Workers' Insurance Fund – Cancellation of Policies – Failure to Pay a Premium

FOR the purpose of altering the manner in which the Injured Workers' Insurance Fund may cancel policies when a policyholder has failed to pay a premium; repealing a requirement that the Board for the Injured Workers' Insurance Fund refer cases for collection to the Office of the Attorney General; and generally relating to the cancellation and collection procedures of the Injured Workers' Insurance Fund.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 19–406
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 10–118, 10–133, and 10–135
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Article – Insurance

19–406.

(a) Except for a cancellation for nonpayment of premium, an insurer may not cancel or refuse to renew a workers' compensation insurance policy before its expiration unless, at least 30 days before the date of cancellation or nonrenewal, the insurer:

(1) serves on the employer, by personal service or certified mail addressed to the last known address of the employer, a notice of intention to cancel or nonrenew the policy; and

(2) files a copy of the notice with the State Workers' Compensation Commission's designee.

(b) Notice under this section may be given:

(1) if the employer is a corporation, to an agent or officer of the corporation on whom legal process may be served; and

(2) if the employer is a partnership, to a partner.

(c) Notice under this section shall state when the cancellation or nonrenewal takes effect.

(d) Whenever an employer receives a notice under this section, the employer immediately shall secure coverage in accordance with § 9–402 of the Labor and Employment Article that will be in effect when the cancellation takes effect.

(e) (1) The notice shall state the insurer's actual reason for proposing the cancellation or nonrenewal of the policy.

(2) The Commissioner may not disallow a proposed action of an insurer because the statement of actual reason contains:

(i) grammatical, typographical, or other errors, if the errors are not material to the proposed action and are not misleading;

(ii) surplus information, if the surplus information is not misleading; or

(iii) erroneous information, if in the absence of the erroneous information there is a sufficient basis to support the proposed action.

(f) (1) At least 10 days before the date of cancellation of a workers' compensation insurance policy for nonpayment of premium, the insurer shall send to the employer, by certificate of mail, a written notice of the intention to cancel for nonpayment of premium.

(2) An insurer shall file a copy of the notice sent under paragraph (1) of this subsection with the State Workers' Compensation Commission's designee.

Article – Labor and Employment

10–118.

(a) The Fund shall consist of:

(1) premiums for insurance that the Fund issues;

(2) income from investments under § 10–122 of this subtitle;

(3) interests on deposits or investments of money from the Fund; and

(4) the money that [the Attorney General collects] **IS COLLECTED** under [§ 10–133(c)] **§ 10–133(B)** of this subtitle on debts.

(b) The Fund shall include each security or other property that is acquired with money of the Fund.

(c) The Board shall use the Fund to pay all of the expenses under this subtitle, including losses on insurance that the Fund issues.

10–133.

(a) The Board shall adopt policies that provide procedures and standards for the payment of premiums.

(b) (1) [Subject to paragraph (2) of this subsection, the Board, the President of the Fund, or the Executive Vice President of] **IN ACCORDANCE WITH § 19–406 OF THE INSURANCE ARTICLE**, the Fund may:

(i) cancel the insurance of a policyholder who fails to pay a premium due to the Fund; and

(ii) [refer to the Attorney General, for collection,] **PURSUE COLLECTION OF** the debt of any policyholder whose insurance is being canceled under this paragraph.

[(2) At least 10 days before the date set for cancellation of insurance under this subsection, the Board shall:

(i) serve on the policyholder, by personal service or by certified or registered mail sent to the last known resident address of the policyholder, a notice of intention to cancel insurance; and

(ii) submit a copy of the notice to the Workers' Compensation Commission's designee.

(3) Notice under this subsection may be given:

(i) for a policyholder that is a corporation, to an official or other agent of the corporation on whom legal process may be served; and

(ii) for a policyholder that is a partnership, to any partner.

(4) Notice under this subsection shall state the date on which the cancellation is to become effective.

(5) Whenever a debt is referred under this subsection for collection, the insurance may not be reinstated until the debt is paid in full.

(c) (1) Whenever a debt is referred under this section for collection, the Board, the President of the Fund, or the Executive Vice President of the Fund shall provide the Attorney General with:

- (i) the name of the policyholder;
- (ii) each known business or resident address of the policyholder;
- (iii) a statement of the amount that the policyholder owes to the

Fund.

(2) The Attorney General may sue, in the name of the Fund, to collect the debt.

(d) (2) If [the President of] the Fund considers settlement to be in the best interest of the Fund, a debt [that is referred under this section for collection] may be settled.

10-135.

(a) The Board may:

- (1) adopt requirements for uniform payroll; and
- (2) require each policyholder to conform to the requirements.

(b) In accordance with the requirements that the Board adopts, each policyholder shall submit a report on wages or other documentation to the Board at intervals that the Board sets.

(c) The Board or its authorized employee **OR AGENT** may inspect at any time the payroll of a policyholder.

(d) [(1)] [Subject to paragraph (2) of this subsection, the Board, the President of the Fund, or the Executive Vice President of] **IN ACCORDANCE WITH § 19-406 OF THE INSURANCE ARTICLE**, the Fund may cancel the insurance of a policyholder who:

[(i)] (1) fails to comply with subsection (b) of this section; or

[(ii)] (2) refuses to allow an inspection authorized under subsection (c) of this section.

[(2)] At least 30 days before the date set for cancellation of insurance under this subsection, the Board shall:

(i) serve on the policyholder, by personal service or by certified or registered mail sent to the last known resident address of the policyholder, a notice of intention to cancel insurance; and

(ii) submit a copy of the notice to the Workers' Compensation Commission's designee.

(3) Notice under this subsection may be given:

(i) for a policyholder that is a corporation, to an official or other agent of the corporation on whom legal process may be served; and

(ii) for a policyholder that is a partnership, to any partner.

(4) Notice under this subsection shall state the date on which the cancellation is to become effective.]

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

Approved by the Governor, April 10, 2012.

Chapter 12

(Senate Bill 37)

AN ACT concerning

Dorchester County – Water and Sewer Service – Late Fees

FOR the purpose of authorizing the sanitary district in Dorchester County to charge a certain late fee for certain unpaid usage charges related to certain water, sewerage, or solid waste projects; authorizing the sanitary commission in Dorchester County to require the payment of certain late fees before reconnecting with certain water service; providing that when a certain charge is in default it will accrue interest from a certain date and at a certain rate; and generally relating to water and sewer service charges in Dorchester County.

BY repealing and reenacting, without amendments,

Article – Environment

Section 9–601(a), (d), (j), and (k) and 9–662(a)

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–662(n)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

Article – Environment

9–601.

- (a) In this subtitle the following words have the meanings indicated.
- (d) (1) “District” means an entity that is created under this subtitle.
(2) “District” includes a board, body, or commission that assumes the principal functions of a district that is created under this subtitle and later abolished.
- (j) “Project” means a water system, sewerage system, solid waste disposal system, or solid waste acceptance facility or any part of these that a district owns, constructs, or operates.
- (k) “Sanitary commission” means a sanitary commission created under this subtitle.

9–662.

- (a) For each project that it operates, a district may charge the owners of parcels serviced by or connected to the project:
 - (1) A minimum charge; and
 - (2) A usage charge that is based on the use of the project by the owner of the parcel.
- (n) **(1) [In Somerset County, notwithstanding any other provisions of law:] THIS SUBSECTION APPLIES ONLY IN DORCHESTER COUNTY AND SOMERSET COUNTY.**

(2) NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW:

[(1)] (I) [The] A district may charge an owner of a parcel serviced by or connected to a project that the district operates a late fee for any unpaid usage charge that is based on the use of the project by the owner of the parcel;

[(2)] (II) [The Commission] A **SANITARY COMMISSION** may require, before reconnecting water service, payment of any applicable late fees in addition to any other charge authorized by this section; and

[(3)] (III) A charge that is in default shall accrue interest from the date of default at a rate set by the sanitary commission.

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

Approved by the Governor, April 10, 2012.

Chapter 13

(Senate Bill 51)

AN ACT concerning

Baltimore City – Board of Liquor License Commissioners – Transfer of License

FOR the purpose of altering a prohibition against the Board of Liquor License Commissioners for Baltimore City issuing an alcoholic beverages license or transferring a license into certain locations in Baltimore City by authorizing the Board to allow the transfer of a certain license into a certain development in a certain location in accordance with a certain local ordinance; making this Act an emergency measure; and generally relating to the issuance of alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 9–204.1(f)

Annotated Code of Maryland

(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

9–204.1.

(f) (1) This subsection applies only in the 46th alcoholic beverages district.

(2) Notwithstanding § 6-201(d)(1)(vii) of this article, the Board may issue a Class B beer, wine and liquor license:

(i) For a restaurant in ward 26, precinct 8, if the restaurant has a minimum capital investment of \$700,000, a seating capacity exceeding 150 persons, and average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant;

(ii) For a restaurant in ward 4, precinct 1 or ward 22, precinct 1, if the restaurant has a minimum capital investment of \$700,000, a seating capacity that exceeds 75 persons, average daily receipts for the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off-premises consumption;

(iii) For not more than three restaurants in a residential planned unit development for Silo Point as approved by the Mayor and City Council of Baltimore City in Ordinance 04-697 on June 23, 2004, if the restaurant has a minimum capital investment of \$700,000, a seating capacity that exceeds 75 persons, average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off-premises consumption; and

(iv) For not more than three restaurants in a business planned unit development in ward 24, precinct 5 of the 46th alcoholic beverages district, which at all times shall be coterminous with the 46th Legislative District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002, if each restaurant has a minimum capital investment of \$700,000, a seating capacity that exceeds 75 persons but is not more than 150 persons, average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off-premises consumption.

(3) **(I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH,** THE Board may not issue an alcoholic beverages license or transfer a license into ward 1, precincts 4 and 5, ward 23, precinct 1, or ward 24, precinct 5.

(II) THE BOARD MAY ALLOW THE TRANSFER OF ONE CLASS D LICENSE INTO THE RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR SILO POINT LOCATED IN WARD 24, PRECINCT 5 WHICH WAS ENACTED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 04-697 ON JUNE 23, 2004, PROVIDED THAT THE CLASS D LICENSE HOLDER OPERATES THE ESTABLISHMENT IN ACCORDANCE WITH THE PROVISIONS OF ORDINANCE 04-697.

(4) Notwithstanding any other provision of law, a new Class B beer, wine and liquor license may not be transferred to another location or downgraded within the 46th alcoholic beverages district.

(5) A new Class B licensed restaurant must have average daily receipts from the sale of food that are at least 51% of the total daily receipts of the restaurant.

(6) (i) Except as provided in subparagraph (ii) of this paragraph, the Board may not transfer or issue a license if the transfer or issuance would result in:

1. The licensed premises being located within 300 feet of the nearest point of a church or a school; or

2. The licensed premises being located closer to the nearest point of a church or a school than the licensed premises was on June 1, 2004.

(ii) This paragraph does not apply to a licensed restaurant in:

1. Ward 4, precinct 1;

2. Ward 22, precinct 1; or

3. A residential planned unit development for Silo Point as approved by the Mayor and City Council of Baltimore City in Ordinance 04–697 on June 23, 2004.

(7) (i) Except as provided in subparagraph (ii) of this paragraph, a license for the sale of alcoholic beverages may not be transferred into, or transferred to a different location within, the following areas:

1. Ward 1, precincts 2 and 3;

2. Ward 2 in its entirety;

3. Ward 3, precinct 3; and

4. Ward 26, precincts 3 and 10.

(ii) This paragraph does not apply to an application for a new license or a transfer from within the areas described in subparagraph (i) of this paragraph if the new license or transfer is for:

1. A hotel;

2. An establishment located in a planned unit development if the application for the planned unit development was filed or approved before December 31, 1995;

3. An establishment located in an area governed by the Inner Harbor East Urban Renewal Plan; or

4. An establishment that has a seating capacity of fewer than 150 persons or in which the average daily receipts from the sale of food are at least 51% of the total daily receipts of the establishment.

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

Approved by the Governor, April 10, 2012.

Chapter 14

(Senate Bill 59)

AN ACT concerning

State Commission on Criminal Sentencing Policy – Annual Report – Reporting Date

FOR the purpose of altering the date by which the State Commission on Criminal Sentencing Policy is required to submit a certain report; clarifying the contents of the report; and generally relating to the State Commission on Criminal Sentencing Policy.

BY repealing and reenacting, with amendments,
 Article – Criminal Procedure
 Section 6–209
 Annotated Code of Maryland
 (2008 Replacement Volume and 2011 Supplement)

Preamble

WHEREAS, The State Commission on Criminal Sentencing Policy was created to support fair and proportional sentencing policy, increase equity in criminal sentencing practice, and promote increased visibility and public understanding of the sentencing process; and

WHEREAS, The Commission's annual report analyzes circuit court sentencing practices and trends based on the most recent fiscal year of the Judiciary ending on June 30; and

WHEREAS, It is critical that the Commission has sufficient time to accurately and efficiently collect, process, review, and analyze the data to be included in its report prior to the submission to the General Assembly; and

WHEREAS, The Commission regularly holds one of its quarterly meetings and its public comments hearing in December and this information should be included in the annual report that pertains to the activities for that year; and

WHEREAS, The Commission's annual report is required to be inclusive of all its activities and changes to sentencing guidelines during the full calendar year; now, therefore,

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

Article – Criminal Procedure

6–209.

(a) The Commission shall review annually sentencing policy and practice and, on or before ~~[December 1]~~ **JANUARY 31** of each year, report to the General Assembly, in accordance with § 2–1246 of the State Government Article, **ON THE ACTIVITIES OF THE PRECEDING CALENDAR YEAR.**

(b) (1) The report shall:

(i) include any changes to the sentencing guidelines made during the preceding year;

(ii) review judicial compliance with the sentencing guidelines, including compliance by crime and by judicial circuit;

(iii) review reductions or increases in original sentences that have occurred because of reconsiderations of sentences imposed under § 14–101 of the Criminal Law Article; and

(iv) categorize information on the number of reconsiderations of sentences by crimes as listed in § 14–101(a) of the Criminal Law Article and by judicial circuit.

(2) The Commission shall consider a sentence to a corrections options program to be within the sentencing guidelines if the sentence falls within a corrections options zone shown on the matrix.

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

Approved by the Governor, April 10, 2012.

Chapter 15

(House Bill 117)

AN ACT concerning

**State Commission on Criminal Sentencing Policy – Annual Report –
Reporting Date**

FOR the purpose of altering the date by which the State Commission on Criminal Sentencing Policy is required to submit a certain report; clarifying the contents of the report; and generally relating to the State Commission on Criminal Sentencing Policy.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–209
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

Preamble

WHEREAS, The State Commission on Criminal Sentencing Policy was created to support fair and proportional sentencing policy, increase equity in criminal sentencing practice, and promote increased visibility and public understanding of the sentencing process; and

WHEREAS, The Commission's annual report analyzes circuit court sentencing practices and trends based on the most recent fiscal year of the Judiciary ending on June 30; and

WHEREAS, It is critical that the Commission has sufficient time to accurately and efficiently collect, process, review, and analyze the data to be included in its report prior to the submission to the General Assembly; and

WHEREAS, The Commission regularly holds one of its quarterly meetings and its public comments hearing in December and this information should be included in the annual report that pertains to the activities for that year; and

WHEREAS, The Commission's annual report is required to be inclusive of all its activities and changes to sentencing guidelines during the full calendar year; now, therefore,

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

Article – Criminal Procedure

6–209.

(a) The Commission shall review annually sentencing policy and practice and, on or before [December 1] **JANUARY 31** of each year, report to the General Assembly, in accordance with § 2–1246 of the State Government Article, **ON THE ACTIVITIES OF THE PRECEDING CALENDAR YEAR.**

(b) (1) The report shall:

(i) include any changes to the sentencing guidelines made during the preceding year;

(ii) review judicial compliance with the sentencing guidelines, including compliance by crime and by judicial circuit;

(iii) review reductions or increases in original sentences that have occurred because of reconsiderations of sentences imposed under § 14–101 of the Criminal Law Article; and

(iv) categorize information on the number of reconsiderations of sentences by crimes as listed in § 14–101(a) of the Criminal Law Article and by judicial circuit.

(2) The Commission shall consider a sentence to a corrections options program to be within the sentencing guidelines if the sentence falls within a corrections options zone shown on the matrix.

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

Approved by the Governor, April 10, 2012.

Chapter 16**(Senate Bill 85)**

AN ACT concerning

**Election Law – Baltimore County Republican Party Central Committee –
Election of Chairman**

FOR the purpose of requiring the Chairman of the Baltimore County Republican Party Central Committee to be elected by the members of the central committee from among its members and in accordance with its bylaws instead of being elected at large; altering the number of members of the central committee; and generally relating to the election of the Chairman of the Baltimore County Republican Party Central Committee.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 4–202 and 4–203(c)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Article – Election Law

4–202.

(a) (1) A principal political party shall elect the members of the county central committee at a primary election.

(2) Except as otherwise provided in this section or § 4–203 of this subtitle, the central committee for a county shall consist of the number of members determined by the party's constitution.

(b) (1) Except as provided in paragraph (2) of this subsection, the party central committee for each county shall select the chairman of that county's party central committee.

(2) In Baltimore County, the Chairman of the Republican Party Central Committee shall be elected [at large] **BY THE MEMBERS OF THE CENTRAL COMMITTEE FROM AMONG ITS MEMBERS AND IN ACCORDANCE WITH ITS BYLAWS.**

(c) (1) An individual elected to serve as a member of a party central committee shall be a resident of the county in which that central committee is located.

(2) (i) An individual elected from a county who ceases to reside in that county shall be considered to have resigned and may not continue to serve on the central committee.

(ii) An individual elected from a specific legislative district who ceases to reside in that district shall be considered to have resigned and may not continue to serve on the central committee.

(d) (1) (i) An individual selected to fill a vacancy in a party central committee shall be a resident of the county in which that central committee is located.

(ii) An individual selected to fill a vacancy of a member elected from a specific legislative district in a party central committee shall be a resident of that legislative district.

(2) Upon relinquishing residency in the county or legislative district in which a member of a party central committee was selected to fill a vacancy, the member shall be considered to have resigned.

(e) (1) Except as provided in paragraph (2) of this subsection, a vacancy in the party central committee for a county, or for a legislative district of Baltimore City, Anne Arundel County, or Baltimore County, shall be filled by the remaining members of the committee elected from that county or legislative district.

(2) If a political party does not have county central committees or central committees for legislative districts, vacancies shall be filled in accordance with party rules.

(f) (1) Except as provided in paragraph (2) of this subsection, the tenure in office of a member of the central committee of any political party shall:

(i) begin at the time the results of that election are certified;
and

(ii) continue to the extent of any extension in time between primary elections by reason of any change in the date of holding primary elections by a political party in the State.

(2) The tenure in office of a member of the Republican Party Central Committee shall begin on the 14th day following the gubernatorial general election.

(3) For purposes of this subsection, upon relinquishing residency in the county, a member of a party central committee shall be considered to have resigned.

(c) (1) [Except as provided in paragraph (2)(ii) of this subsection, in] IN Baltimore County, [members of the party central committees may not run at large.

(2) The] THE Republican Party Central Committee shall consist of[:

(i) four members elected from each councilmanic district in the county[; and

(ii) a chairman elected from the county at large].

[(3)] (2) For the Baltimore County Democratic Party Central Committee:

(i) twenty-five members, five from each district, shall be elected from legislative districts 6, 8, 10, 11, and 42, each district being located wholly within Baltimore County;

(ii) two members shall be elected from that part of legislative district 5 that is located in Baltimore County;

(iii) four members shall be elected from that part of legislative district 7 that is located in Baltimore County; and

(iv) four members shall be elected from that part of legislative district 12 that is located in Baltimore County.

[(4)] (3) Only individuals affiliated with the Democratic Party and who are registered to vote in Baltimore County may vote for the election of members to the Baltimore County Democratic Party Central Committee under this section.

[(5)] (4) The number of Democratic Party Central Committee members to be elected from each legislative district, or portion of legislative district, in Baltimore County shall be determined upon completion of each legislative districting.

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

Approved by the Governor, April 10, 2012.

Chapter 17

(Senate Bill 103)

AN ACT concerning

Dorchester County – Alcoholic Beverages – Hours for Sale

FOR the purpose of altering the hours for sale on a certain day for holders of a certain alcoholic beverages license in Dorchester County; and generally relating to the hours for sale for alcoholic beverages in Dorchester County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 11–510(a)

Annotated Code of Maryland

(2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 11–510(b)(6)

Annotated Code of Maryland

(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

11–510.

(a) This section applies only in Dorchester County.

(b) Notwithstanding any other provisions of this subtitle, the hours for sale for alcoholic beverages are as follows:

(6) For the holders of a Class B (on–sale) beer, wine and liquor license sales are permitted:

(i) Monday through Saturday from 7 a.m. through 1:45 a.m. the following day; and

(ii) Sunday from [12 noon] **10 A.M.** through 12 midnight, except if Christmas Eve or New Year’s Eve is on a Sunday, from [12 noon] **10 A.M.** to 2 a.m. the following day.

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

Approved by the Governor, April 10, 2012.

Chapter 18
(Senate Bill 105)

AN ACT concerning

**Caroline County and Dorchester County – Turkey Hunting on Private
Property – Sundays**

FOR the purpose of authorizing a person to hunt turkey on private property on certain Sundays in Caroline County and Dorchester County; making this Act an emergency measure; and generally relating to turkey hunting on Sundays.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

Article – Natural Resources

10–410.

(a) (1) Except as provided in paragraphs (2), (3), (4), and (6) of this subsection, a person may not hunt any game bird or mammal on Sundays.

(2) The following persons may hunt the specified game birds and mammals on Sundays:

(i) A person using State certified raptors to hunt game birds or mammals during open season;

(ii) An unarmed person participating in an organized fox chase to chase foxes;

(iii) Provided that the provisions of § 10–906(b)(3) of this title are met, a person:

1. Using a regulated shooting ground under § 10–906 of this title to hunt the following pen–reared game birds:

A. Pheasants;

- B. Bobwhite quail;
- C. Chukar partridge;
- D. Hungarian partridge;
- E. Tower released flighted mallard ducks; and
- F. Turkey on a regulated shooting ground that was permitted to release turkey before September 1, 1992; and

2. Having the written permission of the owner of the land or other person designated by the owner of the land, if the land is owned or leased by a person other than the person hunting on Sundays;

(iv) Subject to the provisions of § 10–411 of this subtitle, in Allegany, Calvert, Carroll, Charles, Dorchester, Frederick, Garrett, St. Mary’s, Somerset, Talbot, Washington, Wicomico, and Worcester counties, a person hunting deer on private property with a bow and arrow or crossbow during open season on the last three Sundays in October and the second Sunday in November; [and]

(v) Except on Easter Sunday, in Allegany County and Garrett County, a person hunting turkey on the last Sunday in April and the first Sunday in May; AND

(VI) IN CAROLINE COUNTY AND DORCHESTER COUNTY, A PERSON HUNTING TURKEY ON PRIVATE PROPERTY ON ANY SUNDAY DURING THE SPRING TURKEY HUNTING SEASON.

(3) Subject to the provisions of § 10–415 of this subtitle, in Calvert County, Charles County, and St. Mary’s County, a person may hunt deer on private property on:

(i) The first Sunday of the bow hunting season in November;
and

(ii) Each Sunday in the deer firearms season.

(4) Provided that the provisions of § 10–415 of this subtitle are met and subject to paragraph (5) of this subsection, the Department may allow a person to hunt deer on private property on the first Sunday of:

(i) The bow hunting season in November; and

(ii) The deer firearms season.

(5) The Sunday deer hunting provisions under paragraph (4) of this subsection do not apply:

- (i) In Baltimore, Howard, and Prince George's counties; and
- (ii) In Baltimore City.

(6) A person who is 16 years of age or younger may hunt deer with a firearm on a Sunday through participation in the junior deer hunt established under § 10-405(a) of this subtitle.

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

Approved by the Governor, April 10, 2012.

Chapter 19

(Senate Bill 108)

AN ACT concerning

Maryland Horse Industry Board – Licensing

FOR the purpose of repealing and altering certain requirements relating to licensure and inspection of horse establishments, including boarding stables, lesson or riding stables, and rescue and sanctuary stables by the Maryland Horse Industry Board; repealing certain fees; increasing ~~a~~ certain ~~fee~~ fees; altering certain grounds for license suspension or revocation by the Board and the Secretary of Agriculture; increasing a certain fine; requiring the Board to provide the opportunity for a hearing in accordance with certain procedures under certain circumstances; requiring the Board to provide certain notice under certain circumstances; authorizing the Board to issue a subpoena under certain circumstances; repealing certain obsolete provisions related to livestock dealers; repealing certain defined terms; defining certain terms; making clarifying changes; and generally relating to the licensure, inspection, and regulation of horse establishments by the Maryland Horse Industry Board.

BY repealing and reenacting, with amendments,
Article – Agriculture

Section 2–701, 2–710, 2–711, 2–712, 2–713, 2–714, 2–715, 2–718, 3–303, and 3–304

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

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

Article – Agriculture

2–701.

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

(b) “Board” means the Maryland Horse Industry Board.

(c) “Boarding stable” means an establishment that [stables five or more] **SOLICITS OR OFFERS TO THE PUBLIC TO STABLE** horses [and receives compensation for these services].

(d) “Equine activities” includes teaching equestrian skills, participating in equestrian competitions, exhibitions or other displays of equestrian skills, and caring for, breeding, boarding, renting, riding, or training horses.

(e) [“Equine dealer, breeding stables, or rescue stables” includes an establishment in which five or more horses are sold or transferred each year.

(f)] “Horse” includes horses, **DONKEYS, MULES**, and ponies.

(F) “HORSE ESTABLISHMENT” MEANS AN ESTABLISHMENT THAT SOLICITS OR OFFERS TO THE PUBLIC ANY OF THE FOLLOWING SERVICES:

(1) A BOARDING STABLE;

(2) A LESSON OR RENTAL STABLE; OR

(3) A RESCUE OR SANCTUARY STABLE.

[(g) (1) “Horse riding and rental stables” means an establishment in connection with which one or more horses are let for hire to be ridden or driven, either with or without the furnishing of riding or driving instruction.

(2) “Horse riding and rental stables” includes:

(i) Boarding stables;

- (ii) Equine dealer, breeding stables, or rescue stables; and
- (iii) Sales barns.

(h) "Sales barns" includes an establishment where horses are sold.]

(G) "LESSON OR RENTAL STABLE" MEANS AN ESTABLISHMENT IN CONNECTION WITH WHICH ONE OR MORE HORSES ARE OFFERED TO THE PUBLIC TO BE LET FOR HIRE, TO BE RIDDEN OR DRIVEN, EITHER WITH OR WITHOUT THE FURNISHING OF RIDING OR DRIVING INSTRUCTIONS.

(H) "RESCUE OR SANCTUARY STABLE" MEANS AN ESTABLISHMENT THAT OFFERS TO THE PUBLIC TO SHELTER OR KEEP ONE OR MORE HORSES FOR HUMANE PURPOSES WITH OR WITHOUT COMPENSATION AND WITH OR WITHOUT TAX-EXEMPT STATUS.

(I) "STABLE" MEANS A PLACE WHERE ONE OR MORE HORSES ARE UNDER THE CARE, CUSTODY, AND CONTROL OF AN OPERATOR.

2-710.

[(a) Except as otherwise provided in this subtitle, a] **A** person may not engage in the business of operating or maintaining any [horse riding stable] **HORSE ESTABLISHMENT** unless the person has received a license [and a certificate] issued by the Board.

[(b) This section does not apply to a holder of a livestock dealer's or livestock market license issued under Title 3, Subtitle 3 of this article. However, a holder of a livestock dealer's or livestock market license shall comply with the other provisions of this subtitle.]

2-711.

To apply for a license, an applicant shall:

- (1) Submit an application to the Board on the form that it requires;
- AND**
- (2) [Pay to the Board a nonrefundable inspection fee of \$50; and
 - (3) Pay to the Board a license fee of \$75] **PAY TO THE BOARD A LICENSE FEE OF \$125.**

2-712.

(a) A license expires on the June 30 after its effective date, unless the license is renewed for a 1-year term as provided in this section.

(b) Before his license expires, a licensee periodically may renew his license for additional 1-year terms, if the licensee:

(1) Otherwise is entitled to be licensed;

(2) Pays to the Board a renewal fee of [~~\$75~~] **\$125**; and

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

2-713.

(a) Each [~~horse riding stable~~] **HORSE ESTABLISHMENT** licensed under this subtitle shall be inspected [~~at least every 2 years~~] **AS DETERMINED BY THE BOARD.**

[(b) Each licensee shall pay to the Board annually an inspection fee of \$50.

(c) If more than one inspection is necessary in any licensing period, the licensee shall pay an additional inspection fee of \$50 for each inspection. If, after three inspections, existing deficiencies have not been corrected by the licensee, the Board shall bring formal charges against the licensee, and an administrative hearing shall be held in order to determine if the license should be suspended or revoked for any of the reasons listed in § 2-715 of this subtitle.

(d) An inspection shall be deemed necessary if, during a previous inspection, deficiencies are found and the licensee has not submitted evidence to the Board within a reasonable period of time that satisfactory corrective measures have been completed.]

[(e)] **(B)** Based on criteria it develops, the Board may create additional classes of licenses, all of which shall have the usual annual fee under this subtitle.

2-714.

(a) A license issued under this subtitle is the property of the State and only is loaned to a licensee.

(b) Each licensee shall display [~~his~~] **THE** license conspicuously on the premises where a [~~riding stable~~] **HORSE ESTABLISHMENT** is operated by the licensee.

(c) A license issued under this subtitle may not be assigned or transferred.

2-715.

[After a hearing, the] **THE** Board may suspend or revoke the license issued to any licensee under this subtitle, if the licensee:

(1) Fails to provide suitable food, water, and shelter for a horse under the control of the licensee;

(2) Maintains an unsanitary or unfit [stable] **HORSE ESTABLISHMENT**;

(3) Fails to provide suitable saddles, bridles, harnesses, and other tack or equipment;

(4) Allows unfit horses to be used for riding or driving purposes;

(5) Refuses to allow a member of the Board to enter and inspect the licensed premises;

(6) Obstructs any member of the Board in the performance of his duties;

(7) Commits an act of cruelty as defined in § 10-601 of the Criminal Law Article, or allows the commission of an act of cruelty by any other person with relation to any horse under the control of the licensee;

(8) [If engaged in the public sale of horses, fails to comply with any of the provisions of Title 3, Subtitle 3 of this article;

(9)] Does any other action that, in the opinion of the Board [of Inspection], taking into consideration the welfare of the horses under the control of the licensee, shows that the licensee is unfit to operate a horse [riding stable] **ESTABLISHMENT**; or

[(10)] **(9)** Fails to comply with the rules and regulations of the Board after receiving a license.

2-718.

(a) Any person who violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding [\$250] **\$500** or imprisonment not exceeding 11 months or both.

(b) (1) Instead of pursuing criminal penalties under subsection (a) of this section, the Board may impose an administrative penalty on any person who violates any provision of **§ 2-710 OR § 2-715 OF** this subtitle.

(2) The penalty imposed under this subsection may not exceed \$2,000 FOR EACH VIOLATION OF THIS SUBTITLE.

(3) All penalties collected under this subsection shall be paid into the General Fund of the State.

(4) The Board shall adopt regulations necessary to implement the provisions of this subsection.

(C) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 2-710 OR § 2-715 OF THIS SUBTITLE, IT SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

(D) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(E) THE PERSON MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

(F) THE BOARD MAY ISSUE SUBPOENAS IN CONNECTION WITH ANY INVESTIGATION OF CHARGES UNDER § 2-710 OF THIS SUBTITLE OR PROCEEDINGS UNDER THIS SECTION.

(G) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND DETERMINE THE MATTER.

3-303.

(a) No person may be a livestock dealer without first obtaining an annual livestock dealer's license from the Secretary. No person may operate a livestock market without first obtaining an annual livestock market license from the Secretary for each market he operates.

(b) (1) An agent of a person who possesses a livestock dealer's license is not required to obtain a livestock dealer's license.

(2) A dealer who possesses a livestock market license is not required to obtain a dealer's license if he sells livestock only at the licensed livestock market.

[(3) A holder of a license issued by the Maryland Horse Industry Board is not required to have a license under this subtitle, but shall comply with all of the other provisions of it.]

(c) Each license shall be issued upon payment of a \$50 fee and shall be effective until June 30, following, unless revoked.

(d) The Secretary shall issue an identification card to each licensee and his agent who shall carry it on his person. The licensee or agent shall display the license at each place of business.

3-304.

The Secretary may refuse to issue a license or may suspend or revoke a license on any of the following grounds:

- (1) Fraudulent or deceptive statement on an application for a license;
- (2) Conviction of a violation of any of the provisions of this subtitle or the rules or regulations adopted pursuant to it; **OR**
- (3) Frequent or numerous violations of departmental rules and regulations]; or
- (4) Operating or maintaining a horse riding stable in violation of any provision of Title 2, Subtitle 7 of this article].

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

Approved by the Governor, April 10, 2012.

Chapter 20

(Senate Bill 109)

AN ACT concerning

State Board of Architects – Continuing Professional Competency

FOR the purpose of repealing certain provisions of law relating to continuing education requirements for architects; requiring the State Board of Architects to adopt regulations to require a licensed architect to demonstrate continuing professional competency by completing a certain number of hours of professional development activities as a condition of renewal of a license; making conforming changes; and generally relating to the State Board of Architects and continuing professional competency requirements for licensed architects.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 3–309(c)(4), 3–309.2(c)(2), and 3–310(a)(4)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing
Article – Business Occupations and Professions
Section 3–309.1
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Business Occupations and Professions
Section 3–309.1
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Article – Business Occupations and Professions

3–309.

(c) Before a license expires, the licensee periodically may renew it for an additional 2–year term, if the licensee:

(4) upon request by the Board, submits to the Board the original certificate of completion or transcript of completed courses verifying the licensee has complied with the continuing [education] **PROFESSIONAL COMPETENCY** requirement under § 3–309.1 of this subtitle.

[3–309.1.

(a) (1) To qualify for renewal of a license under this subtitle, a licensee shall complete 24 continuing education contact hours per 24–month period since the last renewal of a license, including 16 continuing education contact hours that are related to the protection of the health, safety, and welfare of the general public.

(2) Notwithstanding paragraph (1) of this subsection:

(i) a licensee who is granted an initial license may renew a license for the next full term without complying with the continuing education requirement of this section;

(ii) a licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year, if the activity restricts participation in a continuing education program, may renew a license for the next full term without complying with the continuing education requirement of this section; and

(iii) a licensee experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the Board may renew a license for the next full term without complying with the continuing education requirement of this section.

(b) (1) A continuing education course or activity must:

(i) have a clear purpose and objective which will maintain, improve, or expand skills and knowledge obtained prior to licensure or certification or develop new and relevant skills and knowledge;

(ii) be presented in a well-organized and sequential manner;

(iii) provide evidence of preplanning which must include the opportunity for input by the group to be served;

(iv) be conducted by persons who are well qualified based on education or experience; and

(v) provide for documentation of an individual's participation including information required for record keeping and reporting.

(2) A course or activity approved by the American Institute of Architects (AIA) and the National Council of Architectural Registration Boards (NCARB) shall be accepted as meeting the requirements of paragraph (1) of this subsection.

(3) (i) A course or activity not approved by this subsection, the AIA, or NCARB may be given approval by the Board if the licensee seeking approval of the course or activity submits a written request to the Board and obtains pre-approval from the Board.

(ii) An individual seeking to obtain pre-approval of a continuing education course or activity shall submit the following at least 30 calendar days in advance of the program so that the Board may analyze and respond to the individual:

1. the name, address, and phone number of the course or activity sponsor;

2. the name of the course or activity;

3. a detailed description of the course or activity;
4. the length of the instructional period;
5. the total number of contact hours for which credit is sought;
6. the name and academic or professional credentials of the course or activity instructor;
7. the time, place, and date of the course or activity; and
8. the sponsor's method for providing evidence of attendance.

(iii) The sponsor of a pre-approved course or activity may announce or indicate as follows: "This course has been approved by the Maryland State Board of Architects for the maximum of ___ contact hours of continuing education."

(c) (1) In accounting credit, the Board shall provide a space on the regular license renewal form for the licensee to sign as certification that the licensee has complied with the continuing education requirement of this section.

(2) The Board may conduct random audits to verify completion of the requirement.

(3) In response to an audit, a licensee may submit a transcript from the Continuing Education System of the AIA or another form prescribed or accepted by the Board.

(4) Evidence of compliance shall be maintained by the licensee for 2 years after each renewal period.

(5) If as a result of an audit the Board disallows any contact hours, the licensee shall have 6 months from notice of such disallowance either to provide acceptable evidence of having acquired contact hours or to acquire the required number of contact hours prior to revocation of a license.

(d) The requirements of this section may be met if an individual is licensed or certified in another state, province, or district which has a continuing education requirement for renewal of a license that is similar to the program in subsection (b) of this section, and the program is accepted by the Board and the individual certifies that all continuing education and licensing requirements for the state, province, or district from which the individual is licensed or certified have been met, subject to audit by the Board.

(e) The Board may waive the requirements of this section for a licensee if the licensee shows good cause for being unable to meet the requirements.]

3-309.1.

THE BOARD SHALL ADOPT REGULATIONS TO REQUIRE A LICENSEE TO DEMONSTRATE CONTINUING PROFESSIONAL COMPETENCY BY COMPLETING AT LEAST 24 HOURS OF PROFESSIONAL DEVELOPMENT ACTIVITIES AS A CONDITION OF RENEWAL OF A LICENSE UNDER THIS SUBTITLE.

3-309.2.

(c) The Board may reactivate the license of an individual who holds a retired status license if that individual:

(2) meets all continuing [education] **PROFESSIONAL COMPETENCY** requirements[, not exceeding 24 credit hours,] that would have been required for renewal of a license under § 3-309.1 of this subtitle if the individual had not been issued a retired status license;

3-310.

(a) The Board shall reinstate the license of an architect who, for any reason, has failed to renew the license by the end of the 30-day grace period if the architect:

(4) meets the continuing [education] **PROFESSIONAL COMPETENCY** requirement that would have been required for renewal of a license under § 3-309.1 of this subtitle, if the license had not expired[, up to a maximum of 24 contact hours].

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

Approved by the Governor, April 10, 2012.

Chapter 21

(Senate Bill 112)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Appraisal Requirement

FOR the purpose of altering the number of appraisals required for the termination of an easement approved by the Maryland Agricultural Land Preservation Foundation; requiring that land subject to the termination of an easement shall be appraised as of a certain date; requiring the Department of General Services to review the appraisals, make a certain determination, issue a certain statement to the Foundation, and issue a certain notification to the landowner; and generally relating to the requirements for the termination of an easement under the Maryland Agricultural Land Preservation Foundation.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–514
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

Article – Agriculture

2–514.

(a) It is the intent of the General Assembly that any easement whose purchase is approved by the Board of Public Works on or before September 30, 2004, be held by the Foundation for as long as profitable farming is feasible on the land under easement, and an easement may be terminated only in the manner and at the time specified in this section.

(b) Except as provided in subsection (h) of this section, any time after 25 years from the date of purchase of an easement, the landowner may request that the easement be reviewed for possible termination of the easement.

(c) (1) Upon a request for review of an easement for termination, an inquiry shall be conducted by the Foundation to determine the feasibility of profitable farming on the subject land.

(2) The inquiry shall include:

(i) On-site inspection of the subject land; and

(ii) A public hearing conducted by the Foundation board within the county containing the subject land after adequate public notice.

(3) The inquiry shall be concluded and a decision reached by the Foundation within 180 days after the request for termination, unless the landowner requests a hearing under subsection (h) of this section.

(d) An easement may be terminated only with the approval of the governing body of the county containing the subject land. In deciding whether to approve the request for termination, the county governing body shall receive the recommendation of the county agricultural preservation advisory board established under § 2–504.1 of this subtitle. The decision of the county governing body shall be made after the public hearing required in subsection (c) of this section. The county governing body shall notify the Foundation of its decision within 90 days after the conclusion of the public hearing required in subsection (c) of this section.

(e) Upon the affirmative vote of a majority of the Foundation members at-large, and upon the approval of the Secretary and the State Treasurer, the request for termination shall be approved, and the landowner shall be notified.

(f) (1) If the request for termination is approved, [an appraisal] **TWO FAIR MARKET VALUE APPRAISALS** of the subject land shall be ordered by the **DEPARTMENT OF GENERAL SERVICES AT THE DIRECTION OF THE** Foundation at the expense of the landowner requesting termination of the easement.

(2) THE SUBJECT LAND SHALL BE APPRAISED AS OF THE DATE OF THE APPROVAL OF THE REQUEST FOR TERMINATION.

(3) THE DEPARTMENT OF GENERAL SERVICES SHALL REVIEW THE TWO APPRAISALS AND SHALL DETERMINE THE FAIR MARKET VALUE OF THE SUBJECT LAND AND SHALL ISSUE A WRITTEN STATEMENT AS TO THE APPROVED FAIR MARKET VALUE TO THE FOUNDATION.

(4) UPON RECEIPT OF THE WRITTEN STATEMENT FROM THE DEPARTMENT OF GENERAL SERVICES, THE FOUNDATION SHALL ISSUE A NOTIFICATION TO THE LANDOWNER OF THE APPROVED FAIR MARKET VALUE.

[(2)] (5) (i) 1. No more than 180 days following the [appraisal] **NOTIFICATION** required under paragraph **[(1)] (4)** of this subsection, the landowner may repurchase the easement by paying to the Foundation the difference between the **APPROVED** fair market value and the agricultural value of the subject land[, as determined by the appraisal].

2. FOR PURPOSES OF THIS PARAGRAPH, THE FAIR MARKET VALUE IS THE SAME AS SET FORTH UNDER § 2–511(B) OF THIS SUBTITLE.

(ii) For purposes of this paragraph, the agricultural value of the land is determined by the appraisal method that was in effect at the time the easement was acquired by the Foundation, either by the agricultural appraisal formula under § 2–511(d) of this subtitle or by an appraisal that determines the price as of the valuation date which a vendor, willing but not obligated to sell, would accept,

and which a purchaser, willing but not obligated to buy, would pay for a farm unit with land comparable in quality and composition to the property being appraised.

(iii) 1. In the case of the termination of an easement that was originally purchased under a matching allotted purchase, the Foundation shall distribute to the contributing county a portion of the repurchase payment received under subparagraph (i) of this paragraph that is equal to the percentage of the original easement purchase price contributed by the county.

2. A. From the funds distributed to a county under this subparagraph, the county shall deposit in the county's special account for its agricultural land preservation program an amount that is at least equal to the percentage of the original easement purchase price that was paid out of the special account.

B. If any of the funds deposited in the county's special account have not been expended or committed within 3 years from the date of deposit into the special account, the county collector shall remit those funds to the Comptroller for deposit in the Maryland Agricultural Land Preservation Fund as provided in § 13–306(d) of the Tax – Property Article.

3. The county shall deposit the balance of the funds distributed to it under this subparagraph in the county's general fund.

4. If an easement is terminated, the Foundation shall deposit its portion of the repurchase payment in the Maryland Agricultural Land Preservation Fund as provided under § 2–505 of this subtitle.

(g) If the request for termination is denied, or if the landowner fails to repurchase the easement within 180 days of the [appraisal] **NOTIFICATION REQUIRED UNDER SUBSECTION (F)(4) OF THIS SECTION**, the landowner may not again request termination of the easement until five years after his last request for termination.

(h) A landowner may not terminate an easement purchased using an installment purchase agreement, as provided in § 2–510(k) of this subtitle.

(i) (1) This subsection applies only to easements that the Foundation acquires on or before September 30, 2004.

(2) Before deciding on a request for termination of an easement, the Foundation shall provide a landowner with the opportunity for a hearing.

(3) Notwithstanding §§ 2–401 through 2–405 of this title, the landowner may appeal any Foundation denial directly to the circuit court of the county where the land is located.

(4) The circuit court shall hear and determine the appeal on the record made in accordance with § 10-222 of the State Government Article.

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

Approved by the Governor, April 10, 2012.

Chapter 22

(Senate Bill 113)

AN ACT concerning

Weights and Measures – Registration Fees

FOR the purpose of altering the fees and the cap on certain fees for registering certain scales and meters; and generally relating to registration fees for weights and measures.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 11-204.7
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

Article – Agriculture

11-204.7.

The fees for registering each weight and measure used for commercial purposes under this subtitle are as follows:

- (1) Scales with a capacity of up to 100 pounds (maximum fee per business location: [~~\$325~~] **\$375**) \$20
FOR EACH SCALE, PLUS \$50 FOR EACH BUSINESS LOCATION;
- (2) Scales with a capacity of more than 100 pounds, up to 2,000 pounds..... [~~\$50~~] **\$60;**
- (3) Scales with a capacity of more than 2,000 pounds..... [~~\$75~~] **\$100;**

- (4) Belt conveyor scales..... \$300;
- (5) Railroad track scales \$300;
- (6) Vehicle scales..... [~~\$225~~] **\$250**;
- (7) Grain moisture meter..... \$100;
- (8) Retail motor fuel dispenser meter of under 20 gallons per minute [(maximum fee per business location: \$375)] [~~\$15~~] **\$12.50 FOR EACH METER, PLUS \$50 FOR EACH BUSINESS LOCATION**;
- (9) Retail motor fuel dispenser meter of 20 gallons per minute or more..... [~~\$35~~] **\$45**;
- (10) Bulk petroleum fuel meter of 20 gallons per minute, up to 150 gallons per minute..... \$50;
- (11) Bulk petroleum fuel meter of 150 gallons per minute or more . \$85;
- (12) Liquefied petroleum gas meters..... \$75; and
- (13) Point of sale system, as defined by the National Institute of Standards and Technology (NIST) Handbook 44, connected to a weighing or measuring device (per business location) \$100.

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

Approved by the Governor, April 10, 2012.

Chapter 23

(Senate Bill 115)

AN ACT concerning

Environment – Waterworks and Wastewater Works Certified Operators

FOR the purpose of authorizing certain waterworks, wastewater works, and industrial wastewater works to be under the supervision of a certified operator instead of a certified superintendent under certain circumstances; and generally relating to the supervision of a waterworks, a wastewater works, and an industrial wastewater works.

BY repealing and reenacting, with amendments,
Article – Environment
Section 12–402 and 12–501
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

Article – Environment

12–402.

(a) [Each] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH** waterworks, wastewater works, and industrial wastewater works shall be under the supervision of a superintendent who is certified in the appropriate classification.

(b) **A WATERWORKS, A WASTEWATER WORKS, AND AN INDUSTRIAL WASTEWATER WORKS MAY HAVE A CERTIFIED OPERATOR SERVE IN RESPONSIBLE CHARGE INSTEAD OF A CERTIFIED SUPERINTENDENT IF APPROVED BY THE DEPARTMENT AND IF THE FACILITY:**

(1) SERVES FEWER THAN 500 PERSONS;

(2) HAS MINIMAL TREATMENT REQUIREMENTS AS DETERMINED BY THE DEPARTMENT; AND

(3) EMPLOYS NO MORE THAN TWO OPERATORS.

(c) The Department shall enforce this section.

12–501.

(a) A person or municipal or private corporation may not operate a waterworks, wastewater works, or industrial wastewater works unless the facility is under the responsible charge of a certified superintendent **OR CERTIFIED OPERATOR AS PROVIDED UNDER § 12–402 OF THIS TITLE.**

(b) After July 1, 1982, a person or municipal or private corporation may not operate a waterworks or wastewater works unless all operators in the waterworks or wastewater works are certified operators.

(c) After July 1, 1982, a person or municipal or private corporation may not operate an industrial wastewater works unless all industrial operators in the industrial wastewater works are certified industrial operators.

(d) The Department shall enforce this section.

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

Approved by the Governor, April 10, 2012.

Chapter 24

(Senate Bill 117)

AN ACT concerning

Environment – Water Appropriation Permits – Construction Dewatering Projects

FOR the purpose of authorizing the Department of the Environment to waive the notice and hearing requirements for water appropriation or use permit applications for construction dewatering projects; making certain stylistic changes; and generally relating to water appropriation or use permits for construction dewatering projects.

BY repealing and reenacting, with amendments,
Article – Environment
Section 5–506
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

Article – Environment

5–506.

(a) Upon application for a permit under this subtitle, and except as otherwise provided in this section, the procedures in § 5–204 of this title shall apply.

(b) Under the following conditions, the Department may waive the notice requirements and the holding of a public informational hearing on a permit application:

(1) If there is an emergency or a request to make minor repairs, the Department, upon written or oral application, may grant an application to repair any reservoir, dam, or waterway obstruction without notice or hearing. Repair necessary to

save life or property may be made without an application, but notice shall be given promptly to the Department;

(2) If plans of other projects which conform to water resources development plans accepted and adopted by the Department were subject to public hearing, and the Department's review finds no changed conditions in them since the last public review and comment to justify another hearing;

(3) If temporary structures constructed to provide access across streams during construction operations or to trap sediment or achieve another similar purpose meet minimum design standards the Department establishes, and are removed completely, in a manner acceptable to the Department, within 6 months after need for the structure is terminated;

(4) If the requested waterway construction permit is for temporary excavation, filling, or grading for the installation of utilities which meet minimum design standards acceptable to the Department and preconstruction contours which are to be reestablished upon installation of the utility;

(5) If the requested waterway construction permit is for clearing and grading activities disturbing less than 5,000 square feet of land area and disturbing less than 100 cubic yards of earth; or

(6) If the requested waterway construction permit is for livestock crossing of a stream.

(c) If contiguous property owners and interested persons who receive periodic reports are notified under § 5-204 of this title, the Department may waive the notice requirements of this section and the holding of a public informational hearing on a permit application for roads, bridges, or culverts if they meet minimum design standards acceptable to the Department and construction does not adversely affect known water resources projects.

(d) The Department shall waive notice requirements and the holding of a public hearing if the requested appropriation or use of waters of the State is for an agricultural use in effect prior to July 1, 1993.

(e) Notwithstanding any other requirement of this section:

(1) The Department may waive the notice **AND HEARING** requirements of this section [and the holding of a hearing] if the [requested] appropriation [or use of waters of the State] **REQUESTED** is for [an]:

(I) **AN** average annual water use of 10,000 gallons per day or less; **OR**

(II) A CONSTRUCTION DEWATERING PROJECT; and

(2) The Department may waive the holding of a public informational hearing if the requested appropriation or use of waters of the State is greater than an average annual water use of 10,000 gallons per day but less than an average annual water use of 50,000 gallons per day.

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

Approved by the Governor, April 10, 2012.

Chapter 25**(Senate Bill 118)**

AN ACT concerning

Voluntary Agricultural Nutrient and Sediment Credit Certification Program

FOR the purpose of authorizing the State Department of Agriculture to establish requirements for the voluntary certification and registration of sediment credits on agricultural land under the Voluntary Agricultural Nutrient Credit Certification Program; clarifying the authority of the Department of the Environment to establish eligibility and other requirements for use of sediment offset credits under any State or federal permit or other regulatory program; altering the intent of the General Assembly; and generally relating to the establishment of voluntary agricultural sediment credit certification and registration requirements.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 8–901, 8–902, and 8–904 to be under the amended subtitle “Subtitle 9.

Voluntary Agricultural Nutrient and Sediment Credit Certification Program”

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – Agriculture

Section 8–903

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Chapter 447 of the Acts of the General Assembly of 2010
Section 2

BY repealing and reenacting, with amendments,
Chapter 447 of the Acts of the General Assembly of 2010
Section 3

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

Article – Agriculture

Subtitle 9. Voluntary Agricultural Nutrient **AND SEDIMENT** Credit Certification
Program.

8–901.

The General Assembly finds and declares that:

(1) Voluntary nutrient **AND SEDIMENT** trading programs provide an innovative and cost-effective approach to enhance water and air quality and achieve additional water and air quality benefits; and

(2) The Agricultural Nutrient **AND SEDIMENT** Credit Certification Program established under this subtitle authorizes the Department to verify, certify, and register agricultural nutrient **OR SEDIMENT** credits in support of private and public nutrient **OR SEDIMENT** trading activities between the buyer of nutrient **OR SEDIMENT** credits and the farm owner or operator that agrees to be paid and implement best management practices to reduce agricultural nutrient **AND SEDIMENT** runoff and **NUTRIENT** emissions.

8–902.

(a) The Department may establish requirements for the voluntary certification and registration of nutrient **OR SEDIMENT** credits on agricultural land, as defined by the Department of Assessments and Taxation.

(b) Certification and registration requirements established under subsection (a) of this section shall include:

(1) Application and eligibility requirements for certification;

(2) Standards for quantifying nutrient **OR SEDIMENT** credits resulting from any existing or proposed agronomic, land use, and structural practice;

- and
- (3) Requirements governing the duration and maintenance of credits;
 - (4) Establishment of a credit registry accessible to the public.

8–903.

On notice and opportunity to be heard, the Secretary may suspend or revoke the approval or certification of credits applicable for the Program for a violation of this subtitle or for a violation of any regulation adopted by the Secretary under this subtitle.

8–904.

Nothing in this subtitle is intended to supplant or limit the authority of the Department of the Environment to establish eligibility and other requirements for use of nutrient **OR SEDIMENT** offset credits under any State or federal permit or other regulatory program.

Chapter 447 of the Acts of 2010

SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act may not be construed to affect the rights and obligations of any party to any agreement to preserve land for agricultural use under any State, local, or private program for the preservation of agricultural land.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the authority of the State Department of Agriculture to establish requirements for the voluntary certification and registration of nutrient **OR SEDIMENT** credits on agricultural land, as provided by this Act, be retained by the State Department of Agriculture.

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

Approved by the Governor, April 10, 2012.

Chapter 26

(Senate Bill 119)

AN ACT concerning

**State Personnel and Pensions – Optional Retirement Program – Maryland
Higher Education Commission**

FOR the purpose of clarifying the eligibility of certain employees of the Maryland Higher Education Commission to participate in the Optional Retirement Program; providing for the application of this Act; and generally relating to the Maryland Higher Education Commission and the Optional Retirement Program.

BY repealing and reenacting, with amendments,
 Article – State Personnel and Pensions
 Section 30–301(a)
 Annotated Code of Maryland
 (2009 Replacement Volume and 2011 Supplement)

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

Article – State Personnel and Pensions

30–301.

(a) An individual is eligible to participate in the program if the individual is eligible for membership in a retirement system or a pension system and is:

- (1) a member of the faculty of an employing institution;
- (2) a professional employee at a community college or regional community college established under Title 16 of the Education Article;
- (3) an employee of the University System of Maryland who is in a position designated as exempt under a policy adopted by the University System of Maryland Board of Regents;
- (4) an employee of Morgan State University who is in a position designated as professional or administrative by the Board of Regents of Morgan State University; [or]
- (5) an employee of St. Mary's College of Maryland who is in a position determined by the Board of Trustees of the College to be a professional or faculty position; **OR**

(6) AN EMPLOYEE OF THE MARYLAND HIGHER EDUCATION COMMISSION WHO IS IN A POSITION DETERMINED BY THE SECRETARY OF HIGHER EDUCATION TO BE A PROFESSIONAL POSITION.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that this Act may not be construed to diminish in any way any right

or obligation of any current or former employee of the Maryland Higher Education Commission who is participating in or has participated in the Optional Retirement Program established by Title 30 of the State Personnel and Pensions Article.

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

Approved by the Governor, April 10, 2012.

Chapter 27

(Senate Bill 121)

AN ACT concerning

Senior Prescription Drug Assistance Program – Sunset Extension

FOR the purpose of extending the termination date of the Senior Prescription Drug Assistance Program; altering the period of time during which the subsidy required under the Senior Prescription Drug Assistance Program may not exceed a certain amount; and generally relating to the Senior Prescription Drug Assistance Program.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–106(e)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Chapter 153 of the Acts of the General Assembly of 2002, as amended by
Chapter 282 of the Acts of the General Assembly of 2005, Chapter 345 of
the Acts of the General Assembly of 2006, Chapter 509 of the Acts of the
General Assembly of 2007, Chapter 558 of the Acts of the General
Assembly of 2008, and Chapter 119 of the Acts of the General Assembly
of 2010
Section 13

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

Article – Insurance

14–106.

(e) The subsidy that a nonprofit health service plan is required to provide to the Senior Prescription Drug Assistance Program under subsection (d)(1)(iii) of this section may not exceed:

- (1) for the period of January 1, 2006 through June 30, 2006, \$8,000,000;
- (2) for fiscal years 2008 through [2013] **2015**, \$14,000,000; and
- (3) for any year, the value of the nonprofit health service plan's premium tax exemption under § 6-101(b) of this article.

Chapter 153 of the Acts of 2002, as amended by Chapter 282 of the Acts of 2005, Chapter 345 of the Acts of 2006, Chapter 509 of the Acts of 2007, Chapter 558 of the Acts of 2008, and Chapter 119 of the Acts of 2010

SECTION 13. AND BE IT FURTHER ENACTED, That:

(1) No later than June 1, 2003, the Secretary of Health and Mental Hygiene and the carrier that is required to offer the Short-Term Prescription Drug Subsidy Plan under Title 15, Subtitle 6 of the Health – General Article shall transfer all Plan records, data, and other information necessary to operate and administer the Senior Prescription Drug Program established under this Act to the Board of the Maryland Health Insurance Plan.

(2) Each individual enrolled in the Short-Term Prescription Drug Subsidy Plan, established under Title 15, Subtitle 6 of the Health – General Article, on June 30, 2003 shall, at the option of the enrollee and subject to the payment of all necessary premiums and copayments, be automatically enrolled in the Senior Prescription Drug Program established under this Act.

(3) It is the intent of the General Assembly that the transition of enrollees from the Short-Term Prescription Drug Subsidy Plan to the Senior Prescription Drug Program be accomplished without interruption of benefits for enrollees.

(4) Subsidies shall be offered to enrollees through the Senior Prescription Drug Assistance Program established under Title 14, Subtitle 5, Part II of the Insurance Article beginning January 1, 2006. At the end of December 31, [2012] **2014**, the Senior Prescription Drug Assistance Program established under Title 14, Subtitle 5, Part II, as amended, shall be abrogated and of no further force and effect.

(5) Beginning April 1, 2003, the carrier required to offer the Short-Term Prescription Drug Subsidy Plan under Title 15, Subtitle 6 of the Health – General Article and the Senior Prescription Drug Assistance Program under Title 14, Subtitle 5 of the Insurance Article shall subsidize the Plan and beginning January 1, 2006, the Program, using the value of the carrier's premium tax exemption.

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

Approved by the Governor, April 10, 2012.

Chapter 28

(Senate Bill 126)

AN ACT concerning

Department of Natural Resources – ~~Maryland~~ Land Preservation and Recreation ~~Plan~~ Plans

FOR the purpose of ~~establishing a minimum~~ altering the time frame frames for preparation and revision of the Maryland Land Preservation and Recreation Plan and certain local land preservation and recreation plans; requiring consultation with local governments when preparing the Maryland Plan; making a stylistic change; and generally relating to ~~the Maryland Land Preservation and Recreation Plan~~ land preservation and recreation plans.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section ~~5–905(b)(2)~~ and 5–906(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

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

Article – Natural Resources

5–905.

(b) (2) A local governing body shall prepare a local land preservation and recreation plan with acquisition goals based upon the most current population data available from the Department of Planning and submit it to the Department and to the Department of Planning for joint approval according to the criteria and goals set forth in guidelines prepared by the Department and the Department of Planning. A local governing body shall revise its local land preservation and recreation plan at least every [six] 5 years and submit the revised local plan to the Department and to the Department of Planning for joint approval [one] 1 year prior to the revision of the Maryland Land Preservation and Recreation Plan. Prior to approval of a revised local plan, the Department shall provide the legislators from the district within which any

part of the local jurisdiction is located the opportunity to review and comment on the revised local plan.

5-906.

(b) Every acquisition and development project funded by the State in whole or in part shall meet needs identified in the Maryland Land Preservation and Recreation Plan prepared and revised ~~AT LEAST~~ every ~~6~~ 5 years by the Department in consultation with the Department of Planning **AND LOCAL GOVERNMENTS**. The document shall identify and recommend for State acquisition efforts those resource areas facing the most intense or immediate development pressure. These resource areas shall be designated as targeted areas. The document and any changes to it shall be distributed to every local governing body.

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

Approved by the Governor, April 10, 2012.

Chapter 29

(Senate Bill 131)

AN ACT concerning

Criminal Procedure – Warrantless Arrests – Theft Crimes

FOR the purpose of expanding the authority of a police officer without a warrant to arrest a person suspected of committing a certain theft crime; and generally relating to warrantless arrests.

BY repealing and reenacting, without amendments,
 Article – Criminal Law
 Section 7-104(g) and 7-105
 Annotated Code of Maryland
 (2002 Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
 Article – Criminal Procedure
 Section 2-203(a)
 Annotated Code of Maryland
 (2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
 Article – Criminal Procedure

Section 2–203(b)(4)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Article – Criminal Law

7–104.

- (g) (1) A person convicted of theft of property or services with a value of:
- (i) at least \$1,000 but less than \$10,000 is guilty of a felony and:
 - 1. is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both; and
 - 2. shall restore the property taken to the owner or pay the owner the value of the property or services;
 - (ii) at least \$10,000 but less than \$100,000 is guilty of a felony and:
 - 1. is subject to imprisonment not exceeding 15 years or a fine not exceeding \$15,000 or both; and
 - 2. shall restore the property taken to the owner or pay the owner the value of the property or services; or
 - (iii) \$100,000 or more is guilty of a felony and:
 - 1. is subject to imprisonment not exceeding 25 years or a fine not exceeding \$25,000 or both; and
 - 2. shall restore the property taken to the owner or pay the owner the value of the property or services.
- (2) Except as provided in paragraphs (3) and (4) of this subsection, a person convicted of theft of property or services with a value of less than \$1,000, is guilty of a misdemeanor and:
- (i) is subject to imprisonment not exceeding 18 months or a fine not exceeding \$500 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(3) A person convicted of theft of property or services with a value of less than \$100 is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(4) Subject to paragraph (5) of this subsection, a person who has two or more prior convictions under this subtitle and who is convicted of theft of property or services with a value of less than \$1,000 under paragraph (2) of this subsection is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(5) The court may not impose the penalties under paragraph (4) of this subsection unless the State's Attorney serves notice on the defendant or the defendant's counsel before the acceptance of a plea of guilty or nolo contendere or at least 15 days before trial that:

(i) the State will seek the penalties under paragraph (4) of this subsection; and

(ii) lists the alleged prior convictions.

7-105.

(a) In this section, "owner" means a person who has a lawful interest in or is in lawful possession of a motor vehicle by consent or chain of consent of the title owner.

(b) A person may not knowingly and willfully take a motor vehicle out of the owner's lawful custody, control, or use without the owner's consent.

(c) A person who violates this section:

(1) is guilty of the felony of taking a motor vehicle and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both; and

(2) shall restore the motor vehicle or, if unable to restore the motor vehicle, pay to the owner the full value of the motor vehicle.

(d) (1) This section does not preclude prosecution for theft of a motor vehicle under § 7–104 of this part.

(2) If a person is convicted under § 7–104 of this part and this section for the same act or transaction, the conviction under this section shall merge for sentencing purposes into the conviction under § 7–104 of this part.

Article – Criminal Procedure

2–203.

(a) A police officer without a warrant may arrest a person if the police officer has probable cause to believe:

(1) that the person has committed a crime listed in subsection (b) of this section; and

(2) that unless the person is arrested immediately, the person:

(i) may not be apprehended;

(ii) may cause physical injury or property damage to another; or

(iii) may tamper with, dispose of, or destroy evidence.

(b) The crimes referred to in subsection (a)(1) of this section are:

(4) a theft crime where the value of the property or services stolen is less than ~~[\$500]~~ **\$1,000** under § 7–104 or § 7–105 of the Criminal Law Article or an attempt to commit the crime;

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

Approved by the Governor, April 10, 2012.

Chapter 30

(House Bill 115)

AN ACT concerning

Criminal Procedure – Warrantless Arrests – Theft Crimes

FOR the purpose of expanding the authority of a police officer without a warrant to arrest a person suspected of committing a certain theft crime; and generally relating to warrantless arrests.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 7–104(g) and 7–105
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 2–203(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 2–203(b)(4)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Article – Criminal Law

7–104.

- (g) (1) A person convicted of theft of property or services with a value of:
- (i) at least \$1,000 but less than \$10,000 is guilty of a felony and:
 - 1. is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both; and
 - 2. shall restore the property taken to the owner or pay the owner the value of the property or services;
 - (ii) at least \$10,000 but less than \$100,000 is guilty of a felony and:

1. is subject to imprisonment not exceeding 15 years or a fine not exceeding \$15,000 or both; and

2. shall restore the property taken to the owner or pay the owner the value of the property or services; or

(iii) \$100,000 or more is guilty of a felony and:

1. is subject to imprisonment not exceeding 25 years or a fine not exceeding \$25,000 or both; and

2. shall restore the property taken to the owner or pay the owner the value of the property or services.

(2) Except as provided in paragraphs (3) and (4) of this subsection, a person convicted of theft of property or services with a value of less than \$1,000, is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding 18 months or a fine not exceeding \$500 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(3) A person convicted of theft of property or services with a value of less than \$100 is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(4) Subject to paragraph (5) of this subsection, a person who has two or more prior convictions under this subtitle and who is convicted of theft of property or services with a value of less than \$1,000 under paragraph (2) of this subsection is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(5) The court may not impose the penalties under paragraph (4) of this subsection unless the State's Attorney serves notice on the defendant or the

defendant's counsel before the acceptance of a plea of guilty or nolo contendere or at least 15 days before trial that:

- (i) the State will seek the penalties under paragraph (4) of this subsection; and
- (ii) lists the alleged prior convictions.

7-105.

(a) In this section, "owner" means a person who has a lawful interest in or is in lawful possession of a motor vehicle by consent or chain of consent of the title owner.

(b) A person may not knowingly and willfully take a motor vehicle out of the owner's lawful custody, control, or use without the owner's consent.

(c) A person who violates this section:

(1) is guilty of the felony of taking a motor vehicle and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both; and

(2) shall restore the motor vehicle or, if unable to restore the motor vehicle, pay to the owner the full value of the motor vehicle.

(d) (1) This section does not preclude prosecution for theft of a motor vehicle under § 7-104 of this part.

(2) If a person is convicted under § 7-104 of this part and this section for the same act or transaction, the conviction under this section shall merge for sentencing purposes into the conviction under § 7-104 of this part.

Article – Criminal Procedure

2-203.

(a) A police officer without a warrant may arrest a person if the police officer has probable cause to believe:

(1) that the person has committed a crime listed in subsection (b) of this section; and

(2) that unless the person is arrested immediately, the person:

(i) may not be apprehended;

- (ii) may cause physical injury or property damage to another; or
- (iii) may tamper with, dispose of, or destroy evidence.

(b) The crimes referred to in subsection (a)(1) of this section are:

(4) a theft crime where the value of the property or services stolen is less than ~~[\$500]~~ **\$1,000** under § 7–104 or § 7–105 of the Criminal Law Article or an attempt to commit the crime;

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

Approved by the Governor, April 10, 2012.

Chapter 31

(Senate Bill 141)

AN ACT concerning

Criminal Procedure – Criminal Justice Information System Central Repository – Reporting Data

FOR the purpose of repealing the requirement that a criminal justice unit report a certain reportable event within a certain time period; and generally relating to the Criminal Justice Information System.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 10–214(a) and (c)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–214(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Article – Criminal Procedure

10-214.

(a) Each criminal justice unit shall report in accordance with this section the criminal history record information that it collects to the Central Repository.

(b) Subject to subsection (c) of this section:

(1) the data pertaining to an arrest or the issuance of an arrest warrant shall be reported within 72 hours after the earlier of the arrest or the issuance of the arrest warrant; **AND**

(2) [the data pertaining to the release of a person after an arrest without the filing of a charge shall be reported within 30 days after the person is released; and

(3)] the data pertaining to any other reportable event shall be reported within 60 days after the reportable event occurs.

(c) The Secretary by regulation or the Court of Appeals by rule may reduce the time for reporting the criminal history record information specified in subsection (b) of this section.

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

Approved by the Governor, April 10, 2012.

Chapter 32

(Senate Bill 142)

AN ACT concerning

Secretary of Agriculture – Farm Food Safety

FOR the purpose of authorizing the Secretary of Agriculture to establish a farm quarantine for a certain purpose on a farm that is infected or infested with a pathogen; authorizing the Secretary to examine certain practices in accordance with certain standards; authorizing the Secretary to designate a certain person to conduct an inspection of certain practices; authorizing the Secretary to accept certain assistance from certain federal agencies; requiring the Secretary to deny access to certain information subject to a certain exception; authorizing the Secretary to revoke or suspend a certain certificate under certain circumstances; making a clarifying change; altering a certain definition; and

generally relating to the Secretary's authority to establish a farm quarantine and examine, inspect, and certify farm products.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–103.1, 10–601, 10–602, and 10–603
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY adding to
Article – Agriculture
Section 10–607 and 10–608
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

Article – Agriculture

2–103.1.

(a) The Secretary may establish a farm quarantine and issue appropriate orders necessary to control or restrict the use of farmland, crops, livestock, poultry, or a farm product existing on a farm that:

(1) Has been exposed to or contaminated by a radiological or chemical toxic material or agent; or

(2) Is infected or infested with a disease [or], pest, **OR PATHOGEN**.

(b) Before establishing a quarantine for a farm, the Secretary shall consult with the Governor, the Secretary of Health and Mental Hygiene, and the Secretary of the Environment on issues of human health and the environment.

(c) Before a quarantine or order issued under this section takes effect, the Secretary shall give reasonable notice of the quarantine or order:

(1) In a newspaper of general circulation in the quarantine area;

(2) Through television or radio serving the quarantine area;

(3) By circulating notices or posting signs at conspicuous places in the quarantine area; or

(4) By notifying each landowner, tenant, or animal owner of the quarantine or order.

(d) (1) The Secretary shall establish procedures to allow a landowner, tenant, or animal owner to request the amendment, rescission, or termination of a quarantine or order issued under this section.

(2) A request to amend, rescind, or terminate a quarantine or order issued under this section may not suspend a quarantine or order of the Secretary.

(e) For the purpose of controlling or restricting the use of farmland, crops, livestock, poultry, or farm products as provided by this section, the Secretary may:

(1) Quarantine a farm area of the State known or reasonably believed to contain a farm product, crops, livestock, poultry, or farmland in an infected, infested, or contaminated condition;

(2) Regulate the movement, distribution, sale, or transportation of a crop, livestock, poultry, or farm product when it is reasonably likely to transfer infestation, infection, or contamination;

(3) Regulate or prohibit the on-farm grazing of livestock and poultry, slaughter and processing of livestock and poultry, [processing] **PACKING** of eggs, and harvesting or planting of a crop in a quarantined area when the Secretary determines that the action may prevent, limit, control, or eradicate any threat;

(4) Direct as part of a quarantine order for a quarantined farm area, treatments or decontamination;

(5) Enter private land that is part of a farm operation to inspect, sample, or test soil or crops, livestock, poultry, or a farm product on a farm; and

(6) Direct the treatment, stop-sale, detention, condemnation, seizure, or destruction of any crop, livestock, poultry, or farm product when the Secretary knows or reasonably believes that the action is necessary to control, retard, or eradicate a threat on a farm.

(f) A person may not resist the application of a quarantine or order of the Secretary.

(g) A person may not conceal the fact that a farm has been exposed to or contaminated by any radiological or chemical agent or toxic material or has been infected or infested with any disease [or], pest, **OR PATHOGEN**.

(h) Any farm quarantine or order by the Secretary under this section may provide for:

(1) The imposition of a civil penalty not exceeding \$10,000 for each violation; and

(2) The method and conditions of collecting the civil penalty.

(i) (1) The Secretary may bring an action for an injunction against a person violating the provisions of this section, or violating a valid order or farm quarantine issued by the Secretary.

(2) In an action for an injunction brought under this section, a finding of the Secretary after a hearing shall be prima facie evidence of each fact found.

(3) On a showing by the Secretary that a person is violating or is about to violate the provisions of this section or is violating or is about to violate any valid order or quarantine issued by the Secretary, an injunction shall be granted without the necessity of showing a lack of adequate remedy at law.

(4) In circumstances of an emergency creating conditions of imminent danger to agriculture, public health and safety, or the environment, the Secretary may institute an action for an immediate injunction to halt any activity causing the danger.

(5) An injunction instituted under this section shall be issued without bond.

(j) The Secretary may order any sheriff, deputy sheriff, or other law enforcement officer of the State or of any county to provide information or assist in the execution or enforcement of any farm quarantine or order of the Secretary.

(k) Nothing in this section shall be construed to limit any authority of the Secretary of the Environment under § 8–105 of the Environment Article.

10–601.

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

(b) “Certificate” means a certificate of the quality, condition, grade, **FOOD SAFETY STANDARD**, or other classification of any farm product and includes a certificate of the Secretary, [or] of the United States Department of Agriculture, **OR OF THE UNITED STATES FOOD AND DRUG ADMINISTRATION**.

(c) “Farm product” means any agricultural, horticultural, vegetable, or fruit product of the soil, including livestock, meats, marine food products, poultry, eggs, dairy products, wool, hides, feathers, nuts, honey, and every product of farm, forest, orchard, garden or water, but does not include canned, frozen, dried, or pickled products.

10–602.

When requested by any person financially interested in any farm product, the Secretary may:

(1) Examine the product **AND PRACTICES USED IN ITS PRODUCTION** to determine its quality, condition, grade, or other classification, either on the basis of the standards established by the Secretary, or the standards announced from time to time by the United States Department of Agriculture **OR THE UNITED STATES FOOD AND DRUG ADMINISTRATION**;

(2) Provide the person with an official certificate; and

(3) Adopt rules and regulations concerning the inspection and certification of any farm product, including the payment of reasonable fees, as necessary to effectuate the purposes of this subtitle.

10-603.

(A) The Secretary shall cooperate with the United States government and any federal agency and may designate any competent person who has been licensed, **COMMISSIONED, OR CREDENTIALLED** for work by the United States Department of Agriculture **OR THE UNITED STATES FOOD AND DRUG ADMINISTRATION**, to **INSPECT**, examine, classify, and certify any farm product **OR FARM PRODUCTION PRACTICES** in accordance with the rules and regulations it adopts and at the places the volume of business warrants.

(B) **THE SECRETARY MAY ACCEPT TECHNICAL, FINANCIAL, AND ADVISORY ASSISTANCE FROM ANY COOPERATING FEDERAL AGENCY.**

10-607.

(A) **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE SECRETARY SHALL DENY ACCESS TO ANY BUSINESS-RELATED INFORMATION CONCERNING ANY PERSON WHO APPLIES FOR A CERTIFICATE OR IS CERTIFIED UNDER THIS SUBTITLE.**

(B) **IF THE SECRETARY DETERMINES THAT DISCLOSURE IS NECESSARY TO PROTECT THE PUBLIC HEALTH, THE SECRETARY MAY DISCLOSE ANY BUSINESS-RELATED INFORMATION CONCERNING ANY PERSON WHO APPLIES FOR A CERTIFICATE OR IS CERTIFIED UNDER THIS SUBTITLE.**

10-608.

AFTER AN OPPORTUNITY FOR A HEARING, THE SECRETARY MAY REVOKE OR SUSPEND A CERTIFICATE ISSUED UNDER THIS SUBTITLE TO ANY PERSON

FOR FAILING TO COMPLY WITH ANY REGULATION ADOPTED UNDER THIS SUBTITLE.

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

Approved by the Governor, April 10, 2012.

Chapter 33

(Senate Bill 144)

AN ACT concerning

Department of Labor, Licensing, and Regulation – Occupational and Professional Licensing – Licensees on Military Deployment

FOR the purpose of authorizing a unit in the Department of Labor, Licensing, and Regulation to allow certain holders of certain occupational and professional licenses to renew an expired license without penalty under certain circumstances and to complete certain continuing education or competency requirements within a reasonable time after license renewal; and generally relating to occupational and professional licenses and the Department of Labor, Licensing, and Regulation.

BY adding to

Article – Business Regulation

Section 2–111

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

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

Article – Business Regulation

2–111.

(A) (1) IN THIS SECTION, “LICENSE” MEANS ANY GRANT OF AUTHORITY TO AN INDIVIDUAL TO PRACTICE AN OCCUPATION OR PROFESSION.

(2) “LICENSE” INCLUDES A CERTIFICATE, PERMIT, OR REGISTRATION.

(B) THIS SECTION DOES NOT APPLY TO LICENSES ISSUED UNDER TITLE 11, SUBTITLES 5 AND 6 OF THE FINANCIAL INSTITUTIONS ARTICLE.

(C) A UNIT IN THE DEPARTMENT THAT IS AUTHORIZED TO ISSUE A LICENSE MAY ALLOW AN INDIVIDUAL LICENSEE WHO IS A MEMBER OF AN ARMED FORCE DEPLOYED OUTSIDE THE STATE TO:

(1) RENEW THE LICENSE AFTER THE EXPIRATION OF THE RENEWAL PERIOD WITHOUT PAYMENT OF A PENALTY OR REINSTATEMENT FEE IF THE LATE RENEWAL IS A DIRECT RESULT OF THE DEPLOYMENT; AND

(2) COMPLETE ANY CONTINUING EDUCATION OR CONTINUING COMPETENCY REQUIREMENTS FOR RENEWAL WITHIN A REASONABLE TIME AFTER RENEWING THE LICENSE.

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

Approved by the Governor, April 10, 2012.

Chapter 34

(Senate Bill 145)

AN ACT concerning

State Real Estate Commission – Continuing Education – Documentation

FOR the purpose of requiring that certain continuing education courses approved by the State Real Estate Commission include relevant changes that have occurred in certain court cases and industry trends; authorizing entities conducting certain continuing education courses for real estate licensees, instead of providing a certain certificate of completion to the licensee, to submit course completion information to the State Real Estate Commission and the licensee by electronic means; authorizing the Commission, on or after a certain date, to require entities conducting certain continuing education courses to submit course completion information to the Commission by electronic means; requiring the Commission to submit certain recommendations to certain committees of the General Assembly on or before a certain date; and generally relating to continuing education requirements for real estate licensees and the State Real Estate Commission.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions

Section 17–315
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Article – Business Occupations and Professions

17–315.

(a) (1) To qualify for renewal of a license under this subtitle, a licensee shall complete at least 15 clock hours of continuing education instruction, as provided in subsection (b) of this section, during the preceding 2–year term.

(2) Notwithstanding paragraph (1) of this subsection, a licensee shall complete at least 7.5 clock hours of continuing education instruction as provided for in subsection (b) of this section if the licensee:

(i) 1. possesses a graduate degree in law from an accredited law school; or

2. possesses a graduate degree in real estate from an accredited college or university; and

(ii) is not a broker, an associate broker, or a salesperson designated as a branch office manager or team leader.

(3) For a licensee who provides real estate brokerage services solely in connection with nonresidential real estate, of the clock hours required under paragraph (1) of this subsection, 1.5 clock hours may be satisfied by a course regarding fair housing laws and regulations or the federal Americans with Disabilities Act.

(4) A licensee who is required to complete continuing education instruction under paragraph (2) of this subsection shall complete the requirements of subsection (b)(2)(ii) and (v) of this section in alternate licensing periods.

(5) A licensee holding a license from another state must complete at least the number of clock hours of continuing education instruction required under paragraph (1) of this subsection during each 2–year license term and may substitute clock hours of continuing education instruction earned in another state, if those clock hours:

(i) are approved as real estate continuing education in that state; and

(ii) meet the distribution requirements of subsection (b)(2) of this section.

(6) The Commission shall grant the substitution of clock hours in paragraph (5) of this subsection only if the other state permits the substitution of clock hours of continuing education instruction approved by the Commission for a licensee of this State.

(b) (1) The Commission shall approve the form, substance, and, as provided under paragraph (2) of this subsection, subject matter of all continuing education courses.

(2) The subject matter approved by the Commission shall:

(i) relate to real estate or to a subject matter intended to assist a licensee in providing real estate brokerage services to the public in a more efficient and effective manner, provided that the subject matter is related to helping the public buy or sell real estate;

(ii) every 2 years, include at least one 3 clock hour course that outlines relevant changes that have occurred in federal, State, or local laws and regulations, **COURT CASES AND INDUSTRY TRENDS THAT HAVE AN IMPACT ON THOSE LAWS AND REGULATIONS**, or any combination of those laws ~~and~~, regulations, **COURT CASES, AND INDUSTRY TRENDS**;

(iii) every 2 years, include at least one 1.5 clock hour course that outlines federal, State, and local fair housing laws and regulations, including fair housing advertising;

(iv) every 2 years, include at least one 3 clock hour ethics course that includes the Maryland Code of Ethics and a discussion of the practices of flipping and predatory lending;

(v) every 4 years, include at least one 3 clock hour course that includes the principles of agency and agency disclosure; and

(vi) every 4 years for the renewal of a real estate broker license and the renewal of the license of an individual designated as a branch office manager or a team leader, include at least one 3 clock hour course that includes the requirements of broker supervision.

(3) The requirement of paragraph (2)(iii) of this subsection does not apply to a licensee who provides real estate brokerage services solely in connection with nonresidential real estate.

(4) To be acceptable for credit as a continuing education course under this section, the course shall cover 1 or more topics approved by the Commission.

(c) (1) Continuing education courses may be conducted by:

- (i) the Maryland Association of Realtors or its member boards;
- (ii) the Real Estate Brokers of Baltimore, Inc.;
- (iii) any similar professional association; or
- (iv) an educational institution approved by the Commission.

(2) Continuing education courses shall be taught by a qualified instructor who is experienced in the real estate industry.

(3) On or before January 1, 2003, the Commission shall adopt regulations that provide for the conduct of continuing education instruction courses by:

- (i) remote access satellite;
- (ii) closed-circuit video;
- (iii) computer, including transmission over the Internet and the World Wide Web;
- (iv) home study; and
- (v) any other delivery system approved by the Commission.

(d) If feasible, continuing education courses shall be offered at reasonable intervals in each county and in each major geographic area of the larger counties.

(e) (1) **[On] SUBJECT TO SUBSECTION (F) OF THIS SECTION, ON** completion of a continuing education course by a licensee, the entity that conducted the course or the instructor shall issue to the licensee a certificate of completion that states the number of clock hours of that course.

(2) The Commission shall accept as evidence of completion of a continuing education course the certificate of completion, a photocopy of the certificate, an electronic mail certificate, or a photocopy of an electronic mail certificate.

(F) (1) INSTEAD OF PROVIDING A CERTIFICATE OF COMPLETION TO THE LICENSEE UNDER SUBSECTION (E) OF THIS SECTION, THE ENTITY THAT CONDUCTED THE COURSE MAY SUBMIT THE COURSE COMPLETION INFORMATION DIRECTLY TO THE COMMISSION AND THE LICENSEE BY ELECTRONIC MEANS.

(2) ON OR AFTER JANUARY 1, 2013, THE COMMISSION MAY REQUIRE ALL ENTITIES CONDUCTING CONTINUING EDUCATION COURSES TO SUBMIT COURSE COMPLETION INFORMATION ONLY BY ELECTRONIC MEANS.

[(f)] (G) The Commission may waive the requirements of this section for a licensee if the licensee shows good cause for being unable to meet the requirements.

[(g)] (H) The Commission shall require each course provider to pay a continuing education course application fee of \$25.

SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1, 2012, the State Real Estate Commission shall submit recommendations to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee, in accordance with § 2-1246 of the State Government Article, regarding:

(1) what electronically available information could be collected and tied to the licensee profiles of individuals licensed by the Commission;

(2) whether various electronically available information collected could be used as an indicator of the advisability of renewal of a license or to provide a real estate marketplace where consumers have better access to information; and

(3) whether and to what extent electronically available information should be made publicly available.

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

Approved by the Governor, April 10, 2012.

Chapter 35

(Senate Bill 148)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Lot Release

FOR the purpose of altering certain conditions that must be met before the Maryland Agricultural Land Preservation Foundation is required to release certain lots under a certain program; providing for the application of this Act; and generally relating to the Maryland Agricultural Land Preservation Foundation.

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 2–513(a) and (b)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–513(b)(2)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

Article – Agriculture

2–513.

(a) Agricultural land preservation easements may be purchased under this subtitle for any land in agricultural use which meets the minimum criteria established under § 2–509 of this subtitle if the easement and county regulations governing the use of the land include the following provisions:

(1) Any farm use of land is permitted.

(2) Operation at any time of any machinery used in farm production or the primary processing of agricultural products is permitted.

(3) All normal agricultural operations performed in accordance with good husbandry practices which do not cause bodily injury or directly endanger human health are permitted including, but not limited to, sale of farm products produced on the farm where such sales are made.

(b) (1) A landowner whose land is subject to an easement may not use the land for any commercial, industrial, or residential purpose except:

(i) As determined by the Foundation, for farm– and forest–related uses and home occupations; or

(ii) As otherwise provided under this section.

(2) Except as provided in paragraphs (3) and (7) of this subsection, on written application, the Foundation shall release free of easement restrictions only for the landowner who originally sold an easement, 1 acre or less for the purpose of constructing a dwelling house for the use only of that landowner or child of the landowner, up to a maximum of three lots, subject to the following conditions:

(i) The number of lots allowed to be released under this section, except as provided in paragraph (7) of this subsection, may not exceed:

1. 1 lot if the size of the easement property is 20 acres or more but fewer than 70 acres;
2. 2 lots if the size of the easement property is 70 acres or more but fewer than 120 acres; or
3. 3 lots if the size of the easement property is 120 acres or more.

(ii) The resulting density on the property may not exceed the density allowed under zoning of the property before the Foundation purchased the easement.

(iii) The landowner shall pay the State for any acre or portion released at the price per acre that the State paid the owner for the easement.

(IV) IF THE RELEASE IS TO BE ISSUED FOR A CHILD OF THE LANDOWNER, THE CHILD MUST BE AT LEAST 18 YEARS OF AGE AT THE DATE THAT THE PRELIMINARY RELEASE IS ISSUED.

[(iv)] (V) Before any conveyance or release, the landowner and the child, if there is a conveyance to a child, shall agree not to subdivide further for residential purposes any acreage allowed to be released. The agreement shall be recorded among the land records where the land is located and shall bind all future owners.

[(v)] (VI) After certifying that the landowner or child of the landowner has met the conditions provided in subparagraphs (i) through **[(iv)] (V)** of this paragraph, the Foundation shall issue a preliminary release which shall:

1. Become final when the Foundation receives and certifies a nontransferable building permit in the name of the landowner or child of the landowner for construction of a dwelling house; or

2. Become void upon the death of the person for whose benefit the release was intended if the Foundation has not yet received a building permit as provided in this subparagraph[.]; **OR**

3. **UNLESS EXTENDED BY A MAJORITY VOTE OF THE FOUNDATION BOARD OF TRUSTEES, BECOME VOID IF A NONTRANSFERABLE BUILDING PERMIT IN THE NAME OF THE LANDOWNER OR CHILD OF THE**

LANDOWNER IS NOT RECEIVED BY THE FOUNDATION WITHIN 3 YEARS OF THE DATE OF RECORDATION OF THE PRELIMINARY RELEASE.

[(vi)] **(VII)** Any release or preliminary release issued under this paragraph shall include:

1. A statement of the conditions under which it was issued, a certification by the Foundation that all necessary conditions for release or preliminary release have been met, and copies of any pertinent documents;

2. A statement by the landowner or child of the landowner that acknowledges that:

A. Adjacent farmland that is subject to an agricultural land preservation easement may be used for any agricultural purpose and may interfere with the use and enjoyment of the property through noise, odor, vibration, fumes, dust, glare, or other interference;

B. There is no recourse against the effects of any normal agricultural operation performed in accordance with good husbandry practices; [and]

C. THE LANDOWNER’S OR CHILD’S LOT MAY NOT BE TRANSFERRED FOR 5 YEARS FROM THE DATE OF THE FINAL RELEASE, EXCEPT ON:

I. APPROVAL BY THE FOUNDATION; OR

II. NOTWITHSTANDING ANY CONDITIONS ON TRANSFERS IMPOSED UNDER ITEM 1 OF THIS SUBPARAGRAPH, A LENDER PROVIDING NOTICE TO THE FOUNDATION OF A TRANSFER PURSUANT TO A BONA FIDE FORECLOSURE OF A MORTGAGE OR DEED OF TRUST OR TO A DEED IN LIEU OF FORECLOSURE;

D. IF THE LOT IS NOT USED FOR THE PERSON OR PURPOSE FOR WHICH IT WAS RELEASED FOR THE 5-YEAR PERIOD, THE FOUNDATION MAY REQUIRE THE LOT OWNER TO RECONVEY THE LOT TO THE OWNER OF THE LAND ENCUMBERED BY THE EASEMENT FROM WHICH IT WAS RELEASED AND SUBJECT THE LOT TO THE RESTRICTIONS OF THE EASEMENT; AND

[C.] E. Acknowledgments made under items A, [and] B, C, AND D of this item are binding to any successor or assign of the landowner or child; and

3. A statement that the owner’s or child’s lot may not be transferred for 5 years from the date of the final release, except on:

A. Approval by the Foundation; or

B. Notwithstanding any conditions on transfers imposed under item 1 of this subparagraph, a lender providing notice to the Foundation of a transfer pursuant to a bona fide foreclosure of a mortgage or deed of trust or to a deed in lieu of foreclosure.]

[(vii)] **(VIII)** Any release, preliminary release, building permit, or other document issued or submitted in accordance with this paragraph shall be recorded among the land records where the land is located and shall bind all future owners.

[(viii)] **(IX)** The Foundation may not restrict the ability of a landowner who originally sold an easement to acquire a release under this paragraph beyond the requirements provided in this section.

(X) THE FOUNDATION MAY REQUIRE EVIDENCE IT DEEMS SUFFICIENT TO ENSURE THAT THE PERSONS FOR WHOM THE LOTS ARE RELEASED OCCUPY THE DWELLINGS LOCATED ON THE LOTS FOR THE 5-YEAR PERIOD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act applies to any person who is subject to the restrictions of an agricultural land preservation easement held by the Maryland Agricultural Land Preservation Foundation and who has been granted a preliminary or final release before the effective date of this Act, or who has requested the preliminary or final release of a lot allowed under the easement on or after the effective date of this Act.

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

Approved by the Governor, April 10, 2012.

Chapter 36

(Senate Bill 149)

AN ACT concerning

State Government – Maryland Veterans Commission – Membership

FOR the purpose of altering the composition of the Maryland Veterans Commission by adding a representative member who is a veteran of certain conflicts ~~to serve on~~

~~the Maryland Veterans Commission; and a certain honorary nonvoting member to serve on the Commission and removing a member of a certain organization from the Maryland Veterans Commission; making a stylistic change; and generally relating to the Maryland Veterans Commission.~~

BY repealing and reenacting, without amendments,
 Article – State Government
 Section 9–916
 Annotated Code of Maryland
 (2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
 Article – State Government
 Section 9–917
 Annotated Code of Maryland
 (2009 Replacement Volume and 2011 Supplement)

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

Article – State Government

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 ~~28~~ **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;

[and]

(v) 1 SHALL BE A VETERAN OF THE IRAQ OR AFGHANISTAN CONFLICT, AS DEFINED IN § 1–202(A–1) OF THE PUBLIC SAFETY ARTICLE; ~~AND~~

[(v)] (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 Pearl Harbor Survivors Association;]
- [12.] 11. the Polish Legion of American Veterans;
- [13.] 12. the Veterans of Foreign Wars;
- [14.] 13. the Vietnam Veterans of America;
- [15.] 14. the Korean War Veterans Association, Inc.;
- [16.] 15. the Black Veterans of All Wars, Inc.; and
- [17.] 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.

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

Approved by the Governor, April 10, 2012.

Chapter 37

(Senate Bill 170)

AN ACT concerning

Washington County – Sheriffs and Deputy Sheriffs – Practice of Law

FOR the purpose of allowing an individual employed as a sheriff or deputy sheriff in Washington County who has been admitted to the Maryland Bar to practice law in a county other than Washington County; and generally relating to the practice of law by sheriffs and deputy sheriffs in Washington County.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 10–603
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Article – Business Occupations and Professions

10-603.

(a) This section does not apply to:

(1) a lawyer while employed as a part-time master for juvenile cases;
or

(2) an individual while:

(i) performing an affirmative duty required by law; or

(ii) engaging in an activity related to a case in which the individual is a party or has a property interest.

(b) Even if an individual has been admitted to the Bar, the individual may not practice law while employed:

(1) **[as] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AS** a sheriff or deputy sheriff;

(2) in a jail or penitentiary, as:

(i) a warden or deputy warden; or

(ii) a superintendent or deputy superintendent;

(3) as a bailiff;

(4) as a clerk or deputy clerk of any court or an employee of a clerk;

(5) as a register or deputy register of wills or an employee of a register
of wills; or

(6) as an officer or employee in a juvenile court.

(C) AN INDIVIDUAL EMPLOYED AS A SHERIFF OR DEPUTY SHERIFF IN WASHINGTON COUNTY WHO HAS BEEN ADMITTED TO THE BAR MAY PRACTICE LAW IN A COUNTY OTHER THAN WASHINGTON COUNTY.

[(c)] (D) (1) This subsection does not apply to the settlement of small estates as set forth in Title 5, Subtitle 6 of the Estates and Trusts Article.

(2) In Prince George's County, a sheriff, deputy sheriff, warden, deputy warden, clerk, or employee of any court may not prepare or help in the

preparation of any form or document that is filed in a court in that county or that affects a case that is or may be filed in a court in that county.

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

Approved by the Governor, April 10, 2012.

Chapter 38

(Senate Bill 173)

AN ACT concerning

Public School Buildings – Carbon Monoxide Detection and Warning Equipment

FOR the purpose of requiring ~~the construction or remodeling of~~ certain public school buildings ~~to conform to~~ constructed or substantially remodeled in accordance with certain provisions of law to have certain carbon monoxide detectors installed in certain areas; requiring a signal from certain carbon monoxide detectors to be automatically transmitted to a certain location; requiring certain carbon monoxide detectors to be installed in conformance with a certain standard for the installation of carbon monoxide detection and warning equipment ~~for commercial structures~~ or those referenced by the State Fire Prevention Code; making certain stylistic changes; and generally relating to requiring the installation of carbon monoxide detection and warning equipment in public school buildings.

BY repealing and reenacting, with amendments,

Article – Education

Section 4–117

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

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

Article – Education

4–117.

(a) On the recommendation of the county superintendent, a county board may employ architects to assist in preparing plans and specifications for constructing or remodeling a building.

(b) (1) The construction or remodeling of a building shall conform to ~~fall~~
~~(f)~~ ~~All~~ applicable State and county building, electrical, fire, and plumbing regulations and codes; ~~AND~~

~~(H) THE NATIONAL FIRE PROTECTION ASSOCIATION 720: STANDARD FOR THE INSTALLATION OF CARBON MONOXIDE (CO) DETECTION AND WARNING EQUIPMENT, 2012 EDITION, FOR COMMERCIAL STRUCTURES.~~

(2) A fee may not be charged for any permit required pursuant to [these] THE REQUIRED regulations or codes for construction or remodeling, but a fee may be charged for water or sewer permits, or for connection and service charges for water and sewerage.

(C) (1) (I) A BUILDING TO BE CONSTRUCTED OR SUBSTANTIALLY REMODELED UNDER THIS SECTION SHALL BE REQUIRED TO INSTALL APPROVED CARBON MONOXIDE DETECTORS IN AREAS OF NEW AND EXISTING EDUCATIONAL OCCUPANCIES WHERE FUEL FIRED EQUIPMENT IS PRESENT.

(II) A SIGNAL FROM A CARBON MONOXIDE DETECTOR INSTALLED UNDER THIS SUBSECTION SHALL BE AUTOMATICALLY TRANSMITTED TO AN APPROVED SUPERVISING STATION OR TO A CONSTANTLY ATTENDED ON-SITE LOCATION.

(2) THE CARBON MONOXIDE DETECTORS REQUIRED UNDER THIS SUBSECTION SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL FIRE PROTECTION ASSOCIATION 720: STANDARD FOR THE INSTALLATION OF CARBON MONOXIDE (CO) DETECTION AND WARNING EQUIPMENT, 2009 EDITION OR AS REFERENCED IN THE STATE FIRE PREVENTION CODE.

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

Approved by the Governor, April 10, 2012.

Chapter 39

(House Bill 2)

AN ACT concerning

Public School Buildings – Carbon Monoxide Detection and Warning Equipment

FOR the purpose of requiring ~~the construction or remodeling of~~ certain public school buildings ~~to conform to~~ constructed or substantially remodeled in accordance with certain provisions of law to have certain carbon monoxide detectors installed in certain areas; requiring a signal from certain carbon monoxide detectors to be automatically transmitted to a certain location; requiring certain carbon monoxide detectors to be installed in conformance with a certain standard for the installation of carbon monoxide detection and warning equipment for commercial structures or those referenced by the State Fire Prevention Code; making certain stylistic changes; ~~making this Act an emergency measure defining a certain term;~~ and generally relating to requiring the installation of carbon monoxide detection and warning equipment in public school buildings.

BY repealing and reenacting, with amendments,
 Article – Education
 Section 4–117
 Annotated Code of Maryland
 (2008 Replacement Volume and 2011 Supplement)

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

Article – Education

4–117.

(a) On the recommendation of the county superintendent, a county board may employ architects to assist in preparing plans and specifications for constructing or remodeling a building.

(b) (1) The construction or remodeling of a building shall conform to ~~fall~~
~~(i) All~~ applicable State and county building, electrical, fire, and plumbing regulations and codes; ~~AND~~

~~(ii) THE NATIONAL FIRE PROTECTION ASSOCIATION 720: STANDARD FOR THE INSTALLATION OF CARBON MONOXIDE (CO) DETECTION AND WARNING EQUIPMENT, 2009 EDITION, FOR COMMERCIAL STRUCTURES.~~

(2) A fee may not be charged for any permit required pursuant to [these] THE REQUIRED regulations or codes for construction or remodeling, but a fee may be charged for water or sewer permits, or for connection and service charges for water and sewerage.

~~(D)~~ (C) (1) (I) A BUILDING TO BE CONSTRUCTED OR SUBSTANTIALLY REMODELED UNDER THIS SECTION SHALL BE REQUIRED TO INSTALL APPROVED CARBON MONOXIDE DETECTORS IN AREAS OF NEW AND EXISTING EDUCATIONAL OCCUPANCIES WHERE FUEL FIRED EQUIPMENT IS PRESENT.

(II) A SIGNAL FROM A CARBON MONOXIDE DETECTOR INSTALLED UNDER THIS SUBSECTION SHALL BE AUTOMATICALLY TRANSMITTED TO AN APPROVED SUPERVISING STATION OR TO A CONSTANTLY ATTENDED ON-SITE LOCATION.

(2) THE CARBON MONOXIDE DETECTORS REQUIRED UNDER THIS SUBSECTION SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL FIRE PROTECTION ASSOCIATION 720: STANDARD FOR THE INSTALLATION OF CARBON MONOXIDE (CO) DETECTION AND WARNING EQUIPMENT, 2009 EDITION OR AS REFERENCED IN THE STATE FIRE PREVENTION CODE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted~~ shall take effect October 1, 2012.

Approved by the Governor, April 10, 2012.

Chapter 40

(Senate Bill 174)

AN ACT concerning

Subsequent Injury Fund and Uninsured Employers' Fund – Assessments on Settlement Agreements

FOR the purpose of excluding from the assessments imposed by the Workers' Compensation Commission and payable to the Subsequent Injury Fund and the Uninsured Employers' Fund the amount of certain medical benefits under a certain settlement agreement under certain circumstances; and generally relating to settlement agreements and assessments payable to the Subsequent Injury Fund and the Uninsured Employers' Fund.

BY repealing and reenacting, with amendments,
Article – Labor and Employment

Section 9–806 and 9–1007
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Article – Labor and Employment

9–806.

(a) **(1)** The Commission shall impose an assessment of 6.5%, payable to the Subsequent Injury Fund, on:

[(1)] (I) each award against an employer or its insurer for permanent disability or death, including awards for disfigurement and mutilation;

[(2)] (II) EXCEPT AS PROVIDED IN PARAGRAPH **(2)** OF THIS SUBSECTION, each amount payable by an employer or its insurer under a settlement agreement approved by the Commission; and

[(3)] (III) each amount payable under item **[(1)] (I)** or **[(2)] (II)** of this [subsection] PARAGRAPH by the Property and Casualty Guaranty Corporation on behalf of an insolvent insurer.

(2) THE AMOUNT OF MEDICAL BENEFITS SPECIFIED IN A FORMAL SET-ASIDE ALLOCATION THAT IS PART OF AN APPROVED SETTLEMENT AGREEMENT SHALL BE EXCLUDED FROM THE ASSESSMENT IMPOSED BY THE COMMISSION UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION IF:

(I) 1. THE AMOUNT OF MEDICAL BENEFITS IS IN EXCESS OF \$50,000; AND

2. THE PAYMENT OF MEDICAL BENEFITS BY THE EMPLOYER OR ITS INSURER IS DIRECTLY TO AN AUTHORIZED INSURER THAT PROVIDES PERIODIC PAYMENTS TO THE COVERED EMPLOYEE PURSUANT TO A SINGLE PREMIUM ANNUITY; OR

(II) 1. THE AMOUNT OF MEDICAL BENEFITS IS IN ANY AMOUNT; AND

2. THE PAYMENT OF MEDICAL BENEFITS BY THE EMPLOYER OR ITS INSURER IS TO AN INDEPENDENT THIRD-PARTY ADMINISTRATOR THAT CONTROLS AND PAYS THE MEDICAL SERVICES IN ACCORDANCE WITH THE FORMAL SET-ASIDE ALLOCATION, PROVIDED THERE IS

NO REVERSIONARY INTEREST TO THE COVERED EMPLOYEE OR THE COVERED EMPLOYEE'S BENEFICIARIES.

(b) In computing the amount of an assessment, the Commission shall round off any fractional dollar to the nearest whole dollar.

(c) Payment of an assessment under this section is in addition to any payment of compensation to a covered employee who has sustained an accidental personal injury, occupational disease, or compensable hernia or a dependent of the covered employee, as provided in this title.

(d) (1) The Director of the Subsequent Injury Fund promptly shall remit to the State Treasurer each payment of assessment received by the Subsequent Injury Fund.

(2) The State Treasurer shall hold, manage, and disburse the money in accordance with Title 10, Subtitle 2 of this article.

(e) The assessment imposed under this section is for payment of claims submitted to the Subsequent Injury Fund and is not a tax intended to benefit the State.

9-1007.

(a) (1) Except as provided in subsection (b) of this section, the Commission shall impose against an employer or, if insured, its insurer an assessment equal to 1% of:

(i) each award against the employer for permanent disability or death, including awards for disfigurement or mutilation; and

(ii) **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**, each amount payable by the employer or its insurer under a settlement agreement approved by the Commission.

(2) THE AMOUNT OF MEDICAL BENEFITS SPECIFIED IN A FORMAL SET-ASIDE ALLOCATION THAT IS PART OF AN APPROVED SETTLEMENT AGREEMENT SHALL BE EXCLUDED FROM THE ASSESSMENT IMPOSED BY THE COMMISSION UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION IF:

(I) 1. THE AMOUNT OF MEDICAL BENEFITS IS IN EXCESS OF \$50,000; AND

2. THE PAYMENT OF MEDICAL BENEFITS BY THE EMPLOYER OR ITS INSURER IS DIRECTLY TO AN AUTHORIZED INSURER THAT

PROVIDES PERIODIC PAYMENTS TO THE COVERED EMPLOYEE PURSUANT TO A SINGLE PREMIUM ANNUITY; OR

(II) 1. THE AMOUNT OF MEDICAL BENEFITS IS IN ANY AMOUNT; AND

2. THE PAYMENT OF MEDICAL BENEFITS BY THE EMPLOYER OR ITS INSURER IS TO AN INDEPENDENT THIRD-PARTY ADMINISTRATOR THAT CONTROLS AND PAYS THE MEDICAL SERVICES IN ACCORDANCE WITH THE FORMAL SET-ASIDE ALLOCATION, PROVIDED THERE IS NO REVERSIONARY INTEREST TO THE COVERED EMPLOYEE OR THE COVERED EMPLOYEE'S BENEFICIARIES.

[(2)] (3) (i) Notwithstanding any other provision of law, if the employer is a corporation the assets of which are not sufficient to satisfy an assessment, any officer of the corporation who has responsibility for the general management of the corporation in the State is jointly and severally liable for the assessment if the corporate officer knowingly failed to secure workers' compensation insurance.

(ii) Notwithstanding any other provision of law, if the employer is a limited liability company the assets of which are not sufficient to satisfy an assessment, any member of the limited liability company who has responsibility for the general management of the limited liability company in the State is jointly and severally liable for the assessment if a member of the limited liability company who has general management responsibility knowingly failed to secure workers' compensation insurance.

(b) Notwithstanding the limit on the balance of the Fund under § 9-1011 of this subtitle, if the Board determines that the reserves of the Fund are inadequate to meet anticipated losses, the Board may direct the Commission to assess an additional 1% under subsection (a) of this section.

(c) Any fractional dollar of payment under this section shall be rounded off to the nearest whole dollar.

(d) The Commission shall direct payment of an assessment under subsection (a) or (b) of this section into the Fund.

(e) Payments under this section are in addition to the payment of compensation to a covered employee or the dependents of a covered employee under this title.

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

Approved by the Governor, April 10, 2012.

Chapter 41
(House Bill 114)

AN ACT concerning

Subsequent Injury Fund and Uninsured Employers' Fund – Assessments on Settlement Agreements

FOR the purpose of excluding from the assessments imposed by the Workers' Compensation Commission and payable to the Subsequent Injury Fund and the Uninsured Employers' Fund the amount of certain medical benefits under a certain settlement agreement under certain circumstances; and generally relating to settlement agreements and assessments payable to the Subsequent Injury Fund and the Uninsured Employers' Fund.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–806 and 9–1007
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Article – Labor and Employment

9–806.

(a) **(1)** The Commission shall impose an assessment of 6.5%, payable to the Subsequent Injury Fund, on:

[(1)] (I) each award against an employer or its insurer for permanent disability or death, including awards for disfigurement and mutilation;

[(2)] (II) EXCEPT AS PROVIDED IN PARAGRAPH **(2)** OF THIS SUBSECTION, each amount payable by an employer or its insurer under a settlement agreement approved by the Commission; and

[(3)] (III) each amount payable under item **[(1)] (I)** or **[(2)] (II)** of this [subsection] PARAGRAPH by the Property and Casualty Guaranty Corporation on behalf of an insolvent insurer.

(2) THE AMOUNT OF MEDICAL BENEFITS SPECIFIED IN A FORMAL SET-ASIDE ALLOCATION THAT IS PART OF AN APPROVED SETTLEMENT AGREEMENT SHALL BE EXCLUDED FROM THE ASSESSMENT IMPOSED BY THE COMMISSION UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION IF:

(I) 1. THE AMOUNT OF MEDICAL BENEFITS IS IN EXCESS OF \$50,000; AND

2. THE PAYMENT OF MEDICAL BENEFITS BY THE EMPLOYER OR ITS INSURER IS DIRECTLY TO AN AUTHORIZED INSURER THAT PROVIDES PERIODIC PAYMENTS TO THE COVERED EMPLOYEE PURSUANT TO A SINGLE PREMIUM ANNUITY; OR

(II) 1. THE AMOUNT OF MEDICAL BENEFITS IS IN ANY AMOUNT; AND

2. THE PAYMENT OF MEDICAL BENEFITS BY THE EMPLOYER OR ITS INSURER IS TO AN INDEPENDENT THIRD-PARTY ADMINISTRATOR THAT CONTROLS AND PAYS THE MEDICAL SERVICES IN ACCORDANCE WITH THE FORMAL SET-ASIDE ALLOCATION, PROVIDED THERE IS NO REVERSIONARY INTEREST TO THE COVERED EMPLOYEE OR THE COVERED EMPLOYEE'S BENEFICIARIES.

(b) In computing the amount of an assessment, the Commission shall round off any fractional dollar to the nearest whole dollar.

(c) Payment of an assessment under this section is in addition to any payment of compensation to a covered employee who has sustained an accidental personal injury, occupational disease, or compensable hernia or a dependent of the covered employee, as provided in this title.

(d) (1) The Director of the Subsequent Injury Fund promptly shall remit to the State Treasurer each payment of assessment received by the Subsequent Injury Fund.

(2) The State Treasurer shall hold, manage, and disburse the money in accordance with Title 10, Subtitle 2 of this article.

(e) The assessment imposed under this section is for payment of claims submitted to the Subsequent Injury Fund and is not a tax intended to benefit the State.

(a) (1) Except as provided in subsection (b) of this section, the Commission shall impose against an employer or, if insured, its insurer an assessment equal to 1% of:

(i) each award against the employer for permanent disability or death, including awards for disfigurement or mutilation; and

(ii) **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**, each amount payable by the employer or its insurer under a settlement agreement approved by the Commission.

(2) THE AMOUNT OF MEDICAL BENEFITS SPECIFIED IN A FORMAL SET-ASIDE ALLOCATION THAT IS PART OF AN APPROVED SETTLEMENT AGREEMENT SHALL BE EXCLUDED FROM THE ASSESSMENT IMPOSED BY THE COMMISSION UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION IF:

(I) 1. THE AMOUNT OF MEDICAL BENEFITS IS IN EXCESS OF \$50,000; AND

2. THE PAYMENT OF MEDICAL BENEFITS BY THE EMPLOYER OR ITS INSURER IS DIRECTLY TO AN AUTHORIZED INSURER THAT PROVIDES PERIODIC PAYMENTS TO THE COVERED EMPLOYEE PURSUANT TO A SINGLE PREMIUM ANNUITY; OR

(II) 1. THE AMOUNT OF MEDICAL BENEFITS IS IN ANY AMOUNT; AND

2. THE PAYMENT OF MEDICAL BENEFITS BY THE EMPLOYER OR ITS INSURER IS TO AN INDEPENDENT THIRD-PARTY ADMINISTRATOR THAT CONTROLS AND PAYS THE MEDICAL SERVICES IN ACCORDANCE WITH THE FORMAL SET-ASIDE ALLOCATION, PROVIDED THERE IS NO REVERSIONARY INTEREST TO THE COVERED EMPLOYEE OR THE COVERED EMPLOYEE'S BENEFICIARIES.

[(2)] (3) (i) Notwithstanding any other provision of law, if the employer is a corporation the assets of which are not sufficient to satisfy an assessment, any officer of the corporation who has responsibility for the general management of the corporation in the State is jointly and severally liable for the assessment if the corporate officer knowingly failed to secure workers' compensation insurance.

(ii) Notwithstanding any other provision of law, if the employer is a limited liability company the assets of which are not sufficient to satisfy an assessment, any member of the limited liability company who has responsibility for the general management of the limited liability company in the State is jointly and

severally liable for the assessment if a member of the limited liability company who has general management responsibility knowingly failed to secure workers' compensation insurance.

(b) Notwithstanding the limit on the balance of the Fund under § 9–1011 of this subtitle, if the Board determines that the reserves of the Fund are inadequate to meet anticipated losses, the Board may direct the Commission to assess an additional 1% under subsection (a) of this section.

(c) Any fractional dollar of payment under this section shall be rounded off to the nearest whole dollar.

(d) The Commission shall direct payment of an assessment under subsection (a) or (b) of this section into the Fund.

(e) Payments under this section are in addition to the payment of compensation to a covered employee or the dependents of a covered employee under this title.

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

Approved by the Governor, April 10, 2012.

Chapter 42

(Senate Bill 175)

AN ACT concerning

Crimes – Electronic Communication – Harassment

FOR the purpose of altering the prohibition against using electronic mail with the intent to harass to prohibit ~~engaging in electronic communication with the intent to harass~~ maliciously engaging in a course of conduct, through the use of electronic communication, that alarms or seriously annoys another under certain circumstances; altering a certain definition; ~~establishing penalties for a second or subsequent violation of this Act~~; and generally relating to prohibitions of harassment.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 3–805

Annotated Code of Maryland

(2002 Volume and 2011 Supplement)

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

Article – Criminal Law

3–805.

(a) In this section, “electronic [mail] COMMUNICATION” means the transmission of information, DATA, or a communication by the use of a computer or ANY other electronic means that is sent to a person [identified by a unique address] and that is received by the person.

(b) A person may not [use] MALICIOUSLY ENGAGE IN A COURSE OF CONDUCT, THROUGH THE USE OF electronic [mail] COMMUNICATION ~~with the intent to harass,~~ THAT ALARMS OR SERIOUSLY ANNOYS ANOTHER:

(1) WITH THE INTENT TO HARASS, ALARM, OR ANNOY THE OTHER;

(2) AFTER RECEIVING A REASONABLE WARNING OR REQUEST TO STOP BY OR ON BEHALF OF THE OTHER; AND

(3) WITHOUT A LEGAL PURPOSE.

~~(1) one or more persons; or~~

~~(2) by sending lewd, lascivious, or obscene material.~~

(c) It is not a violation of this section for any of the following persons to provide information, facilities, or technical assistance to another who is authorized by federal or State law to intercept or provide electronic [mail] COMMUNICATION or to conduct surveillance of electronic [mail] COMMUNICATION, if a court order directs the person to provide the information, facilities, or technical assistance:

(1) a provider of electronic [mail] COMMUNICATION;

(2) an officer, employee, agent, landlord, or custodian of a provider of electronic [mail] COMMUNICATION; or

(3) a person specified in a court order directing the provision of information, facilities, or technical assistance to another who is authorized by federal or State law to intercept or provide electronic [mail] COMMUNICATION or to conduct surveillance of electronic [mail] COMMUNICATION.

(d) This section does not apply to a peaceable activity intended to express a political view or provide information to others.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

~~(1) FOR A FIRST OFFENSE, imprisonment not exceeding 1 year or a fine not exceeding \$500 or both; OR~~

~~(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.~~

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

Approved by the Governor, April 10, 2012.

Chapter 43

(House Bill 8)

AN ACT concerning

Crimes – Electronic Communication – Harassment

FOR the purpose of altering the prohibition against using electronic mail with the intent to harass to prohibit ~~engaging in electronic communication with the intent to harass~~ maliciously engaging in a course of conduct, through the use of electronic communication, that alarms or seriously annoys another under certain circumstances; altering a certain definition; ~~establishing penalties for a second or subsequent violation of this Act~~; and generally relating to prohibitions of harassment.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 3–805

Annotated Code of Maryland

(2002 Volume and 2011 Supplement)

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

Article – Criminal Law

3–805.

(a) In this section, “electronic [mail] COMMUNICATION” means the transmission of information, DATA, or a communication by the use of a computer or ANY other electronic means that is sent to a person [identified by a unique address] and that is received by the person.

(b) A person may not [use] MALICIOUSLY ENGAGE IN A COURSE OF CONDUCT, THROUGH THE USE OF electronic [mail] COMMUNICATION ~~with the intent to harass;~~ THAT ALARMS OR SERIOUSLY ANNOYS ANOTHER:

(1) WITH THE INTENT TO HARASS, ALARM, OR ANNOY THE OTHER;

(2) AFTER RECEIVING A REASONABLE WARNING OR REQUEST TO STOP BY OR ON BEHALF OF THE OTHER; AND

(3) WITHOUT A LEGAL PURPOSE.

~~(1) one or more persons; or~~

~~(2) by sending lewd, lascivious, or obscene material.~~

(c) It is not a violation of this section for any of the following persons to provide information, facilities, or technical assistance to another who is authorized by federal or State law to intercept or provide electronic [mail] COMMUNICATION or to conduct surveillance of electronic [mail] COMMUNICATION, if a court order directs the person to provide the information, facilities, or technical assistance:

(1) a provider of electronic [mail] COMMUNICATION;

(2) an officer, employee, agent, landlord, or custodian of a provider of electronic [mail] COMMUNICATION; or

(3) a person specified in a court order directing the provision of information, facilities, or technical assistance to another who is authorized by federal or State law to intercept or provide electronic [mail] COMMUNICATION or to conduct surveillance of electronic [mail] COMMUNICATION.

(d) This section does not apply to a peaceable activity intended to express a political view or provide information to others.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

~~(1) FOR A FIRST OFFENSE,~~ imprisonment not exceeding 1 year or a fine not exceeding \$500 or both; ~~OR~~

~~(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.~~

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

Approved by the Governor, April 10, 2012.

Chapter 44

(Senate Bill 177)

AN ACT concerning

Vehicle Laws – Nonfunctioning Traffic Control Signals – Requirement to Stop

FOR the purpose of altering a certain provision of law requiring vehicular traffic to stop and take certain actions when approaching a nonfunctioning traffic control signal at certain intersections to apply the requirement to all intersections; requiring vehicular traffic approaching a nonfunctioning traffic control signal at an intersection to stop in a certain manner, yield to certain other vehicles or pedestrians, and remain stopped until it is safe to enter and continue through the intersection; clarifying certain language; and generally relating to nonfunctioning traffic control signals at intersections.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–101(a) and (l)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–209
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Article – Transportation

21–101.

(a) In this title and Title 25 of this article the following words have the meanings indicated.

(l) (1) "Intersection" means:

(i) The area within the prolongation or connection of the lateral curb lines or, in the absence of curbs, the lateral boundary lines of the roadways of two highways that join at or approximately at right angles; or

(ii) The area within which vehicles traveling on different highways joining at any other angle may come in conflict.

(2) If a divided highway includes two roadways that are 30 feet or more apart, every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection. If the intersecting highway also includes two roadways that are 30 feet or more apart, every crossing of two roadways of these highways is a separate intersection.

21-209.

Vehicular traffic approaching a [highway from an exit ramp from an expressway, as defined in § 21-101(k) of this title, and facing a] nonfunctioning traffic control signal at [the] AN intersection [of the exit ramp and the highway] shall:

(1) Stop:

(i) At a clearly marked stop line;

(ii) If there is no clearly marked stop line, before entering any crosswalk; or

(iii) If there is no **CLEARLY MARKED STOP LINE OR** crosswalk, before entering the [highway] **INTERSECTION**; [and]

(2) **YIELD TO ANY VEHICLE OR PEDESTRIAN IN THE INTERSECTION; AND**

(3) Remain stopped until it is safe to **ENTER AND** continue [onto the highway] **THROUGH THE INTERSECTION**.

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

Approved by the Governor, April 10, 2012.

Chapter 45**(House Bill 67)**

AN ACT concerning

Vehicle Laws – Nonfunctioning Traffic Control Signals – Requirement to Stop

FOR the purpose of altering a certain provision of law requiring vehicular traffic to stop and take certain actions when approaching a nonfunctioning traffic control signal at certain intersections to apply the requirement to all intersections; requiring vehicular traffic approaching a nonfunctioning traffic control signal at an intersection to stop in a certain manner, yield to certain other vehicles or pedestrians, and remain stopped until it is safe to enter and continue through the intersection; clarifying certain language; and generally relating to nonfunctioning traffic control signals at intersections.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–101(a) and (l)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–209
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Article – Transportation

21–101.

(a) In this title and Title 25 of this article the following words have the meanings indicated.

(l) (1) “Intersection” means:

(i) The area within the prolongation or connection of the lateral curb lines or, in the absence of curbs, the lateral boundary lines of the roadways of two highways that join at or approximately at right angles; or

(ii) The area within which vehicles traveling on different highways joining at any other angle may come in conflict.

(2) If a divided highway includes two roadways that are 30 feet or more apart, every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection. If the intersecting highway also includes two roadways that are 30 feet or more apart, every crossing of two roadways of these highways is a separate intersection.

21-209.

Vehicular traffic approaching a [highway from an exit ramp from an expressway, as defined in § 21-101(k) of this title, and facing a] nonfunctioning traffic control signal at [the] AN intersection [of the exit ramp and the highway] shall:

(1) Stop:

(i) At a clearly marked stop line;

(ii) If there is no clearly marked stop line, before entering any crosswalk; or

(iii) If there is no **CLEARLY MARKED STOP LINE OR** crosswalk, before entering the [highway] **INTERSECTION**; [and]

(2) **YIELD TO ANY VEHICLE OR PEDESTRIAN IN THE INTERSECTION; AND**

(3) Remain stopped until it is safe to **ENTER AND** continue [onto the highway] **THROUGH THE INTERSECTION**.

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

Approved by the Governor, April 10, 2012.

Chapter 46

(Senate Bill 185)

AN ACT concerning

Motor Vehicles – Child Seating and Safety Seats – Requirements and Prohibition

FOR the purpose of ~~requiring a person transporting a child under a certain age in a motor vehicle to secure the child in a rear-facing child safety seat in accordance with the child safety seat and vehicle manufacturers' instructions;~~ repealing an exception to a requirement that a child under a certain age must be secured in a child safety seat that applies to a child weighing more than a certain amount; ~~prohibiting a person from transporting a child under a certain age in a motor vehicle if the child is seated in the outboard front seat of the motor vehicle;~~ making stylistic ~~and conforming~~ changes; and generally relating to motor vehicles and child ~~seating and~~ safety seats.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 22-412.2
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

~~BY repealing and reenacting, without amendments,
Article – Transportation
Section 22-412.3(a)(3)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)~~

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

Article – Transportation

22-412.2.

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

(2) (i) “Child safety seat” means a device, including a child booster seat, that the manufacturer:

1. Certifies is manufactured in accordance with applicable federal safety standards; and

2. Intends to be used to restrain, seat, or position a child who is transported in a motor vehicle.

(ii) “Child safety seat” does not mean a seat belt or combination seat belt–shoulder harness used alone.

(3) (i) “Seat belt” means a restraining device described under § 22-412 of this subtitle.

(ii) "Seat belt" includes a combination seat belt-shoulder harness.

(b) A child safety seat meets the requirements of this section only if it is installed and used in accordance with the directions of the manufacturer.

(c) This section applies to the transportation of a child in:

(1) A motor vehicle registered, or of a type capable of being registered, in this State as a:

- (i) Class A (passenger) vehicle;
- (ii) Class E (truck) vehicle; or
- (iii) Class M (multipurpose) vehicle; and

(2) A vehicle registered in another state or Puerto Rico that is the same type of vehicle as a vehicle identified in item (1) of this subsection.

~~(d) (1) A PERSON TRANSPORTING A CHILD UNDER THE AGE OF 2 YEARS IN A MOTOR VEHICLE SHALL SECURE THE CHILD IN A REAR-FACING CHILD SAFETY SEAT IN ACCORDANCE WITH THE CHILD SAFETY SEAT AND VEHICLE MANUFACTURERS' INSTRUCTIONS.~~

~~(2)~~ A person transporting a child ~~{under the age of}~~ ~~BETWEEN THE AGES OF 2 AND~~ 8 years in a motor vehicle shall secure the child in a child safety seat in accordance with the child safety seat and vehicle manufacturers' instructions unless the child[:

- (1) Is] IS 4 feet, 9 inches tall or taller[:; or
- (2) Weighs more than 65 pounds].

(e) ~~(1)~~ Subject to subsection (d) of this section, a person may not transport a child under the age of 16 years unless the child is secured in:

~~{(1)}~~ ~~(I)~~ A child safety seat in accordance with the child safety seat and vehicle manufacturers' instructions; or

~~{(2)}~~ ~~(II)~~ A seat belt.

~~(2) A PERSON MAY NOT TRANSPORT A CHILD UNDER THE AGE OF 13 YEARS IN A MOTOR VEHICLE IF THE CHILD IS SEATED IN THE OUTBOARD FRONT SEAT, AS DEFINED IN § 22-412.3(A) OF THIS SUBTITLE, OF THE MOTOR VEHICLE.~~

(f) Notwithstanding subsection (d) of this section, if a physician, who is licensed to practice medicine in the state in which the vehicle transporting the child is registered, certifies in writing that use of a child safety seat by a particular child would be impractical due to the child's weight, height, physical unfitness, or other medical reason, there is not a violation of this section.

(g) A child safety seat or seat belt may not be used to restrain, seat, or position more than [1] ONE individual at a time.

(h) Notwithstanding subsection (d) of this section, if the number of children subject to the provisions of this section exceeds the number of passenger securing locations suitable for securing a child either in a seat belt or in a child safety seat in accordance with this section, and all of those securing locations are in use by children, there is not a violation of this section.

(i) A violation of this section is not contributory negligence and may not be admitted as evidence in the trial of any civil action.

(j) A violation of this section is not considered a moving violation for purposes of § 16-402 of this article.

(k) The failure to provide a child safety seat or seat belt for more than [1] ONE child in the same vehicle at the same time, as required by this section, shall be treated as a single violation.

(l) (1) Any person convicted of a violation of this section is subject to a fine of \$25.

(2) A judge may waive the fine if the person charged with violation of this section:

(i) Did not possess a child safety seat at the time of the violation;

(ii) Acquires a child safety seat prior to the hearing date; and

(iii) Provides proof of acquisition to the court.

(m) The Department of Transportation and the Department of Health and Mental Hygiene shall jointly implement the Child Safety Seat Program and foster compliance with this section through educational and promotional efforts.

~~22-412.3.~~

~~(a) (3) "Outboard front seat" means a front seat position that is adjacent to a door of a motor vehicle.~~

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

Approved by the Governor, April 10, 2012.

Chapter 47

(House Bill 313)

AN ACT concerning

Motor Vehicles – Child ~~Seating and~~ Safety Seats – Requirements ~~and~~ Prohibition

FOR the purpose of ~~requiring a person transporting a child under a certain age in a motor vehicle to secure the child in a rear-facing child safety seat in accordance with the child safety seat and vehicle manufacturers' instructions;~~ repealing an exception to a requirement that a child under a certain age must be secured in a child safety seat that applies to a child weighing more than a certain amount; ~~prohibiting a person from transporting a child under a certain age in a motor vehicle if the child is seated in the outboard front seat of the motor vehicle;~~ making stylistic ~~and conforming~~ changes; and generally relating to motor vehicles and child ~~seating and~~ safety seats.

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 22–412.2
 Annotated Code of Maryland
 (2009 Replacement Volume and 2011 Supplement)

~~BY repealing and reenacting, without amendments,
 Article – Transportation
 Section 22–412.3(a)(3)
 Annotated Code of Maryland
 (2009 Replacement Volume and 2011 Supplement)~~

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

Article – Transportation

22–412.2.

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

(2) (i) “Child safety seat” means a device, including a child booster seat, that the manufacturer:

1. Certifies is manufactured in accordance with applicable federal safety standards; and

2. Intends to be used to restrain, seat, or position a child who is transported in a motor vehicle.

(ii) “Child safety seat” does not mean a seat belt or combination seat belt–shoulder harness used alone.

(3) (i) “Seat belt” means a restraining device described under § 22–412 of this subtitle.

(ii) “Seat belt” includes a combination seat belt–shoulder harness.

(b) A child safety seat meets the requirements of this section only if it is installed and used in accordance with the directions of the manufacturer.

(c) This section applies to the transportation of a child in:

(1) A motor vehicle registered, or of a type capable of being registered, in this State as a:

(i) Class A (passenger) vehicle;

(ii) Class E (truck) vehicle; or

(iii) Class M (multipurpose) vehicle; and

(2) A vehicle registered in another state or Puerto Rico that is the same type of vehicle as a vehicle identified in item (1) of this subsection.

(d) ~~(1) A PERSON TRANSPORTING A CHILD UNDER THE AGE OF 2 YEARS IN A MOTOR VEHICLE SHALL SECURE THE CHILD IN A REAR-FACING CHILD SAFETY SEAT IN ACCORDANCE WITH THE CHILD SAFETY SEAT AND VEHICLE MANUFACTURERS’ INSTRUCTIONS.~~

~~(2)~~ A person transporting a child [under the age of] ~~BETWEEN THE AGES OF 2 AND~~ 8 years in a motor vehicle shall secure the child in a child safety seat in accordance with the child safety seat and vehicle manufacturers’ instructions unless the child[:

- (1) Is] IS 4 feet, 9 inches tall or taller[; or
- (2) Weighs more than 65 pounds].

(e) ~~(1)~~ Subject to subsection (d) of this section, a person may not transport a child under the age of 16 years unless the child is secured in:

~~{(1)}~~ ~~(1)~~ A child safety seat in accordance with the child safety seat and vehicle manufacturers' instructions; or

~~{(2)}~~ ~~(1)~~ A seat belt.

~~(2) A PERSON MAY NOT TRANSPORT A CHILD UNDER THE AGE OF 13 YEARS IN A MOTOR VEHICLE IF THE CHILD IS SEATED IN THE OUTBOARD FRONT SEAT, AS DEFINED IN § 22-412.3(A) OF THIS SUBTITLE, OF THE MOTOR VEHICLE.~~

(f) Notwithstanding subsection (d) of this section, if a physician, who is licensed to practice medicine in the state in which the vehicle transporting the child is registered, certifies in writing that use of a child safety seat by a particular child would be impractical due to the child's weight, height, physical unfitness, or other medical reason, there is not a violation of this section.

(g) A child safety seat or seat belt may not be used to restrain, seat, or position more than [1] ONE individual at a time.

(h) Notwithstanding subsection (d) of this section, if the number of children subject to the provisions of this section exceeds the number of passenger securing locations suitable for securing a child either in a seat belt or in a child safety seat in accordance with this section, and all of those securing locations are in use by children, there is not a violation of this section.

(i) A violation of this section is not contributory negligence and may not be admitted as evidence in the trial of any civil action.

(j) A violation of this section is not considered a moving violation for purposes of § 16-402 of this article.

(k) The failure to provide a child safety seat or seat belt for more than [1] ONE child in the same vehicle at the same time, as required by this section, shall be treated as a single violation.

(l) (1) Any person convicted of a violation of this section is subject to a fine of \$25.

(2) A judge may waive the fine if the person charged with violation of this section:

(i) Did not possess a child safety seat at the time of the violation;

(ii) Acquires a child safety seat prior to the hearing date; and

(iii) Provides proof of acquisition to the court.

(m) The Department of Transportation and the Department of Health and Mental Hygiene shall jointly implement the Child Safety Seat Program and foster compliance with this section through educational and promotional efforts.

~~22-412.3~~

~~(a) (3) "Outboard front seat" means a front seat position that is adjacent to a door of a motor vehicle.~~

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

Approved by the Governor, April 10, 2012.

Chapter 48

(Senate Bill 226)

AN ACT concerning

Commissioner of Labor and Industry – Inflatable Amusement Attractions – Inspection

FOR the purpose of altering the application of a provision of law relating to inspections of inflatable amusement attractions to require certain inflatable amusement attractions to be inspected annually; establishing that a certain provision relating to the expiration of a certain certificate of inspection applies only to certain inflatable amusement attractions; and generally relating to inflatable amusement attractions and inspections by the Commissioner of Labor and Industry.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 3-402
Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

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

Article – Business Regulation

3–402.

(a) The Commissioner shall inspect:

(1) **ANNUALLY**, each amusement attraction at an amusement park [annually];

(2) **ANNUALLY**, each inflatable amusement attraction **IN WHICH, WHILE IN CONTACT WITH THE ATTRACTION, AN INDIVIDUAL IS 4 FEET OR MORE ABOVE THE GROUND** [annually];

(3) except for an inflatable amusement attraction, each amusement attraction, if moved, before it begins operation at another location; and

(4) each new or modified amusement attraction before it begins public operation.

(b) (1) An amusement owner shall notify the Commissioner before operating an amusement attraction that is new, modified, or reconstructed.

(2) An owner or lessee of a carnival or fair shall:

(i) notify the Commissioner in writing at least 30 days before opening the carnival or fair at each location; and

(ii) give the Commissioner immediate notice of a change in the schedule of locations or dates if the schedule changes after notification.

(c) The Commissioner shall issue to an amusement owner a certificate of inspection for each amusement attraction at a carnival, fair, or amusement park if:

(1) after inspection the Commissioner finds that the amusement attraction complies with this title and the regulations adopted under it; and

(2) the amusement owner submits to the Commissioner a certificate of insurance for the amusement attraction as required by § 3–403 of this subtitle.

(d) (1) A certificate of inspection for an amusement attraction at an amusement park expires not more than 1 year after the date of issuance.

(2) A certificate of inspection for an amusement attraction at a fair or carnival expires not more than 30 days after the date of issuance.

(3) A certificate of inspection for an inflatable amusement attraction **IN WHICH, WHILE IN CONTACT WITH THE ATTRACTION, AN INDIVIDUAL IS 4 FEET OR MORE ABOVE THE GROUND** expires not more than 1 year after the date of issuance.

(e) The certificate of inspection shall be posted in plain view on the amusement attraction.

(f) On information or notification of an accident or complaint that involves an amusement attraction, the Commissioner shall investigate the accident or complaint and inspect the amusement attraction.

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

Approved by the Governor, April 10, 2012.

Chapter 49

(Senate Bill 232)

AN ACT concerning

Elevator Safety Review Board – Licensing

FOR the purpose of requiring the Elevator Safety Review Board to provide a certification of licensure on request of any person and on payment of a fee set by the Board; providing for certain information to be contained in the certification of licensure; requiring the Board to reinstate an expired license of a person if the person applies for reinstatement within a certain period of time, meets certain requirements, and pays a certain fee; authorizing the Board to reinstate an expired license that is not renewed within a certain period of time if certain conditions are satisfied; authorizing the Board under certain circumstances to deny an application for or renewal of a license, to reprimand a licensee, or to suspend or revoke a license, if the applicant or licensee is convicted of certain crimes; altering the circumstances under which the Board may impose a certain penalty; increasing the amount of a certain penalty the Board may impose for certain violations; requiring the Board under certain circumstances to consider certain criteria in the granting, denial, renewal, suspension, or revocation of a license or the reprimand of a licensee; and generally relating to the Elevator Safety Review Board.

BY adding to

Article – Public Safety
Section 12–822.1, 12–833.1, and 12–837
Annotated Code of Maryland
(2003 Volume and 2011 Supplement)

BY repealing

Article – Public Safety
Section 12–837
Annotated Code of Maryland
(2003 Volume and 2011 Supplement)

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

Article – Public Safety

12–822.1.

(A) ON REQUEST OF ANY PERSON AND PAYMENT OF A FEE SET BY THE BOARD, THE BOARD SHALL CERTIFY THE LICENSING STATUS OF ANY PERSON WHO IS THE SUBJECT OF THE REQUEST.

(B) EACH CERTIFICATION UNDER THIS SECTION:

(1) SHALL INCLUDE A STATEMENT OF THE LICENSING STATUS OF THE PERSON WHO IS THE SUBJECT OF THE REQUEST; AND

(2) MAY INCLUDE:

(I) INFORMATION ABOUT THE EXAMINATION RESULTS AND OTHER QUALIFICATIONS OF THAT PERSON;

(II) INFORMATION ABOUT THE DATES OF ISSUANCE AND RENEWAL OF THE LICENSE OF THAT PERSON;

(III) INFORMATION ABOUT ANY DISCIPLINARY ACTION TAKEN AGAINST THAT PERSON; AND

(IV) IF AUTHORIZED BY THAT PERSON, INFORMATION ABOUT ANY COMPLAINT AGAINST THAT PERSON.

(C) THE BOARD SHALL COLLECT A FEE SET BY THE BOARD FOR EACH CERTIFICATION UNDER THIS SECTION.

12-833.1.

(A) THE BOARD SHALL REINSTATE THE LICENSE OF A PERSON THAT, FOR ANY REASON, HAS FAILED TO RENEW THE LICENSE IF THE PERSON:

(1) APPLIES TO THE BOARD FOR REINSTATEMENT WITHIN ~~1-YEAR~~ 2 YEARS AFTER THE LICENSE EXPIRES;

(2) MEETS THE RENEWAL REQUIREMENTS OF § 12-833 OF THIS SUBTITLE; AND

(3) PAYS TO THE BOARD A REINSTATEMENT FEE IN AN AMOUNT, NOT EXCEEDING \$100, SET BY THE BOARD.

(B) (1) IF A PERSON HAS FAILED TO RENEW A LICENSE UNDER § 12-833 OF THIS SUBTITLE FOR ANY REASON AND THEN APPLIES TO THE BOARD FOR REINSTATEMENT MORE THAN ~~1-YEAR~~ 2 YEARS AFTER THE LICENSE HAS EXPIRED, THE BOARD:

(I) MAY REQUIRE THE PERSON TO REAPPLY FOR A LICENSE IN THE SAME MANNER AS AN APPLICANT APPLIES FOR AN ORIGINAL LICENSE UNDER THIS SUBTITLE; OR

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, MAY REINSTATE THE LICENSE.

(2) THE BOARD MAY REINSTATE A LICENSE UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION ONLY IF THE PERSON:

(I) MEETS THE RENEWAL REQUIREMENTS OF § 12-833 OF THIS SUBTITLE;

(II) IF REQUIRED BY THE BOARD, STATES REASONS WHY REINSTATEMENT SHOULD BE GRANTED; AND

(III) PAYS TO THE BOARD A REINSTATEMENT FEE IN AN AMOUNT, NOT EXCEEDING \$100, SET BY THE BOARD.

[12-837.

(a) Subject to the hearing provisions of § 12-838 of this subtitle, the Board may deny a license to an applicant, refuse to renew a license, reprimand a licensee, suspend or revoke a license, or impose a civil penalty not exceeding \$1,000 if the Board finds that the applicant or licensee:

- (1) fraudulently or deceptively obtains or attempts to obtain a license;
- (2) fails to notify the Board or the owner or lessee of an elevator or related mechanism of any condition not in compliance with Part II of this subtitle;
- (3) violates this subtitle;
- (4) transfers the authority granted by a license to another person;
- (5) installs, repairs, or maintains an elevator or assists in the installation, repair, or maintenance of an elevator in a negligent or careless manner;
or
- (6) willfully or deliberately disregards and violates a building code, electrical code, or construction law of the State or a county or municipal corporation of the State.

(b) In determining the appropriate penalty to be imposed under subsection (a) of this section, the Board shall consider:

- (1) the gravity of the violation;
- (2) the good faith of the violator;
- (3) the number and gravity of previous violations by the same violator;
- (4) the harm caused to the complainant, the public, and the elevator mechanic profession;
- (5) the assets of the violator; and
- (6) any other factors that the Board considers relevant.]

12-837.

(A) SUBJECT TO THE HEARING PROVISIONS OF § 12-838 OF THIS SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, MAY DENY A LICENSE TO AN APPLICANT, REFUSE TO RENEW A LICENSE, REPRIMAND A LICENSEE, OR SUSPEND OR REVOKE A LICENSE, IF THE APPLICANT OR LICENSEE:

(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE;

(2) FAILS TO NOTIFY THE BOARD OR THE OWNER OR LESSEE OF AN ELEVATOR OR RELATED MECHANISM OF ANY CONDITION NOT IN COMPLIANCE WITH PART II OF THIS SUBTITLE;

(3) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, IS CONVICTED OF:

(I) A FELONY; OR

(II) A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS AND QUALIFICATIONS OF THE APPLICANT OR LICENSEE TO PERFORM SERVICES AS AN ELEVATOR CONTRACTOR, ELEVATOR MECHANIC, ELEVATOR RENOVATOR CONTRACTOR, OR ELEVATOR RENOVATOR MECHANIC;

(4) TRANSFERS THE AUTHORITY GRANTED BY A LICENSE TO ANOTHER PERSON;

(5) INSTALLS, REPAIRS, OR MAINTAINS AN ELEVATOR OR ASSISTS IN THE INSTALLATION, REPAIR, OR MAINTENANCE OF AN ELEVATOR IN A NEGLIGENT OR CARELESS MANNER;

(6) WILLFULLY OR DELIBERATELY DISREGARDS AND VIOLATES A BUILDING CODE, ELECTRICAL CODE, OR CONSTRUCTION LAW OF THE STATE OR A COUNTY OR MUNICIPAL CORPORATION OF THE STATE; OR

(7) VIOLATES ANY PROVISION OF THIS SUBTITLE.

(B) (1) INSTEAD OF OR IN ADDITION TO REPRIMANDING A LICENSEE OR SUSPENDING OR REVOKING A LICENSE UNDER THIS SECTION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000 FOR EACH VIOLATION.

(2) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:

(I) THE SERIOUSNESS OF THE VIOLATION;

(II) THE HARM CAUSED BY THE VIOLATION;

(III) THE GOOD FAITH OF THE LICENSEE;

(IV) THE ASSETS OF THE LICENSEE; AND

(V) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE LICENSEE.

(3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.

(C) THE BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE REPRIMAND OF A LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(3) OF THIS SECTION:

(1) THE NATURE OF THE CRIME;

(2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED BY THE LICENSE;

(3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND QUALIFICATIONS OF THE APPLICANT OR LICENSEE TO PERFORM SERVICES AS AN ELEVATOR CONTRACTOR, ELEVATOR MECHANIC, ELEVATOR RENOVATOR CONTRACTOR, OR ELEVATOR RENOVATOR MECHANIC;

(4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

(5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE BEFORE AND AFTER THE CONVICTION.

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

Approved by the Governor, April 10, 2012.

Chapter 50

(Senate Bill 276)

AN ACT concerning

Drivers' Licenses and Identification Cards – Notation of Veteran Status

FOR the purpose of requiring the Department of Veterans Affairs, on request, to provide a veteran with a document certifying veteran status; requiring the Motor Vehicle Administration to ensure that the driver's license or identification card of an applicant who presents ~~a certain certification of certain~~

documentation certifying veteran status includes a notation indicating that the applicant is a veteran; requiring an application for a driver's license or an identification card to allow an applicant to indicate that the applicant is a veteran and consents to being contacted by ~~the Department~~ certain Executive Branch agencies under certain circumstances for certain purposes; requiring the Administration to electronically transmit certain information to ~~the Department~~ certain Executive Branch agencies under certain circumstances; authorizing the Administration to adopt regulations to carry out certain provisions of this Act; providing for a delayed effective date; and generally relating to drivers' licenses and identification cards of veterans.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–901(a), (b), and (d)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–905
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Transportation
Section 12–302
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Article – State Government

9–901.

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

(b) “Department” means the Department 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.

9–905.

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; [and]

(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.

Article – Transportation

12-302.

(A) THE ADMINISTRATION SHALL ENSURE THAT THE DRIVER'S LICENSE OR IDENTIFICATION CARD OF AN APPLICANT WHO PRESENTS A CERTIFICATION OF VETERAN STATUS OBTAINED FROM THE DEPARTMENT OF VETERANS AFFAIRS IN ACCORDANCE WITH § 9-905 OF THE STATE GOVERNMENT ARTICLE, A DD FORM 214, OR OTHER DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION CERTIFYING VETERAN STATUS, INCLUDES A NOTATION INDICATING THAT THE APPLICANT IS A VETERAN.

(B) (1) AN APPLICATION FOR A DRIVER'S LICENSE OR AN IDENTIFICATION CARD SHALL ALLOW AN APPLICANT TO INDICATE THAT THE APPLICANT IS A VETERAN AND CONSENTS TO BEING CONTACTED BY ~~THE DEPARTMENT OF VETERANS AFFAIRS~~ APPROPRIATE EXECUTIVE BRANCH AGENCIES REGARDING THE APPLICANT'S ELIGIBILITY FOR STATE OR FEDERAL VETERANS' BENEFITS.

(2) ~~THE~~ IN ACCORDANCE WITH § 10-616 OF THE STATE GOVERNMENT ARTICLE AND ANY OTHER APPLICABLE LAW, AND ON REQUEST BY AN EXECUTIVE BRANCH AGENCY, THE ADMINISTRATION SHALL ELECTRONICALLY TRANSMIT TO THE ~~DEPARTMENT OF VETERANS AFFAIRS~~ EXECUTIVE BRANCH AGENCY APPROPRIATE INFORMATION ABOUT EACH

APPLICANT WHO CONSENTS IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.

(C) THE ADMINISTRATION MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2012~~ January 1, 2013.

Approved by the Governor, April 10, 2012.

Chapter 51

(House Bill 358)

AN ACT concerning

Drivers' Licenses and Identification Cards – Notation of Veteran Status

FOR the purpose of requiring the Department of Veterans Affairs, on request, to provide a veteran with a document certifying veteran status; requiring the Motor Vehicle Administration to ensure that the driver's license or identification card of an applicant who presents ~~a certain certification of certain~~ documentation certifying veteran status includes a notation indicating that the applicant is a veteran; requiring an application for a driver's license or an identification card to allow an applicant to indicate that the applicant is a veteran and consents to being contacted by ~~the Department~~ certain Executive Branch agencies under certain circumstances for certain purposes; requiring the Administration to electronically transmit certain information to ~~the Department~~ certain Executive Branch agencies under certain circumstances; authorizing the Administration to adopt regulations to carry out certain provisions of this Act; providing for a delayed effective date; and generally relating to drivers' licenses and identification cards of veterans.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–901(a), (b), and (d)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–905
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to

Article – Transportation
 Section 12–302
 Annotated Code of Maryland
 (2009 Replacement Volume and 2011 Supplement)

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

Article – State Government

9–901.

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

(b) “Department” means the Department 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.

9–905.

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; [and]

(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.

Article – Transportation

12-302.

(A) THE ADMINISTRATION SHALL ENSURE THAT THE DRIVER'S LICENSE OR IDENTIFICATION CARD OF AN APPLICANT WHO PRESENTS A CERTIFICATION OF VETERAN STATUS OBTAINED FROM THE DEPARTMENT OF VETERANS AFFAIRS IN ACCORDANCE WITH § 9-905 OF THE STATE GOVERNMENT ARTICLE, A DD FORM 214, OR OTHER DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION CERTIFYING VETERAN STATUS, INCLUDES A NOTATION INDICATING THAT THE APPLICANT IS A VETERAN.

(B) (1) AN APPLICATION FOR A DRIVER'S LICENSE OR AN IDENTIFICATION CARD SHALL ALLOW AN APPLICANT TO INDICATE THAT THE APPLICANT IS A VETERAN AND CONSENTS TO BEING CONTACTED BY ~~THE DEPARTMENT OF VETERANS AFFAIRS~~ APPROPRIATE EXECUTIVE BRANCH AGENCIES REGARDING THE APPLICANT'S ELIGIBILITY FOR STATE OR FEDERAL VETERANS' BENEFITS.

(2) ~~THE~~ IN ACCORDANCE WITH § 10-616 OF THE STATE GOVERNMENT ARTICLE AND ANY OTHER APPLICABLE LAW, AND ON REQUEST BY AN EXECUTIVE BRANCH AGENCY, THE ADMINISTRATION SHALL ELECTRONICALLY TRANSMIT TO THE DEPARTMENT OF VETERANS AFFAIRS EXECUTIVE BRANCH AGENCY APPROPRIATE INFORMATION ABOUT EACH APPLICANT WHO CONSENTS IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.

(C) THE ADMINISTRATION MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2012~~ January 1, 2013.

Approved by the Governor, April 10, 2012.

Chapter 52

(Senate Bill 290)

AN ACT concerning

Financial Institutions – Savings Banks – Conversions

FOR the purpose of providing that a savings bank may convert to a capital stock commercial bank under certain circumstances; requiring the Commissioner of

Financial Regulation to adopt regulations governing the conversion of savings banks to capital stock commercial banks; establishing a certain fee for the conversion of a savings bank to a capital stock commercial bank; providing for the construction of this Act; and generally relating to conversions of savings banks.

BY adding to

Article – Financial Institutions
Section 2–108(a)(10) and 4–703
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

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

Article – Financial Institutions

2–108.

(a) The Commissioner shall charge and collect, in advance, the following nonrefundable fees:

(10) AN APPLICATION FEE FOR CONVERSION OF A SAVINGS BANK TO A CAPITAL STOCK COMMERCIAL BANK UNDER § 4–703 OF THIS ARTICLE.....\$5,000

4–703.

(A) A SAVINGS BANK MAY CONVERT TO A CAPITAL STOCK COMMERCIAL BANK WITH THE APPROVAL OF ITS MEMBERS AND THE COMMISSIONER.

(B) THE COMMISSIONER SHALL ADOPT REGULATIONS TO GOVERN THE CONVERSION OF SAVINGS BANKS TO CAPITAL STOCK COMMERCIAL BANKS.

SECTION 2. AND BE IT FURTHER ENACTED, That the changes made to the Financial Institutions Article under Section 1 of this Act may not be construed to:

(1) affect, modify, or invalidate the authority and powers of the Commissioner of Financial Regulation under § 5–504 of the Financial Institutions Article to approve the conversion or any portion of the conversion of a Maryland–chartered savings bank to a Maryland–chartered capital stock commercial bank; or

(2) invalidate any conversion of a Maryland–chartered savings bank to a Maryland–chartered capital stock commercial bank that was consummated before the effective date of this Act.

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

Approved by the Governor, April 10, 2012.

Chapter 53

(Senate Bill 291)

AN ACT concerning

Unemployment Insurance – Coverage – Victims of Domestic Violence

FOR the purpose of providing that certain information provided to the Secretary of Labor, Licensing, and Regulation related to whether a claimant for unemployment insurance left employment as a result of domestic violence is confidential and not subject to disclosure except under certain circumstances; authorizing the Secretary to notify an employing unit in general terms that a claimant has left employment as a result of domestic violence; prohibiting the Secretary from disclosing certain information to an employing unit unless the employing unit provides certain information; requiring the Secretary to take certain action before disclosing certain information to an employing unit; prohibiting an employing unit from disseminating certain information; specifying that certain information related to the status of a claimant or a claimant's ~~immediate family member~~ spouse, minor child, or parent as a victim of domestic violence is not public information subject to certain disclosure; authorizing the Secretary to adopt certain regulations; prohibiting the Secretary from charging certain unemployment insurance benefits against the earned rating record of an employing unit; authorizing the Secretary to find that a cause of voluntarily leaving employment is good cause if it is directly attributable to the individual or individual's ~~immediate family member~~ spouse, minor child, or parent being a victim of domestic violence and the individual has a certain reasonable belief and provides certain information; providing for the application of this Act; and generally relating to unemployment insurance coverage for victims of domestic violence.

BY adding to

Article – Labor and Employment

Section 8–105.1

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 8-611(e) and 8-1001
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Article – Labor and Employment

8-105.1.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION OR OTHERWISE REQUIRED BY LAW, INFORMATION PROVIDED TO THE SECRETARY UNDER § 8-1001(B)(3) OF THIS TITLE FOR PURPOSES OF DETERMINING WHETHER A CLAIMANT LEFT EMPLOYMENT AS A RESULT OF DOMESTIC VIOLENCE SHALL BE CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE TO ANY PARTY.

(B) (1) THE SECRETARY MAY NOTIFY THE EMPLOYING UNIT IN GENERAL TERMS THAT A CLAIMANT HAS LEFT EMPLOYMENT AS A RESULT OF DOMESTIC VIOLENCE.

(2) THE SECRETARY MAY NOT DISCLOSE INFORMATION PROVIDED TO THE SECRETARY UNDER § 8-1001(B)(3)(II) OF THIS TITLE TO THE EMPLOYING UNIT UNLESS THE EMPLOYING UNIT CAN ESTABLISH THAT:

(I) THE EMPLOYING UNIT HAS A LEGITIMATE NEED TO QUESTION THE VERACITY OF THE INFORMATION;

(II) THE EMPLOYING UNIT'S NEED FOR THE INFORMATION OUTWEIGHS THE CLAIMANT'S PERSONAL PRIVACY INTEREST; AND

(III) THE EMPLOYING UNIT IS UNABLE TO OBTAIN THE INFORMATION FROM ANY OTHER SOURCE.

(3) BEFORE DISCLOSING INFORMATION UNDER THIS SECTION, THE SECRETARY SHALL:

(I) NOTIFY THE CLAIMANT; AND

(II) REDACT UNNECESSARY IDENTIFYING INFORMATION.

(4) AN EMPLOYING UNIT THAT RECEIVES INFORMATION UNDER THIS SECTION MAY NOT FURTHER DISSEMINATE THE INFORMATION.

(C) INFORMATION RELATED TO THE STATUS OF A CLAIMANT OR A CLAIMANT'S ~~IMMEDIATE FAMILY MEMBER~~ SPOUSE, MINOR CHILD, OR PARENT AS A VICTIM OF DOMESTIC VIOLENCE IS NOT PUBLIC INFORMATION SUBJECT TO DISCLOSURE AS PART OF THE APPEALS PROCESS.

(D) THE SECRETARY MAY ADOPT REGULATIONS TO FURTHER PROTECT THE PRIVACY OF THE CLAIMANT.

8-611.

(e) The Secretary may not charge benefits paid to a claimant against the earned rating record of an employing unit if:

(1) the claimant left employment voluntarily without good cause attributable to the employing unit;

(2) the claimant was discharged by the employing unit for gross misconduct as defined in § 8-1002 of this title;

(3) the claimant was discharged by the employing unit for aggravated misconduct as defined in § 8-1002.1 of this title;

(4) the claimant left employment voluntarily to accept better employment or enter training approved by the Secretary;

(5) the employing unit participates in a work release program that is designed to give an inmate of a correctional institution an opportunity to work while imprisoned and unemployment was the result of the claimant's release from prison;
[or]

(6) the claimant was paid additional training benefits under § 8-812 of this title; **OR**

(7) THE CLAIMANT LEFT EMPLOYMENT FOR GOOD CAUSE DIRECTLY ATTRIBUTABLE TO THE CLAIMANT OR ~~AN IMMEDIATE FAMILY MEMBER OF THE CLAIMANT~~ THE CLAIMANT'S SPOUSE, MINOR CHILD, OR PARENT BEING A VICTIM OF DOMESTIC VIOLENCE AS DEFINED IN § 8-1001(B)(3) OF THIS TITLE.

8-1001.

(a) (1) An individual who otherwise is eligible to receive benefits is disqualified from receiving benefits if the Secretary finds that unemployment results from voluntarily leaving work without good cause.

(2) A claimant who is otherwise eligible for benefits from the loss of full-time employment may not be disqualified from the benefits attributable to the full-time employment because the claimant voluntarily quit a part-time employment, if the claimant quit the part-time employment before the loss of the full-time employment.

(b) The Secretary may find that a cause for voluntarily leaving is good cause only if:

(1) the cause is directly attributable to, arising from, or connected with:

(i) the conditions of employment; or

(ii) the actions of the employing unit; [or]

(2) an individual:

(i) is laid off from employment through no fault of the individual;

(ii) obtains subsequent employment that pays weekly wages that total less than 50% of the weekly wage earned in the employment from which the individual was laid off; and

(iii) leaves the subsequent employment to attend a training program for which the individual has been chosen that:

1. is offered under the Maryland Workforce Investment Act; or

2. otherwise is approved by the Secretary; OR

(3) THE CAUSE IS DIRECTLY ATTRIBUTABLE TO THE INDIVIDUAL OR THE INDIVIDUAL'S SPOUSE, MINOR CHILD, OR PARENT BEING A VICTIM OF DOMESTIC VIOLENCE AS DEFINED IN § 4-513 OF THE FAMILY LAW ARTICLE AND THE INDIVIDUAL:

(I) REASONABLY BELIEVES THAT THE INDIVIDUAL'S CONTINUED EMPLOYMENT WOULD JEOPARDIZE THE INDIVIDUAL'S SAFETY OR THE SAFETY OF THE INDIVIDUAL'S SPOUSE, MINOR CHILD, OR PARENT; AND

(II) PROVIDES ONE OF THE FOLLOWING TYPES OF DOCUMENTATION TO THE SECRETARY SUBSTANTIATING DOMESTIC VIOLENCE INCLUDING:

1. AN ACTIVE OR A RECENTLY ISSUED TEMPORARY PROTECTIVE ORDER UNDER § 4-505 OF THE FAMILY LAW ARTICLE, A PROTECTIVE ORDER UNDER § 4-506 OF THE FAMILY LAW ARTICLE, OR ANY OTHER ~~NONTEMPORARY~~ COURT ORDER DOCUMENTING THE DOMESTIC VIOLENCE; OR

2. A POLICE RECORD DOCUMENTING RECENT DOMESTIC VIOLENCE;~~OR~~

~~3. A STATEMENT SUBSTANTIATING RECENT DOMESTIC VIOLENCE FROM A QUALIFIED PROFESSIONAL FROM WHOM THE INDIVIDUAL OR THE INDIVIDUAL'S SPOUSE, MINOR CHILD, OR PARENT HAS SOUGHT ASSISTANCE, INCLUDING:~~

~~A. A MEDICAL PROFESSIONAL;~~

~~B. AN ATTORNEY;~~

~~C. A CLERGY MEMBER;~~

~~D. A LICENSED SOCIAL WORKER;~~

~~E. A LICENSED THERAPIST; OR~~

~~F. A DOMESTIC VIOLENCE SHELTER OFFICIAL.~~

(c) (1) A circumstance for voluntarily leaving work is valid only if it is:

(i) a substantial cause that is directly attributable to, arising from, or connected with conditions of employment or actions of the employing unit;

(ii) of such necessitous or compelling nature that the individual has no reasonable alternative other than leaving the employment; or

(iii) caused by the individual leaving employment to follow a spouse if:

1. the spouse:

A. serves in the United States military; or

B. is a civilian employee of the military or of a federal agency involved in military operations; and

2. the spouse's employer requires a mandatory transfer to a new location.

(2) For determination of the application of paragraph (1)(ii) of this subsection to an individual who leaves employment because of the health of the individual or another for whom the individual must care, the individual shall submit a written statement or other documentary evidence of the health problem from a hospital or physician.

(d) In addition to other circumstances for which a disqualification may be imposed, neither good cause nor a valid circumstance exists and a disqualification shall be imposed if an individual leaves employment:

(1) to become self-employed;

(2) to accompany a spouse to a new location or to join a spouse in a new location, unless the requirements of subsection (c)(1)(iii) of this section are met; or

(3) to attend an educational institution.

(e) A disqualification under this section:

(1) shall begin with the first week for which unemployment is caused by voluntarily leaving without good cause; and

(2) subject to subsection (c) of this section, shall continue:

(i) if a valid circumstance exists, for a total of at least 5 but not more than 10 weeks, as determined by the Secretary based on the seriousness of the circumstance; or

(ii) if a valid circumstance does not exist, until the individual is reemployed and has earned wages for covered employment that equal at least 15 times the weekly benefit amount of the individual.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to individuals who file new claims for unemployment insurance benefits with an effective date on or after October 1, 2012.

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

Approved by the Governor, April 10, 2012.

Chapter 54**(Senate Bill 300)**

AN ACT concerning

Frederick County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Frederick County, from time to time, to borrow not more than \$100,000,000 in order to finance the cost of certain public facilities in Frederick County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; providing that such borrowing may be undertaken by Frederick County in the form of installment purchase obligations executed and delivered by Frederick County for the purpose of acquiring agricultural land and woodland preservation easements; and generally relating to the issuance and sale of the bonds by Frederick County.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term “County” means the body politic and corporate of the State of Maryland known as the County Commissioners of Frederick County, and the term “public facilities” means the cost of construction and reconstruction of capital projects, including but not limited to landfill projects, public schools, roads, bridges, flood control projects, solid waste facilities, water and leachate treatment facilities, libraries, easements or similar or related rights in land that restrict the use of agricultural land or woodland to maintain the character of the land as agricultural land or woodland, and communication systems, including the development of property, the acquisition and installation of equipment and furnishings, together with any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the public facilities described in Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at

one time or from time to time, in an amount not exceeding, in the aggregate, \$100,000,000 and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued pursuant to a resolution of the County, which shall describe generally the public facilities for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of Section 30 of Article 31 of the Annotated Code of Maryland, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be for the best interests of Frederick County; the manner of executing and sealing the bonds, which may be by facsimile; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or state securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds.

In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of Sections 2C, 9, 10, and 11 of Article 31 of the Annotated Code of Maryland.

If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which may be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a

circulation primarily among banks and investment bankers. Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Treasurer of Frederick County or such other official of Frederick County as may be designated to receive such payment in a resolution passed by the County Commissioners of Frederick County before delivery. For purposes of issuance and sale, bonds authorized hereunder may be consolidated into a single issue with any other bonds authorized to be issued by the County.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the public facilities for which the bonds are sold. If the net proceeds of the sale of any issue of bonds exceeds the amount needed to finance the public facilities described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, unless the County shall adopt a resolution allocating the excess funds to the costs of other public facilities.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of Frederick County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source. If such funds are granted for the purpose of assisting the County in financing the construction, improvement, development, or renovation of the public facilities defined in this Act and, to the extent of any such funds received or receivable in any fiscal year, the taxes that might otherwise be levied under this Act, may be reduced or need not be levied.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is hereby further authorized and empowered, at any time and from time to time, to issue its bonds in the manner herein above described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the

purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, county, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide additional, alternative, and supplemental authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of Frederick County, shall be liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That the borrowing authorized by this Act may also be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring easements or similar or related rights in land that restrict the use of agricultural land or woodland to maintain the character of the land as agricultural land or woodland. The form of installment purchase obligations, the manner of accomplishing the acquisition of easements, which may be by the direct exchange of installment purchase obligations for easement, and all matters incident to the execution and delivery of the installment purchase obligations and acquisition of the easements by the County shall be determined in the resolution. Except where the provisions of this Act would be inapplicable to installment purchase obligations, the term “bonds” used in this Act shall include installment purchase obligations and matters pertaining to the bonds under this Act, such as the security for the payment of the bonds, the exemption of the bonds from State, county, municipal, or other taxation, and authorization to issue refunding bonds and the limitation on the aggregate principal amount of bonds authorized for issuance, shall be applicable to installment purchase obligations.

SECTION 11. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2012.

Approved by the Governor, April 10, 2012.

Chapter 55

(Senate Bill 302)

AN ACT concerning

**Financial Institutions – Commissioner of Financial Regulation –
Investigative and Enforcement Powers and Regulation of Mortgage Lenders**

FOR the purpose of ~~repealing~~ altering the scope of a certain provision of law that prohibits the Commissioner of Financial Regulation from exercising certain investigative and enforcement powers in connection with affiliates of certain financial institutions; ~~repealing a certain provision of law that exempts a person who makes a certain number of mortgage loans per calendar year or brokers no more than one mortgage loan per calendar year from the Maryland Mortgage Lender Law; repealing a certain provision of law that exempts certain subsidiaries and affiliates of certain federal financial institutions and of certain out-of-state banks from the Maryland Mortgage Lender Law; repealing a certain definition; making a stylistic change;~~ making certain conforming changes; providing for a delayed effective date; and generally relating to the investigative and enforcement powers of the Commissioner of Financial Regulation and the regulation of mortgage lenders.

BY repealing and reenacting, with amendments,
 Article – Financial Institutions
 Section 2–113 and 11–502
 Annotated Code of Maryland
 (2011 Replacement Volume and 2011 Supplement)

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

Article – Financial Institutions

2–113.

(a) ~~¶~~In this section, “affiliate” has the meaning stated in § 5–401(b) of this article.

(b)~~¶~~ Except as provided in subsection ~~¶(d)¶~~ ~~(c)~~ of this section, the investigative and enforcement powers of the Commissioner authorized under this subtitle are in addition to any investigative or enforcement powers of the Commissioner authorized under any other provision of law.

~~¶(c)¶~~ ~~(B)~~ Beginning in fiscal year 2001, the Governor shall appropriate in the State budget in each fiscal year to the Division of Financial Regulation funding for the positions necessary to implement the investigative and enforcement powers authorized under this subtitle.

~~¶(d)¶~~ ~~(C)~~ Except as provided in § 2–117 of this subtitle, the provisions of §§ 2–114 through 2–117, inclusive, of this subtitle do not apply to:

(1) Any bank, trust company, savings bank, savings and loan association, or credit union incorporated or chartered under the laws of this State or the United States that maintains its principal office in this State;

(2) Any out-of-state bank, as defined in § 5–1001 of this article, having a branch that accepts deposits in this State; ~~OR~~

(3) Any institution incorporated under federal law as a savings association or savings bank that does not maintain its principal office in this State but has a branch that accepts deposits in this State~~¶~~; or

(4) An affiliate of an institution described in item (1), (2), or (3) of this subsection OVER WHICH THE COMMISSIONER HAS NO JURISDICTION~~¶~~.

11–502.

(a) In this section, “affiliate” means any company that controls, is controlled by, or is under common control with an institution described in subsection (c) of this section.

(b) The provisions of this subtitle do not apply to:

(1) Any bank, trust company, savings bank, savings and loan association, or credit union incorporated or chartered under the laws of this State or the United States or any other–state bank having a branch in this State;

(2) Any insurance company authorized to do business in the State;

(3) Any corporate instrumentality of the Government of the United States including:

(i) The Federal Home Loan Mortgage Corporation;

(ii) The Federal National Mortgage Association; and

(iii) The Government National Mortgage Association;

(4) [Any person who:

(i) Makes 3 or fewer mortgage loans per calendar year; and

(ii) Brokers no more than one mortgage loan per calendar year;

(5)] Any person who takes back a deferred purchase money mortgage in connection with the sale of:

(i) A dwelling or residential real estate owned by, and titled in the name of, that person; or

(ii) A new residential dwelling that the person built;

[(6)] (5) A nonprofit charitable organization registered with the Maryland Secretary of State or a nonprofit religious organization;

[(7)] (6) An employer making a mortgage loan to an employee;

[(8)] (7) A person making a mortgage loan to a borrower who is the person’s spouse, child, child’s spouse, parent, sibling, grandparent, grandchild, or grandchild’s spouse;

[(9)] (8) A real estate broker who:

(i) Is licensed in the State; and

(ii) Makes a mortgage loan providing a repayment schedule of 2 years or less to assist the borrower in the purchase or sale of a dwelling or residential real estate through the broker;

~~[(10)]~~ **(9)** A home improvement contractor licensed under the Maryland Home Improvement Law who assigns a mortgage loan without recourse within 30 days after completion of the contract to a person licensed under this subtitle or to an institution that is exempt from this subtitle under item (1), (2), or ~~[(11)]~~ **(10)** of this subsection;

~~[(11)]~~ **(10)** A subsidiary or affiliate of an institution described in subsection (c) of this section, which subsidiary or affiliate:

(i) Is subject to audit or examination by a regulatory body or agency of this State~~], the United States,]~~ or the state where the subsidiary or affiliate maintains its principal office~~];~~ and

(ii) Files with the Commissioner, prior to making mortgage loans, information sufficient to identify:

1. The correct corporate name of the subsidiary or affiliate;

2. An address and telephone number of a contact person for the subsidiary or affiliate;

3. A resident agent; and

4. Any additional information considered necessary by the Commissioner for protection of the public;

~~[(12)]~~ **(11)** Any employee benefit plan qualified under Internal Revenue Code § 401 or persons acting as fiduciaries with respect to such a plan, making mortgage loans solely to plan participants from plan assets; or

~~[(13)]~~ **(12)** Employees acting within the scope of their employment with:

(i) A licensed mortgage lender; or

(ii) A person who is exempt from licensure under this subtitle.

(c) The exemption in subsection ~~[(b)(11)]~~ **(B)(10)** of this section applies to subsidiaries and affiliates of~~]:~~

(1) Any ~~ANY~~ bank, trust company, savings bank, savings and loan association, or credit union incorporated or chartered under the laws of this State [or the United States that maintains its principal office in this State]; **OR**

(2) Any ~~out-of-state~~ **OTHER-STATE** bank, as that term is defined in § 5-1001 of this article, having a branch that accepts deposits in this State; ~~or~~

~~(3) Any institution incorporated under federal law as a savings association or savings bank that does not maintain its principal office in this State but has a branch that accepts deposits in this State].~~

(d) The exemptions provided in subsection (b) of this section do not apply to any person who has been denied a license to engage in business as a mortgage lender or real estate broker or whose license to engage in such activities has been suspended or revoked within the 3 immediately preceding calendar years.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2013.

Approved by the Governor, April 10, 2012.

Chapter 56

(Senate Bill 303)

AN ACT concerning

Credit Regulation – Debt Management Services – Agreement and Prohibited Acts

FOR the purpose of altering a notice that must be included in a debt management services agreement to clarify the right of a party to the agreement to rescind the agreement at any time; prohibiting a licensed debt management services provider from violating any provision of certain federal or State laws; and generally relating to debt management services.

BY repealing and reenacting, with amendments,

Article – Financial Institutions

Section 12-916(b) and 12-920(a)

Annotated Code of Maryland

(2011 Replacement Volume and 2011 Supplement)

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

Article – Financial Institutions

12–916.

- (b) Each debt management services agreement shall:
- (1) Be signed and dated by the licensee and the consumer; and
 - (2) Include, in at least 12 point type:
 - (i) The name, address, and phone number of the consumer;
 - (ii) The name, address, phone number, and license number of the licensee;
 - (iii) A description of the debt management services to be provided to the consumer and any fees to be charged to the consumer for the debt management services;
 - (iv) A disclosure of the existence of the surety bond required under § 12–914 of this subtitle;
 - (v) The name and address of the financial institution in which funds, paid by the consumer to the licensee for disbursement to the consumer's creditors, will be held;
 - (vi) A notice of the right of a party to the debt management services agreement to rescind the debt management services agreement **AT ANY TIME** by giving written notice of rescission to the other party;
 - (vii) A schedule of payments that the consumer must make to the debt management services provider, including:
 1. The amount of each payment and the date on which each payment is due; and
 2. An itemization of the maintenance fees that will be retained by the debt management services provider, and the amount of money that will be paid to the consumer's creditors, from each payment the consumer makes to the debt management services provider;
 - (viii) A list of:

1. A. Each participating creditor of the consumer to which payments will be made under the debt management services agreement;

B. The amount owed to each creditor; and

C. A schedule of payments that the debt management services provider will make to each participating creditor from the consumer's payments, including the amount of each payment and the date on which each payment will be made; and

2. Each creditor that the licensee reasonably expects not to participate in the management of the consumer's debt under the debt management services agreement;

(ix) A disclosure that the licensee also may receive compensation from the consumer's creditors for providing debt management services to the consumer;

(x) A disclosure that the licensee may not, as a condition of entering into a debt management services agreement, require a consumer to purchase for a fee a counseling session, an educational program, or materials and supplies;

(xi) A disclosure that the licensee may not require a voluntary contribution from a consumer for any service provided by the licensee to the consumer;

(xii) A disclosure that, by executing the debt management services agreement, the consumer authorizes any financial institution in which the licensee has established a trust account for deposit of the consumer's funds to disclose to the Commissioner any financial records relating to the trust account during the course of any investigation or examination of the licensee by the Commissioner;

(xiii) A disclosure that execution of a debt management services agreement may impact the consumer's credit rating and credit scores; and

(xiv) The following notice:

"The Commissioner of Financial Regulation for the State of Maryland will accept questions and complaints from Maryland residents regarding (name and license number of the debt management services provider) at (address of the Commissioner) phone (toll-free number of the Commissioner). Do not sign this agreement before you read it. You must be given a copy of this agreement."

12-920.

(a) A licensee may not:

(1) Purchase any debt or obligation of a consumer;

- (2) Lend money or provide credit to a consumer;
- (3) Obtain a mortgage or other security interest in property owned by a consumer;
- (4) Operate as a collection agency, as defined in § 7-101 of the Business Regulation Article;
- (5) Structure a debt management services agreement in a manner that would result in a negative amortization of any of the consumer's debts;
- (6) Make any false, misleading, or deceptive representations or omissions of information in connection with the offer, sale, or performance of any service;
- (7) Offer, pay, or give a substantial gift, bonus, premium, reward, or other compensation to a person for referring a prospective customer to the licensee;
- (8) Offer an incentive, including a gift, bonus, premium, reward, or other compensation, to a consumer for executing a debt management services agreement with the licensee;
- (9) Charge for or provide credit insurance;
- (10) Compromise any debts of a consumer unless the licensee has obtained the prior written approval of the consumer, and the compromise benefits the consumer;
- (11) Enter into a contract or fee-for-service arrangement with a person owned, controlled by, or affiliated with an officer, a director, or an employee of the debt management services provider, or with a relative of an officer, a director, or an employee, that benefits an officer, a director, or an employee of the debt management services provider;
- (12) Advertise, display, distribute, broadcast, televise, or otherwise publish debt management service rates, terms, or services in a false, misleading, or deceptive manner; [or]
- (13) Pay an incentive to an employee for enrolling a consumer in a debt management services plan or agreement; **OR**
- (14) **VIOLATE ANY PROVISION OF ~~THE FEDERAL CREDIT REPAIR ORGANIZATIONS ACT, THE FEDERAL TELEMARKETING SALES RULE, OR ANY OTHER PROVISION OF~~ FEDERAL OR STATE LAW GOVERNING DEBT MANAGEMENT SERVICES OR OTHER RELATED SERVICES.**

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

Approved by the Governor, April 10, 2012.

Chapter 57

(Senate Bill 320)

AN ACT concerning

Frederick County Board of Education – Membership and Employment

FOR the purpose of repealing a certain provision of law prohibiting certain individuals in Frederick County from being elected to or serving on the county board of education; repealing a certain provision of law prohibiting certain individuals in Frederick County from being hired as an administrator or a teacher under certain circumstances; and generally relating to certain individuals who may serve on and may be hired by the Frederick County Board of Education.

BY repealing and reenacting, without amendments,
Article – Education
Section 3–5B–01(a) and (b)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing
Article – Education
Section 3–5B–02
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY renumbering
Article – Education
Section 3–5B–03, 3–5B–04, and 3–5B–05, respectively
to be Section 3–5B–02, 3–5B–03, and 3–5B–04, respectively
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Article – Education

3-5B-01.

(a) The Frederick County Board consists of eight members as follows:

- (1) Seven members elected from the county at large; and
- (2) One nonvoting student member.

(b) (1) A candidate elected to the county board shall be a resident and registered voter of Frederick County.

(2) Any member who no longer resides in the county may not continue as a member of the board.

[3-5B-02.

(a) An individual who is married to an administrator or teacher of the county board may not be elected to or serve on the county board.

(b) An individual who is married to a member of the county board may not be hired as an administrator or teacher by the county board unless the individual's spouse first resigns from the county board.]

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3-5B-03, 3-5B-04, and 3-5B-05, respectively, of Article – Education of the Annotated Code of Maryland be renumbered to be Section(s) 3-5B-02, 3-5B-03, and 3-5B-04, respectively.

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

Approved by the Governor, April 10, 2012.

Chapter 58

(Senate Bill 326)

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2005 – Anne Arundel County –
Benson-Hammond House**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2005 to alter the requirement that the Board of Directors of the Anne Arundel County Historical Society, Inc. provide a certain matching fund; requiring the

Board of Public Works to expend or encumber a certain grant by a certain date; making this Act an emergency measure; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2005.

BY repealing and reenacting, with amendments,

Chapter 445 of the Acts of the General Assembly of 2005, as amended by Chapter 707 of the Acts of the General Assembly of 2009
Section 1(3) Item ZA02(K)

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

Chapter 445 of the Acts of 2005, as amended by Chapter 707 of the Acts of 2009

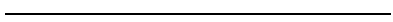
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(3) ZA02 LOCAL SENATE INITIATIVES

- (K) Benson–Hammond House Renovation. Provide a grant [equal to the lesser of (i)] **OF \$100,000** [or (ii) the amount of the matching fund provided,] to the Board of Directors of the Anne Arundel County Historical Society, Inc. for the repair, renovation, reconstruction, and capital equipping of the Benson–Hammond House and related outbuildings, located in Linthicum. [Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act] **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROCEEDS OF THE LOAN MUST BE ENCUMBERED BY THE BOARD OF PUBLIC WORKS OR EXPENDED FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2014** (Anne Arundel County) 100,000

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

Approved by the Governor, April 10, 2012.



Chapter 59**(Senate Bill 327)**

AN ACT concerning

**Baltimore City – 45th Legislative District – Liquor Stores – Premises Near
Places of Worship or Schools**

FOR the purpose of increasing the distance that liquor stores in the 45th Legislative District in Baltimore City are required to be from places of worship or schools; providing for the application of this Act; and generally relating to the distance that liquor stores are required to be from places of worship or schools in the 45th Legislative District in Baltimore City.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–204.3
Annotated Code of Maryland
(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

9–204.3.

(a) **(1)** [In] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**, IN Baltimore City, no new license, or removal of an existing license, shall be granted to sell alcoholic beverages in any building located within 300 feet of the nearest point of the buildings of a church or school, but the license of any person now holding a license for any building located within such distance of the building grounds of a church or school may be renewed or extended for the same building.

(2) IN THE 45TH LEGISLATIVE DISTRICT IN BALTIMORE CITY, A NEW CLASS A LICENSE OF ANY TYPE MAY NOT BE ISSUED FOR THE SALE OF ALCOHOLIC BEVERAGES IN A BUILDING LOCATED WITHIN 500 FEET OF THE NEAREST POINT OF THE BUILDING OF A PLACE OF WORSHIP OR SCHOOL.

(b) The restrictions regarding distance **IN SUBSECTION (A)(1) OF THIS SECTION** do not apply to the following licenses, which may be issued within the 300 feet limitation:

(1) Except in the 46th Legislative District, Class B beer and wine;

(2) Except in the 46th Legislative District, Class B beer, wine and liquor;

(3) Class C beer and wine; and

(4) Class C beer, wine and liquor.

(c) Except in the 46th Legislative District, the governing body of any church in writing may waive the restrictions of this section regarding licenses not specified in subsection (b) with respect to cafes or restaurants located within 250 feet of a theater having a capacity of not less than 300 seats, which theater is operated by a nonprofit theater association.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any Class A alcoholic beverages license issued in the 45th Legislative District in Baltimore City before the effective date of this Act.

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

Approved by the Governor, April 10, 2012.

Chapter 60

(House Bill 12)

AN ACT concerning

Baltimore City – 45th Legislative District – Liquor Stores – Premises Near Places of Worship or Schools

FOR the purpose of increasing the distance that liquor stores in the 45th Legislative District in Baltimore City are required to be from places of worship or schools; providing for the application of this Act; and generally relating to the distance that liquor stores are required to be from places of worship or schools in the 45th Legislative District in Baltimore City.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–204.3
Annotated Code of Maryland
(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

9–204.3.

(a) **(1) [In] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN Baltimore City, no new license, or removal of an existing license, shall be granted to sell alcoholic beverages in any building located within 300 feet of the nearest point of the buildings of a church or school, but the license of any person now holding a license for any building located within such distance of the building grounds of a church or school may be renewed or extended for the same building.**

(2) IN THE 45TH LEGISLATIVE DISTRICT IN BALTIMORE CITY, A NEW CLASS A LICENSE OF ANY TYPE MAY NOT BE ISSUED FOR THE SALE OF ALCOHOLIC BEVERAGES IN A BUILDING LOCATED WITHIN 500 FEET OF THE NEAREST POINT OF THE BUILDING OF A PLACE OF WORSHIP OR SCHOOL.

(b) The restrictions regarding distance **IN SUBSECTION (A)(1) OF THIS SECTION** do not apply to the following licenses, which may be issued within the 300 feet limitation:

- (1) Except in the 46th Legislative District, Class B beer and wine;
- (2) Except in the 46th Legislative District, Class B beer, wine and liquor;
- (3) Class C beer and wine; and
- (4) Class C beer, wine and liquor.

(c) Except in the 46th Legislative District, the governing body of any church in writing may waive the restrictions of this section regarding licenses not specified in subsection (b) with respect to cafes or restaurants located within 250 feet of a theater having a capacity of not less than 300 seats, which theater is operated by a nonprofit theater association.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any Class A alcoholic beverages license issued in the 45th Legislative District in Baltimore City before the effective date of this Act.

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

Approved by the Governor, April 10, 2012.

Chapter 61
(Senate Bill 345)

AN ACT concerning

~~Environment~~ **Harford County – Water and Sewer Authorities – Number of Directors**

FOR the purpose of altering the apportionment of the number of directors between or among member political subdivisions required for a water and sewer authority in Harford County; making stylistic changes; and generally relating to water and sewer authorities.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–915
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

Article – Environment

9–915.

(a) This section applies to an authority that has [2] **TWO** or more member political subdivisions.

(b) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION,** **THE** number of directors of the authority is the greater of:

- (1) ~~{Five}~~ **SEVEN**; or
- (2) The number of member political subdivisions.

(c) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION,** **THE** articles of incorporation for the authority shall provide for:

- (1) The appointment of directors;

(2) The staggering of their terms; and

(3) Where the number of member political subdivisions is less than **[5]** ~~SEVEN FIVE~~, the apportioning of the directors between or among the member political subdivisions.

(d) (1) The term of a director may not be more than 5 years.

(2) If a vacancy occurs during the term of a director, the governing body of the political subdivision that is represented by the director shall fill the vacancy.

(e) If a political subdivision joins the authority, the governing body of the joining political subdivision immediately shall appoint **[1]** **ONE** director for a term that is the same as the terms of the other directors.

(f) If a political subdivision withdraws from the authority, any director who was appointed to represent the withdrawing political subdivision immediately ceases to be a director.

(G) IN HARFORD COUNTY:

(1) THE NUMBER OF DIRECTORS OF THE AUTHORITY IS THE GREATER OF:

(I) SEVEN; OR

(II) THE NUMBER OF MEMBER POLITICAL SUBDIVISIONS.

(2) THE ARTICLES OF INCORPORATION FOR THE AUTHORITY SHALL PROVIDE FOR THE APPORTIONING OF THE DIRECTORS BETWEEN OR AMONG THE MEMBER SUBDIVISIONS IF THE NUMBER OF POLITICAL SUBDIVISIONS IS LESS THAN SEVEN.

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

Approved by the Governor, April 10, 2012.

Chapter 62

(Senate Bill 353)

Estates – Small Estate Administration – Eligibility Thresholds

FOR the purpose of altering the maximum value of property of certain decedents that may be eligible to be administered as a small estate; altering the value of property discovered after filing a certain petition that requires removing an estate from small estate administration; altering the fee schedule for certain small estates; clarifying language; making stylistic changes; providing for the application of this Act; and generally relating to small estate administration.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 5–601, 5–605, and 5–606
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

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

Article – Estates and Trusts

5–601.

(a) If the property of the decedent subject to administration in Maryland is established to have a value of ~~[\$30,000]~~ **\$50,000** or less as of the date of the death of the decedent, the estate may be administered in accordance with the provisions of §§ 5–602 through 5–607 of this subtitle.

(b) If, before the filing of an initial account in administration proceedings instituted under Subtitle 3 or Subtitle 4 of this title, the property of the decedent subject to administration in Maryland is established to have a value of ~~[\$30,000]~~ **\$50,000** or less as of the date of the death of the decedent, the estate thereafter may be administered in accordance with the provisions of §§ 5–602 through 5–607 of this subtitle.

(c) If the surviving spouse is the sole legatee or heir of the decedent and if before the filing of an initial account in administration proceedings instituted under Subtitle 3 or Subtitle 4 of this title, the property of the decedent subject to administration in Maryland is established to have a value of ~~[\$50,000]~~ **\$100,000** or less as of the date of the death of the decedent, the estate thereafter may be administered in accordance with the provisions of §§ 5–602 through 5–607 of this subtitle.

(d) For the purpose of this subtitle, value is determined by the fair market value of property less debts of record secured by the property, as of the date of death, to the extent that insurance benefits are not payable to the lien holder or secured party for the secured debt.

5-605.

(A) Property of the decedent discovered after the filing of the petition shall be reported immediately by supplemental petition.

(B) If no administration was had in accordance with § 5-603(a)(4) of this subtitle because of the failure to include after-discovered property in the original petition, the register shall direct appropriate proceedings.

(C) If after-discovered property increases the gross value of all property of the decedent **SUBJECT TO ADMINISTRATION IN MARYLAND** to more than ~~[\$30,000]~~ **\$50,000**, or more than ~~[\$50,000]~~ **\$100,000** if all property of the decedent subject to administration in Maryland is transferred to the spouse of the decedent, then any further proceeding may not be had under this subtitle, but the administration shall proceed under the other provisions of the estates of decedents law.

5-606.

(a) (1) (I) Except as provided in paragraph (2) of this subsection, for all services listed in § 2-206(b)(1) of this article that a register performs in connection with a small estate **HAVING A VALUE OF NO MORE THAN \$5,000**, the register shall receive the fees under subsection (b) of this section instead of the fees under § 2-206(b)(2) of this article.

(II) **FOR A SMALL ESTATE HAVING A VALUE OF MORE THAN \$5,000, THE FEES UNDER § 2-206 OF THIS ARTICLE SHALL APPLY.**

(2) For each additional certificate of letters over 4 furnished in connection with a small estate, the register shall receive the additional fee under § 2-206(c) of this article.

(b) Fees for a small estate shall be assessed on the value of the small estate at the following rates:

If the Value of the Small Estate Is Greater Than	But No More Than	The Fee Is
(1) —	\$ 200	\$ 2
(2) \$ 200	\$ 5,000	1% of the Value of the Small Estate
[(3) \$ 5,000	\$ 10,000	\$ 50]
[(4) \$ 10,000	\$ 20,000	\$ 100]
[(5) \$ 20,000	\$ 50,000	\$ 150]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any estate opened before the effective date of this Act.

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

Approved by the Governor, April 10, 2012.

Chapter 63

(House Bill 318)

AN ACT concerning

Estates – Small Estate Administration – Eligibility Thresholds

FOR the purpose of altering the maximum value of property of certain decedents that may be eligible to be administered as a small estate; altering the value of property discovered after filing a certain petition that requires removing an estate from small estate administration; altering the fee schedule for certain small estates; clarifying language; making stylistic changes; providing for the application of this Act; and generally relating to small estate administration.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 5–601, 5–605, and 5–606

Annotated Code of Maryland

(2011 Replacement Volume and 2011 Supplement)

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

Article – Estates and Trusts

5–601.

(a) If the property of the decedent subject to administration in Maryland is established to have a value of ~~[\$30,000]~~ **\$50,000** or less as of the date of the death of the decedent, the estate may be administered in accordance with the provisions of §§ 5–602 through 5–607 of this subtitle.

(b) If, before the filing of an initial account in administration proceedings instituted under Subtitle 3 or Subtitle 4 of this title, the property of the decedent

subject to administration in Maryland is established to have a value of ~~[\$30,000]~~ **\$50,000** or less as of the date of the death of the decedent, the estate thereafter may be administered in accordance with the provisions of §§ 5–602 through 5–607 of this subtitle.

(c) If the surviving spouse is the sole legatee or heir of the decedent and if before the filing of an initial account in administration proceedings instituted under Subtitle 3 or Subtitle 4 of this title, the property of the decedent subject to administration in Maryland is established to have a value of ~~[\$50,000]~~ **\$100,000** or less as of the date of the death of the decedent, the estate thereafter may be administered in accordance with the provisions of §§ 5–602 through 5–607 of this subtitle.

(d) For the purpose of this subtitle, value is determined by the fair market value of property less debts of record secured by the property, as of the date of death, to the extent that insurance benefits are not payable to the lien holder or secured party for the secured debt.

5–605.

(A) Property of the decedent discovered after the filing of the petition shall be reported immediately by supplemental petition.

(B) If no administration was had in accordance with § 5–603(a)(4) of this subtitle because of the failure to include after–discovered property in the original petition, the register shall direct appropriate proceedings.

(C) If after–discovered property increases the gross value of all property of the decedent **SUBJECT TO ADMINISTRATION IN MARYLAND** to more than ~~[\$30,000]~~ **\$50,000**, or more than ~~[\$50,000]~~ **\$100,000** if all property of the decedent subject to administration in Maryland is transferred to the spouse of the decedent, then any further proceeding may not be had under this subtitle, but the administration shall proceed under the other provisions of the estates of decedents law.

5–606.

(a) (1) (I) Except as provided in paragraph (2) of this subsection, for all services listed in § 2–206(b)(1) of this article that a register performs in connection with a small estate **HAVING A VALUE OF NO MORE THAN \$5,000**, the register shall receive the fees under subsection (b) of this section instead of the fees under § 2–206(b)(2) of this article.

(II) **FOR A SMALL ESTATE HAVING A VALUE OF MORE THAN \$5,000, THE FEES UNDER § 2–206 OF THIS ARTICLE SHALL APPLY.**

(2) For each additional certificate of letters over 4 furnished in connection with a small estate, the register shall receive the additional fee under § 2–206(c) of this article.

(b) Fees for a small estate shall be assessed on the value of the small estate at the following rates:

	If the Value of the Small Estate Is Greater Than	But No More Than	The Fee Is
(1)	—	\$ 200	\$ 2
(2)	\$ 200	\$ 5,000	1% of the Value of the Small Estate
[(3)]	\$ 5,000	\$ 10,000	\$ 50]
[(4)]	\$ 10,000	\$ 20,000	\$ 100]
[(5)]	\$ 20,000	\$ 50,000	\$ 150]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any estate opened before the effective date of this Act.

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

Approved by the Governor, April 10, 2012.

Chapter 64

(Senate Bill 357)

AN ACT concerning

State Retirement and Pension System – Medical Board Participation

FOR the purpose of authorizing the Board of Trustees of the State Retirement and Pension System to appoint a physician who is a participating employee in the Optional Retirement Program to serve on a medical board, subject to a certain condition; prohibiting a medical board physician who is a participating employee in the Optional Retirement Program from participating in certain cases under certain circumstances; and generally relating to the appointment of medical boards for the State Retirement and Pension System.

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions
Section 21–126
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Article – State Personnel and Pensions

21–126.

(a) The Board of Trustees shall establish one or more medical boards.

(b) (1) Each medical board consists of three members and not more than three alternates.

(2) Each medical board member and alternate shall be a physician who is not eligible to be a member of a State system.

(3) (I) The Board of Trustees shall appoint the medical board members and any alternates.

(II) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD OF TRUSTEES MAY APPOINT A PHYSICIAN WHO IS A PARTICIPATING EMPLOYEE IN THE OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE TO A MEDICAL BOARD IF THE PHYSICIAN IS NOT ELIGIBLE TO RECEIVE A DISABILITY BENEFIT UNDER TITLE 29, SUBTITLE 1 OF THIS ARTICLE.

(4) In the absence of a medical board member, an alternate may serve on a medical board.

(c) Two members of a medical board are a quorum for the conduct of business.

(d) A medical board shall:

(1) arrange for and approve all medical examinations required under this Division II;

(2) investigate all essential certificates and statements by or on behalf of a member concerning the application of the member for disability retirement; and

(3) submit written reports to the Board of Trustees, with conclusions and recommendations, on all matters that the Board of Trustees refers to the medical board.

(e) The Board of Trustees may employ other physicians to report on special cases.

(F) A MEMBER OF A MEDICAL BOARD APPOINTED UNDER SUBSECTION (B)(3)(II) OF THIS SECTION MAY NOT PARTICIPATE IN A CASE CONCERNING THE APPLICATION OF A MEMBER FOR DISABILITY RETIREMENT IF THE APPLICANT IS AN EMPLOYEE OF THE SAME INSTITUTION THAT IS THE EMPLOYING INSTITUTION, AS DEFINED IN § 30–101 OF THIS ARTICLE, OF THE MEMBER OF THE MEDICAL BOARD.

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

Approved by the Governor, April 10, 2012.

Chapter 65

(Senate Bill 374)

AN ACT concerning

Town of Ocean City – Criminal History Records Check – Taxi Driver Applicants

FOR the purpose of authorizing the Ocean City Police Department to request State and national criminal history records checks for taxi driver applicants in Ocean City from the Criminal Justice Information System Central Repository; requiring the Police Department to submit sets of fingerprints of taxi driver applicants and pay certain fees to the Central Repository as part of the application for a records check; requiring the Central Repository to forward certain information to certain persons; specifying that certain information be confidential, not be disseminated, and be used only for a certain purpose; authorizing the subject of a criminal history records check to contest the contents of a certain statement in a certain manner; and generally relating to criminal history records checks for taxi driver applicants in Ocean City.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 10–231
Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

BY adding to

Article – Criminal Procedure

Section 10–234.1 to be under the amended part “Part IV. Criminal History
Records Check Requests – Counties and Municipalities”

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

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

Article – Criminal Procedure

Part IV. Criminal History Records Check Requests – Counties AND MUNICIPALITIES.

10–231.

(a) In this section, “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) The Personnel Officer of Anne Arundel County may request from the Central Repository a State and national criminal history records check for a prospective or current employee or volunteer of Anne Arundel County.

(c) (1) As part of the application for a criminal history records check, the Personnel Officer of Anne Arundel County shall submit to the Central Repository:

(i) two complete sets of the prospective or current employee’s or volunteer’s legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) the fee authorized under § 10–221(b)(7) of this subtitle for access to Maryland criminal history records; and

(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(2) In accordance with §§ 10–201 through 10–250 of this subtitle, the Central Repository shall forward to the prospective or current employee or volunteer and the Personnel Officer of Anne Arundel County the prospective or current employee’s or volunteer’s criminal history record information.

(3) Information obtained from the Central Repository under this section:

(i) is confidential and may not be disseminated; and

(ii) may be used only for a personnel-related purpose concerning a prospective or current employee or volunteer of the county as authorized by this section.

(4) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10-223 of this subtitle.

(d) The Anne Arundel County Council shall adopt guidelines to carry out this section.

10-234.1.

(A) IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) THE OCEAN CITY POLICE DEPARTMENT MAY REQUEST FROM THE CENTRAL REPOSITORY STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS FOR EACH TAXI DRIVER APPLICANT IN OCEAN CITY.

(C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE OCEAN CITY POLICE DEPARTMENT SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) TWO COMPLETE SETS OF THE TAXI DRIVER APPLICANT’S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THIS SUBTITLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THIS SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE TAXI DRIVER APPLICANT AND THE OCEAN CITY POLICE DEPARTMENT THE TAXI DRIVER APPLICANT’S CRIMINAL HISTORY RECORD INFORMATION.

(D) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(1) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

(2) MAY BE USED ONLY FOR THE EMPLOYMENT PURPOSE AUTHORIZED BY THIS SECTION.

(E) A TAXI DRIVER APPLICANT WHO IS THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THIS SUBTITLE.

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

Approved by the Governor, April 10, 2012.

Chapter 66

(Senate Bill 379)

AN ACT concerning

Annual Corrective Bill

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

BY repealing and reenacting, with amendments,
 Article 2B – Alcoholic Beverages
 Section 11-304(q)(2), 15-112(d)(2)(iv), and 20-106(c)
 Annotated Code of Maryland
 (2011 Replacement Volume)

BY repealing

Article 2B – Alcoholic Beverages
Section 11–403(b)(2)(xi)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to

Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 1–112
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article 25 – County Commissioners
Section 10–I(a), 19(b), 53(b)(6), 121D, and 174
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article 25B – Home Rule for Code Counties
Section 13H(j)
Annotated Code of Maryland
(2011 Replacement Volume)
(As enacted by Chapter 641 of the Acts of the General Assembly of 1995)

BY repealing

Article – Agriculture
The subtitle designation “Subtitle 13. Aquaculture”
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions
The subtitle designation “Subtitle 5. Miscellaneous Provision” to immediately precede Section 9–501; and 16–211
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – Business Occupations and Professions
Section 9–501
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation
Section 5–403(4), 12–301(b)(1), 16.5–101(c), and 17–1012(a), (c)(1), and (e)
Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY repealing

Article – Business Regulation

The part designation “Part III. Calvert County Licensing”

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 12–1026(a), 13–204(14), 14–1310(b)(1)(ii), and 14–1805(a)

Annotated Code of Maryland

(2005 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Corporations and Associations

Section 5–6B–03(d)(1) and (3)

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 3–819(c)

Annotated Code of Maryland

(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 2–303(h)(2), 3–902(a)(5)(i)8., and 3–903(b)(6)

Annotated Code of Maryland

(2002 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 10–231.1(c)(2), 11–701(l)(3), and 11–723(d)(3)(ii)

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 3–1001(b), (d), and (g), 7–109, 18–403, 18–604(a), 18–705(c)(2) and (4),
and 23–205(b)(2)

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 11–203(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)
(As enacted by Chapter 277 of the Acts of the General Assembly of 2011)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 5–305(c)(1), 9–207(a)(1), 9–209, 10–310(c)(4), and 13–227(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 6–819(a)(2)(viii), 9–1605.2(h)(2)(i)1.E., and 15–1201(b) and (c)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 4–409(2) and 14–107(f)(2)(ii)
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–509(a); the subtitle designation “Subtitle 1. Definition” to immediately precede Section 5–101; and 12–201(j) and (k)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Family Law
Section 5–101(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing
Article – Family Law
Section 12–201(i)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY adding to
Article – Family Law
Section 12–201(k)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Financial Institutions

Section 2–114(b), 4–906(2), 8–303(b)(21), 8–404, 9–1005(a) and (b)(2)(i),
9–1006(b)(2), (c), and (e), and 12–802(g)

Annotated Code of Maryland

(2011 Replacement Volume and 2011 Supplement)

BY repealing

Article – Financial Institutions

Section 11–603.1(l)

Annotated Code of Maryland

(2011 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 8–1001(d)(1), 13–112(c), 13–809(1)(iii) and (iv), 15–304(b)(1), 18–901(e),
21–2A–04(b)(5), and 24–505(1)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 10–411(c)(2)(i)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

(As enacted by Chapter 21 of the Acts of the General Assembly of 1982)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–1409(b)(8)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

(As enacted by Chapter 65 of the Acts of the General Assembly of 2011)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 4–205(a)(7), 4–207(e), 4–308(d)(1)(ii)1. and 2.A. and (h)(1)(iii)1., and
12–6C–01(q)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY repealing

Article – Health Occupations

Section 12–6C–01(p)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY adding to

Article – Health Occupations
Section 12–6C–01(q)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to

Article – Health Occupations
Section 14–411(e) and (f)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)
(As enacted by Chapters 308 and 309 of the Acts of the General Assembly of
2011)

BY repealing and reenacting, with amendments,

Article – Health Occupations
Section 14–411(e) through (q)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)
(As enacted by Chapters 308 and 309 of the Acts of the General Assembly of
2011)

BY repealing and reenacting, with amendments,

Article – Insurance
Section 4–405(b)(12), 5–101(a)(3)(ii), (4)(ii), (11), and (13), 5–608(e)(2) and (n)(1)
and (2), 7–405(c)(1)(i), 8–301(f)(1)(i)5., 9–217(b), 14–106(d)(2)(i),
14–504(a)(2), 15–1216(c)(2), 27–613(c)(3)(viii) and (h)(3)(ii),
27–614(c)(5)(vii) and (e)(3)(ii), and 31–101(j)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Labor and Employment
Section 3–502, 3–710(d)(7), 3–711(d)(5)(ii) and (iii), 3–907(b)(2) and (3), and
9–722(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 4–701.1(g)(6)(i), 4–742(e), and 4–1037(3)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 2-509(a), 2-510, 5-103(1), and 11-116(a)(2)(v)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to

Article – Public Safety

The new subtitle designation “Subtitle 7. Freedom of Association and Assembly
Protection Act” to immediately precede Section 3-701

Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Public Safety

Section 3-701(a)(1)

Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 7-211(h)(5)(iii)2. and 10-104(d)(2)

Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property

Section 7-105.9(b)(1), 8A-401, 8A-403(a), 8A-406, 8A-1101(a), 11-109(d)(22),
and 11B-111(1), (3), and (5)

Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property

The subtitle designation “Subtitle 13. Retaliatory Actions” to immediately
precede Section 8A-1301

Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

(As enacted by Chapter 843 of the Acts of the General Assembly of 1980)

BY repealing and reenacting, without amendments,

Article – Real Property

Section 8A-1301(a)(1)

Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 4-604(8), 12-301(b)(3), and 14-303(a)(1)(ii) and (b)(8)

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

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–120(b)(1)(i), 9–1A–01(u)(2)(ii), 9–1A–09.1(d)(1), and 15–102(m)(2)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–616(p)(5)(xv)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)
(As enacted by Chapter 541 of the Acts of the General Assembly of 2011)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–307(f), 22–406(c)(9)(iii)2., 23–307(a)(1), 23–407(c)(9)(iii)2., and
24–401.1(c)(2)(ii)1.
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–206(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 2–106(c)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)
(As enacted by Chapter 397 of the Acts of the General Assembly of 2011)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 12–108(y)(1)(ii) and (aa)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–312(a)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

(As enacted by Chapter 941 of the Acts of the General Assembly of 1978)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 11–117(a), 15–101(g)(2)(ii), 16–111.2(e), 16–115(e), 16–122(a)(2) and (3),
16–205.1(b)(3)(viii)3., and 22–412.1

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 23–202(b)(3)(i)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

(As enacted by Chapters 111 and 112 of the Acts of the General Assembly of
2007)

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

Article 2B – Alcoholic Beverages

11–304.

(q) (2) (i) A person may not consume any alcoholic beverages **BETWEEN 1:30 A.M. AND THE NEXT SUCCEEDING HOUR AUTHORIZED BY LAW FOR SALES TO BEGIN** on any premises open to the general public, or any place of public entertainment, which holds a:

1. Class B, Class C, Class D or Class H beer license;
2. Class B, Class C, Class D or Class H beer and light wine license; or
3. Class B beer, wine and liquor license.

(ii) An owner, operator, or manager of the premises or place may not knowingly permit the consumption of alcoholic beverages between 1:30 a.m. and the next succeeding hour authorized by law for sales to begin under the respective licenses listed in **SUBPARAGRAPH (I) OF** this paragraph.

DRAFTER'S NOTE:

Error: Omitted language and incomplete cross-reference in Article 2B, § 11–304(q)(2)(i) and (ii).

Occurred: Ch. 10, Acts of 1996, which enacted a nonsubstantive revision of former Article 2B, § 11–304(h) (now § 11–304(q)) that failed to properly apply the limiting phrase “between 1:30 a.m. and the next succeeding hour authorized by law for sales to begin” to the prohibition on the consumption of alcoholic beverages as well as to the sales of alcoholic beverages as provided in the original source law. Correction suggested by Assistant Attorney General Kathryn Rowe, Office of Counsel to the General Assembly, in a memorandum dated April 25, 2011.

11–403.

(b) (2) [(xi) For Dorchester County the provisions are subordinate to § 11–510 of this title.]

DRAFTER’S NOTE:

Error: Obsolete language in Article 2B, § 11–403(b)(2)(xi).

Occurred: As a result of Ch. 370, Acts of 2011. Correction suggested by the Attorney General in the Bill Review Letter for H.B. 973 of 2011 (footnote 20), dated April 20, 2011.

15–112.

(d) (2) A commissioner or employee of the Board:

(iv) May not receive any salary or other compensation or any other thing of value from a business engaged in the manufacture, [distributions] **DISTRIBUTION**, or sale of alcoholic beverages.

DRAFTER’S NOTE:

Error: Incorrect word usage in Article 2B, § 15–112(d)(2)(iv).

Occurred: Ch. 263, Acts of 2011. Correction suggested by the Attorney General in the Bill Review Letter for S.B. 613 of 2011, dated May 2, 2011.

20–106.

(c) A bottle club may not give, serve, dispense, keep, or allow to be consumed on its premises, or on premises under its control or possession, any alcoholic beverages, setups, or other component parts [or] **OF** mixed alcoholic drinks after legal closing hours for establishments under § 11–303 of this article.

DRAFTER’S NOTE:

Error: Incorrect word usage in Article 2B, § 20-106(c).

Occurred: Ch. 549, Acts of 1998.

Article 24 – Political Subdivisions – Miscellaneous Provisions

1-112.

(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY OR MUNICIPAL CORPORATION MAY:

(I) PAY THE WAGE OF AN EMPLOYEE BY DIRECT DEPOSIT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION; AND

(II) REQUIRE AN EMPLOYEE TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT AS A CONDITION OF EMPLOYMENT.

(2) A COUNTY OR MUNICIPAL CORPORATION MAY NOT REQUIRE THE PAYMENT OF WAGES BY DIRECT DEPOSIT FOR AN EMPLOYEE:

(I) WHO WAS HIRED BEFORE OCTOBER 1, 2011, UNLESS THE COUNTY OR MUNICIPAL CORPORATION, BEFORE OCTOBER 1, 2011, REQUIRED BY LOCAL LAW, REGULATION, OR COLLECTIVE BARGAINING AGREEMENT, THE PAYMENT OF WAGES BY DIRECT DEPOSIT;

(II) WHOSE EMPLOYMENT IS NOT CONDITIONED ON THE EMPLOYEE RECEIVING THE PAYMENT OF WAGES BY DIRECT DEPOSIT; OR

(III) WHO:

1. DOES NOT HAVE A PERSONAL BANK ACCOUNT;

AND

2. INFORMS THE EMPLOYEE'S EMPLOYER THAT THE EMPLOYEE WISHES TO OPT OUT OF DIRECT DEPOSIT.

(3) IF A COUNTY OR MUNICIPAL CORPORATION ELECTS TO PAY WAGES BY DIRECT DEPOSIT, AN EMPLOYEE WHO IS NOT REQUIRED TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT MAY ELECT TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(B) IF A COUNTY OR MUNICIPAL CORPORATION ELECTS TO PAY THE WAGES OF ITS EMPLOYEES BY DIRECT DEPOSIT, THE COUNTY OR MUNICIPAL CORPORATION SHALL:

(1) PROVIDE AN EMPLOYEE WHO IS REQUIRED OR ELECTS TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT WITH AN ELECTRONIC FUND TRANSFER AUTHORIZATION FORM;

(2) DEPOSIT THE WAGE OF AN EMPLOYEE INTO A PERSONAL BANK ACCOUNT SELECTED BY THE EMPLOYEE ON THE ELECTRONIC FUND TRANSFER AUTHORIZATION FORM; AND

(3) EACH TIME THE COUNTY OR MUNICIPAL CORPORATION PAYS THE WAGE OF AN EMPLOYEE BY DIRECT DEPOSIT, PROVIDE THE EMPLOYEE WITH A DIRECT DEPOSIT STATEMENT THAT INCLUDES:

(I) THE TOTAL AMOUNT OF THE WAGE;

(II) ANY AMOUNT DEDUCTED FROM THE WAGE; AND

(III) THE AMOUNT OF THE WAGE DIRECTLY DEPOSITED INTO THE PERSONAL BANK ACCOUNT SELECTED BY THE EMPLOYEE.

(c) (1) AN EMPLOYEE WHO IS REQUIRED OR ELECTS TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT SHALL COMPLETE AND SUBMIT TO THE COUNTY OR MUNICIPAL CORPORATION THE ELECTRONIC FUND TRANSFER AUTHORIZATION FORM PROVIDED TO THE EMPLOYEE UNDER SUBSECTION (B) OF THIS SECTION.

(2) AN EMPLOYEE WHO IS REQUIRED OR ELECTS TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT SHALL SELECT A PERSONAL BANK ACCOUNT FOR THE DIRECT DEPOSIT OF THE EMPLOYEE'S WAGES THAT IS AT A FINANCIAL INSTITUTION THAT PARTICIPATES IN THE AUTOMATED CLEARINGHOUSE NETWORK.

(3) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN EMPLOYEE MAY CHANGE THE PERSONAL BANK ACCOUNT OR THE FINANCIAL INSTITUTION DESIGNATED ON AN ELECTRONIC FUND TRANSFER AUTHORIZATION FORM BY COMPLETING AND SUBMITTING A NEW ELECTRONIC FUND TRANSFER AUTHORIZATION FORM TO THE COUNTY OR MUNICIPAL CORPORATION.

DRAFTER'S NOTE:

Error: Codification error.

Occurred: Ch. 324, Acts of 2011. The provisions shown above as new language added under Article 24, § 1–112 originally were enacted in Ch. 324, Acts of 2011, but were erroneously codified in § 3–502 of the Labor and Employment Article, which is not generally applicable to governmental entities. The provisions shown above are being transferred from § 3–502(d) of the Labor and Employment Article to Article 24 of the Annotated Code, which contains provisions applicable to the political subdivisions of the State. Correction suggested by the Attorney General in the Bill Review Letter for H.B. 233 of 2011 (footnote 2), dated April 26, 2011. See also Drafter's Note to § 3–502 of the Labor and Employment Article, as enacted by this Act.

Article 25 – County Commissioners

10–I.

(a) The County Commissioners of St. Mary's County may regulate any public road, street, avenue, lane, alley or bridge, sidewalk, curb, gutter, and storm drainage facilities within St. Mary's County which is not within the corporate limits of any incorporated city or town and which has not been designated or maintained as a part of the State or federal highway system or any extension with respect to:

- (1) The weight of vehicles;
- (2) The parking of vehicles;
- (3) The abandonment of vehicles;
- (4) Use by private and public utilities in the construction and maintenance necessitated by the performance of their purpose;
- (5) The construction and maintenance of driveway connections where those connections are provided; **AND**
- (6) The speed of vehicles.

DRAFTER'S NOTE:

Error: Omitted conjunction in Article 25, § 10–I(a).

Occurred: Ch. 849, Acts of 1976.

19.

(b) **[(1)]** The County Commissioners of St. Mary's County shall **[take]**:

(1) **TAKE** office on the first Monday in December following their election; and

(2) [Shall meet] **MEET** at least 48 times a year, in accordance with the St. Mary's County Open Meetings Act.

DRAFTER'S NOTE:

Error: Stylistic errors in Article 25, § 19(b).

Occurred: Ch. 47, Acts of 2001.

53.

(b) The petition shall be accompanied by a report from the local soil conservation district or districts lying in whole or in part within the proposed association which shall show the following:

(6) The name of the proposed organization [shall], **TO** be styled the “_____ Public Drainage Association”; and

DRAFTER'S NOTE:

Error: Grammatical error in Article 25, § 53(b)(6).

Occurred: Ch. 738, Acts of 1994.

121D.

The board of drainage commissioners shall advertise for bids for the construction of the improvement either as a whole or in parts to be let to the lowest responsible bidder or [bidders, the] **BIDDERS**. **THE** board shall have the right to reject any or all bids and readvertise. They shall make such terms for payment with the contractor as they deem proper, and fix the amount of the contractor's bond which shall be given in favor of the board of drainage commissioners.

DRAFTER'S NOTE:

Error: Grammatical error in Article 25, § 121D.

Occurred: Ch. 656, Acts of 1912.

174.

At the hearing, the petitioners, [and] the affected soil conservation district or districts being represented, **AND** any person interested in the matter may appear in

person or by counsel and make known his objection to any part of the report. The county commissioners may, in their discretion, disapprove the petition and report and refer them back to the petitioners for amendment in view of the objections presented, or they may approve the petition and report as submitted or as it may have been amended. Upon approval of the petition and report the commissioners shall declare established an organization, to be known as the Public Watershed Association, composed of the owners of all the lands within the boundaries of the Association.

DRAFTER'S NOTE:

Error: Misplaced conjunction in Article 25, § 174.

Occurred: Ch. 588, Acts of 1959.

Article 25B – Home Rule for Code Counties

13H.

(j) From the total revenue derived from a tax imposed under this section, the county commissioners shall:

(1) Deduct a reasonable percentage not to exceed 5% for the cost of imposing and collecting the tax; **AND**

(2) After the deduction in item (1) of this subsection, distribute the revenue to the appropriate authority to be deposited in a sinking fund and used for the sole purpose of paying the principal and interest on bonds issued relating to a convention center facility in accordance with the provisions of subsection (b)(1) of this section.

DRAFTER'S NOTE:

Error: Omitted conjunction in Article 25B, § 13H(j).

Occurred: Ch. 641, Acts of 1995. Correction by the publisher of the Annotated Code in the 2011 Replacement Volume for Article 2B is ratified by this Act.

Article – Agriculture

Title 10. Promotion and Identification of Agricultural Products.

[Subtitle 13. Aquaculture.]

DRAFTER'S NOTE:

Error: Obsolete subtitle in Title 10 of the Agriculture Article.

Occurred: As a result of Ch. 411, Acts of 2011, which, by repealing §§ 10–1301 and 10–1302 and transferring § 10–1303 of the Agriculture Article to be § 4–11A–03.2 of the Natural Resources Article, removed all provisions of law from former Title 10, Subtitle 13 of the Agriculture Article.

Article – Business Occupations and Professions

Subtitle 5. Miscellaneous [Provision] PROVISIONS.

9–501.

Before a licensed landscape architect issues to a client or submits to a public authority any final drawing, plan, specification, report, or other document, the licensed landscape architect who prepared or approved the document shall sign, seal, and date the document.

DRAFTER’S NOTE:

Error: Incorrect word usage in the subtitle designation “Subtitle 5. Miscellaneous Provision”, immediately preceding § 9–501 of the Business Occupations and Professions Article.

Occurred: Ch. 3, Acts of 1989.

16–211.

(a) The Commission shall refer to the [Hearing Board] **APPROPRIATE HEARING BOARD** for a hearing any matter for which a hearing may be required under § 16–701, § 16–701.1, or § 16–701.2 of this title.

(b) The [Hearing Board] **HEARING BOARD** may exercise the same powers and shall conduct a hearing in accordance with the same procedures applicable to the Commission under § 16–602 of this title.

(c) (1) The [Hearing Board] **HEARING BOARD** shall determine if there is a reasonable basis to believe that there are grounds for disciplinary action under this title against a licensee.

(2) (i) If the [Hearing Board] **HEARING BOARD** finds a reasonable basis as provided under paragraph (1) of this subsection, the [Hearing Board] **HEARING BOARD** shall:

1. hold a hearing on the matter; and
2. file its finding with the Commission.

(ii) If the [Hearing Board] **HEARING BOARD** does not find a reasonable basis as provided under paragraph (1) of this subsection, the [Hearing Board] **HEARING BOARD** shall dismiss the complaint.

(3) A [Hearing Board] **HEARING BOARD** shall advise the Commission specifically of any action brought against a licensee as a result of monetary loss, misappropriation of money, or fraud.

(d) (1) (i) Within 15 days after the filing of a decision by a [Hearing Board] **HEARING BOARD**, the Commission or any of its members may file an exception to the decision of the [Hearing Board] **HEARING BOARD**.

(ii) On the filing of an exception under subparagraph (i) of this paragraph, the Commission shall set a hearing on the matter.

(2) If an exception is not filed within the time allowed under paragraph (1)(i) of this subsection:

(i) the decision of the [Hearing Board] **HEARING BOARD** shall be considered as the final decision of the Commission; and

(ii) any party aggrieved by the decision may take a judicial appeal as provided in this title.

DRAFTER'S NOTE:

Error: Capitalization errors in § 16–211 of the Business Occupations and Professions Article.

Occurred: Ch. 269, Acts of 2011.

Article – Business Regulation

5–403.

To qualify for a permit, a corporation, limited liability company, or partnership shall:

(4) comply with [§ 5–303(b)(4) and §] **§§ 5–303(B)(4) AND** 5–304 of this title.

DRAFTER'S NOTE:

Error: Stylistic error in § 5–403(4) of the Business Regulation Article.

Occurred: Ch. 186, Acts of 2001.

12–301.

(b) Each pawnbroker shall make a written record, on a form provided by the Secretary, of each business transaction that involves:

(1) lending money on pledge of personal property, other than a security or printed evidence of indebtedness; [or]

DRAFTER’S NOTE:

Error: Extraneous conjunction in § 12–301(b)(1) of the Business Regulation Article.

Occurred: Ch. 547, Acts of 1993.

16.5–101.

(c) “License” means:

(1) a license issued by the Comptroller under § 16.5–204(a) of this title to:

(i) act as a licensed other tobacco products manufacturer;

(ii) act as an other tobacco products wholesaler; **OR**

(iii) act as an other tobacco products storage warehouse; or

(2) a license issued by the clerk under § 16.5–204(b) of this title to act as an other tobacco products retailer or a tobacconist.

DRAFTER’S NOTE:

Error: Omitted conjunction in § 16.5–101(c)(1) of the Business Regulation Article.

Occurred: Ch. 388, Acts of 2010.

17–1012.

(a) In this section, “historic marker or plaque” means a marker, plaque, or tablet commemorating [an] A historic person or event, or identifying [an] A historic place, structure, or object.

(c) (1) Each junk dealer, scrap metal processor, or antique dealer subject to this section who purchases [an] A historic marker or plaque shall register with the sheriff or other law enforcement official designated by the governing body of the county in which the business of the junk dealer, scrap metal processor, or antique dealer is located a complete description of the historic marker or plaque.

(e) [An] A historic marker or plaque may not be sold or otherwise disposed of for a period of 30 days from the date of the notice required under subsection (d) of this section.

DRAFTER'S NOTE:

Error: Grammatical errors in § 17-1012(a), (c)(1), and (e) of the Business Regulation Article.

Occurred: Ch. 284, Acts of 1993.

[Part III. Calvert County Licensing.]

DRAFTER'S NOTE:

Error: Obsolete part designation in Title 17, Subtitle 10 of the Business Regulation Article.

Occurred: As a result of Ch. 110, Acts of 2011, which repealed §§ 17-1015 through 17-1024 of the Business Regulation Article, thereby repealing all provisions of law formerly included under the part designation "Part III. Calvert County Licensing".

Article – Commercial Law

12-1026.

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

(2) ["Lending institution" means a bank, savings bank, or savings and loan association doing business in Maryland.

(3)] "Escrow account" means an expense or escrow account which tends to protect the security of a loan by the accumulation of funds for the payment of taxes, insurance premiums, or other expenses.

(3) "LENDING INSTITUTION" MEANS A BANK, SAVINGS BANK, OR SAVINGS AND LOAN ASSOCIATION DOING BUSINESS IN MARYLAND.

DRAFTER'S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 12–1026(a)(2) and (3) of the Commercial Law Article.

Occurred: Ch. 404, Acts of 1993.

13–204.

In addition to any other of its powers and duties, the Division has the powers and duties to:

(14) [(i)] Maintain a list of nonprofit organizations that:

[1.] (I) Solely offer counseling or advice to homeowners in foreclosure or loan default; and

[2.] (II) Are not directly or indirectly related to and do not contract for services with for-profit lenders or foreclosure purchasers, as defined in § 7–301 of the Real Property Article[; and

(ii) Provide the name and telephone number of an organization on the list to a homeowner who contacts the Division after receiving a notice under § 7–105.1(d)(2)(ix) of the Real Property Article].

DRAFTER’S NOTE:

Error: Obsolete language in § 13–204(14)(ii) of the Commercial Law Article.

Occurred: As a result of Ch. 355, Acts of 2011, which repealed § 7–105.1(d)(2)(ix) of the Real Property Article.

14–1310.

(b) (1) “Commercial establishment” does not include:

(ii) [Day] CHILD care centers;

DRAFTER’S NOTE:

Error: Obsolete terminology in § 14–1310(b)(1)(ii) of the Commercial Law Article.

Occurred: As a result of Ch. 564, Acts of 2011. Correction was suggested by the State Department of Education, Early Childhood Development Division, which is responsible for early child care and education in the State. The correction is consistent

with the intent of similar conforming changes required to be made by the publisher of the Annotated Code under Ch. 564, § 3, Acts of 2011.

14–1805.

(a) In any action brought to enforce this [section] **SUBTITLE**, a court may award reasonable attorney's fees to a prevailing plaintiff, other than the Attorney General.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 14–1805(a) of the Commercial Law Article.

Occurred: Ch. 703, Acts of 1985 (which enacted § 14–1805(a) as § 14–1705(a)).

Article – Corporations and Associations

5–6B–03.

(d) (1) Any developer who, in disclosing the information required under [subsections (a) and (b) of § 5–6B–02] **§ 5–6B–02(A) AND (B)** of this subtitle, makes an untrue statement of a material fact, or omits to state a material fact necessary in order to make the statements made not [misleading,] **MISLEADING** in the light of circumstances under which they were made, shall be liable to a person purchasing a cooperative interest from the developer.

(3) A developer may not be liable under paragraph (1) of this subsection if the developer, after reasonable investigation, had reasonable grounds to believe, and did believe, at the time the information required to be disclosed under § 5–6B–02 of this [subtitle,] **SUBTITLE** was provided to the purchaser, [that the] **THAT:**

(I) THE statements were [true,] **TRUE;** and

(II) [that there] THERE was no omission to state a material fact necessary to make the statements not misleading.

DRAFTER'S NOTE:

Error: Stylistic and grammatical errors in § 5–6B–03(d)(1) and (3) of the Corporations and Associations Article.

Occurred: Chs. 833 and 834, Acts of 1986.

Article – Courts and Judicial Proceedings

3–819.

(c) In addition to any action under subsection [(b)(2)] **(B)(1)(III)** of this section, the court may:

(1) (i) Place a child under the protective supervision of the local department on terms the court considers appropriate;

(ii) Grant limited guardianship to the department or an individual or both for specific purposes including medical and educational purposes or for other appropriate services if a parent is unavailable, unwilling, or unable to consent to services that are in the best interest of the child; or

(iii) Order the child and the child’s parent, guardian, or custodian to participate in rehabilitative services that are in the best interest of the child and family; and

(2) Determine custody, visitation, support, or paternity of a child in accordance with § 3–803(b) of this subtitle.

DRAFTER’S NOTE:

Error: Erroneous internal reference in § 3–819(c) of the Courts and Judicial Proceedings Article.

Occurred: As a result of Ch. 404, Acts of 2005 and Ch. 461, Acts of 2007. Correction recommended by the Office of the Attorney General, Counsel to the General Assembly.

Article – Criminal Law

2–303.

(h) (2) If the court or jury finds beyond a reasonable doubt that one or more of the aggravating circumstances under subsection (g) of this section [exist] **EXISTS**, it then shall consider whether any of the following mitigating circumstances exists based on a preponderance of the evidence:

(i) the defendant previously has not:

1. been found guilty of a crime of violence;
2. entered a guilty plea or a plea of nolo contendere to a charge of a crime of violence; or
3. received probation before judgment for a crime of violence;

(ii) the victim was a participant in the conduct of the defendant or consented to the act that caused the victim's death;

(iii) the defendant acted under substantial duress, domination, or provocation of another, but not so substantial as to constitute a complete defense to the prosecution;

(iv) the murder was committed while the capacity of the defendant to appreciate the criminality of the defendant's conduct or to conform that conduct to the requirements of law was substantially impaired due to emotional disturbance, mental disorder, or mental incapacity;

(v) the defendant was of a youthful age at the time of the murder;

(vi) the act of the defendant was not the sole proximate cause of the victim's death;

(vii) it is unlikely that the defendant will engage in further criminal activity that would be a continuing threat to society; or

(viii) any other fact that the court or jury specifically sets forth in writing as a mitigating circumstance in the case.

DRAFTER'S NOTE:

Error: Grammatical error in § 2-303(h)(2) of the Criminal Law Article.

Occurred: Ch. 26, Acts of 2002.

3-902.

(a) (5) (i) "Private place" means a room in which a person can reasonably be expected to fully or partially disrobe and has a reasonable expectation of privacy, in:

8. any part of a [day] **FAMILY CHILD** care home used for the care and custody of a child; or

DRAFTER'S NOTE:

Error: Obsolete terminology in § 3-902(a)(5)(i)8 of the Criminal Law Article.

Occurred: As a result of Ch. 564, Acts of 2011. Correction was suggested by the State Department of Education, Early Childhood Development Division, which is responsible for early child care and education in the State. The correction is consistent

with the intent of similar conforming changes required to be made by the publisher of the Annotated Code under Ch. 564, § 3, Acts of 2011.

3–903.

(b) This section does not apply to:

(6) any part of a private residence used for business purposes, including any part of a private residence used as a [day] FAMILY CHILD care home for the care and custody of a child;

DRAFTER’S NOTE:

Error: Obsolete terminology in § 3–903(b)(6) of the Criminal Law Article.

Occurred: As a result of Ch. 564, Acts of 2011. Correction was suggested by the State Department of Education, Early Childhood Development Division, which is responsible for early child care and education in the State. The correction is consistent with the intent of similar conforming changes required to be made by the publisher of the Annotated Code under Ch. 564, § 3, Acts of 2011.

Article – Criminal Procedure

10–231.1.

(c) (2) In accordance with [§§ 10–201 through 10–250 of] this subtitle, the Central Repository shall forward to the prospective employee or volunteer and the County Administrative Officer of Baltimore County or the designee of the officer the prospective employee’s or volunteer’s criminal history record information.

DRAFTER’S NOTE:

Error: Extraneous language in § 10–231.1(c)(2) of the Criminal Procedure Article.

Occurred: Chs. 27 and 28, Acts of 2009.

11–701.

(l) “Sex offender” means a person who has been convicted of:

(3) an offense in a court of Canada, Great Britain, Australia, New Zealand, or any other foreign country [when] WHERE the United States Department of State has determined in its Country Reports on Human Rights Practices that an independent judiciary generally or vigorously enforced the right to a fair trial during the year in which the conviction occurred that, if committed in this State, would

require the person to be classified as a tier I sex offender, tier II sex offender, or tier III sex offender.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 11–701(l)(3) of the Criminal Procedure Article.

Occurred: Chs. 174 and 175, Acts of 2010.

11–723.

- (d) (3) The conditions of lifetime sexual offender supervision may include:
- (ii) where appropriate and feasible, restricting a person from living in proximity to or loitering near schools, family child care [centers] **HOMES**, child care centers, and other places used primarily by minors;

DRAFTER'S NOTE:

Error: Obsolete terminology in § 11–723(d)(3)(ii) of the Criminal Procedure Article.

Occurred: As a result of Ch. 564, Acts of 2011. Correction was suggested by the State Department of Education, Early Childhood Development Division, which is responsible for early child care and education in the State. The correction is consistent with the intent of similar conforming changes required to be made by the publisher of the Annotated Code under Ch. 564, § 3, Acts of 2011.

Article – Education

3–1001.

- (b) School board district I consists of:
- (1) Election district 10;
 - (2) Election district 1, precincts 1 through 7;
 - (3) Election district 14, precinct 8;
 - (4) Election district 21, precincts [5] 14 and 97; **AND**
 - (5) That part of election district 14, precinct 11 that consists of:
 - (i) Census tract 8004.01, blocks 1000 through 1009, 1011 through 1013, and 1024;

(ii) Census tract 8004.10, blocks 2000 through 2008, 2012, 2013, 2015 through 2025, 2031 through 2035, 2081 through 2083, 2088, 3000 through 3004, 3008, 3013, 3034, 3035, 3044, 3045, 3048, 3049, 3051, and 3053 through 3055; and

(iii) Census tract 8004.11, blocks 1012 through 1020, 1034 through 1057, 1109, 1111, and 2000 through 2020[; and

(6) That part of election district 21, precinct 14 that consists of:

(i) Census tract 8073.01, blocks 1004, 1005, and 2000 through 2002;

(ii) Census tract 8073.04, blocks 1004 through 1016, 1019 through 1023, and 1027 through 1030;

(iii) Census tract 8073.05, blocks 1000, 1001, 2000, and 3057 through 3090; and

(iv) Census tract 8074.09, blocks 2017 through 2023].

(d) School board district III consists of:

(1) Election district 17;

(2) Election district 2, precinct 98;

(3) Election district 16, precincts 1 through 5 and 98;

(4) Election district 19, precinct 3; [and]

(5) ELECTION DISTRICT 21, PRECINCT 5; AND

[(5)] (6) That part of election district 21, precinct 12 that consists of census tract 8064.00, block 1027.

(g) School board district VI consists of:

(1) Election district 6, precinct 19;

(2) Election district 7, precinct 12;

(3) Election district 13, precincts 1, 4 through 7, [and] 9 through **13, 15, AND 16;**

(4) Election district 18, precincts 1 through 4 and 6 through 11;

- (5) Election district 20, precinct 3; and
- (6) That part of election district 6, precinct 20 that consists of:
 - (i) Census tract 8022.04, blocks 1000, 1001, 1003 through 1009, 1014 through 1017, 2000 through 2002, 2004, 2005, 2007, 2018, 2019, and 3000 through 3022; and
 - (ii) Census tract 8024.04, blocks 3006, 3007, and 3021.

DRAFTER'S NOTE:

Error: Technical errors in descriptions of school board districts in § 3–1001(b), (d), and (g) of the Education Article.

Occurred: Ch. 3, Acts of the First Special Session of 2011. Corrections are technical in nature and are consistent with the intent of the General Assembly as reflected in the map that creates the districts.

7–109.

(a) If the program and public school facility comply with the rules and regulations of the Department [of Human Resources] that govern group [day] **CHILD** care centers, each county board:

(1) Shall give priority to nonprofit [day] **CHILD** care programs for use of public school facilities before and after school hours;

(2) May make space available during school hours; and

(3) May lease any part of public school property for the construction or operation of a [day] **CHILD** care center if:

(i) The county board determines that the property will not be needed for public school use during the term of the lease; and

(ii) The term of the lease is not greater than 20 years.

(b) Each county board shall adopt rules and regulations for implementing this program that are consistent with the rules and regulations of the Department [of Human Resources] that govern group [day] **CHILD** care centers.

(c) Any additional costs incurred in the administration or support of these [day] **CHILD** care services shall be paid by the sponsoring organizations in accordance with an annual agreement with the county board that made the facilities available.

DRAFTER'S NOTE:

Error: Obsolete terminology in § 7–109 of the Education Article.

Occurred: As a result of Ch. 585, Acts of 2005, which transferred responsibility for day care programs from the Department of Human Resources to the State Department of Education (defined as “Department” in the Education Article) and Ch. 564, Acts of 2011. Correction was suggested by the State Department of Education, Early Childhood Development Division, and is consistent with the intent of similar conforming changes required to be made by the publisher of the Annotated Code under Ch. 564, § 3, Acts of 2011.

11–203.

(b) [Subject to subsection (d)(3)(ii)2 of this section, any] **ANY** bond or guarantee required under this section shall be in the form and amount the Secretary requires.

DRAFTER'S NOTE:

Error: Obsolete language in § 11–203(b) of the Education Article, as enacted by Ch. 277, Acts of 2011.

Occurred: As a result of Ch. 277, § 5, Acts of 2011 which provides for the termination of § 11–203(d)(3)(ii)2 of the Education Article, as enacted by Ch. 277, § 2, Acts of 2011, at the end of June 30, 2013. Correction by the publisher of the Annotated Code in the 2011 Supplement of the Education Article is ratified by this Act.

18–403.

If a Senator serves from a legislative district [comprised] **COMPOSED** of more than one [county] **COUNTY**, the number of scholarship units shall be divided as equally as possible among qualified applicants from each county in the legislative district.

DRAFTER'S NOTE:

Error: Grammatical error in § 18–403 of the Education Article.

Occurred: Ch. 22, Acts of 1978.

18–604.

(a) For purposes of this section, an individual served in the Afghanistan or Iraq conflict if the individual was a member of the [uniform] **UNIFORMED** services of the United States who served in:

(1) Afghanistan or contiguous air space, as defined in federal regulations, on or after October 24, 2001, and before a terminal date to be prescribed by the United States Secretary of Defense; or

(2) Iraq or contiguous waters or air space, as defined in federal regulations, on or after March 19, 2003, and before a terminal date to be prescribed by the United States Secretary of Defense.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 18–604(a) of the Education Article.

Occurred: Ch. 290, Acts of 2006.

18–705.

- (c) (2) A recipient of a tuition assistance award under this section shall:
- (i) Be selected by the Office of Student Financial Assistance from qualified applicants based on competitive standards;
 - (ii) 1. Be enrolled as a:
 - [1.] A. Full–time student in an eligible program; or
 - [2.] B. Part–time student in an eligible program if the student submits to the Office of Student Financial Assistance evidence of authorized employment as a child care provider; or
 - [(iii)] 2. Sign a letter of intent to enroll at an eligible institution as a:
 - [1.] A. Full–time student in an eligible program; or
 - [2.] B. Part–time student in an eligible program, if evidence of authorized employment as a child care provider is submitted with the letter of intent; and
 - [(iv)] (III) Satisfy any additional criteria the Office of Student Financial Assistance may establish.
- (4) [(i)] A recipient of tuition assistance may reapply for an award if the recipient:
- (I) 1. Remains enrolled as a full–time student in an eligible program; or

2. Remains enrolled as a part-time student and continues to hold authorized employment as a child care provider; and

(ii) Satisfies any additional criteria the Office of Student Financial Assistance may establish.

DRAFTER'S NOTE:

Error: Tabulation errors in § 18–705(c)(2) and (4) of the Education Article.

Occurred: Ch. 462, Acts of 1991; Ch. 65, Acts of 2011.

23–205.

(b) (2) Before any money is spent under this subsection, the appropriate board of library trustees shall:

(i) Have the project approved by the Department;

(ii) Through the Department, submit the request to the Department of Budget and Management for consideration under [Subtitle 6, Title 3] **TITLE 3, SUBTITLE 6** of the State Finance and Procurement Article; and

(iii) Agree to reimburse the Department an amount the Department determines if the facility ceases to be used for a resource center or cooperative service program.

DRAFTER'S NOTE:

Error: Stylistic error in § 23–205(b)(2)(ii) of the Education Article.

Occurred: Ch. 540, Acts of 1989.

Article – Election Law

5–305.

(c) (1) The petition must be filed 6 days after the filing dates provided in [§§ 5–303 and 5–703(c)] **§ 5–303 OF THIS SUBTITLE AND § 5–703(C)** of this title.

DRAFTER'S NOTE:

Error: Stylistic error in § 5–305(c)(1) of the Election Law Article.

Occurred: Ch. 169, Acts of 2011.

9–207.

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

(1) for a primary election, no more than 11 days after the filing date provided in § 5–303 of this [title] **ARTICLE**;

DRAFTER'S NOTE:

Error: Stylistic error in § 9–207(a)(1) of the Election Law Article.

Occurred: Ch. 169, Acts of 2011.

9–209.

(a) Within 2 days after the content and arrangement of the ballot are certified under § 9–207 of this subtitle, a registered voter may seek judicial review of the content and arrangement, or to correct any other error, by filing a sworn petition with the circuit court for [the county] **ANNE ARUNDEL COUNTY**.

(b) The circuit court may require the [local board] **STATE BOARD** to:

- (1) correct an error;
- (2) show cause why an error should not be corrected; or
- (3) take any other action required to provide appropriate relief.

(c) If an error is discovered after the ballots have been printed, and the [local board] **STATE BOARD** fails to correct the error, a registered voter may seek judicial review not later than the second Monday preceding the election.

DRAFTER'S NOTE:

Error: Erroneous entity designations in § 9–209 of the Election Law Article.

Occurred: As a result of Ch. 169, Acts of 2011, which, under § 9–207 of the Election Law Article, consolidated responsibility for certifying the content and arrangement of ballots in the State Board, headquartered in Anne Arundel County. Correction recommended by the Attorney General in the Bill Review Letter for H.B. 671 (footnote 6), dated May 2, 2011.

10–310.

(c) (4) If the voter requires the assistance of another in [voting.] **VOTING** but declines to select an individual to assist, an election judge, in the presence of

another election judge that represents another political party, shall assist the voter in the manner prescribed by the voter.

DRAFTER'S NOTE:

Error: Extraneous comma in § 10–310(c)(4) of the Election Law Article.

Occurred: Ch. 585, Acts of 2011.

13–227.

(b) The limit on transfers set forth in subsection (c) of this section does not apply to a transfer:

(1) by a campaign finance entity to a ballot issue committee; **AND**

(2) between or among:

(i) political committees that are State or local central committees of the same political party;

(ii) a slate and the campaign finance entities of its members;
and

(iii) the campaign finance entities of a candidate.

DRAFTER'S NOTE:

Error: Omitted conjunction in § 13–227(b)(1) of the Election Law Article.

Occurred: Ch. 291, Acts of 2002.

Article – Environment

6–819.

(a) The modified risk reduction standard shall consist of performing the following:

(2) Performing the following lead hazard reduction treatments:

(viii) **[Ensure] ENSURING** that all kitchen and bathroom floors are overlaid with a smooth, water-resistant covering; and

DRAFTER'S NOTE:

Error: Grammatical error in § 6–819(a)(2)(viii) of the Environment Article.

Occurred: Ch. 114, Acts of 1994.

9-1605.2.

(h) (2) The Comptroller shall:

(i) Deposit 60% of the funds in the separate account to be used for:

1. Subject to paragraph (3) of this subsection, with priority first given to failing systems and holding tanks located in the Chesapeake and Atlantic Coastal Bays Critical Area and then to failing systems that the Department determines are a threat to public health or water quality, grants or loans for up to 100% of:

E. The cost, up to the sum of the costs authorized under item 1C of this item for each individual system, of connecting a property using an onsite sewage disposal system to an existing municipal wastewater facility that is achieving enhanced nutrient removal level [treatment.] **TREATMENT; AND**

DRAFTER'S NOTE:

Error: Stylistic error in § 9-1605.2(h)(2)(i)1E of the Environment Article.

Occurred: Chs. 492 and 493, Acts of 2011.

15-1201.

(b) ["Mineral interest" means an interest in a mineral estate, however created and regardless of form, whether absolute or fractional, divided or undivided, corporeal or incorporeal, including a fee simple or any lesser interest or any kind of royalty, production payment, executive right, nonexecutive right, leasehold, or lien in minerals, regardless of character.

(c)] "Mineral" includes:

- (1) Gas;
- (2) Oil and oil shale;
- (3) Coal;
- (4) Gaseous, liquid, and solid hydrocarbons;
- (5) Cement materials, sand and gravel, road materials, and building stone;

- (6) Chemical substances;
- (7) Gemstone, metallic, fissionable, and nonfissionable ores; and
- (8) Colloidal and other clay, steam, and geothermal resources.

(c) “MINERAL INTEREST” MEANS AN INTEREST IN A MINERAL ESTATE, HOWEVER CREATED AND REGARDLESS OF FORM, WHETHER ABSOLUTE OR FRACTIONAL, DIVIDED OR UNDIVIDED, CORPOREAL OR INCORPOREAL, INCLUDING A FEE SIMPLE OR ANY LESSER INTEREST OR ANY KIND OF ROYALTY, PRODUCTION PAYMENT, EXECUTIVE RIGHT, NONEXECUTIVE RIGHT, LEASEHOLD, OR LIEN IN MINERALS, REGARDLESS OF CHARACTER.

DRAFTER’S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 15–1201(b) and (c) of the Environment Article.

Occurred: Chs. 268 and 269, Acts of 2010.

Article – Estates and Trusts

4–409.

A legacy for charitable use may not be void because of an uncertainty with respect to the donees if:

(2) A corporation is formed in accordance with the directions, capable and willing to receive and administer the legacy, within 12 months from the probate of the will, if the legacy is immediate and not subject to a life estate. If the legacy is subject to a life [estate] **ESTATE**, a corporation shall be formed at a time between probate of the will and the end of 12 months following the expiration of a life estate or life estates.

DRAFTER’S NOTE:

Error: Omitted comma in § 4–409(2) of the Estates and Trusts Article.

Occurred: Ch. 11, Acts of 1974.

14–107.

(f) (2) (ii) A beneficiary who has a present interest in the trust estate shall receive an amount equal to the present value of an annuity equal to the beneficiary’s proportionate share of the average net annual income of the trust as of its

last 3 anniversary dates for a term equal to the life expectancy of the beneficiary, at the interest rate for valuing vested benefits provided by the Pension Benefit [Guarantee] **GUARANTY** Corporation for the month immediately preceding the date of which the notice under subsection (c)(1) of this section is sent.

DRAFTER'S NOTE:

Error: Misspelling in § 14–107(f)(2)(ii) of the Estates and Trusts Article.

Occurred: Ch. 170, 1991.

Article – Family Law

4–509.

(a) A person who fails to comply with the relief granted in an interim protective order under § 4–504.1(c)(1), (2), (3), (4)(i), (7), or (8) of this subtitle, a temporary protective order under § 4–505(a)(2)(i), (ii), (iii), (iv), (v), or (viii) of this subtitle, or a final protective order under § 4–506(d)(1), (2), (3), (4), or (5), or [(e)] **(F)** of this subtitle is guilty of a misdemeanor and on conviction is subject, for each offense, to:

(1) for a first offense, a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both; and

(2) for a second or subsequent offense, a fine not exceeding \$2,500 or imprisonment not exceeding 1 year or both.

DRAFTER'S NOTE:

Error: Erroneous cross reference in § 4–509(a) of the Family Law Article.

Occurred: As a result of Chs. 361 and 362, Acts of 2010.

Subtitle 1. [Definition] **DEFINITIONS.**

5–101.

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

DRAFTER'S NOTE:

Error: Erroneous subtitle designation immediately preceding § 5–101 of the Family Law Article.

Occurred: As a result of Ch. 464, Acts of 2005, which added several definitions to § 5–101 of the Family Law Article.

12–201.

[(i)] “Ordinary and necessary expenses” does not include amounts allowable by the Internal Revenue Service for the accelerated component of depreciation expenses or investment tax credits or any other business expenses determined by the court to be inappropriate for determining actual income for purposes of calculating child support.]

[(j)] (I) “Obligee” means any person who is entitled to receive child support.

[(k)] (J) “Obligor” means an individual who is required to pay child support under a court order.

(K) “ORDINARY AND NECESSARY EXPENSES” DOES NOT INCLUDE AMOUNTS ALLOWABLE BY THE INTERNAL REVENUE SERVICE FOR THE ACCELERATED COMPONENT OF DEPRECIATION EXPENSES OR INVESTMENT TAX CREDITS OR ANY OTHER BUSINESS EXPENSES DETERMINED BY THE COURT TO BE INAPPROPRIATE FOR DETERMINING ACTUAL INCOME FOR PURPOSES OF CALCULATING CHILD SUPPORT.

DRAFTER’S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 12–101(i), (j), and (k) of the Family Law Article.

Occurred: Chs. 262 and 263, Acts of 2010.

Article – Financial Institutions

2–114.

(b) For the purpose of an investigation or proceeding, the Commissioner or an officer designated by the Commissioner may administer oaths and affirmations, subpoena witnesses, compel [their] WITNESS attendance, take evidence, and require the production of books, papers, correspondence, memoranda, agreements, or other documents or records [which] THAT the Commissioner considers relevant or material to the inquiry.

DRAFTER’S NOTE:

Error: Incorrect word usage and grammatical error in § 2–114(b) of the Financial Institutions Article.

Occurred: Ch. 633, Acts of 2000.

4–906.

A subsidiary savings bank may not do business until:

(2) The required capital stock and the required surplus [is] **ARE** paid in full.

DRAFTER'S NOTE:

Error: Grammatical error in § 4–906(2) of the Financial Institutions Article.

Occurred: Ch. 355, Acts of 1986.

8–303.

(b) Without limiting the authority conferred by subsection (a) of this section, the Division Director may adopt regulations consistent with the provisions of this title and Title 9 of this article with respect to:

(21) Reports which may be required by the **DIVISION** Director;

DRAFTER'S NOTE:

Error: Misnomer in § 8–303(b)(21) of the Financial Institutions Article.

Occurred: Ch. 282, Acts of 1986. Note: the term “Division Director” is defined for Titles 8 and 9 of the Financial Institutions Article in § 8–101 of that article.

8–404.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, the provisions of this subtitle relating to the Division of Savings and Loan Associations and relating to the [regulations] **REGULATION** of savings and loan associations are of no effect and may not be enforced after July 1, 1992.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 8–404 of the Financial Institutions Article.

Occurred: Ch. 384, Acts of 1990.

9–1005.

(a) Except as expressly permitted by federal law or Title 5, Subtitle 11 of this article, a savings and loan association or savings and loan holding company that is not a Maryland association, an interstate association, an out-of-state association, a

Maryland savings and loan holding company, [an out-of-state association,] or an out-of-state savings and loan holding company may not acquire a Maryland association, a Maryland savings and loan holding company, an interstate association, or an out-of-state savings and loan holding company having a Maryland association subsidiary.

(b) (2) A Maryland association, an interstate association, a Maryland savings and loan holding company, or an out-of-state savings and loan holding company may not be required to divest its deposit-taking offices in Maryland, Maryland associations, or Maryland savings and loan holding companies if:

(i) An institution in another jurisdiction not within the region is acquired under § 116 or § 123 of the Garn–St. Germain Depository Institutions Act of 1982, as amended[,] OR 12 U.S.C. § 1823(f) [or 12 U.S.C. § 1730a(m), respectively];

DRAFTER’S NOTE:

Error: Extraneous language in § 9–1005(a) and obsolete cross-reference in § 9–1005(b)(2)(i) of the Financial Institutions Article.

Occurred: Ch. 544, Acts of 1990; obsolete cross-reference as a result of the repeal of 12 U.S.C. § 1730a(m) (Pub. L. 101–73, Title IV, § 407, 103 Stat 363; August 9, 1989).

9–1006.

(b) An interstate association or an out-of-state savings and loan holding company that controls a Maryland association, a Maryland savings and loan holding company, an interstate association, or an out-of-state savings and loan holding company having a Maryland association subsidiary shall:

(2) Within 30 days of adoption, file with the **DIVISION** Director a copy of its most recently adopted federal Community Reinvestment Act statement; and

(c) Within 30 days of receipt, the association or holding company shall submit to the **DIVISION** Director a copy of the public portion of its most recent Community Reinvestment Act performance evaluation prepared by the federal regulatory agency that examines the association or holding company, together with a copy of any written response to the evaluation prepared by the association or holding company for its public Community Reinvestment Act file.

(e) (1) Upon request, the **DIVISION** Director shall make available to the public a copy of the documents submitted under subsections (b) and (c) of this section.

(2) The **DIVISION** Director may charge a reasonable fee to a person requesting a copy to help defray the costs of providing copies of the documents to the public.

DRAFTER'S NOTE:

Error: Misnomers in § 9–1006(b)(2), (c), and (e) of the Financial Institutions Article.

Occurred: Ch. 395, Acts of 1991. Note: the term “Division Director” is defined for Titles 8 and 9 of the Financial Institutions Article in § 8–101 of that article.

11–603.1.

[(l) An affiliated insurance producer–mortgage loan originator who holds a mortgage lender license under § 11–506(c) of this title on July 1, 2009, may continue to originate mortgages under a valid mortgage lender license until December 31, 2009, provided that the affiliated insurance producer–mortgage loan originator takes the actions necessary to participate in the Nationwide Mortgage Licensing System and Registry, as required by the Commissioner.]

DRAFTER'S NOTE:

Error: Obsolete provision in § 11–603.1(l) of the Financial Institutions Article.

Occurred: As a result of its own terms, which rendered the provision obsolete after December 31, 2009, and Ch. 148, Acts of 2011, which repealed § 11–506(c) of the Financial Institutions Article.

12–802.

(g) “Transaction” includes the deposit, withdrawal, transfer, bailment, loan, pledge **[payment] PAYMENT**, or exchange of currency by, **[through] THROUGH**, or to the financial institution.

DRAFTER'S NOTE:

Error: Omitted commas in § 12–802(g) of the Financial Institutions Article.

Occurred: Ch. 411, Acts of 1990.

Article – Health – General

8–1001.

(d) (1) The term of a member appointed under subsection (c)[(11)] of this section is 4 years.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 8–1001(d)(1) of the Health – General Article.

Occurred: Chs. 237 and 238, Acts of 2004.

10–411.

(c) (2) (i) The terms of members are staggered as required for members of each Board on July 1, 1982. Except for the Boards [of] **FOR** the Eastern Shore Hospital Center and the Crownsville Hospital Center, the terms of those members end as follows:

1. 1 in 1983;
2. 4 in 1984;
3. 1 in 1985; and
4. 1 in 1986.

DRAFTER'S NOTE:

Error: Grammatical error in § 10–411(c)(2)(i) of the Health – General Article.

Occurred: Ch. 21, Acts of 1982. The provision above was renumbered and is now codified as § 10–411(c)(2)(ii) as a result of Ch. 412, Acts of 1983. Correction by the publisher of the Annotated Code in the 2011 Supplement of the Health – General Article is ratified by this Act.

13–112.

(c) Before offering or performing a postscreening test on a newborn infant for hereditary and congenital disorders under subsection [(a)] **(B)** of this section, a laboratory shall:

(1) Obtain and maintain a license issued by the Secretary as required by Title 17 of this article; and

(2) Meet all the standards and requirements for a laboratory to perform tests on newborn infants for hereditary and congenital disorders that are established by the Secretary.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 13–112(c) of the Health – General Article.

Occurred: Ch. 256, Acts of 2008.

13–809.

On or before October 1 of each year, the Commission shall issue a report to the Governor, the Secretary, and, subject to § 2–1246 of the State Government Article, the General Assembly that:

(1) Describes its findings regarding:

(iii) The incentives and disincentives incorporated in the [rate setting] **RATE–SETTING** methodologies utilized and proposed by the Mental Hygiene Administration and the Developmental Disabilities Administration and how the methodologies might be improved;

(iv) How incentives to provide quality of care can be built into a [rate setting] **RATE–SETTING** methodology;

DRAFTER'S NOTE:

Error: Omitted hyphens in § 13–809(1)(iii) and (iv) of the Health – General Article.

Occurred: Ch. 566, Acts of 1999.

15–304.

(b) (1) For purposes of this subsection, “community–based organization” includes [day] **CHILD** care centers, schools, and school–based health clinics.

DRAFTER'S NOTE:

Error: Obsolete terminology in § 15–304(b)(1) of the Health – General Article.

Occurred: As a result of Ch 564, Acts of 2011. Correction was suggested by the State Department of Education, Early Childhood Development Division, which is responsible for early child care and education in the State. The correction is consistent with the intent of similar conforming changes required to be made by the publisher of the Annotated Code under Ch. 564, § 3, Acts of 2011.

18–901.

(e) “Health care facility” has the meaning stated in [§ 19–114(e)(1)] **§ 19–114(D)(1)** of this article.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 18–901(e) of the Health – General Article.

Occurred: Ch. 1, Acts of 2002.

19–1409.

(b) The Oversight Committee shall consist of the following members:

(8) Three representatives of area agencies on aging, **ONE OF WHICH SHALL BE A MEMBER OF A LOCAL LONG–TERM CARE OMBUDSMAN PROGRAM ESTABLISHED UNDER TITLE 10, SUBTITLE 9 OF THE HUMAN SERVICES ARTICLE**, appointed by the Secretary of Aging;

DRAFTER’S NOTE:

Error: Unintended repeal of language and erroneous cross–reference in § 19–1409(b)(8) of the Health – General Article.

Occurred: Ch. 65, Acts of 2011. Ch. 65, in attempting to correct an obsolete statutory cross–reference consistent with Ch. 155, Acts of 2010, mistakenly repealed the surrounding language referring to the “long–term care ombudsman program established under § 10–213 of the Human Services Article”. The intent of Ch. 65 was to correct the reference to “§ 10–213” of the Human Services Article, rendered incorrect by Ch. 155, Acts of 2010, to be “Title 10, Subtitle 9” of the Human Services Article. The section, as shown above, restores the mistakenly repealed language, but corrects the erroneous statutory cross–reference. Correction by the publisher of the Annotated Code in the 2011 Supplement of the Health – General Article is ratified by this Act.

21–2A–04.

(b) The regulations adopted by the Secretary shall:

(5) Identify the mechanism by which prescription monitoring data are disclosed to a person, in accordance with [§ 21–2A–07] **§ 21–2A–06** of this subtitle;

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 21–2A–04(b)(5) of the Health – General Article.

Occurred: Ch. 166, Acts of 2011. Correction suggested by the Attorney General in the Bill Review Letter for S.B. 883 (footnote 11), dated May 9, 2011.

24–505.

This subtitle does not apply to:

(1) Private homes, residences, including residences used as a business or place of employment, unless being used by a person who is licensed or registered under **TITLE 5**, Subtitle 5 of the Family Law Article to provide [day care or] child care, and private vehicles, unless being used for the public transportation of children, or as part of health care or [day] **CHILD** care transportation;

DRAFTER'S NOTE:

Error: Incomplete cross–reference; obsolete terminology in § 24–505(1) of the Health – General Article.

Occurred: As a result of Ch 564, Acts of 2011. Correction was suggested by the State Department of Education, Early Childhood Development Division, which is responsible for early child care and education in the State. The correction is consistent with the intent of similar conforming changes required to be made by the publisher of the Annotated Code under Ch. 564, § 3, Acts of 2011.

Article – Health Occupations

4–205.

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

(7) Establish committees from among its members to facilitate and assist the Board in discharging its duties and responsibilities under this title by evaluating, reviewing, and making [recommendation] **RECOMMENDATIONS** to the Board on matters referred to the committees by the Board. The committees established shall include, but may not be limited to:

(i) A nominations committee;

(ii) A regulations committee;

(iii) A committee on dental hygiene composed of 3 dental hygienists, 1 dentist, and 1 consumer to which the Board shall refer all matters within the Board's jurisdiction under this title relating to or affecting the practice of dental hygiene for the committee's evaluation, review, and recommendation;

(iv) A disciplinary committee; and

- (v) Such other committees as the Board considers appropriate.

DRAFTER'S NOTE:

Error: Grammatical error in § 4–205(a)(7) of the Health Occupations Article.

Occurred: Ch. 564, Acts of 1992.

4–207.

(e) (1) In addition to the provisions of subsection (d) of this section, the Board shall fund:

(i) The budget of a [dentist rehabilitation] **DENTAL WELL-BEING** committee, as defined in § 4–501.1 of this title, with fees set, collected, and distributed to the Fund under this title; and

(ii) The budget of a dental [hygienist rehabilitation] **HYGIENE WELL-BEING** committee, as defined in § 4–508 of this title, with fees set, collected, and distributed to the Fund under this title.

(2) After review and approval by the Board of a budget submitted by the Maryland State Dental Association for a [dentist rehabilitation] **DENTAL WELL-BEING** committee, the Board may allocate moneys from the Fund to the [dentist rehabilitation] **DENTAL WELL-BEING** committee.

(3) After review and approval by the Board of a budget submitted by the Maryland Dental Hygienists' Association for a dental [hygienist rehabilitation] **HYGIENE WELL-BEING** committee, the Board may allocate moneys from the Fund to a dental [hygienist rehabilitation] **HYGIENE WELL-BEING** committee.

DRAFTER'S NOTE:

Error: Obsolete terminology in § 4–207(e) of the Health Occupations Article.

Occurred: As a result of Ch. 542, Acts of 2010.

4–308.

(d) (1) While it is effective, a temporary volunteer dentist's license issued under this title authorizes the licensee to practice dentistry:

- (ii) [1.] If [the]:

1. **THE** dentist holds a general license to practice dentistry in another state that permits clinical practice and the dentist is not subject to clinical restrictions; and

2. The dentist has:

A. Passed the North East [Board] Regional **BOARD** Clinical Examination; or

DRAFTER'S NOTE:

Error: Tabulation error in § 4-308(d)(1)(ii)1 and misnomer in § 4-308(d)(1)(ii)2A of the Health Occupations Article.

Occurred: Chs. 496 and 497, Acts of 2011.

(h) (1) While it is effective, a temporary volunteer dental hygienist's license issued under this title authorizes the licensee to practice dental hygiene:

(iii) In addition to holding a general license to practice dental hygiene, if the dental hygienist:

1. Provides documentation as required by the Board which evidences that the dental hygienist passed the North East Regional **BOARD** Clinical Examination; or

DRAFTER'S NOTE:

Error: Misnomer in § 4-308(h)(1)(iii)1 of the Health Occupations Article.

Occurred: Chs. 496 and 497, Acts of 2011.

12-6C-01.

[(p) (1) "Prescription drug" means any drug required by federal law or regulation to be dispensed only by a prescription.

(2) "Prescription drug" includes:

(i) A biological product; and

(ii) Finished dosage forms and bulk drug substances subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act.

(3) "Prescription drug" does not include blood and blood components intended for transfusion or biological products that are also medical devices.]

[(q)](P) “Prescription device” means any device required by federal law or regulation to be dispensed only by a prescription.

(Q) (1) “PRESCRIPTION DRUG” MEANS ANY DRUG REQUIRED BY FEDERAL LAW OR REGULATION TO BE DISPENSED ONLY BY A PRESCRIPTION.

(2) “PRESCRIPTION DRUG” INCLUDES:

(I) A BIOLOGICAL PRODUCT; AND

(II) FINISHED DOSAGE FORMS AND BULK DRUG SUBSTANCES SUBJECT TO § 503(B) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(3) “PRESCRIPTION DRUG” DOES NOT INCLUDE BLOOD AND BLOOD COMPONENTS INTENDED FOR TRANSFUSION OR BIOLOGICAL PRODUCTS THAT ARE ALSO MEDICAL DEVICES.

DRAFTER’S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 12–6C–01(p) and (q) of the Health Occupations Article.

Occurred: Chs. 352 and 353, Acts of 2007.

14–411.

(E) ON OR BEFORE JANUARY 1, 2012, THE BOARD, THE SECRETARY, AND THE HEALTH SERVICES COST REVIEW COMMISSION JOINTLY SHALL ADOPT REGULATIONS FOR THE EFFICIENT AND SECURE TRANSFER, UNDER SUBSECTION (D)(2) OF THIS SECTION, OF ANY INFORMATION IN A RECORD THAT MAY INDICATE THAT AN INVESTIGATION OF AN ENTITY REGULATED BY THE OFFICE OF HEALTH CARE QUALITY OR THE HEALTH SERVICES COST REVIEW COMMISSION MAY BE APPROPRIATE.

(F) SUBSECTION (D)(2) OF THIS SECTION MAY NOT BE CONSTRUED TO ALTER THE AUTHORITY OF THE SECRETARY UNDER § 1–203(A) OF THIS ARTICLE OR § 2–106(C) OF THE HEALTH – GENERAL ARTICLE.

[(e)] (G) (1) The Board shall notify all hospitals, health maintenance organizations, or other health care facilities where a physician or an allied health professional regulated by the Board has privileges, has a provider contract with a health maintenance organization, or is employed of a complaint or report filed against that physician, if:

(i) The Board determines, in its discretion, that the hospital, health maintenance organization, or health care facility should be informed about the report or complaint;

(ii) The nature of the complaint suggests a reasonable possibility of an imminent threat to patient safety; or

(iii) The complaint or report was as a result of a claim filed in the Health Care Alternative Dispute Resolution Office and a certificate of a qualified expert is filed in accordance with § 3–2A–04(b)(1) of the Courts Article.

(2) The Board shall disclose any information pertaining to a physician's competency to practice medicine contained in record to a committee of a hospital, health maintenance organization, or other health care facility if:

(i) The committee is concerned with physician discipline and requests the information in writing; and

(ii) The Board has received a complaint or report pursuant to paragraph (1)(i) and (ii) of this subsection on the licensed physician on whom the information is requested.

(3) The Board shall, after formal action is taken pursuant to § 14–406 of this subtitle, notify those hospitals, health maintenance organizations, or health care facilities where the physician has privileges, has a provider contract with a health maintenance organization, or is employed of its formal action within 10 days after the action is taken and shall provide the hospital, health maintenance organization, or health care facility with periodic reports as to enforcement or monitoring of a formal disciplinary order against a physician within 10 days after receipt of those reports.

[(f)] (H) On the request of a person who has made a complaint to the Board regarding a physician, the Board shall provide the person with information on the status of the complaint.

[(g)] (I) Following the filing of charges or notice of initial denial of license application, the Board shall disclose the filing to the public.

[(h)] (J) The Board may disclose any information contained in a record to a licensing or disciplinary authority of another state if:

(1) The licensing or disciplinary authority of another state that regulates licensed physicians in that state requests the information in writing; and

(2) The disclosure of any information is limited to the pendency of an allegation of a ground for disciplinary or other action by the Board until:

(i) The Board has passed an order under § 14–406 of this subtitle; or

(ii) A licensed physician on whom the information is requested authorizes a disclosure as to the facts of an allegation or the results of an investigation before the Board.

[(i)] (K) The Board may disclose any information contained in a record to a person if:

(1) A licensed physician on whom any information is requested authorizes the person to receive the disclosure;

(2) The person requests the information in writing; and

(3) The authorization for the disclosure is in writing.

[(j)] (L) The Board may disclose any information contained in a record to the State Medical Assistance Compliance Administration, the Secretary of the U.S. Department of Health and Human Services or the Secretary's designee, or any health occupational regulatory board if:

(1) (i) The State Medical Assistance Compliance Administration or any health occupational regulatory board requests the information in writing; or

(ii) The Secretary of the U.S. Department of Health and Human Services or the Secretary's designee is entitled to receive the information or have access to the information under 42 U.S.C. § 1396r–2;

(2) (i) The Board has issued an order under § 14–406 of this subtitle; or

(ii) An allegation is pending before the Board; and

(3) The Board determines that the requested information is necessary for the proper conduct of the business of that administration or board.

[(k)] (M) If the Board determines that the information contained in a record concerns possible criminal activity, the Board shall disclose the information to a law enforcement or prosecutorial official.

[(l)] (N) The Board may permit inspection of records for which inspection otherwise is not authorized by a person who is engaged in a research project if:

(1) The researcher submits to the executive director and the Board approves a written request that:

- (i) Describes the purpose of the research project;
- (ii) Describes the intent, if any, to publish the findings;
- (iii) Describes the nature of the requested personal records;
- (iv) Describes the safeguards that the researcher would take to protect the identity of the persons in interest; and
- (v) States that persons in interest will not be contacted unless the executive director approves and monitors the contact;

(2) The executive director is satisfied that the proposed safeguards will prevent the disclosure of the identity of persons in interest; and

(3) The researcher makes an agreement with the executive director that:

- (i) Defines the scope of the research project;
- (ii) Sets out the safeguards for protecting the identity of the persons in interest; and
- (iii) States that a breach of any condition of the agreement is a breach of contract.

[(m)] (O) On the request of a person who has testified in a Board or Office of Administrative Hearings proceeding, the Board shall provide to the person who testified a copy of the portion of the transcript of that person's testimony.

[(n)] (P) (1) The Board may publish a summary of any allegations of grounds for disciplinary or other action.

(2) A summary may not identify:

- (i) Any person who makes an allegation to the Board or any of its investigatory bodies;
- (ii) A licensed physician about whom an allegation is made; or
- (iii) A witness in an investigation or a proceeding before the Board or any of its investigatory bodies.

[(o)] (Q) The Board shall disclose information in a record upon the request of the Governor, Secretary, or Legislative Auditor, in accordance with § 2-1223(a) of the State Government Article. However, the Governor, Secretary, or Auditor, or any of

their employees may not disclose personally identifiable information from any of these records which are otherwise confidential by law.

[(p)] (R) This section does not apply to:

- (1) Any disclosure of a record by the Board to any of its investigatory bodies; or
- (2) A licensee, certificate holder, or registration holder who has been charged under this title or a party to a proceeding before the Board who claims to be aggrieved by the decision of the Board.

[(q)] (S) If any information contained in any medical or hospital document or any other exhibit is otherwise open for disclosure under law, the use of that document or exhibit in any record of the Board or any of its investigatory bodies does not prevent its disclosure in any other proceeding.

DRAFTER'S NOTE:

Error: Stylistic error (failure to renumber subsection designations following enactment of new subsections (e) and (f) in § 14–411(e) through (q) of the Health Occupations Article.

Occurred: Chs. 308 and 309, Acts of 2011. Correction by the publisher of the Annotated Code in the 2011 Supplement of the Health Occupations Article is ratified by this Act.

Article – Insurance

4–405.

(b) In addition to the information required under subsection (a) of this section, for each claim filed with the Director of the Health Care Alternative Dispute Resolution Office under § 3–2A–04 of the Courts Article, each insurer providing professional liability insurance to a health care provider in the State shall submit to the Commissioner the following information:

(12) if **THE** case was tried to verdict, the amount of noneconomic damages; and

DRAFTER'S NOTE:

Error: Omitted article in § 4–405(b)(12) of the Insurance Article.

Occurred: Ch. 1, Acts of 2005.

5–101.

(a) In determining the financial condition of an insurer, the following assets that the insurer owns shall be allowed as admitted assets:

(3) in an amount not exceeding the cash surrender value of each individual policy:

(ii) accrued interest that is 90 days or more past due on each asset listed in [subitem] **ITEM** (i) of this item;

(4) in an amount not exceeding the policy reserve on each individual policy:

(ii) accrued interest that is 90 days or more past due on the asset listed in [subitem] **ITEM** (i) of this item;

(11) electronic data processing equipment and operating system software amortized over a period of not more than 3 calendar years, to the extent it does not exceed 3% of the insurer's capital and surplus as required to be shown on [their] **THE INSURER'S** statutory financial statement, adjusted to exclude deferred tax assets and net positive [good will] **GOODWILL**;

(13) positive [good will] **GOODWILL** recorded under the statutory purchase method of accounting:

(i) to the extent that it does not exceed 10% of the parent insurer's capital and surplus, as required to be shown on the statutory balance sheet, excluding any net positive [good will] **GOODWILL**, electronic data processing equipment, operating system software, and net deferred tax assets; and

(ii) amortized over a period of not more than 10 calendar years;

DRAFTER'S NOTE:

Error: Stylistic errors in § 5-101(a)(3)(ii) and (4)(ii) of the Insurance Article; grammatical error in § 5-101(a)(11) of the Insurance Article; and incorrect word usage in § 5-101(a)(11) and (13)(i) of the Insurance Article.

Occurred: Ch. 36, Acts of 1995 (stylistic error) and Ch. 332, Acts of 2001 (multiple errors).

5-608.

(e) (2) The reserve investments of an insurer may include obligations that are not in default as to principal or interest, that are issued, assumed, or guaranteed

by a solvent institution created or existing under the laws of the United States or a state, and that qualify under any of the following [subparagraphs] **ITEMS**:

(i) subject to paragraph (3) of this subsection, the obligations are secured by adequate collateral security and bear fixed interest, and, during each of any 3, including either of the last 2, of the 5 fiscal years immediately preceding the date of acquisition by the insurer, the net earnings available for fixed charges of the issuing, assuming, or guaranteeing institution must have been not less than one and one-quarter times the total of the institution's fixed charges for the year;

(ii) subject to paragraph (3) of this subsection, the obligations, at the date of acquisition by the insurer, are adequately secured and have investment qualities and characteristics in which speculative elements are not predominant;

(iii) the obligations bear fixed interest and are other than those described in [subparagraph] **ITEM** (i) of this paragraph, and the net earnings available for fixed charges of the issuing, assuming, or guaranteeing institution:

1. for a period of 5 fiscal years immediately preceding the date of acquisition by the insurer, must have averaged each year not less than one and one-half times the institution's average annual fixed charges applicable to the period; and

2. during the last year of the 5-year period, must have been not less than one and one-half times the institution's fixed charges for the year;
or

(iv) the obligations are adjustment, income, or other contingent interest obligations, and the net earnings available for fixed charges of the issuing, assuming, or guaranteeing institution for a period of 5 fiscal years immediately preceding the date of acquisition by the insurer:

1. must have averaged each year not less than one and one-half times the sum of the institution's average annual fixed charges plus the institution's average annual maximum contingent interest applicable to the period; and

2. during each of the last 2 years of the 5-year period, must have been not less than one and one-half times the sum of the institution's fixed charges plus maximum contingent interest for the year.

(n) (1) The reserve investments of an insurer may include real estate only if the real estate:

(i) consists of the land and the building on the land in which the insurer has its principal office;

(ii) is necessary for the insurer's convenient accommodation in transacting business;

(iii) is acquired to satisfy loans, mortgages, liens, judgments, decrees, or other debts previously owed to the insurer in the course of business;

(iv) is acquired as partial payment of the consideration for the sale of real property owned by the insurer if the transaction causes a net reduction in the investment of the insurer in real property; or

(v) is additional real property and equipment incident to real property that is necessary or convenient to enhance the market value of real property previously acquired or held by the insurer under [subparagraph] **ITEM** (iii) or (iv) of this paragraph.

(2) Unless the Commissioner certifies that the interests of the insurer will suffer materially by a forced sale of the real property and the Commissioner extends the time for disposal of the real property in the certificate:

(i) real property acquired under [subparagraphs (i) and (ii) of paragraph (1)] **PARAGRAPH (1)(I) AND (II)** of this subsection must be disposed of within 5 years after the real property ceases to be necessary for the convenient accommodation of the insurer in transacting business; and

(ii) real property acquired under [subparagraphs (iii) and (iv) of paragraph (1)] **PARAGRAPH (1)(III) AND (IV)** of this subsection must be disposed of within 5 years after the date of acquisition.

DRAFTER'S NOTE:

Error: Stylistic errors in § 5-608(e)(2)(iii) and (n)(1)(v) and (2)(i) and (ii) of the Insurance Article.

Occurred: Ch. 36, Acts of 1995.

7-405.

(c) (1) In determining whether a proposed acquisition subject to this subtitle would violate subsection (a)(1)(i) of this section, the Commissioner shall consider an acquisition that involves two or more insurers, including insurers under common ownership, management, or control, that compete in the same product and geographical market to be prima facie evidence of violation of subsection (a)(1)(i) of this section if the acquiring and acquired insurers, their affiliates, or the person resulting from a merger:

(i) have a share of the market that exceeds the total of the two columns in the table under item (ii) of this [subparagraph] **PARAGRAPH**, if more than two insurers are parties to the acquisition; or

DRAFTER'S NOTE:

Error: Stylistic error in § 7–405(c)(1)(i) of the Insurance Article.

Occurred: Ch. 36, Acts of 1995.

8–301.

(f) (1) “Plan” means a fund or other arrangement that is established, maintained, or contributed to by an employer, employee organization, or both, to the extent that the fund or arrangement was established or is maintained for the purpose of:

(i) providing for participants or beneficiaries, any of whom are residents of the State, through the purchase of insurance or otherwise:

5. [day] **CHILD** care centers;

DRAFTER'S NOTE:

Error: Obsolete language in § 8–301(f)(1)(i)5 of the Insurance Article.

Occurred: As a result of Ch. 564, Acts of 2011. Correction was suggested by the State Department of Education, Early Childhood Development Division, which is responsible for early child care and education in the State. The correction is consistent with the intent of similar conforming changes required to be made by the publisher of the Annotated Code under Ch. 564, § 3, Acts of 2011.

9–217.

(b) The Commissioner is not obligated personally or in an official capacity to repay a loan made under this [subsection] **SECTION**.

DRAFTER'S NOTE:

Error: Stylistic error in § 9–217(b) of the Insurance Article.

Occurred: Ch. 11, Acts of 1996.

14–106.

(d) (2) (i) Except as provided in subparagraph (ii) of this paragraph, the support provided under paragraph (1)(iv) and (v) of this subsection to the

[Community Health Resources Commission and the] Kidney Disease Program **AND THE COMMUNITY HEALTH RESOURCES COMMISSION, RESPECTIVELY**, shall be the value of the premium tax exemption less the subsidy required under this subsection for the Senior Prescription Drug Assistance Program.

DRAFTER'S NOTE:

Error: Stylistic error (terms placed out of proper order with respect to corresponding cross-references) in § 14-106(d)(2)(i) of the Insurance Article.

Occurred: Ch. 397, Acts of 2011.

14-504.

(a) (2) The Fund is a [special] **SPECIAL**, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

DRAFTER'S NOTE:

Error: Omitted comma in § 14-504(a)(2) of the Insurance Article.

Occurred: Ch. 153, Acts of 2002.

15-1216.

(c) (2) The Board shall include representation from carriers whose principal business in health insurance [is comprised of] **COMPRISES** small employers and, to the extent possible, at least one nonprofit health service plan, at least one commercial carrier, and at least one health maintenance organization.

DRAFTER'S NOTE:

Error: Grammatical error in § 15-1216(c)(2) of the Insurance Article.

Occurred: Ch. 35, Acts of 1997.

27-613.

(c) (3) The notice must state in clear and specific terms:

(viii) that the Commissioner shall order the insurer to pay reasonable [attorney] **ATTORNEY'S** fees incurred by the insured for representation at the hearing if the Commissioner finds that:

1. the actual reason for the proposed action is not stated in the notice or the proposed action is not in accordance with § 27-501 of this title, the

insurer's filed rating plan, its underwriting standards, or the lawful terms and conditions of the policy related to a cancellation, nonrenewal, or reduction in coverage; and

2. the insurer's conduct in maintaining or defending the proceeding was in bad faith or the insurer acted willfully in the absence of a bona fide dispute.

(h) (3) If the Commissioner finds that the actual reason for the proposed action is not stated in the notice or the proposed action is not in accordance with § 27–501 of this title, the insurer's filed rating plan, its underwriting standards, or the lawful terms and conditions of the policy related to a cancellation, nonrenewal, or reduction in coverage, the Commissioner shall:

(ii) order the insurer to pay reasonable [attorney] ATTORNEY'S fees incurred by the insured for representation at the hearing if the Commissioner finds that the insurer's conduct in maintaining or defending the proceeding was in bad faith or the insurer acted willfully in the absence of a bona fide dispute.

DRAFTER'S NOTE:

Error: Grammatical errors in § 27–613(c)(3)(viii) and (h)(3)(ii) of the Insurance Article.

Occurred: Ch. 35, Acts of 1997, which enacted § 27–613(c)(3)(viii) as § 27–605(b)(3)(viii) and § 27–613(h)(3)(ii) as § 27–605(f)(3)(ii).

27–614.

(c) (5) The notice must state in clear and specific terms:

(vii) that the Commissioner shall order the insurer to pay reasonable [attorney] ATTORNEY'S fees incurred by the insured for representation at a hearing if the Commissioner finds that:

1. the actual reason for the proposed action is not stated in the notice or the proposed action is not in accordance with this article or the insurer's filed rating plan; and

2. the insurer's conduct in maintaining or defending the proceeding was in bad faith or the insurer acted willfully in the absence of a bona fide dispute.

(e) (3) If the Commissioner finds that the actual reason for the proposed action is not stated in the notice or the proposed action is not in accordance with the insurer's filed rating plan or this article, the Commissioner shall:

(ii) order the insurer to pay reasonable [attorney] **ATTORNEY'S** fees incurred by the insured for representation at the hearing if the Commissioner finds that the insurer's conduct in maintaining or defending the proceeding was in bad faith or the insurer acted willfully in the absence of a bona fide dispute.

DRAFTER'S NOTE:

Error: Grammatical errors in § 27-614(c)(5)(vii) and (e)(3)(ii) of the Insurance Article.

Occurred: Ch. 350, Acts of 2006, which enacted § 27-614(c)(5)(vii) as § 27-605.1(c)(5)(vii) and § 27-614(e)(3)(ii) as § 27-605.1(e)(3)(ii).

31-101.

(j) "Qualified employer" means a small employer that elects to make its full-time employees **AND, AT THE OPTION OF THE EMPLOYER, SOME OR ALL OF ITS PART-TIME EMPLOYEES** eligible for one or more qualified health plans offered through the SHOP Exchange [and, at the option of the employer, some or all of its part-time employees], provided that the employer:

(1) has its principal place of business in the State and elects to provide coverage through the SHOP Exchange to all of its eligible employees, wherever employed; or

(2) elects to provide coverage through the SHOP Exchange to all of its eligible employees who are principally employed in the State.

DRAFTER'S NOTE:

Error: Grammatical error in § 31-101(j) of the Insurance Article.

Occurred: Chs. 1 and 2, Acts of 2011.

Article – Labor and Employment

3-502.

(a) (1) Each employer:

(i) shall set regular pay periods; and

(ii) except as provided in paragraph (2) of this subsection, shall pay each employee at least once in every 2 weeks or twice in each month.

(2) An employer may pay an administrative, executive, or professional employee less frequently than required under paragraph (1)(ii) of this subsection.

(b) If the regular payday of an employee is a nonworkday, an employer shall pay the employee on the preceding workday.

(c) Each employer shall pay a wage:

(1) in United States currency; or

(2) by a check that, on demand, is convertible at face value into United States currency.

(d) [(1) (i) Subject to subparagraph (ii) of this paragraph, a county or municipal corporation may:

1. pay the wage of an employee by direct deposit as provided in paragraph (2) of this subsection; and

2. require an employee to receive the payment of wages by direct deposit as a condition of employment.

(ii) A county or municipal corporation may not require the payment of wages by direct deposit for an employee:

1. who was hired before October 1, 2011, unless the county or municipal corporation, before October 1, 2011, required by local law, regulation, or collective bargaining agreement, the payment of wages by direct deposit;

2. whose employment is not conditioned on the employee receiving the payment of wages by direct deposit; or

3. who:

A. does not have a personal bank account; and

B. informs the employee's employer that the employee wishes to opt out of direct deposit.

(iii) If a county or municipal corporation elects to pay wages by direct deposit, an employee who is not required to receive the payment of wages by direct deposit may elect to receive the payment of wages by direct deposit in accordance with paragraph (3) of this subsection.

(2) If a county or municipal corporation elects to pay the wages of its employees by direct deposit, the county or municipal corporation shall:

(i) provide an employee who is required or elects to receive the payment of wages by direct deposit with an electronic fund transfer authorization form;

(ii) deposit the wage of an employee into a personal bank account selected by the employee on the electronic fund transfer authorization form; and

(iii) each time the county or municipal corporation pays the wage of an employee by direct deposit, provide the employee with a direct deposit statement that includes:

1. the total amount of the wage;
2. any amount deducted from the wage; and
3. the amount of the wage directly deposited into the personal bank account selected by the employee.

(3) (i) An employee who is required or elects to receive the payment of wages by direct deposit shall complete and submit to the county or municipal corporation the electronic fund transfer authorization form provided to the employee under paragraph (2) of this subsection.

(ii) An employee who is required or elects to receive the payment of wages by direct deposit shall select a personal bank account for the direct deposit of the employee's wages that is at a financial institution that participates in the automated clearing house network.

(iii) Subject to subparagraph (ii) of this paragraph, an employee may change the personal bank account or the financial institution designated on an electronic fund transfer authorization form by completing and submitting a new electronic fund transfer authorization form to the county or municipal corporation.

(e) (1) In this subsection, "employer" includes a governmental unit.

(2) An employer may not print or cause to be printed an employee's Social Security number on the employee's wage payment check, an attachment to an employee's wage payment check, a notice of direct deposit of an employee's wage, or a notice of credit of an employee's wage to a debit card or card account.

[(f)] (E) This section does not prohibit the:

(1) direct deposit of the wage of an employee into a personal bank account of the employee in accordance with an authorization of the employee; or

(2) credit of the wage of an employee to a debit card or card account from which the employee is able to access the funds through withdrawal, purchase, or transfer if:

(i) authorized by the employee; and

(ii) any fees applicable to the debit card or card account are disclosed to the employee in writing in at least 12 point font.

[(g)] (F) An agreement to work for less than the wage required under this subtitle is void.

DRAFTER'S NOTE:

Error: Codification error in § 3–502(d) of the Labor and Employment Article.

Occurred: Ch. 324, Acts of 2011. The provisions of § 3–502(d) of the Labor and Employment Article, as enacted by Ch. 324, Acts of 2011 were erroneously codified in the Labor and Employment Article, which is not generally applicable to governmental entities. The codification error is being corrected in this Act by transferring the provisions codified under § 3–502(d) of the Labor and Employment Article to Article 24 of the Annotated Code, which contains provisions applicable to the political subdivisions of the State. Correction suggested by the Attorney General in the Bill Review Letter for H.B. 233 of 2011 (footnote 2), dated April 26, 2011. See also Drafter's Note to Article 24, § 1–112 of the Code, as enacted by this Act.

3–710.

(d) (7) If the employer fails to comply with an order issued for a subsequent violation against the same employee under paragraph (3) of this subsection within 3 years after the employee filed a complaint that is determined to be a violation under **THIS** subsection **[(d) of this section]**, the employee may bring an action to enforce the order in the circuit court in the county where the employer is located.

DRAFTER'S NOTE:

Error: Stylistic error in § 3–710(d)(7) of the Labor and Employment Article.

Occurred: Ch. 612, Acts of 2011.

3–711.

(d) (5) (ii) On receipt of a request for a hearing under **[item]** **SUBPARAGRAPH (i)** of this paragraph, the Commissioner shall schedule a hearing.

(iii) If a hearing is not requested under [item] **SUBPARAGRAPH (i)** of this paragraph, the order to pay a civil penalty becomes a final order of the Commissioner.

DRAFTER'S NOTE:

Error: Stylistic errors in § 3–711(d)(5)(ii) and (iii) of the Labor and Employment Article.

Occurred: Ch. 29, Acts of 2011.

3–907.

(b) (2) The requirement for compliance with applicable labor laws under [subsection (b)(1)(ii)] **PARAGRAPH (1)(II)** of this [section] **SUBSECTION** may include requiring the employer to enter into an agreement, within 45 days after the final order, with a governmental unit for payment of any amounts owed by the employer to the unit.

(3) The requirement for compliance with applicable labor laws under paragraph [(b)(1)(ii)] **(1)(II)** of this [section] **SUBSECTION**:

(i) may not require payments for more than a 12–month period;
and

(ii) may not require payments due for a period before the 12–month period before the citation was issued.

DRAFTER'S NOTE:

Error: Stylistic errors in § 3–907(b)(2) and (3) of the Labor and Employment Article.

Occurred: Ch. 188, Acts of 2009.

9–722.

(a) Subject to approval by the Commission under subsection [(b)] **(C)** of this section, after a claim has been filed by a covered employee or the dependents of a covered employee, the covered employee or dependents may enter into an agreement for the final compromise and settlement of any current or future claim under this title with:

- (1) the employer;
- (2) the insurer of the employer;

- (3) the Subsequent Injury Fund; or
- (4) the Uninsured Employers' Fund.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 9–722(a) of the Labor and Employment Article.

Occurred: Ch. 8, § 2, Acts of 1991.

Article – Natural Resources

4–701.1.

- (g) (6) (i) This paragraph shall apply only to an individual who:
 - 1. Served as a crew member to a tidal fish licensee or a person that holds a commercial fishing license issued by another state or the federal government;
 - 2. Held a Maryland Provisional Chesapeake Bay Charter Boat Permit in accordance with § 4–210.2 of this title;
 - 3. Held a tidal fish license and has not permanently transferred a tidal fish license within the past 24 months in accordance with § 4–701(i) of this subtitle;
 - 4. Held a temporary transfer of a tidal fish license;
 - 5. Harvested fish from the waters of the Exclusive Economic Zone and landed the fish in the State;
 - 6. Holds a commercial fishing license issued by another state or the federal government; **[and] OR**
 - 7. Held a commercial fishing license issued by another state or the federal government.

DRAFTER'S NOTE:

Error: Erroneous conjunction in § 4–701.1(g)(6)(i) of the Natural Resources Article.

Occurred: Ch. 86, Acts of 2011. Correction recommended by the Attorney General in the Bill Review Letter for S.B. 720 of 2011 (footnote 6), dated April 11, 2011.

4-742.

(e) The Secretary of the [Department of the] Environment may delegate authority to impose restrictions, or remove restrictions no longer required. These actions, however, shall be reported and consented to by the Secretary.

DRAFTER'S NOTE:

Error: Misnomer in § 4-742(e) of the Natural Resources Article.

Occurred: Ch. 4, Acts of First Special Session of 1973.

4-1037.

A person may not catch or attempt to catch soft-shell clams with a hydraulic clam dredge or any other gear except hand-held tools, such as shovels and hoes, in the following areas:

(3) Except for the William Preston Lane, Jr. Memorial Bridge and its parallel span, the Governor Thomas Johnson Memorial Bridge, and the area of the Choptank River Bridge that is within Talbot County, within 50 feet of any bulkhead, structure, wharf, pier, or piling that is erected in, over, or under the waters of the State under a permit granted by the State or federal [governments] **GOVERNMENT**;

DRAFTER'S NOTE:

Error: Incorrect word usage in § 4-1037(3).

Occurred: Ch. 4, Acts of First Special Session of 1973.

Article – Public Safety

2-509.

(a) The Director shall create a population data base [comprised] **COMPOSED** of DNA samples collected under this subtitle.

DRAFTER'S NOTE:

Error: Grammatical error in § 2-509(a) of the Public Safety Article.

Occurred: Ch. 458, Acts of 1994.

2-510.

A match obtained between an evidence sample and a data base entry may [only] be used **ONLY** as probable cause and is not admissible at trial unless confirmed by additional testing.

DRAFTER'S NOTE:

Error: Grammatical error in § 2–510 of the Public Safety Article.

Occurred: Ch. 458, Acts of 1994.

SUBTITLE 7. FREEDOM OF ASSOCIATION AND ASSEMBLY PROTECTION ACT.

3–701.

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

DRAFTER'S NOTE:

Error: Omitted subtitle designation immediately preceding § 3–701 of the Public Safety Article.

Occurred: Chs. 492 and 493, Acts of 2009.

5–103.

This subtitle does not affect:

(1) a sale or transfer for bona fide resale **OF A REGULATED FIREARM** in the ordinary course of business of a licensee; or

DRAFTER'S NOTE:

Error: Omitted words in § 5–103(1) of the Public Safety Article.

Occurred: Ch. 5, Acts of 2003.

11–116.

(a) (2) Paragraph (1) of this subsection does not apply to a person who neither intended to use nor used the explosives involved in violation of:

(v) § 3–218, § 3–305(c)(2), § 3–409(a) or (c), § 3–803(b), § 3–807(i), § 3–808(d), § 3–811(c), § 8–801, § 8–802, § 9–602(e), § 11–702(d)(8), [§ 11–703(d)(5)(iii), § 11–706(b)(8),] § 11–708(d)(7)(ii), § 11–711(h)(2), § 11–712(c)(6)(ii), [§ 11–714(c)(6),] § 11–715(g)(2), § 11–716(h)(2), § 11–723(b)(8), or § 11–726 of the Correctional Services Article;

DRAFTER'S NOTE:

Error: Obsolete cross-references in § 11-116(a)(2)(v) of the Public Safety Article.

Occurred: As a result of Ch. 422, Acts of 1999.

Article – Public Utilities

7-211.

(h) (5) (iii) 2. On request by the electric company and for good cause shown, the Commission may waive the requirement that the electric company competitively select heating, ventilation, air conditioning, or refrigeration providers under [item] SUBSUBPARAGRAPH 1 of this subparagraph.

DRAFTER'S NOTE:

Error: Stylistic error in § 7-211(h)(5)(iii)2 of the Public Utilities Article.

Occurred: Ch. 333, Acts of 2009.

10-104.

(d) (2) On or [before] **AFTER** July 1, 2002, an individual applying for a taxicab license or renewal of a taxicab license, shall submit proof of having successfully completed a course approved by the Commission that includes in the curriculum:

- (i) courteous treatment of passengers;
- (ii) geography and map reading for the jurisdiction in which the taxicab services will be provided; and
- (iii) tourist information for the jurisdiction in which taxicab services will be provided.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 10-104(d)(2) of the Public Utilities Article.

Occurred: Ch. 539, Acts of 2000. Correction is consistent with the bill title and synopsis of Ch. 539, Acts of 2000 (S.B. 552) and conforms to the practices followed by the Public Service Commission's Transportation Division since the enactment of Ch. 539, Acts of 2000. Correction suggested by the Public Service Commission.

Article – Real Property

7–105.9.

(b) (1) In addition to any other notice required to be given by this Code or the Maryland Rules, the person authorized to make a sale in an action to foreclose a mortgage or deed of trust on residential property shall send, at the same time as the notice required [by § 7–105.1(d)(2)(ix)] **UNDER § 7–105.1(F)(2)** of this subtitle, a written notice addressed to “all occupants” at the address of the residential property in substantially the following form:

“IMPORTANT NOTICE

A foreclosure action has been filed against the property located at (insert address) in the circuit court for (insert name of county). This notice is being sent to you as a person who lives in this property.

A foreclosure sale of the property may occur at any time after 45 days from the date of this notice.

Most renters have the right to continue renting the property after it is sold at foreclosure. The foreclosure sale purchaser becomes the new landlord.

Most renters with a lease for a specific period of time have the right to continue renting the property until the end of the lease term. Most month-to-month renters have the right to continue renting the property for 90 days after receiving a written notice to vacate from the new owner.

You should get legal advice to determine if you have these rights.

Below you will find the name, address, and telephone number of the person authorized to sell the property. You may contact this person to notify him or her that you are a tenant at the property and to find out more about the sale. For further information, you may review the file in the office of the clerk of the circuit court. You also may contact the Maryland Department of Housing and Community Development, at (insert telephone number), or consult the Department’s website, (insert website address), for assistance.

Person authorized to sell the property:

Name

Address

Telephone

Date of this notice”.

DRAFTER’S NOTE:

Error: Erroneous cross reference in § 7–105.9(b)(1) of the Real Property Article.

Occurred: As a result of Ch. 355, Acts of 2011, which repealed § 7–105.1(d)(2)(ix), including the specific contents of a required notice, and amended § 7–105.1(f)(2) to provide when the notice is to be made and to require that it be in the form prescribed by regulation.

8A–401.

(a) A park owner may increase a park fee only if [he] **THE PARK OWNER** delivers to each resident a notice in [writing,] **WRITING** of the increase at least 30 days before the effective date of the increased park fee.

(b) If a park owner fails to so notify a resident affected by the increase, [he] **THE PARK OWNER** may not collect the increased amount of the park fee from the resident.

DRAFTER’S NOTE:

Error: Stylistic errors and extraneous comma in § 8A–401 of the Real Property Article.

Occurred: Ch. 843, Acts of 1980.

8A–403.

(a) A park owner may charge the resident a reasonable service fee, based on an amount that the park owner directly incurs, for installing, placing [on or removal of] **ON, OR REMOVING** a mobile home from the site.

DRAFTER’S NOTE:

Error: Grammatical error in § 8A–403(a) of the Real Property Article.

Occurred: Ch. 843, Acts of 1980.

8A–406.

A park owner shall provide to a [resident] **RESIDENT**, on request, a written receipt for a park fee or other financial transaction between the park owner and resident.

DRAFTER'S NOTE:

Error: Omitted comma in § 8A–406 of the Real Property Article.

Occurred: Ch. 843, Acts of 1980.

8A–1101.

- (a) A park owner may only evict a resident for:
- (1) Nonpayment of rent; or
 - (2) **[Violations] THE FOLLOWING VIOLATIONS:**
 - (i) Making or causing to be made, with knowledge, any false or misleading statement on an application for tenancy;
 - (ii) Violation of a federal, State, or local law that is detrimental to the safety and welfare of other residents in the park; or
 - (iii) Repeated violation of any rule or provision of the rental agreement occurring within a 6–month period.

DRAFTER'S NOTE:

Error: Grammatical error in § 8A–1101(a) of the Real Property Article.

Occurred: Ch. 843, Acts of 1980.

Subtitle 13. Retaliatory **[Evictions] ACTIONS.**

8A–1301.

- (a) (1) For any reason listed in paragraph (2) of this subsection, a park owner may not:
- (i) Bring or threaten to bring an action for possession against a resident;
 - (ii) Arbitrarily increase the rent or decrease the services to which a resident has been entitled; or
 - (iii) Terminate a periodic tenancy.

DRAFTER'S NOTE:

Error: Incorrect word usage in subtitle designation immediately preceding § 8A-1301(a)(1) of the Real Property Article.

Occurred: As a result of Chs. 264 and 265, Acts of 2011. Correction by the publisher of the Annotated Code in the 2011 Supplement of the Real Property Article is ratified by this Act.

11-109.

(d) The council of unit owners may be either incorporated as a nonstock corporation or unincorporated and it is subject to those provisions of Title 5, Subtitle 2 of the Corporations and Associations Article which are not inconsistent with this title. The council of unit owners has, subject to any provision of this title, and except as provided in [paragraph] ITEM (22) of this subsection, the declaration, and bylaws, the following powers:

(22) To designate parking for individuals with disabilities, notwithstanding any provision in the declaration, bylaws, or rules and regulations.

DRAFTER'S NOTE:

Error: Stylistic error in § 11-109(d) of the Real Property Article.

Occurred: Ch. 610, Acts of 1997.

11B-111.

Except as provided in this title, and notwithstanding anything contained in any of the documents of the homeowners association:

(1) Subject to the provisions of [paragraph] ITEM (4) of this section, all meetings of the homeowners association, including meetings of the board of directors or other governing body of the homeowners association or a committee of the homeowners association, shall be open to all members of the homeowners association or their agents;

(3) (i) This [paragraph] ITEM does not apply to any meeting of a governing body that occurs at any time before the lot owners, other than the developer, have a majority of votes in the homeowners association, as provided in the declaration;

(ii) Subject to [subparagraph] ITEM (iii) of this [paragraph] ITEM and to reasonable rules adopted by a governing body, a governing body shall

provide a designated period of time during a meeting to allow lot owners an opportunity to comment on any matter relating to the homeowners association;

(iii) During a meeting at which the agenda is limited to specific topics or at a special meeting, the lot owners' comments may be limited to the topics listed on the meeting agenda; and

(iv) The governing body shall convene at least one meeting each year at which the agenda is open to any matter relating to the homeowners association;

(5) If a meeting is held in closed session under [paragraph] ITEM (4) of this section:

(i) An action may not be taken and a matter may not be discussed if it is not permitted by [paragraph] ITEM (4) of this section; and

(ii) A statement of the time, place, and purpose of a closed meeting, the record of the vote of each board or committee member by which the meeting was closed, and the authority under this section for closing a meeting shall be included in the minutes of the next meeting of the board of directors or the committee of the homeowners association.

DRAFTER'S NOTE:

Error: Stylistic errors in § 11B–111 of the Real Property Article.

Occurred: Ch. 321, Acts of 1987 and Chs. 440 and 564, Acts of 1998.

Article – State Finance and Procurement

4–604.

For all improvements, grounds, and multiservice centers under the jurisdiction of the Department, the responsibilities of the Department include:

(8) controlling pedestrian and vehicular traffic, including establishing [of] speed limits and parking and impoundment regulations for parking garages, surface parking lots, roads, and sidewalks that are owned or leased by the State and that are within the improvements, grounds, and multiservice centers.

DRAFTER'S NOTE:

Error: Extraneous word in § 4–604(8) of the State Finance and Procurement Article.

Occurred: Ch. 11, Acts of 1985.

12–301.

(b) (3) The payments and the total contract amount due under an energy performance contract or, in the case of a capital lease used to finance energy performance contracts, the capital lease [payments,] **PAYMENTS** may not exceed the actual energy savings realized as a result of the contract's performance.

DRAFTER'S NOTE:

Error: Extraneous comma in § 12–301(b)(3) of the State Finance and Procurement Article.

Occurred: Ch. 163, Acts of 2011.

14–303.

(a) (1) (ii) The Board shall keep a record of information regarding any waivers requested in accordance with [§ 14–302(a)(5)(i)] **§ 14–302(A)(6)(I)** of this subtitle and subsection (b)(8) of this section and submit a copy of the record to the General Assembly on or before October 1 of each year, in accordance with § 2–1246 of the State Government Article.

(b) These regulations shall include:

(8) consistent with [§ 14–302(a)(5)] **§ 14–302(A)(6)** of this subtitle, provisions relating to any circumstances under which a unit may waive obligations of the contractor relating to minority business enterprise participation;

DRAFTER'S NOTE:

Error: Erroneous cross–references in § 14–303(a)(1)(ii) and (b)(8) of the State Finance and Procurement Article.

Occurred: As a result of Chs. 252 and 253, Acts of 2011.

Article – State Government

9–120.

(b) (1) Promptly after the 1st day of each month, the Comptroller shall pay:

(i) into the Maryland Stadium Facilities Fund the money that remains in the State Lottery Fund from the proceeds of the [sports] lotteries conducted for the benefit of the Maryland Stadium Authority, after the distribution under subsection (a) of this section; and

DRAFTER'S NOTE:

Error: Obsolete language in § 9–120(b)(1)(i) of the State Government Article.

Occurred: As a result of Ch. 521, Acts of 1999, which repealed the number and type (“sports”) of lotteries requested to be conducted by the Maryland Stadium Authority. Correction suggested by Assistant Attorney General Kathryn Rowe, Office of the Counsel to the General Assembly, in a memorandum dated July 18, 2011.

9–1A–01.

(u) (2) (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 in the prior fiscal year by the video lottery operation licensee under § 9–1A–27(a)(2) **AND (B)(1)(II)** of this subtitle.

DRAFTER'S NOTE:

Error: Omitted cross–reference in § 9–1A–01(u)(2)(ii) of the State Government Article.

Occurred: As a result of Ch. 240, Acts of 2011.

9–1A–09.1.

(d) (1) If an agreement described in subsection (c) **OF THIS SECTION** is not reached by July 1, 2011, a potential party to an agreement shall be eligible for funding under §§ 9–1A–28 and 9–1A–29 of this subtitle if the party indicates to the Secretary, in writing, its consent to participate in the process described in this subsection.

DRAFTER'S NOTE:

Error: Stylistic error in § 9–1A–09.1(d)(1) of the State Government Article.

Occurred: Ch. 412, Acts of 2011.

10–616.

(p) (5) Notwithstanding the provisions of paragraphs (3) and (4) of this subsection, a custodian shall disclose personal information:

(xv) for use by a procurement organization requesting information under [§ 4–512] **§ 4–516** of the Estates and Trusts Article for the purposes of organ, tissue, and eye donation.

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 10–616(p)(5)(xv) of the State Government Article.

Occurred: As a result of Ch. 541, Acts of 2011. Correction by the publisher of the Annotated Code in the 2011 Supplement of the State Government Article is ratified by this Act.

15–102.

(m) (2) “Executive unit” includes:

(i) a county health department unless the officials and employees of the department are expressly designated as “local officials” in § 15–807 of this title;

(ii) the office of the sheriff in each county;

(iii) the office of the State’s Attorney in each county; AND

(iv) the Liquor Control Board for Somerset County[; and

(v) the Worcester County Department of Liquor Control].

DRAFTER'S NOTE:

Error: Obsolete language in § 15–102(m)(2) of the State Government Article.

Occurred: As a result of Ch. 304, Acts of 2011, which established the Department of Liquor Control as a department of the Worcester County government, thereby rendering the Department no longer subject to the Public Ethics Law applicable to units of State Government.

Article – State Personnel and Pensions

21–307.

(f) For an employee of the Maryland Environmental Service who is a member of the Employees’ Retirement System or the [Pension System for Employees] **EMPLOYEES’ PENSION SYSTEM**, the Maryland Environmental Service shall pay to the Board of Trustees the employer contributions otherwise required to be made by the State on behalf of the member.

DRAFTER'S NOTE:

Error: Misnomer in § 21–307(f) of the State Personnel and Pensions Article.

Occurred: Ch. 6, § 2, Acts of 1994, which enacted the error in § 21–307(g) of the State Personnel and Pensions Article, now § 21–307(f) of the State Personnel and Pensions Article as a result of Ch. 334, Acts of 2007.

22–406.

(c) (9) (iii) 2. If the Board of Trustees and the State Department of Education agree that a superintendent of a local school system has rehired an individual that does not satisfy the criteria provided in [paragraph (4)(v) or (vi) and (5), (6), or (8)] **PARAGRAPHS (4)(V) AND (5), PARAGRAPHS (4)(VI) AND (6), OR PARAGRAPH (8)** of this subsection:

A. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system of this individual; and

B. the local school system shall reimburse the Board of Trustees the amount equal to the reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection.

DRAFTER'S NOTE:

Error: Stylistic error and erroneous internal reference in § 22–406(c)(9)(iii)2 of the State Personnel and Pensions Article.

Occurred: Ch. 499, Acts of 2005.

23–307.

(a) (1) Except as provided in subsection (b) of this section, in the year of retirement, a member of the Employees' Pension System may purchase credit for eligibility service of up to 10 years for periods of employment described in paragraph [(4)] **(3)** of this subsection for which the member is not otherwise entitled to service credit.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 23–307(a)(1) of the State Personnel and Pensions Article.

Occurred: Ch. 493, § 2, Acts of 2005.

23–407.

(c) (9) (iii) 2. If the Board of Trustees and the State Department of Education agree that a superintendent of a local school system has rehired an individual that does not satisfy the criteria provided in [paragraph(4)(iv) or (v) and (5), (6), or (8)] **PARAGRAPHS (4)(IV) AND (5), PARAGRAPHS (4)(V) AND (6), OR PARAGRAPH (8)** of this subsection:

A. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system of this individual; and

B. the local school system shall reimburse the Board of Trustees the amount equal to the reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection.

DRAFTER'S NOTE:

Error: Stylistic error and erroneous internal reference in § 23-407(c)(9)(iii)2 of the State Personnel and Pensions Article.

Occurred: Ch. 499, Acts of 2005.

24-401.1.

(c) (2) (ii) Except for the Secretary of State Police, a member of the State Police Retirement System is eligible to participate in the DROP if the member:

1. has at least 25 years and [not] less than 29 years of eligibility service; and

DRAFTER'S NOTE:

Error: Extraneous word in § 24-401.1(c)(2)(ii)1 of the State Personnel and Pensions Article.

Occurred: Ch. 397, Acts of 2011.

Article – Tax – General

11-206.

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

(2) ["Food for immediate consumption" means:

(i) food obtained from a salad, soup, or dessert bar;

- (ii) party platters;
- (iii) heated food;
- (iv) sandwiches suitable for immediate consumption; or
- (v) ice cream, frozen yogurt, and other frozen desserts, sold in containers of less than 1 pint.

(3) “Facility for food consumption” does not include parking spaces for vehicles as the sole accommodation.

- [(4) (3)]**
- (i) “Food” means food for human consumption.
 - (ii) “Food” includes the following foods and their products:
 - 1. beverages, including coffee, coffee substitutes, cocoa, fruit juices, and tea;
 - 2. condiments;
 - 3. eggs;
 - 4. fish, meat, and poultry;
 - 5. fruit, grain, and vegetables;
 - 6. milk, including ice cream; and
 - 7. sugar.
 - (iii) “Food” does not include:
 - 1. an alcoholic beverage as defined in § 5–101 of this article;
 - 2. a soft drink or carbonated beverage; or
 - 3. candy or confectionery.

(4) “FOOD FOR IMMEDIATE CONSUMPTION” MEANS:

- (I) FOOD OBTAINED FROM A SALAD, SOUP, OR DESSERT BAR;**
- (II) PARTY PLATTERS;**

(III) HEATED FOOD;

(IV) SANDWICHES SUITABLE FOR IMMEDIATE CONSUMPTION; OR

(V) ICE CREAM, FROZEN YOGURT, AND OTHER FROZEN DESSERTS, SOLD IN CONTAINERS OF LESS THAN 1 PINT.

(5) "Premises" includes any building, grounds, parking lot, or other area that:

(i) a food vendor owns or controls; or

(ii) another person makes available primarily for the use of the patrons of 1 or more food vendors.

(6) "Substantial grocery or market business" means a business at which at least 10% of all sales of food are sales of grocery or market food items, not including food normally consumed on the premises even though it is packaged to carry out.

DRAFTER'S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 11-206(a) of the Tax – General Article.

Occurred: Ch. 3, Acts of the First Special Session of 1992.

Article – Tax – Property

2-106.

(c) Costs under subsection (b) of this section shall be allocated among the counties and Baltimore City as follows:

(1) costs under [subsections (b)(1) and (b)(3)] **SUBSECTION (B)(1)(I) AND (III)** of this section will be allocated based on the number of real property accounts of a county or Baltimore City as a percentage of the total number of real property accounts statewide as of July 1 of the preceding fiscal year; and

(2) costs under subsection [(b)(2)] **(B)(1)(II)** of this section will be allocated based on the business personal property assessable base of a county or Baltimore City as a percentage of the total business personal property assessable bases statewide as of July 1 of the preceding fiscal year.

DRAFTER'S NOTE:

Error: Erroneous internal references in § 2–106(c) of the Tax – Property Article.

Occurred: Ch. 397, Acts of 2011. Correction suggested by the Attorney General in the Bill Review Letter for H.B. 72 of 2011 (footnote 2), dated May 17, 2011. Correction by the publisher of the Annotated Code in the 2011 Supplement of the Tax – Property Article is ratified by this Act.

12–108.

(y) (1) (ii) “Foreign general partnership”, “foreign limited partnership”, “foreign limited liability partnership”, “foreign limited liability limited partnership”, and “foreign joint venture” mean, respectively, a partnership, limited partnership, **LIMITED LIABILITY PARTNERSHIP**, limited liability limited partnership, or joint venture organized or formed under the laws of the United States, another state of the United States, or a territory, possession, or district of the United States.

DRAFTER'S NOTE:

Error: Omitted language in § 12–108(y)(1)(ii) of the Tax – Property Article.

Occurred: Ch. 692, Acts of 2000.

(aa) An instrument of writing pursuant to which the Maryland Stadium Authority transfers title to, or creates a leasehold interest in, real property **IS NOT SUBJECT TO RECORDATION TAX** if the transferee or lessee is an Authority affiliate as defined in § 10–601 of the Economic Development Article.

DRAFTER'S NOTE:

Error: Omitted language in § 12–108(aa) of the Tax – Property Article.

Occurred: Ch. 185, Acts of 2000.

Article – Transportation

4–312.

(a) (1) Notwithstanding the provisions of § 20 of Section 3 and § 16 of Section 4 of Chapter 608 of the Acts of the General Assembly of 1976, tolls may [be continued] **CONTINUE** to be charged on the John F. Kennedy Expressway and any project constructed under the provisions of § 3 (bridge, tunnel, and motorway revenue bonds) of Chapter 608 of the Acts of the General Assembly of 1976.

DRAFTER'S NOTE:

Error: Stylistic error in § 4–312(a)(1) of the Transportation Article.

Occurred: Ch. 941, Acts of 1978. The name of the “John F. Kennedy Expressway” as shown in the provision being amended above has been changed since that provision was first enacted and now appears in § 4–312(a) of the Transportation Article as the “John F. Kennedy Memorial Highway”. Correction by the publisher of the Annotated Code in the 2011 Supplement of the Transportation Article is ratified by this Act.

11–117.

(a) “Educational purposes” includes those activities of schools certified by the Department of Education, activities of centers for individuals with an intellectual disability and physically handicapped individuals, church schools, Sunday schools and church related functions, [day] CHILD care centers, day camps, or summer camps, or any other activity that provides some educational experience for its participants.

DRAFTER’S NOTE:

Error: Obsolete terminology in § 11–117(a) of the Transportation Article.

Occurred: As a result of Ch. 564, Acts of 2011. Correction was suggested by the State Department of Education, Early Childhood Development Division, which is responsible for early child care and education in the State. The correction is consistent with the intent of similar conforming changes required to be made by the publisher of the Annotated Code under Ch. 564, § 3, Acts of 2011.

15–101.

(g) (2) “Vehicle salesman” does not include:

(ii) An individual acting as a representative of a person described in subsection [(b)(3)] **(C)(3)** of this section;

DRAFTER’S NOTE:

Error: Erroneous internal reference in § 15–101(g)(2)(ii) of the Transportation Article.

Occurred: As a result of Ch. 25, § 13, Acts of 2005.

16–111.2.

(e) A licensee shall pay a fee established by the Administration if[

(1) The] **THE** license is issued or renewed under § 16–104.1 of this subtitle[; and

(2) The licensee presents proof to the Administration that immediately before the conversion of the license under § 16–104 of this subtitle, the licensee was qualified to operate vehicles of the same class].

DRAFTER’S NOTE:

Error: Obsolete language in § 16–111.2(e) of the Transportation Article.

Occurred: As a result of Ch. 65, Acts of 2011, which repealed § 16–104 of the Transportation Article. Former § 16–104 of the Transportation Article applied to licenses “issued on or before December 31, 1989”, and the Motor Vehicle Administration advised that there were no licenses still in circulation that the provision would have affected.

16–115.

(e) If a licensee is absent from this State for cause, other than as provided in subsection (d) of this section, and is unable to renew [his] **THE LICENSEE’S** license in the manner required by this section, the licensee may renew by mail to the Administration. The renewal application shall be accompanied by the prescribed fee and a statement giving the reason for and the expected length of the absence. On receipt of the application, the Administration may issue a regular license which bears a photo or a notation that it is valid without a photo until 15 days after the licensee first returns to this State.

DRAFTER’S NOTE:

Error: Stylistic error in § 16–115(e) of the Transportation Article.

Occurred: Ch. 14, Acts of 1977.

16–122.

(a) (2) The Administration may not issue or renew an identification card, moped operator’s permit, or license to drive under paragraph [(a)(1)(ii)] **(1)(II)** of this subsection on or after July 1, 2015.

(3) An identification card, moped operator’s permit, or license to drive issued or renewed under paragraph [(a)(1)(ii)] **(1)(II)** of this subsection on or after July 1, 2010, shall expire on July 1, 2015.

DRAFTER’S NOTE:

Error: Stylistic error in § 16–122(a)(2) and (3) of the Transportation Article.

Occurred: Ch. 60, Acts of 2009.

16–205.1.

(b) (3) If the person refuses to take the test or takes a test which results in an alcohol concentration of 0.08 or more at the time of testing, the police officer shall:

(viii) Within 72 hours after the issuance of the order of suspension, send any confiscated driver's license, copy of the suspension order, and a sworn statement to the Administration, that states:

3. The person was fully advised of the administrative sanctions that shall be imposed, including the fact that a person who refuses to take the test or takes a test that indicates an alcohol concentration of 0.15 or more at the time of testing is ineligible for modification of a suspension or issuance of a restrictive license under subsection [(o)] (N) of this section.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 16–205.1(b)(3)(viii)3 of the Transportation Article.

Occurred: Chs. 556 and 557, Acts of 2011. Correction recommended by the Attorney General in the Bill Review Letter for S.B. 803 of 2011 and H.B. 1276 of 2011, dated May 13, 2011.

22–412.1.

Every motor vehicle that is used by nursery schools, camps, day nurseries, or [day] **CHILD** care centers for children with an intellectual disability to transport children shall be equipped with seat belts for each seat and shall be subject to any other regulations adopted by the Administration, unless the motor vehicle:

- (1) Is a Type I school vehicle; or
- (2) Was formerly registered as a Type I school vehicle.

DRAFTER'S NOTE:

Error: Obsolete terminology in § 22–412.1 of the Transportation Article.

Occurred: As a result of Ch. 564, Acts of 2011. Correction was suggested by the State Department of Education, Early Childhood Development Division, which is responsible for early child care and education in the State. The correction is consistent

with the intent of similar conforming changes required to be made by the publisher of the Annotated Code under Ch. 564, § 3, Acts of 2011.

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

Article – Transportation

23–202.

(b) (3) (i) In this paragraph, “qualified hybrid vehicle” [has the meaning stated in § 13–815(a)(6) of this article] **MEANS AN AUTOMOBILE THAT:**

1. MEETS ALL APPLICABLE REGULATORY REQUIREMENTS;

2. MEETS THE CURRENT VEHICLE EXHAUST STANDARD SET UNDER THE FEDERAL TIER 2 PROGRAM FOR GASOLINE–POWERED PASSENGER CARS UNDER 40 C.F.R. PART 80 ET SEQ.; AND

3. CAN DRAW PROPULSION ENERGY FROM BOTH OF THE FOLLOWING SOURCES OF STORED ENERGY:

A. GASOLINE OR DIESEL FUEL; AND

B. A RECHARGEABLE ENERGY STORAGE SYSTEM.

DRAFTER’S NOTE:

Error: Obsolete cross–reference in § 23–202(b)(3)(i) of the Transportation Article.

Occurred: As a result of Ch. 490, Acts of 2010, which repealed former § 13–815 of the Transportation Article containing the definition of “qualified hybrid vehicle” for purposes of a tax credit for such vehicles. In repealing the definition of “qualified hybrid vehicle” for purposes of the tax credit under former § 13–815, Ch. 490, Acts of 2010 also inadvertently repealed the definition for purposes of a largely unrelated section of law dealing with emissions requirements. This correction restores the original definition of “qualified hybrid vehicle” in place of the obsolete cross–reference in § 23–202 of the Transportation Article.

SECTION 3. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, subject to the approval of the Department of Legislative Services, shall make any changes in the text of the Annotated Code necessary to effectuate any termination provision that was enacted by the General Assembly and has taken effect or will take effect prior to October 1, 2012. Any enactment of the 2012

Session of the General Assembly that negates or extends the effect of a previously enacted termination provision shall prevail over the provisions of this section.

SECTION 4. AND BE IT FURTHER ENACTED, That the Drafter's Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the provisions of this Act are intended solely to correct technical errors in the law and there is no intent to revive or otherwise affect law that is the subject of other acts, whether those acts were signed by the Governor prior to or after the signing of this Act.

SECTION 6. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall make nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect or obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor's note following the section affected.

SECTION 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of Section 4 of Chapters 111 and 112 of the Acts of the General Assembly of 2007.

SECTION 8. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and, except as provided in Section 7 of this Act, shall take effect from the date it is enacted.

Approved by the Governor, April 10, 2012.

Chapter 67

(Senate Bill 380)

AN ACT concerning

Annual Curative Bill

FOR the purpose of generally curing previous Acts of the General Assembly with possible title defects; providing that if the Commissioner of Financial Regulation receives a record from an agency that retains ownership of the record, the Commissioner may not disclose the record to any person that requests the record under the Maryland Public Information Act; limiting the

circumstances under which the State Board of Podiatric Medical Examiners is required to conduct certain unannounced inspections of certain offices of podiatrists to instances where a complaint has been filed with the Board regarding a violation by a podiatrist of the Centers for Disease Control and Prevention's guidelines on universal precautions; repealing a provision of law that prohibits the Department of Natural Resources from adopting regulations to prohibit a tidal fish licensee from obstructing the cull ring of a hard crab pot at any time of the year in order to catch peeler crabs; establishing a maximum term of imprisonment applicable to a violation of the prohibition against a person who was previously convicted of a certain crime of violence or drug-related crime possessing a certain regulated firearm; providing for the effect and construction of certain provisions of this Act; making this Act an emergency measure; and generally repealing and reenacting without amendments certain Acts of the General Assembly that may be subject to possible title defects in order to validate those Acts.

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 6–222(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Environment
Section 4–203(b)(9)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 5–909
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 16–205(b)(4)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–803(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Safety
Section 5–133(c)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 24–301(a) and the subtitle designation “Subtitle 3. Mobile Seafood and
Produce Vendors” to immediately precede Section 24–301
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by
Chapter 219 of the Acts of the General Assembly of 2008 and Chapter 396
of the Acts of the General Assembly of 2011
Section 1(3) Item ZA00(B)

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

Article – Agriculture

6–222.

(b) (1) On or before April 1, 2011, a manufacturer of lawn fertilizer whose products are sold in the State shall reduce by 50% from 2006 levels the amount of available phosphate (P_2O_5) resulting from the application of its lawn care products within the State.

(2) The amount of available phosphate (P_2O_5) resulting from the application within the State of lawn care products sold or distributed by a manufacturer may not exceed an average of 1.5% available phosphate (P_2O_5) if, prior to April 1, 2010, the manufacturer did not sell or distribute fertilizer in the State intended for use on established lawns or grass.

(3) Beginning in 2011, a manufacturer of fertilizer whose products are sold in the State shall report the pounds of phosphorus in its lawn care products sold at retail locations in the State to the Department at the end of each calendar year.

DRAFTER’S NOTE:

Error: Function paragraphs of bills being cured incorrectly indicated that § 6–222(b), rather than § 6–222(b)(1) and (2), of the Agriculture Article was being amended.

Occurred: Chapters 484 and 485 (Senate Bill 487/House Bill 573) of the Acts of 2011.

Article – Environment

4–203.

(b) The Department shall adopt rules and regulations which establish criteria and procedures for stormwater management in Maryland. The rules and regulations shall:

(9) (i) Establish a comprehensive process for approving grading and sediment control plans and stormwater management plans; and

(ii) Specify that the comprehensive process established under item (i) of this item takes into account the cumulative impacts of both plans.

DRAFTER'S NOTE:

Error: Function paragraph of bill being cured failed to indicate that § 4–203(b)(9) of the Environment Article was being amended.

Occurred: Chapter 65 (Senate Bill 455) of the Acts of 2011.

Article – Financial Institutions

5–909.

(a) In order to carry out the purposes of this article, the Commissioner may:

(1) Adopt regulations; and

(2) Subject to subsection (b) of this section, enter into cooperative or information-sharing agreements with any other bank supervisory agency.

(b) If the Commissioner receives a record from a bank supervisory agency under a cooperative or an information-sharing agreement authorized by subsection (a)(2) of this section and the bank supervisory agency expressly retains ownership of the record, either in writing or by law or regulation, the Commissioner:

(1) May not disclose the record to any person that requests the record under §§ 10–611 through 10–628 of the State Government Article; and

(2) Shall forward the request for the record to the bank supervisory agency that owns the record for processing in accordance with the laws or regulations governing disclosure of the bank supervisory agency's records.

DRAFTER'S NOTE:

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

Occurred: Chapter 109 (House Bill 198) of the Acts of 2011.

Article – Health Occupations

16–205.

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

(4) Except for an office of a podiatrist in a hospital, related institution, freestanding medical facility, or freestanding birthing center, conduct an unannounced inspection of the office of a podiatrist against whom a complaint has been filed with the Board regarding a violation of the Centers for Disease Control and Prevention's guidelines on universal precautions to determine compliance at that office with the guidelines.

DRAFTER'S NOTE:

Error: Purpose paragraphs of bills being cured failed to accurately describe the changes made by the bills.

Occurred: Chapters 180 and 181 (Senate Bill 117/House Bill 36) of the Acts of 2011.

Article – Natural Resources

4–803.

(b) The Department may not adopt regulations to:

(1) Restrict a tidal fish licensee who catches crabs using trotline gear to a workday of less than 8 hours per day, excluding time spent setting or taking up gear; or

(2) Establish time restrictions on a tidal fish licensee using trotline gear for setting and taking up gear.

DRAFTER'S NOTE:

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

Occurred: Chapter 577 (House Bill 111) of the Acts of 2011.

Article – Public Safety

5–133.

(c) (1) A person may not possess a regulated firearm if the person was previously convicted of:

(i) a crime of violence; or

(ii) a violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–612, § 5–613, or § 5–614 of the Criminal Law Article.

(2) (i) Subject to paragraph (3) of this subsection, a person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment for not less than 5 years and not exceeding 15 years.

(ii) The court may not suspend any part of the mandatory minimum sentence of 5 years.

(iii) Except as otherwise provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

(3) At the time of the commission of the offense, if a period of more than 5 years has elapsed since the person completed serving the sentence for the most recent conviction under paragraph (1)(i) or (ii) of this subsection, including all imprisonment, mandatory supervision, probation, and parole:

(i) the imposition of the mandatory minimum sentence is within the discretion of the court; and

(ii) the mandatory minimum sentence may not be imposed unless the State's Attorney notifies the person in writing at least 30 days before trial of the State's intention to seek the mandatory minimum sentence.

(4) Each violation of this subsection is a separate crime.

DRAFTER'S NOTE:

Error: Purpose paragraphs of bills being cured failed to accurately describe the changes made by the bills.

Occurred: Chapters 164 and 165 (Senate Bill 174/House Bill 241) of the Acts of 2011.

Article – Transportation

Subtitle 3. Mobile Seafood and Produce Vendors.

24-301.

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

DRAFTER'S NOTE:

Error: Function paragraph of bill being cured failed to accurately describe the subtitle designation immediately preceding § 24-301 of the Transportation Article.

Occurred: Chapter 65 (Senate Bill 455) of the Acts of 2011.

Chapter 488 of the Acts of 2007, as amended by Chapter 219 of the Acts of 2008 and Chapter 396 of the Acts of 2011

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

(3) ZA00 MISCELLANEOUS GRANT PROGRAMS

- (B) Comprehensive Housing Assistance, Inc. Provide a grant to THE ASSOCIATED: Jewish Community Federation of Baltimore for the acquisition, design, construction, renovation, and capital equipping of a community development building and other buildings in the 5700 and 5800 block of the Park Heights Avenue neighborhood near their existing campus, subject to the requirement that the grantee provide and expend a matching fund of \$1,500,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City) 2,500,000

DRAFTER'S NOTE:

Error: Function paragraph of bill being cured incorrectly indicated that Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 219 of the Acts of the General Assembly of 2008 Section 1(3) Item ZA01(AM) and ZA02(AW), rather than Item ZA00(B), was being amended.

Occurred: Chapter 396 (House Bill 71) of the Acts of 2011.

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

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

Approved by the Governor, April 10, 2012.

Chapter 68

(Senate Bill 396)

AN ACT concerning

Maryland Uniform Transfers to Minors Act – Orphans’ Court

FOR the purpose of altering the definition of the term “court” to include an orphans’ court or a court exercising the jurisdiction of an orphans’ court for the purposes of the Maryland Uniform Transfers to Minors Act; and generally relating to the Maryland Uniform Transfers to Minors Act.

BY repealing and reenacting, without amendments,

Article – Estates and Trusts

Section 13–301(a), 13–306, 13–309, 13–312(a), 13–314(c) and (d), 13–318(d) and (f), 13–319, and 3–324

Annotated Code of Maryland

(2011 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 13–301(e)

Annotated Code of Maryland

(2011 Replacement Volume and 2011 Supplement)

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

Article – Estates and Trusts

13–301.

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

(e) “Court” means [the circuit courts] **A CIRCUIT COURT, AN ORPHANS’ COURT, OR A COURT EXERCISING THE JURISDICTION OF AN ORPHANS’ COURT.**

13-306.

(a) Subject to subsection (c) of this section, a personal representative or trustee may make an irrevocable transfer to another adult or trust company as custodian for the benefit of a minor pursuant to § 13-309 of this subtitle, in the absence of a will or under a will or trust that does not contain an authorization to do so.

(b) Subject to subsection (c) of this section, a conservator may make an irrevocable transfer to another adult or trust company as custodian for the benefit of the minor pursuant to § 13-309 of this subtitle.

(c) A transfer under subsection (a) or (b) of this section may be made only if:

(1) The personal representative, trustee, or conservator considers the transfer to be in the best interest of the minor;

(2) The transfer is not prohibited by or inconsistent with provisions of the applicable will, trust agreement, or other governing instrument; and

(3) The transfer is authorized by the court if it exceeds \$10,000 in value.

13-309.

(a) Custodial property is created and a transfer is made whenever:

(1) An uncertificated security or a certificated security in registered form is either:

(i) Registered in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "As custodian for _____ (name of minor) under the Maryland Uniform Transfers to Minors Act"; or

(ii) Delivered if in certificated form, or any document necessary for the transfer of an uncertificated security is delivered, together with any necessary endorsement to an adult other than the transferor or to a trust company as custodian, accompanied by an instrument in substantially the form set forth in subsection (b) of this section;

(2) Money is paid or delivered to a broker or financial institution for credit to an account in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "As custodian for _____ (name of minor) under the Maryland Uniform Transfers to Minors Act";

(3) The ownership of a life or endowment insurance policy or annuity contract is either:

(i) Registered with the issuer in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: “As custodian for _____ (name of minor) under the Maryland Uniform Transfers to Minors Act”; or

(ii) Assigned in a writing delivered to an adult other than the transferor or to a trust company whose name in the assignment is followed in substance by the words: “As custodian for _____ (name of minor) under the Maryland Uniform Transfers to Minors Act”;

(4) An irrevocable exercise of a power of appointment or an irrevocable present right to future payment under a contract is the subject of a written notification delivered to the payor, issuer, or other obligor that the right is transferred to the transferor, an adult other than the transferor, or a trust company, whose name in the notification is followed in substance by the words: “As custodian for _____ (name of minor) under the Maryland Uniform Transfers to Minors Act”;

(5) An interest in real property is recorded in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: “As custodian for _____ (name of minor) under the Maryland Uniform Transfers to Minors Act”;

(6) A certificate of title issued by a department or agency of a state or of the United States which evidences title to tangible personal property is either:

(i) Issued in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: “As custodian for _____ (name of minor) under the Maryland Uniform Transfers to Minors Act”; or

(ii) Delivered to an adult other than the transferor or to a trust company, endorsed to that person, followed in substance by the words: “As custodian for _____ (name of minor) under the Maryland Uniform Transfers to Minors Act”; or

(7) An interest in any property not described in paragraphs (1) through (6) of this subsection is transferred to an adult other than the transferor or to a trust company by a written instrument in substantially the form set forth in subsection (b) of this section.

(b) An instrument in the following form satisfies the requirements of subsection (a)(1)(ii) and (7) of this section:

“Transfer Under the Maryland Uniform

Transfers to Minors Act

I, _____ (name of transferor or name and representative capacity if a fiduciary) hereby transfer to _____ (name of custodian), as custodian for _____ (name of minor) under the Maryland Uniform Transfers to Minors Act, the following: (insert a description of the custodial property sufficient to identify it).

Dated: _____

(signature)

_____ (name of custodian) acknowledges receipt of the property described above as custodian for the minor named above under the Maryland Uniform Transfers to Minors Act.

Dated: _____

(signature of custodian)

(c) A transferor shall place the custodian in control of the custodial property as soon as practicable.

13-312.

(a) A custodian shall:

- (1) Take control of custodial property;
- (2) Register or record title to custodial property if appropriate; and
- (3) Collect, hold, manage, invest, and reinvest custodial property.

13-314.

(c) On petition of an interested person or the minor if the minor has attained the age of 14 years, the court may order the custodian to deliver or pay to the minor or expend for the minor's benefit so much of the custodial property as the court considers advisable for the use and benefit of the minor.

(d) A delivery, payment, or expenditure under this section is in addition to, not in substitution for, and does not affect any obligation of a person to support the minor.

13-318.

(d) (1) If a custodian is ineligible, dies, or becomes incapacitated without having effectively designated a successor and the minor has attained the age of 14 years, the minor may designate as successor custodian, in the manner prescribed in subsection (b) of this section, an adult member of the minor's family, a conservator of the minor, or a trust company.

(2) If the minor has not attained the age of 14 years or fails to act within 60 days after the ineligibility, death, or incapacity, the conservator of the minor becomes successor custodian.

(3) If the minor has no conservator or the conservator declines to act, the transferor, the legal representative of the transferor or of the custodian, an adult member of the minor's family, or any other interested person may petition the court to designate a successor custodian.

(f) A transferor, the legal representative of a transferor, an adult member of the minor's family, a guardian of the person of the minor, the conservator of the minor, or the minor if the minor has attained the age of 14 years may petition the court to remove the custodian for cause and to designate a successor custodian other than a transferor under § 13–304 of this subtitle or to require the custodian to give appropriate bond.

13–319.

(a) A minor who has attained the age of 14 years, the minor's guardian of the person or legal representative, an adult member of the minor's family, a transferor, or a transferor's legal representative may petition the court for:

(1) An accounting by the custodian or the custodian's legal representative; or

(2) A determination of responsibility, as between the custodial property and the custodian personally, for claims against the custodial property unless the responsibility has been adjudicated in an action under § 13–317 of this subtitle to which the minor or the minor's legal representative was a party.

(b) A successor custodian may petition the court for an accounting by the predecessor custodian.

(c) The court, in a proceeding under this subtitle or in any other proceeding, may require or permit the custodian or the custodian's legal representative to account.

(d) If a custodian is removed under § 13–318(f) of this subtitle, the court shall require an accounting and order delivery of the custodial property and records to the successor custodian and the execution of all instruments required for transfer of the custodial property.

13-324.

This subtitle may be cited as the “Maryland Uniform Transfers to Minors Act”.

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

Approved by the Governor, April 10, 2012.

Chapter 69

(House Bill 822)

AN ACT concerning

Maryland Uniform Transfers to Minors Act – Orphans’ Court

FOR the purpose of altering the definition of the term “court” to include an orphans’ court or a court exercising the jurisdiction of an orphans’ court for the purposes of the Maryland Uniform Transfers to Minors Act; and generally relating to the Maryland Uniform Transfers to Minors Act.

BY repealing and reenacting, without amendments,

Article – Estates and Trusts

Section 13-301(a), 13-306, 13-309, 13-312(a), 13-314(c) and (d), 13-318(d) and (f), 13-319, and 3-324

Annotated Code of Maryland

(2011 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 13-301(e)

Annotated Code of Maryland

(2011 Replacement Volume and 2011 Supplement)

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

Article – Estates and Trusts

13-301.

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

(e) “Court” means [the circuit courts] **A CIRCUIT COURT, AN ORPHANS’ COURT, OR A COURT EXERCISING THE JURISDICTION OF AN ORPHANS’ COURT.**

13–306.

(a) Subject to subsection (c) of this section, a personal representative or trustee may make an irrevocable transfer to another adult or trust company as custodian for the benefit of a minor pursuant to § 13–309 of this subtitle, in the absence of a will or under a will or trust that does not contain an authorization to do so.

(b) Subject to subsection (c) of this section, a conservator may make an irrevocable transfer to another adult or trust company as custodian for the benefit of the minor pursuant to § 13–309 of this subtitle.

(c) A transfer under subsection (a) or (b) of this section may be made only if:

(1) The personal representative, trustee, or conservator considers the transfer to be in the best interest of the minor;

(2) The transfer is not prohibited by or inconsistent with provisions of the applicable will, trust agreement, or other governing instrument; and

(3) The transfer is authorized by the court if it exceeds \$10,000 in value.

13–309.

(a) Custodial property is created and a transfer is made whenever:

(1) An uncertificated security or a certificated security in registered form is either:

(i) Registered in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: “As custodian for _____ (name of minor) under the Maryland Uniform Transfers to Minors Act”; or

(ii) Delivered if in certificated form, or any document necessary for the transfer of an uncertificated security is delivered, together with any necessary endorsement to an adult other than the transferor or to a trust company as custodian, accompanied by an instrument in substantially the form set forth in subsection (b) of this section;

(2) Money is paid or delivered to a broker or financial institution for credit to an account in the name of the transferor, an adult other than the transferor,

or a trust company, followed in substance by the words: "As custodian for _____ (name of minor) under the Maryland Uniform Transfers to Minors Act";

(3) The ownership of a life or endowment insurance policy or annuity contract is either:

(i) Registered with the issuer in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "As custodian for _____ (name of minor) under the Maryland Uniform Transfers to Minors Act"; or

(ii) Assigned in a writing delivered to an adult other than the transferor or to a trust company whose name in the assignment is followed in substance by the words: "As custodian for _____ (name of minor) under the Maryland Uniform Transfers to Minors Act";

(4) An irrevocable exercise of a power of appointment or an irrevocable present right to future payment under a contract is the subject of a written notification delivered to the payor, issuer, or other obligor that the right is transferred to the transferor, an adult other than the transferor, or a trust company, whose name in the notification is followed in substance by the words: "As custodian for _____ (name of minor) under the Maryland Uniform Transfers to Minors Act";

(5) An interest in real property is recorded in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "As custodian for _____ (name of minor) under the Maryland Uniform Transfers to Minors Act";

(6) A certificate of title issued by a department or agency of a state or of the United States which evidences title to tangible personal property is either:

(i) Issued in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "As custodian for _____ (name of minor) under the Maryland Uniform Transfers to Minors Act"; or

(ii) Delivered to an adult other than the transferor or to a trust company, endorsed to that person, followed in substance by the words: "As custodian for _____ (name of minor) under the Maryland Uniform Transfers to Minors Act"; or

(7) An interest in any property not described in paragraphs (1) through (6) of this subsection is transferred to an adult other than the transferor or to a trust company by a written instrument in substantially the form set forth in subsection (b) of this section.

(b) An instrument in the following form satisfies the requirements of subsection (a)(1)(ii) and (7) of this section:

“Transfer Under the Maryland Uniform
Transfers to Minors Act

I, _____ (name of transferor or name and representative capacity if a fiduciary) hereby transfer to _____ (name of custodian), as custodian for _____ (name of minor) under the Maryland Uniform Transfers to Minors Act, the following: (insert a description of the custodial property sufficient to identify it).

Dated: _____

(signature)

_____ (name of custodian) acknowledges receipt of the property described above as custodian for the minor named above under the Maryland Uniform Transfers to Minors Act.

Dated: _____

(signature of custodian)

(c) A transferor shall place the custodian in control of the custodial property as soon as practicable.

13–312.

(a) A custodian shall:

- (1) Take control of custodial property;
- (2) Register or record title to custodial property if appropriate; and
- (3) Collect, hold, manage, invest, and reinvest custodial property.

13–314.

(c) On petition of an interested person or the minor if the minor has attained the age of 14 years, the court may order the custodian to deliver or pay to the minor or expend for the minor’s benefit so much of the custodial property as the court considers advisable for the use and benefit of the minor.

(d) A delivery, payment, or expenditure under this section is in addition to, not in substitution for, and does not affect any obligation of a person to support the minor.

13-318.

(d) (1) If a custodian is ineligible, dies, or becomes incapacitated without having effectively designated a successor and the minor has attained the age of 14 years, the minor may designate as successor custodian, in the manner prescribed in subsection (b) of this section, an adult member of the minor's family, a conservator of the minor, or a trust company.

(2) If the minor has not attained the age of 14 years or fails to act within 60 days after the ineligibility, death, or incapacity, the conservator of the minor becomes successor custodian.

(3) If the minor has no conservator or the conservator declines to act, the transferor, the legal representative of the transferor or of the custodian, an adult member of the minor's family, or any other interested person may petition the court to designate a successor custodian.

(f) A transferor, the legal representative of a transferor, an adult member of the minor's family, a guardian of the person of the minor, the conservator of the minor, or the minor if the minor has attained the age of 14 years may petition the court to remove the custodian for cause and to designate a successor custodian other than a transferor under § 13-304 of this subtitle or to require the custodian to give appropriate bond.

13-319.

(a) A minor who has attained the age of 14 years, the minor's guardian of the person or legal representative, an adult member of the minor's family, a transferor, or a transferor's legal representative may petition the court for:

(1) An accounting by the custodian or the custodian's legal representative; or

(2) A determination of responsibility, as between the custodial property and the custodian personally, for claims against the custodial property unless the responsibility has been adjudicated in an action under § 13-317 of this subtitle to which the minor or the minor's legal representative was a party.

(b) A successor custodian may petition the court for an accounting by the predecessor custodian.

(c) The court, in a proceeding under this subtitle or in any other proceeding, may require or permit the custodian or the custodian's legal representative to account.

(d) If a custodian is removed under § 13-318(f) of this subtitle, the court shall require an accounting and order delivery of the custodial property and records to

the successor custodian and the execution of all instruments required for transfer of the custodial property.

13–324.

This subtitle may be cited as the “Maryland Uniform Transfers to Minors Act”.

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

Approved by the Governor, April 10, 2012.

Chapter 70

(Senate Bill 409)

AN ACT concerning

Baltimore City – Police Department – Appointments

FOR the purpose of altering the rank above which the Police Commissioner of Baltimore City may make an appointment without an examination under certain circumstances; and generally relating to appointments in the Police Department of Baltimore City.

BY repealing and reenacting, with amendments,

The Public Local Laws of Baltimore City

Section 16–7(3) and 16–10(d)

Article 4 – Public Local Laws of Maryland

(1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

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

Article 4 – Baltimore City

16–7.

In directing and supervising the operations and affairs of the Department, the Commissioner shall, subject to the provisions of this subtitle, and subject to the provisions of Article VI and Sections 4–14 both inclusive, of Article VII of the Charter of Baltimore City (1964 Revision) as amended from time to time, be vested with all the powers, rights and privileges attending the responsibility of management, and may exercise the same, where appropriate, by rule, regulation, order or other departmental directive which shall be binding on all members of the Department when duly

promulgated. In the event of a conflict between the provisions of Article VI and Sections 4–14, both inclusive, of Article VII of the Charter, and the provisions of this subtitle, the provisions of Article VI and Sections 4–14 of Article VII shall control. The authority herein vested in the Police Commissioner shall specifically include, but not be limited to, the following:

(3) To appoint without examination and to serve at his pleasure during satisfactory performance, Deputy Commissioners and other ranks and positions above the rank of [Captain] **LIEUTENANT** which the Commissioner has determined require the experience of a [police officer] **LIEUTENANT** as a prerequisite in order to insure the effective and efficient staffing and operation of the major functional subdivisions of the Department.

16–10.

(d) Notwithstanding any provisions of this section, or of this subtitle, the Commissioner may make any appointment to the Department above the rank of [Captain] **LIEUTENANT**, without examination, except that no such position shall be filled by a police officer within the Department of a rank less than Lieutenant, and where any such appointment is made the police officer so appointed shall, upon the termination of his service in such position, be returned to the rank from which he was elevated, or to such higher rank as he became eligible to serve in during his appointment.

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

Approved by the Governor, April 10, 2012.

Chapter 71

(Senate Bill 448)

AN ACT concerning

Talbot County – Alcoholic Beverages – Wineries

FOR the purpose of repealing certain provisions of law that limit the wine sampling privileges of licensed wineries in Talbot County; clarifying that the statewide wine sampling privileges of licensed wineries apply in Talbot County; and generally relating to alcoholic beverages in Talbot County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 2–204(1) and (2)(v) and 2–205(b)(1), (5)(ii), and (7)(i)

Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing

Article 2B – Alcoholic Beverages

Section 8–410

Annotated Code of Maryland
(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

2–204.

A Class 3 manufacturer’s license:

(1) Is a winery license; and

(2) Authorizes the holder to:

(v) Serve at no charge not more than 6 ounces of wines made at the licensed facility to a person who is participating in a guided tour of the facility, provided the person has attained the Maryland legal drinking age.

2–205.

(b) (1) There is a Class 4 limited winery license.

(5) A licensee may:

(ii) In an amount not exceeding 2 fluid ounces per brand, provide samples of wine and pomace brandy that the licensee produces to a consumer:

1. At no charge; or

2. For a fee; and

(7) Subject to paragraph (8) of this subsection, a licensee may conduct the activities specified in paragraph (5) of this subsection:

(i) For consumption of wine and pomace brandy off the licensed premises and for sampling, each day from 10 a.m. to 10 p.m.; and

[8–410.

(a) In Talbot County, the holder of a Class 3 or a Class 4 wine license may provide samples of wine to persons visiting the licensed premises.

(b) The wine sampling privilege authorizes the holder to serve a maximum of 2 ounces of wine that is manufactured on the premises to each person for sampling purposes.

(c) The wine sample shall be served and consumed on the premises where the wine is manufactured.

(d) The holder may not charge for the sampling.]

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

Approved by the Governor, April 10, 2012.

Chapter 72

(Senate Bill 449)

AN ACT concerning

Electric Service Quality and Reliability Standards – Deadlines

FOR the purpose of altering the dates by which the Public Service Commission is required to determine whether certain electric companies have met certain service quality and reliability standards under certain circumstances; altering the date by which certain electric companies are required to submit to the Commission a certain annual performance report; and generally relating to electric service quality and reliability standards.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–213(f)(1) and (g)(1)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Article – Public Utilities

7–213.

(f) (1) On or before [July] **SEPTEMBER** 1, 2013, and [July] **SEPTEMBER** 1 of each year thereafter, the Commission shall determine whether each electric company has met the service quality and reliability standards adopted by the Commission for that electric company under subsection (d) of this section.

(g) (1) On or before [February] **APRIL** 1 of each year, each electric company shall submit to the Commission an annual performance report that summarizes the actual electric service reliability results for the preceding year.

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

Approved by the Governor, April 10, 2012.

Chapter 73

(House Bill 280)

AN ACT concerning

Electric Service Quality and Reliability Standards – Deadlines

FOR the purpose of altering the dates by which the Public Service Commission is required to determine whether certain electric companies have met certain service quality and reliability standards under certain circumstances; altering the date by which certain electric companies are required to submit to the Commission a certain annual performance report; and generally relating to electric service quality and reliability standards.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–213(f)(1) and (g)(1)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Article – Public Utilities

7–213.

(f) (1) On or before [July] **SEPTEMBER** 1, 2013, and [July] **SEPTEMBER** 1 of each year thereafter, the Commission shall determine whether each electric

company has met the service quality and reliability standards adopted by the Commission for that electric company under subsection (d) of this section.

(g) (1) On or before [February] **APRIL** 1 of each year, each electric company shall submit to the Commission an annual performance report that summarizes the actual electric service reliability results for the preceding year.

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

Approved by the Governor, April 10, 2012.

Chapter 74

(Senate Bill 484)

AN ACT concerning

Managed Care Organizations – Medical Loss Ratio Information – Publication

FOR the purpose of requiring the Secretary of Health and Mental Hygiene to publish in a certain manner certain medical loss ratio information provided by certain managed care organizations and certain financial information on the Web site of the Department of Health and Mental Hygiene; and generally relating to managed care organizations and the publication of medical loss ratio information.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–605(c)

Annotated Code of Maryland

(2011 Replacement Volume)

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

Article – Insurance

15–605.

(c) (1) (i) Individual health insurance coverage and health insurance coverage offered in the small group and large group markets, as those terms are defined in the federal Public Health Service Act, issued or delivered in the State by an authorized insurer, nonprofit health service plan, or health maintenance organization

shall comply with the loss ratio requirements of sections 1001(5) and 10101(f) of the Affordable Care Act, which amend section 2718 of the Public Health Service Act.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to coverage for excepted benefits, as defined in 45 C.F.R. § 146.145(c).

(iii) The Commissioner may require an insurer, a nonprofit health service plan, or a health maintenance organization to file new rates if the loss ratio reported in the manner required under 45 C.F.R. § 158 is less than that required under subparagraph (i) of this paragraph.

(2) The authority of the Commissioner under paragraph (1) of this subsection to require an insurer, nonprofit health service plan, or health maintenance organization to file new rates based on loss ratio:

(i) is in addition to any other authority of the Commissioner under this article to require that rates not be excessive, inadequate, or unfairly discriminatory; and

(ii) does not limit any existing authority of the Commissioner to determine whether a rate is excessive.

(3) (i) In determining whether to require an insurer to file new rates under this subsection, the Commissioner may consider the amount of health insurance premiums earned in the State on individual policies in proportion to the total health insurance premiums earned in the State for the insurer.

(ii) The insurer shall provide to the Commissioner the information necessary to determine the proportion of individual health insurance premiums to total health insurance premiums as provided under this paragraph.

(4) The Secretary of Health and Mental Hygiene, in consultation with the Commissioner and in accordance with their memorandum of understanding, may adjust capitation payments for a managed care organization or for the Maryland Medical Assistance Program of a managed care organization that is a certified health maintenance organization if the loss ratio is less than 85%.

(5) A loss ratio reported under paragraph (4) of this subsection shall be calculated separately and may not be part of another loss ratio reported under this section.

(6) Any rebate received by a managed care organization may not be considered part of the loss ratio of the managed care organization.

(7) If the Secretary of Health and Mental Hygiene adjusts capitation payments for a managed care organization or a certified health maintenance

organization under paragraph (4) of this subsection, the managed care organization or certified health maintenance organization may:

(i) appeal the decision of the Secretary to the Board of Review established under Title 2, Subtitle 2 of the Health – General Article; and

(ii) take any further appeal allowed by the Administrative Procedure Act under Title 10, Subtitle 2 of the State Government Article.

(8) THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL PUBLISH IN A CONSPICUOUS MANNER ON THE WEB SITE OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE:

(I) THE LOSS RATIO, AS DETERMINED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR EACH MANAGED CARE ORGANIZATION PARTICIPATING IN THE MEDICAL ASSISTANCE PROGRAM, FOR EACH YEAR DURING THE MOST RECENT 3-YEAR PERIOD;

(II) FOR EACH YEAR DURING THE 3-YEAR PERIOD, THE AMOUNT TO BE RETURNED TO THE MEDICAL ASSISTANCE PROGRAM, IF ANY, FROM A MANAGED CARE ORGANIZATION FOR FAILING TO MEET THE LOSS RATIO REQUIREMENT UNDER PARAGRAPH (4) OF THIS SUBSECTION; AND

(III) ANY AMOUNT DUE TO OR RECEIVED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FROM A MANAGED CARE ORGANIZATION FOR EACH YEAR DURING THE 3-YEAR PERIOD.

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

Approved by the Governor, April 10, 2012.

Chapter 75

(House Bill 286)

AN ACT concerning

Managed Care Organizations – Medical Loss Ratio Information – Publication

FOR the purpose of requiring the Secretary of Health and Mental Hygiene to publish in a certain manner certain medical loss ratio information provided by certain managed care organizations and certain financial information on the Web site of

the Department of Health and Mental Hygiene; and generally relating to managed care organizations and the publication of medical loss ratio information.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–605(c)

Annotated Code of Maryland

(2011 Replacement Volume)

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

Article – Insurance

15–605.

(c) (1) (i) Individual health insurance coverage and health insurance coverage offered in the small group and large group markets, as those terms are defined in the federal Public Health Service Act, issued or delivered in the State by an authorized insurer, nonprofit health service plan, or health maintenance organization shall comply with the loss ratio requirements of sections 1001(5) and 10101(f) of the Affordable Care Act, which amend section 2718 of the Public Health Service Act.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to coverage for excepted benefits, as defined in 45 C.F.R. § 146.145(c).

(iii) The Commissioner may require an insurer, a nonprofit health service plan, or a health maintenance organization to file new rates if the loss ratio reported in the manner required under 45 C.F.R. § 158 is less than that required under subparagraph (i) of this paragraph.

(2) The authority of the Commissioner under paragraph (1) of this subsection to require an insurer, nonprofit health service plan, or health maintenance organization to file new rates based on loss ratio:

(i) is in addition to any other authority of the Commissioner under this article to require that rates not be excessive, inadequate, or unfairly discriminatory; and

(ii) does not limit any existing authority of the Commissioner to determine whether a rate is excessive.

(3) (i) In determining whether to require an insurer to file new rates under this subsection, the Commissioner may consider the amount of health insurance premiums earned in the State on individual policies in proportion to the total health insurance premiums earned in the State for the insurer.

(ii) The insurer shall provide to the Commissioner the information necessary to determine the proportion of individual health insurance premiums to total health insurance premiums as provided under this paragraph.

(4) The Secretary of Health and Mental Hygiene, in consultation with the Commissioner and in accordance with their memorandum of understanding, may adjust capitation payments for a managed care organization or for the Maryland Medical Assistance Program of a managed care organization that is a certified health maintenance organization if the loss ratio is less than 85%.

(5) A loss ratio reported under paragraph (4) of this subsection shall be calculated separately and may not be part of another loss ratio reported under this section.

(6) Any rebate received by a managed care organization may not be considered part of the loss ratio of the managed care organization.

(7) If the Secretary of Health and Mental Hygiene adjusts capitation payments for a managed care organization or a certified health maintenance organization under paragraph (4) of this subsection, the managed care organization or certified health maintenance organization may:

(i) appeal the decision of the Secretary to the Board of Review established under Title 2, Subtitle 2 of the Health – General Article; and

(ii) take any further appeal allowed by the Administrative Procedure Act under Title 10, Subtitle 2 of the State Government Article.

(8) THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL PUBLISH IN A CONSPICUOUS MANNER ON THE WEB SITE OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE:

(I) THE LOSS RATIO, AS DETERMINED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR EACH MANAGED CARE ORGANIZATION PARTICIPATING IN THE MEDICAL ASSISTANCE PROGRAM, FOR EACH YEAR DURING THE MOST RECENT 3-YEAR PERIOD;

(II) FOR EACH YEAR DURING THE 3-YEAR PERIOD, THE AMOUNT TO BE RETURNED TO THE MEDICAL ASSISTANCE PROGRAM, IF ANY, FROM A MANAGED CARE ORGANIZATION FOR FAILING TO MEET THE LOSS RATIO REQUIREMENT UNDER PARAGRAPH (4) OF THIS SUBSECTION; AND

(III) ANY AMOUNT DUE TO OR RECEIVED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FROM A MANAGED CARE ORGANIZATION FOR EACH YEAR DURING THE 3-YEAR PERIOD.

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

Approved by the Governor, April 10, 2012.

Chapter 76

(Senate Bill 487)

AN ACT concerning

Vehicle Laws – Salvage – Defective, Lost, or Destroyed Certificates of Title

FOR the purpose of authorizing an application for a salvage certificate submitted by an insurance company to be accompanied by a certain affidavit of ownership and certain evidence of final payment instead of a certificate of title if the certificate of title is defective, lost, or destroyed; and generally relating to required documentation in an application for a salvage certificate.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 13–506(c)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

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

Article – Transportation

13–506.

(c) (1) For each vehicle that is acquired as a result of a claim settlement arising from an accident that occurred in the State, an insurance company or its authorized agent shall apply:

(i) For a salvage certificate on a form provided by the Administration for a vehicle titled in the State; or

(ii) Electronically for a salvage certificate for a vehicle titled in a foreign jurisdiction.

(2) The application under paragraph (1) of this subsection shall be accompanied by:

(i) The certificate of title of the vehicle **OR, IF THE CERTIFICATE OF TITLE IS DEFECTIVE, LOST, OR DESTROYED, AN AFFIDAVIT OF OWNERSHIP ON A FORM AND IN A MANNER PRESCRIBED BY THE ADMINISTRATION AND A COPY OF THE SETTLEMENT CHECK OR OTHER EVIDENCE OF FINAL PAYMENT;**

(ii) A statement by the insurance company that:

1. The cost to repair the vehicle for highway operation is greater than 75% of the fair market value of the vehicle prior to sustaining the damage for which the claim was paid and the vehicle is repairable;

2. The vehicle is not rebuildable, will be used for parts only, and is not to be retitled;

3. The vehicle has been stolen;

4. The vehicle has sustained flood damage; or

5. The vehicle has been acquired by an insurance company as a result of a claim settlement and the cost to repair the vehicle is 75% or less of the fair market value of the vehicle prior to sustaining the damage for which the claim was paid; and

(iii) A fee established by the Administration.

(3) Subject to the provisions of § 13–507(c)(2) of this subtitle, a salvage certificate issued under this paragraph shall contain a conspicuous notation by the Administration that describes which of the statements under paragraph (2)(ii) of this subsection applies to the vehicle.

(4) To determine the cost to repair a vehicle for highway operation for purposes of § 11–152 of this article and paragraph (2)(ii) of this subsection, a person may not use the cost of:

(i) Towing, storage, or vehicle rental; or

(ii) Repairing cosmetic damage.

(5) The calculation under the 75% cost of repair threshold under paragraph (2) of this subsection may not affect the right of an insurer or a vehicle owner to make an economic or safety related decision to not repair the vehicle.

(6) The Administration, in consultation with the Department of State Police and other interested parties, shall adopt regulations to implement this subsection.

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

Approved by the Governor, April 10, 2012.

Chapter 77

(House Bill 435)

AN ACT concerning

Vehicle Laws – Salvage – Defective, Lost, or Destroyed Certificates of Title

FOR the purpose of authorizing an application for a salvage certificate submitted by an insurance company to be accompanied by a certain affidavit of ownership and certain evidence of final payment instead of a certificate of title if the certificate of title is defective, lost, or destroyed; and generally relating to required documentation in an application for a salvage certificate.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–506(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Article – Transportation

13–506.

(c) (1) For each vehicle that is acquired as a result of a claim settlement arising from an accident that occurred in the State, an insurance company or its authorized agent shall apply:

(i) For a salvage certificate on a form provided by the Administration for a vehicle titled in the State; or

(ii) Electronically for a salvage certificate for a vehicle titled in a foreign jurisdiction.

(2) The application under paragraph (1) of this subsection shall be accompanied by:

(i) The certificate of title of the vehicle **OR, IF THE CERTIFICATE OF TITLE IS DEFECTIVE, LOST, OR DESTROYED, AN AFFIDAVIT OF OWNERSHIP ON A FORM AND IN A MANNER PRESCRIBED BY THE ADMINISTRATION AND A COPY OF THE SETTLEMENT CHECK OR OTHER EVIDENCE OF FINAL PAYMENT;**

(ii) A statement by the insurance company that:

1. The cost to repair the vehicle for highway operation is greater than 75% of the fair market value of the vehicle prior to sustaining the damage for which the claim was paid and the vehicle is repairable;

2. The vehicle is not rebuildable, will be used for parts only, and is not to be retitled;

3. The vehicle has been stolen;

4. The vehicle has sustained flood damage; or

5. The vehicle has been acquired by an insurance company as a result of a claim settlement and the cost to repair the vehicle is 75% or less of the fair market value of the vehicle prior to sustaining the damage for which the claim was paid; and

(iii) A fee established by the Administration.

(3) Subject to the provisions of § 13–507(c)(2) of this subtitle, a salvage certificate issued under this paragraph shall contain a conspicuous notation by the Administration that describes which of the statements under paragraph (2)(ii) of this subsection applies to the vehicle.

(4) To determine the cost to repair a vehicle for highway operation for purposes of § 11–152 of this article and paragraph (2)(ii) of this subsection, a person may not use the cost of:

(i) Towing, storage, or vehicle rental; or

(ii) Repairing cosmetic damage.

(5) The calculation under the 75% cost of repair threshold under paragraph (2) of this subsection may not affect the right of an insurer or a vehicle owner to make an economic or safety related decision to not repair the vehicle.

(6) The Administration, in consultation with the Department of State Police and other interested parties, shall adopt regulations to implement this subsection.

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

Approved by the Governor, April 10, 2012.

Chapter 78

(Senate Bill 545)

AN ACT concerning

Money Transmitters – Licensing Requirements and Participation in Nationwide Licensing System

FOR the purpose of authorizing the Commissioner of Financial Regulation to participate in the establishment and implementation of a certain national licensing system for money transmitters; authorizing the Commissioner to adopt certain regulations that waive or modify the requirements of certain provisions of law governing money transmitters under certain circumstances; requiring each licensee or license applicant to obtain a certain unique identifier number on or after a certain date; requiring certain license applicants to apply for an initial license or license renewal through a certain nationwide licensing system on or after a certain date; providing that an applicant for a license shall complete, sign, and submit an application in accordance with the process that the Commissioner requires; providing that the applicant shall provide certain information to the Commissioner and comply with certain conditions and provisions of the application for a license; altering the information and documents that an applicant must provide with a license application; making certain investigation and license fees nonrefundable; altering certain license fees; requiring an applicant for an initial license and for each branch license to pay a certain fee imposed by a certain nationwide licensing system; requiring each person who engages in the business of money transmission to obtain and maintain a license for its principal executive office; altering certain requirements for the provision of fingerprints of applicants and licensees for criminal history records checks; requiring the fingerprints and certain information to be provided to a certain nationwide licensing system; authorizing the Commissioner to use a certain nationwide licensing system as a channeling agent for certain purposes; authorizing the Commissioner to request certain records and documents; providing that certain requirements regarding the privacy or confidentiality of certain information or material provided to a

certain nationwide licensing system continue to apply after disclosure of the information or material to the system; authorizing the Commissioner to enter into certain information sharing agreements; providing that certain provisions of this Act supersede certain provisions of law under certain circumstances; altering the contents of a certain notice; altering the term of an initial license and the license renewal period; requiring a licensee to pay a certain fee in connection with an examination of the licensee; requiring the Commissioner to report certain enforcement actions against a money transmitter or its authorized delegate and certain information to a certain nationwide licensing system; requiring the Commissioner to adopt regulations establishing a certain process; authorizing the Commissioner to submit to a certain nationwide licensing system certain information regarding enforcement actions against certain persons who are not licensees or authorized delegates; making certain conforming changes; defining certain terms; providing for the application of certain provisions of this Act; and generally relating to the regulation of money transmitters.

BY repealing and reenacting, with amendments,

Article – Financial Institutions

Section 2–105.1, 12–401, 12–405, 12–407 through 12–409, 12–410(e), 12–411, 12–415(c), and 12–424

Annotated Code of Maryland

(2011 Replacement Volume and 2011 Supplement)

BY adding to

Article – Financial Institutions

Section 12–408.1 and 12–430.1

Annotated Code of Maryland

(2011 Replacement Volume and 2011 Supplement)

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

Article – Financial Institutions

2–105.1.

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

(2) **“MONEY TRANSMISSION” HAS THE MEANING STATED IN § 12–401 OF THIS ARTICLE.**

[(2)] (3) “Mortgage lender” has the meaning stated in § 11–501 of this article.

[(3)] (4) “Mortgage originator” has the meaning stated in § 11–601 of this article.

(b) The Commissioner may adopt and enforce regulations reasonably necessary to carry out the authority and responsibility of the office of Commissioner.

(c) (1) The Commissioner may participate in the establishment and implementation of a multistate automated licensing system for **[mortgage]**:

(I) MORTGAGE lenders [and mortgage];

(II) MORTGAGE originators; AND

(III) PERSONS WHO ENGAGE IN MONEY TRANSMISSION.

(2) To facilitate implementation of a multistate automated licensing system, the Commissioner may adopt regulations that waive or modify the requirements of:

(I) Title 11, Subtitles 5 and 6 of this article WITH RESPECT TO MORTGAGE LENDERS AND MORTGAGE ORIGINATORS; AND

(II) TITLE 12, SUBTITLE 4 OF THIS ARTICLE WITH RESPECT TO PERSONS WHO ENGAGE IN MONEY TRANSMISSION.

12-401.

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

(b) (1) “Accelerated mortgage payment service” means the service of receiving funds from a mortgagor for the purpose of making mortgage payments to a mortgagee on behalf of the mortgagor in order to exceed the regularly scheduled minimum payment obligation under the terms of the mortgage.

(2) “Accelerated mortgage payment service” does not include the collection by a mortgagee of accelerated payments from the mortgagee’s own mortgagors.

(c) (1) “Authorized delegate” means a person who is authorized by a licensee to engage in the business of money transmission under the name of the licensee at any location other than the place of business specified in the license.

(2) “Authorized delegate” does not include a branch ~~office~~ **LOCATION** of a licensee.

(d) (1) “Bill payer service” means the service of receiving funds from an obligor for the purpose of paying the obligor’s bills, invoices, mortgages, or accounts.

(2) "Bill payer service" does not include the service described in paragraph (1) of this subsection that is provided by a nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

(E) (1) "BRANCH LOCATION" MEANS ANY LOCATION OTHER THAN THE PRINCIPAL EXECUTIVE OFFICE OF A LICENSEE OR LICENSE APPLICANT AT WHICH MONEY TRANSMISSION SERVICES ARE, OR WILL BE ON LICENSURE, CONDUCTED IN THE STATE OR WITH A PERSON IN THE STATE.

(2) "BRANCH LOCATION" DOES NOT INCLUDE AN AUTHORIZED DELEGATE.

[(e)] (F) "Control" means:

(1) If the licensee is a corporation:

(i) The direct or indirect ownership of, or the right to control, 25% or more of the voting shares of the licensee; or

(ii) The ability to elect a majority of the directors or otherwise effect a change in policy of the licensee; and

(2) If the licensee is a person other than a corporation, the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the licensee, whether through ownership, by contract, or otherwise.

(G) (1) "CONTROL PERSON" MEANS A PERSON WHO HAS THE POWER, DIRECTLY OR INDIRECTLY, TO DIRECT THE MANAGEMENT OR POLICIES OF A MONEY TRANSMITTER, WHETHER THROUGH OWNERSHIP OF SECURITIES, BY CONTRACT, OR OTHERWISE.

(2) "CONTROL PERSON" INCLUDES A PERSON WHO:

(I) IS A GENERAL PARTNER, AN OFFICER, OR A DIRECTOR OF A MONEY TRANSMITTER, OR A PERSON WHO OCCUPIES A SIMILAR POSITION OR PERFORMS A SIMILAR FUNCTION;

(II) DIRECTLY OR INDIRECTLY HAS THE RIGHT TO VOTE 10% OR MORE OF A CLASS OF VOTING SECURITIES, OR HAS THE POWER TO SELL OR DIRECT THE SALE OF 10% OR MORE OF A CLASS OF VOTING SECURITIES, OF A MONEY TRANSMITTER; OR

(III) IN THE CASE OF A PARTNERSHIP, A LIMITED PARTNERSHIP, A LIMITED LIABILITY PARTNERSHIP, A LIMITED LIABILITY COMPANY, OR ANY OTHER BUSINESS ENTITY:

1. HAS THE RIGHT TO RECEIVE ON LIQUIDATION OR DISSOLUTION OF A MONEY TRANSMITTER 10% OR MORE OF THE CAPITAL OF A MONEY TRANSMITTER; OR

2. HAS CONTRIBUTED 10% OR MORE OF THE CAPITAL OF A MONEY TRANSMITTER.

[(f)] (H) “Deposit in lieu of a surety bond” means an investment in:

(1) Cash;

(2) Unless found by the Commissioner to be unacceptable, a certificate of deposit or other debt obligation, except a capital note, of a State-chartered or federally chartered financial institution, other-state bank, or foreign bank that:

(i) Is located in this State or maintains a branch in this State;
and

(ii) Is authorized to maintain deposit or share accounts;

(3) Unless found by the Commissioner to be unacceptable:

(i) Obligations of or guaranteed by the United States, its departments, agencies, or instrumentalities, or obligations of any state, territory, or municipality or any political subdivision of any state, territory, or municipality;

(ii) Any investment securities, money market mutual funds, interest-bearing bills or notes, debentures, or stock traded on any national securities exchange or on a national over-the-counter market bearing a rating of one of the three highest grades as defined by a nationally recognized organization that rates such securities; and

(iii) Any demand borrowing agreement or agreements in an amount or aggregate amount which does not exceed 10% of the net worth of the company liable for payment under the agreement or agreements as shown on financial statements certified by a certified public accountant acceptable to the Commissioner, provided that the company is a corporation or a subsidiary of a corporation whose capital stock is listed on a national exchange and is not a licensee or authorized delegate of a licensee under this subtitle; or

(4) Any other investment that the Commissioner approves.

[(g)] (I) “Executive officer” means a president, vice president, senior officer responsible for business operations, chief financial officer, or any other individual who performs similar functions.

[(h)] “Key shareholder” means any person, or group of persons acting in concert, that is the owner of 25% or more of any class of voting stock.]

[(i)] (J) “License” means a license issued by the Commissioner under this subtitle to engage in the business of money transmission.

[(j)] (K) “Material litigation” means litigation that according to generally accepted accounting principles:

(1) Is deemed significant to an applicant’s or licensee’s financial health; and

(2) Would be required to be referenced in the applicant’s or licensee’s annual audited financial statements, report to shareholders, or similar document.

[(k)] (L) “Monetary value” means a medium of exchange whether or not redeemable in money.

[(l)] (M) (1) “Money transmission” means the business of selling or issuing payment instruments or stored value devices, or receiving money or monetary value, for transmission to a location within or outside the United States by any means, including electronically or through the Internet.

(2) “Money transmission” includes:

(i) A bill payer service;

(ii) An accelerated mortgage payment service; and

(iii) Any informal money transfer system engaged in as a business for, or network of persons who engage as a business in, facilitating the transfer of money outside the conventional financial institutions system to a location within or outside the United States.

[(m)] (N) “Outstanding payment instrument” means a payment instrument that has been sold or issued in the United States directly by a licensee or an authorized delegate of a licensee that has been reported as not yet paid by or for the licensee.

(O) “NATIONWIDE LICENSING SYSTEM” MEANS A MULTISTATE UNIFORM LICENSING SYSTEM DEVELOPED AND MAINTAINED BY THE CONFERENCE OF STATE BANK SUPERVISORS, OR BY A SUBSIDIARY OR AN AFFILIATE OF THE CONFERENCE OF STATE BANK SUPERVISORS, FOR THE LICENSING OF MONEY SERVICES BUSINESSES, INCLUDING MONEY TRANSMITTERS.

[(n)] (P) (1) “Payment instrument” means any electronic or written check, draft, money order, traveler’s check, or other electronic or written instrument or order for the transmission or payment of money, sold or issued to one or more persons, whether or not the instrument is negotiable.

(2) “Payment instrument” does not include any credit card voucher, letter of credit, or tangible object redeemable by the issuer in goods or services.

[(o)] (Q) “Permissible investment” means:

(1) Cash;

(2) Unless found by the Commissioner to be unacceptable, a certificate of deposit or other debt obligation, except a capital note, of a State–chartered or federally chartered financial institution, other–state bank, or foreign bank that:

(i) Is located in this State or maintains a branch in this State;
and

(ii) Is authorized to maintain deposit or share accounts;

(3) Unless found by the Commissioner to be unacceptable:

(i) Obligations of or guaranteed by the United States, its departments, agencies, or instrumentalities, or obligations of any state, territory, or municipality or any political subdivision of any state, territory, or municipality;

(ii) Any investment securities, money market mutual fund, interest–bearing bills or notes, debentures or stock traded on any national securities exchange or on a national over–the–counter market bearing a rating of one of the three highest grades as defined by a nationally recognized organization that rates such securities; and

(iii) Any demand borrowing agreement or agreements in an amount or aggregate amount which does not exceed 10% of the net worth of the company liable for payment under the agreement or agreements as shown on financial statements certified by a certified public accountant acceptable to the Commissioner, provided that the company is a corporation or a subsidiary of a corporation whose capital stock is listed on a national exchange and is not a licensee or authorized delegate of a licensee under this subtitle;

(4) Receivables that are due to a licensee from its authorized delegates under a contract described in § 12–413 of this subtitle that are not past due or doubtful of collection; or

(5) Any other investment that the Commissioner approves.

[(p)] (R) (1) “Stored value device” means a card or other tangible object used for the transmission or payment of money:

(i) That contains a microprocessor chip, magnetic stripe, or other means for the storage of information;

(ii) That is prefunded; and

(iii) The value of which is reduced after each use.

(2) “Stored value device” does not include any tangible object the value of which is redeemable only in the issuer’s goods or services.

[(q)] (S) “Surety device” means:

(1) A surety bond; or

(2) A deposit in lieu of a surety bond.

(T) “UNIQUE IDENTIFIER” MEANS A NUMBER OR ANOTHER IDENTIFIER ASSIGNED BY THE NATIONWIDE LICENSING SYSTEM.

12-405.

(A) A person may not engage in the business of money transmission if that person, or the person with whom that person engages in the business of money transmission, is located in the State unless that person:

(1) Is licensed by the Commissioner;

(2) Is an authorized delegate of a licensee under whose name the business of money transmission occurs; or

(3) Is a person exempted from licensing under this subtitle.

(B) EACH LICENSEE OR LICENSE APPLICANT SHALL OBTAIN AND MAINTAIN A VALID UNIQUE IDENTIFIER ISSUED BY THE NATIONWIDE LICENSING SYSTEM:

(1) ON FORMING AN ACCOUNT WITH THE NATIONWIDE LICENSING SYSTEM ON OR AFTER NOVEMBER 1, 2012; OR

(2) IF THE COMMISSIONER HAS NOT JOINED THE NATIONWIDE LICENSING SYSTEM AS OF NOVEMBER 1, 2012, ON OR AFTER THE DATE THAT THE COMMISSIONER JOINS, AS SPECIFIED BY THE COMMISSIONER BY PUBLIC NOTICE.

(C) AN APPLICANT FOR AN INITIAL LICENSE OR A LICENSE RENEWAL SHALL APPLY FOR THE LICENSE OR RENEWAL THROUGH THE NATIONWIDE LICENSING SYSTEM:

(1) ON OR AFTER NOVEMBER 1, 2012; OR

(2) IF THE COMMISSIONER HAS NOT JOINED THE NATIONWIDE LICENSING SYSTEM AS OF NOVEMBER 1, 2012, ON OR AFTER THE DATE THAT THE COMMISSIONER JOINS, AS SPECIFIED BY THE COMMISSIONER BY PUBLIC NOTICE.

12-407.

(a) (1) To apply for a license, an applicant shall [complete]:

(I) COMPLETE, SIGN, and submit to the Commissioner an application made under oath [on] IN the form, AND IN ACCORDANCE WITH THE PROCESS, that the Commissioner requires; AND

(II) PROVIDE ALL INFORMATION THAT THE COMMISSIONER REQUESTS.

(2) THE APPLICANT SHALL COMPLY WITH ALL CONDITIONS AND PROVISIONS OF THE APPLICATION FOR A LICENSE.

(b) An applicant shall provide:

(1) The trade name of the applicant, as filed with the State Department of Assessments and Taxation under § 1-406 of the Corporations and Associations Article, and any fictitious or other name used by the applicant in the conduct of the applicant's business;

(2) The address [at which the applicant's business is to be conducted and the address of the headquarters of the business] OF THE PRINCIPAL EXECUTIVE OFFICE OF THE APPLICANT AND EACH BRANCH LOCATION;

(3) The name, business address, and nature of the business of each authorized delegate to be appointed by the applicant;

(4) The most recent unconsolidated financial statement of the applicant that shall:

(i) Be prepared in accordance with generally accepted accounting principles applied on a consistent basis;

(ii) Be a certified opinion audit prepared by an independent certified public accountant;

(iii) Include a schedule of all permissible investments, if any, of the applicant; and

(iv) Be no older than 12 months before the date of the application;

(5) The name, address, and telephone number of the applicant's resident agent in the State;

(6) A history of material litigation against the applicant, if any, for the past 3 years; and

(7) Any other information that the Commissioner reasonably requires.

[(c) If the applicant is a sole proprietorship, the applicant also shall provide:

(1) The applicant's residence address, telephone number, and electronic mail address; and

(2) The applicant's credit report that is no older than 3 months before the date of the application.

(d) If the applicant is a joint venture or partnership, the applicant also shall provide:

(1) The residence address, telephone number, and electronic mail address of each coventurer or general partner;

(2) An individual credit report for all coventurers or general partners that is no older than 3 months before the date of application; and

(3) A copy of all joint venture or partnership agreements for the applicant.

(e) If the applicant is a corporation or limited liability company, the applicant also shall provide:

(1) The name, business telephone number, electronic mail address, and the residence address and telephone number of the executive officers, directors, and all key shareholders or members;

(2) A business credit report for the applicant that is no older than 3 months before the date of application;

(3) Certified copies of the applicant's articles of incorporation or articles of organization and bylaws or operating agreement with all amendments; and]

(C) AN APPLICANT THAT IS A BUSINESS ENTITY SHALL PROVIDE:

(1) CERTIFIED COPIES OF THE APPLICANT'S CERTIFICATE OF INCORPORATION, ARTICLES OF INCORPORATION, OR ARTICLES OF ORGANIZATION, OR OTHER INSTRUMENT INCORPORATING OR FORMING THE APPLICANT, AS AMENDED, CORRECTED, OR SUPPLEMENTED; AND

(2) THE BYLAWS, OPERATING AGREEMENT, OR OTHER EQUIVALENT INTERNAL GOVERNANCE DOCUMENTS, AS AMENDED OR SUPPLEMENTED.

[(4)] (D) [A] AN APPLICANT SHALL PROVIDE A certificate of good standing from the state in which the applicant is incorporated or organized AND A CERTIFICATE OF GOOD STANDING FROM THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.

[(f)] (E) With the application, the applicant shall pay to the Commissioner:

(1) **[An] A NONREFUNDABLE** investigation fee of \$1,000; and

(2) **A NONREFUNDABLE** license fee of [either:

(i) \$4,000 if the applicant applies for the license on or after January 1 and on or before December 31 of an even-numbered year; or

(ii) \$2,000 [if the applicant applies for the license on or after January 1 and on or before December 31 of an odd-numbered year].

(F) IN ADDITION TO THE LICENSE FEE REQUIRED UNDER SUBSECTION (E) OF THIS SECTION, AN APPLICANT FOR AN INITIAL LICENSE SHALL PAY TO THE NATIONWIDE LICENSING SYSTEM THE FEE THAT THE NATIONWIDE LICENSING SYSTEM IMPOSES IN CONNECTION WITH PROCESSING THE APPLICATION.

(g) With the application, the applicant shall file evidence of a surety device with the Commissioner as provided in § 12-412 of this subtitle.

(h) (1) **IN ADDITION TO ANY LICENSE REQUIRED UNDER §§ 12-405 AND 12-410 OF THIS SUBTITLE, EACH PERSON WHO ENGAGES IN THE BUSINESS OF MONEY TRANSMISSION SHALL OBTAIN AND MAINTAIN A LICENSE FOR ITS PRINCIPAL EXECUTIVE OFFICE.**

(2) For each **BRANCH LOCATION** license for which an applicant applies, the applicant shall:

- (i) Submit a separate application; [and]
- (ii) Pay a separate **NONREFUNDABLE** license fee; **AND**

(III) PAY THE APPLICATION PROCESSING FEE THAT THE NATIONWIDE LICENSING SYSTEM IMPOSES IN CONNECTION WITH PROCESSING THE APPLICATION FOR THE BRANCH LOCATION.

[(2)] (3) If an applicant has or is applying for more than one license, the applicant may comply with subsection (g) of this section by filing evidence of only one surety device.

[(3)] (4) If an applicant has or is applying for more than one license, the applicant is not required to pay a separate investigation fee.

12-408.

(A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

[(a)] (B) This section does not apply to any corporation the securities of which are exempt from registration under § 11-601(8) or (12) of the Corporations and Associations Article or any wholly owned subsidiary of the corporation.

[(b)] In connection with an initial application, a renewal application, a special investigation, and at any other time the Commissioner requests, an applicant or licensee shall provide fingerprints for use by the Federal Bureau of Investigation and the Maryland Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services to conduct criminal history records checks.

(c) An applicant or licensee required under this section to provide fingerprints shall pay any processing fee required by the Federal Bureau of Investigation or the Maryland Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.]

(C) IN CONNECTION WITH AN INITIAL APPLICATION FOR A LICENSE UNDER § 12-407 OF THIS SUBTITLE, AND AT ANY OTHER TIME THAT THE COMMISSIONER REQUESTS, AN APPLICANT OR LICENSEE SHALL PROVIDE TO

THE NATIONWIDE LICENSING SYSTEM INFORMATION CONCERNING THE APPLICANT'S IDENTITY, INCLUDING:

(1) FINGERPRINTS FOR SUBMISSION TO THE FEDERAL BUREAU OF INVESTIGATION, AND ANY OTHER GOVERNMENTAL AGENCY OR ENTITY, INCLUDING THE CENTRAL REPOSITORY, AUTHORIZED TO RECEIVE THIS INFORMATION FOR A STATE, A NATIONAL, OR AN INTERNATIONAL CRIMINAL HISTORY BACKGROUND CHECK;

(2) IN THE CASE OF A SOLE PROPRIETORSHIP, PERSONAL HISTORY AND EXPERIENCE IN A FORM PRESCRIBED BY THE NATIONWIDE LICENSING SYSTEM, INCLUDING THE SUBMISSION OF AUTHORIZATION FOR THE NATIONWIDE LICENSING SYSTEM AND THE COMMISSIONER TO OBTAIN:

(I) AN INDEPENDENT CREDIT REPORT FROM A CONSUMER REPORTING AGENCY DESCRIBED IN THE FEDERAL FAIR CREDIT REPORTING ACT, 15 U.S.C. § 1681A(P); AND

(II) INFORMATION RELATED TO ANY ADMINISTRATIVE, CIVIL, OR CRIMINAL FINDINGS BY ANY GOVERNMENTAL JURISDICTION; AND

(3) IN THE CASE OF A CORPORATION OR ANOTHER BUSINESS ENTITY:

(I) BUSINESS HISTORY IN A FORM PRESCRIBED BY THE NATIONWIDE LICENSING SYSTEM, INCLUDING:

1. THE SUBMISSION OF A BUSINESS CREDIT REPORT FOR THE APPLICANT THAT IS NO OLDER THAN 3 MONTHS BEFORE THE DATE OF THE APPLICATION; AND

2. INFORMATION RELATED TO ANY ADMINISTRATIVE, CIVIL, OR CRIMINAL FINDINGS BY ANY GOVERNMENTAL JURISDICTION; AND

(II) FOR EACH CONTROL PERSON, PERSONAL HISTORY IN A FORM PRESCRIBED BY THE NATIONWIDE LICENSING SYSTEM.

(D) SUBJECT TO § 12-408.1 OF THIS SUBTITLE, TO IMPLEMENT THIS SUBTITLE, THE COMMISSIONER MAY USE THE NATIONWIDE LICENSING SYSTEM AS A CHANNELING AGENT TO REQUEST INFORMATION FROM AND DISTRIBUTE INFORMATION TO THE DEPARTMENT OF JUSTICE, ANY OTHER GOVERNMENTAL AGENCY WITH SUBJECT MATTER JURISDICTION, AND ANY OTHER STATE

LICENSING ENTITY THAT HAS MONEY TRANSMITTERS LICENSED OR REGISTERED WITH THE NATIONWIDE LICENSING SYSTEM.

(E) IN ADDITION TO THE REQUIREMENTS UNDER SUBSECTION (C) OF THIS SECTION, IN CONNECTION WITH AN INITIAL APPLICATION FOR A LICENSE UNDER § 12-407 OF THIS SUBTITLE, AND AT ANY OTHER TIME THAT THE COMMISSIONER REQUESTS, AN APPLICANT OR A LICENSEE SHALL PROVIDE FINGERPRINTS FOR USE BY THE CENTRAL REPOSITORY TO CONDUCT CRIMINAL HISTORY RECORDS CHECKS.

(F) AN APPLICANT OR A LICENSEE WHO IS REQUIRED TO PROVIDE FINGERPRINTS UNDER SUBSECTION (C) OR (E) OF THIS SECTION SHALL PAY THE PROCESSING OR OTHER FEES REQUIRED BY THE CENTRAL REPOSITORY, THE FEDERAL BUREAU OF INVESTIGATION, AND THE NATIONWIDE LICENSING SYSTEM.

(G) THE COMMISSIONER MAY REQUEST FROM THE CENTRAL REPOSITORY, THE FEDERAL BUREAU OF INVESTIGATION, OR THE NATIONWIDE LICENSING SYSTEM, AS APPLICABLE, FOR EACH PERSON WHO IS REQUIRED TO PROVIDE FINGERPRINTS UNDER SUBSECTION (C) OR (E) OF THIS SECTION:

(1) (I) THE STATE, NATIONAL, OR INTERNATIONAL CRIMINAL HISTORY RECORDS OF THE PERSON; AND

(II) A PRINTED STATEMENT LISTING ANY CONVICTION OR OTHER DISPOSITION OF, AND ANY PLEA OF GUILTY OR NOLO CONTENDERE TO, ANY CRIMINAL CHARGE;

(2) (I) AN UPDATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK OR CRIMINAL HISTORY BACKGROUND CHECK OF THE PERSON; AND

(II) A REVISED STATEMENT LISTING ANY CONVICTION OR OTHER DISPOSITION OF, AND ANY PLEA OF GUILTY OR NOLO CONTENDERE TO, ANY CRIMINAL CHARGE OCCURRING AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK OR CRIMINAL HISTORY BACKGROUND CHECK; AND

(3) AN ACKNOWLEDGED RECEIPT OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK OR CRIMINAL HISTORY BACKGROUND CHECK OF THE PERSON.

[(d)] (H) If the applicant or licensee is a corporation OR ANOTHER BUSINESS ENTITY, the fingerprinting and criminal history records check

requirements UNDER SUBSECTION (C) OR (E) OF THIS SECTION shall apply to [the president and any other executive officer of] AN EXECUTIVE OFFICER, A GENERAL PARTNER, OR A MANAGING MEMBER OF, OR AN INDIVIDUAL SERVING IN A SIMILAR CAPACITY WITH RESPECT TO, the corporation OR OTHER BUSINESS ENTITY, as requested by the Commissioner.

12-408.1.

(A) (1) THE REQUIREMENTS UNDER ANY FEDERAL LAW AND §§ 10-611 THROUGH 10-628 OF THE STATE GOVERNMENT ARTICLE REGARDING THE PRIVACY OR CONFIDENTIALITY OF INFORMATION OR MATERIAL PROVIDED TO THE NATIONWIDE LICENSING SYSTEM, AND ANY PRIVILEGE ARISING UNDER FEDERAL OR STATE LAW, INCLUDING THE RULES OF ANY FEDERAL OR STATE COURT WITH RESPECT TO THAT INFORMATION OR MATERIAL, SHALL CONTINUE TO APPLY TO THAT INFORMATION OR MATERIAL AFTER THE INFORMATION OR MATERIAL HAS BEEN DISCLOSED TO THE NATIONWIDE LICENSING SYSTEM.

(2) THE INFORMATION AND MATERIAL MAY BE SHARED WITH ALL STATE AND FEDERAL REGULATORY OFFICIALS HAVING OVERSIGHT AUTHORITY OVER THE MONEY TRANSMISSION INDUSTRY, INCLUDING THE FINANCIAL CRIMES ENFORCEMENT NETWORK, WITHOUT THE LOSS OF PRIVILEGE OR THE LOSS OF CONFIDENTIALITY PROTECTIONS PROVIDED BY FEDERAL LAW OR §§ 10-611 THROUGH 10-628 OF THE STATE GOVERNMENT ARTICLE.

(B) THE COMMISSIONER MAY ENTER INTO INFORMATION-SHARING AGREEMENTS WITH OTHER GOVERNMENTAL AGENCIES, THE CONFERENCE OF STATE BANK SUPERVISORS, OR OTHER ASSOCIATIONS REPRESENTING GOVERNMENTAL AGENCIES, INCLUDING THE FINANCIAL CRIMES ENFORCEMENT NETWORK.

(C) INFORMATION OR MATERIAL THAT IS SUBJECT TO A PRIVILEGE OR CONFIDENTIALITY UNDER SUBSECTION (A) OF THIS SECTION MAY NOT BE SUBJECT TO:

(1) DISCLOSURE UNDER ANY FEDERAL OR STATE LAW GOVERNING THE DISCLOSURE TO THE PUBLIC OF INFORMATION HELD BY AN OFFICER OR AGENCY OF THE FEDERAL GOVERNMENT OR A STATE THAT HAS RECEIVED THE INFORMATION OR MATERIAL; OR

(2) SUBPOENA, DISCOVERY, OR ADMISSION INTO EVIDENCE, IN ANY PRIVATE CIVIL ACTION OR ADMINISTRATIVE PROCESS, UNLESS WITH RESPECT TO ANY PRIVILEGE HELD BY THE NATIONWIDE LICENSING SYSTEM, THE PERSON TO WHOM THE INFORMATION OR MATERIAL PERTAINS WAIVES, IN WHOLE OR IN PART, THAT PRIVILEGE.

(D) ANY PROVISIONS OF §§ 10-611 THROUGH 10-628 OF THE STATE GOVERNMENT ARTICLE RELATING TO THE DISCLOSURE OF ANY INFORMATION OR MATERIAL DESCRIBED IN SUBSECTION (A) OF THIS SECTION THAT ARE INCONSISTENT WITH SUBSECTION (A) OF THIS SECTION SHALL BE SUPERSEDED BY THE REQUIREMENTS OF THIS SECTION.

(E) THIS SECTION DOES NOT APPLY TO INFORMATION OR MATERIAL RELATING TO PUBLICLY ADJUDICATED DISCIPLINARY AND ENFORCEMENT ACTIONS AGAINST A MONEY TRANSMITTER OR ITS AUTHORIZED DELEGATE THAT IS INCLUDED IN THE NATIONWIDE LICENSING SYSTEM AND DESIGNATED FOR ACCESS BY THE PUBLIC.

12-409.

(a) After the filing of a complete application, the Commissioner shall investigate the financial condition and responsibility, financial and business experience, character, and general fitness of the applicant.

(b) (1) Unless the Commissioner notifies the applicant that a different time period is necessary, the Commissioner shall approve or deny each application for a license within 60 days after the date a complete application is filed.

(2) [Subject to the provisions of paragraph (3) of this subsection, the] **THE** applicant may by written request to the Commissioner withdraw the application at any time before the issuance of the license.

[(3) (i) If the application is withdrawn 30 days or less after the date of application, the Commissioner shall refund the investigation fee and license fee.

(ii) If the application is withdrawn more than 30 days after the date of application, the Commissioner shall keep the investigation fee and return the license fee.]

(c) The Commissioner shall issue a license to any applicant who meets the requirements of this subtitle.

(d) (1) If an applicant does not meet the requirements of this subtitle, the Commissioner shall:

(i) Notify the applicant immediately of this fact;

(ii) Subject to the hearing provisions of § 12-428 of this subtitle, deny the application;

(iii) Return the surety device filed under § 12–407 of this subtitle; AND

(iv) [Refund the license fee; and

(v)] Keep the **LICENSE FEE AND THE** investigation fee.

(2) Within 30 days after the Commissioner denies an application, the Commissioner shall state the reasons for the denial in writing and mail them to the address listed in the application.

12–410.

(e) (1) (i) If the licensee has its [headquarters] **PRINCIPAL EXECUTIVE OFFICE** in the State, the licensee shall prominently display the license **AND UNIQUE IDENTIFIER** in the location that is open to the public and at which the licensee engages in the business of money transmission.

(ii) If the licensee has its [headquarters] **PRINCIPAL EXECUTIVE OFFICE** outside the State, the licensee shall maintain the license in the [headquarters] **PRINCIPAL EXECUTIVE OFFICE**.

(2) Each authorized delegate shall display prominently at each location open to the public a notice in at least 48–point type that states the following:

“The Commissioner of Financial Regulation for the State of Maryland will accept all questions or complaints regarding this authorized delegate of (name of licensee, **LICENSE NUMBER, AND UNIQUE IDENTIFIER**) at (address of Commissioner), phone (toll–free phone number of the Commissioner)”.

(3) A licensee that offers Internet money transmission services shall include the following notice on its website:

“The Commissioner of Financial Regulation for the State of Maryland will accept all questions or complaints from Maryland residents regarding (name of licensee, **LICENSE NUMBER, AND UNIQUE IDENTIFIER**) at (address of Commissioner), phone (toll–free phone number of the Commissioner)”.

12–411.

(a) [A license issued under this subtitle expires on December 31 of each odd–numbered year unless it is renewed for a 2–year term as provided in subsection (b) of this section] **SUBJECT TO ANY REGULATIONS THE COMMISSIONER ADOPTS IN CONNECTION WITH THE TRANSITION TO THE NATIONWIDE LICENSING SYSTEM, AN INITIAL LICENSE TERM SHALL:**

(1) BEGIN ON THE DAY THE LICENSE IS ISSUED; AND

(2) EXPIRE ON DECEMBER 31 OF THE YEAR:

(I) THE LICENSE IS ISSUED, IF THE LICENSE IS ISSUED BEFORE NOVEMBER 1; OR

(II) SUCCEEDING THE YEAR THAT THE LICENSE IS ISSUED, IF THE LICENSE IS ISSUED ON OR AFTER NOVEMBER 1.

(b) On or [before December] AFTER NOVEMBER 1 of [the] EACH year [of expiration], a license may be renewed for a [2-year] 1-YEAR term, if the licensee:

(1) Otherwise is entitled to be licensed;

(2) Files evidence of a surety device required under § 12-412 of this subtitle;

(3) Pays to the Commissioner a NONREFUNDABLE renewal fee of [\$4,000] \$2,000; and

(4) Submits to the Commissioner:

(i) A renewal application [on] IN the form AND IN ACCORDANCE WITH THE PROCESS that the Commissioner requires; [and]

(ii) A financial statement that complies with the requirements of § 12-407(b)(4) of this subtitle; AND

(III) ANY OTHER INFORMATION THAT THE COMMISSIONER REASONABLY REQUIRES TO DETERMINE THAT THE RENEWAL APPLICANT CONTINUES TO BE ELIGIBLE TO BE LICENSED.

(C) IN ADDITION TO THE LICENSE RENEWAL FEE REQUIRED UNDER SUBSECTION (B)(3) OF THIS SECTION, AN APPLICANT FOR A LICENSE RENEWAL SHALL PAY TO THE NATIONWIDE LICENSING SYSTEM THE FEE THAT THE NATIONWIDE LICENSING SYSTEM IMPOSES IN CONNECTION WITH THE RENEWAL APPLICATION.

12-415.

(c) In addition to any sanctions that may be imposed by the Commissioner under this subtitle, a licensee who fails to provide in a timely manner the notice required under subsection (a)(1) or (b)(1) of this section shall:

(1) For each failure, pay to the Commissioner a penalty in the amount of \$500; and

(2) **[File with the Commissioner an application] APPLY** for a new license, together with all appropriate application and investigation fees.

12-424.

(a) The Commissioner may conduct an on-site examination of a licensee or authorized delegate with not less than 7 business days prior notice.

(b) With good cause, the Commissioner may conduct an on-site examination of a licensee or authorized delegate with no prior notice.

(c) The licensee shall pay all reasonably incurred costs of an examination **CONDUCTED UNDER THIS SECTION, INCLUDING A PER-DAY FEE SET BY THE COMMISSIONER FOR EACH OF THE COMMISSIONER'S EMPLOYEES ENGAGED IN THE EXAMINATION.**

(d) The on-site examination may be conducted in conjunction with an examination performed by a representative of a responsible supervisory agency of another state.

(e) (1) The Commissioner, in lieu of an on-site examination, may accept the examination report of a responsible supervisory agency of another state, or a report prepared by an independent accounting firm.

(2) A report accepted under paragraph (1) of this subsection is considered for all purposes as an official report of the Commissioner.

(f) The Commissioner may:

(1) Examine all books, accounts, and records the Commissioner determines are necessary to conduct a complete examination; and

(2) Examine under oath any officer, director, or employee of the licensee, or any other individual who may provide information on behalf of the licensee.

12-430.1.

(A) (1) NOTWITHSTANDING §§ 10-611 THROUGH 10-628 OF THE STATE GOVERNMENT ARTICLE, AND SUBJECT TO § 12-408.1 OF THIS SUBTITLE, THE COMMISSIONER SHALL REPORT ADJUDICATED ENFORCEMENT ACTIONS AGAINST A MONEY TRANSMITTER OR ITS AUTHORIZED DELEGATE AND OTHER RELEVANT INFORMATION TO THE NATIONWIDE LICENSING SYSTEM.

(2) THE COMMISSIONER SHALL ADOPT REGULATIONS ESTABLISHING A PROCESS BY WHICH A LICENSEE OR AN APPLICANT FOR A LICENSE MAY CHALLENGE INFORMATION ENTERED BY THE COMMISSIONER INTO THE NATIONWIDE LICENSING SYSTEM.

(B) THE COMMISSIONER MAY SUBMIT TO THE NATIONWIDE LICENSING SYSTEM INFORMATION REGARDING ENFORCEMENT ACTIONS AGAINST PERSONS ENGAGED IN THE MONEY TRANSMISSION BUSINESS WHO ARE NOT LICENSEES OR AUTHORIZED DELEGATES.

SECTION 2. AND BE IT FURTHER ENACTED, That the changes made to the licensing requirements for persons engaged in money transmission under §§ 12–405, 12–407, 12–408, and 12–411 of the Financial Institutions Article, as enacted by Section 1 of this Act, shall be construed to apply only prospectively and may not be interpreted to affect the validity or term of any license issued or renewed before the effective date of this Act.

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

Approved by the Governor, April 10, 2012.

Chapter 79

(Senate Bill 566)

AN ACT concerning

Home Visiting Accountability Act of 2012

FOR the purpose of requiring the State to fund only certain home visiting programs for improving parent and child outcomes, as provided in the State budget; requiring that not less than a certain percentage of State funding for home visiting programs be made available to evidence-based home visiting programs; requiring certain home visiting programs to submit regular reports; specifying the contents of the reports to be submitted by certain home visiting programs; requiring the development of reporting and monitoring procedures for certain home visiting programs by the Governor's Office for Children and the agencies of the Children's Cabinet; requiring the Governor's Office for Children and the agencies of the Children's Cabinet to report on the implementation and outcomes of certain home visiting programs to the Governor and certain committees of the General Assembly on or before a certain date; defining certain terms; and generally relating to home visiting programs.

BY renumbering

Article – Human Services

Section 8–506

to be Section 8–508

Annotated Code of Maryland

(2007 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Human Services

Section 8–101

Annotated Code of Maryland

(2007 Volume and 2011 Supplement)

BY adding to

Article – Human Services

Section 8–506 and 8–507

Annotated Code of Maryland

(2007 Volume and 2011 Supplement)

Preamble

WHEREAS, Research into brain development reveals that children are born learning and that the years from birth to age 5 are critical in building the social, emotional, physical, and cognitive developmental foundations of a young child; and

WHEREAS, The further behind children are in their social, emotional, physical, and cognitive development, the more difficult it will be for them to catch up in school and later in life; and

WHEREAS, A significant number of children are born and live in communities with concentrations of premature birth, low birth weight, infant mortality, poverty, crime, domestic violence, high rates of high school dropouts, substance abuse, unemployment, or child maltreatment, factors that put the children at risk for poor health and nutrition, child abuse and neglect, and failure in school and beyond; and

WHEREAS, Data reported by the U.S. Census Bureau in September 2011 showed Maryland's poverty rate of 10.8% to be the State's highest in almost 20 years, with more than one-third of those living in poverty in Maryland being under the age of 6 years; and

WHEREAS, Data compiled by the Annie E. Casey Foundation for its 2011 Kids Count Data Book showed Maryland lagging behind other states on a scale of key indicators of child well-being, including preterm births, low birth weight babies, maltreatment, and family reading habits; and

WHEREAS, Parents and children participating on a voluntary basis in quality home visiting programs exhibit better birth outcomes, enhanced parent and child interactions, more efficient use of health care services, enhanced child development including improved school readiness, and early detection of developmental delays, as well as reduced welfare dependence, higher rates of school completion and job retention, reduction in frequency and severity of maltreatment, and higher rates of school graduation; and

WHEREAS, The federal government has emphasized home visiting programs with proven records of success and has made new funding available for states to plan and implement the expansion of evidence-based and promising home visiting programs in high-risk communities; and

WHEREAS, It is the responsibility of the General Assembly and in the best interest of all Maryland citizens to prioritize efficiency and effectiveness in the consideration of fiscal expenditures; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8-506 of Article – Human Services of the Annotated Code of Maryland be renumbered to be Section(s) 8-508.

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

Article – Human Services

8-101.

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

(b) **“AGENCIES OF THE CHILDREN’S CABINET” INCLUDES:**

(1) THE DEPARTMENT OF BUDGET AND MANAGEMENT;

(2) THE DEPARTMENT OF DISABILITIES;

(3) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

(4) THE DEPARTMENT OF HUMAN RESOURCES;

(5) THE DEPARTMENT OF JUVENILE SERVICES; AND

(6) THE STATE DEPARTMENT OF EDUCATION.

(c) (1) “Child in need of out-of-state placement” means a child who is recommended by a public agency for out-of-home placement outside of the State.

(2) “Child in need of out-of-state placement” does not include a child:

(i) placed in foster care, as defined in § 5-501 of the Family Law Article; or

(ii) who is in a hospital for 30 continuous days or less.

[(c)] (D) “Child with intensive needs” means a child who has behavioral, educational, developmental, or mental health needs that cannot be met through available public agency resources because:

(1) the child’s needs exceed the resources of a single public agency; or

(2) there is no legally mandated funding source to meet the child’s needs.

[(d)] (E) “Core service agency” means the designated county or multicounty authority that is responsible for planning, managing, and monitoring publicly funded mental health services as provided under Title 10, Subtitle 12 of the Health – General Article.

[(e)] (F) “Council” means the State Coordinating Council for Children.

(G) “EVIDENCE-BASED” MEANS MEETING THE CRITERIA FOR AN EVIDENCE-BASED EARLY CHILDHOOD HOME VISITING SERVICE DELIVERY MODEL AS DEFINED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES.

[(f)] (H) “Executive Director” means the Executive Director of the Governor’s Office for Children.

[(g)] (I) (1) “Family” means an eligible child’s natural, adoptive, or foster parents.

(2) “Family” includes:

(i) a guardian;

(ii) a person acting as a parent of a child; and

(iii) a relative or stepparent with whom a child lives.

(J) (1) “HOME VISITING PROGRAM” MEANS A PROGRAM OR INITIATIVE THAT:

(I) CONTAINS HOME VISITING AS A PRIMARY SERVICE DELIVERY STRATEGY;

(II) OFFERS SERVICES ON A VOLUNTARY BASIS TO PREGNANT WOMEN, EXPECTANT FATHERS, AND PARENTS AND CAREGIVERS OF CHILDREN FROM BIRTH TO KINDERGARTEN ENTRY; AND

(III) TARGETS PARTICIPANT OUTCOMES THAT MAY INCLUDE:

- 1. IMPROVED MATERNAL AND CHILD HEALTH;**
- 2. PREVENTION OF CHILD INJURIES, CHILD ABUSE OR MALTREATMENT, AND REDUCTION OF EMERGENCY DEPARTMENT VISITS;**
- 3. IMPROVEMENTS IN SCHOOL READINESS AND ACHIEVEMENT;**
- 4. REDUCTION IN CRIME OR DOMESTIC VIOLENCE;**
- 5. IMPROVEMENTS IN FAMILY ECONOMIC SELF-SUFFICIENCY;**
- 6. IMPROVEMENTS IN THE COORDINATION OF AND REFERRALS TO OTHER COMMUNITY RESOURCES AND SUPPORTS; OR**
- 7. IMPROVEMENTS IN PARENTING SKILLS RELATED TO CHILD DEVELOPMENT.**

(2) “HOME VISITING PROGRAM” INCLUDES THOSE PROGRAM MODELS IDENTIFIED IN THE HOME VISITING EVIDENCE OF EFFECTIVENESS PROJECT OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(3) “HOME VISITING PROGRAM” DOES NOT INCLUDE:

- (I) PROGRAMS WITH FEW OR INFREQUENT VISITS;**
- (II) PROGRAMS IN WHICH HOME VISITING IS SUPPLEMENTAL TO OTHER SERVICES; OR**
- (III) IN-HOME SERVICES DELIVERED THROUGH PROVISIONS OF AN INDIVIDUALIZED FAMILY SERVICE PLAN OR AN INDIVIDUALIZED EDUCATION PROGRAM UNDER PART C OR PART B OF THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT.**

[(h)] (K) “Hospital” has the meaning stated in § 19–301 of the Health – General Article.

[(i)] (L) “Local management board” means an entity established or designated by a county under Subtitle 3 of this title to ensure the implementation of a local, interagency service delivery system for children, youth, and families.

[(j)] (M) “Office” means the Governor’s Office for Children.

(N) “PROMISING” MEANS A HOME VISITING PROGRAM OR PRACTICE THAT:

(1) DOES NOT YET MEET THE STANDARD FOR EVIDENCE–BASED PRACTICES; AND

(2) MEETS THE CRITERIA OF A PROMISING APPROACH AS DEFINED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES.

[(k)] (O) “Public agency” means a State or local government unit or a quasi–governmental entity.

[(l)] (P) (1) “Residential child care program” means an entity that provides 24–hour per day care for children within a structured set of services and activities that are designed to achieve specific objectives relative to the needs of the children served and that include the provision of food, clothing, shelter, education, social services, health, mental health, recreation, or any combination of these services and activities.

(2) “Residential child care program” includes a program:

(i) licensed by:

1. the Department of Health and Mental Hygiene;
2. the Department of Human Resources; or
3. the Department of Juvenile Services; and

(ii) that is subject to the licensing regulations of the members of the Children’s Cabinet governing the operations of residential child care programs.

8–506.

(A) THE STATE SHALL FUND ONLY EVIDENCE–BASED AND PROMISING HOME VISITING PROGRAMS FOR IMPROVING PARENT AND CHILD OUTCOMES, AS PROVIDED IN THE STATE BUDGET.

(B) NOT LESS THAN 75% OF THE STATE FUNDING FOR HOME VISITING PROGRAMS SHALL BE MADE AVAILABLE TO EVIDENCE-BASED HOME VISITING PROGRAMS.

8-507.

(A) (1) THE GOVERNOR'S OFFICE FOR CHILDREN AND THE AGENCIES OF THE CHILDREN'S CABINET, WITH INPUT FROM LOCAL MANAGEMENT BOARDS, LOCAL HOME VISITING PROGRAMS, AND THE EARLY CHILDHOOD ADVISORY COUNCIL, SHALL REQUIRE THE RECIPIENTS OF STATE FUNDING FOR HOME VISITING PROGRAMS TO SUBMIT REPORTS TO THE GOVERNOR'S OFFICE FOR CHILDREN ON A REGULAR BASIS.

(2) HOME VISITING PROGRAM REPORTS SHALL INCLUDE, AT A MINIMUM:

(I) A VERIFIABLE ACCOUNTING OF THE STATE FUNDS SPENT;

(II) THE NUMBER AND DEMOGRAPHIC CHARACTERISTICS OF THE INDIVIDUALS SERVED; AND

(III) THE OUTCOMES ACHIEVED BY THE HOME VISITING PROGRAMS.

(B) THE GOVERNOR'S OFFICE FOR CHILDREN AND THE AGENCIES OF THE CHILDREN'S CABINET SHALL DEVELOP A STANDARDIZED REPORTING MECHANISM FOR THE PURPOSE OF COLLECTING INFORMATION ABOUT AND MONITORING THE EFFECTIVENESS OF STATE-FUNDED HOME VISITING PROGRAMS.

(C) ON OR BEFORE DECEMBER 1, 2013, AND AT LEAST EVERY 2 YEARS THEREAFTER, THE GOVERNOR'S OFFICE FOR CHILDREN AND THE AGENCIES OF THE CHILDREN'S CABINET SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE, THE HOUSE WAYS AND MEANS COMMITTEE, AND THE JOINT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES ON THE IMPLEMENTATION AND OUTCOMES OF STATE-FUNDED HOME VISITING PROGRAMS.

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

Approved by the Governor, April 10, 2012.

Chapter 80

(House Bill 699)

AN ACT concerning

Home Visiting Accountability Act of 2012

FOR the purpose of requiring the State to fund only certain home visiting programs for improving parent and child outcomes, as provided in the State budget; requiring that not less than a certain percentage of State funding for home visiting programs be made available to evidence–based home visiting programs; requiring certain home visiting programs to submit regular reports; specifying the contents of the reports to be submitted by certain home visiting programs; requiring the development of reporting and monitoring procedures for certain home visiting programs by the Governor’s Office for Children and the agencies of the Children’s Cabinet; requiring the Governor’s Office for Children and the agencies of the Children’s Cabinet to report on the implementation and outcomes of certain home visiting programs to the Governor and certain committees of the General Assembly on or before a certain date; defining certain terms; and generally relating to home visiting programs.

BY renumbering

Article – Human Services

Section 8–506

to be Section 8–508

Annotated Code of Maryland

(2007 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Human Services

Section 8–101

Annotated Code of Maryland

(2007 Volume and 2011 Supplement)

BY adding to

Article – Human Services

Section 8–506 and 8–507

Annotated Code of Maryland

(2007 Volume and 2011 Supplement)

Preamble

WHEREAS, Research into brain development reveals that children are born learning and that the years from birth to age 5 are critical in building the social, emotional, physical, and cognitive developmental foundations of a young child; and

WHEREAS, The further behind children are in their social, emotional, physical, and cognitive development, the more difficult it will be for them to catch up in school and later in life; and

WHEREAS, A significant number of children are born and live in communities with concentrations of premature birth, low birth weight, infant mortality, poverty, crime, domestic violence, high rates of high school dropouts, substance abuse, unemployment, or child maltreatment, factors that put the children at risk for poor health and nutrition, child abuse and neglect, and failure in school and beyond; and

WHEREAS, Data reported by the U.S. Census Bureau in September 2011 showed Maryland's poverty rate of 10.8% to be the State's highest in almost 20 years, with more than one-third of those living in poverty in Maryland being under the age of 6 years; and

WHEREAS, Data compiled by the Annie E. Casey Foundation for its 2011 Kids Count Data Book showed Maryland lagging behind other states on a scale of key indicators of child well-being, including preterm births, low birth weight babies, maltreatment, and family reading habits; and

WHEREAS, Parents and children participating on a voluntary basis in quality home visiting programs exhibit better birth outcomes, enhanced parent and child interactions, more efficient use of health care services, enhanced child development including improved school readiness, and early detection of developmental delays, as well as reduced welfare dependence, higher rates of school completion and job retention, reduction in frequency and severity of maltreatment, and higher rates of school graduation; and

WHEREAS, The federal government has emphasized home visiting programs with proven records of success and has made new funding available for states to plan and implement the expansion of evidence-based and promising home visiting programs in high-risk communities; and

WHEREAS, It is the responsibility of the General Assembly and in the best interest of all Maryland citizens to prioritize efficiency and effectiveness in the consideration of fiscal expenditures; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8-506 of Article – Human Services of the Annotated Code of Maryland be renumbered to be Section(s) 8-508.

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

Article – Human Services

8–101.

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

(b) **“AGENCIES OF THE CHILDREN’S CABINET” INCLUDES:**

(1) THE DEPARTMENT OF BUDGET AND MANAGEMENT;

(2) THE DEPARTMENT OF DISABILITIES;

(3) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

(4) THE DEPARTMENT OF HUMAN RESOURCES;

(5) THE DEPARTMENT OF JUVENILE SERVICES; AND

(6) THE STATE DEPARTMENT OF EDUCATION.

(C) (1) “Child in need of out-of-state placement” means a child who is recommended by a public agency for out-of-home placement outside of the State.

(2) “Child in need of out-of-state placement” does not include a child:

(i) placed in foster care, as defined in § 5–501 of the Family Law Article; or

(ii) who is in a hospital for 30 continuous days or less.

[(c)] (D) “Child with intensive needs” means a child who has behavioral, educational, developmental, or mental health needs that cannot be met through available public agency resources because:

(1) the child’s needs exceed the resources of a single public agency; or

(2) there is no legally mandated funding source to meet the child’s needs.

[(d)] (E) “Core service agency” means the designated county or multicounty authority that is responsible for planning, managing, and monitoring publicly funded mental health services as provided under Title 10, Subtitle 12 of the Health – General Article.

[(e)] (F) “Council” means the State Coordinating Council for Children.

(G) “EVIDENCE-BASED” MEANS MEETING THE CRITERIA FOR AN EVIDENCE-BASED EARLY CHILDHOOD HOME VISITING SERVICE DELIVERY MODEL AS DEFINED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES.

[(f)] (H) “Executive Director” means the Executive Director of the Governor’s Office for Children.

[(g)] (I) (1) “Family” means an eligible child’s natural, adoptive, or foster parents.

(2) “Family” includes:

- (i) a guardian;
- (ii) a person acting as a parent of a child; and
- (iii) a relative or stepparent with whom a child lives.

(J) (1) “HOME VISITING PROGRAM” MEANS A PROGRAM OR INITIATIVE THAT:

(I) CONTAINS HOME VISITING AS A PRIMARY SERVICE DELIVERY STRATEGY;

(II) OFFERS SERVICES ON A VOLUNTARY BASIS TO PREGNANT WOMEN, EXPECTANT FATHERS, AND PARENTS AND CAREGIVERS OF CHILDREN FROM BIRTH TO KINDERGARTEN ENTRY; AND

(III) TARGETS PARTICIPANT OUTCOMES THAT MAY INCLUDE:

- 1. IMPROVED MATERNAL AND CHILD HEALTH;
- 2. PREVENTION OF CHILD INJURIES, CHILD ABUSE OR MALTREATMENT, AND REDUCTION OF EMERGENCY DEPARTMENT VISITS;
- 3. IMPROVEMENTS IN SCHOOL READINESS AND ACHIEVEMENT;
- 4. REDUCTION IN CRIME OR DOMESTIC VIOLENCE;

5. IMPROVEMENTS IN FAMILY ECONOMIC SELF-SUFFICIENCY;

6. IMPROVEMENTS IN THE COORDINATION OF AND REFERRALS TO OTHER COMMUNITY RESOURCES AND SUPPORTS; OR

7. IMPROVEMENTS IN PARENTING SKILLS RELATED TO CHILD DEVELOPMENT.

(2) “HOME VISITING PROGRAM” INCLUDES THOSE PROGRAM MODELS IDENTIFIED IN THE HOME VISITING EVIDENCE OF EFFECTIVENESS PROJECT OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(3) “HOME VISITING PROGRAM” DOES NOT INCLUDE:

(I) PROGRAMS WITH FEW OR INFREQUENT VISITS;

(II) PROGRAMS IN WHICH HOME VISITING IS SUPPLEMENTAL TO OTHER SERVICES; OR

(III) IN-HOME SERVICES DELIVERED THROUGH PROVISIONS OF AN INDIVIDUALIZED FAMILY SERVICE PLAN OR AN INDIVIDUALIZED EDUCATION PROGRAM UNDER PART C OR PART B OF THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

[(h)] (K) “Hospital” has the meaning stated in § 19–301 of the Health – General Article.

[(i)] (L) “Local management board” means an entity established or designated by a county under Subtitle 3 of this title to ensure the implementation of a local, interagency service delivery system for children, youth, and families.

[(j)] (M) “Office” means the Governor’s Office for Children.

(N) “PROMISING” MEANS A HOME VISITING PROGRAM OR PRACTICE THAT:

(1) DOES NOT YET MEET THE STANDARD FOR EVIDENCE-BASED PRACTICES; AND

(2) MEETS THE CRITERIA OF A PROMISING APPROACH AS DEFINED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES.

[(k)] (O) “Public agency” means a State or local government unit or a quasi-governmental entity.

[(l)] (P) (1) “Residential child care program” means an entity that provides 24-hour per day care for children within a structured set of services and activities that are designed to achieve specific objectives relative to the needs of the children served and that include the provision of food, clothing, shelter, education, social services, health, mental health, recreation, or any combination of these services and activities.

(2) “Residential child care program” includes a program:

(i) licensed by:

1. the Department of Health and Mental Hygiene;
2. the Department of Human Resources; or
3. the Department of Juvenile Services; and

(ii) that is subject to the licensing regulations of the members of the Children’s Cabinet governing the operations of residential child care programs.

8-506.

(A) THE STATE SHALL FUND ONLY EVIDENCE-BASED AND PROMISING HOME VISITING PROGRAMS FOR IMPROVING PARENT AND CHILD OUTCOMES, AS PROVIDED IN THE STATE BUDGET.

(B) NOT LESS THAN 75% OF THE STATE FUNDING FOR HOME VISITING PROGRAMS SHALL BE MADE AVAILABLE TO EVIDENCE-BASED HOME VISITING PROGRAMS.

8-507.

(A) (1) THE GOVERNOR’S OFFICE FOR CHILDREN AND THE AGENCIES OF THE CHILDREN’S CABINET, WITH INPUT FROM LOCAL MANAGEMENT BOARDS, LOCAL HOME VISITING PROGRAMS, AND THE EARLY CHILDHOOD ADVISORY COUNCIL, SHALL REQUIRE THE RECIPIENTS OF STATE FUNDING FOR HOME VISITING PROGRAMS TO SUBMIT REPORTS TO THE GOVERNOR’S OFFICE FOR CHILDREN ON A REGULAR BASIS.

(2) HOME VISITING PROGRAM REPORTS SHALL INCLUDE, AT A MINIMUM:

(I) A VERIFIABLE ACCOUNTING OF THE STATE FUNDS SPENT;

(II) THE NUMBER AND DEMOGRAPHIC CHARACTERISTICS OF THE INDIVIDUALS SERVED; AND

(III) THE OUTCOMES ACHIEVED BY THE HOME VISITING PROGRAMS.

(B) THE GOVERNOR'S OFFICE FOR CHILDREN AND THE AGENCIES OF THE CHILDREN'S CABINET SHALL DEVELOP A STANDARDIZED REPORTING MECHANISM FOR THE PURPOSE OF COLLECTING INFORMATION ABOUT AND MONITORING THE EFFECTIVENESS OF STATE-FUNDED HOME VISITING PROGRAMS.

(C) ON OR BEFORE DECEMBER 1, 2013, AND AT LEAST EVERY 2 YEARS THEREAFTER, THE GOVERNOR'S OFFICE FOR CHILDREN AND THE AGENCIES OF THE CHILDREN'S CABINET SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE, THE HOUSE WAYS AND MEANS COMMITTEE, AND THE JOINT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES ON THE IMPLEMENTATION AND OUTCOMES OF STATE-FUNDED HOME VISITING PROGRAMS.

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

Approved by the Governor, April 10, 2012.

Chapter 81

(Senate Bill 585)

AN ACT concerning

Garrett County – Alcoholic Beverages – Special Class C Beer, Wine and Liquor License

FOR the purpose of authorizing in Garrett County the holder of a special Class C beer, wine and liquor license to purchase beer and light wine from a wholesale dealer; and generally relating to alcoholic beverages in Garrett County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 7–101(d)
Annotated Code of Maryland
(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

7–101.

(d) (1) (i) A special Class C beer, wine and liquor license entitles the holder to exercise any of the privileges conferred by this class of license for the use of any person holding a bona fide entertainment conducted by a club, society, or association at the place described for a period not exceeding seven consecutive days, upon the payment of a fee of \$15 per day.

(ii) The provisions of § 11–517 of this article do not apply to holders of this license. Alcoholic beverages sold under this special license shall be purchased by such special license holder from retail dealers.

(2) In Anne Arundel County:

(i) A special beer, wine and liquor license, Class C licensee may purchase beer from a wholesaler;

(ii) The fee is \$50 per day; and

(iii) The provisions of §§ 10–103(b) and 10–202 of this article and § 10–501 of the State Government Article do not apply to an applicant for the license.

(3) In Baltimore City:

(i) The holder of a Class C special beer, wine and liquor license may purchase beer and light wine from a wholesale dealer.

(ii) The Board of Liquor License Commissioners may collect from the holder of the Class C special beer, wine and liquor license:

1. A license fee of \$50 per day; and

2. Reimbursement for costs incurred while monitoring the event for which the license is issued.

(4) (i) In Baltimore County:

1. The fee for this license is \$50 per day, except that for any bona fide religious, fraternal, civic, war veterans', hospital or charitable organization, the fee for this license is \$35; and

2. The holder of a special 7-day Class C beer, wine and liquor license may purchase beer and light wine from a wholesale dealer.

(ii) Notwithstanding any other provision of law to the contrary, the holder of a special 7-day Class C beer, wine and liquor license may agree with the holder of a wholesale license to deliver beer and wine on the effective days of the license and accept returns on the same day of delivery.

(5) In Calvert County the fee for this license is \$25 per day, except that for any bona fide religious, fraternal, civic, war veterans', hospital or charitable organization, the fee for the license is \$15.

(6) In Carroll County the fee is \$50 per day.

(7) In Dorchester County:

(i) A holder of a special Class C beer, wine and liquor license may cater an event at the place described in the license on the effective days of the license;

(ii) The fee is \$25 per day; and

(iii) A holder of a special Class C beer, wine and liquor license:

1. Shall distribute at the event for which the license is issued a wristband to each individual who is at least 21 years old; and

2. May not serve an alcoholic beverage to any individual who does not wear the wristband.

(iv) A person who violates this paragraph is subject to:

1. For the first offense, a fine of \$50; and

2. For the second offense, a fine not exceeding \$500 and denial of further requests for licenses for catering additional events.

(8) In Frederick County the fee is \$30 per day.

(9) IN GARRETT COUNTY, A HOLDER OF A SPECIAL CLASS C BEER, WINE AND LIQUOR LICENSE MAY PURCHASE BEER AND LIGHT WINE FROM A WHOLESALE DEALER.

~~[(9)]~~ (10) In Harford County the fee is \$30 per day.

~~[(10)]~~ (11) Notwithstanding paragraph (1)(i) of this subsection, in Montgomery County:

(i) The fee is \$60 per day; and

(ii) Notwithstanding § 1-102(a)(4) of this article, the Board of License Commissioners may issue a one-day special Class C beer, wine and liquor license to a community swimming pool club.

~~[(11)]~~ (12) (i) This paragraph applies only in Prince George's County.

(ii) Except as provided in item (iii) of this paragraph, the fee is \$200 per day.

(iii) For a club, society, or association holding a casino or gambling event, the fee is \$150 per day, which shall be paid by the club, society, or association and shall be considered as part of the club's, society's, or association's special license fee.

(iv) When the Board of License Commissioners issues a license under this paragraph, the Board shall notify the chief of police, the fire chief, the director of the Department of Environmental Resources, and, if applicable, the municipal corporation in which the event is to be held, as to the time, place, and expected size of the event for which the license is issued.

(v) The Board of License Commissioners may deny an application for this license if it is determined that the applicant does not qualify under the provisions of this article.

~~[(12)]~~ (13) In Wicomico County the fee is \$45 per day.

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

Approved by the Governor, April 10, 2012.

Chapter 82

(Senate Bill 656)

AN ACT concerning

Higher Education – Community Colleges – Tuition Waivers – Inclusion of Fees Waiver for Disabled Individuals

FOR the purpose of altering ~~the definition of the term “tuition” as it applies to a waiver of the charges for residents of the State who are out of the work force for certain reasons relating to a disability and who are taking courses at a community college to include certain fees; making a stylistic change; a certain requirement for obtaining an exemption from the payment of tuition at community colleges for certain disabled individuals who are enrolled in classes for certain continuing education instruction; and generally relating to tuition waivers for senior citizens attending~~ disabled individuals at community college colleges.

BY repealing and reenacting, with amendments,
 Article – Education
 Section 16–106(a), (b), and (c)
 Annotated Code of Maryland
 (2008 Replacement Volume and 2011 Supplement)

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

Article – Education

16–106.

~~(a) Any full-time classified employee of a community college who enrolls, during [his] THE EMPLOYEE’S nonworking hours, in any class at the community college that has at least 10 regularly enrolled students:~~

~~(1) Is exempt from payment of tuition; and~~

~~(2) May not be counted in computing full-time equivalent enrollment at the community college under § 16–305 of this title.~~

~~(b) (1) (i) In this subsection, “tuition” means the basic instructional charge for courses offered at a community college.~~

~~(ii) [“Tuition”] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, “TUITION” does not include:~~

~~1. Any fees or costs associated with a self-supporting program; or~~

~~2. Any fees for:~~

~~A. Registration;~~

- ~~B. Application;~~
- ~~C. Administration; or~~
- ~~D. Laboratory work.~~

~~(2) Except as provided in paragraph (3) of this subsection, any resident of this State who is 60 years old or older and who enrolls in any class, which is eligible under § 16-305 of this title for State support, at the community college:~~

~~(i) Shall be exempt from payment of tuition; and~~

~~(ii) Shall be counted in computing full-time equivalent enrollment under § 16-305 of this title if enrolled in any class that is eligible for State support.~~

~~(3) A community college is required to waive the tuition for a course for senior citizens under this subsection only when course space is available.~~

~~(4) This subsection may not be construed to prohibit a community college board of trustees from offering senior citizens other educational opportunities free of charge, provided that the senior citizen is not counted in computing full-time equivalent enrollment for the purpose of receiving State support.~~

~~(c) (1) IN THIS SUBSECTION, "TUITION" INCLUDES THE FEES SET FORTH IN SUBSECTION (B)(1)(II) OF THIS SECTION.~~

~~[(1)] (2)~~ Any resident of this State who is out of the work force by reason of total and permanent disability who enrolls at a community college in a class that has at least 10 regularly enrolled students:

(i) Is exempt from payment of tuition ~~for~~:

1. FOR up to 6 credits per semester or up to 12 credits per semester if the individual is enrolled in classes as part of a degree or a certificate program designed to lead to employment; **OR**

2. FOR CONTINUING EDUCATION INSTRUCTION DESIGNED TO LEAD TO EMPLOYMENT, INCLUDING LIFE SKILLS INSTRUCTION; and

(ii) Shall be counted in computing full-time equivalent enrollment under § 16-305 of this title.

~~¶(2) ¶(3)~~ In order to receive this exemption, an individual who meets the requirements of paragraph ~~¶(1) ¶(2)~~ of this subsection shall provide the community college with certification from the Social Security Administration, the Railroad Retirement Board, or in the case of a former federal employee, from the individual's federal retirement or pension authority of the individual's:

(i) Total and permanent disability; and

(ii) Receipt of disability or retirement benefits based on a standard that is at least as stringent as the standard applied by the Social Security Act.

~~¶(3) ¶(4)~~ Certification from the Social Security Administration of an individual's receipt of disability or retirement benefits under either Title II or Title XVI of the federal Social Security Act shall satisfy the requirement in paragraph ~~¶(2)(ii) ¶(3)(ii)~~ of this subsection.

~~¶(4) ¶(5)~~ (i) In order to receive this exemption, an individual who meets the requirements of paragraph ~~¶(1) ¶(2)~~ of this subsection and is enrolled in a degree or certificate program shall submit a timely application for any State or federal student financial aid, other than a student loan, for which the student may qualify.

(ii) Any student financial aid, other than a student loan, received by the student shall be applied first to pay the student's tuition.

(iii) Under this exemption, the waiver shall apply to the difference, if any, between the charge for tuition and the financial aid award, not including a student loan, that the student receives.

(iv) On request, the community college shall assist any individual required to submit an application for State or federal student financial aid under this paragraph.

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

Approved by the Governor, April 10, 2012.

Chapter 83

(House Bill 53)

AN ACT concerning

**Higher Education – Community Colleges – Tuition Waiver for Disabled
Individuals**

FOR the purpose of altering a certain requirement for obtaining an exemption from the payment of tuition at community colleges for certain disabled individuals who are enrolled in classes for certain continuing education instruction; and generally relating to tuition waivers for disabled individuals at community colleges.

BY repealing and reenacting, with amendments,
 Article – Education
 Section 16–106(c)
 Annotated Code of Maryland
 (2008 Replacement Volume and 2011 Supplement)

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

Article – Education

16–106.

(c) (1) Any resident of this State who is out of the work force by reason of total and permanent disability who enrolls at a community college in a class that has at least 10 regularly enrolled students:

(i) Is exempt from payment of tuition ~~fee~~:

1. FOR up to 6 credits per semester or up to 12 credits per semester if the individual is enrolled in classes ~~that~~

~~is~~ **AS** part of a degree or a certificate program designed to lead to employment; **OR**

2. FOR CONTINUING EDUCATION INSTRUCTION DESIGNED TO LEAD TO EMPLOYMENT, INCLUDING LIFE SKILLS INSTRUCTION; and

(ii) Shall be counted in computing full-time equivalent enrollment under § 16–305 of this title.

(2) In order to receive this exemption, an individual who meets the requirements of paragraph (1) of this subsection shall provide the community college with certification from the Social Security Administration, the Railroad Retirement Board, or in the case of a former federal employee, from the individual's federal retirement or pension authority of the individual's:

(i) Total and permanent disability; and

(ii) Receipt of disability or retirement benefits based on a standard that is at least as stringent as the standard applied by the Social Security Act.

(3) Certification from the Social Security Administration of an individual's receipt of disability or retirement benefits under either Title II or Title XVI of the federal Social Security Act shall satisfy the requirement in paragraph (2)(ii) of this subsection.

(4) (i) In order to receive this exemption, an individual who meets the requirements of paragraph (1) of this subsection and is enrolled in a degree or certificate program shall submit a timely application for any State or federal student financial aid, other than a student loan, for which the student may qualify.

(ii) Any student financial aid, other than a student loan, received by the student shall be applied first to pay the student's tuition.

(iii) Under this exemption, the waiver shall apply to the difference, if any, between the charge for tuition and the financial aid award, not including a student loan, that the student receives.

(iv) On request, the community college shall assist any individual required to submit an application for State or federal student financial aid under this paragraph.

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

Approved by the Governor, April 10, 2012.

Chapter 84

(Senate Bill 711)

AN ACT concerning

Maryland General and Limited Power of Attorney Act

FOR the purpose of ~~specifying requirements to establish the legal sufficiency of certain statutory forms for a~~ clarifying the form of document that may be used to create a certain statutory form power of attorney; providing that a document substantially in the form of a certain statutory form in effect on the date the

document is executed shall continue to have a certain meaning and effect notwithstanding enactment of certain legislation; requiring certain coagents to act together unanimously unless otherwise provided in a power of attorney; providing for the designation of coagents in certain statutory forms for a power of attorney; altering certain provisions in certain statutory forms for a power of attorney relating to authority to make gifts to certain persons, to create or change a beneficiary designation in certain retirement plans, and to nominate a person for appointment as a guardian of property or a guardian of the person; and generally relating to the Maryland General and Limited Power of Attorney Act.

BY repealing and reenacting, without amendments,
 Article – Estates and Trusts
 Section 17–101(a) and (g)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
 Article – Estates and Trusts
 Section 17–108(d), 17–201, 17–202, and 17–203
 Annotated Code of Maryland
 (2011 Replacement Volume and 2011 Supplement)

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

Article – Estates and Trusts

17–101.

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

(g) (1) “Statutory form power of attorney” means a power of attorney that is substantially in the same form as one of the powers of attorney set forth in Subtitle 2 of this title.

(2) “Statutory form power of attorney” does not include a power of attorney set forth in Subtitle 2 of this title in which a principal incorporates by reference one or more provisions of another writing into the section of the power of attorney entitled “Special Instructions (Optional)”.

17–108.

(d) (1) A principal may delegate to one or more agents the authority to do any act specified in the statutory forms in Subtitle 2 of this title.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, IF A PRINCIPAL DESIGNATES ONE OR MORE COAGENTS, ALL COAGENTS SHALL ACT TOGETHER UNANIMOUSLY UNLESS THE POWER OF ATTORNEY OTHERWISE PROVIDES.

[(2)] (3) The acts specified in the statutory forms may not, notwithstanding paragraph (1) of this subsection, be deemed to invalidate or limit the validity of other authorized acts that a principal may delegate to an agent.

17-201.

~~(A)~~ (A) A document substantially in one of the [following] forms SET FORTH IN THIS SUBTITLE ~~AS IN EFFECT ON THE DATE THE DOCUMENT IS EXECUTED~~ may be used to create a statutory form power of attorney that has the meaning and effect prescribed by this title.

(B) A DOCUMENT SUBSTANTIALLY IN ONE OF THE FORMS SET FORTH IN THIS SUBTITLE IN EFFECT ON THE DATE THE DOCUMENT IS EXECUTED SHALL CONTINUE TO HAVE THE MEANING AND EFFECT PRESCRIBED BY THIS TITLE, NOTWITHSTANDING ENACTMENT OF LEGISLATION ALTERING THAT STATUTORY FORM AFTER THE DATE THE DOCUMENT IS EXECUTED.

~~(B) A STATUTORY FORM POWER OF ATTORNEY IS LEGALLY SUFFICIENT UNDER THIS TITLE IF:~~

~~(1) THE WORDING OF THE FORM COMPLIES SUBSTANTIALLY WITH A FORM SET FORTH IN THIS SUBTITLE;~~

~~(2) THE FORM IS PROPERLY COMPLETED; AND~~

~~(3) THE SIGNATURE OF THE PRINCIPAL IS ACKNOWLEDGED.~~

17-202.

“MARYLAND STATUTORY FORM

PERSONAL FINANCIAL POWER OF ATTORNEY

IMPORTANT INFORMATION AND WARNING

You should be very careful in deciding whether or not to sign this document. The powers granted by you (the principal) in this document are broad and sweeping. This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act

with respect to your property (including your money) whether or not you are able to act for yourself.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

You need not grant all of the powers listed below. If you choose to grant less than all of the listed powers, you may instead use a Maryland Statutory Form Limited Power of Attorney and mark on that Maryland Statutory Form Limited Power of Attorney which powers you intend to delegate to your attorney-in-fact (the Agent) and which you do not want the Agent to exercise.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

You should obtain competent legal advice before you sign this power of attorney if you have any questions about the document or the authority you are granting to your agent.

DESIGNATION OF AGENT

THIS SECTION OF THE FORM PROVIDES FOR DESIGNATION OF ONE AGENT.

IF YOU WISH TO NAME COAGENTS, SKIP THIS SECTION AND USE THE NEXT SECTION ("DESIGNATION OF COAGENTS").

I, _____,
(Name of Principal)

Name the following person as my agent:

Name of Agent: _____

Agent's Address: _____

Agent's Telephone Number: _____

DESIGNATION OF COAGENTS (OPTIONAL)

THIS SECTION OF THE FORM PROVIDES FOR DESIGNATION OF TWO OR MORE COAGENTS. COAGENTS ARE REQUIRED TO ACT TOGETHER UNANIMOUSLY UNLESS YOU OTHERWISE PROVIDE IN THIS FORM.

I, _____,
(NAME OF PRINCIPAL)

NAME THE FOLLOWING PERSONS AS COAGENTS:

NAME OF COAGENT: _____

COAGENT’S ADDRESS: _____

COAGENT’S TELEPHONE NUMBER: _____

NAME OF COAGENT: _____

COAGENT’S ADDRESS: _____

COAGENT’S TELEPHONE NUMBER: _____

SPECIAL INSTRUCTIONS REGARDING COAGENTS: _____

Designation of Successor Agent(s) (Optional)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: _____

Successor Agent’s
Address: _____

Successor Agent’s
Telephone Number: _____

If my successor agent is unable or unwilling to act for me, I name as my second
successor agent:

Name of Second
Successor Agent: _____

Second Successor
Agent’s Address: _____

Second Successor Agent’s
Telephone Number: _____

GRANT OF GENERAL AUTHORITY

I ("the principal") grant my agent and any successor agent, with respect to each subject listed below, the authority to do all acts that I could do to:

(1) Contract with another person, on terms agreeable to the agent, to accomplish a purpose of a transaction and perform, rescind, cancel, terminate, reform, restate, release, or modify the contract or another contract made by or on behalf of the principal;

(2) Execute, acknowledge, seal, deliver, file, or record any instrument or communication the agent considers desirable to accomplish a purpose of a transaction;

(3) Seek on the principal's behalf the assistance of a court or other governmental agency to carry out an act authorized in this power of attorney;

(4) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to a claim existing in favor of or against the principal or intervene in litigation relating to the claim;

(5) Engage, compensate, and discharge an attorney, accountant, discretionary investment manager, expert witness, or other advisor;

(6) Prepare, execute, and file a record, report, or other document to safeguard or promote the principal's interest under a statute or regulation and communicate with representatives or employees of a government or governmental subdivision, agency, or instrumentality, on behalf of the principal; and

(7) Do lawful acts with respect to the subject and all property related to the subject.

[My agent's authority shall include the authority to act as stated below with regard to each of the following subjects:]

SUBJECTS AND AUTHORITY

MY AGENT'S AUTHORITY SHALL INCLUDE THE AUTHORITY TO ACT AS STATED BELOW WITH REGARD TO EACH OF THE FOLLOWING SUBJECTS:

Real property – With respect to this subject, I authorize my agent to: demand, buy, sell, convey, lease, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject an interest in real property or a right incident to real property; pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal, including a reverse mortgage; release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien, or other claim to real property that exists or is asserted; and manage or conserve an interest in real property

or a right incident to real property owned or claimed to be owned by the principal, including: (1) insuring against liability or casualty or other loss; (2) obtaining or regaining possession of or protecting the interest or right by litigation or otherwise; (3) paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with them; and (4) purchasing supplies, hiring assistance or labor, and making repairs or alterations to the real property.

Stocks and bonds – With respect to this subject, I authorize my agent to: buy, sell, and exchange stocks and bonds; establish, continue, modify, or terminate an account with respect to stocks and bonds; pledge stocks and bonds as security to borrow, pay, renew, or extend the time of payment of a debt of the principal; receive certificates and other evidences of ownership with respect to stocks and bonds; exercise voting rights with respect to stocks and bonds in person or by proxy, enter into voting trusts, and consent to limitations on the right to vote.

Banks and other financial institutions – With respect to this subject, I authorize my agent to: continue, modify, transact all business in connection with, and terminate an account or other banking arrangement made by or on behalf of the principal; establish, modify, transact all business in connection with, and terminate an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the agent; contract for services available from a financial institution, including renting a safe deposit box or space in a vault; deposit by check, money order, electronic funds transfer, or otherwise with, or leave in the custody of, a financial institution money or property of the principal; withdraw, by check, money order, electronic funds transfer, or otherwise, money or property of the principal deposited with or left in the custody of a financial institution; receive statements of account, vouchers, notices, and similar documents from a financial institution and act with respect to them; enter a safe deposit box or vault and withdraw or add to the contents; borrow money and pledge as security personal property of the principal necessary to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal; make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts, and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order, transfer money, receive the cash or other proceeds of those transactions; and apply for, receive, and use credit cards and debit cards, electronic transaction authorizations, and traveler's checks from a financial institution.

Insurance and annuities – With respect to this subject, I authorize my agent to: continue, pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract procured by or on behalf of the principal that insures or provides an annuity to either the principal or another person, whether or not the principal is a beneficiary under the contract; procure new, different, and additional contracts of insurance and annuities for the principal and select the amount, type of insurance or annuity, and mode of payment; pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract of insurance or annuity procured by the agent; apply for and receive a loan secured by a contract of insurance

or annuity; surrender and receive the cash surrender value on a contract of insurance or annuity; exercise an election; exercise investment powers available under a contract of insurance or annuity; change the manner of paying premiums on a contract of insurance or annuity; change or convert the type of insurance or annuity with respect to which the principal has or claims to have authority described in this section; apply for and procure a benefit or assistance under a statute or regulation to guarantee or pay premiums of a contract of insurance on the life of the principal; collect, sell, assign, hypothecate, borrow against, or pledge the interest of the principal in a contract of insurance or annuity; select the form and timing of the payment of proceeds from a contract of insurance or annuity; pay, from proceeds or otherwise, compromise or contest, and apply for refunds in connection with a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity or the proceeds or liability from the contract of insurance or annuity accruing by reason of the tax or assessment.

Claims and litigation – With respect to this subject, I authorize my agent to: assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment, or defense, including an action to recover property or other thing of value, recover damages sustained by the principal, eliminate or modify tax liability, or seek an injunction, specific performance, or other relief; act for the principal with respect to bankruptcy or insolvency, whether voluntary or involuntary, concerning the principal or some other person, or with respect to a reorganization, receivership, or application for the appointment of a receiver or trustee that affects an interest of the principal in property or other thing of value; pay a judgment, award, or order against the principal or a settlement made in connection with a claim or litigation; and receive money or other thing of value paid in settlement of or as proceeds of a claim or litigation.

Benefits from governmental programs or civil or military service (including any benefit, program, or assistance provided under a statute or regulation including Social Security, Medicare, and Medicaid) – With respect to this subject, I authorize my agent to: execute vouchers in the name of the principal for allowances and reimbursements payable by the United States or a foreign government or by a state or subdivision of a state to the principal; enroll in, apply for, select, reject, change, amend, or discontinue, on the principal's behalf, a benefit or program; prepare, file, and maintain a claim of the principal for a benefit or assistance, financial or otherwise, to which the principal may be entitled under a statute or regulation; initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation concerning a benefit or assistance the principal may be entitled to receive under a statute or regulation; and receive the financial proceeds of a claim described above and conserve, invest, disburse, or use for a lawful purpose anything so received.

Retirement plans (including a plan or account created by an employer, the principal, or another individual to provide retirement benefits or deferred compensation of which the principal is a participant, beneficiary, or owner, including a plan or account under the following sections of the Internal Revenue Code: (1) an individual retirement

account under Internal Revenue Code Section 408, 26 U.S.C. § 408; (2) a Roth individual retirement account under Internal Revenue Code Section 408A, 26 U.S.C. § 408A; (3) a deemed individual retirement account under Internal Revenue Code Section 408(q), 26 U.S.C. § 408(q); (4) an annuity or mutual fund custodial account under Internal Revenue Code Section 403(b), 26 U.S.C. § 403(b); (5) a pension, profit-sharing, stock bonus, or other retirement plan qualified under Internal Revenue Code Section 401(a), 26 U.S.C. § 401(a); (6) a plan under Internal Revenue Code Section 457(b), 26 U.S.C. § 457(b); and (7) a nonqualified deferred compensation plan under Internal Revenue Code Section 409A, 26 U.S.C. § 409A – With respect to this subject, I authorize my agent to: select the form and timing of payments under a retirement plan and withdraw benefits from a plan; make a rollover, including a direct trustee-to-trustee rollover, of benefits from one retirement plan to another; establish a retirement plan in the principal's name; make contributions to a retirement plan; exercise investment powers available under a retirement plan; borrow from, sell assets to, or purchase assets from a retirement plan. **I RECOGNIZE THAT GRANTING MY AGENT THE AUTHORITY TO CREATE OR CHANGE A BENEFICIARY DESIGNATION FOR A RETIREMENT PLAN MAY AFFECT THE BENEFITS THAT I MAY RECEIVE IF THAT AUTHORITY IS EXERCISED. IF I GRANT MY AGENT THE AUTHORITY TO DESIGNATE THE AGENT, THE AGENT'S SPOUSE, OR A DEPENDENT OF THE AGENT AS A BENEFICIARY OF A RETIREMENT PLAN, THE GRANT MAY CONSTITUTE A TAXABLE GIFT BY ME AND MAY MAKE THE PROPERTY SUBJECT TO THAT AUTHORITY TAXABLE AS A PART OF THE AGENT'S ESTATE. THEREFORE, IF I WISH TO AUTHORIZE MY AGENT TO CREATE OR CHANGE A BENEFICIARY DESIGNATION FOR ANY RETIREMENT PLAN, AND IN PARTICULAR IF I WISH TO AUTHORIZE THE AGENT TO DESIGNATE AS MY BENEFICIARY THE AGENT, THE AGENT'S SPOUSE, OR A DEPENDENT OF THE AGENT, I WILL EXPLICITLY STATE THIS AUTHORITY IN THE SPECIAL INSTRUCTIONS SECTION THAT FOLLOWS OR IN A SEPARATE POWER OF ATTORNEY.**

Taxes – With respect to this subject, I authorize my agent to: prepare, sign, and file federal, state, local, and foreign income, gift, payroll, property, federal insurance contributions act, and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters, and other tax-related documents, including receipts, offers, waivers, consents, including consents and agreements under Internal Revenue Code Section 2032A, 26 U.S.C. § 2032A, closing agreements, and other powers of attorney required by the Internal Revenue Service or other taxing authority with respect to a tax year on which the statute of limitations has not run and the following 25 tax years; pay taxes due, collect refunds, post bonds, receive confidential information, and contest deficiencies determined by the Internal Revenue Service or other taxing authority; exercise elections available to the principal under federal, state, local, or foreign tax law; and act for the principal in all tax matters for all periods before the Internal Revenue Service, or other taxing authority.

SPECIAL INSTRUCTIONS (OPTIONAL)

YOU MAY GIVE SPECIAL INSTRUCTIONS ON THE FOLLOWING LINES:

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

TERMINATION DATE (OPTIONAL)

This power of attorney shall terminate on _____, 20____.
(Use a specific calendar date)

NOMINATION OF GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a guardian of my [estate] **PROPERTY** or guardian of my person, I nominate the following person(s) for appointment:

Name of nominee for guardian of my property: _____

My agent (or successor agent) named above

or

_____]

Nominee's address: _____

Nominee's telephone number: _____

Name of nominee for guardian of my person:

My agent (or successor agent) named above

or]

Nominee's address: _____

Nominee's telephone number: _____

SIGNATURE AND ACKNOWLEDGMENT

Your Signature

Date

Your Name Printed

Your Address

Your Telephone Number

STATE OF MARYLAND
(COUNTY) OF _____

This document was acknowledged before me on

(Date)

By _____ to be his/her act.
(Name of Principal)

Signature of Notary (SEAL, IF ANY)
My commission expires: _____

WITNESS ATTESTATION

The foregoing power of attorney was, on the date written above, published and declared by

(Name of Principal)

in our presence to be his/her power of attorney. We, in his/her presence and at his/her request, and in the presence of each other, have attested to the same and have signed our names as attesting witnesses.

Witness #1 Signature

Witness #1 Name Printed

Witness #1 Address

Witness #1 Telephone Number

 Witness #2 Signature

 Witness #2 Name Printed

 Witness #2 Address

 Witness #2 Telephone Number"

17-203.

“MARYLAND STATUTORY FORM LIMITED POWER OF ATTORNEY

PLEASE READ CAREFULLY

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). You need not give to your agent all the authorities listed below and may give the agent only those limited powers that you specifically indicate. This power of attorney gives your agent the right to make limited decisions for you. You should very carefully weigh your decision as to what powers you give your agent. Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself.

If you choose to make a grant of limited authority, you should check the boxes that identify the specific authorization you choose to give your agent.

This power of attorney does not authorize the agent to make health care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

Your agent is not entitled to compensation unless you indicate otherwise in the special instructions of this power of attorney. If you indicate that your agent is to receive compensation, your agent is entitled to reasonable compensation or compensation as specified in the Special Instructions.

This form provides for designation of one agent. If you wish to name more than one agent you may name a coagent in the Special Instructions. Coagents are [not] required to act together **UNANIMOUSLY** unless you [include that requirement] **SPECIFY OTHERWISE** in the Special Instructions.

If your agent is unavailable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

DESIGNATION OF AGENT

THIS SECTION OF THE FORM PROVIDES FOR DESIGNATION OF ONE AGENT.

IF YOU WISH TO NAME COAGENTS, SKIP THIS SECTION AND USE THE NEXT SECTION (“DESIGNATION OF COAGENTS”).

I, _____, name the following person
(Name of Principal)
as my agent:

Name of
Agent: _____
Agent’s
Address: _____
Agent’s Telephone
Number: _____

DESIGNATION OF COAGENTS (OPTIONAL)

THIS SECTION OF THE FORM PROVIDES FOR DESIGNATION OF TWO OR MORE COAGENTS. COAGENTS ARE REQUIRED TO ACT TOGETHER UNANIMOUSLY UNLESS YOU OTHERWISE PROVIDE IN THIS FORM.

I, _____,
(NAME OF PRINCIPAL)

NAME THE FOLLOWING PERSONS AS COAGENTS:

NAME OF COAGENT: _____

COAGENT’S ADDRESS: _____

COAGENT’S TELEPHONE NUMBER: _____

NAME OF COAGENT: _____

COAGENT’S ADDRESS: _____

COAGENT'S TELEPHONE NUMBER: _____

SPECIAL INSTRUCTIONS REGARDING COAGENTS: _____

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: _____

Successor Agent's

Address: _____

Successor Agent's Telephone Number: _____

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second Successor

Agent: _____

Second Successor Agent's

Address: _____

Second Successor Agent's Telephone Number: _____

GRANT OF GENERAL AUTHORITY

I ("the principal") grant my agent and any successor agent, with respect to each subject that I choose below, the authority to do all acts that I could do to:

(1) Demand, receive, and obtain by litigation or otherwise, money or another thing of value to which the principal is, may become, or claims to be entitled, and conserve, invest, disburse, or use anything so received or obtained for the purposes intended;

(2) Contract with another person, on terms agreeable to the agent, to accomplish a purpose of a transaction and perform, rescind, cancel, terminate, reform, restate, release, or modify the contract or another contract made by or on behalf of the principal;

(3) Execute, acknowledge, seal, deliver, file, or record any instrument or communication the agent considers desirable to accomplish a purpose of a transaction, including creating a schedule contemporaneously or at a later time listing some or all of the principal's property and attaching the schedule to this power of attorney;

(4) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to a claim existing in favor of or against the principal or intervene in litigation relating to the claim;

(5) Seek on the principal's behalf the assistance of a court or other governmental agency to carry out an act authorized in this power of attorney;

(6) Engage, compensate, and discharge an attorney, accountant, discretionary investment manager, expert witness, or other advisor;

(7) Prepare, execute, and file a record, report, or other document to safeguard or promote the principal's interest under a statute or regulation;

(8) Communicate with representatives or employees of a government or governmental subdivision, agency, or instrumentality, on behalf of the principal;

(9) Access communications intended for, and communicate on behalf of the principal, whether by mail, electronic transmission, telephone, or other means; and

(10) Do lawful acts with respect to the subject and all property related to the subject.

(INITIAL each authority in any subject you want to include in the agent's general authority. Cross through each authority in any subject that you want to exclude. If you wish to grant general authority over an entire subject, you may initial "All of the above" instead of initialing each authority.)

SUBJECTS AND AUTHORITY

A. Real Property – With respect to this category, I authorize my agent to:

Demand, buy, lease, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject an interest in real property or a right incident to real property

Sell, exchange, convey with or without covenants, representations, or warranties, quitclaim, release, surrender, retain title for security, encumber, partition, consent to partitioning, subject to an easement or covenant, subdivide, apply for zoning or other governmental permits, plat or consent to platting, develop, grant an option concerning, lease, sublease, contribute to an entity in exchange for an interest in that entity, or otherwise grant or dispose of an interest in real property or a right incident to real property

Pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of

payment of a debt of the principal or a debt guaranteed by the principal, including a reverse mortgage

() Release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien, or other claim to real property that exists or is asserted

() Manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by the principal, including:

(1) Insuring against liability or casualty or other loss;

(2) Obtaining or regaining possession of or protecting the interest or right by litigation or otherwise;

(3) Paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with them; and

(4) Purchasing supplies, hiring assistance or labor, and making repairs or alterations to the real property

() Use, develop, alter, replace, remove, erect, or install structures or other improvements on real property in or incident to which the principal has, or claims to have, an interest or right

() Participate in a reorganization with respect to real property or an entity that owns an interest in or a right incident to real property and receive, hold, and act with respect to stocks and bonds or other property received in a plan of reorganization, including:

(1) Selling or otherwise disposing of the stocks and bonds or other property;

(2) Exercising or selling an option, a right of conversion, or a similar right with respect to the stocks and bonds or other property; and

(3) Exercising voting rights in person or by proxy

() Change the form of title of an interest in or a right incident to real property

() Dedicate to public use, with or without consideration, easements or other real property in which the principal has, or claims to have, an interest

() All of the above

B. Tangible Personal Property – With respect to this subject, I authorize my agent to:

Demand, buy, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject ownership or possession of tangible personal property or an interest in tangible personal property

Sell, exchange, convey with or without covenants, representations, or warranties, quitclaim, release, surrender, create a security interest in, grant options concerning, lease, sublease, or otherwise dispose of tangible personal property or an interest in tangible personal property

Grant a security interest in tangible personal property or an interest in tangible personal property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal

Release, assign, satisfy, or enforce by litigation or otherwise, a security interest, lien, or other claim on behalf of the principal, with respect to tangible personal property or an interest in tangible personal property

Manage or conserve tangible personal property or an interest in tangible personal property on behalf of the principal, including:

(1) Insuring against liability or casualty or other loss;

(2) Obtaining or regaining possession of or protecting the property or interest, by litigation or otherwise;

(3) Paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with taxes or assessments;

(4) Moving the property from place to place;

(5) Storing the property for hire or on a gratuitous bailment;
and

(6) Using and making repairs, alterations, or improvements to
the property

Change the form of title of an interest in tangible personal property

All of the above

C. Stocks and Bonds – With respect to this subject, I authorize my agent to:

Buy, sell, and exchange stocks and bonds

Establish, continue, modify, or terminate an account with respect to stocks and bonds

Pledge stocks and bonds as security to borrow, pay, renew, or extend the time of payment of a debt of the principal

Receive certificates and other evidences of ownership with respect to stocks and bonds

Exercise voting rights with respect to stocks and bonds in person or by proxy, enter into voting trusts, and consent to limitations on the right to vote

All of the above

D. Commodities – With respect to this subject, I authorize my agent to:

Buy, sell, exchange, assign, settle, and exercise commodity futures contracts and call or put options on stocks or stock indexes traded on a regulated option exchange

Establish, continue, modify, and terminate option accounts

All of the above

E. Banks and Other Financial Institutions – With respect to this subject, I authorize my agent to:

Continue, modify, transact all business in connection with, and terminate an account or other banking arrangement made by or on behalf of the principal

Establish, modify, transact all business in connection with, and terminate an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the agent

Contract for services available from a financial institution, including renting a safe deposit box or space in a vault

Deposit by check, money order, electronic funds transfer, or otherwise with, or leave in the custody of, a financial institution money or property of the principal

Withdraw, by check, money order, electronic funds transfer, or otherwise, money or property of the principal deposited with or left in the custody of a financial institution

Receive statements of account, vouchers, notices, and similar documents from a financial institution and act with respect to them

Enter a safe deposit box or vault and withdraw or add to the contents

Borrow money and pledge as security personal property of the principal necessary to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal

Make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts, and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order, transfer money, receive the cash or other proceeds of those transactions, and accept a draft drawn by a person on the principal and pay the draft when due

Receive for the principal and act on a sight draft, warehouse receipt, other document of title whether tangible or electronic, or other negotiable or nonnegotiable instrument

Apply for, receive, and use letters of credit, credit cards and debit cards, electronic transaction authorizations, and traveler's checks from a financial institution and give an indemnity or other agreement in connection with letters of credit

Consent to an extension of the time of payment with respect to commercial paper or a financial transaction with a financial institution

All of the above

F. Operation of an Entity or a Business – With respect to this subject, I authorize my agent to:

Operate, buy, sell, enlarge, reduce, or terminate an ownership interest

Perform a duty or discharge a liability and exercise in person or by proxy a right, power, privilege, or an option that the principal has, may have, or claims to have

Enforce the terms of an ownership agreement

(___) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party because of an ownership interest

(___) Exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege, or an option the principal has or claims to have as the holder of stocks and bonds

(___) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party concerning stocks and bonds

(___) With respect to an entity or business owned solely by the principal:

(1) Continue, modify, renegotiate, extend, and terminate a contract made by or on behalf of the principal with respect to the entity or business before execution of this power of attorney;

(2) Determine:

(i) The location of the operation of the entity or business;

(ii) The nature and extent of the business of the entity or business;

(iii) The methods of manufacturing, selling, merchandising, financing, accounting, and advertising employed in the operation of the entity or business;

(iv) The amount and types of insurance carried by the entity or business; and

(v) The mode of engaging, compensating, and dealing with the employees and accountants, attorneys, or other advisors of the entity or business;

(3) Change the name or form of organization under which the entity or business is operated and enter into an ownership agreement with other persons to take over all or part of the operation of the entity or business; and

(4) Demand and receive money due or claimed by the principal or on the principal's behalf in the operation of the entity or business and control and disburse the money in the operation of the entity or business

(___) Put additional capital into an entity or a business in which the principal has an interest

Join in a plan of reorganization, consolidation, conversion, domestication, or merger of the entity or business

Sell or liquidate all or part of an entity or business

Establish the value of an entity or a business under a buyout agreement to which the principal is a party

Prepare, sign, file, and deliver reports, compilations of information, returns, or other papers with respect to an entity or business and make related payments

Pay, compromise, or contest taxes, assessments, fines, or penalties and perform other acts to protect the principal from illegal or unnecessary taxation, assessments, fines, or penalties, with respect to an entity or a business, including attempts to recover, as permitted by law, money paid before or after the execution of this power of attorney

All of the above

G. Insurance and Annuities – With respect to this subject, I authorize my agent to:

Continue, pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract procured by or on behalf of the principal that insures or provides an annuity to either the principal or another person, whether or not the principal is a beneficiary under the contract

Procure new, different, and additional contracts of insurance and annuities for the principal and the principal's spouse, children, and other dependents, and select the amount, type of insurance or annuity, and mode of payment

Pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract of insurance or annuity procured by the agent

Apply for and receive a loan secured by a contract of insurance or annuity

Surrender and receive the cash surrender value on a contract of insurance or annuity

Exercise an election

Exercise investment powers available under a contract of insurance or annuity

Change the manner of paying premiums on a contract of insurance or annuity

Change or convert the type of insurance or annuity with respect to which the principal has or claims to have authority described in this section

Apply for and procure a benefit or assistance under a statute or regulation to guarantee or pay premiums of a contract of insurance on the life of the principal

Collect, sell, assign, hypothecate, borrow against, or pledge the interest of the principal in a contract of insurance or annuity

Select the form and timing of the payment of proceeds from a contract of insurance or annuity

Pay, from proceeds or otherwise, compromise or contest, and apply for refunds in connection with a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity or the proceeds or liability from the contract of insurance or annuity accruing by reason of the tax or assessment

All of the above

H. Estates, Trusts, and Other Beneficial Interests (including trusts, probate estates, guardianships, conservatorships, escrows, or custodianships or funds from which the principal is, may become, or claims to be entitled to a share or payment) – With respect to this subject, I authorize my agent to:

Accept, receive, receipt for, sell, assign, pledge, or exchange a share in or payment from the fund described above

Demand or obtain money or another thing of value to which the principal is, may become, or claims to be entitled by reason of the fund described above, by litigation or otherwise

Exercise for the benefit of the principal a presently exercisable general power of appointment held by the principal

Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to ascertain the meaning, validity, or effect of a deed, will, declaration of trust, or other instrument or transaction affecting the interest of the principal

Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to remove, substitute, or surcharge a fiduciary

Conserve, invest, disburse, or use anything received for an authorized purpose

Transfer an interest of the principal in real property, stocks and bonds, accounts with financial institutions or securities intermediaries, insurance, annuities, and other property to the trustee of a revocable trust created by the principal as settlor

Reject, renounce, disclaim, release, or consent to a reduction in or modification of a share in or payment from the fund described above

All of the above

I. Claims and Litigation – With respect to this subject, I authorize my agent to:

Assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment, or defense, including an action to recover property or other thing of value, recover damages sustained by the principal, eliminate or modify tax liability, or seek an injunction, specific performance, or other relief

Bring an action to determine adverse claims or intervene or otherwise participate in litigation

Seek an attachment, garnishment, order of arrest, or other preliminary, provisional, or intermediate relief and use an available procedure to effect or satisfy a judgment, order, or decree

Make or accept a tender, offer of judgment, or admission of facts, submit a controversy on an agreed statement of facts, consent to examination, and bind the principal in litigation

Submit to alternative dispute resolution, settle, and propose or accept a compromise

Waive the issuance and service of process on the principal, accept service of process, appear for the principal, designate persons on which process directed to the principal may be served, execute and file or deliver stipulations on the principal's behalf, verify pleadings, seek appellate review, procure and give surety and indemnity bonds, contract and pay for the preparation and printing of records and briefs, receive, execute, and file or deliver a consent, waiver, release, confession of judgment, satisfaction of judgment, notice, agreement, or other instrument in connection with the prosecution, settlement, or defense of a claim or litigation

Act for the principal with respect to bankruptcy or insolvency, whether voluntary or involuntary, concerning the principal or some other person, or

with respect to a reorganization, receivership, or application for the appointment of a receiver or trustee that affects an interest of the principal in property or other thing of value

Pay a judgment, award, or order against the principal or a settlement made in connection with a claim or litigation

Receive money or other thing of value paid in settlement of or as proceeds of a claim or litigation

All of the above

J. Personal and Family Maintenance – With respect to this subject, I authorize my agent to:

Perform the acts necessary to maintain the customary standard of living of the principal, the principal's spouse, and the following individuals, whether living when this power of attorney is executed or later born:

(1) The principal's children;

(2) Other individuals legally entitled to be supported by the principal; and

(3) The individuals whom the principal has customarily supported or indicated the intent to support;

Make periodic payments of child support and other family maintenance required by a court or governmental agency or an agreement to which the principal is a party

Provide living quarters for the individuals described above by:

(1) Purchase, lease, or other contract; or

(2) Paying the operating costs, including interest, amortization payments, repairs, improvements, and taxes, for premises owned by the principal or occupied by those individuals

Provide normal domestic help, usual vacations and travel expenses, and funds for shelter, clothing, food, appropriate education, including postsecondary and vocational education, and other current living costs for the individuals described above

Pay expenses for necessary health care and custodial care on behalf of the individuals described above

Act as the principal's personal representative in accordance with the Health Insurance Portability and Accountability Act, §§ 1171 through 1179 of the Social Security Act, 42 U.S.C. § 1320d, and applicable regulations in making decisions related to the past, present, or future payment for the provision of health care consented to by the principal or anyone authorized under the law of this State to consent to health care on behalf of the principal

Continue provisions made by the principal for automobiles or other means of transportation, including registering, licensing, insuring, and replacing the means of transportation, for the individuals described above

Maintain credit and debit accounts for the convenience of the individuals described above and open new accounts

Continue payments incidental to the membership or affiliation of the principal in a religious institution, club, society, order, or other organization or to continue contributions to those organizations

(NOTE: Authority with respect to personal and family maintenance is neither dependent on, nor limited by, authority that an agent may or may not have with respect to gifts under this power of attorney.)

All of the above

K. Benefits from Governmental Programs or Civil or Military Service (including any benefit, program, or assistance provided under a statute or regulation including Social Security, Medicare, and Medicaid) – With respect to this subject, I authorize my agent to:

Execute vouchers in the name of the principal for allowances and reimbursements payable by the United States or a foreign government or by a state or subdivision of a state to the principal, including allowances and reimbursements for transportation of the individuals described in "J. Personal and Family Maintenance" above, and for shipment of the household effects of those individuals

Take possession and order the removal and shipment of property of the principal from a post, warehouse, depot, dock, or other place of storage or safekeeping, either governmental or private, and execute and deliver a release, voucher, receipt, bill of lading, shipping ticket, certificate, or other instrument for that purpose

Enroll in, apply for, select, reject, change, amend, or discontinue, on the principal's behalf, a benefit or program

Prepare, file, and maintain a claim of the principal for a benefit or assistance, financial or otherwise, to which the principal may be entitled under a statute or regulation

Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation concerning a benefit or assistance the principal may be entitled to receive under a statute or regulation

Receive the financial proceeds of a claim described above and conserve, invest, disburse, or use for a lawful purpose anything so received

All of the above

L. Retirement Plans (including a plan or account created by an employer, the principal, or another individual to provide retirement benefits or deferred compensation of which the principal is a participant, beneficiary, or owner, including a plan or account under the following sections of the Internal Revenue Code:

(1) An individual retirement account under Internal Revenue Code Section 408, 26 U.S.C. § 408;

(2) A Roth individual retirement account under Internal Revenue Code Section 408A, 26 U.S.C. § 408A;

(3) A deemed individual retirement account under Internal Revenue Code Section 408(q), 26 U.S.C. § 408(q);

(4) An annuity or mutual fund custodial account under Internal Revenue Code Section 403(b), 26 U.S.C. § 403(b);

(5) A pension, profit-sharing, stock bonus, or other retirement plan qualified under Internal Revenue Code Section 401(a), 26 U.S.C. § 401(a);

(6) A plan under Internal Revenue Code Section 457(b), 26 U.S.C. § 457(b); and

(7) A nonqualified deferred compensation plan under Internal Revenue Code Section 409A, 26 U.S.C. § 409A) – With respect to this subject, I authorize my agent to:

Select the form and timing of payments under a retirement plan and withdraw benefits from a plan

Make a rollover, including a direct trustee-to-trustee rollover, of benefits from one retirement plan to another

Establish a retirement plan in the principal's name

Make contributions to a retirement plan

- Exercise investment powers available under a retirement plan
- Borrow from, sell assets to, or purchase assets from a retirement plan
- All of the above

M. Taxes – With respect to this subject, I authorize my agent to:

Prepare, sign, and file federal, state, local, and foreign income, gift, payroll, property, Federal Insurance Contributions Act, and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters, and other tax-related documents, including receipts, offers, waivers, consents, including consents and agreements under Internal Revenue Code Section 2032A, 26 U.S.C. § 2032A, closing agreements, and other powers of attorney required by the Internal Revenue Service or other taxing authority with respect to a tax year on which the statute of limitations has not run and the following 25 tax years

Pay taxes due, collect refunds, post bonds, receive confidential information, and contest deficiencies determined by the Internal Revenue Service or other taxing authority

Exercise elections available to the principal under federal, state, local, or foreign tax law

Act for the principal in all tax matters for all periods before the Internal Revenue Service, or other taxing authority

All of the above

N. Gifts (including gifts to a trust, an account under the Uniform Transfers to Minors Act, and a tuition savings account or prepaid tuition plan as defined under Internal Revenue Code Section 529, 26 U.S.C. § 529) – With respect to this subject, I authorize my agent to:

Make outright to, or for the benefit of, a person, a gift of part or all of the principal's property, including by the exercise of a presently exercisable general power of appointment held by the principal, in an amount for each donee not to exceed the annual dollar limits of the federal gift tax exclusion under Internal Revenue Code Section 2503(b), 26 U.S.C. § 2503(b), without regard to whether the federal gift tax exclusion applies to the gift, or if the principal's spouse agrees to consent to a split gift pursuant to Internal Revenue Code Section 2513, 26 U.S.C. § 2513, in an amount for each donee not to exceed twice the annual federal gift tax exclusion limit

Consent, pursuant to Internal Revenue Code Section 2513, 26 U.S.C. § 2513, to the splitting of a gift made by the principal's spouse in an amount for each donee not to exceed the aggregate annual gift tax exclusions for both spouses

(NOTE: An agent may only make a gift of the principal's property as the agent determines is consistent with the principal's objectives if actually known by the agent and, if unknown, as the agent determines is consistent with the principal's best interest based on all relevant factors, including:

- (1) The value and nature of the principal's property;
- (2) The principal's foreseeable obligations and need for maintenance;
- (3) Minimization of taxes, including income, estate, inheritance, generation-skipping transfer, and gift taxes;
- (4) Eligibility for a benefit, a program, or assistance under a statute or regulation; and
- (5) The principal's personal history of making or joining in making gifts.)

All of the above

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. **IN ADDITION, GRANTING YOUR AGENT THE AUTHORITY TO MAKE GIFTS TO, OR TO DESIGNATE AS THE BENEFICIARY OF ANY RETIREMENT PLAN, THE AGENT, THE AGENT'S SPOUSE, OR A DEPENDENT OF THE AGENT MAY CONSTITUTE A TAXABLE GIFT BY YOU AND MAY MAKE THE PROPERTY SUBJECT TO THAT AUTHORITY TAXABLE AS PART OF THE AGENT'S ESTATE.** INITIAL ONLY the specific authority you WANT to give your agent.)

Create an inter vivos trust, or amend, revoke, or terminate an existing inter vivos trust if the trust expressly authorizes that action by the agent

Make a gift, subject to any special instructions in this power of attorney

Create or change rights of survivorship

() Create or change a beneficiary designation, **SUBJECT TO ANY SPECIAL INSTRUCTIONS IN THIS POWER OF ATTORNEY; AND, IF I WISH TO AUTHORIZE MY AGENT TO DESIGNATE THE AGENT, THE AGENT’S SPOUSE, OR A DEPENDENT OF THE AGENT AS A BENEFICIARY, I WILL EXPLICITLY STATE THIS AUTHORITY WITHIN THE SPECIAL INSTRUCTIONS OF THIS POWER OF ATTORNEY OR IN A SEPARATE POWER OF ATTORNEY**

() Authorize another person to exercise the authority granted under this power of attorney

() Waive the principal’s right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan

() Exercise fiduciary powers that the principal has authority to delegate

() Disclaim or refuse an interest in property, including a power of appointment

LIMITATION ON AGENT’S AUTHORITY

An agent that is not my ancestor, spouse, or descendant **MAY NOT** use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions on the following lines:

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

TERMINATION DATE (OPTIONAL)

This power of attorney shall terminate on _____, 20_____.
(Use a specific calendar date)

NOMINATION OF GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a guardian of my property or guardian of my person, I nominate the following person(s) for appointment:

Name of Nominee for guardian of my property:

Nominee's Address: _____

Nominee's Telephone Number: _____

Name of Nominee for guardian of my person:

Nominee's Address: _____

Nominee's Telephone Number: _____

SIGNATURE AND ACKNOWLEDGMENT

Your Signature

Date

Your Name Printed

Your Address

Your Telephone Number

STATE OF MARYLAND

(COUNTY) OF _____

This document was acknowledged before me on

(Date)

by _____.

(Name of Principal)

(Seal, if any)

Signature of Notary

My commission expires: _____

WITNESS ATTESTATION

The foregoing power of attorney was, on the date written above, published and declared by

(Name of Principal)

in our presence to be his/her power of attorney. We, in his/her presence and at his/her request, and in the presence of each other, have attested to the same and have signed our names as attesting witnesses.

Witness #1 Signature

Witness #1 Name Printed

Witness #1 Address

Witness #1 Telephone Number

Witness #2 Signature

Witness #2 Name Printed

Witness #2 Address

Witness #2 Telephone Number

This document prepared by:

IMPORTANT INFORMATION FOR AGENT

Agent's Duties

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes on you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:

(1) Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;

(2) Act with care, competence, and diligence for the best interest of the principal;

(3) Do nothing beyond the authority granted in this power of attorney; and

(4) Disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as “agent” in the following manner:

(Principal's Name) by

(Your Signature) as Agent

Unless the Special Instructions in this power of attorney state otherwise, you must also:

(1) Act loyally for the principal's benefit;

(2) Avoid conflicts that would impair your ability to act in the principal's best interest;

(3) Keep a record of all receipts, disbursements, and transactions made on behalf of the principal;

(4) Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and

(5) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

Termination of Agent's Authority

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:

(1) Death of the principal;

(2) The principal's revocation of the power of attorney or your authority;

(3) The occurrence of a termination event stated in the power of attorney;

(4) The purpose of the power of attorney is fully accomplished; or

(5) If you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

Liability of Agent

The meaning of the authority granted to you is defined in the Maryland Power of Attorney Act, Title 17 of the Estates and Trusts Article. If you violate the Maryland Power of Attorney Act, Title 17 of the Estates and Trusts Article, or act outside the authority granted, you may be liable for any damages caused by your violation.

If there is anything about this document or your duties that you do not understand, you should seek legal advice.”

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

Approved by the Governor, April 10, 2012.

Chapter 85

(House Bill 774)

AN ACT concerning

Maryland General and Limited Power of Attorney Act

FOR the purpose of ~~specifying requirements to establish the legal sufficiency of certain statutory forms for a~~ clarifying the form of document that may be used to create a certain statutory form power of attorney; providing that a document substantially in the form of a certain statutory form in effect on the date the document is executed shall continue to have a certain meaning and effect notwithstanding enactment of certain legislation; requiring certain coagents to act together unanimously unless otherwise provided in a power of attorney; providing for the designation of coagents in certain statutory forms for a power of attorney; altering certain provisions in certain statutory forms for a power of attorney relating to authority to make gifts to certain persons, to create or change a beneficiary designation in certain retirement plans, and to nominate a person for appointment as a guardian of property or a guardian of the person; and generally relating to the Maryland General and Limited Power of Attorney Act.

BY repealing and reenacting, without amendments,
Article – Estates and Trusts
Section 17-101(a) and (g)
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Estates and Trusts
Section 17–108(d), 17–201, 17–202, and 17–203
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

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

Article – Estates and Trusts

17–101.

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

(g) (1) “Statutory form power of attorney” means a power of attorney that is substantially in the same form as one of the powers of attorney set forth in Subtitle 2 of this title.

(2) “Statutory form power of attorney” does not include a power of attorney set forth in Subtitle 2 of this title in which a principal incorporates by reference one or more provisions of another writing into the section of the power of attorney entitled “Special Instructions (Optional)”.

17–108.

(d) (1) A principal may delegate to one or more agents the authority to do any act specified in the statutory forms in Subtitle 2 of this title.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, IF A PRINCIPAL DESIGNATES ONE OR MORE COAGENTS, ALL COAGENTS SHALL ACT TOGETHER UNANIMOUSLY UNLESS THE POWER OF ATTORNEY OTHERWISE PROVIDES.

[(2)] (3) The acts specified in the statutory forms may not, notwithstanding paragraph (1) of this subsection, be deemed to invalidate or limit the validity of other authorized acts that a principal may delegate to an agent.

17–201.

(A) A document substantially in one of the [following] forms **SET FORTH IN THIS SUBTITLE** may be used to create a statutory form power of attorney that has the meaning and effect prescribed by this title.

~~(B) A STATUTORY FORM POWER OF ATTORNEY IS LEGALLY SUFFICIENT UNDER THIS TITLE IF:~~

~~(1) THE WORDING OF THE FORM COMPLIES SUBSTANTIALLY WITH A FORM SET FORTH IN THIS SUBTITLE;~~

~~(2) THE FORM IS PROPERLY COMPLETED; AND~~

~~(3) THE SIGNATURE OF THE PRINCIPAL IS ACKNOWLEDGED.~~

(B) A DOCUMENT SUBSTANTIALLY IN ONE OF THE FORMS SET FORTH IN THIS SUBTITLE IN EFFECT ON THE DATE THE DOCUMENT IS EXECUTED SHALL CONTINUE TO HAVE THE MEANING AND EFFECT PRESCRIBED BY THIS TITLE, NOTWITHSTANDING ENACTMENT OF LEGISLATION ALTERING THAT STATUTORY FORM AFTER THE DATE THE DOCUMENT IS EXECUTED.

17-202.

“MARYLAND STATUTORY FORM

PERSONAL FINANCIAL POWER OF ATTORNEY

IMPORTANT INFORMATION AND WARNING

You should be very careful in deciding whether or not to sign this document. The powers granted by you (the principal) in this document are broad and sweeping. This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent’s authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

You need not grant all of the powers listed below. If you choose to grant less than all of the listed powers, you may instead use a Maryland Statutory Form Limited Power of Attorney and mark on that Maryland Statutory Form Limited Power of Attorney which powers you intend to delegate to your attorney-in-fact (the Agent) and which you do not want the Agent to exercise.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

You should obtain competent legal advice before you sign this power of attorney if you have any questions about the document or the authority you are granting to your agent.

DESIGNATION OF AGENT

THIS SECTION OF THE FORM PROVIDES FOR DESIGNATION OF ONE AGENT.

IF YOU WISH TO NAME COAGENTS, SKIP THIS SECTION AND USE THE NEXT SECTION (“DESIGNATION OF COAGENTS”).

I, _____,
(Name of Principal)

Name the following person as my agent:

Name of Agent: _____

Agent’s Address: _____

Agent’s Telephone Number: _____

DESIGNATION OF COAGENTS (OPTIONAL)

THIS SECTION OF THE FORM PROVIDES FOR DESIGNATION OF TWO OR MORE COAGENTS. COAGENTS ARE REQUIRED TO ACT TOGETHER UNANIMOUSLY UNLESS YOU OTHERWISE PROVIDE IN THIS FORM.

I, _____,
(NAME OF PRINCIPAL)

NAME THE FOLLOWING PERSONS AS COAGENTS:

NAME OF COAGENT: _____

COAGENT’S ADDRESS: _____

COAGENT’S TELEPHONE NUMBER: _____

NAME OF COAGENT: _____

COAGENT’S ADDRESS: _____

COAGENT’S TELEPHONE NUMBER: _____

SPECIAL INSTRUCTIONS REGARDING COAGENTS: _____

Designation of Successor Agent(s) (Optional)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: _____

Successor Agent's
Address: _____

Successor Agent's
Telephone Number: _____

If my successor agent is unable or unwilling to act for me, I name as my second
successor agent:

Name of Second
Successor Agent: _____

Second Successor
Agent's Address: _____

Second Successor Agent's
Telephone Number: _____

GRANT OF GENERAL AUTHORITY

I ("the principal") grant my agent and any successor agent, with respect to each
subject listed below, the authority to do all acts that I could do to:

(1) Contract with another person, on terms agreeable to the agent, to
accomplish a purpose of a transaction and perform, rescind, cancel, terminate, reform,
restate, release, or modify the contract or another contract made by or on behalf of the
principal;

(2) Execute, acknowledge, seal, deliver, file, or record any instrument
or communication the agent considers desirable to accomplish a purpose of a
transaction;

(3) Seek on the principal's behalf the assistance of a court or other
governmental agency to carry out an act authorized in this power of attorney;

(4) Initiate, participate in, submit to alternative dispute resolution,
settle, oppose, or propose or accept a compromise with respect to a claim existing in
favor of or against the principal or intervene in litigation relating to the claim;

(5) Engage, compensate, and discharge an attorney, accountant,
discretionary investment manager, expert witness, or other advisor;

(6) Prepare, execute, and file a record, report, or other document to safeguard or promote the principal's interest under a statute or regulation and communicate with representatives or employees of a government or governmental subdivision, agency, or instrumentality, on behalf of the principal; and

(7) Do lawful acts with respect to the subject and all property related to the subject.

[My agent's authority shall include the authority to act as stated below with regard to each of the following subjects:]

SUBJECTS AND AUTHORITY

MY AGENT'S AUTHORITY SHALL INCLUDE THE AUTHORITY TO ACT AS STATED BELOW WITH REGARD TO EACH OF THE FOLLOWING SUBJECTS:

Real property – With respect to this subject, I authorize my agent to: demand, buy, sell, convey, lease, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject an interest in real property or a right incident to real property; pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal, including a reverse mortgage; release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien, or other claim to real property that exists or is asserted; and manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by the principal, including: (1) insuring against liability or casualty or other loss; (2) obtaining or regaining possession of or protecting the interest or right by litigation or otherwise; (3) paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with them; and (4) purchasing supplies, hiring assistance or labor, and making repairs or alterations to the real property.

Stocks and bonds – With respect to this subject, I authorize my agent to: buy, sell, and exchange stocks and bonds; establish, continue, modify, or terminate an account with respect to stocks and bonds; pledge stocks and bonds as security to borrow, pay, renew, or extend the time of payment of a debt of the principal; receive certificates and other evidences of ownership with respect to stocks and bonds; exercise voting rights with respect to stocks and bonds in person or by proxy, enter into voting trusts, and consent to limitations on the right to vote.

Banks and other financial institutions – With respect to this subject, I authorize my agent to: continue, modify, transact all business in connection with, and terminate an account or other banking arrangement made by or on behalf of the principal; establish, modify, transact all business in connection with, and terminate an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the

agent; contract for services available from a financial institution, including renting a safe deposit box or space in a vault; deposit by check, money order, electronic funds transfer, or otherwise with, or leave in the custody of, a financial institution money or property of the principal; withdraw, by check, money order, electronic funds transfer, or otherwise, money or property of the principal deposited with or left in the custody of a financial institution; receive statements of account, vouchers, notices, and similar documents from a financial institution and act with respect to them; enter a safe deposit box or vault and withdraw or add to the contents; borrow money and pledge as security personal property of the principal necessary to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal; make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts, and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order, transfer money, receive the cash or other proceeds of those transactions; and apply for, receive, and use credit cards and debit cards, electronic transaction authorizations, and traveler's checks from a financial institution.

Insurance and annuities – With respect to this subject, I authorize my agent to: continue, pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract procured by or on behalf of the principal that insures or provides an annuity to either the principal or another person, whether or not the principal is a beneficiary under the contract; procure new, different, and additional contracts of insurance and annuities for the principal and select the amount, type of insurance or annuity, and mode of payment; pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract of insurance or annuity procured by the agent; apply for and receive a loan secured by a contract of insurance or annuity; surrender and receive the cash surrender value on a contract of insurance or annuity; exercise an election; exercise investment powers available under a contract of insurance or annuity; change the manner of paying premiums on a contract of insurance or annuity; change or convert the type of insurance or annuity with respect to which the principal has or claims to have authority described in this section; apply for and procure a benefit or assistance under a statute or regulation to guarantee or pay premiums of a contract of insurance on the life of the principal; collect, sell, assign, hypothecate, borrow against, or pledge the interest of the principal in a contract of insurance or annuity; select the form and timing of the payment of proceeds from a contract of insurance or annuity; pay, from proceeds or otherwise, compromise or contest, and apply for refunds in connection with a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity or the proceeds or liability from the contract of insurance or annuity accruing by reason of the tax or assessment.

Claims and litigation – With respect to this subject, I authorize my agent to: assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment, or defense, including an action to recover property or other thing of value, recover damages sustained by the principal, eliminate or modify tax liability, or seek an injunction, specific performance, or other relief; act for the principal with respect to bankruptcy or insolvency, whether voluntary or

involuntary, concerning the principal or some other person, or with respect to a reorganization, receivership, or application for the appointment of a receiver or trustee that affects an interest of the principal in property or other thing of value; pay a judgment, award, or order against the principal or a settlement made in connection with a claim or litigation; and receive money or other thing of value paid in settlement of or as proceeds of a claim or litigation.

Benefits from governmental programs or civil or military service (including any benefit, program, or assistance provided under a statute or regulation including Social Security, Medicare, and Medicaid) – With respect to this subject, I authorize my agent to: execute vouchers in the name of the principal for allowances and reimbursements payable by the United States or a foreign government or by a state or subdivision of a state to the principal; enroll in, apply for, select, reject, change, amend, or discontinue, on the principal's behalf, a benefit or program; prepare, file, and maintain a claim of the principal for a benefit or assistance, financial or otherwise, to which the principal may be entitled under a statute or regulation; initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation concerning a benefit or assistance the principal may be entitled to receive under a statute or regulation; and receive the financial proceeds of a claim described above and conserve, invest, disburse, or use for a lawful purpose anything so received.

Retirement plans (including a plan or account created by an employer, the principal, or another individual to provide retirement benefits or deferred compensation of which the principal is a participant, beneficiary, or owner, including a plan or account under the following sections of the Internal Revenue Code: (1) an individual retirement account under Internal Revenue Code Section 408, 26 U.S.C. § 408; (2) a Roth individual retirement account under Internal Revenue Code Section 408A, 26 U.S.C. § 408A; (3) a deemed individual retirement account under Internal Revenue Code Section 408(q), 26 U.S.C. § 408(q); (4) an annuity or mutual fund custodial account under Internal Revenue Code Section 403(b), 26 U.S.C. § 403(b); (5) a pension, profit-sharing, stock bonus, or other retirement plan qualified under Internal Revenue Code Section 401(a), 26 U.S.C. § 401(a); (6) a plan under Internal Revenue Code Section 457(b), 26 U.S.C. § 457(b); and (7) a nonqualified deferred compensation plan under Internal Revenue Code Section 409A, 26 U.S.C. § 409A – With respect to this subject, I authorize my agent to: select the form and timing of payments under a retirement plan and withdraw benefits from a plan; make a rollover, including a direct trustee-to-trustee rollover, of benefits from one retirement plan to another; establish a retirement plan in the principal's name; make contributions to a retirement plan; exercise investment powers available under a retirement plan; borrow from, sell assets to, or purchase assets from a retirement plan. **I RECOGNIZE THAT GRANTING MY AGENT THE AUTHORITY TO CREATE OR CHANGE A BENEFICIARY DESIGNATION FOR A RETIREMENT PLAN MAY AFFECT THE BENEFITS THAT I MAY RECEIVE IF THAT AUTHORITY IS EXERCISED. IF I GRANT MY AGENT THE AUTHORITY TO DESIGNATE THE AGENT, THE AGENT'S SPOUSE, OR A DEPENDENT OF THE AGENT AS A BENEFICIARY OF A RETIREMENT PLAN, THE GRANT MAY CONSTITUTE A**

TAXABLE GIFT BY ME AND MAY MAKE THE PROPERTY SUBJECT TO THAT AUTHORITY TAXABLE AS A PART OF THE AGENT’S ESTATE. THEREFORE, IF I WISH TO AUTHORIZE MY AGENT TO CREATE OR CHANGE A BENEFICIARY DESIGNATION FOR ANY RETIREMENT PLAN, AND IN PARTICULAR IF I WISH TO AUTHORIZE THE AGENT TO DESIGNATE AS MY BENEFICIARY THE AGENT, THE AGENT’S SPOUSE, OR A DEPENDENT OF THE AGENT, I WILL EXPLICITLY STATE THIS AUTHORITY IN THE SPECIAL INSTRUCTIONS SECTION THAT FOLLOWS OR IN A SEPARATE POWER OF ATTORNEY.

Taxes – With respect to this subject, I authorize my agent to: prepare, sign, and file federal, state, local, and foreign income, gift, payroll, property, federal insurance contributions act, and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters, and other tax-related documents, including receipts, offers, waivers, consents, including consents and agreements under Internal Revenue Code Section 2032(A), 26 U.S.C. § 2032(A), closing agreements, and other powers of attorney required by the Internal Revenue Service or other taxing authority with respect to a tax year on which the statute of limitations has not run and the following 25 tax years; pay taxes due, collect refunds, post bonds, receive confidential information, and contest deficiencies determined by the Internal Revenue Service or other taxing authority; exercise elections available to the principal under federal, state, local, or foreign tax law; and act for the principal in all tax matters for all periods before the Internal Revenue Service, or other taxing authority.

SPECIAL INSTRUCTIONS (OPTIONAL)

YOU MAY GIVE SPECIAL INSTRUCTIONS ON THE FOLLOWING LINES:

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

TERMINATION DATE (OPTIONAL)

This power of attorney shall terminate on _____, 20____.
(Use a specific calendar date)

NOMINATION OF GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a guardian of my [estate] **PROPERTY** or guardian of my person, I nominate the following person(s) for appointment:

Name of nominee for guardian of my property: _____

[() My agent (or successor agent) named above

or

_____]

Nominee's address: _____

Nominee's telephone number: _____

Name of nominee for guardian of my person:

[() My agent (or successor agent) named above

or]

Nominee's address: _____

Nominee's telephone number: _____

SIGNATURE AND ACKNOWLEDGMENT

Your Signature

Date

Your Name Printed

Your Address

Your Telephone Number

STATE OF MARYLAND
(COUNTY) OF _____

This document was acknowledged before me on

(Date)

By _____ to be his/her act.
(Name of Principal)

 Signature of Notary (SEAL, IF ANY)
 My commission expires: _____

WITNESS ATTESTATION

The foregoing power of attorney was, on the date written above, published and declared by

(Name of Principal)

in our presence to be his/her power of attorney. We, in his/her presence and at his/her request, and in the presence of each other, have attested to the same and have signed our names as attesting witnesses.

Witness #1 Signature

Witness #1 Name Printed

Witness #1 Address

Witness #1 Telephone Number

Witness #2 Signature

Witness #2 Name Printed

Witness #2 Address

Witness #2 Telephone Number”

17–203.

“MARYLAND STATUTORY FORM LIMITED POWER OF ATTORNEY

PLEASE READ CAREFULLY

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). You need not give to your agent all the authorities listed below and may give the agent only those limited powers that you specifically indicate. This power of attorney gives your agent the right to make limited

decisions for you. You should very carefully weigh your decision as to what powers you give your agent. Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself.

If you choose to make a grant of limited authority, you should check the boxes that identify the specific authorization you choose to give your agent.

This power of attorney does not authorize the agent to make health care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

Your agent is not entitled to compensation unless you indicate otherwise in the special instructions of this power of attorney. If you indicate that your agent is to receive compensation, your agent is entitled to reasonable compensation or compensation as specified in the Special Instructions.

This form provides for designation of one agent. If you wish to name more than one agent you may name a coagent in the Special Instructions. Coagents are [not] required to act together **UNANIMOUSLY** unless you [include that requirement] **SPECIFY OTHERWISE** in the Special Instructions.

If your agent is unavailable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

DESIGNATION OF AGENT

THIS SECTION OF THE FORM PROVIDES FOR DESIGNATION OF ONE AGENT.

IF YOU WISH TO NAME COAGENTS, SKIP THIS SECTION AND USE THE NEXT SECTION (“DESIGNATION OF COAGENTS”).

I, _____, name the following person
(Name of Principal)

as my agent:

Name of

Agent: _____
 Agent's
 Address: _____
 Agent's Telephone
 Number: _____

DESIGNATION OF COAGENTS (OPTIONAL)

THIS SECTION OF THE FORM PROVIDES FOR DESIGNATION OF TWO OR MORE COAGENTS. COAGENTS ARE REQUIRED TO ACT TOGETHER UNANIMOUSLY UNLESS YOU OTHERWISE PROVIDE IN THIS FORM.

I, _____,
 (NAME OF PRINCIPAL)

NAME THE FOLLOWING PERSONS AS COAGENTS:

NAME OF COAGENT: _____

COAGENT'S ADDRESS: _____

COAGENT'S TELEPHONE NUMBER: _____

NAME OF COAGENT: _____

COAGENT'S ADDRESS: _____

COAGENT'S TELEPHONE NUMBER: _____

SPECIAL INSTRUCTIONS REGARDING COAGENTS: _____

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: _____

Successor Agent's
 Address: _____

Successor Agent's Telephone Number: _____

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second Successor

Agent: _____

Second Successor Agent's

Address: _____

Second Successor Agent's Telephone Number: _____

GRANT OF GENERAL AUTHORITY

I ("the principal") grant my agent and any successor agent, with respect to each subject that I choose below, the authority to do all acts that I could do to:

(1) Demand, receive, and obtain by litigation or otherwise, money or another thing of value to which the principal is, may become, or claims to be entitled, and conserve, invest, disburse, or use anything so received or obtained for the purposes intended;

(2) Contract with another person, on terms agreeable to the agent, to accomplish a purpose of a transaction and perform, rescind, cancel, terminate, reform, restate, release, or modify the contract or another contract made by or on behalf of the principal;

(3) Execute, acknowledge, seal, deliver, file, or record any instrument or communication the agent considers desirable to accomplish a purpose of a transaction, including creating a schedule contemporaneously or at a later time listing some or all of the principal's property and attaching the schedule to this power of attorney;

(4) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to a claim existing in favor of or against the principal or intervene in litigation relating to the claim;

(5) Seek on the principal's behalf the assistance of a court or other governmental agency to carry out an act authorized in this power of attorney;

(6) Engage, compensate, and discharge an attorney, accountant, discretionary investment manager, expert witness, or other advisor;

(7) Prepare, execute, and file a record, report, or other document to safeguard or promote the principal's interest under a statute or regulation;

(8) Communicate with representatives or employees of a government or governmental subdivision, agency, or instrumentality, on behalf of the principal;

(9) Access communications intended for, and communicate on behalf of the principal, whether by mail, electronic transmission, telephone, or other means; and

(10) Do lawful acts with respect to the subject and all property related to the subject.

(INITIAL each authority in any subject you want to include in the agent's general authority. Cross through each authority in any subject that you want to exclude. If you wish to grant general authority over an entire subject, you may initial "All of the above" instead of initialing each authority.)

SUBJECTS AND AUTHORITY

A. Real Property – With respect to this category, I authorize my agent to:

Demand, buy, lease, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject an interest in real property or a right incident to real property

Sell, exchange, convey with or without covenants, representations, or warranties, quitclaim, release, surrender, retain title for security, encumber, partition, consent to partitioning, subject to an easement or covenant, subdivide, apply for zoning or other governmental permits, plat or consent to platting, develop, grant an option concerning, lease, sublease, contribute to an entity in exchange for an interest in that entity, or otherwise grant or dispose of an interest in real property or a right incident to real property

Pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal, including a reverse mortgage

Release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien, or other claim to real property that exists or is asserted

Manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by the principal, including:

(1) Insuring against liability or casualty or other loss;

(2) Obtaining or regaining possession of or protecting the interest or right by litigation or otherwise;

(3) Paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with them; and

(4) Purchasing supplies, hiring assistance or labor, and making repairs or alterations to the real property

Use, develop, alter, replace, remove, erect, or install structures or other improvements on real property in or incident to which the principal has, or claims to have, an interest or right

Participate in a reorganization with respect to real property or an entity that owns an interest in or a right incident to real property and receive, hold, and act with respect to stocks and bonds or other property received in a plan of reorganization, including:

(1) Selling or otherwise disposing of the stocks and bonds or other property;

(2) Exercising or selling an option, a right of conversion, or a similar right with respect to the stocks and bonds or other property; and

(3) Exercising voting rights in person or by proxy

Change the form of title of an interest in or a right incident to real property

Dedicate to public use, with or without consideration, easements or other real property in which the principal has, or claims to have, an interest

All of the above

B. Tangible Personal Property – With respect to this subject, I authorize my agent to:

Demand, buy, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject ownership or possession of tangible personal property or an interest in tangible personal property

Sell, exchange, convey with or without covenants, representations, or warranties, quitclaim, release, surrender, create a security interest in, grant options concerning, lease, sublease, or otherwise dispose of tangible personal property or an interest in tangible personal property

Grant a security interest in tangible personal property or an interest in tangible personal property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal

Release, assign, satisfy, or enforce by litigation or otherwise, a security interest, lien, or other claim on behalf of the principal, with respect to tangible personal property or an interest in tangible personal property

Manage or conserve tangible personal property or an interest in tangible personal property on behalf of the principal, including:

(1) Insuring against liability or casualty or other loss;

(2) Obtaining or regaining possession of or protecting the property or interest, by litigation or otherwise;

(3) Paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with taxes or assessments;

(4) Moving the property from place to place;

(5) Storing the property for hire or on a gratuitous bailment;
and

(6) Using and making repairs, alterations, or improvements to the property

Change the form of title of an interest in tangible personal property

All of the above

C. Stocks and Bonds – With respect to this subject, I authorize my agent to:

Buy, sell, and exchange stocks and bonds

Establish, continue, modify, or terminate an account with respect to stocks and bonds

Pledge stocks and bonds as security to borrow, pay, renew, or extend the time of payment of a debt of the principal

Receive certificates and other evidences of ownership with respect to stocks and bonds

Exercise voting rights with respect to stocks and bonds in person or by proxy, enter into voting trusts, and consent to limitations on the right to vote

All of the above

D. Commodities – With respect to this subject, I authorize my agent to:

Buy, sell, exchange, assign, settle, and exercise commodity futures contracts and call or put options on stocks or stock indexes traded on a regulated option exchange

Establish, continue, modify, and terminate option accounts

All of the above

E. Banks and Other Financial Institutions – With respect to this subject, I authorize my agent to:

Continue, modify, transact all business in connection with, and terminate an account or other banking arrangement made by or on behalf of the principal

Establish, modify, transact all business in connection with, and terminate an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the agent

Contract for services available from a financial institution, including renting a safe deposit box or space in a vault

Deposit by check, money order, electronic funds transfer, or otherwise with, or leave in the custody of, a financial institution money or property of the principal

Withdraw, by check, money order, electronic funds transfer, or otherwise, money or property of the principal deposited with or left in the custody of a financial institution

Receive statements of account, vouchers, notices, and similar documents from a financial institution and act with respect to them

Enter a safe deposit box or vault and withdraw or add to the contents

Borrow money and pledge as security personal property of the principal necessary to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal

Make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts, and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order, transfer money, receive

the cash or other proceeds of those transactions, and accept a draft drawn by a person on the principal and pay the draft when due

Receive for the principal and act on a sight draft, warehouse receipt, other document of title whether tangible or electronic, or other negotiable or nonnegotiable instrument

Apply for, receive, and use letters of credit, credit cards and debit cards, electronic transaction authorizations, and traveler's checks from a financial institution and give an indemnity or other agreement in connection with letters of credit

Consent to an extension of the time of payment with respect to commercial paper or a financial transaction with a financial institution

All of the above

F. Operation of an Entity or a Business – With respect to this subject, I authorize my agent to:

Operate, buy, sell, enlarge, reduce, or terminate an ownership interest

Perform a duty or discharge a liability and exercise in person or by proxy a right, power, privilege, or an option that the principal has, may have, or claims to have

Enforce the terms of an ownership agreement

Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party because of an ownership interest

Exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege, or an option the principal has or claims to have as the holder of stocks and bonds

Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party concerning stocks and bonds

With respect to an entity or business owned solely by the principal:

(1) Continue, modify, renegotiate, extend, and terminate a contract made by or on behalf of the principal with respect to the entity or business before execution of this power of attorney;

- (2) Determine:
- (i) The location of the operation of the entity or business;
 - (ii) The nature and extent of the business of the entity or business;
 - (iii) The methods of manufacturing, selling, merchandising, financing, accounting, and advertising employed in the operation of the entity or business;
 - (iv) The amount and types of insurance carried by the entity or business; and
 - (v) The mode of engaging, compensating, and dealing with the employees and accountants, attorneys, or other advisors of the entity or business;
- (3) Change the name or form of organization under which the entity or business is operated and enter into an ownership agreement with other persons to take over all or part of the operation of the entity or business; and
- (4) Demand and receive money due or claimed by the principal or on the principal's behalf in the operation of the entity or business and control and disburse the money in the operation of the entity or business
- Put additional capital into an entity or a business in which the principal has an interest
 - Join in a plan of reorganization, consolidation, conversion, domestication, or merger of the entity or business
 - Sell or liquidate all or part of an entity or business
 - Establish the value of an entity or a business under a buyout agreement to which the principal is a party
 - Prepare, sign, file, and deliver reports, compilations of information, returns, or other papers with respect to an entity or business and make related payments
 - Pay, compromise, or contest taxes, assessments, fines, or penalties and perform other acts to protect the principal from illegal or unnecessary taxation, assessments, fines, or penalties, with respect to an entity or a business, including attempts to recover, as permitted by law, money paid before or after the execution of this power of attorney

All of the above

G. Insurance and Annuities – With respect to this subject, I authorize my agent to:

Continue, pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract procured by or on behalf of the principal that insures or provides an annuity to either the principal or another person, whether or not the principal is a beneficiary under the contract

Procure new, different, and additional contracts of insurance and annuities for the principal and the principal's spouse, children, and other dependents, and select the amount, type of insurance or annuity, and mode of payment

Pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract of insurance or annuity procured by the agent

Apply for and receive a loan secured by a contract of insurance or annuity

Surrender and receive the cash surrender value on a contract of insurance or annuity

Exercise an election

Exercise investment powers available under a contract of insurance or annuity

Change the manner of paying premiums on a contract of insurance or annuity

Change or convert the type of insurance or annuity with respect to which the principal has or claims to have authority described in this section

Apply for and procure a benefit or assistance under a statute or regulation to guarantee or pay premiums of a contract of insurance on the life of the principal

Collect, sell, assign, hypothecate, borrow against, or pledge the interest of the principal in a contract of insurance or annuity

Select the form and timing of the payment of proceeds from a contract of insurance or annuity

Pay, from proceeds or otherwise, compromise or contest, and apply for refunds in connection with a tax or assessment levied by a taxing authority with

respect to a contract of insurance or annuity or the proceeds or liability from the contract of insurance or annuity accruing by reason of the tax or assessment

All of the above

H. Estates, Trusts, and Other Beneficial Interests (including trusts, probate estates, guardianships, conservatorships, escrows, or custodianships or funds from which the principal is, may become, or claims to be entitled to a share or payment) – With respect to this subject, I authorize my agent to:

Accept, receive, receipt for, sell, assign, pledge, or exchange a share in or payment from the fund described above

Demand or obtain money or another thing of value to which the principal is, may become, or claims to be entitled by reason of the fund described above, by litigation or otherwise

Exercise for the benefit of the principal a presently exercisable general power of appointment held by the principal

Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to ascertain the meaning, validity, or effect of a deed, will, declaration of trust, or other instrument or transaction affecting the interest of the principal

Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to remove, substitute, or surcharge a fiduciary

Conserve, invest, disburse, or use anything received for an authorized purpose

Transfer an interest of the principal in real property, stocks and bonds, accounts with financial institutions or securities intermediaries, insurance, annuities, and other property to the trustee of a revocable trust created by the principal as settlor

Reject, renounce, disclaim, release, or consent to a reduction in or modification of a share in or payment from the fund described above

All of the above

I. Claims and Litigation – With respect to this subject, I authorize my agent to:

Assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment, or defense,

including an action to recover property or other thing of value, recover damages sustained by the principal, eliminate or modify tax liability, or seek an injunction, specific performance, or other relief

Bring an action to determine adverse claims or intervene or otherwise participate in litigation

Seek an attachment, garnishment, order of arrest, or other preliminary, provisional, or intermediate relief and use an available procedure to effect or satisfy a judgment, order, or decree

Make or accept a tender, offer of judgment, or admission of facts, submit a controversy on an agreed statement of facts, consent to examination, and bind the principal in litigation

Submit to alternative dispute resolution, settle, and propose or accept a compromise

Waive the issuance and service of process on the principal, accept service of process, appear for the principal, designate persons on which process directed to the principal may be served, execute and file or deliver stipulations on the principal's behalf, verify pleadings, seek appellate review, procure and give surety and indemnity bonds, contract and pay for the preparation and printing of records and briefs, receive, execute, and file or deliver a consent, waiver, release, confession of judgment, satisfaction of judgment, notice, agreement, or other instrument in connection with the prosecution, settlement, or defense of a claim or litigation

Act for the principal with respect to bankruptcy or insolvency, whether voluntary or involuntary, concerning the principal or some other person, or with respect to a reorganization, receivership, or application for the appointment of a receiver or trustee that affects an interest of the principal in property or other thing of value

Pay a judgment, award, or order against the principal or a settlement made in connection with a claim or litigation

Receive money or other thing of value paid in settlement of or as proceeds of a claim or litigation

All of the above

J. Personal and Family Maintenance – With respect to this subject, I authorize my agent to:

Perform the acts necessary to maintain the customary standard of living of the principal, the principal's spouse, and the following individuals, whether living when this power of attorney is executed or later born:

- (1) The principal's children;
 - (2) Other individuals legally entitled to be supported by the principal; and
 - (3) The individuals whom the principal has customarily supported or indicated the intent to support;
- () Make periodic payments of child support and other family maintenance required by a court or governmental agency or an agreement to which the principal is a party
- () Provide living quarters for the individuals described above by:
- (1) Purchase, lease, or other contract; or
 - (2) Paying the operating costs, including interest, amortization payments, repairs, improvements, and taxes, for premises owned by the principal or occupied by those individuals
- () Provide normal domestic help, usual vacations and travel expenses, and funds for shelter, clothing, food, appropriate education, including postsecondary and vocational education, and other current living costs for the individuals described above
- () Pay expenses for necessary health care and custodial care on behalf of the individuals described above
- () Act as the principal's personal representative in accordance with the Health Insurance Portability and Accountability Act, §§ 1171 through 1179 of the Social Security Act, 42 U.S.C. § 1320d, and applicable regulations in making decisions related to the past, present, or future payment for the provision of health care consented to by the principal or anyone authorized under the law of this State to consent to health care on behalf of the principal
- () Continue provisions made by the principal for automobiles or other means of transportation, including registering, licensing, insuring, and replacing the means of transportation, for the individuals described above
- () Maintain credit and debit accounts for the convenience of the individuals described above and open new accounts
- () Continue payments incidental to the membership or affiliation of the principal in a religious institution, club, society, order, or other organization or to continue contributions to those organizations

(NOTE: Authority with respect to personal and family maintenance is neither dependent on, nor limited by, authority that an agent may or may not have with respect to gifts under this power of attorney.)

All of the above

K. Benefits from Governmental Programs or Civil or Military Service (including any benefit, program, or assistance provided under a statute or regulation including Social Security, Medicare, and Medicaid) – With respect to this subject, I authorize my agent to:

Execute vouchers in the name of the principal for allowances and reimbursements payable by the United States or a foreign government or by a state or subdivision of a state to the principal, including allowances and reimbursements for transportation of the individuals described in “J. Personal and Family Maintenance” above, and for shipment of the household effects of those individuals

Take possession and order the removal and shipment of property of the principal from a post, warehouse, depot, dock, or other place of storage or safekeeping, either governmental or private, and execute and deliver a release, voucher, receipt, bill of lading, shipping ticket, certificate, or other instrument for that purpose

Enroll in, apply for, select, reject, change, amend, or discontinue, on the principal’s behalf, a benefit or program

Prepare, file, and maintain a claim of the principal for a benefit or assistance, financial or otherwise, to which the principal may be entitled under a statute or regulation

Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation concerning a benefit or assistance the principal may be entitled to receive under a statute or regulation

Receive the financial proceeds of a claim described above and conserve, invest, disburse, or use for a lawful purpose anything so received

All of the above

L. Retirement Plans (including a plan or account created by an employer, the principal, or another individual to provide retirement benefits or deferred compensation of which the principal is a participant, beneficiary, or owner, including a plan or account under the following sections of the Internal Revenue Code:

(1) An individual retirement account under Internal Revenue Code Section 408, 26 U.S.C. § 408;

(2) A Roth individual retirement account under Internal Revenue Code Section 408A, 26 U.S.C. § 408A;

(3) A deemed individual retirement account under Internal Revenue Code Section 408(q), 26 U.S.C. § 408(q);

(4) An annuity or mutual fund custodial account under Internal Revenue Code Section 403(b), 26 U.S.C. § 403(b);

(5) A pension, profit-sharing, stock bonus, or other retirement plan qualified under Internal Revenue Code Section 401(a), 26 U.S.C. § 401(a);

(6) A plan under Internal Revenue Code Section 457(b), 26 U.S.C. § 457(b); and

(7) A nonqualified deferred compensation plan under Internal Revenue Code Section 409A, 26 U.S.C. § 409A) – With respect to this subject, I authorize my agent to:

Select the form and timing of payments under a retirement plan and withdraw benefits from a plan

Make a rollover, including a direct trustee-to-trustee rollover, of benefits from one retirement plan to another

Establish a retirement plan in the principal's name

Make contributions to a retirement plan

Exercise investment powers available under a retirement plan

Borrow from, sell assets to, or purchase assets from a retirement plan

All of the above

M. Taxes – With respect to this subject, I authorize my agent to:

Prepare, sign, and file federal, state, local, and foreign income, gift, payroll, property, Federal Insurance Contributions Act, and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters, and other tax-related documents, including receipts, offers, waivers, consents, including consents and agreements under Internal Revenue Code Section 2032(A), 26 U.S.C. § 2032(A), closing agreements, and other powers of attorney required by the Internal Revenue Service or other taxing authority with respect to a tax year on which the statute of limitations has not run and the following 25 tax years

Pay taxes due, collect refunds, post bonds, receive confidential information, and contest deficiencies determined by the Internal Revenue Service or other taxing authority

Exercise elections available to the principal under federal, state, local, or foreign tax law

Act for the principal in all tax matters for all periods before the Internal Revenue Service, or other taxing authority

All of the above

N. Gifts (including gifts to a trust, an account under the Uniform Transfers to Minors Act, and a tuition savings account or prepaid tuition plan as defined under Internal Revenue Code Section 529, 26 U.S.C. § 529) – With respect to this subject, I authorize my agent to:

Make outright to, or for the benefit of, a person, a gift of part or all of the principal's property, including by the exercise of a presently exercisable general power of appointment held by the principal, in an amount for each donee not to exceed the annual dollar limits of the federal gift tax exclusion under Internal Revenue Code Section 2503(b), 26 U.S.C. § 2503(b), without regard to whether the federal gift tax exclusion applies to the gift, or if the principal's spouse agrees to consent to a split gift pursuant to Internal Revenue Code Section 2513, 26 U.S.C. § 2513, in an amount for each donee not to exceed twice the annual federal gift tax exclusion limit

Consent, pursuant to Internal Revenue Code Section 2513, 26 U.S.C. § 2513, to the splitting of a gift made by the principal's spouse in an amount for each donee not to exceed the aggregate annual gift tax exclusions for both spouses

(NOTE: An agent may only make a gift of the principal's property as the agent determines is consistent with the principal's objectives if actually known by the agent and, if unknown, as the agent determines is consistent with the principal's best interest based on all relevant factors, including:

- (1) The value and nature of the principal's property;
- (2) The principal's foreseeable obligations and need for maintenance;
- (3) Minimization of taxes, including income, estate, inheritance, generation-skipping transfer, and gift taxes;
- (4) Eligibility for a benefit, a program, or assistance under a statute or regulation; and

(5) The principal's personal history of making or joining in making gifts.)

All of the above

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. **IN ADDITION, GRANTING YOUR AGENT THE AUTHORITY TO MAKE GIFTS TO, OR TO DESIGNATE AS THE BENEFICIARY OF ANY RETIREMENT PLAN, THE AGENT, THE AGENT'S SPOUSE, OR A DEPENDENT OF THE AGENT MAY CONSTITUTE A TAXABLE GIFT BY YOU AND MAY MAKE THE PROPERTY SUBJECT TO THAT AUTHORITY TAXABLE AS PART OF THE AGENT'S ESTATE.** INITIAL ONLY the specific authority you WANT to give your agent.)

Create an inter vivos trust, or amend, revoke, or terminate an existing inter vivos trust if the trust expressly authorizes that action by the agent

Make a gift, subject to any special instructions in this power of attorney

Create or change rights of survivorship

Create or change a beneficiary designation, **SUBJECT TO ANY SPECIAL INSTRUCTIONS IN THIS POWER OF ATTORNEY; AND, IF I WISH TO AUTHORIZE MY AGENT TO DESIGNATE THE AGENT, THE AGENT'S SPOUSE, OR A DEPENDENT OF THE AGENT AS A BENEFICIARY, I WILL EXPLICITLY STATE THIS AUTHORITY WITHIN THE SPECIAL INSTRUCTIONS OF THIS POWER OF ATTORNEY OR IN A SEPARATE POWER OF ATTORNEY**

Authorize another person to exercise the authority granted under this power of attorney

Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan

Exercise fiduciary powers that the principal has authority to delegate

Disclaim or refuse an interest in property, including a power of appointment

LIMITATION ON AGENT'S AUTHORITY

An agent that is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions on the following lines:

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

TERMINATION DATE (OPTIONAL)

This power of attorney shall terminate on _____, 20____.
(Use a specific calendar date)

NOMINATION OF GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a guardian of my property or guardian of my person, I nominate the following person(s) for appointment:

Name of Nominee for guardian of my property:

Nominee's Address:_____

Nominee's Telephone Number:_____

Name of Nominee for guardian of my person:

Nominee's Address:_____

Nominee's Telephone Number:_____

SIGNATURE AND ACKNOWLEDGMENT

Your Signature

Date

Your Name Printed

Your Address

Your Telephone Number

STATE OF MARYLAND

(COUNTY) OF _____

This document was acknowledged before me on

(Date)

by _____.

(Name of Principal)

(Seal, if any)

Signature of Notary

My commission expires: _____

WITNESS ATTESTATION

The foregoing power of attorney was, on the date written above, published and declared by

(Name of Principal)

in our presence to be his/her power of attorney. We, in his/her presence and at his/her request, and in the presence of each other, have attested to the same and have signed our names as attesting witnesses.

Witness #1 Signature

Witness #1 Name Printed

Witness #1 Address

Witness #1 Telephone Number

Witness #2 Signature

Witness #2 Name Printed

Witness #2 Address

Witness #2 Telephone Number

This document prepared by:

IMPORTANT INFORMATION FOR AGENT

Agent's Duties

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes on you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:

- (1) Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;
- (2) Act with care, competence, and diligence for the best interest of the principal;
- (3) Do nothing beyond the authority granted in this power of attorney; and
- (4) Disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner:

(Principal's Name) by (Your Signature) as Agent

Unless the Special Instructions in this power of attorney state otherwise, you must also:

- (1) Act loyally for the principal's benefit;
- (2) Avoid conflicts that would impair your ability to act in the principal's best interest;
- (3) Keep a record of all receipts, disbursements, and transactions made on behalf of the principal;

(4) Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and

(5) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

Termination of Agent's Authority

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:

- (1) Death of the principal;
- (2) The principal's revocation of the power of attorney or your authority;
- (3) The occurrence of a termination event stated in the power of attorney;
- (4) The purpose of the power of attorney is fully accomplished; or

(5) If you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

Liability of Agent

The meaning of the authority granted to you is defined in the Maryland Power of Attorney Act, Title 17 of the Estates and Trusts Article. If you violate the Maryland Power of Attorney Act, Title 17 of the Estates and Trusts Article, or act outside the authority granted, you may be liable for any damages caused by your violation.

If there is anything about this document or your duties that you do not understand, you should seek legal advice."

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

Approved by the Governor, April 10, 2012.

Chapter 86

(Senate Bill 755)

AN ACT concerning

Consuming Wine Not Bought on Premises – Restaurants, Clubs, and Hotels

FOR the purpose of allowing an individual in a certain restaurant, club, or hotel for which a certain alcoholic beverages license is issued the privilege of consuming wine not purchased from or provided by the license holder; requiring, for an individual to exercise the privilege, that the wine be consumed under certain circumstances; requiring a local licensing board to issue a certain permit at no cost to certain license holders; authorizing a license holder to determine and charge an individual a fee for the privilege; applying the sales tax to the fee; requiring, with a certain exception, the license holder to dispose of wine after the meal is finished; allowing an individual to remove from the licensed premises a bottle, the contents of which are only partially consumed, if the license holder or an employee of the license holder inserts a cork in or places a cap on the bottle; specifying that a certain bottle of wine is an “open container” for a certain purpose; prohibiting a license holder from allowing a certain individual from consuming certain wine; and generally relating to the consumption of wine.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 12–107(b)(2)

Annotated Code of Maryland

(2011 Replacement Volume)

BY adding to

Article 2B – Alcoholic Beverages

Section 12–107(b)(10)

Annotated Code of Maryland

(2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 11–101(m)

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

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

Article 2B – Alcoholic Beverages

12–107.

(b) (2) [It] EXCEPT AS PROVIDED IN PARAGRAPH (10) OF THIS SUBSECTION, IT shall be unlawful for any person to drink on the licensed premises of

any license holder any alcoholic beverages not purchased from the license holder on said premises and not permitted by this article to be consumed on the premises; and it shall be unlawful for any license holder to permit any person to drink any alcoholic beverage not purchased from the said license holder on the premises covered by the license which he holds and not permitted by this article to be consumed on the premises.

(10) (I) AN INDIVIDUAL IN A RESTAURANT, CLUB, OR HOTEL FOR WHICH A CLASS B OR CLASS C LICENSE ALLOWING THE SALE OF WINE IS ISSUED MAY CONSUME WINE NOT PURCHASED FROM OR PROVIDED BY THE LICENSE HOLDER ONLY IF:

1. THE WINE IS CONSUMED WITH A MEAL DURING THE HOURS OF SALE SPECIFIED BY THE LICENSE;

2. THE INDIVIDUAL RECEIVES THE APPROVAL OF THE LICENSE HOLDER;

3. THE WINE IS NOT AVAILABLE FOR SALE ON THE LICENSE HOLDER'S WINE LIST; AND

4. THE LICENSE HOLDER OBTAINS A PERMIT FROM THE LOCAL LICENSING BOARD BEFORE ALLOWING AN INDIVIDUAL THE PRIVILEGE OF CONSUMING WINE NOT PURCHASED FROM OR PROVIDED BY THE LICENSE HOLDER.

(II) A LOCAL LICENSING BOARD SHALL ISSUE A PERMIT AT NO CHARGE TO EACH LICENSE HOLDER WHO SEEKS TO ALLOW AN INDIVIDUAL TO CONSUME WINE UNDER THE CONDITIONS SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(III) A LICENSE HOLDER THAT ALLOWS AN INDIVIDUAL THE PRIVILEGE OF CONSUMING WINE DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY DETERMINE AND CHARGE THE INDIVIDUAL A FEE FOR THE PRIVILEGE, ON WHICH A SALES TAX SHALL BE IMPOSED.

(IV) EXCEPT AS PROVIDED IN SUBPARAGRAPH (V) OF THIS PARAGRAPH, THE LICENSE HOLDER SHALL DISPOSE OF ANY WINE DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT REMAINS AFTER THE MEAL IS FINISHED.

(V) THE INDIVIDUAL MAY REMOVE FROM THE LICENSED PREMISES A BOTTLE OF WINE, THE CONTENTS OF WHICH ARE ONLY PARTIALLY

CONSUMED WITH THE MEAL, IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER INSERTS A CORK IN OR PLACES A CAP ON THE BOTTLE.

(VI) A BOTTLE OF WINE THAT IS REMOVED FROM THE LICENSED PREMISES UNDER SUBPARAGRAPH (V) OF THIS PARAGRAPH IS AN “OPEN CONTAINER” FOR PURPOSES OF § 10-125 OF THE CRIMINAL LAW ARTICLE.

(VII) A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL WHO IS UNDER 21 YEARS OLD OR WHO IS VISIBLY UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE THE PRIVILEGE OF CONSUMING WINE DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

Article – Tax – General

11-101.

(m) “Taxable service” means:

- (1) fabrication, printing, or production of tangible personal property by special order;
- (2) commercial cleaning or laundering of textiles for a buyer who is engaged in a business that requires the recurring service of commercial cleaning or laundering of the textiles;
- (3) cleaning of a commercial or industrial building;
- (4) cellular telephone or other mobile telecommunications service;
- (5) “900”, “976”, “915”, and other “900”-type telecommunications service;
- (6) custom calling service provided in connection with basic telephone service;
- (7) a telephone answering service;
- (8) pay per view television service;
- (9) credit reporting;
- (10) a security service, including:
 - (i) a detective, guard, or armored car service; and

(ii) a security systems service;

(11) a transportation service for transmission, distribution, or delivery of electricity or natural gas, if the sale or use of the electricity or natural gas is subject to the sales and use tax; [or]

(12) a prepaid telephone calling arrangement; OR

(13) THE PRIVILEGE GIVEN TO AN INDIVIDUAL UNDER ARTICLE 2B § 12-107(B)(10) OF THE CODE TO CONSUME WINE THAT IS NOT PURCHASED FROM OR PROVIDED BY A RESTAURANT, CLUB, OR HOTEL.

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

Approved by the Governor, April 10, 2012.

Chapter 87

(House Bill 228)

AN ACT concerning

Consuming Wine ~~Beverages~~ Not Bought on Premises – Restaurants, Clubs, and Hotels

FOR the purpose of allowing an individual in a certain restaurant, club, or hotel for which a certain alcoholic beverages license is issued the privilege of consuming wine not purchased from or provided by the license holder; requiring, for an individual to exercise the privilege, that the wine be consumed ~~with a meal and the individual receive the approval of the license holder~~ under certain circumstances; requiring a local licensing board to issue a certain permit at no cost to certain license holders; authorizing a license holder to determine and charge an individual a fee for the privilege; applying the sales tax to the fee; requiring, with a certain exception, the license holder to dispose of wine after the meal is finished; allowing an individual to remove from the licensed premises a bottle, the contents of which are only partially consumed, if the license holder or an employee of the license holder inserts a cork in or places a cap on the bottle; specifying that a certain bottle of wine is an “open container” for a certain purpose; prohibiting a license holder from allowing a certain individual from consuming certain wine; and generally relating to the consumption of wine.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 12–107(b)(2)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to

Article 2B – Alcoholic Beverages
Section 12–107(b)(10)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Tax – General
Section 11–101(m)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Article 2B – Alcoholic Beverages

12–107.

(b) (2) [It] **EXCEPT AS PROVIDED IN PARAGRAPH (10) OF THIS SUBSECTION, IT** shall be unlawful for any person to drink on the licensed premises of any license holder any alcoholic beverages not purchased from the license holder on said premises and not permitted by this article to be consumed on the premises; and it shall be unlawful for any license holder to permit any person to drink any alcoholic beverage not purchased from the said license holder on the premises covered by the license which he holds and not permitted by this article to be consumed on the premises.

(10) (i) AN INDIVIDUAL IN A RESTAURANT, CLUB, OR HOTEL FOR WHICH A CLASS B OR CLASS C LICENSE ALLOWING THE SALE OF WINE IS ISSUED MAY CONSUME WINE NOT PURCHASED FROM OR PROVIDED BY THE LICENSE HOLDER ONLY IF:

1. THE WINE IS CONSUMED WITH A MEAL DURING THE HOURS OF SALE SPECIFIED BY THE LICENSE; ~~AND~~

2. THE INDIVIDUAL RECEIVES THE APPROVAL OF THE LICENSE HOLDER;

3. THE WINE IS NOT AVAILABLE FOR SALE ON THE LICENSE HOLDER'S WINE LIST; AND

4. THE LICENSE HOLDER OBTAINS A PERMIT FROM THE LOCAL LICENSING BOARD BEFORE ALLOWING AN INDIVIDUAL THE PRIVILEGE OF CONSUMING WINE NOT PURCHASED FROM OR PROVIDED BY THE LICENSE HOLDER.

(II) A LOCAL LICENSING BOARD SHALL ISSUE A PERMIT AT NO CHARGE TO EACH LICENSE HOLDER WHO SEEKS TO ALLOW AN INDIVIDUAL TO CONSUME WINE UNDER THE CONDITIONS SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

~~(II)~~ (III) A LICENSE HOLDER THAT ALLOWS AN INDIVIDUAL THE PRIVILEGE OF CONSUMING WINE DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY DETERMINE AND CHARGE THE INDIVIDUAL A FEE FOR THE PRIVILEGE, ON WHICH A SALES TAX SHALL BE IMPOSED.

~~(III)~~ (IV) EXCEPT AS PROVIDED IN SUBPARAGRAPH ~~(IV)~~ (V) OF THIS PARAGRAPH, THE LICENSE HOLDER SHALL DISPOSE OF WINE DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT REMAINS AFTER THE MEAL IS FINISHED.

~~(IV)~~ (V) THE INDIVIDUAL MAY REMOVE FROM THE LICENSED PREMISES A BOTTLE OF WINE, THE CONTENTS OF WHICH ARE ONLY PARTIALLY CONSUMED WITH THE MEAL, IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER INSERTS A CORK IN OR PLACES A CAP ON THE BOTTLE.

~~(V)~~ (VI) A BOTTLE OF WINE THAT IS REMOVED FROM THE LICENSED PREMISES UNDER SUBPARAGRAPH ~~(IV)~~ (V) OF THIS PARAGRAPH IS AN "OPEN CONTAINER" FOR PURPOSES OF § 10-125 OF THE CRIMINAL LAW ARTICLE.

(VII) A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL WHO IS UNDER 21 YEARS OLD OR WHO IS VISIBLY UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE THE PRIVILEGE OF CONSUMING WINE DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

Article – Tax – General

11-101.

- (m) "Taxable service" means:

- (1) fabrication, printing, or production of tangible personal property by special order;
- (2) commercial cleaning or laundering of textiles for a buyer who is engaged in a business that requires the recurring service of commercial cleaning or laundering of the textiles;
- (3) cleaning of a commercial or industrial building;
- (4) cellular telephone or other mobile telecommunications service;
- (5) “900”, “976”, “915”, and other “900”-type telecommunications service;
- (6) custom calling service provided in connection with basic telephone service;
- (7) a telephone answering service;
- (8) pay per view television service;
- (9) credit reporting;
- (10) a security service, including:
 - (i) a detective, guard, or armored car service; and
 - (ii) a security systems service;
- (11) a transportation service for transmission, distribution, or delivery of electricity or natural gas, if the sale or use of the electricity or natural gas is subject to the sales and use tax; [or]
- (12) a prepaid telephone calling arrangement; **OR**

(13) THE PRIVILEGE GIVEN TO AN INDIVIDUAL UNDER ARTICLE 2B, § 12-107(B)(10) OF THE CODE TO CONSUME WINE THAT IS NOT PURCHASED FROM OR PROVIDED BY A RESTAURANT, CLUB, OR HOTEL.

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

Approved by the Governor, April 10, 2012.

Chapter 88**(Senate Bill 763)**

AN ACT concerning

Election Law – Payroll Deductions and Member Contributions – Address of Contributor

FOR the purpose of requiring an employer that collects voluntary contributions from employees through payroll deduction to a campaign finance entity selected by the employer to record the address of each contributor and transfer that information to the campaign finance entity; requiring an employer that collects voluntary contributions from employees through payroll deduction to a campaign finance entity affiliated with an employee membership entity selected by the employee to record the address of each contributor and transfer that information to the employee membership entity; requiring a membership entity that collects voluntary contributions from members to a campaign finance entity affiliated with the membership entity to record the address of each contributor and transfer that information to the affiliated campaign finance entity; and generally relating to requiring employers and membership entities that collect contributions to campaign finance entities to record the address of each contributor and transfer that information to the campaign finance entity.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–241, 13–242, and 13–243
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Article – Election Law

13–241.

(a) An employer may establish a program for collecting from employees by means of payroll deductions voluntary contributions to one or more campaign finance entities selected by the employer.

(b) Periodic contributions collected by payroll deductions under a program established under subsection (a) of this section shall be combined and accumulated in a segregated escrow account maintained solely for that purpose.

(c) An employer shall keep detailed and accurate records of each payroll deduction made under subsection (a) of this section, including:

- (1) the name **AND ADDRESS** of the contributor;
- (2) the date on which the contribution is withheld;
- (3) the amount of the contribution; and
- (4) the disposition of the contribution.

(d) Within 3 months after withholding a contribution under this section, the employer shall transmit the contribution to the appropriate campaign finance entity, together with the information recorded under subsection (c)(1), (2), and (3) of this section.

(e) In soliciting an employee to make a contribution to a campaign finance entity by payroll deduction, an employer shall inform the employee of:

- (1) the political purposes of the campaign finance entity; and
- (2) the employee's right to refuse to contribute to the campaign finance entity without reprisal.

(f) An employer may not receive or use money or anything of value under this section if it is obtained:

- (1) by actual or threatened:
 - (i) physical force;
 - (ii) job discrimination; or
 - (iii) financial reprisal; or
- (2) as:
 - (i) a result of a commercial transaction; or
 - (ii) dues, fees, or other assessment required as a condition of membership in a labor organization or employment.

13–242.

- (a) (1) In this section the following words have the meanings indicated.
 - (2) “Affiliated political action committee” means a political action committee affiliated with an employee membership entity.

(3) "Employee membership entity" means an organization whose membership includes employees of the employer.

(b) If an employer withholds from employees by payroll deduction the employees' dues to an employee membership entity:

(1) the employee also may make contributions by payroll deduction to one or more affiliated political action committees selected by the employee; and

(2) the employer shall collect the contributions and transmit them to the employee membership entity designated by the employee in accordance with the requirements of subsection (c) of this section.

(c) Periodic contributions collected by payroll deductions pursuant to a program established under subsection (b) of this section shall be:

(1) combined and accumulated in a segregated escrow account maintained solely for that purpose; and

(2) transmitted to the employee membership entity within 30 days of being withheld, together with the information required under subsection (d)(1) through (4) of this section.

(d) An affiliated political action committee, in conjunction with its employee membership entity and the employer, shall keep detailed and accurate records of each contribution under subsection (b) of this section, including:

(1) the name **AND ADDRESS** of the contributor;

(2) the date on which the contribution was made;

(3) the amount of the contribution;

(4) the name of the affiliated political action committee designated by the employee to receive the contribution; and

(5) the date on which the contribution was received by the employee membership entity and the affiliated political action committee.

(e) (1) Within 30 days after it receives a contribution under subsection (c) of this section, the employee membership entity shall transmit the contribution:

(i) to its affiliated political action committee; or

(ii) if a contribution is designated for a political action committee affiliated with a State or local chapter of the employee membership entity, to the State or local chapter of the employee membership entity.

(2) Within 5 days after it receives a contribution under paragraph (1)(ii) of this subsection, the State or local chapter of the employee membership entity shall transmit the contribution to its affiliated political action committee.

(3) An employee membership entity, including a State or local chapter, that transfers contributions in accordance with paragraph (1) or (2) of this subsection shall include the information recorded under subsection (d) of this section that is received from the employer.

(f) An employer, employee membership entity, or affiliated political action committee, may not solicit, receive, or use employee contributions in a manner that would be prohibited under § 13–241(e) and (f) of this subtitle if performed by an employer.

13–243.

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

(2) “Membership entity” means an organization that collects dues from its members.

(3) “Affiliated political action committee” means a political action committee affiliated with a membership entity.

(b) A membership entity may establish a program for periodically collecting from its members and accumulating voluntary contributions by the members to an affiliated political action committee if those contributions are collected together with:

(1) membership dues invoiced and collected by the membership entity;
or

(2) contributions by the members to a political action committee established under federal law, if that political action committee is also affiliated with the membership entity.

(c) A membership entity shall keep detailed and accurate records of each contribution received under subsection (b) of this section, including:

- (1) the name **AND ADDRESS** of the contributor;
- (2) the date on which the contribution is withheld;
- (3) the amount of the contribution; and
- (4) the disposition of the contribution.

(d) Within 30 days after being received, a contribution under this section shall be transmitted by the membership entity, with the information recorded under subsection (c)(1), (2), and (3) of this section, to its affiliated political action committee.

(e) In soliciting a member, by joint invoice for membership dues or for a contribution to an affiliated federal political action committee, to make a contribution to its affiliated political action committee, a membership entity shall inform the member of:

(1) the political purposes of the affiliated political action committee;
and

(2) the member's right to refuse to contribute to the political action committee without reprisal.

(f) An employee membership entity or its affiliated political action committee entity may not receive or use money or anything of value under this section if it is obtained:

(1) by actual or threatened:

(i) physical force;

(ii) membership discrimination; or

(iii) financial or professional reprisal; or

(2) as dues, fees, or other assessment required as a condition of membership.

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

Approved by the Governor, April 10, 2012.

Chapter 89

(House Bill 694)

AN ACT concerning

Election Law – Payroll Deductions and Member Contributions – Address of Contributor

FOR the purpose of requiring an employer that collects voluntary contributions from employees through payroll deduction to a campaign finance entity selected by the employer to record the address of each contributor and transfer that information to the campaign finance entity; requiring an employer that collects voluntary contributions from employees through payroll deduction to a campaign finance entity affiliated with an employee membership entity selected by the employee to record the address of each contributor and transfer that information to the employee membership entity; requiring a membership entity that collects voluntary contributions from members to a campaign finance entity affiliated with the membership entity to record the address of each contributor and transfer that information to the affiliated campaign finance entity; and generally relating to requiring employers and membership entities that collect contributions to campaign finance entities to record the address of each contributor and transfer that information to the campaign finance entity.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 13–241, 13–242, and 13–243

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

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

Article – Election Law

13–241.

(a) An employer may establish a program for collecting from employees by means of payroll deductions voluntary contributions to one or more campaign finance entities selected by the employer.

(b) Periodic contributions collected by payroll deductions under a program established under subsection (a) of this section shall be combined and accumulated in a segregated escrow account maintained solely for that purpose.

(c) An employer shall keep detailed and accurate records of each payroll deduction made under subsection (a) of this section, including:

- (1) the name **AND ADDRESS** of the contributor;
- (2) the date on which the contribution is withheld;
- (3) the amount of the contribution; and
- (4) the disposition of the contribution.

(d) Within 3 months after withholding a contribution under this section, the employer shall transmit the contribution to the appropriate campaign finance entity, together with the information recorded under subsection (c)(1), (2), and (3) of this section.

(e) In soliciting an employee to make a contribution to a campaign finance entity by payroll deduction, an employer shall inform the employee of:

(1) the political purposes of the campaign finance entity; and

(2) the employee's right to refuse to contribute to the campaign finance entity without reprisal.

(f) An employer may not receive or use money or anything of value under this section if it is obtained:

(1) by actual or threatened:

(i) physical force;

(ii) job discrimination; or

(iii) financial reprisal; or

(2) as:

(i) a result of a commercial transaction; or

(ii) dues, fees, or other assessment required as a condition of membership in a labor organization or employment.

13-242.

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

(2) "Affiliated political action committee" means a political action committee affiliated with an employee membership entity.

(3) "Employee membership entity" means an organization whose membership includes employees of the employer.

(b) If an employer withholds from employees by payroll deduction the employees' dues to an employee membership entity:

(1) the employee also may make contributions by payroll deduction to one or more affiliated political action committees selected by the employee; and

(2) the employer shall collect the contributions and transmit them to the employee membership entity designated by the employee in accordance with the requirements of subsection (c) of this section.

(c) Periodic contributions collected by payroll deductions pursuant to a program established under subsection (b) of this section shall be:

(1) combined and accumulated in a segregated escrow account maintained solely for that purpose; and

(2) transmitted to the employee membership entity within 30 days of being withheld, together with the information required under subsection (d)(1) through (4) of this section.

(d) An affiliated political action committee, in conjunction with its employee membership entity and the employer, shall keep detailed and accurate records of each contribution under subsection (b) of this section, including:

(1) the name **AND ADDRESS** of the contributor;

(2) the date on which the contribution was made;

(3) the amount of the contribution;

(4) the name of the affiliated political action committee designated by the employee to receive the contribution; and

(5) the date on which the contribution was received by the employee membership entity and the affiliated political action committee.

(e) (1) Within 30 days after it receives a contribution under subsection (c) of this section, the employee membership entity shall transmit the contribution:

(i) to its affiliated political action committee; or

(ii) if a contribution is designated for a political action committee affiliated with a State or local chapter of the employee membership entity, to the State or local chapter of the employee membership entity.

(2) Within 5 days after it receives a contribution under paragraph (1)(ii) of this subsection, the State or local chapter of the employee membership entity shall transmit the contribution to its affiliated political action committee.

(3) An employee membership entity, including a State or local chapter, that transfers contributions in accordance with paragraph (1) or (2) of this subsection shall include the information recorded under subsection (d) of this section that is received from the employer.

(f) An employer, employee membership entity, or affiliated political action committee, may not solicit, receive, or use employee contributions in a manner that would be prohibited under § 13–241(e) and (f) of this subtitle if performed by an employer.

13–243.

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

(2) “Membership entity” means an organization that collects dues from its members.

(3) “Affiliated political action committee” means a political action committee affiliated with a membership entity.

(b) A membership entity may establish a program for periodically collecting from its members and accumulating voluntary contributions by the members to an affiliated political action committee if those contributions are collected together with:

(1) membership dues invoiced and collected by the membership entity;
or

(2) contributions by the members to a political action committee established under federal law, if that political action committee is also affiliated with the membership entity.

(c) A membership entity shall keep detailed and accurate records of each contribution received under subsection (b) of this section, including:

(1) the name **AND ADDRESS** of the contributor;

(2) the date on which the contribution is withheld;

(3) the amount of the contribution; and

(4) the disposition of the contribution.

(d) Within 30 days after being received, a contribution under this section shall be transmitted by the membership entity, with the information recorded under subsection (c)(1), (2), and (3) of this section, to its affiliated political action committee.

(e) In soliciting a member, by joint invoice for membership dues or for a contribution to an affiliated federal political action committee, to make a contribution to its affiliated political action committee, a membership entity shall inform the member of:

(1) the political purposes of the affiliated political action committee;
and

(2) the member's right to refuse to contribute to the political action committee without reprisal.

(f) An employee membership entity or its affiliated political action committee entity may not receive or use money or anything of value under this section if it is obtained:

(1) by actual or threatened:

(i) physical force;

(ii) membership discrimination; or

(iii) financial or professional reprisal; or

(2) as dues, fees, or other assessment required as a condition of membership.

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

Approved by the Governor, April 10, 2012.

Chapter 90

(Senate Bill 769)

AN ACT concerning

Garrett County – Animal Control Ordinance – Enabling Authority

FOR the purpose of authorizing the County Commissioners of Garrett County to adopt a certain animal control ordinance; authorizing a certain animal control officer to deliver a certain citation to a person believed to be committing a violation of an animal control ordinance adopted by the county commissioners; establishing the contents of a certain citation; establishing a certain maximum penalty; authorizing the county commissioners to establish certain fines and procedures; authorizing a person who receives a certain citation to elect to stand trial; establishing certain procedures relating to the prosecution and trial of a person who violates an animal control ordinance; providing that a person who commits a violation of an animal control ordinance is liable for court costs under certain

circumstances; making certain conforming changes; and generally relating to the adoption of an animal control ordinance in Garrett County.

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 236A
Annotated Code of Maryland
(2011 Replacement Volume)

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

Article 25 – County Commissioners

236A.

(a) In this section, “animal control officer” means a county employee or a contract employee hired by the [Board of County Commissioners of Washington County] **COUNTY COMMISSIONERS** who is authorized:

(1) To provide animal control services; and

(2) To issue citations for violations of animal control ordinances in [Washington County] **THE COUNTY**.

(b) **THIS SECTION APPLIES ONLY TO GARRETT COUNTY AND WASHINGTON COUNTY.**

(c) The [County Commissioners for Washington County] **COUNTY COMMISSIONERS** may adopt an animal control ordinance to:

(1) Create a quasi-judicial deliberative animal control authority for [Washington County] **THE COUNTY** to:

(i) Hold public hearings to decide citations, complaints, and other controversies arising under the animal control ordinance, other than those filed with the District Court [of Maryland for Washington County], subject to the right of a party to file a petition for judicial review in the [Circuit Court for Washington County] **CIRCUIT COURT**; and

(ii) Adopt rules and regulations for the governance of its hearings;

(2) Designate an appropriate private agency or department of county government to:

- (i) Enforce the provisions of the ordinance;
 - (ii) Maintain records regarding the licensing, impoundment, and disposition of animals coming into the custody of the private agency or department of county government; and
 - (iii) Enter into contracts or agreements to provide for the disposal of animals;
- (3) Provide for the designation of animal control shelters in [Washington County] **THE COUNTY**;
- (4) Specify rules and regulations that may include:
- (i) The licensing of dogs, kennels, and pet shops;
 - (ii) The control of rabid animals; and
 - (iii) The disposition of uncontrolled, vicious, and sick animals;
- and
- (5) Provide that a violation of the animal control ordinance is a misdemeanor punishable by imprisonment of up to 30 days or a fine of \$1,000, or both for each offense.

[(c)](D) (1) An animal control officer may deliver a citation to a person believed to be committing a violation of an animal control ordinance.

- (2) (i) The animal control officer shall keep a copy of the citation.
- (ii) The citation shall bear a certification attesting to the truth of the matters set forth in the citation.

[(d)](E) The citation shall contain:

- (1) The name and address of the person charged;
- (2) The nature of the violation;
- (3) The location and time of the violation;
- (4) The amount of the fine;
- (5) The manner, location, and time in which the fine may be paid; and
- (6) The cited person's right to elect to stand trial for the violation.

[(e)](F) (1) A fine not exceeding \$1,000 may be imposed for each violation.

(2) The **[County Commissioners] COUNTY COMMISSIONERS** also may:

(i) Establish a schedule of additional fines for each violation; and

(ii) Adopt procedures for the collection of the fines.

[(f)](G) (1) A person who receives a citation may elect to stand trial for the offense by filing with the animal control officer a notice of intention to stand trial.

(2) The person electing to stand trial shall give notice at least 5 days before the date set forth in the citation for the payment of fines.

(3) After receiving a notice of intention to stand trial, the animal control officer shall forward the notice to the District Court having venue, with a copy of the citation.

(4) After receiving the citation and notice, the District Court shall schedule the case for trial and notify the defendant of the trial date.

(5) All fines, penalties, or forfeitures collected by the District Court for violations of this title shall be remitted to the county in which the violation occurred.

[(g)](H) (1) If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the violation shall be sent to the owner's last known address.

(2) If the citation is not satisfied within 15 days after the date the formal notice of violation is mailed, the person shall be subject to an additional fine not exceeding twice the amount of the original fine.

(3) If the person who receives the citation does not pay the citation by the 36th day after the formal notice of violation is mailed, the animal control officer may request the District Court to adjudicate the violation.

(4) After the animal control officer requests adjudication, the District Court shall schedule the case for trial and summon the defendant to appear.

[(h)](I) In a proceeding before the District Court, a violation of this title shall be prosecuted in the same manner and to the same extent as a municipal

infraction under Article 23A, § 3(b)(7) through (15) of the Annotated Code of Maryland.

[(i)](J) The [County Commissioners] **COUNTY COMMISSIONERS** may authorize the County Attorney, the State's Attorney, or another attorney to prosecute a violation of this title.

[(j)](K) If the District Court finds that a person has committed a violation of this title, the person shall be liable for the costs of the court proceedings.

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

Approved by the Governor, April 10, 2012.

Chapter 91

(Senate Bill 816)

AN ACT concerning

Harford County Board of Education – Student Member – ~~Voting Rights~~

FOR the purpose of providing that the student member of the Harford County Board of Education has certain rights and privileges; prohibiting the student member from voting on or participating in certain matters; ~~making a certain technical change~~ providing that certain provisions of law relating to the payment of certain expenses for members of the Harford County Board of Education do not apply to the student member of the Board; making certain clarifying changes; altering a certain definition; and generally relating to the Harford County Board of Education and student member voting rights and expense allowance.

BY repealing and reenacting, with amendments,

Article – Education

Section ~~3-6A-01(b)~~ 3-6A-01, 3-6A-02, and 3-6A-04

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

~~BY adding to~~

~~Article – Education~~

~~Section 3-6A-01.1~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2011 Supplement)~~

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

Article – Education

3–6A–01.

(a) (1) In this subtitle, “elected member” means a voting member elected under subsection (d) or (e) of this section or a member appointed to an elected position on the Harford County Board of Education under subsection (e)(2) of this section.

(2) “Elected member” does not include a:

(i) County superintendent of schools serving as an ex officio member of the county board; or

(ii) [Nonvoting student] STUDENT member selected under subsection (f) of this section.

(b) The county board consists of:

(1) Six elected members;

(2) Three appointed members;

(3) The county superintendent of schools, who is an ex officio nonvoting member; and

(4) One [nonvoting] student member.

(c) (1) (i) A member from a councilmanic district shall be a resident of that district.

(ii) A member from a councilmanic district who no longer resides in that district may not continue as a member of the county board.

(2) A member of the county board shall be a registered voter of the county for at least 3 years prior to the date of the beginning of the term of office of the member.

(d) (1) Of the nine voting members of the county board ELECTED OR APPOINTED UNDER THIS SUBSECTION:

(i) One member shall be elected from each of the six councilmanic districts only by the voters of that councilmanic district; and

(ii) Three members shall be appointed by the Governor.

(2) The elected members shall be elected at a general election as required by subsection (e) of this section.

(3) The appointed members shall be appointed, when appropriate, within 90 days of the general election.

(e) (1) Except for the [nonvoting members] **EX OFFICIO MEMBER AND THE STUDENT MEMBER**, a member serves for a term of 4 years beginning July 1 after the election or appointment of the member and until a successor is elected or appointed and qualifies.

(2) (i) Unless otherwise disqualified under this section, a member of the county board is eligible for reelection or reappointment.

(ii) A voting **ELECTED member OR AN APPOINTED MEMBER** may not serve for more than two consecutive terms as a voting member.

(3) The Harford County Board of Elections may adopt regulations to implement this subsection.

(f) (1) The Harford County Council shall appoint a qualified individual to fill any vacancy of an elected member on the county board for the remainder of the term and until a successor is elected and qualifies.

(2) The Governor shall appoint a qualified individual to fill any vacancy of an appointed member of the county board for the remainder of the term and until a successor is appointed and qualifies.

(g) (1) The [nonvoting] student member of the county board shall be elected by the high school students of the county in accordance with procedures established by the Harford County public school system.

(2) The student member shall:

(i) Be an eleventh or twelfth grade student, in good standing, and regularly enrolled in the Harford County public school system;

(ii) Be a student government association representative at the student's high school;

(iii) Serve for 1 year beginning on July 1 after the election of the member;

(iv) [Be a nonvoting] **EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (3) OF THIS SECTION, BE A VOTING member; and**

(v) Advise the county board on the thoughts and feelings of students in the Harford County public schools.

(3) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE STUDENT MEMBER OF THE COUNTY BOARD HAS THE SAME RIGHTS AND PRIVILEGES AS A MEMBER APPOINTED OR ELECTED UNDER SUBSECTION (D) OF THIS SECTION.

(II) Unless invited to attend by an affirmative vote of a majority of the county board, the student member may not attend an executive session of the county board ADDRESSING A MATTER ON WHICH A STUDENT MEMBER IS PROHIBITED FROM VOTING ON UNDER SUBPARAGRAPH (III) OF THIS SUBSECTION.

~~3-6A-01.1.~~

~~(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE STUDENT MEMBER OF THE HARFORD COUNTY BOARD OF EDUCATION HAS THE SAME RIGHTS AND PRIVILEGES AS AN ELECTED OR APPOINTED MEMBER.~~

~~(B) (1) UNLESS INVITED TO ATTEND BY THE AFFIRMATIVE VOTE OF A MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBER MAY NOT ATTEND A CLOSED SESSION ADDRESSING A MATTER ON WHICH A STUDENT MEMBER IS PROHIBITED FROM VOTING UNDER PARAGRAPH (2) OF THIS SUBSECTION.~~

~~(2) (III) THE STUDENT MEMBER SHALL VOTE ON AND PARTICIPATE IN ALL MATTERS EXCEPT THOSE RELATING TO:~~

~~(I) 1. GEOGRAPHICAL ATTENDANCE AREAS UNDER § 4-109 OF THIS ARTICLE;~~

~~(II) 2. ACQUISITION AND DISPOSITION OF REAL PROPERTY AND MATTERS PERTAINING TO SCHOOL CONSTRUCTION UNDER § 4-115 OF THIS ARTICLE;~~

~~(III) 3. EMPLOYMENT OF ARCHITECTS UNDER § 4-117 OF THIS ARTICLE;~~

~~(IV) 4. DONATIONS UNDER § 4-118 OF THIS ARTICLE;~~

~~(V) 5. CONDEMNATION UNDER § 4-119 OF THIS ARTICLE;~~

~~(VI)~~ 6. CONSOLIDATION OF SCHOOLS AND TRANSPORTATION OF STUDENTS UNDER § 4-120 OF THIS ARTICLE;

~~(VII)~~ 7. APPOINTMENT AND SALARY OF A COUNTY SUPERINTENDENT UNDER §§ 4-201 AND 4-202 OF THIS ARTICLE;

~~(VIII)~~ 8. EMPLOYEE DISCIPLINE AND OTHER APPEALS UNDER § 4-205(C) OF THIS ARTICLE;

~~(IX)~~ 9. BUDGETARY MATTERS UNDER TITLE 5 OF THIS ARTICLE;

~~(X)~~ 10. APPOINTMENT AND PROMOTION OF STAFF UNDER § 6-201 OF THIS ARTICLE;

~~(XI)~~ 11. DISCIPLINE OF CERTIFICATED STAFF UNDER § 6-202 OF THIS ARTICLE;

~~(XII)~~ 12. COLLECTIVE BARGAINING FOR CERTIFICATED EMPLOYEES UNDER TITLE 6, SUBTITLE 4 OF THIS ARTICLE;

~~(XIII)~~ 13. COLLECTIVE BARGAINING FOR NONCERTIFICATED EMPLOYEES UNDER TITLE 6, SUBTITLE 5 OF THIS ARTICLE;

~~(XIV)~~ 14. STUDENT SUSPENSION AND EXPULSION UNDER § 7-305 OF THIS ARTICLE; AND

~~(XV)~~ 15. SCHOOL CALENDAR AND CURRICULUM.

3-6A-02.

(a) [The] EXCEPT FOR THE STUDENT MEMBER, THE State Board may remove a voting member of the county board for:

(1) Immorality;

(2) Misconduct in office;

(3) Incompetency;

(4) Willful neglect of duty; or

(5) Failure to attend, without good cause, at least 75% of the scheduled meetings of the county board in any 1 calendar year.

(b) Before removing a member, the State Board shall send the member a copy of the charges and give the member an opportunity to request a hearing within 10 days.

(c) If the member requests a hearing within the 10-day period:

(1) The State Board promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(2) The member shall have an opportunity to be heard publicly before the State Board in the member's own defense, in person or by counsel.

(d) A member removed under this section has the right to a de novo review of the removal by the Circuit Court for Harford County.

3-6A-04.

(a) Each NONSTUDENT member of the Harford County Board is entitled to receive \$3,600 annually for travel and other expenses related to the performance of duties as a member of the board.

(b) Payments to a NONSTUDENT member for the expenses described in subsection (a) of this section shall be paid in 12 equal monthly installments.

(c) Subject to the approval of the board, a NONSTUDENT member may be reimbursed for additional travel and other expenses.

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

Approved by the Governor, April 10, 2012.

Chapter 92

(House Bill 401)

AN ACT concerning

Baltimore City – Alcoholic Beverages – Refillable Containers

FOR the purpose of authorizing certain Class B licenses to include a certain off-sale privilege under certain circumstances, notwithstanding certain provisions; creating in Baltimore City a refillable container license; authorizing the Board of Liquor License Commissioners to issue the license to a holder of a ~~Class B~~

~~beer and light wine or a Class B beer, wine and liquor license issued for a restaurant~~ any class of alcoholic beverages license issued by the Board except a Class C license and a Class M–G license; specifying that a holder of the license may sell draft beer for consumption off the licensed premises in a certain refillable container ~~to a certain individual; prohibiting a holder of a license from displaying or providing shelving for beer for off-premises consumption;~~ requiring a refillable container to meet certain requirements; requiring an applicant for the license to complete a certain form and pay a certain fee; requiring that certain applicants meet certain advertising, posting of notice, and public hearing requirements ~~be met~~; specifying the term of the license; requiring that receipts collected under the license be included in a certain calculation of average daily receipts; specifying the hours of sale for the license; allowing a holder of the license to ~~exercise the privileges of the license only if the licensed premises is open for business as a restaurant~~ refill only a refillable container that was branded by the license holder; ~~authorizing~~ requiring the Board to adopt certain regulations; making a technical change; and generally relating to alcoholic beverages in Baltimore City.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 1–102(a)(1) and (22) ~~and~~ 8–203(a) and (b), 9–204.1(f)(1), and 12–108(a)(1)

Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 6–201(d)(1)(v) and (vi), 9–204.1(f)(2), and 12–113(c)

Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to

Article 2B – Alcoholic Beverages

Section 8–203(e) and 9–204.1(f)(8)

Annotated Code of Maryland
(2011 Replacement Volume)

~~BY repealing and reenacting, with amendments,~~

~~Article 2B – Alcoholic Beverages~~

~~Section 12–113(e)~~

~~Annotated Code of Maryland~~
~~(2011 Replacement Volume)~~

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

Article 2B – Alcoholic Beverages

1-102.

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

(22) (i) 1. "Restaurant" means an establishment:

A. Which accommodates the public;

B. Which is equipped with a dining room with facilities for preparing and serving regular meals; and

C. In which the average daily receipts from the sale of foods exceed the average daily receipts from the sale of alcoholic beverages.

2. However the board of license commissioners in any county by regulation may prescribe a different standard as to what constitutes a restaurant.

3. For a restaurant in Baltimore City, the average daily receipts from the sale of food must be at least 40% of the total daily receipts of the establishment.

(ii) In Baltimore City, the term "food" as used in the definition of "restaurant", whether the definition is established by State law or by regulations adopted by the Board of License Commissioners, may not include any ingredient or garnish used with or mixed with an alcoholic beverage that is prepared and served for consumption on the licensed premises.

(iii) In Harford County a "restaurant" as used in § 5-201 and § 6-201(n)(9) of this article means a business establishment for the accommodation of the public, fully equipped with a proper and adequate dining room, tables, chairs and sufficient facilities for preparing and serving regular meals, as may be approved by the Liquor Control Board. The Board and Department of Health shall approve its sanitary facilities, running hot and cold water, equipment for the proper cleaning of dishes and kitchenware and adequate toilets. At all times there must be sufficient food on the premises for the regular serving of meals, with a proper sign or signs in front of the establishment designating "restaurant" or food and beverages sold, and not advertising any other business. In this establishment the average gross monthly receipts from the sale of foods cooked or prepared and served on the premises where the license is exercised, and other foods, commodities and items defined by the Liquor Control Board, shall exceed 50 percent of the average monthly receipts from the sale of beer and wine, except that a restaurant serving food and beverages whose gross monthly receipts from the sale of food averages \$1,500 or more may not be required to sell food and food commodities in excess of 50 percent of the average monthly receipts from the sale of beer and wine.

(iv) The requirements of this section relating to average daily receipts are not applicable to any licenses issued in Cecil County.

6–201.

(d) (1) (v) 1. [In] EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, IN an area coterminous with the 47th Alcoholic Beverages District as that district existed before the Legislative Districting Plan was ordered by the Maryland Court of Appeals on June 21, 2002, a Class B beer, wine and liquor license issued for use in a restaurant:

[1.] A. After July 1, 1991 may not include an off–sale alcoholic beverages privilege;

[2.] B. Before July 1, 1991 with an on–sale alcoholic beverages privilege only may not be changed or altered to include an off–sale alcoholic beverages privilege;

[3.] C. Before July 1, 1991 with both on– and off–sale alcoholic beverages privileges may continue to be sold, renewed, or transferred within the 47th Alcoholic Beverages District with both privileges; and

[4.] D. Except as provided in subparagraph (vi) of this paragraph, before July 1, 1991 may not include an off–sale privilege for sales of alcoholic beverages from 12 midnight on Saturday to 2 a.m. on Monday.

2. A LICENSE SPECIFIED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY INCLUDE AN OFF–SALE PRIVILEGE FOR SALES OF REFILLABLE CONTAINERS UNDER A REFILLABLE CONTAINER LICENSE ISSUED IN ACCORDANCE WITH § 8–203(E) OF THIS ARTICLE.

(vi) The sales prohibition in subparagraph [(v)4] (V)1D of this paragraph does not apply to a Class B beer, wine and liquor licensee:

1. Whose license was issued before July 1, 1991; and
2. Who prior to July 1, 1991 operated the premises and exercised the sales privileges under the license on Sundays.

8–203.

(a) The provisions of this section only apply in Baltimore City.

(b) In this section, “Board” means the Board of License Commissioners of Baltimore City.

(E) (1) THERE IS A REFILLABLE CONTAINER LICENSE.

(2) THE BOARD MAY ISSUE A REFILLABLE CONTAINER LICENSE TO A HOLDER OF A CLASS B BEER AND LIGHT WINE OR A CLASS B BEER, WINE AND LIQUOR LICENSE ISSUED FOR A RESTAURANT ANY CLASS OF ALCOHOLIC BEVERAGES LICENSE ISSUED BY THE BOARD EXCEPT A CLASS C LICENSE AND A CLASS M-G LICENSE.

(3) A SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A REFILLABLE CONTAINER LICENSE ENTITLES THE HOLDER TO SELL DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES:

~~(I) IN IN A REFILLABLE CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE THAN 128 OUNCES; AND~~

~~(II) ONLY TO AN INDIVIDUAL WHO HAS PURCHASED FOOD OR AN ALCOHOLIC BEVERAGE FROM THE LICENSED PREMISES.~~

~~(4) IN AREAS OF THE PREMISES THAT ARE ACCESSIBLE TO THE PUBLIC, A HOLDER OF A REFILLABLE CONTAINER LICENSE MAY NOT DISPLAY OR PROVIDE SHELVING FOR BEER FOR OFF PREMISES CONSUMPTION.~~

(4) TO BE USED AS A REFILLABLE CONTAINER UNDER PARAGRAPH (3)(I) OF THIS SUBSECTION, A CONTAINER SHALL:

(I) BE SEALABLE;

(II) BE BRANDED WITH AN IDENTIFYING MARK OF THE LICENSE HOLDER;

(III) BEAR THE FEDERAL HEALTH WARNING STATEMENT REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R. 16.21;

(IV) DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND

(V) BEAR A LABEL STATING THAT:

1. CLEANING THE CONTAINER IS THE RESPONSIBILITY OF THE CONSUMER; AND

2. THE CONTENTS OF THE CONTAINER ARE PERISHABLE AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED WITHIN 48 HOURS AFTER PURCHASE.

(5) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER LICENSE TO AN APPLICANT:

(I) THE APPLICANT SHALL:

1. COMPLETE THE FORM THAT THE BOARD PROVIDES; AND

2. PAY AN ANNUAL LICENSE FEE OF ~~\$500; AND:~~

A. \$500 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; OR

B. \$50 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE HAS AN OFF-SALE PRIVILEGE; AND

(II) ~~THE~~ AN APPLICANT WHO HOLDS A LICENSE WITHOUT AN OFF-SALE PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING REQUIREMENTS AS THOSE FOR THE LICENSE THAT THE APPLICANT HOLDS SHALL BE MET.

(6) THE TERM OF A REFILLABLE CONTAINER LICENSE ISSUED TO A SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE THAT THE APPLICANT HOLDS.

(7) RECEIPTS COLLECTED UNDER A REFILLABLE CONTAINER LICENSE ARE TO BE INCLUDED IN THE CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES UNDER § 1-102(A)(22)(I)3 OF THIS ARTICLE.

(8) THE HOURS OF SALE FOR A REFILLABLE CONTAINER LICENSE: ~~ARE THE SAME~~

(I) BEGIN AT THE SAME TIME AS THOSE FOR THE LICENSE ALREADY HELD BY THE PERSON TO WHOM THE REFILLABLE CONTAINER LICENSE IS ISSUED; AND

(II) END AT MIDNIGHT.

~~(9) THE HOLDER OF A REFILLABLE CONTAINER LICENSE MAY EXERCISE THE PRIVILEGES OF THE LICENSE ONLY IF THE LICENSED PREMISES IS OPEN FOR BUSINESS AS A RESTAURANT. A LICENSE HOLDER MAY REFILL ONLY A REFILLABLE CONTAINER THAT WAS BRANDED BY THE LICENSE HOLDER.~~

~~(10) THE BOARD MAY SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION, INCLUDING A LIMIT ON THE NUMBER OF REFILLABLE CONTAINER LICENSES TO BE ISSUED.~~

9-204.1.

(f) (1) This subsection applies only in the 46th alcoholic beverages district.

(2) Notwithstanding § 6-201(d)(1)(vii) of this article, AND SUBJECT TO PARAGRAPH (8) OF THIS SUBSECTION, the Board may issue a Class B beer, wine and liquor license:

(i) For a restaurant in ward 26, precinct 8, if the restaurant has a minimum capital investment of \$700,000, a seating capacity exceeding 150 persons, and average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant;

(ii) For a restaurant in ward 4, precinct 1 or ward 22, precinct 1, if the restaurant has a minimum capital investment of \$700,000, a seating capacity that exceeds 75 persons, average daily receipts for the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off-premises consumption;

(iii) For not more than three restaurants in a residential planned unit development for Silo Point as approved by the Mayor and City Council of Baltimore City in Ordinance 04-697 on June 23, 2004, if the restaurant has a minimum capital investment of \$700,000, a seating capacity that exceeds 75 persons, average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off-premises consumption; and

(iv) For not more than three restaurants in a business planned unit development in ward 24, precinct 5 of the 46th alcoholic beverages district, which at all times shall be coterminous with the 46th Legislative District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002, if each restaurant has a minimum capital investment of \$700,000, a seating capacity that exceeds 75 persons but is not more than 150 persons, average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off-premises consumption.

(8) NOTWITHSTANDING PARAGRAPH (2)(II) THROUGH (IV) OF THIS SUBSECTION, A LICENSE SPECIFIED UNDER THIS SUBSECTION, INCLUDING A LICENSE THAT ALLOWS NO SALES FOR OFF-PREMISES CONSUMPTION, MAY INCLUDE AN OFF-SALE PRIVILEGE FOR SALES OF REFILLABLE CONTAINERS UNDER A REFILLABLE CONTAINER LICENSE ISSUED IN ACCORDANCE WITH § 8-203(E) OF THIS ARTICLE.

12-108.

(a) (1) A licensee licensed under this article, or any employee of the licensee, may not sell or furnish any alcoholic beverages at any time:

(i) To a person under 21 years of age for the underage person's own use or for the use of any other person; or

(ii) To any person who, at the time of the sale, or delivery, is visibly under the influence of any alcoholic beverage.

12-113.

(c) [No] EXCEPT AS PROVIDED IN § 8-203(E) OF THIS ARTICLE, NO retail dealer, or agent or employee of such retail dealer shall refill any container of alcoholic beverages with any substance whatsoever after such container has once been emptied of its original contents.

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

Approved by the Governor, April 10, 2012.

Chapter 93

(Senate Bill 874)

AN ACT concerning

Baltimore City – Alcoholic Beverages – Refillable Containers

FOR the purpose of ~~authorizing a certain Class B license licenses~~ to include a certain off-sale privilege under a certain circumstance circumstances, notwithstanding certain provisions; creating in Baltimore City a refillable container license; authorizing the Board of Liquor License Commissioners to issue the license to a holder of ~~a Class B beer and light wine or a Class B beer, wine and liquor license issued for a restaurant~~ any class of alcoholic beverages license issued by

the Board except a Class C license and a Class M–G license; specifying that a holder of the license may sell draft beer for consumption off the licensed premises in a certain refillable container ~~to a certain individual; requiring a refillable container to meet certain requirements; prohibiting a holder of a license from displaying or providing shelving for beer for off-premises consumption;~~ requiring an applicant for the license to complete a certain form and pay a certain fee; requiring that certain applicants meet certain advertising, posting of notice, and public hearing requirements ~~be met~~; specifying the term of the license; requiring that receipts collected under the license be included in a certain calculation of average daily receipts; specifying the hours of sale for the license; allowing a holder of the license to ~~exercise the privileges of the license only if the licensed premises is open for business as a restaurant~~ refill only a refillable container that was purchased from and was branded by the license holder; ~~authorizing~~ requiring the Board to adopt certain regulations; making a technical change; and generally relating to alcoholic beverages in Baltimore City.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 1–102(a)(1) and (22) ~~and~~, 8–203(a) and (b), 9–204.1(f)(1), and 12–108(a)(1)

Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 6–201(d)(1)(v) and (vi), 9–204.1(f)(2), and 12–113(c)

Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to

Article 2B – Alcoholic Beverages

Section 8–203(e) and 9–204.1(f)(8)

Annotated Code of Maryland
(2011 Replacement Volume)

~~BY repealing and reenacting, with amendments,~~

~~Article 2B – Alcoholic Beverages~~

~~Section 12–113(e)~~

~~Annotated Code of Maryland
(2011 Replacement Volume)~~

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

Article 2B – Alcoholic Beverages

1–102.

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

(22) (i) 1. “Restaurant” means an establishment:

A. Which accommodates the public;

B. Which is equipped with a dining room with facilities for preparing and serving regular meals; and

C. In which the average daily receipts from the sale of foods exceed the average daily receipts from the sale of alcoholic beverages.

2. However the board of license commissioners in any county by regulation may prescribe a different standard as to what constitutes a restaurant.

3. For a restaurant in Baltimore City, the average daily receipts from the sale of food must be at least 40% of the total daily receipts of the establishment.

(ii) In Baltimore City, the term “food” as used in the definition of “restaurant”, whether the definition is established by State law or by regulations adopted by the Board of License Commissioners, may not include any ingredient or garnish used with or mixed with an alcoholic beverage that is prepared and served for consumption on the licensed premises.

(iii) In Harford County a “restaurant” as used in § 5–201 and § 6–201(n)(9) of this article means a business establishment for the accommodation of the public, fully equipped with a proper and adequate dining room, tables, chairs and sufficient facilities for preparing and serving regular meals, as may be approved by the Liquor Control Board. The Board and Department of Health shall approve its sanitary facilities, running hot and cold water, equipment for the proper cleaning of dishes and kitchenware and adequate toilets. At all times there must be sufficient food on the premises for the regular serving of meals, with a proper sign or signs in front of the establishment designating “restaurant” or food and beverages sold, and not advertising any other business. In this establishment the average gross monthly receipts from the sale of foods cooked or prepared and served on the premises where the license is exercised, and other foods, commodities and items defined by the Liquor Control Board, shall exceed 50 percent of the average monthly receipts from the sale of beer and wine, except that a restaurant serving food and beverages whose gross monthly receipts from the sale of food averages \$1,500 or more may not be required to sell food and food commodities in excess of 50 percent of the average monthly receipts from the sale of beer and wine.

(iv) The requirements of this section relating to average daily receipts are not applicable to any licenses issued in Cecil County.

6-201.

(d) (1) (v) **1.** ~~IN~~ **EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, IN** an area coterminous with the 47th Alcoholic Beverages District as that district existed before the Legislative Districting Plan was ordered by the Maryland Court of Appeals on June 21, 2002, a Class B beer, wine and liquor license issued for use in a restaurant:

~~1. A. [After] EXCEPT AS PROVIDED IN ITEM 5 OF THIS SUBPARAGRAPH, AFTER~~ July 1, 1991 may not include an off-sale alcoholic beverages privilege;

~~2. B.~~ Before July 1, 1991 with an on-sale alcoholic beverages privilege only may not be changed or altered to include an off-sale alcoholic beverages privilege;

~~3. C.~~ Before July 1, 1991 with both on- and off-sale alcoholic beverages privileges may continue to be sold, renewed, or transferred within the 47th Alcoholic Beverages District with both privileges; ~~and~~

~~4. D.~~ Except as provided in subparagraph (vi) of this paragraph, before July 1, 1991 may not include an off-sale privilege for sales of alcoholic beverages from 12 midnight on Saturday to 2 a.m. on Monday; ~~AND.~~

~~5. 2. MAY A LICENSE SPECIFIED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY INCLUDE AN OFF-SALE PRIVILEGE FOR SALES OF REFILLABLE CONTAINERS UNDER A REFILLABLE CONTAINER LICENSE ISSUED IN ACCORDANCE WITH § 8-203(E) OF THIS ARTICLE.~~

(vi) The sales prohibition in subparagraph [(v)4] (v)1D of this paragraph does not apply to a Class B beer, wine and liquor licensee:

1. Whose license was issued before July 1, 1991; and
2. Who prior to July 1, 1991 operated the premises and exercised the sales privileges under the license on Sundays.

8-203.

- (a) The provisions of this section only apply in Baltimore City.

(b) In this section, “Board” means the Board of License Commissioners of Baltimore City.

(E) (1) **THERE IS A REFILLABLE CONTAINER LICENSE.**

(2) **THE BOARD MAY ISSUE A REFILLABLE CONTAINER LICENSE TO A HOLDER OF ~~A CLASS B BEER AND LIGHT WINE OR A CLASS B BEER, WINE AND LIQUOR LICENSE ISSUED FOR A RESTAURANT~~ ANY CLASS OF ALCOHOLIC BEVERAGES LICENSE ISSUED BY THE BOARD EXCEPT A CLASS C LICENSE AND A CLASS M-G LICENSE.**

(3) ~~A~~ **SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A REFILLABLE CONTAINER LICENSE ENTITLES THE HOLDER TO SELL DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES;**

~~(I) IN SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, IN A REFILLABLE CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE THAN 128 OUNCES; AND~~

~~(II) ONLY TO AN INDIVIDUAL WHO HAS PURCHASED FOOD OR AN ALCOHOLIC BEVERAGE FROM THE LICENSED PREMISES.~~

(4) **TO BE USED AS A REFILLABLE CONTAINER UNDER PARAGRAPH ~~(3)~~(3) OF THIS SUBSECTION, A CONTAINER SHALL:**

(I) **BE SEALABLE;**

(II) **BE BRANDED WITH AN IDENTIFYING MARK OF THE LICENSE HOLDER;**

(III) **BEAR THE FEDERAL HEALTH WARNING STATEMENT REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R. 16.21;**

(IV) **DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND**

(V) **BEAR A LABEL STATING THAT:**

1. CLEANING THE CONTAINER IS THE RESPONSIBILITY OF THE CONSUMER; AND

2. THE CONTENTS OF THE CONTAINER ARE PERISHABLE AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED WITHIN 48 HOURS AFTER PURCHASE.

~~(4) (5) IN AREAS OF THE PREMISES THAT ARE ACCESSIBLE TO THE PUBLIC, A HOLDER OF A REFILLABLE CONTAINER LICENSE MAY NOT DISPLAY OR PROVIDE SHELVING FOR BEER FOR OFF-PREMISES CONSUMPTION.~~

~~(5) (6)~~ BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER LICENSE TO AN APPLICANT:

(I) THE APPLICANT SHALL:

1. COMPLETE THE FORM THAT THE BOARD PROVIDES; AND

2. PAY AN ANNUAL LICENSE FEE OF ~~\$500; AND:~~

A. \$500 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; OR

B. \$50 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE HAS AN OFF-SALE PRIVILEGE; AND

(II) ~~THE~~ AN APPLICANT WHO HOLDS A LICENSE WITHOUT AN OFF-SALE PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING REQUIREMENTS AS THOSE FOR THE LICENSE THAT THE APPLICANT HOLDS ~~SHALL BE MET.~~

~~(6) (7) (6)~~ THE TERM OF A REFILLABLE CONTAINER LICENSE ISSUED TO A SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE THAT THE APPLICANT HOLDS.

~~(7) (8) (7)~~ RECEIPTS COLLECTED UNDER A REFILLABLE CONTAINER LICENSE ARE TO BE INCLUDED IN THE CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES UNDER § 1-102(A)(22)(I)3 OF THIS ARTICLE.

~~(8) (9) (8)~~ THE HOURS OF SALE FOR A REFILLABLE CONTAINER LICENSE; ~~ARE THE SAME~~

(I) BEGIN AT THE SAME TIME AS THOSE FOR THE LICENSE ALREADY HELD BY THE PERSON TO WHOM THE REFILLABLE CONTAINER LICENSE IS ISSUED; AND

(II) END AT MIDNIGHT.

~~(9) (10) (9) THE HOLDER OF A REFILLABLE CONTAINER LICENSE MAY EXERCISE THE PRIVILEGES OF THE LICENSE ONLY IF THE LICENSED PREMISES IS OPEN FOR BUSINESS AS A RESTAURANT~~ A LICENSE HOLDER MAY REFILL ONLY A REFILLABLE CONTAINER THAT WAS PURCHASED FROM AND WAS BRANDED BY THE LICENSE HOLDER.

~~(10) (11) (10) THE BOARD MAY~~ SHALL ~~ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION, INCLUDING A LIMIT ON THE NUMBER OF REFILLABLE CONTAINER LICENSES TO BE ISSUED.~~

9-204.1.

(f) (1) This subsection applies only in the 46th alcoholic beverages district.

(2) Notwithstanding § 6-201(d)(1)(vii) of this article, AND SUBJECT TO PARAGRAPH (8) OF THIS SUBSECTION, the Board may issue a Class B beer, wine and liquor license:

(i) For a restaurant in ward 26, precinct 8, if the restaurant has a minimum capital investment of \$700,000, a seating capacity exceeding 150 persons, and average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant;

(ii) For a restaurant in ward 4, precinct 1 or ward 22, precinct 1, if the restaurant has a minimum capital investment of \$700,000, a seating capacity that exceeds 75 persons, average daily receipts for the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off-premises consumption;

(iii) For not more than three restaurants in a residential planned unit development for Silo Point as approved by the Mayor and City Council of Baltimore City in Ordinance 04-697 on June 23, 2004, if the restaurant has a minimum capital investment of \$700,000, a seating capacity that exceeds 75 persons, average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off-premises consumption; and

(iv) For not more than three restaurants in a business planned unit development in ward 24, precinct 5 of the 46th alcoholic beverages district, which at all times shall be coterminous with the 46th Legislative District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002, if each restaurant has a minimum capital investment of \$700,000, a seating capacity that exceeds 75 persons but is not more than 150 persons, average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off-premises consumption.

(8) NOTWITHSTANDING PARAGRAPH (2)(II) THROUGH (IV) OF THIS SUBSECTION, A LICENSE SPECIFIED UNDER THIS SUBSECTION, INCLUDING A LICENSE THAT ALLOWS NO SALES FOR OFF-PREMISES CONSUMPTION, MAY INCLUDE AN OFF-SALE PRIVILEGE FOR SALES OF REFILLABLE CONTAINERS UNDER A REFILLABLE CONTAINER LICENSE ISSUED IN ACCORDANCE WITH § 8-203(E) OF THIS ARTICLE.

12-108.

(a) (1) A licensee licensed under this article, or any employee of the licensee, may not sell or furnish any alcoholic beverages at any time:

(i) To a person under 21 years of age for the underage person's own use or for the use of any other person; or

(ii) To any person who, at the time of the sale, or delivery, is visibly under the influence of any alcoholic beverage.

12-113.

(c) [No] **EXCEPT AS PROVIDED IN § 8-203(E) OF THIS ARTICLE, NO** retail dealer, or agent or employee of such retail dealer shall refill any container of alcoholic beverages with any substance whatsoever after such container has once been emptied of its original contents.

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

Approved by the Governor, April 10, 2012.

Chapter 94

(Senate Bill 883)

AN ACT concerning

Baltimore City – Alcoholic Beverages – Video Lottery Facility and Video Lottery Concessionaire Licenses

FOR the purpose of creating in Baltimore City a Class BWL-VLF (video lottery facility) beer, wine and liquor license and a Class BWL-VLC (concessionaire) beer, wine and liquor license; exempting the video lottery facility license and the concessionaire license from certain fees; specifying that the Board of Liquor

License Commissioners may issue a video lottery facility license for a video lottery facility that contains one or more food service facilities, bars, or lounges; specifying that a video lottery facility license may be issued to an individual or entity that meets certain requirements; providing that an applicant for the license need not meet a location, voting, or residency requirement; providing that the video lottery facility license authorizes the licensee to sell beer, wine, and liquor by the drink and by the bottle on the premises of the video lottery facility, for consumption anywhere in the facility or on grounds controlled by the licensee as defined in the video lottery facility license; authorizing the Board to issue a concessionaire license to one or more concessionaires operating in a video lottery facility; authorizing a concessionaire licensee to sell beer, wine, and liquor on the premises of the concessionaire for consumption anywhere in the video lottery facility or on grounds controlled by the video lottery facility licensee as defined in the video lottery facility license; specifying certain fees; specifying that an off-sale privilege is not conferred by a video lottery facility license or a concessionaire license; authorizing that beer, wine, and liquor purchased under a video lottery facility license or a concessionaire license may be taken anywhere in a video lottery facility or on grounds controlled by the video lottery licensee; specifying that a video lottery facility license and a concessionaire license authorize the playing of music and dancing; specifying certain days and hours of sale for the video lottery facility and concessionaire licenses; specifying that video lottery facility and concessionaire licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with this Act; providing for the application to certain persons of certain penalties and sanctions for violations occurring on certain premises; defining certain terms; and generally relating to alcoholic beverages and video lottery facilities in Baltimore City.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 6–201(d)(6)

Annotated Code of Maryland

(2011 Replacement Volume)

BY adding to

Article 2B – Alcoholic Beverages

Section 6–201(d–1)

Annotated Code of Maryland

(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

6–201.

(d) (6) [In] EXCEPT AS PROVIDED UNDER SUBSECTION (D-1) OF THIS SECTION, IN addition to the annual license fee, a licensee issued a license under this subsection shall pay annually:

- (i) \$500, if the licensee provides live entertainment; and
- (ii) \$200, if the licensee provides outdoor table or cafe service.

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

(II) "CONCESSIONAIRE" MEANS A LESSEE, SUBLESSEE, OR ANY OTHER OPERATOR OF AN ESTABLISHMENT THAT:

1. ENGAGES IN THE DAILY SALE OF BEER, WINE, AND LIQUOR BY THE DRINK OR BY THE BOTTLE ON ITS PREMISES FOR CONSUMPTION ANYWHERE IN A VIDEO LOTTERY FACILITY; AND

2. IS OPERATED AS A CONCESSION INDEPENDENT OF THE CLASS BWL-VLF LICENSEE.

(III) "VIDEO LOTTERY FACILITY" MEANS A FACILITY THAT HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.

(2) (I) THERE IS A CLASS BWL-VLF (VIDEO LOTTERY FACILITY) BEER, WINE AND LIQUOR LICENSE.

(II) THE BOARD MAY ISSUE A CLASS BWL-VLF LICENSE FOR A VIDEO LOTTERY FACILITY THAT CONTAINS ONE OR MORE FOOD SERVICE FACILITIES, BARS, OR LOUNGES.

(III) THE CLASS BWL-VLF LICENSE MAY BE ISSUED TO AN INDIVIDUAL OR ENTITY THAT OWNS A VIDEO LOTTERY FACILITY AND HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.

(IV) AN APPLICANT FOR A CLASS BWL-VLF LICENSE NEED NOT MEET ANY LOCATION, VOTING, OR RESIDENCY REQUIREMENT.

(V) A CLASS BWL-VLF LICENSE AUTHORIZES THE LICENSEE TO SELL BEER, WINE, AND LIQUOR BY THE DRINK AND BY THE BOTTLE ON THE PREMISES OF THE VIDEO LOTTERY FACILITY, FOR CONSUMPTION ANYWHERE IN THE VIDEO LOTTERY FACILITY OR ON GROUNDS

CONTROLLED BY THE LICENSEE, AS DEFINED IN THE CLASS BWL-VLF LICENSE.

(3) (I) THERE IS A VIDEO LOTTERY CONCESSIONAIRE (CLASS BWL-VLC) LICENSE.

(II) THE BOARD MAY ISSUE A CLASS BWL-VLC LICENSE TO ONE OR MORE CONCESSIONAIRES OPERATING IN THE VIDEO LOTTERY FACILITY.

(III) NOTWITHSTANDING ANY OTHER PROVISION IN THIS ARTICLE, A CLASS BWL-VLC LICENSE AUTHORIZES THE LICENSEE TO SELL BEER, WINE, AND LIQUOR ON THE PREMISES OF THE CONCESSIONAIRE FOR CONSUMPTION ANYWHERE IN THE VIDEO LOTTERY FACILITY OR ON GROUNDS CONTROLLED BY THE CLASS BWL-VLF LICENSEE, AS DEFINED IN THE CLASS BWL-VLF LICENSE.

(4) (I) THE ANNUAL FEE FOR A CLASS BWL-VLF LICENSE IS \$15,000.

(II) THE ANNUAL FEE FOR A CLASS BWL-VLC LICENSE IS \$5,000.

(III) THE ANNUAL LICENSE FEES SHALL BE PAID ON MAY 1 TO THE BOARD.

(5) (I) AN OFF-SALE PRIVILEGE IS NOT CONFERRED BY A CLASS BWL-VLF LICENSE OR A CLASS BWL-VLC LICENSE.

(II) BEER, WINE, AND LIQUOR PURCHASED UNDER A CLASS BWL-VLF LICENSE OR A CLASS BWL-VLC LICENSE MAY BE TAKEN ANYWHERE IN A VIDEO LOTTERY FACILITY OR ON GROUNDS CONTROLLED BY THE CLASS BWL-VLF LICENSEE, AS DEFINED IN THE CLASS BWL-VLF LICENSE.

(6) A CLASS BWL-VLF LICENSE AND A CLASS BWL-VLC LICENSE AUTHORIZE:

(I) THE PLAYING OF MUSIC AND DANCING; AND

(II) THE SALE AND PROVIDING OF BEER, WINE, AND LIQUOR THROUGHOUT THE VIDEO LOTTERY FACILITY AND GROUNDS CONTROLLED BY

THE CLASS BWL-VLF LICENSEE DURING THOSE DAYS AND HOURS THAT THE VIDEO LOTTERY FACILITY IS OPEN FOR BUSINESS.

(7) CLASS BWL-VLF AND CLASS BWL-VLC LICENSES AND LICENSEES ARE SUBJECT TO ALL LAWS AND REGULATIONS APPLICABLE TO THE SALE OF ALCOHOLIC BEVERAGES NOT INCONSISTENT WITH THIS SUBSECTION.

(8) ANY PENALTY OR OTHER SANCTION THAT IS IMPOSED FOR A VIOLATION OF A REGULATION OF THE BOARD ON THE LICENSED PREMISES OF A CLASS BWL-VLC LICENSEE SHALL APPLY TO THE CONCESSIONAIRE THAT THE BOARD DETERMINES TO BE RESPONSIBLE FOR THE VIOLATION.

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

Approved by the Governor, April 10, 2012.

Chapter 95

(House Bill 962)

AN ACT concerning

Baltimore City – Alcoholic Beverages – Video Lottery Facility and Video Lottery Concessionaire Licenses

FOR the purpose of creating in Baltimore City a Class BWL-VLF (video lottery facility) beer, wine and liquor license and a Class BWL-VLC (concessionaire) beer, wine and liquor license; exempting the video lottery facility license and the concessionaire license from certain fees; specifying that the Board of Liquor License Commissioners may issue a video lottery facility license for a video lottery facility that contains one or more food service facilities, bars, or lounges; specifying that a video lottery facility license may be issued to an individual or entity that meets certain requirements; providing that an applicant for the license need not meet a location, voting, or residency requirement; providing that the video lottery facility license authorizes the licensee to sell beer, wine, and liquor by the drink and by the bottle on the premises of the video lottery facility, for consumption anywhere in the facility or on grounds controlled by the licensee as defined in the video lottery facility license; authorizing the Board to issue a concessionaire license to one or more concessionaires operating in a video lottery facility; authorizing a concessionaire licensee to sell beer, wine, and liquor on the premises of the concessionaire for consumption anywhere in the video lottery facility or on grounds controlled by the video lottery facility licensee as defined in the video lottery facility license; specifying certain fees;

specifying that an off-sale privilege is not conferred by a video lottery facility license or a concessionaire license; authorizing that beer, wine, and liquor purchased under a video lottery facility license or a concessionaire license may be taken anywhere in a video lottery facility or on grounds controlled by the video lottery licensee; specifying that a video lottery facility license and a concessionaire license authorize the playing of music and dancing; specifying certain days and hours of sale for the video lottery facility and concessionaire licenses; specifying that video lottery facility and concessionaire licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with this Act; providing for the application to certain persons of certain penalties and sanctions for violations occurring on certain premises; defining certain terms; and generally relating to alcoholic beverages and video lottery facilities in Baltimore City.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(d)(6)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article 2B – Alcoholic Beverages
Section 6–201(d–1)
Annotated Code of Maryland
(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

6–201.

(d) (6) **[In] EXCEPT AS PROVIDED UNDER SUBSECTION (D–1) OF THIS SECTION, IN** addition to the annual license fee, a licensee issued a license under this subsection shall pay annually:

- (i) \$500, if the licensee provides live entertainment; and
- (ii) \$200, if the licensee provides outdoor table or cafe service.

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

(II) “CONCESSIONAIRE” MEANS A LESSEE, SUBLESSEE, OR ANY OTHER OPERATOR OF AN ESTABLISHMENT THAT:

1. ENGAGES IN THE DAILY SALE OF BEER, WINE, AND LIQUOR BY THE DRINK OR BY THE BOTTLE ON ITS PREMISES FOR CONSUMPTION ANYWHERE IN A VIDEO LOTTERY FACILITY; AND

2. IS OPERATED AS A CONCESSION INDEPENDENT OF THE CLASS BWL-VLF LICENSEE.

(III) "VIDEO LOTTERY FACILITY" MEANS A FACILITY THAT HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.

(2) (I) THERE IS A CLASS BWL-VLF (VIDEO LOTTERY FACILITY) BEER, WINE AND LIQUOR LICENSE.

(II) THE BOARD MAY ISSUE A CLASS BWL-VLF LICENSE FOR A VIDEO LOTTERY FACILITY THAT CONTAINS ONE OR MORE FOOD SERVICE FACILITIES, BARS, OR LOUNGES.

(III) THE CLASS BWL-VLF LICENSE MAY BE ISSUED TO AN INDIVIDUAL OR ENTITY THAT OWNS A VIDEO LOTTERY FACILITY AND HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.

(IV) AN APPLICANT FOR A CLASS BWL-VLF LICENSE NEED NOT MEET ANY LOCATION, VOTING, OR RESIDENCY REQUIREMENT.

(V) A CLASS BWL-VLF LICENSE AUTHORIZES THE LICENSEE TO SELL BEER, WINE, AND LIQUOR BY THE DRINK AND BY THE BOTTLE ON THE PREMISES OF THE VIDEO LOTTERY FACILITY, FOR CONSUMPTION ANYWHERE IN THE VIDEO LOTTERY FACILITY OR ON GROUNDS CONTROLLED BY THE LICENSEE, AS DEFINED IN THE CLASS BWL-VLF LICENSE.

(3) (I) THERE IS A VIDEO LOTTERY CONCESSIONAIRE (CLASS BWL-VLC) LICENSE.

(II) THE BOARD MAY ISSUE A CLASS BWL-VLC LICENSE TO ONE OR MORE CONCESSIONAIRES OPERATING IN THE VIDEO LOTTERY FACILITY.

(III) NOTWITHSTANDING ANY OTHER PROVISION IN THIS ARTICLE, A CLASS BWL-VLC LICENSE AUTHORIZES THE LICENSEE TO SELL BEER, WINE, AND LIQUOR ON THE PREMISES OF THE CONCESSIONAIRE FOR

CONSUMPTION ANYWHERE IN THE VIDEO LOTTERY FACILITY OR ON GROUNDS CONTROLLED BY THE CLASS BWL-VLF LICENSEE, AS DEFINED IN THE CLASS BWL-VLF LICENSE.

(4) (I) THE ANNUAL FEE FOR A CLASS BWL-VLF LICENSE IS \$15,000.

(II) THE ANNUAL FEE FOR A CLASS BWL-VLC LICENSE IS \$5,000.

(III) THE ANNUAL LICENSE FEES SHALL BE PAID ON MAY 1 TO THE BOARD.

(5) (I) AN OFF-SALE PRIVILEGE IS NOT CONFERRED BY A CLASS BWL-VLF LICENSE OR A CLASS BWL-VLC LICENSE.

(II) BEER, WINE, AND LIQUOR PURCHASED UNDER A CLASS BWL-VLF LICENSE OR A CLASS BWL-VLC LICENSE MAY BE TAKEN ANYWHERE IN A VIDEO LOTTERY FACILITY OR ON GROUNDS CONTROLLED BY THE CLASS BWL-VLF LICENSEE, AS DEFINED IN THE CLASS BWL-VLF LICENSE.

(6) A CLASS BWL-VLF LICENSE AND A CLASS BWL-VLC LICENSE AUTHORIZE:

(I) THE PLAYING OF MUSIC AND DANCING; AND

(II) THE SALE AND PROVIDING OF BEER, WINE, AND LIQUOR THROUGHOUT THE VIDEO LOTTERY FACILITY AND GROUNDS CONTROLLED BY THE CLASS BWL-VLF LICENSEE DURING THOSE DAYS AND HOURS THAT THE VIDEO LOTTERY FACILITY IS OPEN FOR BUSINESS.

(7) CLASS BWL-VLF AND CLASS BWL-VLC LICENSES AND LICENSEES ARE SUBJECT TO ALL LAWS AND REGULATIONS APPLICABLE TO THE SALE OF ALCOHOLIC BEVERAGES NOT INCONSISTENT WITH THIS SUBSECTION.

(8) ANY PENALTY OR OTHER SANCTION THAT IS IMPOSED FOR A VIOLATION OF A REGULATION OF THE BOARD ON THE LICENSED PREMISES OF A CLASS BWL-VLC LICENSEE SHALL APPLY TO THE CONCESSIONAIRE THAT THE BOARD DETERMINES TO BE RESPONSIBLE FOR THE VIOLATION.

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

Approved by the Governor, April 10, 2012.

Chapter 96

(House Bill 58)

AN ACT concerning

Dorchester County – Alcohol Awareness Program – Certificate of Completion

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

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

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

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

Article 2B – Alcoholic Beverages

13–101.

- (a) In this section “alcohol awareness program” means a program:
 - (1) That:
 - (i) Is approved and certified by the State Comptroller; and
 - (ii) Has been issued an alcohol awareness program permit by the State Comptroller;
 - (2) That includes instruction on how alcohol affects a person’s:

- (i) Body; and
 - (ii) Behavior;
 - (3) That provides education on the dangers of drinking and driving;
- and
- (4) That defines effective methods for:
 - (i) Serving customers to minimize the chance of intoxication;
 - (ii) Ceasing service before the customer becomes intoxicated;
- and
- (iii) Determining if a customer is under the drinking age.
- (b) (1) The provisions of this section apply to:
 - (i) Licensed premises that are operated by selling alcoholic beverages directly to a customer from a bar or service bar on the premises;
 - (ii) Premises licensed for off sale;
 - (iii) In Montgomery County, a holder of a caterer's license issued under § 6–706.1 of this article; and
 - (iv) In Baltimore City, an establishment covered under § 20–102(a) of this article.
- (2) This section does not apply to:
 - (i) Temporary alcoholic beverages licenses issued under § 7–101 of this article;
 - (ii) A Class E (on-sale) steamboat alcoholic beverages license;
 - (iii) A Class F (on-sale) railroad alcoholic beverages license; or
 - (iv) A Class G (on-sale) aircraft alcoholic beverages license.
- (c) (1) A holder of any class of retail alcoholic beverages license or an employee designated by the holder shall complete training in an approved alcohol awareness program. The training shall be valid for a period of 4 years, and the holder shall complete retraining in an approved program for each successive 4-year period.

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

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

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

(e) (1) The State Comptroller:

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

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

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

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

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

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

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

1. The individual's name, address, and certification date;
and

2. The name and address of the licensed establishment.

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

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

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

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

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

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

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

Approved by the Governor, April 10, 2012.

Chapter 97

(House Bill 61)

AN ACT concerning

Dorchester County – Bay Restoration Fund – Collection of Restoration Fee

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

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

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1605.2(d)(4)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

Article – Environment

9-1605.2.

(d) (2) (i) Except as provided in subparagraph (ii) of this paragraph, the Bay Restoration Fee shall be collected by the local government or the billing authority for the water or wastewater facility, as appropriate, on behalf of the State.

(ii) For a wastewater facility without a billing authority, the Comptroller may collect the restoration fee from the facility owner.

(3) A local government, billing authority for a water or wastewater facility, or any other authorized collecting agency:

(i) May use all of its existing procedures and authority for collecting a water or sewer bill, an onsite sewage disposal system bill, or a holding tank bill in order to enforce the collection of the Bay Restoration Fee; and

(ii) Shall establish a segregated account for the deposit of funds collected under this section.

(4) (i) **THIS PARAGRAPH APPLIES ONLY IN DORCHESTER COUNTY.**

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

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

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

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

Approved by the Governor, April 10, 2012.

Chapter 98

(House Bill 63)

AN ACT concerning

Wicomico County – Employees – Criminal History Records Checks

FOR the purpose of authorizing the Director of Administration of Wicomico County to request State and national criminal history records checks from the Criminal Justice Information System Central Repository for prospective or current employees; requiring the Director of Administration to submit certain items to the Central Repository; requiring the Central Repository to forward to the prospective or current employee and the Director of Administration the employee's criminal history record information; specifying that certain information obtained from the Central Repository is confidential, may not be disseminated, and may be used only for certain employment purposes; authorizing the subject of a criminal history records check to contest in a certain way the contents of a certain printed statement; requiring the County Executive of Wicomico County to propose and the County Council of Wicomico County to adopt guidelines to carry out this Act; defining a certain term; and generally relating to employee criminal history records checks in Wicomico County.

BY adding to

Article – Criminal Procedure

Section 10–236.1

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

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

Article – Criminal Procedure**10–236.1.**

(A) IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) THE DIRECTOR OF ADMINISTRATION OF WICOMICO COUNTY MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR A PROSPECTIVE OR CURRENT EMPLOYEE OF WICOMICO COUNTY.

(C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE DIRECTOR OF ADMINISTRATION SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) TWO COMPLETE SETS OF THE PROSPECTIVE OR CURRENT EMPLOYEE'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THIS SUBTITLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(2) IN ACCORDANCE WITH THIS SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE OR CURRENT EMPLOYEE AND THE DIRECTOR OF ADMINISTRATION THE PROSPECTIVE OR CURRENT EMPLOYEE'S CRIMINAL HISTORY RECORD INFORMATION.

(3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;
AND

(II) MAY BE USED ONLY FOR THE EMPLOYMENT PURPOSE AUTHORIZED BY THIS SECTION.

(4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THIS SUBTITLE.

(D) THE COUNTY EXECUTIVE OF WICOMICO COUNTY SHALL PROPOSE AND THE COUNTY COUNCIL OF WICOMICO COUNTY SHALL ADOPT GUIDELINES TO CARRY OUT THIS SECTION.

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

Approved by the Governor, April 10, 2012.

Chapter 99**(House Bill 92)**

AN ACT concerning

**Domestic Violence Peace and Protective Orders – Shielding – Complete
Removal of Information from Public Web Site**

FOR the purpose of clarifying the definition of “shielding” in certain provisions relating to the removal from the public Web site maintained by the Maryland Judiciary of certain court records ~~concerning domestic violence~~ relating to peace order or protective order proceedings; clarifying certain language; making certain stylistic changes; and generally relating to domestic violence peace orders and protective orders.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–1510
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–512
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

Article – Courts and Judicial Proceedings

3–1510.

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

(2) (i) “Court record” means an official record of a court about a proceeding that the clerk of a court or other court personnel keeps.

(ii) “Court record” includes:

1. An index, a docket entry, a petition, a memorandum, a transcription of proceedings, an electronic recording, an order, and a judgment; and

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

(3) “Shield” means to remove information from public inspection in accordance with this section.

(4) “Shielding” means:

(i) With respect to a record kept in a courthouse, removing **THE RECORD** to a separate secure area to which persons who do not have a legitimate reason for access are denied access; and

(ii) With respect to electronic information about a proceeding on the [website] **WEB SITE** maintained by the Maryland Judiciary, **COMPLETELY removing [the] ALL information CONCERNING THE PROCEEDING** from the public [website] **WEB SITE, INCLUDING THE NAMES OF THE PARTIES, CASE NUMBERS, AND ANY REFERENCE TO THE PROCEEDING OR ANY REFERENCE TO THE REMOVAL OF THE PROCEEDING FROM THE PUBLIC WEB SITE.**

(5) “Victim services provider” means a nonprofit organization that has been authorized by the Governor’s Office of Crime Control and Prevention or the Department of Human [Services] **RESOURCES** to have access to records of shielded peace orders in order to assist victims of abuse.

(b) If a petition filed under this subtitle is denied or dismissed at the interim, temporary, or final peace order stage of a proceeding under this subtitle, the respondent may file a written request to shield all court records relating to the proceeding.

(c) A request for shielding under this section may not be filed within 3 years after the denial or dismissal of the petition unless the respondent files with the request a general waiver and release of all the respondent’s tort claims related to the proceeding under this subtitle.

(d) (1) On the filing of a request for shielding under this section, the court shall schedule a hearing on the request.

(2) The court shall give notice of the hearing to the petitioner or the petitioner’s counsel of record.

(3) Except as provided in paragraphs (4) and (5) of this subsection, after the hearing, the court shall order the shielding of all court records relating to the proceeding if the court finds:

(i) That the petition was denied or dismissed at the interim, temporary, or final peace order stage of the proceeding;

(ii) That a final peace order or protective order has not been previously issued against the respondent in a proceeding between the petitioner and the respondent; and

(iii) That none of the following are pending at the time of the hearing:

1. An interim or temporary peace order or protective order issued against the respondent in a proceeding between the petitioner and the respondent; or

2. A criminal charge against the respondent arising from an alleged act described in § 3-1503(a) of this subtitle against the petitioner.

(4) (i) If the petitioner appears at the shielding hearing and objects to the shielding, the court may, for good cause, deny the shielding.

(ii) In determining whether there is good cause to grant the request to shield court records, the court shall balance the privacy of the respondent and potential danger of adverse consequences to the respondent against the potential risk of future harm and danger to the petitioner and the community.

(5) Information about the proceeding may not be removed from the Domestic Violence Central Repository.

(e) (1) This section does not preclude the following persons from accessing a shielded record for a legitimate reason:

(i) A law enforcement officer;

(ii) An attorney who represents or has represented the petitioner or the respondent in a proceeding;

(iii) A State's Attorney;

(iv) An employee of a local department of social services; or

(v) A victim services provider.

(2) (i) A person not listed in paragraph (1) of this subsection may subpoena, or file a motion for access to, a record shielded under this section.

(ii) If the court finds that the person has a legitimate reason for access, the court may grant the person access to the shielded record under the terms and conditions that the court determines.

(iii) In ruling on a motion under this paragraph, the court shall balance the person's need for access to the record with the respondent's right to privacy and the potential harm of unwarranted adverse consequences to the respondent that the disclosure may create.

(f) Within 60 days after entry of an order under subsection (d)(3) of this section, each custodian of court records that are subject to the order of shielding shall advise in writing the court and the respondent of compliance with the order.

Article – Family Law

4–512.

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

(2) (i) “Court record” means an official record of a court about a proceeding that the clerk of a court or other court personnel keeps.

(ii) “Court record” includes:

1. an index, a docket entry, a petition, a memorandum, a transcription of proceedings, an electronic recording, an order, and a judgment; and

2. any electronic information about a proceeding on the website maintained by the Maryland Judiciary.

(3) “Shield” means to remove information from public inspection in accordance with this section.

(4) “Shielding” means:

(i) with respect to a record kept in a courthouse, removing **THE RECORD** to a separate secure area to which persons who do not have a legitimate reason for access are denied access; and

(ii) with respect to electronic information about a proceeding on the website maintained by the Maryland Judiciary, **COMPLETELY removing [the] ALL information CONCERNING THE PROCEEDING, INCLUDING THE NAMES OF THE PARTIES, AND ANY REFERENCE TO THE PROCEEDING from the public website WEB SITE, INCLUDING THE NAMES OF THE PARTIES, CASE NUMBERS, AND ANY REFERENCE TO THE PROCEEDING OR ANY REFERENCE TO THE REMOVAL OF THE PROCEEDING FROM THE PUBLIC WEB SITE.**

(5) “Victim services provider” means a nonprofit organization that has been authorized by the Governor’s Office of Crime Control and Prevention or the

Department of Human ~~Services~~ **RESOURCES** to have access to records of shielded protective orders in order to assist victims of abuse.

(b) If a petition filed under this subtitle is denied or dismissed at the interim, temporary, or final protective order stage of a proceeding under this subtitle, the respondent may file a written request to shield all court records relating to the proceeding.

(c) A request for shielding under this section may not be filed within 3 years after the denial or dismissal of the petition, unless the respondent files with the request a general waiver and release of all the respondent's tort claims related to the proceeding under this subtitle.

(d) (1) On the filing of a request for shielding under this section, the court shall schedule a hearing on the request.

(2) The court shall give notice of the hearing to the petitioner or the petitioner's counsel of record.

(3) Except as provided in paragraphs (4) and (5) of this subsection, after the hearing, the court shall order the shielding of all court records relating to the proceeding if the court finds:

(i) that the petition was denied or dismissed at the interim, temporary, or final protective order stage of the proceeding;

(ii) that a final protective order or peace order has not been previously issued against the respondent in a proceeding between the petitioner and the respondent; and

(iii) that none of the following are pending at the time of the hearing:

1. an interim or temporary protective order or peace order issued against the respondent in a proceeding between the petitioner and the respondent; or

2. a criminal charge against the respondent arising from alleged abuse against the petitioner.

(4) (i) If the petitioner appears at the shielding hearing and objects to the shielding, the court may, for good cause, deny the shielding.

(ii) In determining whether there is good cause to grant the request to shield court records, the court shall balance the privacy of the respondent and potential danger of adverse consequences to the respondent against the potential risk of future harm and danger to the petitioner and the community.

(5) Information about the proceeding may not be removed from the Domestic Violence Central Repository.

(e) (1) This section does not preclude the following persons from accessing a shielded record for a legitimate reason:

(i) a law enforcement officer;

(ii) an attorney who represents or has represented the petitioner or the respondent in a proceeding;

(iii) a State's Attorney;

(iv) an employee of a local department; or

(v) a victim services provider.

(2) (i) A person not listed in paragraph (1) of this subsection may subpoena, or file a motion for access to, a record shielded under this section.

(ii) If the court finds that the person has a legitimate reason for access, the court may grant the person access to the shielded record under the terms and conditions that the court determines.

(iii) In ruling on a motion under this paragraph, the court shall balance the person's need for access to the record with the respondent's right to privacy and the potential harm of unwarranted adverse consequences to the respondent that the disclosure may create.

(f) Within 60 days after entry of an order under subsection (d)(3) of this section, each custodian of court records that are subject to the order of shielding shall advise in writing the court and the respondent of compliance with the order.

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

Approved by the Governor, April 10, 2012.

Chapter 100

(House Bill 110)

AN ACT concerning

**Alcoholic Beverages – ~~Follow-Up~~ Criminal History Records Checks –
Procedures**

FOR the purpose of ~~requiring~~ establishing certain uniform procedures for certain criminal history records checks requested from the Criminal Justice Information System Central Repository (~~CJIS~~) by certain local licensing boards; requiring the Central Repository to provide local licensing boards with a revised printed criminal record statement of a license applicant or license holder if information is reported to ~~CJIS~~ the Central Repository after the initial criminal history records check is completed; requiring ~~CJIS~~ the Central Repository to stop providing the local licensing boards with revised printed statements under certain circumstances; defining a certain term; making certain conforming and stylistic changes; and generally relating to criminal history records checks of alcoholic beverages licensees and license applicants.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 1–102(a)(19)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 10–103(a), (b)(9)(v) and (13), and (c) through (e)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article 2B – Alcoholic Beverages
Section ~~10–103(f)~~ 10–103(a–1)
Annotated Code of Maryland
(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

1–102.

(a) (19) “Local licensing board” means a board of license commissioners of a county or the Mayor and Aldermen of the City of Annapolis.

10–103.

(a) **(1)** In this section[, “county] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(3) “COUNTY police” as it applies to Harford County includes the Harford County Sheriff’s Department and all Harford County municipal police departments.

(A-1) (1) THIS SUBSECTION APPLIES TO ANY CRIMINAL HISTORY RECORDS CHECK REQUESTED BY A LOCAL LICENSING BOARD UNDER THIS SECTION.

(2) THE LOCAL LICENSING BOARD SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT AND LICENSE HOLDER.

(3) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE LOCAL LICENSING BOARD SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(i) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS OF THE APPLICANT OR LICENSE HOLDER 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; AND

(iii) THE MANDATORY PROCESSING FEE THAT THE FEDERAL BUREAU OF INVESTIGATION REQUIRES FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(4) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT OR LICENSE HOLDER AND THE LOCAL LICENSING BOARD THE CRIMINAL HISTORY RECORD INFORMATION OF THE APPLICANT OR LICENSEE.

(5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(i) SHALL BE CONFIDENTIAL;

(II) MAY NOT BE REDISSEMINATED; AND

(III) SHALL BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY THIS SECTION.

(6) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.

~~**(F) (1) IN THIS SUBSECTION, “CJIS” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**~~

~~**(2) (7) WHEN CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT OR LICENSE HOLDER IS REPORTED TO CJIS THE CENTRAL REPOSITORY AFTER THE INITIAL CRIMINAL HISTORY RECORDS CHECK IS COMPLETED, CJIS THE CENTRAL REPOSITORY SHALL PROVIDE THE LOCAL LICENSING BOARD WITH A REVISED PRINTED STATEMENT OF THE CRIMINAL RECORD OF THE APPLICANT OR LICENSE HOLDER.**~~

~~**(3) (8) IF THE LOCAL LICENSING BOARD INFORMS CJIS THE CENTRAL REPOSITORY THAT AN INDIVIDUAL IS NO LONGER AN APPLICANT OR LICENSE HOLDER, CJIS THE CENTRAL REPOSITORY SHALL STOP PROVIDING THE LOCAL LICENSING BOARD WITH REVISED PRINTED STATEMENTS OF THE CRIMINAL RECORD OF THE INDIVIDUAL.**~~

(b) Except as otherwise provided in this subtitle, every new application for a license shall be made to the Board of License Commissioners on forms prescribed by the Comptroller and sworn to by the applicant. Every application for a license shall contain the following:

(9) (v) 1. A. In this subparagraph the following words have the meanings indicated.

B. “Applicant” means an applicant for a new alcoholic beverages license or for a transfer of an existing alcoholic beverages license.

C. “Board” means the Board of License Commissioners of Somerset County.

2. This subparagraph applies only in Somerset County.

3. The Board shall:

- A. Require an applicant to be fingerprinted;
 - B. Forward the fingerprints to the [Criminal Justice System] Central Repository [in the Department of Public Safety and Correctional Services]; and
 - C. Request from the Central Repository a State and national criminal history records check of the applicant.
4. The Board may not disseminate information from criminal records to the public but may make information from criminal records available to members of the Board and their designees.
5. The Board shall charge an applicant a fee to cover the cost of fingerprinting and performing a State and national criminal history records check.
6. The Board may exempt from this subparagraph a license holder who seeks to renew an alcoholic beverages license.
- (13) (i) 1. A statement as to whether the applicant has ever been adjudged guilty of any offense against the laws of the State or of the United States.
2. The respective boards shall destroy the records obtained under subparagraphs (ii), (iv), (v), (vi), (vii), (viii), (ix), and (xii) of this paragraph upon completion of its necessary use of the records;
- (ii) 1. The provisions of this subparagraph (ii) apply in the following:
- A. Anne Arundel County;
 - B. Harford County;
 - C. Prince George's County;
 - D. St. Mary's County;
 - E. Worcester County; and
 - F. Howard County.
2. The county board of license commissioners or the liquor control board may obtain criminal records on alcoholic beverages license applicants and their agents in its respective county from the [Criminal Justice

Information System] Central Repository [of the Department of Public Safety and Correctional Services] and county police.

(iii) The Worcester County Board of License Commissioners also may obtain criminal records pursuant to the provisions of subparagraph (ii) of this paragraph on the stockholders which hold at least 10% interest in the corporation and owners of a corporation when the application is being made for the use of the corporation;

(iv) In Montgomery County:

1. The Board of License Commissioners shall:

A. Obtain criminal records of alcoholic beverages license applicants from the [Criminal Justice Information System] Central Repository [of the Department of Public Safety and Correctional Services] and THE Montgomery County Police;

B. Require applicants for alcoholic beverages licenses in the county to be fingerprinted; and

C. Forward the fingerprints through the [Criminal Justice Information System] Central Repository [of the Department of Public Safety and Correctional Services] for transmittal to the Federal Bureau of Investigation for a national criminal history records check; and

2. Applicants for license renewal may be subject to these provisions.

(v) In Frederick County:

1. The Board of License Commissioners shall:

A. Obtain criminal records of alcoholic beverages license applicants from the [Criminal Justice Information System] Central Repository [of the Department of Public Safety and Correctional Services];

B. Require applicants for alcoholic beverages licenses in the county to be fingerprinted; and

C. Forward the fingerprints through the [Criminal Justice Information System] Central Repository [of the Department of Public Safety and Correctional Services] for transmittal to the Federal Bureau of Investigation for a national criminal history records check; and

2. Applicants for license renewal may not be subject to these provisions.

(vi) 1. The provisions of this subparagraph apply only in Cecil County, Charles County, Dorchester County, and Kent County.

2. The Boards of License Commissioners shall:

A. Obtain criminal records of new alcoholic beverages license applicants from the [Criminal Justice Information System] Central Repository [of the Department of Public Safety and Correctional Services];

B. Require applicants for new alcoholic beverages licenses to be fingerprinted; and

C. Forward the fingerprints through the [Criminal Justice Information System] Central Repository [of the Department of Public Safety and Correctional Services] for transmittal to the Federal Bureau of Investigation [F.B.I.] for a national criminal history records check. Applications for license renewal are not subject to these provisions.

3. The County Commissioners may set a fee to cover the cost of obtaining the fingerprints and the Maryland and national criminal history records check.

4. Except as provided in [sub-subparagraph] SUBSUBPARAGRAPH 6 of this subparagraph, the Boards shall keep all criminal records in a sealed envelope available only to the members of the Boards and the clerks to the Boards.

5. The hearing for a new applicant and the issuance of a license may not be delayed due to the failure of the [F.B.I.] FEDERAL BUREAU OF INVESTIGATION to provide the requested criminal history records check by the date of the scheduled hearing.

6. The Kent County Board of License Commissioners shall:

A. Keep all criminal records in a sealed envelope available only to the members of the Board and their designees; and

B. Adopt regulations to further preserve the confidentiality of information obtained under this subparagraph.

(vii) 1. The provisions of this subparagraph apply only in Wicomico County.

2. The Board of License Commissioners shall:

A. Obtain criminal records of license applicants from the [Criminal Justice Information System] Central Repository [of the Department of Public Safety and Correctional Services];

B. Require applicants for licenses to be fingerprinted;
and

C. Forward the fingerprints through the [Department of Public Safety and Correctional Services] **CENTRAL REPOSITORY** for transmittal to the Federal Bureau of Investigation for a national criminal history records check;

(viii) In Harford County:

1. The Liquor Control Board shall:

A. Obtain criminal records of alcoholic beverages license applicants from the [Criminal Justice Information System] Central Repository [of the Department of Public Safety and Correctional Services];

B. Require applicants for alcoholic beverages licenses in the county to be fingerprinted; and

C. Forward the fingerprints through the [Criminal Justice Information System] Central Repository [of the Department of Public Safety and Correctional Services] for transmittal to the Federal Bureau of Investigation for a national criminal history records check; and

2. Applicants for license renewal may not be subject to these provisions.

(ix) In Carroll County:

1. The Board of License Commissioners shall:

A. Obtain criminal records of alcoholic beverages license applicants from the [Criminal Justice Information System] Central Repository [of the Department of Public Safety and Correctional Services];

B. Require applicants for alcoholic beverages licenses in the county to be fingerprinted; and

C. Forward the fingerprints through the [Criminal Justice Information System] Central Repository [of the Department of Public Safety

and Correctional Services] for transmittal to the Federal Bureau of Investigation for a national criminal history records check; and

2. Applicants for license renewal may not be subject to these provisions.

(x) 1. This subparagraph applies only in Garrett County.

2. In this subparagraph, "applicant" includes:

A. An applicant for renewal of an alcoholic beverages license; and

B. A shareholder, member, partner, owner, or other person with an ownership interest in a business entity that applies for an alcoholic beverages license.

3. The Board of License Commissioners may:

A. Obtain criminal records of an alcoholic beverages license applicant from the [Criminal Justice Information System] Central Repository [of the Department of Public Safety and Correctional Services] and from other law enforcement agencies;

B. Require an applicant to be fingerprinted;

C. Forward the fingerprints through the Central Repository for transmittal to the Federal Bureau of Investigation for a national criminal history records check; and

D. Set a fee to cover the cost of obtaining the fingerprints and State and national criminal records.

4. Criminal records shall be kept in a sealed envelope accessible only by Board members and their clerks, and the criminal records shall be destroyed on completion of their necessary use.

(xi) 1. In Calvert County, for each application for a new alcoholic beverages license or for a transfer of an existing alcoholic beverages license, the Board of License Commissioners shall:

A. Obtain criminal records of the license applicant from the [Criminal Justice Information System] Central Repository [of the Department of Public Safety and Correctional Services];

B. Require a license applicant to be fingerprinted; and

C. Forward the fingerprints through the [Criminal Justice Information System] Central Repository [of the Department of Public Safety and Correctional Services] for transmittal to the Federal Bureau of Investigation for a national criminal history records check.

2. This subparagraph does not apply to an alcoholic beverages license renewal applicant.

(xii) In Howard County:

1. The Board of License Commissioners shall:

A. Obtain criminal records of alcoholic beverages license applicants from the [Criminal Justice Information System] Central Repository [of the Department of Public Safety and Correctional Services] and from the Federal Bureau of Investigation;

B. Require applicants for alcoholic beverages licenses in the county to be fingerprinted; and

C. Forward the fingerprints through the [Criminal Justice Information System] Central Repository [of the Department of Public Safety and Correctional Services] for transmittal to the Federal Bureau of Investigation for a national criminal history records check.

2. Applicants for license renewal may be subject to this subparagraph.

3. The Board shall:

A. Keep all criminal records confidential; and

B. Make all criminal records in its possession available only to members, clerks, administrators, and inspectors of the Board of License Commissioners and to members, clerks, administrators, and inspectors of the Howard County Alcoholic Beverage Hearing Board.

(xiii) 1. A. In this subparagraph the following words have the meanings indicated.

B. “Applicant” means an applicant for a new alcoholic beverages license or for a transfer of an existing alcoholic beverages license.

C. “Board” means the Board of Liquor License Commissioners of Talbot County.

2. This subparagraph applies only in Talbot County.
3. The Board shall:
 - A. Require an applicant to be fingerprinted;
 - B. Forward the fingerprints to the [Criminal Justice System] Central Repository [in the Department of Public Safety and Correctional Services]; and
 - C. Request from the Central Repository a State and national criminal history records check of the applicant.
4. The Board may not disseminate information from criminal records to the public but may make information from criminal records available to members of the Board and their designees.
5. The Board may charge an applicant for the cost of fingerprinting and performing a State and national criminal history records check.
6. The Board may exempt from this subparagraph a license holder who seeks to renew an alcoholic beverages license.

(xiv) In Baltimore City:

1. The Board of Liquor License Commissioners shall:
 - A. Obtain criminal records of alcoholic beverages license applicants from the [Criminal Justice Information System] Central Repository [of the Department of Public Safety and Correctional Services];
 - B. Require applicants for alcoholic beverages licenses in Baltimore City to be fingerprinted; and
 - C. Forward the fingerprints through the [Criminal Justice Information System] Central Repository [of the Department of Public Safety and Correctional Services] for transmittal to the Federal Bureau of Investigation for a national criminal history records check; and
2. Applicants for license renewal may not be subject to the provisions of this subparagraph.

(xv) 1. [A.] In this subparagraph, [the following words have the meanings indicated.

B. “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

C.] “Board” means the Anne Arundel County Board of License Commissioners.

2. In Anne Arundel County, the Board shall apply to the Central Repository for State and national criminal history records checks for each alcoholic beverages license applicant.

3. As part of the application for a criminal history records check, the Board shall submit to the Central Repository:

A. Two complete sets of the applicant’s fingerprints taken on forms approved by the director of the Central Repository and the Director of the Federal Bureau of Investigation;

B. The fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

C. The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

4. In accordance with [§§ 10–201 through 10–234] **TITLE 10, SUBTITLE 2** of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Board the applicant’s criminal history record information.

5. Information obtained from the Central Repository under this subparagraph shall be:

A. Confidential and may not be disseminated; and

B. Used only for the licensing purpose authorized under this subparagraph.

6. The subject of a criminal history records check under this subparagraph may contest the contents of the printed statement issued by the Central Repository under § 10–223 of the Criminal Procedure Article.

(c) (1) In Caroline County, when considering an application for a new license or a transfer of an existing license, the Board of License Commissioners shall:

(i) Obtain criminal records of the applicant from the [Criminal Justice Information System] Central Repository [of the Department of Public Safety and Correctional Services];

(ii) Require the applicant to submit the applicant's fingerprints;

(iii) Forward the fingerprints through the [Criminal Justice Information System] Central Repository [of the Department of Public Safety and Correctional Services] for transmittal to the Federal Bureau of Investigation for a national criminal history records check; and

(iv) Keep all criminal records in a sealed envelope available only to the members of the Board and their designees.

(2) The Board shall charge a fee that the Board sets to cover the cost of obtaining the fingerprints and the results of the State and national criminal history records check.

(3) The Board may require applicants for license renewals to meet the requirements of this subsection.

(d) (1) In this subsection, "Board" means the St. Mary's County Alcoholic Beverage Board.

(2) This subsection applies only in St. Mary's County.

(3) For each license applicant, the Board shall:

(i) Apply to the [Criminal Justice Information System] Central Repository [of the Department of Public Safety and Correctional Services] for a State and national criminal history records check; and

(ii) Submit as part of an application for a criminal history records check:

1. Two complete sets of the applicant's legible fingerprints taken on forms approved by the Director of the [Criminal Justice Information System] Central Repository and the Director of the Federal Bureau of Investigation;

2. The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check; and

3. The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records.

(4) The [Criminal Justice Information System] Central Repository [of the Department of Public Safety and Correctional Services] shall provide the requested information in accordance with Title 10, Subtitle 2 of the Criminal Procedure Article.

(5) This subsection does not apply to an applicant for renewal of an alcoholic beverages license.

(6) The Board may establish a fee to cover the cost of obtaining:

(i) The applicant's fingerprints; and

(ii) The State and national criminal history records check.

(7) The Board shall:

(i) Keep all criminal records confidential; and

(ii) Make all criminal records in its possession available only to Board members, the Board's designees, the Board Administrator, and the Board's inspector.

(8) A hearing for an applicant for an alcoholic beverages license and the issuance of a license may not be delayed due to the failure of the Federal Bureau of Investigation to provide the requested criminal history records check by the date of the scheduled hearing.

(9) The Board shall adopt regulations to implement this subsection.

(e) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Applicant" means an applicant for a new alcoholic beverages license or for a transfer of an existing alcoholic beverages license.

(iii) "Board" means the Board of License Commissioners of Washington County.

[(iv) "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.]

(2) This subsection applies only in Washington County.

(3) (i) The Board shall apply to the Central Repository for a State and national criminal history records check for each applicant.

(ii) As part of the application for a criminal history records check, the Board shall submit to the Central Repository:

1. 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;

2. The fee authorized under § 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.

(iii) In accordance with Title 10, Subtitle 2 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Board the applicant's criminal history record information.

(4) The Board shall establish a fee to cover the cost of obtaining:

(i) The applicant's fingerprints; and

(ii) The State and national criminal records.

(5) Information obtained from the Central Repository under this subsection:

(i) Is confidential and may not be disseminated;

(ii) May be used only for licensing purposes;

(iii) Shall be kept in sealed envelopes available only to Board members, inspectors, administrators, and designees of the Board; and

(iv) Shall be destroyed on completion of their necessary use.

(6) A hearing for an applicant and the issuance of a license may not be delayed due to the failure of the Federal Bureau of Investigation to provide the requested criminal records by the date of the scheduled hearing.

(7) The subject of a criminal history records check under this subsection may contest the contents of the printed statement issued by the Central Repository under § 10-223 of the Criminal Procedure Article.

(8) The Board shall adopt regulations to implement this subsection and preserve the confidentiality of the information obtained under this subsection.

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

Approved by the Governor, April 10, 2012.

Chapter 101

(House Bill 126)

AN ACT concerning

Maryland Condominium Act – Right of Entry to Investigate Damage and Make Repairs

FOR the purpose of authorizing the council of unit owners of a condominium or its authorized designee to enter units to investigate damage under certain circumstances; ~~repealing a certain restriction on the right of a council of unit owners or its designee to enter a unit~~; requiring a council of unit owners to make a reasonable effort to give notice to the owner of a unit to be entered for the purpose of investigation except under certain circumstances; making stylistic changes; and generally relating to the right of a council of unit owners to enter a unit to investigate damage and make repairs.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–125(e)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Article – Real Property

11–125.

(e) (1) The council of unit owners or its authorized designee shall have an irrevocable right and an easement to enter units to **INVESTIGATE DAMAGE OR** make repairs ~~when the **INVESTIGATION OR** repairs reasonably appear necessary for public safety or to prevent damage to other portions of the condominium~~.

(2) Except in cases involving manifest danger to public safety or property, the council of unit owners shall make a reasonable effort to give notice to the owner of any unit to be entered for the purpose of **INVESTIGATION OR** repair.

(3) If damage is inflicted on the common elements or any unit through which access is taken, the council of unit owners is liable for the prompt repair.

(4) An entry by the council of unit owners for the purposes specified in this subsection may not be considered a trespass.

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

Approved by the Governor, April 10, 2012.

Chapter 102

(House Bill 135)

AN ACT concerning

Carroll County – Board of Elections – Membership

FOR the purpose of altering the number of regular members and eliminating substitute members on the Carroll County Board of Elections; requiring the members of the board to be of certain political parties; requiring that a vacancy on the board be filled in a certain manner; providing for a delayed effective date; and generally relating to the Carroll County Board of Elections.

BY repealing and reenacting, without amendments,
 Article – Election Law
 Section 2–201(a) and (b)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
 Article – Election Law
 Section 2–201(l)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2011 Supplement)

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

Article – Election Law

2–201.

(a) (1) There is a county board of elections in each county of the State.

(2) Each local board and its staff is subject to the direction and authority of the State Board and is accountable to the State Board for its actions in all matters regarding the implementation of the requirements of this article and any applicable federal law.

(b) (1) Except as provided in subsections (j), (k), and (l) of this section, each local board consists of three regular members and two substitute members.

(2) Two regular members and one substitute member shall be of the majority party, and one regular member and one substitute member shall be of the principal minority party.

(3) Except as provided in subsection (l) of this section, in the event of the absence of a regular member or a vacancy in the office of a regular member, the substitute member of the same political party shall exercise the powers and duties of a regular member until the regular member returns or the vacancy is filled as prescribed in subsection (h) of this section.

(l) (1) In Allegany County, Baltimore City, Caroline County, **CARROLL COUNTY**, Charles County, Frederick County, Harford County, Somerset County, Washington County, Wicomico County, and Worcester County, the local board consists of five regular members.

(2) Three regular members shall be of the majority party, and two regular members shall be of the principal minority party.

(3) (i) If a vacancy occurs on the local board, the Governor shall appoint an eligible person from the same political party as the predecessor member to fill the vacancy in accordance with subsection (g) of this section for the remainder of the unexpired term and until a successor is appointed and qualifies.

(ii) An appointment made while the Senate of Maryland is not in session shall be considered temporary until the appointee is confirmed by the Senate.

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

Approved by the Governor, April 10, 2012.

AN ACT concerning

Garrett County – Salary Study Commission – Membership

FOR the purpose of altering the membership of the Salary Study Commission in Garrett County to substitute a member of the League of Women Voters of Garrett County with a member of the Garrett County Mayors Association; and generally relating to membership on the Garrett County Salary Study Commission.

BY repealing and reenacting, without amendments,
The Public Local Laws of Garrett County
Section 32.40
Article 12 – Public Local Laws of Maryland
(2005 Edition and November 2010 Supplement, as amended)

BY repealing and reenacting, with amendments,
The Public Local Laws of Garrett County
Section 32.41
Article 12 – Public Local Laws of Maryland
(2005 Edition and November 2010 Supplement, as amended)

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

Article 12 – Garrett County

32.40.

There is a Garrett County Salary Study Commission.

32.41.

(A) The Commission consists of 7 members.

(B) The Commission shall be comprised as follows:

(1) One member from the Republican Central Committee of Garrett County;

(2) One member from the Democrat Central Committee of Garrett County;

(3) One member from the [League of Women Voters of] Garrett County **MAYORS ASSOCIATION**;

- (4) One member from the Chamber of Commerce of Garrett County;
- (5) One member from the Farm Bureau of Garrett County;
- (6) One member from the Garrett County Advisory Committee on Education;
- (7) One member from the Garrett County Volunteer Firemen's Association; Inc.

(C) Each group listed in division (B) of this section shall appoint the member who represents the group on the Commission.

(D) The County Commissioners may provide compensation or reimbursement for expenses for the members of the Commission.

(E) From among its members, the Commission shall elect a Chairperson.

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

Approved by the Governor, April 10, 2012.

Chapter 104

(House Bill 150)

AN ACT concerning

Allegany County – Solicitation of Money or Donations from Occupants of Vehicles – Prohibitions and Permit Program

FOR the purpose of prohibiting, in Allegany County, a person from standing, or causing, encouraging, allowing, or petitioning another to stand, in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle, subject to a certain exception; authorizing the governing body of the county or of a municipal corporation in the county to enact a certain permit program to allow individuals who are at least a certain age and representatives of certain organizations who are at least a certain age to solicit money or donations from the occupant of a vehicle by standing in a roadway, median divider, or intersection in the county or municipal corporation; requiring an applicant for a certain permit to submit proof of a certain plan; requiring that an application for a certain permit be effective only for a certain period of time; providing that an individual or a certain organization may obtain only a certain

number of a certain permit per calendar year; and generally relating to the solicitation of money from occupants of vehicles in Allegany County.

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 21–507(f)
 Annotated Code of Maryland
 (2009 Replacement Volume and 2011 Supplement)

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

Article – Transportation

21–507.

(f) (1) This subsection applies only to **ALLEGANY COUNTY AND** Cecil County.

(2) In this subsection, “qualified organization” means a fire company or bona fide religious, fraternal, civic, war veterans’, or charitable organization.

(3) Except as provided in paragraph (4) of this subsection, [in Cecil County] a person may not:

(i) Stand in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle; or

(ii) Cause, encourage, allow, or petition another to stand in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle.

(4) (i) The [County Commissioners] **GOVERNING BODY** of [Cecil County] **A COUNTY** or the governing body of a municipal corporation in [Cecil County] **A COUNTY** may, by appropriate resolution or ordinance, enact a permit program to allow individuals who are at least 18 years old and representatives of qualified organizations who are at least 18 years old to solicit money or donations from the occupant of a vehicle by standing in a roadway, median divider, or intersection **IN THE COUNTY OR MUNICIPAL CORPORATION.**

(ii) If the [county commissioners or the] governing body **OF A COUNTY OR** of a municipal corporation in the county [enact] **ENACTS** a resolution or ordinance establishing a permit program authorized by this paragraph, the resolution or ordinance shall:

1. Require an applicant for a permit to submit proof that the individual or qualified organization has a plan for safely soliciting money or donations from the proposed location;
2. Provide that a permit is effective for a period of 1 calendar day; and
3. Allow an individual or a qualified organization to obtain only one permit **IN THE COUNTY OR MUNICIPAL CORPORATION** per calendar year.

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

Approved by the Governor, April 10, 2012.

Chapter 105

(House Bill 171)

AN ACT concerning

**St. Mary's County and Dorchester County – Winery Special Event Permits –
Farmers' Markets**

FOR the purpose of authorizing the Office of the Comptroller to issue ~~a~~ winery special event ~~permit~~ permits to ~~a~~ Class 4 Maryland limited ~~winery~~ wineries in St. Mary's County and Dorchester County for unlimited use for a certain amount of time each week at certain farmers' markets in St. Mary's County and Dorchester County; and generally relating to the issuance of ~~a~~ winery special event ~~permit~~ permits for use at ~~a~~ farmers' ~~market~~ markets in St. Mary's County and Dorchester County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–101(u)(1)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article 2B – Alcoholic Beverages
Section 2–101(u)(12) and (13)
Annotated Code of Maryland
(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

2–101.

(u) (1) The Office of the Comptroller may issue a winery special event permit to a licensed Class 4 Maryland limited winery, provided that:

(i) Except as provided in paragraphs (6), (7), (8), (9), (10), [and] (11), ~~AND (12) (12), AND (13)~~ of this subsection, no more than 12 winery special event permits are issued to the Class 4 Maryland limited winery in any given calendar year;

(ii) The permit does not exceed 3 consecutive days; and

(iii) Except as provided in paragraphs (6), (7), (8), (9), (10), [and] (11), ~~AND (12) (12), AND (13)~~ of this subsection, no more than three winery special event permits are issued in any calendar year to any given limited winery for use in the same political subdivision.

(12) IN ADDITION TO THE WINERY SPECIAL EVENT PERMITS THAT MAY BE ISSUED UNDER PARAGRAPH (1)(I) AND (III) OF THIS SUBSECTION, A CLASS 4 MARYLAND LIMITED WINERY MAY BE ISSUED A WINERY SPECIAL EVENT PERMIT FOR UNLIMITED USE FOR 1 DAY EACH WEEK AT A FARMERS' MARKET IN ST. MARY'S COUNTY THAT IS LISTED ON THE FARMERS' MARKET DIRECTORY OF THE MARYLAND DEPARTMENT OF AGRICULTURE.

(13) IN ADDITION TO THE WINERY SPECIAL EVENT PERMITS THAT MAY BE ISSUED UNDER PARAGRAPH (1)(I) AND (III) OF THIS SUBSECTION, A CLASS 4 MARYLAND LIMITED WINERY MAY BE ISSUED A WINERY SPECIAL EVENT PERMIT FOR UNLIMITED USE FOR 1 DAY EACH WEEK AT A FARMERS' MARKET IN DORCHESTER COUNTY THAT IS LISTED ON THE FARMERS' MARKET DIRECTORY OF THE MARYLAND DEPARTMENT OF AGRICULTURE.

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

Approved by the Governor, April 10, 2012.

AN ACT concerning

Election Law – Voter Registration Agencies – Electronic Signatures

FOR the purpose of authorizing an applicant registering to vote at a voter registration agency to consent to the use of an electronic copy of the applicant's signature that is on file with the voter registration agency as the applicant's signature for the application being submitted; requiring a voter registration agency to transmit an electronic copy of the signature of certain applicants for voter registration to the State Board within a certain period of time; and generally relating to the use of electronic signatures for voter registration at voter registration agencies.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 3–204
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Article – Election Law

3–204.

(a) (1) The State Board shall designate public agencies and nongovernmental agencies as voter registration agencies where qualified individuals may apply to register to vote.

(2) The State Board shall designate the following offices as voter registration agencies:

- (i) all offices in the State that provide public assistance;
- (ii) all offices in the State that provide State-funded programs primarily engaged in providing services to individuals with disabilities; and
- (iii) all public institutions of higher education in the State.

(3) The State Board and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the armed forces of the United States, which shall be deemed voter registration agencies.

(b) Except for a public institution of higher education in the State, which institution shall comply with the requirements of subsection (c) of this section, each voter registration agency, as provided in subsection (a)(2) and (3) of this section, shall:

(1) distribute a voter registration application approved by the State Board or the Federal Election Commission with each application for service or assistance it renders and with each recertification, renewal, or change of address form relating to such service or assistance;

(2) provide a document to prospective registrants that includes:

(i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote together with the statement (in close proximity to the boxes and in prominent type), "If you do not check either box, you will be considered to have decided not to register to vote at this time.";

(iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.";

(v) the statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the State Board of Elections."; and

(vi) the address and toll free telephone number of the State Board;

(3) provide each applicant who does not decline to register to vote and who accepts assistance the same degree of assistance with regard to completion of the registration application as is provided by the office with regard to the completion of its own applications, unless the applicant refuses such assistance; and

(4) accept the completed voter registration application for transmittal to the appropriate election board.

(c) At the time that an individual enrolls, registers, or pays for course work provided by a public institution of higher education in the State, the institution shall provide the individual with an opportunity to request a voter registration application.

If the individual requests a voter registration application, the institution shall provide, or cause to be provided, an application to the individual.

(d) An applicant may mail the voter registration application to the appropriate State election official or return it to the voter registration agency for transmittal to the appropriate election official.

(e) Within 5 days from the acceptance of a voter registration application, the voter registration agency shall forward the application to the appropriate State election official.

(F) (1) AN APPLICANT REGISTERING TO VOTE AT A VOTER REGISTRATION AGENCY MAY AFFIRMATIVELY CONSENT TO THE USE OF AN ELECTRONIC COPY OF THE INDIVIDUAL'S SIGNATURE THAT IS ON FILE WITH THE VOTER REGISTRATION AGENCY AS THE INDIVIDUAL'S SIGNATURE FOR THE APPLICATION BEING SUBMITTED.

(2) IF AN APPLICANT SIGNS A VOTER REGISTRATION APPLICATION AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, THE VOTER REGISTRATION AGENCY SHALL TRANSMIT AN ELECTRONIC COPY OF THE APPLICANT'S SIGNATURE TO THE STATE BOARD WITHIN 5 DAYS AFTER THE DAY ON WHICH THE AGENCY ACCEPTED THE APPLICATION.

[(f)](G) If a voter registration agency is an office described in subsection (a)(2)(ii) of this section, which provides services to an individual with a disability at the individual's home, the agency shall provide the services described in subsection (b) of this section at the individual's home.

[(g)](H) (1) An individual who provides any service described in subsection (b) of this section may not:

(i) seek to influence an applicant's political preference or party registration;

(ii) display any political preference or party allegiance; or

(iii) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(2) No information relating to a declination to register to vote in connection with an application made at an office designated as a voter registration agency may be used for any purpose other than the maintenance of voter registration statistics.

(3) Notwithstanding § 3–501 of this title and § 10–611 of the State Government Article, the identity of a voter registration agency through which a particular voter has registered may not be disclosed to the public.

[(h)](I) Regulations necessary to carry out the requirements of this section and § 3–203 of this subtitle, including provisions for training the employees of voter registration agencies and the Motor Vehicle Administration, shall be adopted by the State Board in cooperation with each agency.

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

Approved by the Governor, April 10, 2012.

Chapter 107

(House Bill 197)

AN ACT concerning

Department of Public Safety and Correctional Services – Representation on Boards, Commissions, and Councils

FOR the purpose of altering the membership representing the Department of Public Safety and Correctional Services on the Correctional Training Commission, the Sexual Offender Advisory Board, and the State Alcohol and Drug Abuse Council; and generally relating to representation of the Department of Public Safety and Correctional Services on boards, commissions, and councils.

BY repealing and reenacting, without amendments,
Article – Correctional Services
Section 8–203
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 8–204(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 1–401(a)
Annotated Code of Maryland

(2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 1–401(b)

Annotated Code of Maryland

(2011 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – State Government

Section 9–2801

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 9–2802(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

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

Article – Correctional Services

8–203.

There is a Correctional Training Commission in the Department.

8–204.

(a) The Commission consists of the following 14 members:

(1) the Secretary of Public Safety and Correctional Services;

(2) the Secretary of Juvenile Services;

(3) [the Director of the Division of Parole and Probation] **A REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, DESIGNATED BY THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;**

(4) [the Commissioner of Correction] **A DEPUTY SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;**

- (5) the president of the Maryland Correctional Administrators Association;
- (6) the president of the Maryland Sheriffs Association;
- (7) the president of the Maryland Criminal Justice Association;
- (8) a representative of the Federal Bureau of Prisons, designated by its Director;
- (9) the Attorney General of the State;
- (10) the president of a university or college in the State with a correctional education curriculum, appointed by the Maryland Higher Education Commission; and
- (11) four correctional officers or officials of the State appointed under subsection (b) of this section.

Article – Public Safety

1–401.

- (a) There is a Sexual Offender Advisory Board.
- (b) The Board consists of the following members:
 - (1) the Secretary of Public Safety and Correctional Services, or the Secretary's designee;
 - (2) the Secretary of Health and Mental Hygiene, or the Secretary's designee;
 - (3) the Secretary of Juvenile Services, or the Secretary's designee;
 - (4) [the Director of the Division of Parole and Probation, or the Director's designee] **A REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, DESIGNATED BY THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;**
 - (5) the Chairman of the Maryland Parole Commission, or the Chairman's designee;
 - (6) the Director of the Maryland Criminal Justice Information System Central Repository, or the Director's designee;

- (7) the Executive Director of the Mental Hygiene Administration of the Department of Health and Mental Hygiene, or the Executive Director's designee;
- (8) the Secretary of State Police, or the Secretary's designee;
- (9) the Executive Director of the Governor's Office of Crime Control and Prevention, or the Executive Director's designee;
- (10) the following members, appointed by the Governor:
 - (i) a representative from a victims' advocacy organization or victim service provider with recognized expertise in sexual abuse and victimization;
 - (ii) a licensed mental health professional with recognized expertise in the treatment of sexual offenders;
 - (iii) a State's Attorney with expertise in the prosecution of sexual and child abuse crimes;
 - (iv) an assistant public defender with expertise in the defense of sexual and child abuse crimes;
 - (v) a representative of a local law enforcement unit with expertise in the investigation of sexual and child abuse crimes;
 - (vi) a representative from a child advocacy center with recognized expertise in sexual abuse and victimization; and
 - (vii) two citizen members.

Article – State Government

9–2801.

There is a State Drug and Alcohol Abuse Council in the Office of the Governor.

9–2802.

- (a) (1) The Council consists of the following voting members:
 - (i) one member of the Senate of Maryland, appointed by the President of the Senate;
 - (ii) one member of the Maryland House of Delegates, appointed by the Speaker of the House;

- (iii) the Secretary of Health and Mental Hygiene, or the Secretary's designee;
- (iv) the Secretary of Public Safety and Correctional Services, or the Secretary's designee;
- (v) the Secretary of Juvenile Services, or the Secretary's designee;
- (vi) the Secretary of Human Resources, or the Secretary's designee;
- (vii) the Secretary of Budget and Management, or the Secretary's designee;
- (viii) the Secretary of Housing and Community Development, or the Secretary's designee;
- (ix) the Secretary of Transportation, or the Secretary's designee;
- (x) the State Superintendent of Schools, or the Superintendent's designee;
- (xi) the Executive Director of the Governor's Office for Children, or the Executive Director's designee;
- (xii) the Executive Director of the Governor's Office of Crime Control and Prevention, or the Executive Director's designee;
- (xiii) the Public Defender of Maryland, or the Public Defender's designee;
- (xiv) two representatives of the Maryland Judiciary, a District Court judge and a circuit court judge, appointed by the Governor after nomination of the Chief Judge of the Court of Appeals; and
- (xv) eight members appointed by the Governor who are representative to the extent practicable of:
 - 1. geographic regions of the State;
 - 2. at-risk populations;
 - 3. knowledgeable professionals;
 - 4. current or former consumers of substance abuse prevention, intervention, and treatment services;

5. family members of substance abusers;
6. prevention and treatment providers; and
7. individuals who are active on substance abuse issues in their communities.

(2) The Council consists of the following nonvoting members:

- (i) the Director of the Alcohol and Drug Abuse Administration of the Department of Health and Mental Hygiene;
- (ii) the Director of Mental Hygiene of the Department of Health and Mental Hygiene;
- (iii) [the Director of the Division of Parole and Probation] **A REPRESENTATIVE of the Department of Public Safety and Correctional Services, DESIGNATED BY THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;**
- (iv) [the Assistant] **A DEPUTY Secretary [for Treatment Services]** of the Department of Public Safety and Correctional Services; and
- (v) the President of the Maryland Addiction Directors' Council.

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

Approved by the Governor, April 10, 2012.

Chapter 108

(House Bill 198)

AN ACT concerning

Correctional Services – Delegation of the Secretary's Authority

FOR the purpose of authorizing the Deputy Secretary of Public Safety and Correctional Services to exercise certain authority with the approval of the Secretary of Public Safety and Correctional Services; prohibiting the Deputy Secretary from exercising certain authority; and generally relating to the Secretary's authority.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 2–113
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Article – Correctional Services

2–113.

(a) Except as provided in subsection (b) of this section, the Secretary, **OR THE DEPUTY SECRETARY WITH THE APPROVAL OF THE SECRETARY**, may exercise any power, duty, responsibility, or function of any unit, unit head, or appointing officer in the Department.

(b) The Secretary **OR THE DEPUTY SECRETARY** may not exercise a power, duty, responsibility, or function that is set forth in:

- (1) §§ 7–204(b)(2), 7–205(a), and 7–401 of this article; or
- (2) Title 10, Subtitle 3 of this article.

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

Approved by the Governor, April 10, 2012.

Chapter 109

(House Bill 205)

AN ACT concerning

Harford County – Alcoholic Beverages – Wine Festival License

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

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 8–309
Annotated Code of Maryland
(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

8–309.

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

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

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

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

(e) The license fee is \$20.

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

(g) The Harford County Liquor Control Board[

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

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

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

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

Approved by the Governor, April 10, 2012.

Chapter 110

(House Bill 210)

AN ACT concerning

St. Mary's County – School Buses – Length of Operation

FOR the purpose of lengthening the period of time that a school vehicle may be operated in St. Mary's County, subject to certain requirements; and generally relating to the length of operation of certain school buses in St. Mary's County.

BY repealing and reenacting, with amendments,

Article – Education

Section 7–804

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

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

Article – Education

7–804.

(a) In this section, “school vehicle” has the meaning stated in § 11–154 of the Transportation Article.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, unless it fails to meet the applicable school bus and motor vehicle safety standards, a school vehicle may be operated for 12 years.

(2) (i) In Caroline, Dorchester, **ST. MARY'S**, Somerset, Talbot, Wicomico, and Worcester counties, unless it fails to meet the applicable school bus and motor vehicle safety standards, a school vehicle may be operated for 15 years.

(ii) A school vehicle operating under subparagraph (i) of this paragraph shall be maintained as provided in subsection (c) of this section.

(3) Any school vehicle in operation or accepted before July 1, 2004, or under contract to be purchased before July 1, 2004, that meets the specifications of the

Department and of the Motor Vehicle Administration for transit style school vehicles may be operated for 15 years.

(c) Notwithstanding the 12-year limitation in subsection (b)(1) of this section, a school vehicle may be operated for additional years if:

(1) The school vehicle is maintained under a preventive maintenance plan approved by the Motor Vehicle Administration and the Automotive Safety Enforcement Division of the Department of State Police that includes an inspection at the end of the 12th year and a minimum of 2 inspections by the Motor Vehicle Administration each year thereafter;

(2) Any structural repairs to the school vehicle necessitated by accident, metal fatigue, or any other cause are certified by an independent expert approved by the Motor Vehicle Administration to meet or exceed the manufacturer's original manufacturing standards;

(3) The school vehicle is equipped with:

(i) The body originally placed on the chassis by the manufacturer;

(ii) An 8 light warning system;

(iii) A left side stop arm;

(iv) A fire-retardant driver's seat;

(v) Fire-retardant barriers in the case of a school vehicle with a front engine; and

(vi) A fire-retardant rear seating area in the case of a school vehicle with a rear engine; and

(4) The State Superintendent grants approval.

(d) If a school vehicle passes an inspection that is required under subsection (c)(1) of this section:

(1) The inspection shall be valid in the county in which the inspection was completed; and

(2) If ownership of the school vehicle is transferred to a person who operates the school vehicle in a county in which school vehicles are authorized under subsection (b)(2) of this section to be operated for 15 years, the inspection shall be valid in that county for the length of time that the inspection would have been valid in the county where the inspection was completed.

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

Approved by the Governor, April 10, 2012.

Chapter 111

(House Bill 214)

AN ACT concerning

Harford County – Harford Community College – Authority to Incur Debt

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

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

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

Article – Education

16–302.

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, April 10, 2012.

Chapter 112

(House Bill 216)

AN ACT concerning

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

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

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

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

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

Article – Tax – Property

7–514.

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

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

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

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

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

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

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

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

Approved by the Governor, April 10, 2012.

Chapter 113

(House Bill 222)

AN ACT concerning

Garrett County – Alcoholic Beverages – Nudity and Sexual Displays – License Revocation

FOR the purpose of authorizing the Board of License Commissioners in Garrett County to determine whether to revoke the alcoholic beverages license of a licensee if any of certain activities regarding nudity or sexual displays are found to have occurred on the premises or location for which the license was issued; making a stylistic change; and generally relating to alcoholic beverages licenses in Garrett County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 10–405
Annotated Code of Maryland
(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

10–405.

- (a) The provisions of this section apply only in:
- (1) Allegany County;
 - (2) Anne Arundel County;
 - (3) Calvert County;
 - (4) Caroline County;

- (5) Carroll County;
- (6) Cecil County;
- (7) Charles County;
- (8) Dorchester County;
- (9) Frederick County;
- (10) Garrett County;
- (11) Harford County;
- (12) Kent County;
- (13) Prince George's County;
- (14) Queen Anne's County;
- (15) St. Mary's County;
- (16) Except as provided in subsection (i) of this section, Washington County;
- (17) Wicomico County; and
- (18) Worcester County.

(b) **[Any] EXCEPT AS PROVIDED IN SUBSECTIONS (I) AND (J) OF THIS SECTION, ANY** license issued under the provisions of this article shall be revoked if, after A hearing as provided in § 10–403 of this subtitle, any of the activities listed in this section are found to occur on any premises or location for which the license was issued.

(c) With respect to attire and conduct, a person may not:

(1) Be employed or used in the sale or service of alcoholic beverages in or upon the licensed premises while the person is unclothed or in attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals;

(2) Be employed or act as a hostess or act in a similar-type capacity to mingle with the patrons while the hostess or person acting in a similar-type capacity is unclothed or in attire, costume or clothing as described in paragraph (1) of this subsection;

(3) Encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person; or

(4) Permit any employee or person to wear or use any device or covering exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion of it.

(d) With respect to entertainment provided, a person may not:

(1) Permit any person to perform acts of or acts which simulate:

(i) The act of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

(ii) The touching, caressing or fondling of the breast, buttocks, anus or genitals; or

(iii) The display of the pubic hair, anus, vulva or genitals;

(2) Permit any entertainer whose breasts or buttocks are exposed (subject to the restrictions of paragraph (1) of this subsection) to perform closer than six feet from the nearest patron; or

(3) Permit any person to use artificial devices or inanimate objects to depict, perform or simulate any activity prohibited by paragraph (1) of this subsection.

(e) A person may not exhibit or show any motion picture film, still picture, electronic reproduction or other visual reproduction depicting:

(1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

(2) Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals;

(3) Scenes where a person displays the vulva or anus or the genitals;
or

(4) Scenes where artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

(f) A person may not permit any person to remain in or upon the licensed premises who exposes to public view any portion of his genitals or anus.

(g) The provisions of this section do not permit any conduct or form of attire prohibited by any other provision of statute, ordinance, rule or regulation.

(h) In Cecil County, in addition to the penalty provided in subsection (b) of this section, if any of the activities listed in subsections (c), (d), (e), and (f) of this section are found to occur on the premises for which the license was issued, the holder of the license, or any employee, entertainer, or patron who performs any of the listed activities is guilty of a misdemeanor and shall be fined or imprisoned according to the penalty set forth in § 16–503 of this article.

(i) In Washington County, this section does not apply to:

(1) The Washington County Playhouse; or

(2) A theater holding a Class B beer, wine and liquor on-sale license under § 6–201(w) of this article.

(j) (1) This subsection applies only in Caroline County **AND GARRETT COUNTY**.

(2) After a finding that the activities enumerated in this section have occurred, the Board of License Commissioners may decide whether or not to revoke a license[, notwithstanding the mandatory provisions of subsection (b) of this section].

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

Approved by the Governor, April 10, 2012.

Chapter 114

(House Bill 248)

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–301(n)(6)

Annotated Code of Maryland
(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

6–301.

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

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

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

A. May be operated for profit or not for profit;

B. Has 75 or more bona fide members each of whom pays not less than \$50 per year; and

C. Maintains at the time of the application for the license and continues to maintain a regular or championship golf course of 9 holes or more, or, instead of the golf course, a swimming pool at least 20 by 40 feet in size[, and at least 6 tennis courts].

3. “Topiary garden” means an organization that:

A. Operates a public museum and garden for its membership and the general public as guests of the membership;

B. Is open to the general public for at least 6 days a week for at least 6 hours a day during 5 months each year; and

C. Has food preparation facilities on the topiary garden premises for the convenience of visiting guests.

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

A. May be operated for profit or not for profit;

B. Owns real property in Harford County; and

C. Has not less than 150 bona fide dues-paying members and not less than 50 of whom own a yacht, boat, or other vessel.

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

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

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

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

Approved by the Governor, April 10, 2012.

Chapter 115

(House Bill 258)

AN ACT concerning

Renewable Energy Portfolio Standard – Sale or Transfer of Solar Renewable Energy Credits – ~~Elimination of~~ Minimum Required Term

FOR the purpose of ~~eliminating the~~ providing that a certain minimum required term for certain contracts between an electricity supplier and a renewable on-site generator involving the sale or transfer of solar renewable energy credits applies only to contracts with an on-site generator that exceeds a certain capacity; and generally relating to solar renewable energy credits.

BY repealing and reenacting, without amendments,
 Article – Public Utilities
 Section 7-709(a) and (b)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
 Article – Public Utilities
 Section 7-709(c)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2011 Supplement)

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

Article – Public Utilities

7–709.

(a) An electricity supplier may use accumulated renewable energy credits to meet the renewable energy portfolio standard, including credits created by a renewable on–site generator.

(b) A renewable energy credit may be sold or otherwise transferred.

(c) (1) ~~¶(i)~~ If an electricity supplier purchases solar renewable energy credits directly from a renewable on–site generator WITH A CAPACITY THAT EXCEEDS 10 KILOWATTS to meet the solar component of the Tier 1 renewable energy portfolio standard, the duration of the contract term for the solar renewable energy credits may not be less than 15 years.

(ii) The minimum required term under subparagraph (i) of this paragraph does not affect the ability of the parties to negotiate a price for a solar renewable energy credit that varies over time in any manner.

(2) (i) ~~¶~~ An electricity supplier that purchases solar renewable energy credits from a renewable on–site generator with a capacity not exceeding 10 kilowatts shall purchase the credits with a single initial payment representing the full estimated production of the system for the life of the contract.

~~¶(ii)~~ ~~(2)~~ The Commission shall:

~~¶1.~~ ~~(1)~~ develop a method for estimating annual production from the type of system described in ~~¶subparagraph (i)~~ ~~PARAGRAPH (1)~~ of this ~~¶paragraph~~ ~~SUBSECTION~~ and allocating the credits to the electricity supplier in a manner that is consistent with the duration of the contract; and

~~¶2.~~ ~~(2)~~ determine the rate for a payment made to a renewable on–site generator under ~~¶subparagraph (i)~~ ~~PARAGRAPH (1)~~ of this ~~¶paragraph~~ ~~SUBSECTION~~.

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

Approved by the Governor, April 10, 2012.

Chapter 116**(House Bill 264)**

AN ACT concerning

**State Council on Child Abuse and Neglect – Transfer to Department of
Human Resources**

FOR the purpose of transferring the State Council on Child Abuse and Neglect from the Office for Children, Youth, and Families to the Department of Human Resources; repealing a provision relating to the term of a member of the Governor's Council on Child Abuse and Neglect on a certain date; repealing certain committees of the State Council; transferring the authority to impose a certain civil penalty for a certain violation from the Special Secretary of Children, Youth, and Families to the Secretary of Human Resources; and generally relating to the State Council on Child Abuse and Neglect.

BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–7A–01, 5–7A–02, 5–7A–05, and 5–7A–07

Annotated Code of Maryland

(2006 Replacement Volume and 2011 Supplement)

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

Article – Family Law

5–7A–01.

(a) There is a State Council on Child Abuse and Neglect.

(b) The Council is part of the [Office for Children, Youth, and Families] **DEPARTMENT OF HUMAN RESOURCES** for budgetary and administrative purposes.

5–7A–02.

(a) The Council consists of up to 23 members including:

(1) [a Senator designated] **ONE MEMBER OF THE SENATE OF MARYLAND APPOINTED** by the President of the Senate [of Maryland];

(2) [a Delegate designated] **ONE MEMBER OF THE HOUSE OF DELEGATES APPOINTED** by the Speaker of the [Maryland] House [of Delegates];

(3) a representative of the Department of Human Resources, [designated] **APPOINTED** by the Secretary **OF HUMAN RESOURCES**;

(4) a representative of the Department of Health and Mental Hygiene, [designated] **APPOINTED** by the Secretary **OF HEALTH AND MENTAL HYGIENE**;

(5) a representative of the Maryland State Department of Education, designated by the Superintendent;

(6) a representative of the Department of Juvenile Services, designated by the Secretary;

(7) a representative of the Judicial Branch, designated by the Chief Judge of the Maryland Court of Appeals;

(8) a representative of the State's Attorneys' Association, designated by the Association;

(9) a pediatrician with experience in diagnosing and treating injuries and child abuse and neglect, who shall be appointed by the Governor from a list submitted by the Maryland chapter of the American Academy of Pediatrics;

(10) members of the general public with interest or expertise in the prevention or treatment of child abuse and neglect who shall be appointed by the Governor and who shall include representatives from professional and advocacy groups, private social service agencies, and the medical, law enforcement, education, and religious communities; and

(11) at least two individuals who have personal experience with child abuse and neglect within their own families or who have been clients of the child protective services system who shall be appointed by the Governor.

(b) (1) The term of a member appointed under subsection (a)(9), (10), or (11) of this section is 3 years.

(2) An appointed member may serve up to two consecutive 3-year terms.

(3) [This section does not affect the term of any person who is a member of the Governor's Council on Child Abuse and Neglect on July 1, 1999.

(4)] In case of a vacancy, the Governor shall appoint a successor for the remainder of the unexpired term.

(c) All other members of the Council shall continue in office so long as they hold the required qualification and designation specified in subsection (a)(1) through (8) of this section.

5-7A-05.

(a) The Council shall operate with [three] **ONE** standing [committees] **COMMITTEE**.

(b) [The Conference Committee shall be responsible for planning and implementing the Council's annual statewide conference on child abuse and neglect. It shall include representation from the public and private sectors.

(c) The Legislative Committee shall be responsible for reviewing and making recommendations concerning legislation to improve the State's response to the problem of child abuse and neglect.

(d)] The federal Children's Justice Act Committee is established in accordance with the requirements of the federal Children's Justice Act, Public Law 100-294. It shall review and evaluate State investigative, administrative, and judicial handling of child abuse and neglect cases, and make policy and training recommendations to improve system response and intervention. The Committee shall include representatives of the State judiciary with criminal and civil trial court docket experience, law enforcement agencies, the Maryland Public Defender's Office, State's Attorneys, the Court Appointed Special Advocate (CASA) Program, health and mental health professions, child protective services programs, programs that serve children with disabilities, parent groups, and attorneys who represent children.

[(e)] (C) In addition to the [three standing committees] **CHILDREN'S JUSTICE ACT COMMITTEE**, the Council may establish other ad hoc committees as necessary to carry out the work of the Council.

5-7A-07.

(a) The members and staff of the Council:

(1) may not disclose to any person or government official any identifying information about any specific child protection case about which the Council is provided information; and

(2) may make public other information unless prohibited by law.

(b) In addition to any other penalties provided by law, the [Special Secretary for Children, Youth, and Families] **SECRETARY OF HUMAN RESOURCES** may impose on any person who violates subsection (a) of this section a civil penalty not exceeding \$500 for each violation.

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

Approved by the Governor, April 10, 2012.

Chapter 117

(House Bill 271)

AN ACT concerning

Housing and Community Development – Disaster Relief Housing Program

FOR the purpose of clarifying the purposes of the Disaster Relief Housing Program in the Department of Housing and Community Development; authorizing the Department to continue to provide certain financial assistance after the expiration of a state of emergency; and generally relating to financial housing assistance during a disaster.

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 4–1902
Annotated Code of Maryland
(2006 Volume and 2011 Supplement)

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

Article – Housing and Community Development

4–1902.

(A) The purpose of the Program is to provide financial assistance in [a State] **AN AREA COVERED BY A STATE OF EMERGENCY DECLARED UNDER § 14–107 OF THE PUBLIC SAFETY ARTICLE** or IN A federally declared disaster area to rehabilitate or replace a primary residence to:

(1) a family whose primary residence was damaged or destroyed by the disaster; and

(2) a nonprofit entity that assists a family in rehabilitating and replacing a primary residence destroyed by the disaster.

(B) **THE DEPARTMENT MAY CONTINUE TO PROVIDE FINANCIAL ASSISTANCE UNDER THIS SUBTITLE AFTER THE EXPIRATION OF A STATE OF EMERGENCY DECLARED UNDER § 14–107 OF THE PUBLIC SAFETY ARTICLE.**

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

Approved by the Governor, April 10, 2012.

Chapter 118

(House Bill 288)

AN ACT concerning

Baby Boomer Initiative Council

FOR the purpose of reestablishing the Baby Boomer Initiative Council; providing for the membership of the Council; requiring the Governor to appoint the chair of the Council; providing for the staffing of the Council; establishing the duties of the Council; requiring the Council to make certain recommendations; requiring the Council to provide certain reports to the Governor and General Assembly on or before certain dates; defining certain terms; providing for the termination of this Act; and generally relating to the Baby Boomer Initiative Council.

BY adding to

Article – Health – General

Section 24–1501 through 24–1505 to be under the new subtitle “Subtitle 15. Baby Boomer Initiative Council”

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

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

Article – Health – General

SUBTITLE 15. BABY BOOMER INITIATIVE COUNCIL.

24–1501.

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

(B) “BABY BOOMER” MEANS AN INDIVIDUAL BORN DURING THE YEARS 1946 THROUGH 1964.

(c) “COUNCIL” MEANS THE BABY BOOMER INITIATIVE COUNCIL.

24-1502.

THERE IS A BABY BOOMER INITIATIVE COUNCIL.

24-1503.

THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

- (1) ONE REPRESENTATIVE OF THE DEPARTMENT OF AGING;
- (2) ONE REPRESENTATIVE OF THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT;
- (3) ONE REPRESENTATIVE OF THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION’S DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING;
- (4) ONE REPRESENTATIVE OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;
- (5) THE DEAN OF THE UNIVERSITY OF MARYLAND’S SCHOOL OF PUBLIC HEALTH, OR THE DEAN’S DESIGNEE;
- (6) ONE REPRESENTATIVE OF THE BUSINESS COMMUNITY, APPOINTED BY THE GOVERNOR;
- (7) ONE REPRESENTATIVE OF UNITED SENIORS OF MARYLAND;
- (8) ONE REPRESENTATIVE OF AARP MARYLAND;
- (9) ONE REPRESENTATIVE FROM THE STATE CHAMBER OF COMMERCE;
- (10) ONE REPRESENTATIVE OF THE NONPROFIT VISIONARY INSTITUTE FOR TOTAL AGELESS LIVING, INC., WHO IS ENGAGED IN BABY BOOMER AGING INITIATIVES;
- (11) ONE REPRESENTATIVE OF A MARYLAND FOUNDATION; AND
- (12) ONE REPRESENTATIVE FROM MARYLAND’S SOCIETY OF HUMAN RESOURCE MANAGEMENT STATE COUNCIL.

24-1504.

(A) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE COUNCIL.

(B) THE UNIVERSITY OF MARYLAND SCHOOL OF PUBLIC HEALTH SHALL PROVIDE STAFF FOR THE COUNCIL.

~~(B)~~ (C) (1) THE COUNCIL SHALL DEVELOP A PLAN FOR A COMMUNICATIONS TOOL THAT CONNECTS MARYLAND BUSINESSES, NONPROFITS, ACADEMIC INSTITUTIONS, AND STATE AGENCIES TO MEET THE DEMANDS OF, AND TAKE ADVANTAGE OF, THE RESOURCES ASSOCIATED WITH MARYLAND'S AGE WAVE.

(2) THE PLAN DEVELOPED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL PROMOTE A MEANS OF COMMUNICATING RESOURCES AND STRATEGIES FOR LIVING AND AGING WELL IN MARYLAND, INCLUDING WORK OPPORTUNITIES AND RESOURCES, CIVIC ENGAGEMENT PROGRAMS, AND LIVABLE COMMUNITY OPPORTUNITIES.

~~(C)~~ (D) THE COUNCIL SHALL MAKE RECOMMENDATIONS REGARDING PUBLIC POLICY INITIATIVES FOR UTILIZING THE BABY BOOMER POPULATION AS A SOURCE OF SOCIAL CAPITAL AND AS A WAY TO ADDRESS COMMUNITY NEEDS.

24-1505.

ON OR BEFORE DECEMBER 31, 2013, AND ANNUALLY THEREAFTER, THE COUNCIL SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012. It shall remain effective for a period of 2 years and 8 months and, at the end of May 31, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 10, 2012.

Chapter 119

(House Bill 293)

AN ACT concerning

Worker's Compensation – Uninsured Employers' Fund

FOR the purpose of requiring the Uninsured Employers' Fund Board to review the administration of the Uninsured Employers' Fund by the Director of the Fund; specifying that the Director shall have immediate supervision and direction over the administration of the Fund; authorizing the Director to employ staff in accordance with the State budget; establishing the Director as the appointing authority for all staff of the Fund; authorizing an employee to appeal a disciplinary action taken by the Director to the Board; making conforming and technical changes; and generally relating to the Uninsured Employers' Fund.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 10–309 through 10–311, 10–314, and 10–316
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Article – Labor and Employment

10–309.

- (a) The Board shall determine the times and places of its meetings.
- (b) Subject to the State budget, each member of the Board is entitled to:
 - (1) compensation for each day that the member is engaged in duties of the office; and
 - (2) reimbursement for expenses under the Standard State Travel Regulations.

- (c) The Board **SHALL**:
 - (1) [shall] appoint a Director for the Fund; and
 - (2) [may employ other staff in accordance with the State budget]
- REVIEW THE DIRECTOR'S ADMINISTRATION OF THE FUND.**

- (D) **THE DIRECTOR:**
 - (1) **SHALL HAVE IMMEDIATE SUPERVISION AND DIRECTION OVER THE ADMINISTRATION OF THE FUND;**

(2) MAY EMPLOY STAFF IN ACCORDANCE WITH THE STATE BUDGET; AND

(3) SHALL SERVE AS THE APPOINTING AUTHORITY FOR ALL STAFF.

(E) AN EMPLOYEE MAY APPEAL A DISCIPLINARY ACTION TAKEN BY THE DIRECTOR TO THE BOARD.

10-310.

(a) (1) The Attorney General is the legal adviser to the [Board] DIRECTOR and Fund.

(2) The Attorney General may represent the Fund in any case that does not involve the rights of the Fund against another individual who:

(i) is in the same employ as the employee who received benefits under Title 9 of this article; and

(ii) caused the injury or death of the employee.

(b) Staff whom the Attorney General assigns to represent the Fund may not represent another party in a claim under Title 9 of this article.

(c) Staff whom the Attorney General assigns to represent the Fund may apply to the [Board] DIRECTOR for authority to hire and, within an amount that the [Board] DIRECTOR sets, to pay each expert or witness who is needed to defend a claim properly.

(d) The Director shall assign to help the staff of the Attorney General each employee of the [Board] FUND who is needed to represent the Fund.

10-311.

The [Board] DIRECTOR may adopt any reasonable regulation to process and pay an award charged against the Fund.

10-314.

(a) The Fund shall consist of:

(1) the money credited to the Fund under Title 9 of this article;

(2) income from investments that the State Treasurer makes for the Fund; and

- (3) interest on deposits or investments of money from the Fund.
- (b) The [Board] **DIRECTOR** shall use the Fund to pay:
- (1) each award under Title 9 of this article charged against the Fund;
- (2) the amount that the [Board] **DIRECTOR** authorizes for an expert or witness hired under § 10–310(c) of this subtitle;
- (3) other proper charges that the [Board] **DIRECTOR** authorizes; and
- (4) whenever an employer who is self-insured in accordance with § 9–404 or § 9–405 of this article becomes insolvent, any outstanding obligations of the employer.
- (c) The liability of the Board, **DIRECTOR**, Fund, State Treasurer, and State for all proper charges against the Fund is limited to the assets of the Fund.

10–316.

- (a) The [Board] **DIRECTOR** shall supervise the administration of the Fund.
- (b) (1) The Fund annually shall submit to the Governor a proposed budget for the Fund, for inclusion in the budget bill to be submitted to the General Assembly.
- (2) The proposed budget shall include an appropriation from the Fund for its budget.

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

Approved by the Governor, April 10, 2012.

Chapter 120

(House Bill 301)

AN ACT concerning

Insurance Fraud – Applications for Insurance and Claim Forms – Required Disclosure Statement

FOR the purpose of altering a certain statement required to be contained in certain applications for insurance and claim forms; providing for a delayed effective date; and generally relating to insurance fraud.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 27–805

Annotated Code of Maryland

(2011 Replacement Volume)

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

Article – Insurance

27–805.

(a) In this section, “claim form” means any document supplied by an insurer to a claimant that a claimant is required to complete and submit in support of a claim for benefits.

(b) (1) Except as provided in subsection (c) of this section, all applications for insurance and all claim forms, regardless of the form of transmission, shall contain the following statement or a substantially similar statement:

“Any person who knowingly [and] **OR** willfully presents a false or fraudulent claim for payment of a loss or benefit or who knowingly [and] **OR** willfully presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.”

(2) The lack of the statement required by paragraph (1) of this subsection does not constitute a defense in any legal proceeding.

(c) Subsection (b)(1) of this section does not apply to:

(1) reinsurance applications or claim forms; or

(2) the uniform claims form for reimbursement of hospital services or the uniform claims form for reimbursement of health care practitioners services adopted by the Commissioner under § 15–1003 of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ January 1, 2012 ~~2013~~.

Approved by the Governor, April 10, 2012.

Chapter 121

(House Bill 353)

AN ACT concerning

Jury Service – Employers – Prohibited Acts

FOR the purpose of prohibiting an employer from requiring an individual to work during a certain time period on a day in which the individual is expected to perform jury service or acts related to jury service, ~~subject to a certain exception or on a day after the individual performs jury service or acts related to jury service~~; prohibiting an employer from depriving an individual of employment or coercing, intimidating, or threatening to discharge an individual for exercising a certain right to refrain from work for performing jury service or acts relating to jury service; and generally relating to jury service.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 8–501
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

Article – Courts and Judicial Proceedings

8–501.

(a) An employer may not deprive an individual of employment or coerce, intimidate, or threaten to discharge an individual because the individual [loses]:

(1) **LOSES** employment time in responding to a summons under this title or attending, or being in proximity to, a circuit court for jury service under this title; OR

(2) **EXERCISES A RIGHT TO REFRAIN FROM WORK UNDER SUBSECTION (B) OF THIS SECTION.**

~~(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN EMPLOYER MAY NOT REQUIRE AN INDIVIDUAL TO WORK BETWEEN 12:00 A.M. AND 11:59 P.M. ON A DAY IN WHICH THE INDIVIDUAL IS EXPECTED TO RESPOND TO A SUMMONS UNDER THIS TITLE OR ATTEND, OR BE IN PROXIMITY TO, A CIRCUIT COURT FOR JURY SERVICE UNDER THIS TITLE WHO~~

IS SUMMONED AND APPEARS FOR JURY SERVICE FOR 4 OR MORE HOURS, INCLUDING TRAVELING TIME, TO WORK AN EMPLOYMENT SHIFT THAT BEGINS:

(1) ON OR AFTER 5 P.M. ON THE DAY OF THE INDIVIDUAL'S APPEARANCE FOR JURY SERVICE; OR

(2) BEFORE 3 A.M. ON THE DAY FOLLOWING THE INDIVIDUAL'S APPEARANCE FOR JURY SERVICE.

~~(2) IF AN INDIVIDUAL SPENDS 3 HOURS OR LESS OF A DAY RESPONDING TO A SUMMONS UNDER THIS TITLE OR ATTENDING, OR BEING IN PROXIMITY TO, A CIRCUIT COURT FOR JURY SERVICE UNDER THIS TITLE, AN EMPLOYER MAY REQUIRE THE INDIVIDUAL TO WORK DURING THE REMAINDER OF THAT DAY.~~

[b] (C) A person who violates any provision of this section is subject to a fine not exceeding \$1,000.

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

Approved by the Governor, April 10, 2012.

Chapter 122

(House Bill 368)

AN ACT concerning

Business Occupations and Professions – State Board of Plumbing – Membership

FOR the purpose of altering the membership of the State Board of Plumbing to require that one member be from the area that consists of Carroll and Howard counties and one member be from the area that consists of Cecil and Harford counties; providing for a delayed effective date; and generally relating to the membership of the State Board of Plumbing.

BY repealing and reenacting, with amendments,
 Article – Business Occupations and Professions
 Section 12–202(a)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2011 Supplement)

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

Article – Business Occupations and Professions

12–202.

- (a) (1) The Board consists of 9 members.
- (2) Of the 9 members of the Board:
- (i) 7 shall be plumbers; and
- (ii) 2 shall be consumer members.
- (3) Of the 7 plumber members of the Board:
- (i) at least 6 shall be master plumbers; and
- (ii) 1 may be a journey plumber or a master plumber.
- (4) Subject to paragraph (6) of this subsection, of the 7 plumber members of the Board:
- (i) 2 shall be from Baltimore City;
- (ii) 1 shall be from the area that consists of Anne Arundel, Calvert, Charles, Prince George’s, and St. Mary’s counties;
- (iii) 1 shall be from the area that consists of Caroline, Dorchester, Kent, Queen Anne’s, Somerset, Talbot, Wicomico, and Worcester counties;
- (iv) 1 shall be from the area that consists of Allegany, Frederick, Garrett, Montgomery, and Washington counties; [and]
- (v) [2] 1 shall be from the area that consists of Carroll[, Cecil, Harford,] and Howard counties; **AND**
- (VI) 1 SHALL BE FROM THE AREA THAT CONSISTS OF CECIL AND HARFORD COUNTIES.**
- (5) A consumer member may not reside in the same county as a plumber member.
- (6) A member may not reside in a county or area of a county that is exempted from this title.

(7) The Governor shall appoint the members with the advice of the Secretary and with the advice and consent of the Senate.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2012~~ May 1, 2013.

Approved by the Governor, April 10, 2012.

Chapter 123

(House Bill 404)

AN ACT concerning

Higher Education – Edward T. Conroy Memorial Scholarship Program – Eligibility

FOR the purpose of altering the eligibility requirements for the Edward T. Conroy Memorial Scholarship Program to include the surviving spouse of a certain disabled veteran; ~~repealing certain provisions that limit the types of veterans who qualify for a scholarship under the Edward T. Conroy Memorial Scholarship Program;~~ and generally relating to eligibility for the Edward T. Conroy Memorial Scholarship Program.

BY repealing and reenacting, with amendments,
 Article – Education
 Section 18–601(d)
 Annotated Code of Maryland
 (2008 Replacement Volume and 2011 Supplement)

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

Article – Education

18–601.

(d) A person may apply to an eligible postsecondary institution for a scholarship under this section if the person:

- (1) (i) Is a resident of Maryland at the time of application; or
- (ii) Was a resident of Maryland when an event described in paragraph (3) of this subsection occurred;

(2) (i) Is accepted for admission or enrolled in the regular undergraduate, graduate or professional program at an eligible institution; or

(ii) Is enrolled in a 2–year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution; and

(3) (i) Is at least 16 years old and a son or daughter of a member of the armed forces who:

1. Died as a result of military service after December 7, 1941;

2. Suffered a service connected 100% permanent disability after December 7, 1941; or

3. Was declared to be a prisoner of war or missing in action, if that occurred on or after January 1, 1960, as a result of the Vietnam conflict, and if the child was born prior to or while the parent was a prisoner of war or missing in action;

(ii) Was a prisoner of war or missing in action, if that occurred on or after January 1, 1960, as a result of the Vietnam conflict and was a resident of this State at the time the person was declared to be a prisoner of war or missing in action;

(iii) 1. Is at least 16 years old and a son or daughter of any State or local public safety employee killed in the line of duty; or

2. Is the surviving spouse of any State or local public safety employee killed in the line of duty;

(iv) 1. Is a disabled public safety employee;

2. Is at least 16 years old and a son or daughter of a disabled public safety employee who sustains an injury in the line of duty that renders the public safety employee 100% disabled; or

3. Is the surviving spouse of a disabled public safety employee who sustains an injury in the line of duty that renders the public safety employee 100% disabled;

(v) Is a veteran, as defined under § 9–901 of the State Government Article, who:

1. Suffers a service connected disability of 25% or greater; and
2. Has exhausted or is no longer eligible for federal veterans' educational benefits;

(VI) IS THE SURVIVING SPOUSE OF A MEMBER OF THE ARMED FORCES WHO SUFFERED A SERVICE CONNECTED 100% PERMANENT DISABILITY; or

[(vi)] (VII) Is at least 16 years old and a son or daughter of or the surviving spouse of a victim of the September 11, 2001, terrorist attacks.

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

Approved by the Governor, April 10, 2012.

Chapter 124

(House Bill 431)

AN ACT concerning

Vehicle Laws – Use of School Bus Monitoring Cameras

FOR the purpose of altering the requirements for a recorded image taken by a school bus monitoring camera by expanding the types of license plates that the image may include; altering the defined term “recorded image” by repealing the requirement that an image may show only the rear of a motor vehicle; authorizing certain persons in certain counties to place school bus monitoring cameras on all school buses in the county; making a technical correction; and generally relating to the use of school bus monitoring cameras.

BY repealing and reenacting, without amendments,
 Article – Transportation
 Section 21–706.1(a)(1)
 Annotated Code of Maryland
 (2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 21–706.1(a)(4), (c), and (d)
 Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

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

Article – Transportation

21–706.1.

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

(4) “Recorded image” means images recorded by a school bus monitoring camera:

(i) On:

1. Two or more photographs;
2. Two or more microphotographs;
3. Two or more electronic images;
4. Videotape; or
5. Any other medium; and

(ii) Showing [the rear of] a motor vehicle and, on at least one image or portion of tape, clearly identifying the registration plate number of the motor vehicle.

(c) (1) A school bus monitoring camera may not be used in a local jurisdiction under this section unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing.

(2) If authorized by the governing body of the local jurisdiction, a law enforcement agency, in consultation with the county board of education, may place school bus monitoring cameras on [county] school buses **IN THE COUNTY**.

(d) A recorded image by a school bus monitoring camera under this section indicating that the driver of a motor vehicle has committed a violation shall include:

- (1) An image of the motor vehicle;
- (2) An image of **AT LEAST ONE OF** the motor vehicle’s [rear license plate] **REGISTRATION PLATES**;
- (3) The time and date of the violation; and

- (4) To the extent possible, the location of the violation.

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

Approved by the Governor, April 10, 2012.

Chapter 125

(House Bill 504)

AN ACT concerning

Garrett County – Alcoholic Beverages – Class B Beer Licenses

FOR the purpose of establishing in Garrett County a Class B beer license for certain hotels, motels, inns, and restaurants; authorizing the Board of License Commissioners to issue the license with or without a catering option; specifying the privileges of certain licenses; requiring that to exercise the catering option, a holder of a license meet certain requirements; specifying certain license fees; authorizing the Board to adopt certain regulations; and generally relating to Class B beer licenses in Garrett County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 3–201(m)
Annotated Code of Maryland
(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

3–201.

(m) **(1)** This [section does not apply] **SUBSECTION APPLIES ONLY** in Garrett County.

(2) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A CLASS B BEER LICENSE FOR USE IN:

(I) A BONA FIDE HOTEL, MOTEL, OR INN THAT:

1. ACCOMMODATES THE PUBLIC;
2. PROVIDES SERVICES ORDINARILY FOUND IN HOTELS, MOTELS, OR INNS;
3. IS EQUIPPED WITH AT LEAST 10 BEDROOMS FOR PUBLIC ACCOMMODATION; AND
4. HAS A LOBBY WITH A REGISTRATION AND MAIL DESK AND SEATING FACILITIES; OR

(II) A RESTAURANT THAT:

1. HAS A SEATING CAPACITY AT TABLES, NOT INCLUDING SEATS AT BARS OR COUNTERS, FOR AT LEAST 20 PERSONS; AND
2. CAN PREPARE AND SERVE FULL-COURSE MEALS FOR AT LEAST 20 PERSONS AT ONE SEATING.

(3) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE THE LICENSE WITH OR WITHOUT A CATERING OPTION.

(4) A HOLDER OF A LICENSE WITHOUT A CATERING OPTION MAY SELL BEER FOR CONSUMPTION ON OR OFF THE LICENSED PREMISES.

(5) (I) IN ADDITION TO EXERCISING THE PRIVILEGES STATED IN PARAGRAPH (4) OF THIS SUBSECTION, A HOLDER OF THE LICENSE WITH A CATERING OPTION MAY KEEP FOR SALE AND SELL BEER FOR CONSUMPTION AT EVENTS THAT THE HOLDER CATERES OFF THE LICENSED PREMISES.

(II) TO EXERCISE THE CATERING OPTION, A HOLDER OF A LICENSE:

1. SHALL PROVIDE FOOD IF THE HOLDER PROVIDES BEER AT A CATERED EVENT OFF THE LICENSED PREMISES; AND
2. MAY EXERCISE THE CATERING OPTION ONLY DURING THE HOURS AND DAYS THAT ARE ALLOWED UNDER THE LICENSE.

(6) FOR A LICENSE WITHOUT A CATERING OPTION:

- (I) THE ISSUING FEE IS \$150; AND

(II) THE ANNUAL FEE IS \$150.

(7) FOR A LICENSE WITH A CATERING OPTION:

(I) THE ISSUING FEE IS \$250; AND

(II) THE ANNUAL FEE IS \$250.

(8) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.

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

Approved by the Governor, April 10, 2012.

Chapter 126

(House Bill 544)

AN ACT concerning

Vehicle Laws – Motor Carriers – Application of Federal Safety Regulations

FOR the purpose of requiring that motor carrier safety regulations adopted jointly by the Motor Vehicle Administration and the Department of State Police duplicate or be consistent with certain federal regulations; clarifying the scope of certain State motor carrier safety regulations; and generally relating to the application of motor carrier safety regulations.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 25–111(f)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Article – Transportation

25–111.

(f) (1) Except as provided in subsection (i) of this section, the Administration may adopt rules and regulations as are necessary for the safe operation of vehicles that:

(i) Exceed a gross vehicle weight rating of 10,000 pounds;

(ii) Are required to be marked or placarded for the transportation of hazardous materials; or

(iii) Are designed to transport 16 or more passengers including the driver over the highways of this State.

(2) Any rule or regulation adopted pursuant to this subsection shall:

(i) Be formulated jointly by the Motor Vehicle Administration and the Department of State Police;

(ii) Duplicate or be consistent with the Federal Motor Carrier Safety Regulations contained in:

1. 49 C.F.R., PART 385, SUBPARTS A, C, AND D (“NEW ENTRANT SAFETY ASSURANCE PROGRAM”);

2. 49 C.F.R., PART 386, SUBPARTS F AND G (“INJUNCTIONS AND IMMINENT HAZARDS; PENALTIES”); AND

3. 49 C.F.R., Parts 390 through 399 (“GENERAL SAFETY REQUIREMENTS”);

(iii) Apply to all vehicles over 10,000 pounds rated gross vehicle weight that are subject to the Federal Motor Carrier Safety Regulations;

(iv) Apply to vehicles over 10,000 pounds gross vehicle weight rating that are not subject to the Federal Motor Carrier Safety Regulations, if the rule or regulations adopted by the Motor Vehicle Administration specifically states that it applies to the vehicle; and

(v) Be consistent with 49 C.F.R., Parts 40 and 382, with respect to alcohol and drug testing regulations applicable to drivers required by regulation to possess a commercial driver’s license.

(3) The rules or regulations adopted under this subsection may require that registrants of motor vehicles subject to this subsection have knowledge of applicable federal and State motor carrier safety regulations.

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

Approved by the Governor, April 10, 2012.

Chapter 127

(House Bill 590)

AN ACT concerning

Horse Racing – Maryland Standardbred Race Fund Advisory Committee – Registration of Horses

FOR the purpose of altering a method by which a horse may be registered with the Maryland Standardbred Race Fund Advisory Committee to enable the horse to start in a race of the Foaled Stakes Program; and generally relating to horse racing and the Maryland Standardbred Race Fund Advisory Committee.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 11–623(a) and (b)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–632
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Article – Business Regulation

11–623.

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

(b) “Advisory Committee” means the Maryland Standardbred Race Fund Advisory Committee.

11–632.

(a) A horse shall be registered with the Advisory Committee before the horse may start in a race of the Foaled Stakes Program.

(b) A horse may be registered with the Advisory Committee only if the horse was foaled in Maryland as shown by a foal certificate from the United States Trotting Association and:

(1) the breeder of the horse has maintained a place of abode in Maryland for more than 9 months immediately before registration;

(2) the breeder of the horse keeps breeding stock continually in Maryland;

(3) the horse was conceived [in Maryland] during the previous season **BY THE HORSE'S DAM BEING COVERED BY A MARYLAND STALLION REGISTERED WITH THE ADVISORY COMMITTEE**; or

(4) the horse's dam was sent to Maryland to foal and after foaling was covered by a Maryland stallion during the season of the horse's birth.

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

Approved by the Governor, April 10, 2012.

Chapter 128

(House Bill 592)

AN ACT concerning

Tax Credit for Businesses That Create New Jobs – Enhanced Credit – Extension

FOR the purpose of extending the duration of certain property tax and State tax credits granted to certain business entities that construct or expand certain business premises under certain circumstances; declaring the intent of the General Assembly; providing for the application of this Act; and generally relating to property and State tax credits granted to certain business entities.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 9-230(d)

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

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

Article – Tax – Property

9–230.

(d) (1) For a business entity to qualify for an enhanced property tax credit under this subsection, the business entity, along with its affiliates, shall:

(i) 1. obtain at least 250,000 square feet of new or expanded premises by purchasing newly constructed premises, constructing new premises, causing new premises to be constructed, or leasing newly constructed premises;

2. continue to employ at least 2,500 individuals in existing permanent full-time positions paying at least 150% of the federal minimum wage and located at premises in the State where the business entity, along with its affiliates, is primarily engaged in one or more of the industries listed in paragraph (2) of this subsection; and

3. employ at least 500 individuals in new permanent full-time positions paying at least 150% of the federal minimum wage and located in the new or expanded premises, and, if applicable, in newly renovated premises adjoining or otherwise neighboring the new or expanded premises;

(ii) 1. obtain at least 250,000 square feet of new or expanded premises by purchasing newly constructed premises, constructing new premises, causing new premises to be constructed, or leasing newly constructed premises; and

2. employ at least 1,250 individuals in new permanent full-time positions paying at least 150% of the federal minimum wage and located in the new or expanded premises and, if applicable, in newly renovated premises adjoining or otherwise neighboring the new or expanded premises; or

(iii) in Montgomery County only:

1. expend at least \$150 million to obtain at least 700,000 square feet of new or expanded premises by purchasing newly constructed premises, constructing new premises, causing new premises to be constructed, or leasing newly constructed premises; and

2. employ a total of at least 1,100 individuals in full-time positions consisting of both full-time positions of indefinite duration and contract positions of definite duration lasting at least 12 months with an unlimited renewal option, and including at least 500 individuals in new permanent full-time positions, with all positions:

- benefits package;
- A. receiving an employer provided subsidized health care
- B. paying at least 150% of the federal minimum wage;
- and
- C. located in the new or expanded premises and, if applicable, in newly renovated premises adjoining or otherwise neighboring the new or expanded premises.

(2) For a business entity to qualify for an enhanced property tax credit under this subsection, the business entity, along with its affiliates, shall be primarily engaged in one or more of the following at the qualifying premises:

- (i) manufacturing or mining;
- (ii) transportation or communications;
- (iii) agriculture, forestry, or fishing;
- (iv) research, development, or testing;
- (v) biotechnology;
- (vi) computer programming, data processing, or other computer-related services;
- (vii) central services as defined in § 6-101 of the Economic Development Article;
- (viii) the operation of central administrative offices or a company headquarters as defined in § 6-101 of the Economic Development Article;
- (ix) a public utility;
- (x) warehousing; or
- (xi) business services.

(3) To qualify for the enhanced property tax credit under this subsection, a business entity shall:

- (i) within a 6-year period beginning on the notification date, employ individuals in the number of new permanent full-time positions required under paragraph (1) of this subsection;

(ii) during the 6-year hiring period, obtain and occupy the new or expanded premises and, if applicable, the newly renovated premises adjoining or otherwise neighboring the new or expanded premises; and

(iii) during the 6-year hiring period, comply with all other requirements for the credits described in this subsection and in any applicable local law.

(4) (i) If a business entity meets the requirements of this subsection and subsection (b) of this section and of applicable local law adopted under subsection (b)(1) of this section, for each of the first **[12] 24** taxable years after it qualifies for the credit, a property tax credit may be claimed against the county or municipal corporation property taxes that would otherwise be due.

(ii) The county or municipal corporation shall compute the amount of the property tax credit granted to equal 58.5% of the amount of property tax imposed on the increase in assessment of:

1. the new or expanded premises;
2. newly renovated real property improvements adjoining or otherwise neighboring the new or expanded premises, if the renovations are substantial, as defined in legislation enacted by the county or municipal corporation to grant the credits under this subsection; and
3. the personal property located on the premises described in items 1 and 2 of this subparagraph.

(iii) The increase in assessment shall be measured from the notification date to the applicable annual assessment date after the county or municipal corporation has certified that the business entity has qualified for the credit.

(5) On receipt of notification under subsection (b)(7) of this section that a business entity has been certified for an enhanced property tax credit under this subsection, the Department shall compute and certify to the Comptroller or, in the case of the insurance premiums tax, the Maryland Insurance Commissioner the amount of the State tax credit authorized under this subsection that may be claimed by the business entity or any of its affiliates against the individual or corporate income tax, insurance premiums tax, or financial institution franchise tax that would otherwise be due to equal 31.5% of the amount of property tax imposed on the increase in assessment of the real and personal property described in paragraph (4)(ii) of this subsection for each of the first **[12] 24** taxable years for which the credit is allowed.

(6) If a business entity or any of its affiliates claim the enhanced tax credits under this subsection for a certain premises, they may not claim the tax credits under subsection (c) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the extension of the duration of the tax credits provided under this Act shall apply to any business entity or affiliate of a business entity that qualified for the tax credits before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012, and shall be applicable to all taxable years beginning after December 31, 2012.

Approved by the Governor, April 10, 2012.

Chapter 129

(House Bill 594)

AN ACT concerning

Department of Natural Resources – Pamela J. Kelly Tree–Mendous Maryland Program

FOR the purpose of declaring the intent of the General Assembly; establishing the Pamela J. Kelly Tree–Mendous Maryland Program in the Department of Natural Resources for a certain purpose; providing for the administration of the Program; authorizing the Department to adopt certain regulations to carry out the Program; providing for the funding of the Program; authorizing the Department to seek, accept, and expend certain funds under certain circumstances; requiring certain money received for the Program to be used in a certain manner; defining a certain term; and generally relating to the Pamela J. Kelly Tree–Mendous Maryland Program.

BY adding to

Article – Natural Resources

Section 5–433 through 5–436 to be under the new part “Part VI. Pamela J. Kelly Tree–Mendous Maryland Program”

Annotated Code of Maryland

(2005 Replacement Volume and 2011 Supplement)

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

Article – Natural Resources

5–431. RESERVED.

5-432. RESERVED.

PART VI. PAMELA J. KELLY TREE-MENDOUS MARYLAND PROGRAM.

5-433.

IN THIS PART, "PROGRAM" MEANS THE PAMELA J. KELLY TREE-MENDOUS MARYLAND PROGRAM.

5-434.

THE GENERAL ASSEMBLY DECLARES THAT IT IS IN THE PUBLIC INTEREST TO HAVE A PROGRAM THAT ENCOURAGES THE INVOLVEMENT OF RESIDENTS OF THE STATE IN ACTIVE STEWARDSHIP OF THE STATE'S NATURAL RESOURCES BY PLANTING NATIVE TREES.

5-435.

(A) THERE IS A PAMELA J. KELLY TREE-MENDOUS MARYLAND PROGRAM IN THE DEPARTMENT.

(B) THE PROGRAM IS ESTABLISHED FOR THE PURPOSE OF PLANTING NATIVE TREES AND SHRUBS ON PUBLIC LANDS, COMMUNITY OPEN SPACES, SCHOOL GROUNDS, AND RIGHTS-OF-WAY.

(C) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.

(D) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS PART.

5-436.

(A) THE PROGRAM SHALL BE FUNDED BY DONATIONS AND GRANTS RECEIVED BY THE DEPARTMENT TO BE USED FOR THE PROGRAM.

(B) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND DONATIONS AND GRANTS FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE PROGRAM.

(C) ALL MONEY RECEIVED FOR THE PROGRAM UNDER THIS SECTION SHALL BE USED ONLY FOR FUNDING THE IMPLEMENTATION AND ADMINISTRATION OF THE PROGRAM.

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

Approved by the Governor, April 10, 2012.

Chapter 130

(House Bill 597)

AN ACT concerning

Horse Racing – Mile Thoroughbred Racetracks – Payment of Taxes and Impact Aid and Arabian Breed Racing Authorization

FOR the purpose of extending the time within which a mile thoroughbred racetrack licensee shall pay to the State Racing Commission the State tax imposed on the gross amount, less refunds, of money bet at the track for each racing day; authorizing a licensee at Pimlico Race Course to conduct live racing of Arabian breed horses under certain circumstances; extending the time in which a certain mile thoroughbred licensee shall pay to the Commission \$1,000 of the impact aid to be paid to certain political subdivisions for intertrack betting for each day of intertrack betting; defining a certain term; making this Act an emergency measure; and generally relating to horse racing and the State Racing Commission.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–509 and 11–812
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Business Regulation
Section 11–522
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Article – Business Regulation

11–509.

(a) A licensee shall pay to the Commission within [7] 10 days after each racing day the State tax imposed in this subtitle on the handle for that racing day.

(b) A licensee or an agent of the licensee shall submit with the daily tax payment a statement under oath of the handle for that day.

(c) The Commission shall pay promptly to the Comptroller all taxes collected under this section.

11-522.

(A) IN THIS SECTION, "ARABIAN BREED HORSE" MEANS A HORSE THAT:

(1) IS A PUREBRED ARABIAN BREED HORSE; AND

(2) HAS A VALID CERTIFICATE OF REGISTRY WITH THE ARABIAN JOCKEY CLUB OF AMERICA.

(B) A LICENSEE AT PIMLICO RACE COURSE MAY CONDUCT LIVE RACING OF ARABIAN BREED HORSES IF:

(1) NO MORE THAN ONE ARABIAN BREED RACE IS CONDUCTED PER DAY;

(2) NO MORE THAN THREE ARABIAN BREED RACES ARE CONDUCTED DURING A RACE MEET;

(3) AN ARABIAN BREED RACE IS CONDUCTED IN ADDITION TO, AND NOT IN PLACE OF, AN EXISTING THOROUGHBRED RACE;

(4) AN ARABIAN BREED RACE DOES NOT REDUCE THE NUMBER OF THOROUGHBRED RACES CONDUCTED BY THE LICENSEE PER RACING DAY;

(5) THE PURSE FOR AN ARABIAN BREED RACE IS:

(I) NOT FUNDED BY THE THOROUGHBRED PURSE ACCOUNT; AND

(II) FUNDED BY THE LICENSEE OR THE SPONSOR OF THE ARABIAN HORSE RACE;

(6) THE TAKEOUT PROVISIONS OF §§ 11-514 AND 11-515 OF THIS SUBTITLE ARE APPLIED TO THE RACE;

(7) THE LICENSEE PAYS ALL TAXES AND FEES ASSOCIATED WITH THE ARABIAN BREED RACE THAT WOULD OTHERWISE BE DUE ON A THOROUGHBRED RACE; AND

(8) THE ARABIAN BREED RACE IS APPROVED BY THE STATE RACING COMMISSION.

11-812.

(a) A mile thoroughbred racing licensee operating a sending track shall pay to the Commission, within [3] 10 days after each day of intertrack betting on thoroughbred racing at a receiving track, \$1,000 of the impact aid to be paid to political subdivisions for intertrack betting for that day under § 11-404(c) and (d) of this title.

(b) The licensee shall deduct from the takeout the payment under subsection (a) of this section and then shall allocate the rest of the takeout in the way normally applicable to racing at the sending track.

(c) The Commission shall pay promptly to the Comptroller all money collected under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2012~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 10, 2012.

Chapter 131

(House Bill 618)

AN ACT concerning

Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms

FOR the purpose of establishing a Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms; providing for the membership, staffing, and duties of the Task Force; requiring the Governor to appoint the chair of the Task Force; prohibiting a member of the Task Force from receiving certain compensation; authorizing a member of the Task Force to receive

reimbursement for certain expenses; requiring the Task Force to report to the Governor and the General Assembly by a certain date; providing for the termination of this Act; and generally relating to the establishment of a Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms.

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

(a) There is a Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms.

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

- (1) the Secretary of State Police, or the Secretary's designee;
 - (2) the Secretary of Health and Mental Hygiene, or the Secretary's designee;
 - (3) the Attorney General, or the Attorney General's designee;
 - (4) the Chief Administrative Law Judge of the Office of Administrative Hearings, or the Judge's designee;
 - (5) the Public Defender of Maryland, or the Public Defender's designee;
 - (6) the Director of the Office of Forensic Services in the Department of Health and Mental Hygiene, or the Director's designee; and
 - (7) the following individuals, appointed by the Governor:
 - (i) one representative of the Maryland Fraternal Order of Police;
 - (ii) one representative of the Johns Hopkins Center for Gun Policy and Research;
 - (iii) one representative of ~~the National Rifle Association~~ Maryland Shall Issue, Inc.;
 - (iv) one representative of the Mental Health Association of Maryland;
 - (v) one representative of the Maryland Disability Law Center;
- ~~and~~

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

(vii) one representative of Associated Gun Clubs of Baltimore, Inc.;

(viii) one representative of the Maryland Chiefs of Police Association;

(ix) one representative of the Maryland Sheriffs' Association;
and

(x) one representative of the Maryland State's Attorneys' Association.

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

(d) The Governor's Office of Crime Control and Prevention shall provide staff for the Task Force.

(e) A member of the Task Force:

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

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

(f) The Task Force shall:

(1) study the adequacy of State laws and policies relating to:

(i) the access of individuals with a history of mental illness to regulated firearms; and

(ii) the access of law enforcement officers to mental health records; ~~and~~

(2) consider whether existing law adequately protects the public, as well as the civil rights of individuals with mental illness, and make recommendations as appropriate; and

~~(2) (3) consider and make recommendations regarding legislative options for whether, and to what extent:~~

(i) ~~further limiting~~ there should be further limits on the access of individuals with a history of mental illness to regulated firearms; and

(ii) ~~expanding the~~ the State should expand access of law enforcement officers to certain mental health records.

(g) On or before December 31, 2012, the Task Force shall report its findings and recommendations, including recommendations regarding legislative options, to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2012. It shall remain effective for a period of 1 year and, at the end of May 31, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 10, 2012.

Chapter 132

(House Bill 687)

AN ACT concerning

Montgomery County – Alcoholic Beverages License – Rock Spring Centre

MC 2-12

FOR the purpose of authorizing the Montgomery County Board of License Commissioners by unanimous vote to approve an application for an alcoholic beverages license for an establishment located in a certain mixed use center in Montgomery County under certain circumstances; specifying that the license authorizes the license holder to keep for sale and sell alcoholic beverages for consumption on the premises only; and generally relating to alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, with amendments,
 Article 2B – Alcoholic Beverages
 Section 9-216
 Annotated Code of Maryland
 (2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

9-216.

(a) (1) The Montgomery County Board of License Commissioners may not issue any license to sell alcoholic beverages within 750 feet of any secondary or elementary school, church or other place of worship, or youth center sponsored or conducted by any governmental agency.

(2) Measurement of the required distance shall be made from the nearest point of the building of the proposed establishment for which the license is requested to the nearest point of the building of the school, church or other place of worship, or youth center.

(3) The Board of License Commissioners may within its discretion and by unanimous action of the Board approve the application for any license to sell alcoholic beverages more than 300 feet from any elementary or secondary school, church or other place of worship, or youth center sponsored or conducted by any governmental agency provided that the land upon which the building is situated in which the licensee would operate is classified in a commercial or industrial zone under the applicable zoning ordinance and is adjacent or contiguous to other land which is similarly classified under said zoning ordinance.

(4) Nothing in this section shall apply to or affect or prohibit, in any manner, the renewal, transfer, or reissuance of a prior license of any license of any establishment where subsequent to the original granting of the license a school, church or other place of worship, or youth center was erected within 750 feet of the establishment.

(5) For the purposes of this section, reissuance shall be limited to a new license for the establishment issued within 1 year from the date of expiration or revocation of a prior license provided the revocation did not result from acts of the owner of the establishment.

(6) This subsection does not apply to a special culinary school license issued under § 8–216.3 of this article.

(b) (1) In this subsection, “Takoma Park Transit Impact Area” means the Takoma Park Transit Impact Area as approved and adopted in the sector plan for Takoma Park, Montgomery County, Maryland.

(2) Notwithstanding the provisions of subsection (a) of this section, the Montgomery County Board of License Commissioners by unanimous vote may approve an application for an alcoholic beverages license of an applicant for a restaurant establishment which is located on land classified in or near a CBD zone (central business district zone), in or near the Rockville Town Center Performance District, in or near the Takoma Park Transit Impact Area, or in or near the Kensington commercial areas specified in § 8–216(a)(2)(iv)1 of this article, if the following conditions are satisfied:

(i) 1. If the restaurant building is outside the respective zone, district, or area the measurement of the distance of the nearest point of the restaurant building to the nearest boundary line of the respective zone, district, or area is 500 feet or less; or

2. The restaurant building is entirely contained in land classified in the respective zone, district, or area;

(ii) The issuance of the requested license will not adversely affect nearby schools, churches, youth centers or the nearest residential community; and

(iii) Except for the distance restrictions provided in subsection (a) of this section, the restaurant otherwise qualifies under this article for the issuance of the license requested.

(3) Any license issued under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

(c) (1) Notwithstanding the provisions of subsection (a) of this section, the Montgomery County Board of License Commissioners by unanimous vote may approve an application for an alcoholic beverages license of an applicant for a restaurant that is in existence as of June 1, 2004, and located in the Rockshire Planned Residential Unit development of the City of Rockville, if the following conditions are satisfied:

(i) The restaurant building is entirely contained on land located within the Rockshire Planned Residential Unit development area;

(ii) The issuance of the license will not adversely affect nearby schools, churches, youth centers, or the nearest residential community; and

(iii) Except for the distance restrictions provided in subsection (a) of this section, the restaurant otherwise qualifies under this article for the issuance of the license requested.

(2) Any license under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

(d) (1) In this subsection, "Burtonsville Town Square" means the shopping center located in Montgomery County at the northwest corner of MD 198 and US 29a.

(2) Notwithstanding the provisions of subsection (a) of this section, the Montgomery County Board of License Commissioners by unanimous vote may approve an application for an alcoholic beverages license of an applicant for a restaurant that is located in Burtonsville Town Square if the following conditions are satisfied:

(i) The issuance of the license will not adversely affect nearby schools, churches, youth centers, or the nearest residential community; and

(ii) Except for the distance restrictions provided in subsection (a) of this section, the restaurant otherwise qualifies under this article for the issuance of the license requested.

(3) Any license under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

(e) (1) In this subsection, “Hillandale Shopping Center” means the shopping center located in Montgomery County at the northeast corner of MD 650 and Interstate 495.

(2) Notwithstanding the provisions of subsection (a) of this section, the Montgomery County Board of License Commissioners by unanimous vote may approve an application for an alcoholic beverages license of an applicant for a restaurant that is located in the Hillandale Shopping Center if the following conditions are satisfied:

(i) The issuance of the license will not adversely affect nearby schools, churches, youth centers, or the nearest residential community; and

(ii) Except for the distance restrictions provided in subsection (a) of this section, the restaurant otherwise qualifies under this article for the issuance of the license requested.

(3) Any license under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

(F) (1) IN THIS SUBSECTION, “ROCK SPRING CENTRE” MEANS THE MIXED USE CENTER LOCATED IN MONTGOMERY COUNTY BORDERED BY ROCK SPRING DRIVE, ROCKLEDGE DRIVE, INTERSTATE 270, AND OLD GEORGETOWN ROAD IN BETHESDA.

(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, THE MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS BY UNANIMOUS VOTE MAY APPROVE AN APPLICATION FOR AN ALCOHOLIC BEVERAGES LICENSE OF AN APPLICANT FOR AN ESTABLISHMENT THAT IS LOCATED IN THE ROCK SPRING CENTRE IF THE FOLLOWING CONDITIONS ARE SATISFIED:

(I) THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY AFFECT NEARBY SCHOOLS, CHURCHES, YOUTH CENTERS, OR THE NEAREST RESIDENTIAL COMMUNITY; AND

(II) EXCEPT FOR THE DISTANCE RESTRICTIONS PROVIDED IN SUBSECTION (A) OF THIS SECTION, THE ESTABLISHMENT OTHERWISE QUALIFIES UNDER THIS ARTICLE FOR THE ISSUANCE OF THE LICENSE REQUESTED.

(3) ANY LICENSE UNDER THIS SUBSECTION AUTHORIZES ITS HOLDER TO KEEP FOR SALE AND SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES ONLY.

[(f)] (G) (1) Subject to the provisions of paragraph (2) of this subsection, the Montgomery County Board of License Commissioners may not issue any class of alcoholic beverages license for use in a business establishment that sells motor vehicle fuel to motorists from a fuel pump that is located on the premises.

(2) The Montgomery County Board of License Commissioners may renew an alcoholic beverages license that has been issued for use in a business establishment that sells motor vehicle fuel to motorists from a fuel pump that is located on the premises if the license was in existence on January 1, 1989.

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

Approved by the Governor, April 10, 2012.

Chapter 133

(House Bill 690)

AN ACT concerning

Damascus – Class H Beer and Light Wine Licenses – Repeal of Prohibition

MC 6–12

FOR the purpose of repealing the prohibition in Montgomery County on the issuance of Class H beer and light wine licenses in Damascus (12th election district); submitting this Act to a referendum of the qualified voters of the 12th election district; and generally relating to the repeal of the prohibition in Damascus on the issuance of Class H beer and light wine licenses.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–216(a)
Annotated Code of Maryland

(2011 Replacement Volume)

BY adding to

Article 2B – Alcoholic Beverages

Section 8–216(f)

Annotated Code of Maryland

(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

8–216.

(a) (1) In this subsection “place of business” does not include:

(i) A country club; or

(ii) A restaurant located within the country inn zone of Montgomery County where alcoholic beverages are sold for consumption on the premises only; provided that a maximum of 2 (two) such alcoholic beverages licenses may be issued in any election district identified in paragraph (2) of this subsection.

(2) (i) Except as provided in subparagraphs (ii), (iii), (iv), (v), and (vi) of this paragraph **AND IN SUBSECTION (F) OF THIS SECTION**, in Montgomery County, a license for the sale of alcoholic beverages authorized by this article may not be issued for any place of business located in Damascus (12th election district), and in the towns of Barnesville, Kensington, Laytonsville, Washington Grove and the City of Takoma Park.

(ii) In the town of Barnesville, the Montgomery County Board of License Commissioners may issue a special 7–day on–sale beer, wine and liquor license to any bona fide religious, fraternal, civic, or charitable organization.

(iii) In the town of Kensington, the Montgomery County Board of License Commissioners may issue a special 2–day on–sale beer and wine license or a special 2–day on–sale beer, wine and liquor license to any bona fide religious, fraternal, civic, or charitable organization holding an event on municipal property located at 3710 Mitchell Street, Kensington, Maryland.

(iv) 1. In the town of Kensington, the Montgomery County Board of License Commissioners may issue a special B–K beer and wine license or a special B–K beer, wine and liquor license for use on the premises of a restaurant located in the following commercial areas:

A. The west side of Connecticut Avenue between Knowles Avenue and Perry Avenue;

B. The east side of Connecticut Avenue between Knowles Avenue and Dupont Street and between University Boulevard and Perry Avenue;

C. The west side of University Boulevard West;

D. Dupont Avenue, west of Connecticut Avenue;

E. Plyers Mill Road, west of Metropolitan Avenue;

F. Summit Avenue between Knowles Avenue and Howard Avenue;

G. Detrick Avenue between Knowles Avenue and Howard Avenue;

H. The southwest side of Metropolitan Avenue between North Kensington Parkway and Plyers Mill Road;

I. East Howard Avenue;

J. Armory Avenue between Howard Avenue and Knowles Avenue;

K. Montgomery Avenue between Howard Avenue and Kensington Parkway; or

L. Kensington Parkway and Frederick Avenue, from Montgomery Avenue to Silver Creek.

2. A special B–K beer, wine and liquor license or a special B–K beer and wine license authorizes the holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

3. A licensee shall maintain average daily receipts from the sale of food, not including carryout food, of at least 50% of the overall average daily receipts.

4. In addition to the restrictions in subsubparagraphs 2 and 3 of this subparagraph, the holder of a special B–K beer and wine license or a special B–K beer, wine and liquor license in the commercial areas specified in subsubparagraph 1I, J, K, and L of this subparagraph may not serve alcoholic beverages after 11 p.m.

(v) 1. In the town of Kensington, the Montgomery County Board of License Commissioners may issue not more than three Class A (off-sale) beer and light wine licenses for use in the commercial areas specified in subparagraph (iv)1 of this paragraph.

2. A Class A beer and light wine license authorizes the holder to keep for sale and sell beer or light wine for consumption off the premises 7 days a week, from 10 a.m. to 8 p.m. daily.

3. A holder of a Class A beer and light wine license may not:

A. Sell single bottles or cans of beer;

B. Sell refrigerated products; or

C. On a side, door, or window of the building of the licensed premises, place a sign or other display that advertises alcoholic beverages in a publicly visible location.

4. The annual license fee is \$250.

(vi) In Damascus (12th election district), the Montgomery County Board of License Commissioners may issue a special 7-day Class C on-sale beer, wine and liquor license to any bona fide volunteer fire department.

(3) This subsection does not prohibit the issuance of an on-sale license for the sale of beer only during daylight hours only for any restaurant or snack bar or similar facility located upon land owned by the Montgomery County Revenue Authority and operated by the Revenue Authority or others in connection with the operation by the Revenue Authority of a public golf course.

(4) This subsection does not prohibit the issuance of an on-sale license for the sale of beer and wine for any restaurant located upon land owned by the Montgomery County Revenue Authority and operated by the Revenue Authority or others in connection with the operation of an airport.

(5) The City of Takoma Park is excepted from the provisions of paragraph (2) of this subsection if subsection (d) of this section becomes effective.

(6) The town of Laytonsville is excepted from the provisions of paragraph (2) of this subsection if subsection (e) of this section becomes effective.

(7) DAMASCUS (12TH ELECTION DISTRICT) IS EXCEPTED FROM THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION IF SUBSECTION (F) OF THIS SECTION BECOMES EFFECTIVE.

(F) THE MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS MAY ISSUE, RENEW, AND TRANSFER AND OTHERWISE PROVIDE CLASS H (ON-SALE) BEER AND LIGHT WINE, HOTEL, AND RESTAURANT LICENSES FOR USE IN DAMASCUS (12TH ELECTION DISTRICT) PROVIDED THAT:

(1) A LICENSE MAY NOT BE ISSUED TO ANY RESTAURANT IN WHICH POOL TABLES, BILLIARD TABLES, SHUFFLEBOARDS, DART BOARDS, VIDEO GAMES, PINBALL MACHINES, OR RECREATIONAL DEVICES ARE USED; AND

(2) ALCOHOLIC BEVERAGES SERVED BY A LICENSEE MAY BE CONSUMED BY A PATRON ONLY WHILE THE PATRON IS SEATED.

SECTION 2. AND BE IT FURTHER ENACTED, That before this Act becomes effective it shall first be submitted to a referendum of the qualified voters of Damascus (12th election district) in Montgomery County at the general election to be held in November of 2012. The County governing body and the Montgomery County Board of Elections shall do those things necessary and proper to provide for and hold the referendum required by this section. If a majority of the votes cast on the question are "For the referred law" the provisions of this Act shall become effective on the 30th day following the official canvass of votes for the referendum, but if a majority of the votes cast on the question are "Against the referred law" the provisions of this Act are of no effect and null and void.

SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 2 of this Act and for the sole purpose of providing for the referendum required by Section 2 of this Act, this Act shall take effect July 1, 2012.

Approved by the Governor, April 10, 2012.

Chapter 134

(House Bill 691)

AN ACT concerning

Montgomery County – Alcoholic Beverages – Special Art Gallery Beer and Wine License

MC 18-12

FOR the purpose of authorizing the Montgomery County Board of License Commissioners to issue a special art gallery beer and wine license to nonprofit and for-profit retail businesses that display and sell original artwork by an individual or a group of artists; prohibiting a certain type of business from being

issued the license; specifying that a holder of the license may sell or serve beer and wine at retail for on-premises consumption when snacks are served during certain hours; specifying a license fee; prohibiting the license from being transferred from the location for which the license was originally issued to another location; and generally relating to a special art gallery license in Montgomery County.

BY adding to

Article 2B – Alcoholic Beverages

Section 8–216.4

Annotated Code of Maryland

(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

8–216.4.

(A) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

(B) (1) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A SPECIAL ART GALLERY BEER AND WINE LICENSE TO A NONPROFIT OR FOR-PROFIT RETAIL BUSINESS ENGAGED IN THE DISPLAY AND SALE OF ORIGINAL ARTWORK BY AN INDIVIDUAL ARTIST OR A GROUP OF ARTISTS.

(2) A BUSINESS THAT DISPLAYS AND SELLS COMMERCIALY PREPARED OR MASS-PRODUCED ARTISTIC PRODUCTS MAY NOT BE ISSUED THE LICENSE.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A HOLDER OF THE LICENSE MAY SELL OR SERVE BEER AND WINE AT RETAIL FOR CONSUMPTION ON THE PREMISES WHEN SNACKS ARE SERVED DURING NORMAL BUSINESS HOURS BUT NOT LATER THAN MIDNIGHT.

(D) THE ANNUAL LICENSE FEE IS \$100.

(E) THE LICENSE MAY NOT BE TRANSFERRED FROM THE LOCATION FOR WHICH THE LICENSE WAS ORIGINALLY ISSUED TO ANOTHER LOCATION.

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

Approved by the Governor, April 10, 2012.

Chapter 135**(House Bill 726)**

AN ACT concerning

**Montgomery County – Property Tax Credit – Benefit Corporations and
Benefit Limited Liability Companies****MC 13–12**

FOR the purpose of authorizing the governing body of Montgomery County to grant, by law, a tax credit against the county property tax imposed on certain property owned or leased by certain benefit corporations or benefit limited liability companies; authorizing the governing body of Montgomery County to provide, by law, for eligibility and certification criteria for the credit, the amount and duration of the credit, certain regulations and procedures for the credit, limited amount of the tax credit granted, and any other provision necessary to carry out the credit; defining certain terms; providing for the application of this Act; and generally relating to a property tax credit in Montgomery County for certain benefit corporations and benefit limited liability companies.

BY repealing and reenacting, without amendments,

Article – Corporations and Associations

Section 4A–1101(a) and (b), 4A–1103(a), 5–6C–01(a) and (b), and 5–6C–03(a)

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

BY adding to

Article – Tax – Property

Section 9–317(g)

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

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

Article – Corporations and Associations

4A–1101.

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

(b) “Benefit limited liability company” means a Maryland limited liability company that elects to be a benefit limited liability company in accordance with § 4A–1103 of this subtitle and has not ceased to be a benefit limited liability company through the operation of § 4A–1105 of this subtitle.

4A–1103.

(a) A limited liability company may elect to be a benefit limited liability company under this subtitle by including in its articles of organization a statement that the limited liability company is a benefit limited liability company.

5–6C–01.

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

(b) “Benefit corporation” means a Maryland corporation that elects to be a benefit corporation in accordance with § 5–6C–03 of this subtitle and has not ceased to be a benefit corporation through the operation of § 5–6C–04 of this subtitle.

5–6C–03.

(a) A corporation may elect to be a benefit corporation under this subtitle by amending or including in the charter of the corporation a statement that the corporation is a benefit corporation.

Article – Tax – Property

9–317.

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

(II) “BENEFIT CORPORATION” MEANS A MARYLAND CORPORATION THAT ELECTS TO BE A BENEFIT CORPORATION AND COMPLIES WITH TITLE 5, SUBTITLE 6C OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(III) “BENEFIT LIMITED LIABILITY COMPANY” MEANS A MARYLAND LIMITED LIABILITY COMPANY THAT ELECTS TO BE A BENEFIT LIMITED LIABILITY COMPANY AND COMPLIES WITH TITLE 4A, SUBTITLE 11 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(2) THE GOVERNING BODY OF MONTGOMERY COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SUBSECTION AGAINST

THE COUNTY PROPERTY TAX IMPOSED ON REAL OR PERSONAL PROPERTY THAT IS:

(I) OWNED OR LEASED BY A BENEFIT CORPORATION OR BENEFIT LIMITED LIABILITY COMPANY;

(II) NOT USED FOR RESIDENTIAL PURPOSES; AND

(III) USED IN A TRADE OR BUSINESS BY A BENEFIT CORPORATION OR BENEFIT LIMITED LIABILITY COMPANY.

(3) THE GOVERNING BODY OF MONTGOMERY COUNTY MAY PROVIDE, BY LAW, FOR:

(I) CRITERIA FOR ELIGIBILITY AND CERTIFICATION FOR THE TAX CREDIT;

(II) THE AMOUNT OF THE TAX CREDIT;

(III) THE DURATION OF THE TAX CREDIT, FOR A PERIOD NOT TO EXCEED 10 YEARS;

(IV) REGULATIONS AND PROCEDURES FOR THE APPLICATION, CERTIFICATION, AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT;

(V) LIMITED AGGREGATE AMOUNTS OF TAX CREDITS GRANTED UNDER THIS SUBSECTION; AND

(VI) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE TAX CREDIT UNDER THIS SUBSECTION.

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

Approved by the Governor, April 10, 2012.

Chapter 136

(House Bill 813)

AN ACT concerning

**Prince George’s County – Hyattsville – Arts and Entertainment District –
Licensed Alcoholic Beverages Establishments – Distance from ~~Churches~~
Places of Worship**

PG 308–12

FOR the purpose of ~~altering the minimum distance required between a licensed alcoholic beverages establishment and a church in the part of the Gateway Arts and Entertainment District located in the City of Hyattsville; specifying the manner in which the distance between a licensed establishment and a church is to be measured~~ allowing in the part of the Gateway Arts and Entertainment District in the City of Hyattsville the use of the front door or main entrance of an establishment for which a certain alcoholic beverages license is issued if the door or entrance is at least a certain distance from a place of worship; making stylistic changes; and generally relating to alcoholic beverages licenses in Prince George’s County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–217(e)(1)
Annotated Code of Maryland
(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

9–217.

(e) (1) **(I) [A] EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH,** A license may not be granted to sell alcoholic beverages in any building located within 1,000 feet of a school building, or within 500 feet of a ~~church~~ **PLACE OF WORSHIP**. The 1,000 feet, or the 500 feet, as the case may be, is to be measured from the front door or main entrance, whichever is nearest the street abutting the premises, of the proposed licensed establishment along the nearest usual pedestrian route to the door closest to the licensed premises which is used as an entrance or exit to any school, or to the main entrance of the ~~church building~~ **PLACE OF WORSHIP**.

(II) ~~1.~~ IN THE PART OF THE GATEWAY ARTS AND ENTERTAINMENT DISTRICT LOCATED IN THE CITY OF HYATTSVILLE, AS DESIGNATED BY THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, A LICENSE MAY NOT BE GRANTED TO SELL ALCOHOLIC BEVERAGES IN A BUILDING LOCATED WITHIN 350 FEET OF A CHURCH.

~~2. THE 350 FEET IS TO BE MEASURED STARTING FROM THE FRONT DOOR OR MAIN ENTRANCE THAT IS NEAREST THE STREET ABUTTING THE BUILDING WHERE ALCOHOLIC BEVERAGES ARE TO BE SOLD, ALONG THE NEAREST USUAL PEDESTRIAN ROUTE, AND ENDING AT THE MAIN ENTRANCE OF THE CHURCH~~ THE FRONT DOOR OR MAIN ENTRANCE OF AN ESTABLISHMENT FOR WHICH A CLASS D BEER AND WINE LICENSE IS ISSUED MAY BE USED IF THE DOOR OR ENTRANCE IS AT LEAST 350 FEET FROM A PLACE OF WORSHIP.

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

Approved by the Governor, April 10, 2012.

Chapter 137

(House Bill 817)

AN ACT concerning

Prince George's County – ~~City of Bowie~~ – Alcoholic Beverages Licenses for Supermarkets – Entertainment Permit – Exemptions and Revisions

PG 307-12

FOR the purpose of ~~altering the maximum number of licenses of a certain class of alcoholic beverages license that may be issued in Prince George's County; authorizing the Prince George's County Board of License Commissioners to issue a Class D beer and light wine license with an off-sale privilege for use by a supermarket or similar type of premises in the City of Bowie under certain circumstances; prohibiting the Board of License Commissioners from issuing a Class D beer and light wine license with an off-sale privilege for use by a certain type of business; and generally relating to the issuance of a Class D beer and light wine license with an off-sale privilege within the corporate limits of the City of Bowie~~ exempting certain alcoholic beverages license holders in Prince George's County from the requirement of obtaining an entertainment permit before providing entertainment on their licensed premises; clarifying that a holder of an entertainment permit in Prince George's County must comply with zoning and use and occupancy laws and regulations; requiring an applicant for an entertainment permit to submit evidence to the satisfaction of the Board of License Commissioners that there are no unpaid taxes due from the applicant to the State, the county, or a municipal corporation; authorizing the Board to immediately suspend a permit on certain grounds; requiring the

Board, at a certain permit hearing, to determine whether the permit holder violated certain laws; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section ~~9-217(a)~~ 6-201(r)(1)(i)

Annotated Code of Maryland

(2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section ~~9-217(b) and (h)~~ 6-201(r)(19)

Annotated Code of Maryland

(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

~~9-217.~~ 6-201.

~~(a)~~ (r) (1) ~~(i)~~ This subsection applies only in Prince George's County.

~~(b)~~ Subject to subsection (b-1) of this section, the number of licenses of each class of alcoholic beverage licenses may not exceed the following maximum amounts:

- ~~(1)~~ Beer license, Class A19
- ~~(2)~~ Beer license, Class B23
- ~~(3)~~ Beer license, Class C3
- ~~(4)~~ Beer license, Class D76
- ~~(5)~~ Beer and light wine license, Class A26
- ~~(6)~~ Beer and light wine license, Class B45
- ~~(7)~~ Beer and light wine license, Class B-GC4
- ~~(8)~~ Beer and light wine license, Class B-Stadium1
- ~~(9)~~ Beer and light wine license, Class C8

- ~~(10) Beer and light wine license, Class D [55] 58~~
- ~~(11) Beer, wine and liquor license, Class A142~~
- ~~(12) Beer, wine and liquor license, Class B185~~
- ~~(13) Beer, wine and liquor license, Class B AE5~~
- ~~(14) Beer, wine and liquor license, Class BCE8~~
- ~~(15) Beer, wine and liquor license, Class B CI2~~
- ~~(16) Reserved.~~
- ~~(17) Beer, wine and liquor license, Class B/ECF1~~
- ~~(18) Beer, wine and liquor license, Class B ECF/DS1~~
- ~~(19) Beer, wine and liquor license, Class B ECR1~~
- ~~(20) Beer, wine and liquor license, Class B Stadium1~~
- ~~(21) Beer, wine and liquor license, Class C~~
 - ~~(i) Under § 6-301(r)(2) 30~~
 - ~~(ii) Under § 6-301(r)(3) 25~~
 - ~~(iii) Under § 6-301(r)(4) 4~~
 - ~~(iv) Under § 6-301(r)(5) 12~~
 - ~~(v) Under § 6-301(r)(7) 1~~

~~(h) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of this subsection, an alcoholic beverage license with an off-sale privilege of any class, except by way of renewal, may not be transferred or issued to any business establishment of the type commonly known as chain stores, supermarkets, discount houses or their franchisors and franchisees or concessionaires. However, those establishments holding an alcoholic beverage license at the time of enactment of this section may continue to hold such license, and may, at the discretion of the Board of License Commissioners, change the classification of their license.~~

~~(2) Notwithstanding any other provision of this article, the Board of License Commissioners may approve the transfer from the 47th alcoholic beverages district to the 21st alcoholic beverages district of one Class D beer and light wine license with an off-sale privilege for use by a supermarket or similar type of premises.~~

~~(3) (i) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A CLASS D BEER AND LIGHT WINE LICENSE WITH AN OFF-SALE PRIVILEGE FOR USE BY A SUPERMARKET OR SIMILAR TYPE OF PREMISES WITHIN THE CORPORATE LIMITS OF THE CITY OF BOWIE, IF:~~

~~1. A LICENSEE DOES NOT HAVE AN OWNERSHIP INTEREST IN MORE THAN ONE LICENSE ISSUED UNDER THIS PARAGRAPH;~~

~~2. THE APPLICANT FOR THE LICENSE PRESENTS TO THE BOARD OF LICENSE COMMISSIONERS A COPY OF A VALID LEASE IN THE CITY OF BOWIE FOR A TERM NOT LESS THAN 5 YEARS;~~

~~3. THE APPLICANT FOR THE LICENSE ALREADY HAS OCCUPIED THE PREMISES THAT IS THE SUBJECT OF THE LEASE UNDER ITEM 2 OF THIS SUBPARAGRAPH FOR AT LEAST 1 YEAR; AND~~

~~4. PROVIDED THERE IS STATE, COUNTY, OR MUNICIPAL INVESTMENT OR OTHER GOVERNMENTAL ECONOMIC PARTICIPATION IN THE LICENSED PREMISES, THE APPLICANT SEEKS TO OBTAIN A MEMORANDUM OF UNDERSTANDING WITH ANY LABOR ORGANIZATION THAT REPRESENTS THE EMPLOYEES OF THE LICENSED PREMISES STATING THAT THE LABOR ORGANIZATION AGREES TO FORBEAR FROM ADVERSE ECONOMIC ACTION AGAINST THE APPLICANT'S OPERATIONS.~~

~~(H) THE BOARD OF LICENSE COMMISSIONERS MAY NOT APPROVE A CLASS D BEER AND LIGHT WINE LICENSE WITH AN OFF-SALE PRIVILEGE UNDER THIS PARAGRAPH FOR USE BY:~~

~~1. A BUSINESS PRIMARILY ENGAGED IN THE SALE OF GENERAL MERCHANDISE THAT ALSO SELLS GROCERIES; OR~~

~~2. A BUSINESS THAT ALLOWS THE PURCHASE OF ALCOHOL AT ANY CUSTOMER-OPERATED MACHINE OR STAND LOCATED ON THE BUSINESS PREMISES.~~

(19) (i) A license holder that seeks to provide entertainment is not required to obtain a permit under this paragraph if:

1. The license is issued under paragraph (3), (9), (10), (11), (12), (13), (16), or (17) of this subsection or § 5-201(r)(4) of this article; [or]

2. The Board of License Commissioners determines that the holder's principal business is to provide family entertainment;

3. THE LICENSE IS A CLASS B (ON-SALE) LICENSE ISSUED FOR A RESTAURANT, AND THE LICENSE HOLDER PROVIDES ENTERTAINMENT FOR ADULTS AND CHILDREN THAT:

A. IS ANCILLARY TO THE OPERATION OF THE BUSINESS; AND

B. IS NOT THE PRIMARY FOCUS OF MARKETING OR PROMOTION FOR THE BUSINESS; OR

4. THE LICENSE IS A VETERANS OR FRATERNAL CLASS C LICENSE, AND THE LICENSE HOLDER PROVIDES ENTERTAINMENT THAT:

A. IS UNDER THE DIRECT SUPERVISION OF THE LICENSE HOLDER;

B. IS FOR ADULTS, CHILDREN, AND FAMILIES OF THE ORGANIZATION OR THE PUBLIC; AND

C. WHEN OFFERED, ENDS NOT LATER THAN MIDNIGHT.

(ii) There is a special entertainment permit that the Board may issue to a holder of any Class B (on-sale) license in accordance with this paragraph.

(iii) The Board shall determine the number of days in a week that a permit holder may exercise the privileges of the permit.

(iv) 1. Before approving an application for and issuing a permit under this paragraph, the Board shall hold a public hearing in accordance with the requirements for a public hearing on an application for a license under § 10-202(i) of this article.

2. At the public hearing, the Board shall give the applicant, supporters of the applicant, and opponents of the applicant an opportunity to be heard.

3. In making its determination whether to approve the application and issue the permit, the Board shall consider whether:

A. Approval and issuance of the permit is necessary for the accommodation of the public;

B. The applicant is a fit person to receive the permit;

C. The applicant has made any material false statement in the application;

D. The applicant has committed any fraudulent act in connection with the application;

E. The operation of the business, if the permit is issued, will unduly disturb the peace of the residents of the neighborhood where the place of business is located or to be located; and

F. There are any other reasons that justify the disapproval of the application or the refusal to issue the permit.

4. The Board shall hold a similar public hearing on receipt of a petition to:

A. Revoke an entertainment permit; or

B. Protest the renewal of an entertainment permit.

(v) 1. The permit authorizes the holder that complies with all requirements under county law, INCLUDING ZONING AND USE AND OCCUPANCY LAWS AND REGULATIONS, to impose a cover charge, offer facilities for patron dancing, and provide entertainment.

2. The permit is valid after 9 p.m. until 2 a.m. the following day.

(vi) Before being issued a permit, an applicant shall:

1. Submit evidence to the satisfaction of the Board that [the applicant]:

A. [Holds] THE APPLICANT HOLDS a Class B (on-sale) license; [and]

B. THERE ARE NO UNPAID TAXES DUE FROM THE APPLICANT TO THE STATE, THE COUNTY, OR A MUNICIPAL CORPORATION; AND

[B.] C. [Meets] THE APPLICANT MEETS all other entertainment permit requirements; and

2. A. Develop a security plan to prevent the premises for which the permit is sought from posing a threat to the peace and safety of the surrounding area; and

B. Submit the plan for review to the Board and the Chief of the Prince George's County Police Department.

(vii) 1. The Chief of the Prince George's County Police Department may submit comments to the Board on the adequacy of the security plan within 30 days after receipt of the plan.

2. The Board shall consider the comments, if any, of the Chief of Police and subsequently issue the permit, refuse to issue the permit, or condition the issuance of the permit on changes to the security plan.

3. If the Board issues the permit with a security plan that the Chief of the Prince George's County Police Department does not support, the Board shall specify in writing to the Chief the reasons why the Board has determined that the security plan is adequate.

4. Each permit holder shall follow the approved security plan at all times when the permit holder exercises the privileges of the permit.

(viii) A holder of the permit:

1. Shall implement the security plan; and

2. When the privileges authorized by the permit are being exercised, may not allow an individual who is under the age of 21 years on the premises for which the permit is issued, unless the individual is employed by or is an immediate family member of the holder.

(ix) The Board at any time may prohibit, condition, or restrict the type of entertainment offered by a holder of the permit, including lewd, exotic, loud, or raucous entertainment, if after a hearing the Board determines that the entertainment adversely impacts or unduly disturbs the community and is not conducive to the peace, health, welfare, or safety of the residents of the County.

(x) The annual fee for the permit is \$1,500, which is in addition to the annual fee for the Class B license.

(xi) A permit holder may employ sworn security personnel as part of the security plan if the sworn security personnel have full police powers in the jurisdiction where the premises of the permit holder is located.

(xii) 1. The circuit court may issue a temporary restraining order to immediately close to the public the entire operation of the premises if the County establishes that the security plan has not been implemented and that the public health, safety, or welfare requires emergency action.

2. On issuance of a temporary restraining order under subparagraph 1 of this subparagraph, the County shall give the permit holder written notice of and reasons for the closure.

3. The permit holder promptly shall be given an opportunity for a hearing in circuit court on the granting of the temporary restraining order in accordance with Title 15, Chapter 500 of the Maryland Rules.

(xiii) Subject to subparagraph (xiv) of this paragraph, the Board may immediately suspend a permit if the Board reasonably believes that the permit holder [violated]:

1. VIOLATED this paragraph; OR

2. IS NOT IN COMPLIANCE WITH A COUNTY ZONING PROPERTY STANDARD OR USE AND OCCUPANCY REQUIREMENT.

(xiv) If the Board immediately suspends a permit, the Board shall:

1. Give the permit holder notice of the suspension and a hearing on the suspension at which the permit holder may be heard and present evidence; and

2. Hold the hearing within 30 days after the suspension is imposed.

(xv) At the hearing, the Board shall determine:

1. Whether the permit holder violated this paragraph OR OTHER LAW; and

2. If a violation occurred, what penalty to impose among those listed in subparagraphs (xvi) and (xvii) of this paragraph.

(xvi) Subject to subparagraph (xvii) of this paragraph, if the Board finds that a person has violated this paragraph, the Board:

1. May revoke or continue the suspension of the permit; and

2. Shall impose on the person a penalty of:

A. For a first offense, at least \$1,000 but not more than \$12,500; and

B. For each subsequent offense, at least \$5,000.

(xvii) The Board:

1. Shall revoke the permit of a person who the Board determines violated this paragraph twice within a 24-month period; and

2. Until at least 12 months after the order of revocation was issued, may not consider an application from the person for a new permit or an application for a new permit for the premises that was the subject of the revocation.

(xviii) If the Board determines that the permit holder did not violate this paragraph, the Board shall immediately reinstate the permit.

(xix) The Board of License Commissioners shall adopt regulations to carry out this paragraph.

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

Approved by the Governor, April 10, 2012.

Chapter 138

(House Bill 858)

AN ACT concerning

Land Use – Local Historic District Commissions and Historic Preservation Commissions – Alternate Members

FOR the purpose of authorizing a local jurisdiction that creates a historic district commission or historic preservation commission to designate one alternate member for the historic district commission or historic preservation commission to sit on the commission under specified circumstances; authorizing the local jurisdiction to designate a temporary alternate when the alternate member is absent; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to the appointment of alternate members for historic district commissions and historic preservation commissions.

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 8.03(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Land Use
Section 8–201
Annotated Code of Maryland
(As enacted by Chapter 426 (S.B. ___/H.B. ___)(2lr0396) of the Acts of the
General Assembly of 2012)

BY repealing and reenacting, with amendments,
Article – Land Use
Section 8–202
Annotated Code of Maryland
(As enacted by Chapter 426 (S.B. ___/H.B. ___)(2lr0396) of the Acts of the
General Assembly of 2012)

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

Article 66B – Land Use

8.03.

(a) (1) A local jurisdiction may create a “historic district commission” or “historic preservation commission”.

(2) (i) A historic district commission or historic preservation commission shall have at least five members.

(ii) Each member of a historic district commission or historic preservation commission shall possess a demonstrated special interest, specific knowledge, or professional or academic training in such fields as history, architecture, architectural history, planning, archeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design, or related disciplines.

(iii) A majority of the members of a historic district commission or historic preservation commission shall be residents of the local jurisdiction that created the commission.

(iv) Each local jurisdiction that creates a historic district commission or historic preservation commission under this subtitle shall establish and publicly adopt criteria for qualifying as a member of the commission.

(3) (i) Each member of a historic district commission or historic preservation commission shall be appointed for a 3-year term.

(ii) The terms of the members of the commission shall be staggered.

(iii) A member of a historic district commission or historic preservation commission is eligible for reappointment.

(iv) The appointing authority shall fill any vacancy on a commission for the unexpired term of the vacant position.

(4) (I) EACH LOCAL JURISDICTION MAY DESIGNATE ONE ALTERNATE MEMBER FOR THE HISTORIC DISTRICT COMMISSION OR HISTORIC PRESERVATION COMMISSION WHO MAY SIT ON THE COMMISSION WHEN ANY OTHER MEMBER OF THE COMMISSION IS ABSENT.

(II) WHEN THE ALTERNATE MEMBER IS ABSENT, THE LOCAL JURISDICTION MAY DESIGNATE A TEMPORARY ALTERNATE.

[(4) (5)] Subject to any requirements of the local jurisdiction governing the acceptance and use of gifts by public officials, a historic district commission or historic preservation commission shall have the right to accept and use gifts as needed to perform its duties.

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

Article – Land Use

8–201.

A local jurisdiction may create a historic district commission or a historic preservation commission.

8–202.

(a) (1) A commission shall consist of at least five members.

(2) A majority of the members of a commission shall be residents of the local jurisdiction that created the commission.

(b) (1) Each member of a commission shall have a demonstrated special interest, specific knowledge, or professional or academic training in:

- (i) history;
- (ii) architecture;
- (iii) architectural history;
- (iv) planning;
- (v) archaeology;
- (vi) anthropology;
- (vii) curation;
- (viii) conservation;
- (ix) landscape architecture;
- (x) historic preservation;
- (xi) urban design; or
- (xii) a related discipline.

(2) A local jurisdiction that creates a commission may establish and publicly adopt additional qualifications for a member of the commission.

(c) (1) The term of a member of a commission is 3 years.

(2) The terms of the members shall be staggered.

(3) A member is eligible for reappointment.

(4) The appointing authority shall fill any vacancy on a commission for the unexpired term of the vacant position.

(D) (1) EACH LOCAL JURISDICTION MAY DESIGNATE ONE ALTERNATE MEMBER FOR THE ~~HISTORIC DISTRICT COMMISSION OR HISTORIC PRESERVATION~~ COMMISSION WHO MAY SIT ON THE COMMISSION WHEN ANY OTHER MEMBER OF THE COMMISSION IS ABSENT.

(2) WHEN THE ALTERNATE MEMBER IS ABSENT, THE LOCAL JURISDICTION MAY DESIGNATE A TEMPORARY ALTERNATE.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of Chapter 426 (S.B. ___/H.B. ___)(2lr0396) of the Acts

of the General Assembly of 2012. If Section 2 of this Act takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 3 of this Act, this Act shall take effect June 1, 2012.

Approved by the Governor, April 10, 2012.

Chapter 139

(House Bill 889)

AN ACT concerning

Washington Suburban Sanitary Commission – Human Resources

PG/MC 103–12

FOR the purpose of repealing a requirement that the Washington Suburban Sanitary Commission submit changes of certain regulations to the Secretary of Budget and Management; repealing a provision stating that failure of the Secretary to act within a certain time period on receipt of a certain regulation constitutes approval; repealing a requirement that the Commission file a certain list of positions and salaries with the Secretary; repealing a requirement that the Commission submit for approval certain position classifications to the Secretary; repealing provisions requiring the Secretary to approve or disapprove certain changes; repealing certain provisions relating to competitive examinations held by the Commission; clarifying that certain honorably discharged veterans shall receive a certain credit in certain competitive selection processes; and generally relating to the human resources practices of the Washington Suburban Sanitary Commission.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 18–105, 18–108, and 18–111
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing
Article – Public Utilities
Section 18–109, 18–110, 18–112, and 18–113
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Article – Public Utilities

18–105.

[(a)] The Commission may adopt regulations to carry out this subtitle.

[(b) (1) The Commission shall submit any change in a regulation to the Secretary for approval.

(2) Failure of the Secretary to act within 60 days after receipt of the proposed regulation constitutes approval.]

18–108.

(a) The Commission shall[:

(1)] establish a list of each position to be included under the merit system and its corresponding salary[; and

(2) file the list with the Secretary].

(b) The Commission may:

(1) establish additional position classifications; and

(2) combine, alter, or abolish existing position classifications and their corresponding salaries.

[(c) The Commission shall submit to the Secretary:

(1) for the Secretary’s approval, each position classification to be established or abolished; and

(2) the reason for its establishment or abolishment.

(d) Within 60 days after receipt of a proposal to establish or abolish a position classification, the Secretary:

(1) shall approve or disapprove the proposal; and

(2) if disapproving, shall give the reason for the disapproval to the Commission.

(e) Failure of the Secretary to act within 60 days after receipt of the proposal constitutes approval.]

[18–109.

(a) Promptly after filing the list of merit system positions and corresponding salaries with the Secretary as required under § 18–108 of this subtitle, the Commission shall prepare and hold examinations to establish a list of individuals eligible for appointment to vacancies in the positions.

(b) The Commission may hold examinations whenever the Commission considers it necessary to establish an additional list of eligible individuals for any position in the merit system.

(c) Each examination shall be:

(1) a fair test of the relative abilities of the candidates to perform the duties of the classification to which they seek to be appointed;

(2) competitive, free, and open to all individuals who lawfully may be appointed to a position in the classification for which the examination is held; and

(3) in one or any combination of the following forms:

(i) oral;

(ii) written; or

(iii) a demonstration of skill.

(d) All examinations shall be submitted to the Secretary for approval before being held.]

[18–110.

At least once a week for at least 2 successive weeks before the day on which an examination is to be held, the Commission shall publish in a newspaper of general circulation in each county of the sanitary district:

(1) the time, place, and scope of the examination; and

(2) the duties, compensation, and qualifications for each position in the classification for which the examination is to be held.]

18–111.

On all [examinations] **COMPETITIVE SELECTION PROCESSES** for appointment, an honorably discharged veteran of the United States armed forces who was a bona fide resident of the State when the veteran entered the United States armed forces shall receive a credit of 5%.

[18–112.

(a) On request, a candidate may inspect the candidate's examination papers and scores.

(b) (1) If a candidate is not satisfied with the score received from the Commission, the candidate may appeal to the Secretary.

(2) The Secretary shall review the candidate's examination and score.

(3) The decision of the Secretary is final.]

[18–113.

(a) The Commission shall:

(1) establish a list of the names of individuals whose general average and score on any part of an examination held by the Commission exceed the minimum set by the Commission; and

(2) send a copy of the list to the Secretary.

(b) (1) Each list of eligible individuals is effective for 1 year from the date the list is established.

(2) The Commission may extend the effective period for a list by action:

(i) taken before the effective period for the list expires; and

(ii) recorded in the Commission's minutes.

(c) The Commission may appoint to a vacancy in the merit system any individual who is on a list established under subsection (a) of this section.

(d) Except for present employees of the Commission, and except as provided in subsections (e) and (f) of this section, an individual may not be appointed to a position under the merit system unless the individual is qualified by examination as provided in this subtitle.

(e) (1) If a position must be established immediately, the Commission may appoint any individual to the position without an examination, at any salary, for a period not to exceed 6 months.

(2) The Commission may extend the appointment one time for a period not to exceed 6 months.

(f) The Commission may adopt:

(1) rules exempting from a competitive examination process positions to be filled by semiskilled or unskilled laborers; and

(2) instead of a competitive examination, a system that the Commission considers will best provide for filling those positions.]

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

Approved by the Governor, April 10, 2012.

Chapter 140

(House Bill 890)

AN ACT concerning

Washington Suburban Sanitary Commission – Pipeline Construction – Contracts

PG/MC 104–12

FOR the purpose of expanding the definition of a “facilities construction contract” to include the construction of a pipeline in order to authorize the Washington Suburban Sanitary Commission to enter into a certain design/build contract for pipeline construction; repealing a prohibition on the Commission from entering into a design/build contract for a pipeline; and generally relating to the authority of the Washington Suburban Sanitary Commission to enter into construction contracts.

BY repealing and reenacting, without amendments,
 Article – Public Utilities
 Section 16–101(b) and 20–101(b)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 20–101(d) and 20–104(e)

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

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

Article – Public Utilities

16–101.

(b) “Commission” means the Washington Suburban Sanitary Commission.

20–101.

(b) “Design/build contract” means a contract that provides for both architectural and engineering design services and construction services as a part of a single contract.

(d) “Facilities construction contract” means a contract that provides services for the construction of:

(1) a water or wastewater treatment plant;

(2) a water or wastewater pumping station and related force mains in the pumping station site limits;

(3) a water storage facility;

(4) a wastewater storage facility; [or]

(5) a building for Commission purposes; **OR**

(6) A PIPELINE.

20–104.

(e) The Commission[:

(1)] may only enter into a design/build contract for a facilities construction contract with costs exceeding \$2,000,000[: and

(2) may not enter into a design/build contract for a pipeline].

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

Approved by the Governor, April 10, 2012.

Chapter 141

(House Bill 923)

AN ACT concerning

Property Tax Credit – Neighborhood Conservation Act of 2012

FOR the purpose of authorizing the Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation to grant, by law, a property tax credit against the county or municipal corporation property tax imposed on certain owner-occupied, residential real property in certain designated areas; providing for eligibility criteria for the credit; specifying the years in which properties must be purchased to be eligible for the credit; requiring the Department of Housing and Community Development to adopt regulations that establish application procedures for the designation of certain neighborhood conservation areas; requiring the governing body to designate certain geographic areas as neighborhood conservation areas for purposes of the credit; requiring the disclosure of certain annual information to individuals who qualify for the property tax credit; requiring a county or municipal corporation to provide certain reports to the General Assembly on or before certain dates; providing for the application of this Act; and generally relating to property tax credits for certain owner-occupied, residential real property in certain designated areas.

BY adding to

Article – Tax – Property

Section 9–255

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

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

Article – Tax – Property

9–255.

(A) (1) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY GRANT, BY

LAW, A PROPERTY TAX CREDIT UNDER THIS SECTION AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON OWNER-OCCUPIED, RESIDENTIAL REAL PROPERTY THAT IS PURCHASED FROM JULY 1, 2012, THROUGH JUNE 30, 2018, AND IS LOCATED IN ~~AN AREA DESIGNATED BY THE GOVERNING BODY AS~~ A NEIGHBORHOOD CONSERVATION AREA ESTABLISHED OR RENEWED BY APPLICATION TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT BASED ON THE CRITERIA SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION.

(2) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL ADOPT REGULATIONS THAT ESTABLISH APPLICATION PROCEDURES FOR THE DESIGNATION OF A NEIGHBORHOOD CONSERVATION AREA BASED ON:

(I) THE CONCENTRATION OF FORECLOSURE ACTIVITY;

(II) THE CONCENTRATION OF BLIGHTED OR VACANT PROPERTIES; AND

(III) THE LOCATION WITHIN A PRIORITY FUNDING AREA, WITH PREFERENCE GIVEN TO SUSTAINABLE COMMUNITIES UNDER § 6-201 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

(B) IN ORDER TO QUALIFY FOR THE CREDIT UNDER THIS SECTION:

(1) FOR THE 12-MONTH PERIOD IMMEDIATELY PRIOR TO PURCHASING THE PROPERTY, THE INDIVIDUAL'S PRINCIPAL RESIDENCE MAY NOT HAVE BEEN LOCATED IN A NEIGHBORHOOD CONSERVATION AREA DESIGNATED UNDER THIS SECTION UNLESS THE INDIVIDUAL WAS NOT AN OWNER OF THE PROPERTY THAT WAS THE INDIVIDUAL'S PRINCIPAL RESIDENCE; AND

(2) THE RESIDENTIAL REAL PROPERTY MUST HAVE BEEN PURCHASED IN CONFORMANCE WITH THE ELIGIBILITY REQUIREMENTS FOR THE CREDIT UNDER THIS SECTION AS ESTABLISHED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF THE COUNTY OR MUNICIPAL CORPORATION.

(C) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION SHALL PROVIDE, BY LAW, FOR:

(1) THE AMOUNT OF THE PROPERTY TAX CREDIT AUTHORIZED UNDER THIS SECTION FOR EACH TAXABLE YEAR AFTER THE PURCHASE OF THE RESIDENTIAL REAL PROPERTY;

(2) THE DESIGNATION OF CERTAIN GEOGRAPHIC AREAS AS NEIGHBORHOOD CONSERVATION AREAS FOR PURPOSES OF THE TAX CREDIT AUTHORIZED UNDER THIS SECTION;

(3) ANY ADDITIONAL LIMITATIONS ON ELIGIBILITY FOR THE CREDIT UNDER THIS SECTION; AND

(4) ANY OTHER PROVISION NECESSARY TO IMPLEMENT THE CREDIT UNDER THIS SECTION.

(D) (1) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION SHALL PROVIDE, ON AN ANNUAL BASIS TO THOSE INDIVIDUALS QUALIFYING FOR THE PROPERTY TAX CREDIT UNDER THIS SECTION, A STATEMENT CERTIFYING QUALIFICATION FOR THE TAX CREDIT AND THE AMOUNT OF THE TAX CREDIT BEING GRANTED.

(2) THE STATEMENT MAY BE PROVIDED ON OR WITH THE ANNUAL PROPERTY TAX BILL OR IN ANOTHER MANNER AS CHOSEN BY THE LOCAL GOVERNMENT.

(E) ON OR BEFORE JANUARY 1, OF THE CALENDAR YEAR FOLLOWING THE YEAR IN WHICH THE NEIGHBORHOOD CONSERVATION TAX CREDIT IS INITIATED, AND EACH JANUARY 1 THEREAFTER, A COUNTY OR MUNICIPAL CORPORATION THAT GRANTS A TAX CREDIT UNDER THIS SECTION SHALL SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE WAYS AND MEANS COMMITTEE THAT DESCRIBES:

(1) THE TAX CREDIT PROGRAM;

(2) THE DESIGNATED NEIGHBORHOOD CONSERVATION AREAS;

(3) THE NUMBER OF RESIDENTIAL PROPERTIES WITHIN NEIGHBORHOOD CONSERVATION AREAS THAT QUALIFY FOR THE TAX CREDIT UNDER THIS SECTION; AND

(4) THE ECONOMIC IMPACT OF THE TAX CREDITS GRANTED UNDER THIS SECTION ON THE NEIGHBORHOOD CONSERVATION AREAS.

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

Approved by the Governor, April 10, 2012.

Chapter 142

(House Bill 1160)

AN ACT concerning

Family Law – Interim and Temporary Peace and Protective Orders – Duration

FOR the purpose of extending the duration of ~~a~~ an interim or temporary peace or protective order ~~or a temporary protective order~~ under certain circumstances; requiring a court to hold a temporary or final peace or protective order hearing by a certain time under certain circumstances; and generally relating to peace orders and protective orders.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–1503.1(d)(1) and (g), 3–1504(c), and 3–1505(b)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–504.1(e)(1) and (h), 4–505(c), and 4–506(b)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

Article – Courts and Judicial Proceedings

3–1503.1.

(d) (1) (i) An interim peace order shall state the date, time, and location for the temporary peace order hearing and a tentative date, time, and location for a final peace order hearing.

(ii) [A] EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, OR UNLESS THE COURT CONTINUES THE HEARING FOR GOOD CAUSE, A temporary peace order hearing shall be held on the first or second day on which a District Court judge is sitting after issuance of the interim peace order[, unless the court continues the hearing for good cause].

(g) (1) [An] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, AN interim peace order shall be effective until the earlier of:

[(1)] (I) The temporary peace order hearing under § 3-1504 of this subtitle; or

[(2)] (II) The end of the second business day the Office of the Clerk of the District Court is open following the issuance of an interim peace order.

(2) IF THE COURT IS CLOSED ON THE DAY ON WHICH THE INTERIM PEACE ORDER IS DUE TO EXPIRE, THE INTERIM PEACE ORDER SHALL BE EFFECTIVE UNTIL THE NEXT DAY ON WHICH THE COURT IS OPEN, AT WHICH TIME THE COURT SHALL HOLD A TEMPORARY PEACE ORDER HEARING.

3-1504.

(c) (1) [The] EXCEPT AS OTHERWISE PROVIDED IN THIS ~~SECTION~~ SUBSECTION, THE temporary peace order shall be effective for not more than 7 days after service of the order.

(2) The judge may extend the temporary peace order as needed, but not to exceed 30 days, to effectuate service of the order where necessary to provide protection or for other good cause.

(3) IF THE COURT IS CLOSED ON THE DAY ON WHICH THE TEMPORARY PEACE ORDER IS DUE TO EXPIRE, THE TEMPORARY PEACE ORDER SHALL BE EFFECTIVE UNTIL THE ~~NEXT~~ SECOND DAY ON WHICH THE COURT IS OPEN, BY WHICH TIME THE COURT SHALL HOLD A FINAL PEACE ORDER HEARING.

3-1505.

(b) (1) (i) The temporary peace order shall state the date and time of the final peace order hearing.

(ii) [Unless] EXCEPT AS PROVIDED IN § 3-1504(C) OF THIS SUBTITLE, OR UNLESS continued for good cause, the final peace order hearing shall be held no later than 7 days after the temporary peace order is served on the respondent.

Article – Family Law

4–504.1.

(e) (1) (i) An interim protective order shall state the date, time, and location for the temporary protective order hearing and a tentative date, time, and location for a final protective order hearing.

(ii) **[A] EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, OR UNLESS THE JUDGE CONTINUES THE HEARING FOR GOOD CAUSE, A temporary protective order hearing shall be held on the first or second day on which a District Court judge is sitting after issuance of the interim protective order[, unless the judge continues the hearing for good cause].**

(h) (1) **[An] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, AN interim protective order shall be effective until the earlier of:**

[(1)] (I) the temporary protective order hearing under § 4–505 of this subtitle; or

[(2)] (II) the end of the second business day the Office of the Clerk of the District Court is open following the issuance of an interim protective order.

(2) IF THE COURT IS CLOSED ON THE DAY ON WHICH THE INTERIM PROTECTIVE ORDER IS DUE TO EXPIRE, THE INTERIM PROTECTIVE ORDER SHALL BE EFFECTIVE UNTIL THE NEXT DAY ON WHICH THE COURT IS OPEN, AT WHICH TIME THE COURT SHALL HOLD A TEMPORARY PROTECTIVE ORDER HEARING.

4–505.

(c) (1) **[The] EXCEPT AS OTHERWISE PROVIDED IN THIS ~~SECTION~~ SUBSECTION, THE temporary protective order shall be effective for not more than 7 days after service of the order.**

(2) The judge may extend the temporary protective order as needed, but not to exceed 6 months, to effectuate service of the order where necessary to provide protection or for other good cause.

(3) IF THE COURT IS CLOSED ON THE DAY ON WHICH THE TEMPORARY PROTECTIVE ORDER IS DUE TO EXPIRE, THE TEMPORARY PROTECTIVE ORDER SHALL BE EFFECTIVE UNTIL THE ~~NEXT~~ SECOND DAY ON WHICH THE COURT IS OPEN, BY WHICH TIME THE COURT SHALL HOLD A FINAL PROTECTIVE ORDER HEARING.

4-506.

(b) (1) (i) The temporary protective order shall state the date and time of the final protective order hearing.

(ii) [Unless] EXCEPT AS PROVIDED IN § 4-505(C) OF THIS SUBTITLE, OR UNLESS continued for good cause, the final protective order hearing shall be held no later than 7 days after the temporary protective order is served on the respondent.

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

Approved by the Governor, April 10, 2012.

Chapter 143

(House Bill 1268)

AN ACT concerning

Business Occupations and Professions – Plumbers – Lead-Free Materials

FOR the purpose of altering the definition of “lead-free” to include a certain standard for individual plumbing fittings and fixtures; allowing for a stricter federal standard for lead-free plumbing fittings and fixtures and pipes and pipe fittings; clarifying which pipes, pipe fittings, plumbing fittings, and fixtures are considered when calculating weighted average lead content; and generally relating to the lead content of materials used in plumbing.

BY repealing and reenacting, without amendments,
 Article – Business Occupations and Professions
 Section 12-101(a) and (q)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
 Article – Business Occupations and Professions
 Section 12-101(h-1) and 12-605.1
 Annotated Code of Maryland
 (2010 Replacement Volume and 2011 Supplement)

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

Article – Business Occupations and Professions

12–101.

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

(h–1) “Lead–free” means:

(1) containing not more than 0.2% lead for solder and flux;

(2) **EXCEPT AS PROVIDED IN ITEM (3) OF THIS SUBSECTION,** containing not more than:

(I) 4% LEAD BY DRY WEIGHT FOR INDIVIDUAL PLUMBING FITTINGS AND FIXTURES; OR

(II) 8% lead by dry weight for INDIVIDUAL pipes and pipe fittings;

(3) containing a percentage of lead for plumbing fittings and fixtures that is in compliance with standards established under 42 U.S.C.A. § 300g–6(e) of the federal Safe Drinking Water Act; and

(4) containing not more than a weighted average lead content of 0.25% for the wetted surfaces of a pipe, pipe fitting, plumbing fitting, or fixture intended to dispense water for human consumption through drinking or cooking.

(q) “Weighted average lead content” means a calculation determined by:

(1) identifying each component of a pipe, pipe fitting, plumbing fitting, or fixture that water flows through and comes into contact with during normal operation;

(2) identifying the percentage lead content of each component of the pipe, pipe fitting, plumbing fitting, or fixture;

(3) determining the wetted surface area of each component of the pipe, pipe fitting, plumbing fitting, or fixture;

(4) determining the percent of total wetted surface area of the pipe, pipe fitting, plumbing fitting, or fixture, represented in each component;

(5) calculating the contributing percent lead for each component that comes into contact with water by multiplying the percentage of lead content of the

component by the percent of total wetted surface area represented by the component; and

(6) calculating the sum of each contributing percent lead value determined for each component under item (5) of this subsection.

12-605.1.

(a) In the installation or repair of plumbing intended to dispense water for human consumption, a person shall use only pipes, pipe fittings, plumbing fittings, or fixtures that are lead-free.

(b) In the installation or repair of plumbing intended to dispense water for human consumption, a person shall use only solder or flux that is lead-free.

(c) ONLY THE INDIVIDUAL PIPES, PIPE FITTINGS, PLUMBING FITTINGS, OR FIXTURES THAT ARE INSTALLED OR REPAIRED MAY BE CONSIDERED WHEN CALCULATING THE WEIGHTED AVERAGE LEAD CONTENT.

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

Approved by the Governor, April 10, 2012.

Chapter 144

(House Bill 1391)

AN ACT concerning

Public School Construction Program – Maryland School for the Blind

FOR the purpose of making the Maryland School for the Blind eligible for certain school construction funding under the Public School Construction Program for certain fiscal years, notwithstanding a certain provision of law and subject to certain regulations; requiring the Board of Public Works to adopt certain regulations; prohibiting the amount of funds allocated to the Maryland School for the Blind from being used in determining the total amount of funds allocated for certain projects in Baltimore City and Baltimore County; specifying that this Act may not preclude the Maryland School for the Blind from receiving and using certain funds allocated to it in the State's capital budget; and generally relating to including the Maryland School for the Blind in the Public School Construction Program.

BY adding to

Article – Education
Section 8–319
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

Preamble

WHEREAS, The Maryland School for the Blind is a body corporate of the State, the charter of which was established on May 19, 1853, and is governed in accordance with § 8–314 of the Education Article; and

WHEREAS, The mission of the Maryland School for the Blind is to serve Maryland’s blind and visually handicapped students; and

WHEREAS, The Maryland School for the Blind serves 73% of Maryland’s 1,800 children who are blind and visually impaired through its on–campus and statewide outreach programs; and

WHEREAS, The Maryland School for the Blind provides outreach services to 1,100 blind and visually impaired students, families, and local school professionals in each of Maryland’s 24 jurisdictions; and

WHEREAS, Approximately 200 students attend school on the Maryland School for the Blind’s campus located in northeastern Baltimore City; of those, half are day students while the remaining, due to geographic distance or level of disability and need, spend 5 nights a week as residential students; and

WHEREAS, Every student enrolled at the Maryland School for the Blind has an individualized education program (IEP) and is placed by his or her local school system with parental consent in compliance with the Individuals with Disabilities Education Act, after determination is made that the Maryland School for the Blind is the “least restrictive environment” and is an appropriate setting where the student’s IEP needs can be met; and

WHEREAS, There are students served on–campus with multiple disabilities, such as autism and blindness, who require a different education setting to be able to meet their IEP requirements; and

WHEREAS, The average cost per student served at the Maryland School for the Blind ranges from \$125,000 to \$175,000 depending on the amount of special education and related services the student requires; and

WHEREAS, If the Maryland School for the Blind were not providing these highly specialized services to Maryland students, many “low functioning high need” students would need to be placed in out–of–state programs at costs ranging from \$350,000 to \$550,000 per student, annually; and

WHEREAS, Many of the buildings on the Maryland School for the Blind campus were constructed prior to the Individuals with Disabilities Education Act and were not designed for students with multiple disabilities and have very narrow doorways, inaccessible bathrooms, and no specialized equipment to assist in lifting or moving wheelchair-dependent students; now, therefore,

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

Article – Education

8-319.

(A) NOTWITHSTANDING § 4-114 OF THIS ARTICLE AND SUBJECT TO REGULATIONS ADOPTED BY THE BOARD OF PUBLIC WORKS, FOR FISCAL YEARS 2013 THROUGH 2028, THE MARYLAND SCHOOL FOR THE BLIND SHALL BE ELIGIBLE FOR FUNDING UNDER THE PUBLIC SCHOOL CONSTRUCTION PROGRAM IN ACCORDANCE WITH TITLE 5, SUBTITLE 3 OF THIS ARTICLE.

(B) THE BOARD OF PUBLIC WORKS SHALL ADOPT REGULATIONS FOR FUNDING SCHOOL CONSTRUCTION AND SCHOOL CAPITAL IMPROVEMENTS AT THE MARYLAND SCHOOL FOR THE BLIND IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN TITLE 5, SUBTITLE 3 OF THIS ARTICLE THAT APPLY TO SCHOOL CONSTRUCTION AND SCHOOL CAPITAL IMPROVEMENT PROJECTS FUNDED FOR COUNTY BOARDS OF EDUCATION.

SECTION 2. AND BE IT FURTHER ENACTED, That the amount of funds allocated to the Maryland School for the Blind under this Act may not be used in determining the total amount of funds allocated for public school construction or public school capital improvements in Baltimore City and Baltimore County.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be construed to preclude the Maryland School for the Blind from receiving and using other funds allocated to the school in the State's capital budget.

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

Approved by the Governor, April 10, 2012.

Chapter 145

(House Bill 1431)

AN ACT concerning

Calvert, Charles, and St. Mary's Counties – Turkey Hunting on Private Property – Sundays

FOR the purpose of authorizing a person to hunt turkey on private property on certain Sundays in Calvert County, Charles County, and St. Mary's County; making this Act an emergency measure; and generally relating to turkey hunting on Sundays.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

Article – Natural Resources

10–410.

(a) (1) Except as provided in paragraphs (2), (3), (4), and (6) of this subsection, a person may not hunt any game bird or mammal on Sundays.

(2) The following persons may hunt the specified game birds and mammals on Sundays:

(i) A person using State certified raptors to hunt game birds or mammals during open season;

(ii) An unarmed person participating in an organized fox chase to chase foxes;

(iii) Provided that the provisions of § 10–906(b)(3) of this title are met, a person:

1. Using a regulated shooting ground under § 10–906 of this title to hunt the following pen-reared game birds:

A. Pheasants;

B. Bobwhite quail;

C. Chukar partridge;

D. Hungarian partridge;

E. Tower released flighted mallard ducks; and

F. Turkey on a regulated shooting ground that was permitted to release turkey before September 1, 1992; and

2. Having the written permission of the owner of the land or other person designated by the owner of the land, if the land is owned or leased by a person other than the person hunting on Sundays;

(iv) Subject to the provisions of § 10–411 of this subtitle, in Allegany, Calvert, Carroll, Charles, Dorchester, Frederick, Garrett, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester counties, a person hunting deer on private property with a bow and arrow or crossbow during open season on the last three Sundays in October and the second Sunday in November; [and]

(v) Except on Easter Sunday, in Allegany County and Garrett County, a person hunting turkey on the last Sunday in April and the first Sunday in May; AND

(VI) IN CALVERT COUNTY, CHARLES COUNTY, AND ST. MARY'S COUNTY, A PERSON HUNTING TURKEY ON PRIVATE PROPERTY ON ANY SUNDAY DURING THE SPRING TURKEY HUNTING SEASON.

(3) Subject to the provisions of § 10–415 of this subtitle, in Calvert County, Charles County, and St. Mary's County, a person may hunt deer on private property on:

(i) The first Sunday of the bow hunting season in November;
and

(ii) Each Sunday in the deer firearms season.

(4) Provided that the provisions of § 10–415 of this subtitle are met and subject to paragraph (5) of this subsection, the Department may allow a person to hunt deer on private property on the first Sunday of:

(i) The bow hunting season in November; and

(ii) The deer firearms season.

(5) The Sunday deer hunting provisions under paragraph (4) of this subsection do not apply:

(i) In Baltimore, Howard, and Prince George's counties; and

(ii) In Baltimore City.

(6) A person who is 16 years of age or younger may hunt deer with a firearm on a Sunday through participation in the junior deer hunt established under § 10–405(a) of this subtitle.

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

Approved by the Governor, April 10, 2012.

Chapter 146

(Senate Bill 48)

AN ACT concerning

Baltimore County – Orphans’ Court Judges – Qualifications

FOR the purpose of proposing an amendment to the Maryland Constitution to prescribe different qualifications for judges of the Orphans’ Court for Baltimore County; requiring judges of the Orphans’ Court for Baltimore County to have been admitted to practice law in this State and be members in good standing of the Maryland Bar; and submitting this amendment to the qualified voters of the State for their adoption or rejection.

BY proposing an amendment to the Maryland Constitution
 Article IV – Judiciary Department
 Section 40

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, (Three–fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Maryland Constitution read as follows:

Article IV – Judiciary Department

40.

(a) The qualified voters of the several Counties, except Montgomery County, ~~BALTIMORE COUNTY~~, and Harford County, shall elect three Judges of the Orphans’

Courts of Counties who shall be citizens of the State and residents, for the twelve months preceding, in the County for which they may be elected.

(b) The qualified voters of the City of Baltimore shall elect three Judges of the Orphans' Court for Baltimore City who shall be citizens of the State and residents, for the twelve months preceding, in Baltimore City and who have been admitted to practice law in this State and are members in good standing of the Maryland Bar.

(C) THE QUALIFIED VOTERS OF BALTIMORE COUNTY SHALL ELECT THREE JUDGES OF THE ORPHANS' COURT FOR BALTIMORE COUNTY WHO SHALL BE CITIZENS OF THE STATE AND RESIDENTS, FOR THE TWELVE MONTHS PRECEDING, IN BALTIMORE COUNTY AND WHO HAVE BEEN ADMITTED TO PRACTICE LAW IN THIS STATE AND ARE MEMBERS IN GOOD STANDING OF THE MARYLAND BAR.

[(c)] **(D)** The Judges shall have all the powers now vested in the Orphans' Courts of the State, subject to such changes as the Legislature may prescribe.

[(d)] **(E)** Each of the Judges shall be paid such compensation as may be regulated by Law, to be paid by the City or Counties, respectively.

[(e)] **(F)** In case of a vacancy in the office of Judge of the Orphans' Court, the Governor shall appoint, subject to confirmation or rejection by the Senate, some suitable person to fill the vacancy for the residue of the term.

SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by this Act affects only one county and that the provisions of Article XIV, § 1 of the Maryland Constitution concerning local approval of constitutional amendments apply.

SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section proposed as an amendment to the Maryland Constitution shall be submitted to the qualified voters of the State at the next general election to be held in November, 2012 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general election, the vote on this proposed amendment to the Constitution shall be by ballot, and upon each ballot there shall be printed the words "For the Constitutional Amendment" and "Against the Constitutional Amendment," as now provided by law. Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings had in accordance with Article XIV.

Assigned a chapter number, enactment subject to constitutional referendum, April 20, 2012.

Chapter 147

(House Bill 211)

AN ACT concerning

Elected Officials – Removal from Office – Crimes

FOR the purpose of requiring that an elected official of the State or of a county or municipal corporation who is found guilty of a felony or certain misdemeanors be suspended and, under certain circumstances, removed from office by operation of law; requiring that an elected official of the State or of a county or municipal corporation who ~~is convicted of or~~ enters a certain plea relating to a felony or certain misdemeanors be removed from office by operation of law; ~~repealing the provision of law that requires an elected official to be suspended from office by operation of law under certain circumstances;~~ making stylistic changes; and submitting this amendment to the qualified voters of the State for their adoption or rejection.

BY proposing an amendment to the Maryland Constitution

Article XV – Miscellaneous

Section 2

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, (Three-fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Maryland Constitution read as follows:

Article XV – Miscellaneous

2.

Any elected official of the State, or of a county or of a municipal corporation who during [his] **THE ELECTED OFFICIAL'S** term of office is ~~convicted of or enters a plea of GUILTY OR nolo contendere to~~ **FOUND GUILTY OF** any crime which is a felony, or which is a misdemeanor related to [his] **THE ELECTED OFFICIAL'S** public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution, shall be ~~is~~ suspended by operation of law without pay or benefits from the elective office. During and for the period of suspension of the elected official, the appropriate governing body and/or official authorized by law to fill any vacancy in the elective office shall appoint a person to temporarily fill the elective office, provided that if the elective office is one for which automatic succession is provided by law, then in such event the person entitled to succeed to the office shall temporarily fill the elective office. If the ~~conviction~~ **FINDING OF GUILT** becomes **A** final **CONVICTION**, after judicial review or otherwise, such elected official shall be removed from the elective office by operation of Law and the office shall be deemed

vacant. If the ~~conviction~~ **FINDING OF GUILT** of the elected official is reversed or overturned, the elected official shall be reinstated by operation of Law to the elective office for the remainder, if any, of the elective term of office during which [he] **THE ELECTED OFFICIAL** was ~~also suspended or~~ removed, and all pay and benefits shall be restored. **ANY ELECTED OFFICIAL OF THE STATE, OR OF A COUNTY OR OF A MUNICIPAL CORPORATION WHO DURING THE ELECTED OFFICIAL'S TERM OF OFFICE ENTERS A GUILTY PLEA OR A PLEA OF NOLO CONTENDERE TO ANY CRIME WHICH IS A FELONY, OR WHICH IS A MISDEMEANOR RELATED TO THE ELECTED OFFICIAL'S PUBLIC DUTIES AND RESPONSIBILITIES AND INVOLVES MORAL TURPITUDE FOR WHICH THE PENALTY MAY BE INCARCERATION IN ANY PENAL INSTITUTION, SHALL BE REMOVED FROM THE ELECTIVE OFFICE BY OPERATION OF LAW AND THE OFFICE SHALL BE DEEMED VACANT.**

SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by this Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland Constitution concerning local approval of constitutional amendments do not apply.

SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section proposed as an amendment to the Maryland Constitution shall be submitted to the qualified voters of the State at the next general election to be held in November, 2012 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general election, the vote on this proposed amendment to the Constitution shall be by ballot, and upon each ballot there shall be printed the words "For the Constitutional Amendment" and "Against the Constitutional Amendment," as now provided by law. Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings had in accordance with Article XIV.

Assigned a chapter number, enactment subject to constitutional referendum, April 20, 2012.

Chapter 148

(Senate Bill 150)

Budget Bill

(Fiscal Year 2013)

AN ACT for the purpose of making the proposed appropriations contained in the State Budget for the fiscal year ending June 30, 2013, in accordance with Article III,

Section 52 of the Maryland Constitution; and generally relating to appropriations and budgetary provisions made pursuant to that section.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That subject to the provisions hereinafter set forth and subject to the Public General Laws of Maryland relating to the Budget procedure, the several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for the several purposes specified for the fiscal year beginning July 1, 2012, and ending June 30, 2013, as hereinafter indicated.

PAYMENTS TO CIVIL DIVISIONS OF THE STATE

A11K00.01 Miscellaneous Grants

General Fund Appropriation, ~~provided that \$3,075,000 of this appropriation shall be reduced contingent upon the enactment of the Budget Reconciliation and Financing Act~~..... 3,075,000

A15000.01 Disparity Grants

General Fund Appropriation, provided that \$19,583,662 shall be reduced contingent upon failure of SB 152 requiring local jurisdictions to contribute a portion of retirement costs for teachers, ~~provided that \$19,583,662 shall be reduced contingent upon failure of legislation requiring local jurisdictions to contribute fifty percent of retirement and Social Security costs for teachers and librarians, provided that \$19,583,662 shall be allocated according to the following schedule:~~..... 139,510,379

<u>County</u>	<u>Amount</u>
<u>Allegany</u>	<u>\$1,632,106</u>
<u>Baltimore City</u>	<u>6,972,596</u>
<u>Caroline</u>	<u>685,108</u>
<u>Dorchester</u>	<u>308,913</u>
<u>Garrett</u>	<u>406,400</u>
<u>Prince George's</u>	<u>7,628,702</u>
<u>Somerset</u>	<u>381,999</u>
<u>Wicomico</u>	<u>1,567,837</u>

GENERAL ASSEMBLY OF MARYLAND

B75A01.01 Senate	
General Fund Appropriation	11,737,105
B75A01.02 House of Delegates	
General Fund Appropriation	22,294,824
B75A01.03 General Legislative Expenses	
General Fund Appropriation	1,016,043

DEPARTMENT OF LEGISLATIVE SERVICES

B75A01.04 Office of the Executive Director	
General Fund Appropriation	10,690,250
B75A01.05 Office of Legislative Audits	
General Fund Appropriation	12,273,130
B75A01.06 Office of Legislative Information Systems	
General Fund Appropriation	4,832,146
B75A01.07 Office of Policy Analysis	
General Fund Appropriation	15,674,867

SUMMARY

Total General Fund Appropriation	78,518,365
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JUDICIARY

Provided that the General Fund appropriation for supplies for the Judiciary is reduced by \$259,000.

Further provided that general funds are reduced by ~~\$2,500,000~~ ~~\$5,000,000~~ **\$3,000,000** from operating expenditures. The Chief Judge shall allocate this reduction across the Judicial Branch.

C00A00.01 Court of Appeals			
General Fund Appropriation			14,532,387
C00A00.02 Court of Special Appeals			
General Fund Appropriation			8,976,868
C00A00.03 Circuit Court Judges			
General Fund Appropriation	60,437,833		
Federal Fund Appropriation.....	436,385		60,874,218
		<hr/>	
C00A00.04 District Court			
General Fund Appropriation			149,860,956
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>			
C00A00.05 Maryland Judicial Conference			
General Fund Appropriation			107,650
C00A00.06 Administrative Office of the Courts			
General Fund Appropriation	25,017,691		
Special Fund Appropriation	16,600,000		
Federal Fund Appropriation	163,333		41,781,024
		<hr/>	
C00A00.07 Court Related Agencies			
General Fund Appropriation			5,837,015
			<u>5,610,759</u>
C00A00.08 State Law Library			

General Fund Appropriation	2,639,920	
Special Fund Appropriation	9,000	2,648,920
	<hr/>	
C00A00.09 Judicial Information Systems		
General Fund Appropriation	30,413,756	
	<u>30,197,355</u>	
Special Fund Appropriation	7,300,784	37,714,540
		<u>37,498,139</u>
	<hr/>	
C00A00.10 Clerks of the Circuit Court		
General Fund Appropriation	78,704,465	
	<u>78,243,043</u>	
Special Fund Appropriation	17,034,233	
	<u>16,969,840</u>	
Federal Fund Appropriation	2,860,150	98,598,848
	<u>2,855,863</u>	<u>98,068,746</u>
	<hr/>	
C00A00.11 Family Law Division		
General Fund Appropriation		15,871,453
C00A00.12 Major Information Technology Development Projects		
Special Fund Appropriation		15,444,192
SUMMARY		
Total General Fund Appropriation		391,495,915
Total Special Fund Appropriation		56,323,816
Total Federal Fund Appropriation		3,455,581
		<hr/>
Total Appropriation		<u>451,275,312</u>
		<hr/> <hr/>
OFFICE OF THE PUBLIC DEFENDER		
C80B00.01 General Administration		
General Fund Appropriation		6,424,002
C80B00.02 District Operations		
General Fund Appropriation	71,643,738	
Special Fund Appropriation	193,529	71,837,267
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C80B00.03 Appellate and Inmate Services		
General Fund Appropriation		5,846,268
C80B00.04 Involuntary Institutionalization Services		
General Fund Appropriation		1,287,589

SUMMARY

Total General Fund Appropriation		85,201,597
Total Special Fund Appropriation		193,529
		<hr/>
Total Appropriation		85,395,126
		<hr/> <hr/>

OFFICE OF THE ATTORNEY GENERAL

C81C00.01 Legal Counsel and Advice		
General Fund Appropriation	4,847,335	
	<u>4,647,335</u>	
Special Fund Appropriation	889,503	5,736,838
		<u>5,536,838</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C81C00.04 Securities Division		
General Fund Appropriation		2,191,534
C81C00.05 Consumer Protection Division		
General Fund Appropriation	2,275,382	
Special Fund Appropriation	2,633,111	
Federal Fund Appropriation	57,427	4,965,920
		<hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C81C00.06 Antitrust Division		
General Fund Appropriation		831,218
C81C00.09 Medicaid Fraud Control Unit		
General Fund Appropriation	749,080	
Federal Fund Appropriation	2,247,239	2,996,319
	<hr/>	
C81C00.10 People's Insurance Counsel Division		
Special Fund Appropriation		564,442
C81C00.12 Juvenile Justice Monitoring Program		
General Fund Appropriation		523,919
C81C00.14 Civil Litigation Division		
General Fund Appropriation	2,133,940	
Special Fund Appropriation	553,454	2,687,394
	<hr/>	
Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
C81C00.15 Criminal Appeals Division		
General Fund Appropriation		2,463,660
C81C00.16 Criminal Investigation Division		
General Fund Appropriation		1,635,022

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C81C00.17 Educational Affairs Division		
General Fund Appropriation		404,346

C81C00.18 Correctional Litigation Division		
General Fund Appropriation		365,806

C81C00.20 Contract Litigation Division

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		18,221,242
Total Special Fund Appropriation		4,640,510
Total Federal Fund Appropriation		2,304,666
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Total Appropriation		25,166,418
		<hr/> <hr/>

OFFICE OF THE STATE PROSECUTOR

C82D00.01 General Administration		
General Fund Appropriation		1,249,538
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MARYLAND TAX COURT

C85E00.01 Administration and Appeals		
General Fund Appropriation		575,711
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PUBLIC SERVICE COMMISSION

C90G00.01 General Administration and Hearings		
Special Fund Appropriation	9,285,675	
Federal Fund Appropriation	347,495	9,633,170
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C90G00.02 Telecommunications Division		
Special Fund Appropriation		580,525

C90G00.03 Engineering Investigations		
Special Fund Appropriation	1,128,774	
	<u>1,116,645</u>	
Federal Fund Appropriation	232,044	1,360,818
		<u>1,348,689</u>
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C90G00.04 Accounting Investigations		
Special Fund Appropriation		570,528
C90G00.05 Common Carrier Investigations		
Special Fund Appropriation		1,349,737
C90G00.06 Washington Metropolitan Area Transit Commission		
Special Fund Appropriation		369,713
C90G00.07 Rate Research and Economics		
Special Fund Appropriation		866,601
C90G00.08 Hearing Examiner Division		
Special Fund Appropriation		543,764
C90G00.09 Staff Attorney		
Special Fund Appropriation		861,509
C90G00.10 Integrated Resource Planning Division		
Special Fund Appropriation		406,481

SUMMARY

Total Special Fund Appropriation		15,951,178
Total Federal Fund Appropriation		579,539
		<hr/>
Total Appropriation		16,530,717
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OFFICE OF THE PEOPLE'S COUNSEL

C91H00.01 General Administration		
Special Fund Appropriation		3,169,449
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SUBSEQUENT INJURY FUND

C94I00.01 General Administration

Special Fund Appropriation	2,094,770
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UNINSURED EMPLOYERS' FUND

C96J00.01 General Administration	
Special Fund Appropriation	1,172,476

WORKERS' COMPENSATION COMMISSION

C98F00.01 General Administration	
Special Fund Appropriation	13,913,621

BOARD OF PUBLIC WORKS

D05E01.01 Administration Office		
General Fund Appropriation		835,955
D05E01.02 Contingent Fund		
To the Board of Public Works to be used by the Board in its judgment (1) for supplementing appropriations made in the budget for fiscal year 2013 when the regular appropriations are insufficient for the operating expenses of the government beyond those that are contemplated at the time of the appropriation of the budget for this fiscal year, or (2) for any other contingencies that might arise within the State or other governmental agencies during the fiscal year or any other purposes provided by law, when adequate provision for such contingencies or purposes has not been made in this budget.		
General Fund Appropriation		500,000
D05E01.05 Wetlands Administration		
General Fund Appropriation		193,902
D05E01.10 Miscellaneous Grants to Private Non-Profit Groups		
General Fund Appropriation		5,814,964
To provide annual grants to private groups and sponsors which have statewide implications and merit State support.		
Council of State Governments	157,746	
Historic Annapolis Foundation	482,000	
Maryland Zoo in Baltimore	5,175,218	
D05E01.15 Payments of Judgments Against the State		
General Fund Appropriation		168,125
SUMMARY		
Total General Fund Appropriation		7,512,946

EXECUTIVE DEPARTMENT – GOVERNOR

D10A01.01 General Executive Direction and Control General Fund Appropriation	10,963,249
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OFFICE OF THE DEAF AND HARD OF HEARING

D11A04.01 Executive Direction General Fund Appropriation	329,396
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DEPARTMENT OF DISABILITIES

D12A02.01 General Administration General Fund Appropriation	2,726,944	
Special Fund Appropriation	172,614	
Federal Fund Appropriation	1,636,075	4,535,633

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MARYLAND ENERGY ADMINISTRATION

D13A13.01 General Administration Special Fund Appropriation	4,457,855	
Federal Fund Appropriation	486,000	4,943,855

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D13A13.02 The Jane E. Lawton Conservation Loan Program – Capital Appropriation Special Fund Appropriation		2,500,000 1,750,000
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D13A13.03 State Agency Loan Program – Capital Appropriation Special Fund Appropriation		2,500,000
D13A13.06 Energy Efficiency and Conservation Programs, Low and Moderate Income Residential Sector Special Fund Appropriation		2,986,300
D13A13.07 Energy Efficiency and Conservation Programs, All Other Sectors Special Fund Appropriation	1,080,709	
Federal Fund Appropriation	220,000	1,300,709
	<hr/>	
D13A13.08 Renewable and Clean Energy Programs and Initiatives Special Fund Appropriation.....		6,164,857

SUMMARY

Total Special Fund Appropriation		18,939,721
Total Federal Fund Appropriation		706,000
		<hr/>
Total Appropriation		19,645,721
		<hr/> <hr/>

BOARDS, COMMISSIONS, AND OFFICES

D15A05.01 Survey Commissions General Fund Appropriation		103,000
D15A05.03 Office of Minority Affairs General Fund Appropriation		1,315,994
D15A05.05 Governor's Office of Community Initiatives General Fund Appropriation	2,107,814	
Special Fund Appropriation	253,282	
Federal Fund Appropriation	5,536,116	7,897,212
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special

funds for operating expenses in this program.

D15A05.06 State Ethics Commission		
General Fund Appropriation	809,077	
Special Fund Appropriation	273,181	1,082,258
<hr/>		
D15A05.07 Health Care Alternative Dispute Resolution Office		
General Fund Appropriation	349,893	
Special Fund Appropriation	45,000	394,893
<hr/>		
D15A05.16 Governor’s Office of Crime Control and Prevention		
General Fund Appropriation, provided that \$21,420,535 of this appropriation shall be reduced contingent on the enactment of the Budget Reconciliation and Financing Act	94,254,325 72,433,790 <u>72,713,790</u>	
Special Fund Appropriation	2,278,798	
Federal Fund Appropriation	21,943,024	118,476,147 96,655,612 <u>96,935,612</u>
<hr/>		

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D15A05.20 State Commission on Criminal Sentencing Policy		
General Fund Appropriation		352,249
D15A05.22 Governor’s Grants Office		
General Fund Appropriation	363,754	
Special Fund Appropriation	10,000	373,754
<hr/>		

Funds are appropriated in other agency budgets to pay for services provided by

this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D15A05.23 State Labor Relations Board

General Fund Appropriation		153,200
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		78,268,771
Total Special Fund Appropriation		2,860,261
Total Federal Fund Appropriation		27,479,140
		<hr/>
Total Appropriation		108,608,172
		<hr/> <hr/>

SECRETARY OF STATE

D16A06.01 Office of the Secretary of State

General Fund Appropriation	1,908,414	
Special Fund Appropriation	345,006	2,253,420
	<hr/>	<hr/> <hr/>

HISTORIC ST. MARY'S CITY COMMISSION

D17B01.51 Administration

General Fund Appropriation	1,948,913	
Special Fund Appropriation	923,016	
Federal Fund Appropriation	150,000	3,021,929
	<hr/>	<hr/> <hr/>

GOVERNOR'S OFFICE FOR CHILDREN

D18A18.01 Governor's Office for Children

General Fund Appropriation	1,604,980	
Federal Fund Appropriation	550,000	2,154,980
	<hr/>	<hr/> <hr/>

BOARD OF PUBLIC WORKS – INTERAGENCY COMMITTEE
ON SCHOOL CONSTRUCTION

D25E03.01 General Administration		
General Fund Appropriation	1,496,632	
Special Fund Appropriation	130,728	1,627,360
	<hr/>	
D25E03.02 Aging Schools Program		
General Fund Appropriation		84,363

SUMMARY

Total General Fund Appropriation		1,580,995
Total Special Fund Appropriation		130,728
		<hr/>
Total Appropriation		1,711,723
		<hr/> <hr/>

DEPARTMENT OF AGING

D26A07.01 General Administration		
<u>General Fund Appropriation, provided that \$120,000 of this appropriation made for the purpose of subprogram 2001 – Administration may not be expended for that purpose but instead may be used only to supplement funding for subprogram 2009 – Ombudsman. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund</u>		
	19,917,023	
Special Fund Appropriation	364,498	
Federal Fund Appropriation	27,847,839	48,129,360
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D26A07.02 Senior Centers Operating Fund		
General Fund Appropriation		500,000

SUMMARY

Total General Fund Appropriation		20,417,023
Total Special Fund Appropriation		364,498
Total Federal Fund Appropriation		27,847,839
		<hr/>
Total Appropriation		48,629,360
		<hr/> <hr/>

MARYLAND COMMISSION ON CIVIL RIGHTS

D27L00.01 General Administration		
General Fund Appropriation	2,453,321	
Federal Fund Appropriation	649,391	3,102,712
	<hr/>	<hr/> <hr/>

MARYLAND STADIUM AUTHORITY

D28A03.02 Maryland Stadium Facilities Fund		
Special Fund Appropriation		19,265,000
D28A03.55 Baltimore Convention Center		
General Fund Appropriation		9,124,406
D28A03.58 Ocean City Convention Center		
General Fund Appropriation		2,819,505
D28A03.59 Montgomery County Convention Center		
General Fund Appropriation		1,767,763
D28A03.60 Hippodrome Performing Arts Center		
General Fund Appropriation		1,380,398

SUMMARY

Total General Fund Appropriation		15,092,072
Total Special Fund Appropriation		19,265,000
		<hr/>
Total Appropriation		34,357,072
		<hr/> <hr/>

STATE BOARD OF ELECTIONS

D38I01.01 General Administration

~~General Fund Appropriation, provided that \$413,000 of this appropriation shall be reduced contingent upon enactment of legislation authorizing the use of revenue from the Fair Campaign Financing Fund, provided that \$100,000 of this appropriation made for the purpose of administrative expenses in the State Board of Elections (SBE) may not be expended until SBE completes all actions planned to resolve audit findings from the fiscal compliance audit released in June 2010. SBE shall submit a report to the budget committees and the Joint Audit Committee by December 1, 2012, on the date each planned action was completed. The Office of Legislative Audits (OLA) shall review actions completed by SBE prior to the submission of the report to the budget committees and Joint Audit Committee and comment on whether the actions are sufficient to correct the audit findings. The budget committees shall have 45 days to review and comment on the report with OLA comments. submits a report to the budget committees on the status of corrective actions taken by SBE in response to the fiscal compliance audit of SBE released in June 2010. The report shall include the date each action was implemented and the date on which actions planned but not yet implemented will be implemented. The report shall be submitted by December 1, 2012, to the Joint Audit Committee and budget committees. The budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.~~

The General Assembly is concerned about the high number of repeat

<i><u>audit findings in the June 2010 fiscal compliance report and expects that SBE has made substantial progress in resolving these findings</u></i>			4,192,138	
Special Fund Appropriation			8,963	4,201,101
			<hr/>	
D38I01.02 Help America Vote Act				
General Fund Appropriation		5,278,862		
		<u>5,138,862</u>		
Special Fund Appropriation		7,623,158		
Federal Fund Appropriation		100,000		13,002,020
				<u>12,862,020</u>
			<hr/>	

SUMMARY

Total General Fund Appropriation		9,331,000
Total Special Fund Appropriation		7,632,121
Total Federal Fund Appropriation		100,000
		<hr/>
Total Appropriation		17,063,121
		<hr/> <hr/>

MARYLAND STATE BOARD OF CONTRACT APPEALS

D39S00.01 Contract Appeals Resolution		
General Fund Appropriation		630,085
		<hr/> <hr/>

DEPARTMENT OF PLANNING

D40W01.01 Administration		
General Fund Appropriation, provided that \$250,000 of this appropriation shall be reduced contingent upon the enactment of legislation authorizing the use of funds from the Maryland Heritage Areas Authority Financing Fund to cover operating expenses		2,843,343

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special

funds for operating expenses in this program.

D40W01.02 Communications and Intergovernmental Affairs		
General Fund Appropriation		929,314

D40W01.03 Planning Data Services		
General Fund Appropriation	1,405,666	
Special Fund Appropriation	302,602	1,708,268

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.04 Planning Services		
General Fund Appropriation	2,166,055	
Federal Fund Appropriation	51,621	2,217,676

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.07 Management Planning and Educational Outreach		
General Fund Appropriation, provided that \$900,000 of this appropriation shall be reduced contingent upon the enactment of legislation authorizing the use of funds from the Maryland Heritage Areas Authority Financing Fund to cover operating expenses	1,019,473	
Special Fund Appropriation	3,148,240	
Federal Fund Appropriation	277,632	4,445,345

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby

granted to use these receipts as special funds for operating expenses in this program.

D40W01.08 Museum Services

General Fund Appropriation	1,786,471	
Special Fund Appropriation	669,135	
Federal Fund Appropriation	77,716	2,533,322

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.09 Research Survey and Registration

General Fund Appropriation	795,827	
Special Fund Appropriation	70,146	
Federal Fund Appropriation	335,328	1,201,301

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.10 Preservation Services

General Fund Appropriation	505,207	
Special Fund Appropriation	352,801	
Federal Fund Appropriation	212,991	1,070,999

D40W01.11 Historic Preservation – Capital Appropriation

Special Fund Appropriation	120,000
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D40W01.12 Sustainable Communities Tax Credit

General Fund Appropriation	7,000,000
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SUMMARY

Total General Fund Appropriation	18,451,356
Total Special Fund Appropriation	4,662,924

Total Federal Fund Appropriation		955,288
		<hr/>
Total Appropriation		24,069,568
		<hr/> <hr/>

MILITARY DEPARTMENT

MILITARY DEPARTMENT OPERATIONS AND MAINTENANCE

D50H01.01 Administrative Headquarters		
General Fund Appropriation	2,744,765	
Special Fund Appropriation	52,276	
Federal Fund Appropriation	55,145	2,852,186
	<hr/>	
D50H01.02 Air Operations and Maintenance		
General Fund Appropriation	641,594	
Federal Fund Appropriation	4,200,203	4,841,797
	<hr/>	
D50H01.03 Army Operations and Maintenance		
General Fund Appropriation	3,963,968	
Special Fund Appropriation	121,991	
Federal Fund Appropriation	7,887,376	11,973,335
	<hr/>	
D50H01.04 Capital Appropriation		
Federal Fund Appropriation		15,723,000
D50H01.05 State Operations		
General Fund Appropriation	2,415,864	
Federal Fund Appropriation	2,881,034	5,296,898
	<hr/>	
D50H01.06 Maryland Emergency Management Agency		
General Fund Appropriation	2,222,238	
Special Fund Appropriation, <i><u>provided that it is the intent of the General Assembly that the Amoss Fire, Rescue, and Ambulance Fund receive an additional \$2,000,000 via budget amendment in fiscal 2013 contingent on the enactment of legislation that increases vehicle registration fees by \$2 per year to be credited to the</u></i>		

Maryland Emergency Medical System
Operations Fund

	12,825,000	
	<u>12,625,000</u>	
Federal Fund Appropriation	35,869,551	50,916,789
		<u>50,716,789</u>

SUMMARY

Total General Fund Appropriation		11,988,429
Total Special Fund Appropriation		12,799,267
Total Federal Fund Appropriation		66,616,309
		<hr/>
Total Appropriation		91,404,005
		<hr/> <hr/>

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS

D53T00.01 General Administration

Special Fund Appropriation	12,341,413	
Federal Fund Appropriation	129,482	12,470,895
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPARTMENT OF VETERANS AFFAIRS

D55P00.01 Service Program

General Fund Appropriation		1,094,536
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D55P00.02 Cemetery Program

General Fund Appropriation	1,448,009	
Special Fund Appropriation	638,484	
Federal Fund Appropriation	1,603,739	3,690,232
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D55P00.03 Memorials and Monuments Program

General Fund Appropriation		369,550
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D55P00.04 Cemetery Program – Capital
Appropriation

General Fund Appropriation		700,000
D55P00.05 Veterans Home Program		
General Fund Appropriation	2,701,584	
Special Fund Appropriation	50,000	
Federal Fund Appropriation	12,947,376	15,698,960
<hr/>		
D55P00.08 Executive Direction		
General Fund Appropriation	938,591	
Special Fund Appropriation	100,000	1,038,591
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D55P00.11 Outreach and Advocacy		
General Fund Appropriation		190,284

SUMMARY

Total General Fund Appropriation		7,442,554
Total Special Fund Appropriation		788,484
Total Federal Fund Appropriation		14,551,115
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Total Appropriation		22,782,153
<hr/> <hr/>		

STATE ARCHIVES

D60A10.01 Archives		
General Fund Appropriation	2,059,005	
Special Fund Appropriation	6,593,294	
Federal Fund Appropriation	261,727	8,914,026
<hr/>		
D60A10.02 Artistic Property		
General Fund Appropriation	228,392	
Special Fund Appropriation	95,543	323,935
<hr/>		

SUMMARY

Total General Fund Appropriation		2,287,397
Total Special Fund Appropriation		6,688,837
Total Federal Fund Appropriation		261,727
<hr/>		
Total Appropriation		9,237,961

MARYLAND HEALTH BENEFIT EXCHANGE

D78Y01.01 Maryland Health Benefit Exchange

Federal Fund Appropriation, provided that \$100,000 of this appropriation made for the operation of the Maryland Health Benefit Exchange may not be expended until the Exchange submits a report to the House Health and Government Operations Committee, the Senate Finance Committee, and the budget committees detailing a sustainable long-term financing strategy for Exchange operations. The report shall be submitted by December 1, 2012, and the committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted to the ~~budget~~ committees.

Further provided that \$100,000 of this appropriation made for the operation of the Maryland Health Benefit Exchange may not be expended until the Exchange and the Department of Health and Mental Hygiene submit a report to the House Health and Government Operations Committee, the Senate Finance Committee, and the budget committees updating a preliminary analysis of the viability of the Basic Health Plan option in Maryland. The report shall be submitted by December 1, 2012, and the committees shall have 45 days to review and comment. To the extent that there are still elements of the cost estimate that remain unknown, the committees request that the report include a timeline as to when all elements of the cost estimate will be known. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any

other purpose and shall be canceled if the report is not submitted to the budget committees 2,956,335

D78Y01.02 Major Information Technology Development Projects
 General Fund Appropriation 1,889,706
 Federal Fund Appropriation 21,684,270 23,573,976

SUMMARY

Total General Fund Appropriation 1,889,706
 Total Federal Fund Appropriation 24,640,605
 Total Appropriation 26,530,311

MARYLAND HEALTH INSURANCE PLAN

HEALTH INSURANCE SAFETY NET PROGRAMS

D79Z02.01 MHIP High-Risk Pools
 Special Fund Appropriation 150,207,437
 Federal Fund Appropriation 34,748,954 184,956,391

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D79Z02.02 Senior Prescription Drug Assistance Program
 Special Fund Appropriation 18,666,404

SUMMARY

Total Special Fund Appropriation 168,873,841
 Total Federal Fund Appropriation 34,748,954
 Total Appropriation 203,622,795

MARYLAND INSURANCE ADMINISTRATION

INSURANCE ADMINISTRATION AND REGULATION

D80Z01.01 Administration and Operations		
Special Fund Appropriation	27,202,683	
Federal Fund Appropriation	1,317,430	28,520,113
	<hr/>	
D80Z01.05 Rate Stabilization Fund		
Special Fund Appropriation		200,000

SUMMARY

Total Special Fund Appropriation		27,402,683
Total Federal Fund Appropriation		1,317,430
		<hr/>
Total Appropriation		28,720,113
		<hr/> <hr/>

CANAL PLACE PRESERVATION AND DEVELOPMENT AUTHORITY

D90U00.01 General Administration		
Special Fund Appropriation		542,873
		<hr/> <hr/>

OFFICE OF ADMINISTRATIVE HEARINGS

D99A11.01 General Administration		
Special Fund Appropriation		790,027
		<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

COMPTROLLER OF MARYLAND
OFFICE OF THE COMPTROLLER

Provided that the budget for the Comptroller of Maryland shall be reduced by \$15,000 in general funds across the department for applications software maintenance.

Further provided that the budget for the Comptroller of Maryland shall be reduced by \$7,000 in general funds for software upgrades.

E00A01.01 Executive Direction		
General Fund Appropriation	3,243,194	
Special Fund Appropriation	528,945	3,772,139
	<hr/>	
E00A01.02 Financial and Support Services		
General Fund Appropriation	2,352,924	
Special Fund Appropriation	376,836	2,729,760
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		5,596,118
Total Special Fund Appropriation		905,781
		<hr/>
Total Appropriation		6,501,899
		<hr/> <hr/>

GENERAL ACCOUNTING DIVISION

E00A02.01 Accounting Control and Reporting		
General Fund Appropriation		5,131,334
		<hr/> <hr/>

BUREAU OF REVENUE ESTIMATES

E00A03.01 Estimating of Revenues		
General Fund Appropriation		730,636

REVENUE ADMINISTRATION DIVISION

E00A04.01 Revenue Administration		
General Fund Appropriation	26,938,854	
Special Fund Appropriation	3,991,349	30,930,203

COMPLIANCE DIVISION

E00A05.01 Compliance Administration		
General Fund Appropriation	22,615,179	
	<u>22,605,179</u>	
Special Fund Appropriation, provided that this appropriation shall be reduced by \$500,000 contingent upon the enactment of legislation to repeal the provisions of law related to the current notification procedure for abandoned property including the requirement to advertise abandoned property in local newspapers on an annual basis	8,001,878	30,617,057
		<u>30,607,057</u>

FIELD ENFORCEMENT DIVISION

E00A06.01 Field Enforcement Administration		
General Fund Appropriation	2,242,190	
Special Fund Appropriation	2,681,978	4,924,168

CENTRAL PAYROLL BUREAU

E00A09.01 Payroll Management		
General Fund Appropriation	2,367,173	
Special Fund Appropriation	160,194	2,527,367

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special

funds for operating expenses in this program.

INFORMATION TECHNOLOGY DIVISION

E00A10.01 Annapolis Data Center Operations

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

E00A10.02 Comptroller IT Services

General Fund Appropriation	12,946,474	
Special Fund Appropriation	2,259,586	15,206,060
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

STATE TREASURER’S OFFICE

TREASURY MANAGEMENT

E20B01.01 Treasury Management

General Fund Appropriation	5,075,348	
Special Fund Appropriation	632,034	5,707,382
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

INSURANCE PROTECTION

E20B02.01 Insurance Management

Funds are appropriated in other agency

budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

E20B02.02 Insurance Coverage

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

BOND SALE EXPENSES

E20B03.01 Bond Sale Expenses		
General Fund Appropriation	50,000	
Special Fund Appropriation	1,971,000	2,021,000
	<hr/>	<hr/> <hr/>

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

E50C00.01 Office of the Director		
General Fund Appropriation		2,584,514
E50C00.02 Real Property Valuation		
General Fund Appropriation	3,169,430	
Special Fund Appropriation	28,524,949	31,694,379
	<hr/>	
E50C00.04 Office of Information Technology		
General Fund Appropriation	417,312	
Special Fund Appropriation	3,755,817	4,173,129
	<hr/>	
E50C00.05 Business Property Valuation		
General Fund Appropriation	340,440	
Special Fund Appropriation	3,063,984	3,404,424
	<hr/>	
E50C00.06 Tax Credit Payments		
General Fund Appropriation		81,960,518
E50C00.08 Property Tax Credit Programs		
General Fund Appropriation	1,743,803	

Special Fund Appropriation	780,473	2,524,276
	<hr/>	
E50C00.10 Charter Unit		
General Fund Appropriation	72,019	
Special Fund Appropriation	4,849,283	4,921,302
	<hr/>	

SUMMARY

Total General Fund Appropriation	90,288,036
Total Special Fund Appropriation	40,974,506
	<hr/>
Total Appropriation	131,262,542
	<hr/> <hr/>

STATE LOTTERY AGENCY

E75D00.01 Administration and Operations

Special Fund Appropriation, *provided that \$167,119 of this appropriation made for the purpose of commencing a program of online lottery sales may not be expended until the State Lottery Agency develops and reports on a proposed platform and regulatory structure for a program of online lottery sales. The plan for the program may be developed with the assistance of consulting services procured by the agency. Further, the development of the proposed program shall include efforts to incorporate existing lottery retailers. The agency shall report to the budget committees and to the State Lottery Commission by December 15, 2012, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of this report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted to the budget committees, provided that this appropriation shall be reduced by*

~~\$667,110 and two positions for the implementation of the sales of traditional lottery games over the Internet.~~

~~Further provided that no portion of the appropriation may be expended for the implementation of the sales of traditional lottery games over the Internet~~

54,341,759

E75D00.02 Video Lottery Terminal Operations

General Fund Appropriation

72,856,632

Special Fund Appropriation

184,745,750

257,602,382

SUMMARY

Total General Fund Appropriation

72,856,632

Total Special Fund Appropriation

239,087,509

Total Appropriation

311,944,141

PROPERTY TAX ASSESSMENT APPEALS BOARDS

E80E00.01 Property Tax Assessment Appeals Boards

General Fund Appropriation

981,233

DEPARTMENT OF BUDGET AND MANAGEMENT

OFFICE OF THE SECRETARY

F10A01.01 Executive Direction	
General Fund Appropriation	1,440,636

Funds are appropriated in other agency budgets and funds will be transferred from the Employees’ and Retirees’ Health Insurance Non–Budgeted Fund Accounts to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A01.02 Division of Finance and Administration	
General Fund Appropriation	1,468,087

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A01.03 Central Collection Unit	
Special Fund Appropriation	12,818,448

F10A01.04 Division of Procurement Policy and Administration	
General Fund Appropriation	2,100,047

SUMMARY

Total General Fund Appropriation	5,008,770
Total Special Fund Appropriation	12,818,448
	<hr/>
Total Appropriation	17,827,218
	<hr/> <hr/>

OFFICE OF PERSONNEL SERVICES AND BENEFITS

F10A02.01 Executive Direction	
General Fund Appropriation	1,690,329

Funds will be transferred from the Employees' and Retirees' Health Insurance Non-Budgeted Fund Accounts to pay for administration services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A02.02 Division of Employee Benefits

Funds will be transferred from the Employees' and Retirees' Health Insurance Non-Budgeted Fund Accounts to pay for administration services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A02.04 Division of Personnel Services

General Fund Appropriation 759,120

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A02.06 Division of Classification and Salary

General Fund Appropriation 2,032,488

F10A02.07 Division of Recruitment and Examination

General Fund Appropriation 1,582,089

F10A02.08 Statewide Expenses

General Fund Appropriation, provided that funds appropriated for employee death benefits, Cost of Living Adjustments (COLA), Annual Salary Reviews, and reinvestment savings for teacher's retirement may be transferred to programs of other State agencies 34,402,169

Special Fund Appropriation, provided that funds appropriated for Cost of Living

Adjustments (COLA) and Annual Salary Reviews may be transferred to programs of other State agencies	8,079,570	
Federal Fund Appropriation, provided that funds appropriated for Cost of Living Adjustments (COLA) and Annual Salary Reviews may be transferred to programs of other State agencies	5,230,885	47,712,624
	<hr/>	

SUMMARY

Total General Fund Appropriation	40,466,195	
Total Special Fund Appropriation	8,079,570	
Total Federal Fund Appropriation	5,230,885	
		<hr/>
Total Appropriation		53,776,650
		<hr/> <hr/>

OFFICE OF BUDGET ANALYSIS

F10A05.01 Budget Analysis and Formulation		
General Fund Appropriation		2,470,712
		<hr/> <hr/>

OFFICE OF CAPITAL BUDGETING

F10A06.01 Capital Budget Analysis and Formulation		
General Fund Appropriation		925,884
		<hr/> <hr/>

DEPARTMENT OF INFORMATION TECHNOLOGY

MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT FUND

F50A01.01 Major Information Technology Development Project Fund		
General Fund Appropriation, provided that funds appropriated herein for Major Information Technology Development projects may be transferred to programs of the respective financial agencies	33,602,355	
	<u>29,127,355</u>	
Special Fund Appropriation, provided that funds appropriated herein for Major		

Information Technology Development projects may be transferred to programs of the respective financial agencies	6,290,804	30,803,159
		<u>35,418,159</u>

OFFICE OF INFORMATION TECHNOLOGY

F50B04.01 State Chief of Information Technology		
General Fund Appropriation	2,312,233	
Special Fund Appropriation	18,561	2,330,794

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.02 Enterprise Information Systems		
General Fund Appropriation		3,046,297

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.03 Application Systems Management		
General Fund Appropriation		5,401,958

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.04 Networks Division		
Special Fund Appropriation		429,442

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special

funds for operating expenses in this program.

F50B04.05 Strategic Planning
 General Fund Appropriation 1,768,349

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.06 Major Information Technology Development Projects
 Special Fund Appropriation 6,162,454

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.07 Web Systems
 General Fund Appropriation 1,439,742

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.09 Telecommunications Access of Maryland
 Special Fund Appropriation 6,186,610

F50B04.10 Capital Appropriation
 Federal Fund Appropriation 51,678,068

SUMMARY

Total General Fund Appropriation 13,968,579
 Total Special Fund Appropriation 12,797,067
 Total Federal Fund Appropriation 51,678,068

Total Appropriation	78,443,714
	<u><u>78,443,714</u></u>

MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

STATE RETIREMENT AGENCY

G20J01.01 State Retirement Agency

Special Fund Appropriation	3,412,442
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

TEACHERS AND STATE EMPLOYEES SUPPLEMENTAL RETIREMENT PLANS

G50L00.01 Maryland Supplemental Retirement Plan Board and Staff

Special Fund Appropriation	1,499,457
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DEPARTMENT OF GENERAL SERVICES

OFFICE OF THE SECRETARY

H00A01.01 Executive Direction		
General Fund Appropriation		1,391,279
H00A01.02 Administration		
General Fund Appropriation		3,122,331

SUMMARY

Total General Fund Appropriation		4,513,610
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OFFICE OF FACILITIES SECURITY

H00B01.01 Facilities Security		
General Fund Appropriation	7,100,784	
Special Fund Appropriation	82,110	
Federal Fund Appropriation	263,104	7,445,998

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF FACILITIES OPERATION AND MAINTENANCE

H00C01.01 Facilities Operation and Maintenance		
General Fund Appropriation	28,928,778	
Special Fund Appropriation	738,738	
Federal Fund Appropriation	855,958	30,523,474

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

H00C01.04 Saratoga State Center – Capital Appropriation

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

H00C01.05 Reimbursable Lease Management

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

H00C01.07 Parking Facilities

General Fund Appropriation	1,741,172
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SUMMARY

Total General Fund Appropriation	30,669,950
Total Special Fund Appropriation	738,738
Total Federal Fund Appropriation	855,958
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Total Appropriation	32,264,646
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OFFICE OF PROCUREMENT AND LOGISTICS

H00D01.01 Procurement and Logistics

General Fund Appropriation	2,607,886	
Special Fund Appropriation	1,975,176	4,583,062
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF REAL ESTATE

H00E01.01 Real Estate Management

General Fund Appropriation	1,666,588	
Special Fund Appropriation	325,000	1,991,588

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF FACILITIES PLANNING, DESIGN AND CONSTRUCTION

H00G01.01 Facilities Planning, Design and Construction

General Fund Appropriation, provided that the amount appropriated herein for Maryland Environmental Service critical maintenance projects shall be transferred to the appropriate State facility effective July 1, 2012	7,758,607	
Special Fund Appropriation	420,619	8,179,226

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPARTMENT OF TRANSPORTATION

Provided that it is the intent of the General Assembly that projects and funding levels appropriated for capital projects, as well as total estimated project costs within the Consolidated Transportation Program, shall be expended in accordance with the plan approved during the legislative session. The department shall prepare a report to notify the budget committees of the proposed changes in the event the department modifies the program to:

- (1) add a new project to the construction program or development and evaluation program meeting the definition of a “major project” under Section 2-103.1 of the Transportation Article that was not previously contained within a plan reviewed in a prior year by the General Assembly and will result in the need to expend funds in the current budget year; or
- (2) change the scope of a project in the construction program or development and evaluation program meeting the definition of a “major project” under Section 2-103.1 of the Transportation Article that will result in an increase of more than 10% or \$1,000,000, whichever is greater, in the total project costs as reviewed by the General Assembly during a prior session.

For each change, the report shall identify the project title, justification for adding the new project or modifying the scope of the existing project, current year funding levels, and the total project cost as approved by the General Assembly during the prior session compared with the

proposed current year funding and total project cost estimate resulting from the project addition or change in scope.

Further provided that notification of project additions, as outlined in paragraph (1) above; changes in the scope of a project, as outlined in paragraph (2) above; or moving projects from the development and evaluation program to the construction program, shall be made to the General Assembly 45 days prior to the expenditure of funds or the submission of any contract for approval by the Board of Public Works.

The Maryland Department of Transportation (MDOT) may not expend funds on any job or position of employment approved in this budget in excess of 8,732.50 positions and 132.41 contractual full-time equivalents (FTE) paid through special payments payroll (defined as the quotient of the sum of the hours worked by all such employees in the fiscal year divided by 2,080 hours) of the total authorized amount established in the budget for MDOT at any one time during fiscal 2013. The level of contractual FTEs may be exceeded only if MDOT notifies the budget committees of the need and justification for additional contractual personnel due to:

- (1) business growth at the Helen Delich Bentley Port of Baltimore or _____ Baltimore–Washington International Thurgood Marshall Airport that demands additional personnel; or
- (2) emergency needs that must be met (such as transit security or highway maintenance).

The Secretary shall use the authority under Sections 2–101 and 2–102 of the Transportation Article to implement this provision. However, any authorized job or

position to be filled above the regular position ceiling approved by the Board of Public Works shall count against the Rule of 100 imposed by the General Assembly. The establishment of new jobs or positions of employment not authorized in the fiscal 2013 budget shall be subject to Section 7-236 of the State Finance and Procurement Article and the Rule of 100.

It is the intent of the General Assembly that funds dedicated to the Transportation Trust Fund shall be applied to purposes bearing direct relation to the State transportation program, unless directed otherwise by legislation. To implement this intent for the Maryland Department of Transportation (MDOT) in fiscal 2013, no commitment of funds in excess of \$250,000 may be made nor such an amount may be transferred, by budget amendment or otherwise, for any project or purpose not normally arising in connection with the ordinary ongoing operation of MDOT and not contemplated in the approved budget or the last published Consolidated Transportation Program without 45 days of review and comment by the budget committees.

THE SECRETARY'S OFFICE

J00A01.01 Executive Direction

Special Fund Appropriation, ***provided that \$500,000 of this appropriation made for the purpose of administration in the Secretary's Office may not be expended until the agency completes, and submits to the budget committees, a comprehensive review performed by an independent consultant that details potential alternative sites in the Baltimore metropolitan area for the siting of an intermodal freight facility. The review shall include an analysis of the tax and employment impacts that would result from***

construction of an intermodal freight facility in disadvantaged areas, including empowerment zones, enterprise zones and brownfield sites, within Baltimore City or surrounding counties. This review may not be limited by the current CSX criteria for an intermodal freight facility but shall include sites within a mile of existing rail lines. The report shall be submitted by October 1, 2012, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted to the budget committees

26,383,747

J00A01.02 Operating Grants–In–Aid

Special Fund Appropriation, provided that no more than \$4,129,035 of this appropriation may be expended for operating grants–in–aid, except for:

- (1) any additional special funds necessary to match unanticipated federal fund attainments; or
- (2) any proposed increase either to provide funds for a new grantee or to expand funds for an existing grantee; and

Further provided that no expenditures in excess of \$4,129,035 may occur unless the department provides notification to the budget committees to justify the need for additional expenditures due to either provision (1) or (2) above, and the committees provide review and comment or 45 days elapse from the date such notification is provided to the committees

	4,129,035	
Federal Fund Appropriation	9,300,355	13,429,390

J00A01.03 Facilities and Capital Equipment

Special Fund Appropriation, provided that no funds may be expended by the Secretary’s Office for any system preservation or minor project with a total project cost in excess of \$500,000 that is not currently included in the fiscal 2012–2017 Consolidated Transportation Program except as outlined below:

(1) the Secretary shall notify the budget committees of any proposed system preservation or minor project with a total project cost in excess of \$500,000, including the need and justification for the project, and its total cost; and

(2) the budget committees shall have 45 days to review and comment upon the proposed system preservation or minor project

	48,847,965	
Federal Fund Appropriation	20,000,000	68,847,965

J00A01.04 Washington Metropolitan Area Transit – Operating Special Fund Appropriation		262,688,210
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J00A01.05 Washington Metropolitan Area Transit – Capital Special Fund Appropriation		145,956,000
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J00A01.07 Office of Transportation Technology Services Special Fund Appropriation		39,563,790
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SUMMARY

Total Special Fund Appropriation		527,568,747
Total Federal Fund Appropriation		29,300,355

Total Appropriation		556,869,102
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DEBT SERVICE REQUIREMENTS

Consolidated Transportation Bonds may be issued in any amount provided that the aggregate outstanding and unpaid balance of these bonds and bonds of prior issues may not exceed \$1,913,290,000 as of June 30, 2013. Further provided that the amount paid for debt service shall be reduced by any proceeds generated from net bond sale premiums, provided that those revenues are recognized by the department and reflected in the Transportation Trust Fund forecast.

The total aggregate outstanding and unpaid principal balance of nontraditional debt, defined as any debt instrument that is not a Consolidated Transportation Bond or a Grant Anticipation Revenue Vehicle bond issued by the Maryland Department of Transportation (MDOT), may not exceed \$889,785,000 as of June 30, 2013. Provided, however, that in addition to the limit established under this provision, MDOT may increase the aggregate outstanding unpaid and principal balance of nontraditional debt so long as:

- (1) MDOT provides notice to the Senate Budget and Taxation Committee and the House Appropriations Committee stating the specific reason for the additional issuance and providing specific information regarding the proposed issuance, including information specifying the total amount of nontraditional debt that would be outstanding on June 30, 2013, and the total amount by which the fiscal 2013 debt service payment for all nontraditional debt would increase following the additional issuance; and

(2) the Senate Budget and Taxation Committee and the House Appropriations Committee have 45 days to review and comment on the proposed additional issuance before the publication of a preliminary official statement. The Senate Budget and Taxation Committee and the House Appropriations Committee may hold a public hearing to discuss the proposed increase and shall signal their intent to hold a hearing within 45 days of receiving notice from MDOT.

The Maryland Department of Transportation (MDOT) shall submit with its annual September and January financial forecasts information on (1) anticipated and actual nontraditional debt outstanding as of June 30 of each year; and (2) anticipated and actual debt service payments for each outstanding nontraditional debt issuance from fiscal 2012 through 2023. Nontraditional debt is defined as any debt instrument that is not a Consolidated Transportation Bond or a Grant Anticipation Revenue Vehicle bond; such debt includes, but is not limited to, Certificates of Participation, debt backed by customer facility charges, passenger facility charges, or other revenues, and debt issued by the Maryland Economic Development Corporation or any other third party on behalf of MDOT.

J00A04.01 Debt Service Requirements
Special Fund Appropriation

191,915,100

STATE HIGHWAY ADMINISTRATION

J00B01.01 State System Construction and
Equipment
Special Fund Appropriation

339,306,000

Federal Fund Appropriation	512,813,000	852,119,000
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J00B01.02 State System Maintenance		
Special Fund Appropriation	199,612,240	
	197,760,537	
Federal Fund Appropriation	7,323,144	206,935,384
		<u>205,083,681</u>
	<hr/>	
J00B01.03 County and Municipality Capital Funds		
Special Fund Appropriation	4,875,000	
Federal Fund Appropriation	51,880,000	56,755,000
	<hr/>	
J00B01.04 Highway Safety Operating Program		
Special Fund Appropriation	5,831,433	
Federal Fund Appropriation	3,828,829	9,660,262
	<hr/>	
J00B01.05 County and Municipality Funds		
Special Fund Appropriation		162,984,600
J00B01.08 Major Information Technology Development Projects		
Special Fund Appropriation	2,376,000	
Federal Fund Appropriation	4,400,000	6,776,000
	<hr/>	
SUMMARY		
Total Special Fund Appropriation		713,133,570
Total Federal Fund Appropriation		580,244,973
		<hr/>
Total Appropriation		1,293,378,543
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MARYLAND PORT ADMINISTRATION

J00D00.01 Port Operations		
Special Fund Appropriation		46,585,011
J00D00.02 Port Facilities and Capital Equipment		
Special Fund Appropriation	99,944,000	
Federal Fund Appropriation	700,000	100,644,000
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SUMMARY

Total Special Fund Appropriation		146,529,011
Total Federal Fund Appropriation		700,000
		<hr/>
Total Appropriation		147,229,011
		<hr/> <hr/>

MOTOR VEHICLE ADMINISTRATION

J00E00.01 Motor Vehicle Operations			
Special Fund Appropriation	162,328,799		
Federal Fund Appropriation	176,500	162,505,299	
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J00E00.03 Facilities and Capital Equipment			
Special Fund Appropriation	21,771,080		
Federal Fund Appropriation	354,000	22,125,080	
		<hr/>	
J00E00.04 Maryland Highway Safety Office			
Special Fund Appropriation	866,854		
Federal Fund Appropriation	7,354,789	8,221,643	
		<hr/>	
J00E00.08 Major Information Technology Development Projects			
Special Fund Appropriation		2,036,000	

SUMMARY

Total Special Fund Appropriation		187,002,733
Total Federal Fund Appropriation		7,885,289
		<hr/>
Total Appropriation		194,888,022
		<hr/> <hr/>

MARYLAND TRANSIT ADMINISTRATION

It is the intent of the General Assembly that the Maryland Transit Administration (MTA) shall provide all recent information regarding agreements with other State bargaining units relating to wages, health

insurance, and pension benefit changes in its upcoming negotiations. Furthermore, during the negotiation, MTA shall negotiate for an employee contribution to the pension system and that wage increases not exceed those provided to other State employees.

J00H01.01 Transit Administration			
Special Fund Appropriation			51,435,658
J00H01.02 Bus Operations			
Special Fund Appropriation	264,381,718		
Federal Fund Appropriation	30,278,599		294,660,317
		<hr/>	
J00H01.04 Rail Operations			
Special Fund Appropriation	208,922,260		
Federal Fund Appropriation	15,344,851		224,267,111
		<hr/>	
J00H01.05 Facilities and Capital Equipment			
Special Fund Appropriation	219,148,272		
Federal Fund Appropriation	225,312,000		444,460,272
		<hr/>	
J00H01.06 Statewide Programs Operations			
Special Fund Appropriation	76,583,079		
Federal Fund Appropriation	11,111,196		87,694,275
		<hr/>	
J00H01.08 Major Information Technology Development Projects			
Special Fund Appropriation			1,850,000

SUMMARY

Total Special Fund Appropriation			822,320,987
Total Federal Fund Appropriation			282,046,646
		<hr/>	
Total Appropriation			1,104,367,633
		<hr/> <hr/>	

MARYLAND AVIATION ADMINISTRATION

J00I00.02 Airport Operations

Special Fund Appropriation	175,702,313	
Federal Fund Appropriation	656,191	176,358,504
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J00I00.03 Airport Facilities and Capital Equipment		
Special Fund Appropriation	43,922,000	
Federal Fund Appropriation	23,571,000	67,493,000
	<hr/>	
J00I00.08 Major Information Technology Development Projects		
Special Fund Appropriation		3,913,000
SUMMARY		
Total Special Fund Appropriation		223,537,313
Total Federal Fund Appropriation		24,227,191
		<hr/>
Total Appropriation		247,764,504
		<hr/> <hr/>

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE SECRETARY

K00A01.01 Secretariat		
General Fund Appropriation	138,139	
Special Fund Appropriation	1,257,333	
Federal Fund Appropriation	106,400	1,501,872
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K00A01.02 Office of the Attorney General		
General Fund Appropriation	627,037	
Special Fund Appropriation	981,386	1,608,423
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K00A01.03 Finance and Administrative Service		
General Fund Appropriation	2,566,746	
Special Fund Appropriation	2,445,082	
Federal Fund Appropriation	159,692	5,171,520
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K00A01.04 Human Resource Service		
General Fund Appropriation	150,728	
Special Fund Appropriation	446,693	
Federal Fund Appropriation	43,400	640,821
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K00A01.05 Information Technology Service		
General Fund Appropriation	1,907,077	
Special Fund Appropriation	3,184,894	
Federal Fund Appropriation	121,200	5,213,171
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K00A01.06 Office of Communications and Marketing		
General Fund Appropriation	261,060	
Special Fund Appropriation	432,866	693,926
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SUMMARY

Total General Fund Appropriation		5,650,787
Total Special Fund Appropriation		8,748,254
Total Federal Fund Appropriation		430,692
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Total Appropriation		14,829,733

FOREST SERVICE

K00A02.09 Forest Service

General Fund Appropriation	821,318	
Special Fund Appropriation	9,889,788	
Federal Fund Appropriation	1,468,167	12,179,273
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Funds are appropriated in other units of the Department of Natural Resources budget and other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

WILDLIFE AND HERITAGE SERVICE

K00A03.01 Wildlife and Heritage Service

General Fund Appropriation	333,123	
Special Fund Appropriation	6,018,364	
Federal Fund Appropriation	2,920,373	9,271,860
	<hr/>	<hr/> <hr/>

Funds are appropriated in other units of the Department of Natural Resources budget and other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MARYLAND PARK SERVICE

K00A04.01 Statewide Operation

General Fund Appropriation	497,805	
Special Fund Appropriation	31,078,117	
Federal Fund Appropriation	712,728	32,288,650
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Funds are appropriated in other units of the Department of Natural Resources budget and other agency budgets to pay for services provided by this program. Authorization is hereby granted to use

these receipts as special funds for operating expenses in this program.

K00A04.06 Revenue Operations	
Special Fund Appropriation	1,900,017

SUMMARY

Total General Fund Appropriation	497,805
Total Special Fund Appropriation	32,978,134
Total Federal Fund Appropriation	712,728
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Total Appropriation	34,188,667
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LAND ACQUISITION AND PLANNING

K00A05.05 Land Acquisition and Planning	
Special Fund Appropriation	4,097,937

K00A05.10 Outdoor Recreation Land Loan	
Special Fund Appropriation	52,966,882

Provided that of the Special Fund Allowance, \$39,402,066 represents that share of Program Open Space Revenues available for State projects and \$13,564,816 represents that share of Program Open Space Revenues available for local programs. These amounts may be used for any State projects or local share authorized in Chapter 403, Laws of Maryland, 1969 as amended, or in Chapter 81, Laws of Maryland, 1984; Chapter 106, Laws of Maryland, 1985; Chapter 109, Laws of Maryland, 1986; Chapter 121, Laws of Maryland, 1987; Chapter 10, Laws of Maryland, 1988; Chapter 14, Laws of Maryland, 1989; Chapter 409, Laws of Maryland, 1990; Chapter 3, Laws of Maryland, 1991; Chapter 4, 1st Special Session, Laws of Maryland, 1992; Chapter 204, Laws of Maryland, 1993; Chapter 8, Laws of Maryland, 1994; Chapter 7, Laws of Maryland, 1995; Chapter 13, Laws of

Maryland, 1996; Chapter 3, Laws of Maryland, 1997; Chapter 109, Laws of Maryland, 1998; Chapter 118, Laws of Maryland, 1999; Chapter 204, Laws of Maryland, 2000; Chapter 102, Laws of Maryland, 2001; Chapter 290, Laws of Maryland, 2002; Chapter 204, Laws of Maryland, 2003; Chapter 432, Laws of Maryland, 2004; Chapter 445, Laws of Maryland, 2005; Chapter 46, Laws of Maryland, 2006; Chapter 488, Laws of Maryland, 2007; Chapter 336, Laws of Maryland, 2008; Chapter 485, Laws of Maryland, 2009; Chapter 483, Laws of Maryland, 2010; Chapter 396, Laws of Maryland, 2011; and for any of the following State and Local Projects.

Allowance, Local Projects	\$13,564,816	
Land Acquisitions	\$16,714,305	
Department of Natural Resources Capital Improvements:		
Natural Resource		
Development Fund	\$4,161,061	
Critical Maintenance		
Program	\$4,000,000	
Subtotal	\$8,161,061	
Heritage Conservation Fund	\$1,727,656	
Rural Legacy	\$12,799,044	
Allowance, State Projects	\$39,402,066	
Federal Fund Appropriation		3,000,000
		55,966,882

Notwithstanding the appropriations above, the Special Fund appropriation for the Outdoor Recreation Land Loan shall be reduced by \$49,249,882 contingent on the enactment of legislation crediting \$49,249,882 of the transfer tax revenues to the General Fund. The reduction shall be distributed in the following

manner:

Program Open Space – State Acquisition	\$14,724,961
Program Open Space – Local Share	\$13,564,816
Program Open Space – Capital Improvements	\$8,161,061
Rural Legacy	\$12,799,044
Total	\$49,249,882

SUMMARY

Total Special Fund Appropriation	57,064,819
Total Federal Fund Appropriation	3,000,000
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Total Appropriation	60,064,819
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LICENSING AND REGISTRATION SERVICE

K00A06.01 General Direction Special Fund Appropriation	3,530,895
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NATURAL RESOURCES POLICE

K00A07.01 General Direction General Fund Appropriation	4,845,588	
Special Fund Appropriation	2,224,498	
Federal Fund Appropriation	1,868,008	8,938,094
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A07.04 Field Operations General Fund Appropriation	19,147,747	
Special Fund Appropriation	7,401,272	
Federal Fund Appropriation	2,346,857	28,895,876
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	23,993,335
Total Special Fund Appropriation	9,625,770
Total Federal Fund Appropriation	4,214,865
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Total Appropriation	37,833,970
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ENGINEERING AND CONSTRUCTION

K00A09.01 General Direction Special Fund Appropriation	3,958,391
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Funds are appropriated in other units of the Department of Natural Resources budget and other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A09.06 Ocean City Maintenance Special Fund Appropriation	250,000
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SUMMARY

Total Special Fund Appropriation	4,208,391
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CRITICAL AREA COMMISSION

K00A10.01 Critical Area Commission General Fund Appropriation	1,922,296
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BOATING SERVICES

K00A11.01 Boating Services

Special Fund Appropriation	5,885,907	
Federal Fund Appropriation	498,987	6,384,894

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A11.02 Waterway Improvement Capital Program

Special Fund Appropriation	268,000	
Federal Fund Appropriation	600,000	868,000

SUMMARY

Total Special Fund Appropriation		6,153,907
Total Federal Fund Appropriation		1,098,987

Total Appropriation		7,252,894
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RESOURCE ASSESSMENT SERVICE

K00A12.05 Power Plant Assessment Program

Special Fund Appropriation		6,817,458
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K00A12.06 Monitoring and Ecosystem Assessment

General Fund Appropriation	2,257,895	
Special Fund Appropriation	2,432,568	
Federal Fund Appropriation	1,204,311	5,894,774

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A12.07 Maryland Geological Survey

General Fund Appropriation	1,005,929	
Special Fund Appropriation	495,129	
Federal Fund Appropriation	102,867	1,603,925

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	3,263,824
Total Special Fund Appropriation	9,745,155
Total Federal Fund Appropriation	1,307,178

Total Appropriation	14,316,157
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MARYLAND ENVIRONMENTAL TRUST

K00A13.01 General Direction

General Fund Appropriation	488,554	
Special Fund Appropriation	63,603	552,157

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

WATERSHED SERVICES

K00A14.02 Watershed Services

General Fund Appropriation	2,341,498
Special Fund Appropriation, provided that this appropriation shall be reduced by \$8,000,000 contingent upon the enactment of legislation to allocate Chesapeake Bay	

2010 Trust Fund revenue to the General Fund	33,814,355	
Federal Fund Appropriation	7,317,615	43,473,468
	<hr/>	<hr/> <hr/>

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

FISHERIES SERVICE

K00A17.01 Fisheries Services		
General Fund Appropriation	4,397,460	
Special Fund Appropriation	8,378,516	
Federal Fund Appropriation	9,465,045	22,241,021
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

L00A11.01 Executive Direction		
General Fund Appropriation		2,619,687
L00A11.02 Administrative Services		
General Fund Appropriation		1,413,912
L00A11.03 Central Services		
General Fund Appropriation	796,967	
Federal Fund Appropriation	300,000	1,096,967
<hr/>		
<p>Funds are appropriated in other units of the Department of Agriculture budget to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
L00A11.04 Maryland Agricultural Commission		
General Fund Appropriation		80,700
L00A11.05 Maryland Agricultural Land Preservation Foundation		
Special Fund Appropriation		1,702,529
L00A11.11 Capital Appropriation		
Special Fund Appropriation, provided that this appropriation shall be reduced by \$16,253,258 contingent upon the enactment of legislation crediting transfer tax revenues to the General Fund		25,003,258

SUMMARY

Total General Fund Appropriation		4,911,266
Total Special Fund Appropriation		26,705,787
Total Federal Fund Appropriation		300,000
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Total Appropriation		31,917,053
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OFFICE OF MARKETING, ANIMAL INDUSTRIES, AND CONSUMER SERVICES

L00A12.01 Office of the Assistant Secretary			
General Fund Appropriation			191,627
L00A12.02 Weights and Measures			
General Fund Appropriation	413,969		
Special Fund Appropriation	1,481,346		1,895,315
		<hr/>	
L00A12.03 Food Quality Assurance			
General Fund Appropriation	146,099		
Special Fund Appropriation	1,549,009		
Federal Fund Appropriation	224,813		1,919,921
		<hr/>	
L00A12.04 Maryland Agricultural Statistics Services			
General Fund Appropriation	28,000		
Federal Fund Appropriation	16,000		44,000
		<hr/>	
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>			
L00A12.05 Animal Health			
General Fund Appropriation	2,152,267		
Special Fund Appropriation	427,080		
Federal Fund Appropriation	315,565		2,894,912
		<hr/>	
L00A12.07 State Board of Veterinary Medical Examiners			
Special Fund Appropriation			551,552
L00A12.08 Maryland Horse Industry Board			
Special Fund Appropriation			346,990
L00A12.10 Marketing and Agriculture Development			
General Fund Appropriation	560,585		
Special Fund Appropriation	4,338,854		
Federal Fund Appropriation	1,722,205		6,621,644
		<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A12.11 Maryland Agricultural Fair Board Special Fund Appropriation	1,460,000
L00A12.13 Tobacco Transition Program Special Fund Appropriation	842,000
L00A12.20 Maryland Agricultural and Resource-Based Industry Development Corporation General Fund Appropriation, provided that this appropriation shall be reduced by \$250,000 contingent upon the enactment of legislation reducing the mandated amount of funds for the Maryland Agricultural and Resource-Based Industry Development Corporation	3,000,000 2,750,000 3,000,000 <u>2,875,000</u>

SUMMARY

Total General Fund Appropriation	6,367,547
Total Special Fund Appropriation	10,996,831
Total Federal Fund Appropriation	2,278,583
	19,642,961
	19,642,961

OFFICE OF PLANT INDUSTRIES AND PEST MANAGEMENT

L00A14.01 Office of the Assistant Secretary General Fund Appropriation			174,292
L00A14.02 Forest Pest Management General Fund Appropriation	1,208,006		
Special Fund Appropriation	166,384		
Federal Fund Appropriation	131,084	1,505,474	

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L00A14.03 Mosquito Control		
General Fund Appropriation	955,070	
Special Fund Appropriation	1,560,796	2,515,866
<hr/>		
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
L00A14.04 Pesticide Regulation		
Special Fund Appropriation	743,755	
Federal Fund Appropriation	290,516	1,034,271
<hr/>		
L00A14.05 Plant Protection and Weed Management		
General Fund Appropriation	1,008,309	
Special Fund Appropriation	232,268	
Federal Fund Appropriation	546,387	1,786,964
<hr/>		
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
L00A14.06 Turf and Seed		
General Fund Appropriation	732,150	
Special Fund Appropriation	262,371	994,521
<hr/>		
L00A14.09 State Chemist		
Special Fund Appropriation	2,233,358	
Federal Fund Appropriation	177,738	2,411,096
<hr/>		

Funds are appropriated in other units of the Department of Agriculture budget and in other agency budgets to pay for services provided by this program. Authorization is

hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	4,077,827
Total Special Fund Appropriation	5,198,932
Total Federal Fund Appropriation	1,145,725
<hr/>	
Total Appropriation	10,422,484
<hr/> <hr/>	

OFFICE OF RESOURCE CONSERVATION

L00A15.01 Office of the Assistant Secretary	
General Fund Appropriation	286,109
L00A15.02 Program Planning and Development	
General Fund Appropriation	373,376

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A15.03 Resource Conservation Operations
 General Fund Appropriation, ~~provided that \$500,000 of this appropriation for the Maryland Department of Agriculture (MDA), made for the purpose of general operating expenses, may not be expended until MDA provides a report on soil conservation district field personnel position counts and funding for the fiscal 2012 actual, fiscal 2013 working appropriation, and fiscal 2014 allowance. The scope of the report is as follows:~~

- ~~(1) the number of vacant and filled contractual and regular soil conservation district field personnel positions (defined as soil conservation planner, soil~~

~~conservation associated, and soil conservation engineering technician positions); and~~

~~(2) the number of soil conservation district field personnel positions funded with grant funding; and~~

~~(3) the amount of funding budgeted by fund type and particular fund source for regular positions and positions funded with grant funding in terms of both expenses directly attributable to field personnel and, separately, operating expenses indirectly associated with field personnel.~~

~~The report shall be submitted in conjunction with submission of the fiscal 2014 budget, and annually thereafter, and the budget committees shall have 45 days to review and comment following receipt of the report. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees~~

Special Fund Appropriation	8,750,150	
Special Fund Appropriation	452,985	
Federal Fund Appropriation	959,621	10,162,756
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program. Authorization to expend reimbursable funds received from the Department of Natural Resources from the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund is reduced by \$716,587. A budget amendment may be processed to bring in an appropriation once the final allocation is determined.

L00A15.04 Resource Conservation Grants

General Fund Appropriation	824,820	
Special Fund Appropriation	6,272,708	7,097,528

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A15.06 Nutrient Management

General Fund Appropriation		1,459,905
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		11,694,360
Total Special Fund Appropriation		6,725,693
Total Federal Fund Appropriation		959,621

Total Appropriation		19,379,674
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DEPARTMENT OF HEALTH AND MENTAL HYGIENE

OFFICE OF THE SECRETARY

M00A01.01 Executive Direction

General Fund Appropriation	9,668,673	
Special Fund Appropriation	2,000	
Federal Fund Appropriation	1,985,090	11,655,763

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00A01.02 Operations

General Fund Appropriation	16,913,565	
	<u>16,860,027</u>	
Federal Fund Appropriation	12,746,020	29,659,585
		<u>29,606,047</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00A01.08 Major Information Technology

Development Projects		
Federal Fund Appropriation		250,000

SUMMARY

Total General Fund Appropriation	26,528,700	
Total Special Fund Appropriation	2,000	
Total Federal Fund Appropriation		14,981,110

Total Appropriation		<u>41,511,810</u>
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REGULATORY SERVICES

M00B01.03 Office of Health Care Quality

General Fund Appropriation	10,410,094	
Special Fund Appropriation	145,752	
Federal Fund Appropriation	6,864,644	17,420,490

M00B01.04 Health Professionals Boards and Commission

General Fund Appropriation	389,166	
	<u>387,319</u>	
Special Fund Appropriation	12,875,102	13,264,358
	<u>12,784,380</u>	<u>13,171,699</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00B01.05 Board of Nursing

Special Fund Appropriation		7,971,806
		<u>7,851,015</u>

M00B01.06 Maryland Board of Physicians

Special Fund Appropriation, <u>provided that \$1,000,000 of this appropriation made for the purpose of the Board of Physicians may not be expended until the Department of Health and Mental Hygiene promulgates in regulations sanctioning guidelines for physicians and allied health professionals, as required by Chapters 533 and 534 of 2010, and reports to the budget committees that sanctioning guidelines have been approved by the Joint Committee on Administrative, Executive, and Legislative Review. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted to the budget committees</u>		8,771,211
		<u>8,741,661</u>

SUMMARY

Total General Fund Appropriation		10,797,413
Total Special Fund Appropriation		29,522,808
Total Federal Fund Appropriation		6,864,644
		<hr/>
Total Appropriation		47,184,865
		<hr/> <hr/>

DEPUTY SECRETARY FOR PUBLIC HEALTH SERVICES

M00F01.01 Executive Direction

General Fund Appropriation	4,838,677	
Special Fund Appropriation	410,000	
Federal Fund Appropriation	1,000,968	6,249,645
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

INFECTIOUS DISEASE AND ENVIRONMENTAL HEALTH ADMINISTRATION

M00F02.03 Infectious Disease and Environmental Health Services

General Fund Appropriation	9,901,935	
Special Fund Appropriation	51,161,406	
Federal Fund Appropriation	64,130,531	125,193,872
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00F02.07 Core Public Health Services

General Fund Appropriation, provided that \$1,894,001 of this appropriation shall be reduced contingent upon enactment of legislation reducing funding for Core Public Health Services	30,177,485	
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	<u>37,283,484</u>	
Federal Fund Appropriation	4,493,000	43,670,485
		<u>41,776,484</u>

SUMMARY

Total General Fund Appropriation		47,185,419
Total Special Fund Appropriation		51,161,406
Total Federal Fund Appropriation		68,623,531
		<hr/>
Total Appropriation		166,970,356
		<hr/> <hr/>

FAMILY HEALTH ADMINISTRATION

M00F03.02 Family Health Services and Primary Care

General Fund Appropriation, provided that \$15,000,000 of this appropriation may be spent only to provide a grant to Prince George’s Hospital or the Prince George’s County Health System, as appropriate	33,007,140	
Special Fund Appropriation	57,346	
Federal Fund Appropriation	130,227,990	163,292,476
		<hr/>

M00F03.06 Prevention and Disease Control

General Fund Appropriation	11,152,185	
Special Fund Appropriation, provided that this appropriation shall be reduced by \$14,688,143 contingent upon the enactment of legislation reducing funding from the Cigarette Restitution Fund	48,318,254	
	<u>37,030,111</u>	
Federal Fund Appropriation	14,315,648	73,786,087
		<u>62,497,944</u>
		<hr/>

SUMMARY

Total General Fund Appropriation		44,159,325
Total Special Fund Appropriation		37,087,457
Total Federal Fund Appropriation		144,543,638
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Total Appropriation		225,790,420
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OFFICE OF THE CHIEF MEDICAL EXAMINER

M00F05.01 Post Mortem Examining Services

General Fund Appropriation	10,133,938	
Federal Fund Appropriation	206,469	10,340,407

OFFICE OF PREPAREDNESS AND RESPONSE

M00F06.01 Office of Preparedness and Response

Federal Fund Appropriation		15,829,937
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WESTERN MARYLAND CENTER

M00I03.01 Services and Institutional Operations

General Fund Appropriation	22,702,933	
Special Fund Appropriation	1,169,960	23,872,893

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEER'S HEAD CENTER

M00I04.01 Services and Institutional Operations

General Fund Appropriation	19,010,789	
Special Fund Appropriation	2,978,314	21,989,103

LABORATORIES ADMINISTRATION

M00J02.01 Laboratory Services

General Fund Appropriation	18,338,390	
Special Fund Appropriation	507,615	
Federal Fund Appropriation	2,894,863	21,740,868

Funds are appropriated in other agency budgets to pay for services provided by

this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPUTY SECRETARY FOR BEHAVIORAL HEALTH AND DISABILITIES

M00K01.01 Executive Direction

General Fund Appropriation		1,957,638
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

ALCOHOL AND DRUG ABUSE ADMINISTRATION

M00K02.01 Alcohol and Drug Abuse Administration

General Fund Appropriation	87,875,851	
	<u>87,719,436</u>	
Special Fund Appropriation	24,813,876	
Federal Fund Appropriation	39,791,046	152,480,773
	<u>39,739,542</u>	<u>152,272,854</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MENTAL HYGIENE ADMINISTRATION

M00L01.01 Program Direction

General Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of executive direction may not be expended until the Mental Hygiene Administration submits a report on the State's public and private residential treatment centers to the House Health and Government Operations Committee,

the Senate Finance Committee, and the budget committees that details:

- (1) vacancy trends and program capacity by bed type;
- (2) referral trends, including patient acuity levels;
- (3) a review of medical necessity criteria, denials by the Administrative Services Organization, client re-entry into residential treatment center level of care, and the impact of these policies on children and families served;
- (4) a comparative analysis of costs and the adequacy of current per diem rates;
- (5) an examination of current outcome measurement procedures and recommendations to develop and report uniform outcome measures; and
- (6) an analysis of how well the current residential treatment center system meets the needs of Maryland's children (including those in the juvenile justice system and any barriers that exist to meet any identified unmet needs).

The report shall be submitted by November 1, 2012, and the ~~budget~~ committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the ~~budget~~ committees.

Further provided that \$100,000 of the

appropriation made for the purpose of executive direction may not be expended until the Department of Health and Mental Hygiene submits to the budget committees, by January 1, 2013:

- (1) A facility program document for the replacement of the existing inpatient capacity at Spring Grove Hospital Center, including anticipated facility size and location;
- (2) In consultation with the Department of General Services, the development of a public-private partnership request for information document for the redevelopment of the Spring Grove Hospital Center including, if determined appropriate by a facility program document, the financing of new State-operated inpatient psychiatric capacity;
- (3) A plan to facilitate the utilization of the property identified as Plot K in the December 2011 Spring Grove Hospital Center Redevelopment Plan developed by the Maryland Economic Development Corporation and Department of Health and Mental Hygiene for recreational space through the Baltimore County Recreation and Parks program; and
- (4) Detail on how the Mental Hygiene Community-Based Services Fund can be utilized to accelerate the development of

community capacity in order to reduce demand for State-operated inpatient psychiatric capacity.

The budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of the requested information may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the requested information is not submitted to the budget committees

	6,603,189	
	6,453,189	
Federal Fund Appropriation	2,342,832	8,946,021
		<u>8,796,021</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00L01.02 Community Services

General Fund Appropriation, provided that \$6,247,276 of this appropriation shall be reduced contingent upon the enactment of legislation authorizing the use of revenue from a nonprofit health service plan for this purpose.

Further provided that \$1,000,000 in funding in this budget for the purpose of providing transitional housing assistance may be expended only to support individuals with a primary diagnosis of serious mental illness

	73,978,661	
	71,878,661	
	<u>72,978,661</u>	
Special Fund Appropriation	158,605	
Federal Fund Appropriation	31,313,872	105,451,138
		103,351,138
		<u>104,451,138</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00L01.03 Community Services for Medicaid Recipients		
General Fund Appropriation	356,480,774	
Special Fund Appropriation	11,114,687	
Federal Fund Appropriation	319,982,773	687,578,234
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SUMMARY

Total General Fund Appropriation		435,912,624
Total Special Fund Appropriation		11,273,292
Total Federal Fund Appropriation		353,639,477
		<hr/>
Total Appropriation		800,825,393
		<hr/> <hr/>

WALTER P. CARTER COMMUNITY MENTAL HEALTH CENTER

M00L03.01 Services and Institutional Operations		
General Fund Appropriation		154,377
		<hr/> <hr/>

THOMAS B. FINAN HOSPITAL CENTER

M00L04.01 Services and Institutional Operations		
General Fund Appropriation	16,914,538	
Special Fund Appropriation	1,254,071	18,168,609
	<hr/>	<hr/> <hr/>

REGIONAL INSTITUTE FOR CHILDREN AND ADOLESCENTS – BALTIMORE

M00L05.01 Services and Institutional Operations		
General Fund Appropriation	10,646,021	
Special Fund Appropriation	1,942,666	
Federal Fund Appropriation	73,016	12,661,703
	<hr/>	<hr/> <hr/>

CROWNSVILLE HOSPITAL CENTER

M00L06.01 Services and Institutional Operations		
General Fund Appropriation	594,923	
Special Fund Appropriation	360,033	954,956
	<hr/>	<hr/> <hr/>

EASTERN SHORE HOSPITAL CENTER

M00L07.01 Services and Institutional Operations		
General Fund Appropriation	18,157,294	
Special Fund Appropriation	13,634	18,170,928
	<hr/>	<hr/> <hr/>

SPRINGFIELD HOSPITAL CENTER

M00L08.01 Services and Institutional Operations		
General Fund Appropriation, provided that \$10,509,186 of this appropriation shall be utilized only for Comptroller Objects 0152 (Health Insurance) and 0154 (Retiree Health Insurance) in this program. Any unspent funds shall be credited to the fund as established in accordance with Section 2-516 of the State Personnel and Pensions Article of the Annotated Code of Maryland	69,893,988	
Special Fund Appropriation	251,524	70,145,512
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SPRING GROVE HOSPITAL CENTER

M00L09.01 Services and Institutional Operations		
General Fund Appropriation, provided that \$10,638,262 of this appropriation shall be utilized only for Comptroller Objects 0152 (Health Insurance) and 0154 (Retiree Health Insurance) in this program. Any unspent funds shall be credited to the fund as established in accordance with		

Section 2–516 of the State Personnel and Pensions Article of the Annotated Code of Maryland	73,478,819	
Special Fund Appropriation	2,659,866	
Federal Fund Appropriation	22,251	76,160,936
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

CLIFTON T. PERKINS HOSPITAL CENTER

M00L10.01 Services and Institutional Operations		
General Fund Appropriation	53,654,288	
Special Fund Appropriation	124,488	53,778,776
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

JOHN L. GILDNER REGIONAL INSTITUTE FOR CHILDREN AND ADOLESCENTS

M00L11.01 Services and Institutional Operations		
General Fund Appropriation	9,811,532	
Special Fund Appropriation	110,285	
Federal Fund Appropriation	42,750	9,964,567
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

UPPER SHORE COMMUNITY MENTAL HEALTH CENTER

M00L12.01 Services and Institutional Operations

General Fund Appropriation	471,997	
Special Fund Appropriation	225,777	697,774
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

REGIONAL INSTITUTE FOR CHILDREN AND ADOLESCENTS – SOUTHERN MARYLAND

M00L14.01 Services and Institutional Operations		
General Fund Appropriation		3,303
		<hr/> <hr/>

DEVELOPMENTAL DISABILITIES ADMINISTRATION

M00M01.01 Program Direction

General Fund Appropriation, provided that \$1,000,000 of this appropriation made for the purpose of Program Direction may not be expended until the Department of Health and Mental Hygiene provides a report to the House Health and Government Operations Committee, the Senate Finance Committee, and the budget committees on the department's progress in improving financial oversight within the Developmental Disabilities Administration in order to ensure that funding appropriated to the agency is spent expeditiously, as the number of the individuals on the waiting list continues to be of concern. Specifically, the report shall advise the ~~budget~~ committees of the agency's options to reconfigure its fiscal structure based on the recommendations of an independent consultant. The report shall be submitted by December 1, 2012, and the ~~budget~~ committees shall have 45 days to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other

<u>purpose and shall revert to the General Fund if the report is not submitted to the budget committees</u>	4,415,343	
Federal Fund Appropriation	2,015,049	6,430,392

M00M01.02 Community Services		
General Fund Appropriation	459,095,863	
Special Fund Appropriation	3,435,986	
Federal Fund Appropriation	367,608,813	830,140,662

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		463,511,206
Total Special Fund Appropriation		3,435,986
Total Federal Fund Appropriation		369,623,862
Total Appropriation		836,571,054

ROSEWOOD CENTER

M00M02.01 Services and Institutional Operations		
General Fund Appropriation	1,236,468	
Special Fund Appropriation	672,351	1,908,819

HOLLY CENTER

M00M05.01 Services and Institutional Operations		
General Fund Appropriation	17,958,947	
Special Fund Appropriation	163,000	18,121,947

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special

funds for operating expenses in this program.

DEVELOPMENTAL DISABILITIES ADMINISTRATION COURT INVOLVED
SERVICE DELIVERY SYSTEM

M00M06.01 Services and Institutional Operations		
General Fund Appropriation		8,287,248

POTOMAC CENTER

M00M07.01 Services and Institutional Operations		
General Fund Appropriation	10,806,357	
Special Fund Appropriation	5,000	10,811,357

JOSEPH D. BRANDENBURG CENTER

M00M09.01 Services and Institutional Operations		
General Fund Appropriation		30,503

MEDICAL CARE PROGRAMS ADMINISTRATION

M00Q01.01 Deputy Secretary for Health Care
Financing

General Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of executive direction may not be expended until the Medical Care Programs Administration submits a report to the budget committees with detail on how three fiscal 2013 cost containment actions have been implemented. Specifically, these cost containment proposals relate to generating savings from altering the funding of uncompensated care, allowing outpatient price tiering, and limiting expenditures on medically needy inpatient care. The report shall be submitted by September 15, 2012, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other

<u>purpose and shall revert to the General Fund if the report is not submitted to the budget committees</u>	1,803,439	
Federal Fund Appropriation	5,976,506	7,779,945
<hr/>		
M00Q01.02 Office of Systems, Operations and Pharmacy		
General Fund Appropriation	6,923,321	
Federal Fund Appropriation	16,038,787	22,962,108
<hr/>		
M00Q01.03 Medical Care Provider Reimbursements		

All appropriations provided for program M00Q01.03 are to be used for the purposes herein appropriated, and there shall be no budgetary transfer to any other program or purpose. Funds not expended for these purposes shall revert to the General Fund or be canceled.

Further provided that \$100,000 of general funds and \$100,000 of federal funds intended for service expenditures in a Chronic Health Home may not be used for that purpose but instead may only be used for planning and design of a Chronic Health Home program. Funds not expended for this restricted purpose shall revert to the General Fund or be canceled. Further provided that, at the same time as the submission of a State Plan Amendment, the Department of Health and Mental Hygiene shall submit a summary of its Chronic Health Home proposal to the budget committees.

Further provided that any part of this appropriation made for the purpose of supporting an increase in hospital inpatient or outpatient rates through the annual update factor developed by the Health Services Cost Review Commission that is not used for that purpose may only be expended to offset

cost containment built into the fiscal 2013 Medical Care Programs Administration Provider Reimbursements budget that negatively impacts the State's Medicare Waiver. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund or be canceled.

General Fund Appropriation, provided that no part of this General Fund appropriation may be paid to any physician or surgeon or any hospital, clinic, or other medical facility for or in connection with the performance of any abortion, except upon certification by a physician or surgeon, based upon his or her professional judgment that the procedure is necessary, provided one of the following conditions exists: where continuation of the pregnancy is likely to result in the death of the woman; or where the woman is a victim of rape, sexual offense, or incest which has been reported to a law enforcement agency or a public health or social agency; or where it can be ascertained by the physician with a reasonable degree of medical certainty that the fetus is affected by genetic defect or serious deformity or abnormality; or where it can be ascertained by the physician with a reasonable degree of medical certainty that termination of pregnancy is medically necessary because there is substantial risk that continuation of the pregnancy could have a serious and adverse effect on the woman's present or future physical health; or before an abortion can be performed on the grounds of mental health there must be certification in writing by the physician or surgeon that in his or her professional judgment there exists medical evidence that continuation of the pregnancy is

creating a serious effect on the woman's present mental health and if carried to term there is a substantial risk of a serious or long lasting effect on the woman's future mental health.

Further provided that ~~this appropriation shall be reduced by \$14,688,143 contingent upon the enactment of legislation reducing funding for other programs supported by the Cigarette Restitution Fund.~~ Authorization is hereby provided to process a Special Fund budget amendment of up to ~~\$14,688,143~~ \$11,288,143 from the Cigarette Restitution Fund to support the Medical Assistance program.

Further provided that ~~\$5,520,840~~ \$6,909,654 of this appropriation shall be reduced contingent upon the enactment of legislation increasing the nursing facility quality assessment.

~~Further provided that \$3,431,947 of this appropriation shall be reduced contingent upon the enactment of legislation creating a medical day care provider assessment.~~

Further provided that \$4,500,000 of this appropriation shall be reduced contingent upon the enactment of legislation authorizing the use of revenue from the Senior Prescription Drug Assistance Program account of the Maryland Health Insurance Plan Fund for this purpose.

~~Further provided that \$2,550,000 of this appropriation made for expenditures on nursing facilities shall be used to expand personal care services contingent upon the enactment of legislation modifying the nursing facility bed hold payment policy to eliminate payments when a nursing home resident is absent due to inpatient hospitalization.~~

Further provided that \$1,300,000 of this appropriation made for expenditures on nursing facilities shall be used to expand personal care services contingent upon the enactment of legislation modifying the nursing facility bed hold payment policy to eliminate payments when a nursing home resident is absent due to inpatient hospitalization. Further provided that \$1,250,000 of this appropriation shall be reduced contingent upon the enactment of legislation modifying the nursing facility bed hold payment policy to eliminate payments when a nursing home resident is absent due to inpatient hospitalization.

Further provided that \$3,000,000 of this appropriation made for the purpose of **Statewide Rural Enrollment Supplemental Payments in calendar year 2013 may not be expended for that purpose and instead may only be used, as determined by the Department of Health and Mental Hygiene, to increase Managed Care Organization rates in such a way that promotes access to care in rural enrollment counties as defined in COMAR 10.09.65.19-3. The Department shall report to the budget committees by October 15, 2012, on how it intends to utilize these funds to promote access to care in rural enrollment counties. The budget committees shall have 45 days to review and comment. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund**

~~2,511,473,437~~
~~2,456,300,130~~
~~2,456,528,130~~
2,475,918,130
899,508,171

Special Fund Appropriation
Federal Fund Appropriation, ~~provided that~~

~~\$2,550,000 of this appropriation made for expenditures on nursing facilities shall be used to expand personal care services contingent upon the enactment of legislation modifying the nursing facility bed hold payment policy to eliminate payments when a nursing home resident is absent due to inpatient hospitalization, provided that \$1,300,000 of this appropriation made for expenditures on nursing facilities shall be used to expand personal care services contingent upon the enactment of legislation modifying the nursing facility bed hold payment policy to eliminate payments when a nursing home resident is absent due to inpatient hospitalization. Further provided that \$1,250,000 of this appropriation shall be reduced contingent upon the enactment of legislation modifying the nursing facility bed hold payment policy to eliminate payments when a nursing home resident is absent due to inpatient hospitalization~~

3,508,170,068	6,919,151,676
3,451,411,265	6,807,219,566
3,449,039,265	6,805,075,566
<u>3,465,029,265</u>	<u>6,840,455,566</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00Q01.04 Office of Health Services

General Fund Appropriation	9,533,862	
Special Fund Appropriation	25,949	
Federal Fund Appropriation	9,865,024	19,424,835

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this

program.

M00Q01.05 Office of Finance

General Fund Appropriation	1,324,157	
Federal Fund Appropriation	1,379,844	2,704,001

M00Q01.06 Kidney Disease Treatment Services

General Fund Appropriation, provided that \$6,598,809 <u>\$2,000,000</u> of this appropriation shall be reduced contingent upon the enactment of legislation authorizing the use of revenue from a nonprofit health service plan <u>the Senior</u> <u>Prescription Drug Assistance Program</u> <u>account of the Maryland Health Insurance</u> <u>Plan Fund</u> for this purpose	8,532,801 <u>3,933,992</u>	
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Special Fund Appropriation	3,382,198	11,914,999 <u>7,316,190</u>
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M00Q01.07 Maryland Children's Health Program

General Fund Appropriation, provided that no part of this General Fund appropriation may be paid to any physician or surgeon or any hospital, clinic, or other medical facility for or in connection with the performance of any abortion, except upon certification by a physician or surgeon, based upon his or her professional judgment that the procedure is necessary, provided one of the following conditions exists: where continuation of the pregnancy is likely to result in the death of the woman; or where the woman is a victim of rape, sexual offense, or incest which has been reported to a law enforcement agency or a public health or social agency; or where it can be ascertained by the physician with a reasonable degree of medical certainty that the fetus is affected by genetic defect or serious deformity or abnormality; or where it can be ascertained by the physician with a reasonable degree of medical certainty that termination of

pregnancy is medically necessary because there is substantial risk that continuation of the pregnancy could have a serious and adverse effect on the woman's present or future physical health; or before an abortion can be performed on the grounds of mental health there must be certification in writing by the physician or surgeon that in his or her professional judgment there exists medical evidence that continuation of the pregnancy is creating a serious effect on the woman's present mental health and if carried to term there is a substantial risk of a serious or long lasting effect on the woman's future mental health

	64,240,990	
	<u>62,040,990</u>	
Special Fund Appropriation	6,519,458	
Federal Fund Appropriation	129,112,549	199,872,997
		<u>197,672,997</u>
<hr/>		
M00Q01.08 Major Information Technology Development Projects		
Federal Fund Appropriation		37,805,483
M00Q01.09 Office of Eligibility Services		
General Fund Appropriation	5,321,531	
Federal Fund Appropriation	6,665,980	11,987,511
		<hr/>

SUMMARY

Total General Fund Appropriation		2,566,799,422
Total Special Fund Appropriation		909,435,776
Total Federal Fund Appropriation		3,671,873,438
		<hr/>
Total Appropriation		7,148,108,636
		<hr/> <hr/>

HEALTH REGULATORY COMMISSIONS

M00R01.01 Maryland Health Care Commission		
Special Fund Appropriation	29,044,172	
	<u>29,001,708</u>	
Federal Fund Appropriation	2,800,000	31,844,172

31,801,708

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00R01.02 Health Services Cost Review Commission
Special Fund Appropriation

126,075,838

M00R01.03 Maryland Community Health Resources Commission

Special Fund Appropriation, provided that \$4,000,000 of this appropriation made for the purpose of funding Health Enterprise Zones is contingent on enactment of SB 234 or HB 439 or other legislation authorizing the designation of Health Enterprise Zones. Further provided that \$3,750,000 of the same appropriation may not be expended until the Maryland Community Health Resources Commission submits a report to the House Health and Government Operations Committee, the Senate Finance Committee, and the budget committees detailing how the funds will be spent. The report shall include, but not be limited to, specifics as to the criteria used in selecting Health Enterprise Zones, how funding is to be allocated, and what outcome measures and/or measurement system will be developed to monitor the progress in the Health Enterprise Zones. The ~~budget~~ committees shall have 45 days to review and comment on the report. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted to the ~~budget~~ committees

7,000,000

SUMMARY

Total Special Fund Appropriation	162,077,546
Total Federal Fund Appropriation	2,800,000
	<hr/>
Total Appropriation	164,877,546
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DEPARTMENT OF HUMAN RESOURCES

OFFICE OF THE SECRETARY

N00A01.01 Office of the Secretary		
General Fund Appropriation	5,542,821	
Federal Fund Appropriation	6,529,302	12,072,123
	<hr/>	
N00A01.02 Citizen's Review Board for Children		
General Fund Appropriation	540,993	
Federal Fund Appropriation	305,478	846,471
	<hr/>	
N00A01.03 Maryland Commission for Women		
General Fund Appropriation		190,229
N00A01.04 Maryland Legal Services Program		
General Fund Appropriation	8,378,547	
Federal Fund Appropriation	4,935,917	13,314,464
	<hr/>	
N00A01.05 Office of Grants Management		
General Fund Appropriation	10,421,090	
Special Fund Appropriation	2,679	
Federal Fund Appropriation	2,694,984	13,118,753
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SUMMARY

Total General Fund Appropriation		25,073,680
Total Special Fund Appropriation		2,679
Total Federal Fund Appropriation		14,465,681
		<hr/>
Total Appropriation		39,542,040
		<hr/> <hr/>

SOCIAL SERVICES ADMINISTRATION

N00B00.04 General Administration – State		
General Fund Appropriation	9,159,769	
Federal Fund Appropriation	17,634,943	26,794,712
	<hr/>	<hr/> <hr/>

OPERATIONS OFFICE

N00E01.01 Division of Budget, Finance, and Personnel		
General Fund Appropriation	13,326,970	
Federal Fund Appropriation	9,066,651	22,393,621
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N00E01.02 Division of Administrative Services		
General Fund Appropriation	3,890,428	
Federal Fund Appropriation	4,750,042	8,640,470
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SUMMARY

Total General Fund Appropriation		17,217,398
Total Federal Fund Appropriation		13,816,693
		<hr/>
Total Appropriation		31,034,091
		<hr/> <hr/>

OFFICE OF TECHNOLOGY FOR HUMAN SERVICES

Provided that no funds appropriated for the purpose of an information technology maintenance or enhancement contract within the Office of Technology for Human Services may be used to support an enhancement or significant redesign, reengineering, or modernization of the system with an estimated cost of at least \$1,000,000 unless the project has received approval of the Department of Information Technology and been identified separately in budget code N00F00.02 Major Information Technology Development Projects.

N00F00.02 Major Information Technology Development Projects		
Federal Fund Appropriation		1,000,000
N00F00.04 General Administration		
General Fund Appropriation	29,667,967	
Special Fund Appropriation	725,769	
Federal Fund Appropriation	37,050,172	67,443,908
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SUMMARY

Total General Fund Appropriation	29,667,967	
Total Special Fund Appropriation	725,769	
Total Federal Fund Appropriation	38,050,172	
		<hr/>
Total Appropriation	68,443,908	<hr/> <hr/>

LOCAL DEPARTMENT OPERATIONS

N00G00.01 Foster Care Maintenance Payments

General Fund Appropriation, provided that funds appropriated herein may be used to develop a broad range of services to assist in returning children with special needs from out-of-state placements, to prevent unnecessary residential or institutional placements within Maryland and to work with local jurisdictions in these regards. Policy decisions regarding the expenditures of such funds shall be made jointly by the Executive Director of the Governor's Office for Children, the Secretaries of Health and Mental Hygiene, Human Resources, Juvenile Services, Budget and Management, and the State Superintendent of Education.

Further provided that these funds are to be used only for the purposes herein appropriated, and there shall be no budgetary transfer to any other program or purpose except that funds may be transferred to program N00G00.03 Child Welfare Services. Funds not expended or transferred shall revert to the General Fund

.....	235,720,817	
Special Fund Appropriation	1,117,907	
Federal Fund Appropriation	79,520,576	316,359,300
		<hr/>

N00G00.02 Local Family Investment Program

General Fund Appropriation	49,808,533
Special Fund Appropriation	2,680,018

Federal Fund Appropriation	89,737,817	142,226,368
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N00G00.03 Child Welfare Services		
General Fund Appropriation, <u>provided that these funds are to be used only for the purposes herein appropriated, and there shall be no budgetary transfer to any other program or purpose except that funds may be transferred to program N00G00.01 Foster Care Maintenance Payments. Funds not expended or transferred shall revert to the General Fund</u>	88,634,498	
Special Fund Appropriation	1,631,043	
Federal Fund Appropriation	121,696,886	211,962,427
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N00G00.04 Adult Services		
General Fund Appropriation	10,544,651	
Special Fund Appropriation	1,560,164	
Federal Fund Appropriation	30,865,831	42,970,646
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N00G00.05 General Administration		
General Fund Appropriation	21,312,720	
Special Fund Appropriation	2,631,723	
Federal Fund Appropriation	17,156,244	41,100,687
	<hr/>	
N00G00.06 Local Child Support Enforcement Administration		
General Fund Appropriation	15,267,748	
Special Fund Appropriation	1,214,786	
	<u>1,114,786</u>	
Federal Fund Appropriation	29,864,635	46,347,169
		<u>46,247,169</u>
	<hr/>	
N00G00.08 Assistance Payments		
General Fund Appropriation	81,725,999	
Special Fund Appropriation	19,399,132	
Federal Fund Appropriation	1,141,898,795	1,243,023,926
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N00G00.10 Work Opportunities		
Federal Fund Appropriation		34,773,962

SUMMARY

Total General Fund Appropriation	503,014,966
Total Special Fund Appropriation	30,134,773
Total Federal Fund Appropriation	1,545,514,746
	<hr/>
Total Appropriation	2,078,664,485
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CHILD SUPPORT ENFORCEMENT ADMINISTRATION

N00H00.08 Support Enforcement – State

General Fund Appropriation, <i>provided that \$100,000 of this appropriation made for the purpose of administrative expenses in the State offices of Child Support Enforcement may not be expended until the Department of Human Resources (DHR) completes all actions planned to resolve audit findings from the fiscal compliance audit released in September 2011. DHR shall submit a report to the budget committees and the Joint Audit Committee by November 15, 2012, on the date each planned action was completed. The Office of Legislative Audits (OLA) shall review actions completed by DHR prior to the submission of the report to the budget committees and Joint Audit Committee and comment on whether the actions are sufficient to correct the audit findings. The budget committees shall have 45 days to review and comment on the report with OLA comments. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees</i>	2,452,975	
Special Fund Appropriation	13,603,617	
Federal Fund Appropriation	26,120,833	42,177,425
	<u>25,416,704</u>	<u>41,473,296</u>
	<hr/>	<hr/> <hr/>

FAMILY INVESTMENT ADMINISTRATION

N00I00.04 Director's Office		
General Fund Appropriation	6,724,485	
Special Fund Appropriation	23,479	
Federal Fund Appropriation	21,168,483	27,916,447
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N00I00.05 Maryland Office for Refugees and Asylees		
Federal Fund Appropriation		10,176,854
N00I00.06 Office of Home Energy Programs		
Special Fund Appropriation	57,938,936	
Federal Fund Appropriation	87,637,908	145,576,844
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SUMMARY

Total General Fund Appropriation		6,724,485
Total Special Fund Appropriation		57,962,415
Total Federal Fund Appropriation		118,983,245
		<hr/>
 Total Appropriation		 183,670,145
		<hr/> <hr/>

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

OFFICE OF THE SECRETARY

P00A01.01 Executive Direction		
General Fund Appropriation	1,321,739	
Special Fund Appropriation	538,934	
Federal Fund Appropriation	971,717	2,832,390
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P00A01.02 Program Analysis and Audit		
General Fund Appropriation	13,415	
Special Fund Appropriation	15,317	
Federal Fund Appropriation	56,826	85,558
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P00A01.05 Legal Services		
General Fund Appropriation	1,151,896	
Special Fund Appropriation	1,228,629	
Federal Fund Appropriation	1,047,678	3,428,203
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P00A01.08 Office of Fair Practices		
General Fund Appropriation	43,172	
Special Fund Appropriation	49,294	
Federal Fund Appropriation	182,865	275,331
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P00A01.09 Governor's Workforce Investment Board		
General Fund Appropriation		305,547
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
P00A01.11 Board of Appeals		
Federal Fund Appropriation		1,638,930
P00A01.12 Lower Appeals		
Federal Fund Appropriation		6,500,027

SUMMARY

Total General Fund Appropriation		2,835,769
Total Special Fund Appropriation		1,832,174
Total Federal Fund Appropriation		10,398,043

Total Appropriation		15,065,986
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DIVISION OF ADMINISTRATION

P00B01.03 Office of Budget and Fiscal Services

General Fund Appropriation	782,502	
Special Fund Appropriation	982,993	
Federal Fund Appropriation	3,241,572	5,007,067

P00B01.04 Office of General Services

General Fund Appropriation	711,963	
Special Fund Appropriation	2,052,987	
Federal Fund Appropriation	2,988,152	5,753,102

P00B01.05 Office of Information Technology

Funds are appropriated in other units of the Department of Labor, Licensing, and Regulation budget to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00B01.06 Office of Human Resources

General Fund Appropriation	299,673	
Special Fund Appropriation	336,401	
Federal Fund Appropriation	1,247,883	1,883,957

SUMMARY

Total General Fund Appropriation		1,794,138
Total Special Fund Appropriation		3,372,381
Total Federal Fund Appropriation		7,477,607

Total Appropriation		12,644,126
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DIVISION OF FINANCIAL REGULATION

P00C01.02 Financial Regulation		
General Fund Appropriation	2,357,994	
Special Fund Appropriation	6,114,116	
Federal Fund Appropriation	229,526	8,701,636
	<hr/>	<hr/> <hr/>

DIVISION OF LABOR AND INDUSTRY

P00D01.01 General Administration		
General Fund Appropriation	66,214	
Special Fund Appropriation	517,490	
Federal Fund Appropriation	257,876	841,580
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P00D01.02 Employment Standards		
General Fund Appropriation	638,070	
Special Fund Appropriation	835,925	1,473,995
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P00D01.03 Railroad Safety and Health		
Special Fund Appropriation		406,354
P00D01.05 Safety Inspection		
Special Fund Appropriation		4,841,456
P00D01.06 Apprenticeship and Training		
General Fund Appropriation	170,303	
Special Fund Appropriation	254,997	425,300
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P00D01.07 Prevailing Wage		
General Fund Appropriation		653,133
P00D01.08 Occupational Safety and Health Administration		
Special Fund Appropriation	4,504,817	
Federal Fund Appropriation	4,503,436	9,008,253
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SUMMARY

Total General Fund Appropriation		1,527,720
Total Special Fund Appropriation		11,361,039
Total Federal Fund Appropriation		4,761,312

Total Appropriation		17,650,071
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DIVISION OF RACING

P00E01.02 Maryland Racing Commission

General Fund Appropriation	402,584	
Special Fund Appropriation	41,365,000	41,767,584
	<u>37,573,400</u>	<u>37,975,984</u>

P00E01.03 Racetrack Operation

General Fund Appropriation	1,380,971	
Special Fund Appropriation	491,852	1,872,823

P00E01.04 Share of Racing Revenue to Local Subdivisions

Special Fund Appropriation, provided that this appropriation shall be reduced by \$720,800 contingent upon enactment of the Budget Reconciliation and Financing Act		1,251,800
		351,000
		<u>0</u>

P00E01.05 Maryland Facility Redevelopment Program

Special Fund Appropriation		13,115,500
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P00E01.06 Share of Video Lottery Terminal Revenue for Local Impact Grants

Special Fund Appropriation		28,854,100
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SUMMARY

Total General Fund Appropriation		1,783,555
Total Special Fund Appropriation		80,034,852

Total Appropriation		81,818,407
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DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING

P00F01.01 Occupational and Professional Licensing		
General Fund Appropriation	3,232,874	
Special Fund Appropriation	5,522,032	8,754,906
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING

P00G01.01 Office of the Assistant Secretary		
General Fund Appropriation	1,350,000	
Federal Fund Appropriation	44,147,734	45,497,734
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00G01.03 Workforce Development		
Special Fund Appropriation	1,787,393	
Federal Fund Appropriation	18,285,742	20,073,135
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00G01.12 Adult Education and Literacy Program		
General Fund Appropriation	321,474	
Special Fund Appropriation	693,636	
Federal Fund Appropriation	1,299,439	2,314,549
	<hr/>	

P00G01.13 Adult Corrections Program

General Fund Appropriation	13,503,906	
Federal Fund Appropriation	363,137	13,867,043
		<hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00G01.14 Aid to Education

General Fund Appropriation	6,933,622	
Federal Fund Appropriation	6,345,435	13,279,057
		<hr/>

SUMMARY

Total General Fund Appropriation		22,109,002
Total Special Fund Appropriation		2,481,029
Total Federal Fund Appropriation		70,441,487
		<hr/>

Total Appropriation		95,031,518
		<hr/> <hr/>

DIVISION OF UNEMPLOYMENT INSURANCE

P00H01.01 Office of Unemployment Insurance

Special Fund Appropriation	172,638	
Federal Fund Appropriation	70,289,015	70,461,653
		<hr/>

P00H01.02 Major Information Technology
Development Projects

Federal Fund Appropriation		450,000
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SUMMARY

Total Special Fund Appropriation		172,638
Total Federal Fund Appropriation		70,739,015
		<hr/>

Total Appropriation		70,911,653
		<hr/> <hr/>

DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES

OFFICE OF THE SECRETARY

Q00A01.01 General Administration

General Fund Appropriation	30,295,509	
Special Fund Appropriation	490,000	30,785,509

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00A01.02 Information Technology and
Communications Division

General Fund Appropriation	31,648,078	
Special Fund Appropriation	4,407,271	
Federal Fund Appropriation	650,000	36,705,349

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00A01.03 Internal Investigative Unit

General Fund Appropriation		2,561,119
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00A01.04 9-1-1 Emergency Number Systems

Special Fund Appropriation		57,334,596
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Q00A01.05 Capital Appropriation

Federal Fund Appropriation		7,900,000
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Q00A01.06 Division of Capital Construction and Facilities Maintenance	
General Fund Appropriation	1,880,994

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00A01.08 Office of Treatment Services	
General Fund Appropriation	4,987,800

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	71,373,500	
Total Special Fund Appropriation	62,231,867	
Total Federal Fund Appropriation	8,550,000	
		<hr/>
Total Appropriation		142,155,367
		<hr/> <hr/>

DIVISION OF CORRECTION – HEADQUARTERS

Q00B01.01 General Administration		
General Fund Appropriation	7,903,702	
Special Fund Appropriation	25,000	
Federal Fund Appropriation	113,019	8,041,721
		<hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B01.02 Classification, Education and Religious	
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Services		
General Fund Appropriation	8,831,680	
Special Fund Appropriation	606,129	9,437,809
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Q00B01.03 Canine Operations		
General Fund Appropriation		1,848,602
Q00B01.04 Central Region Finance Office		
General Fund Appropriation		4,649,252
SUMMARY		
Total General Fund Appropriation		23,233,236
Total Special Fund Appropriation		631,129
Total Federal Fund Appropriation		113,019
		<hr/>
Total Appropriation		23,977,384
		<hr/> <hr/>

JESSUP REGION

Q00B02.01 Central Transportation Unit		
General Fund Appropriation		22,051,570
Q00B02.02 Jessup Correctional Institution		
General Fund Appropriation	62,001,788	
Special Fund Appropriation	1,373,944	63,375,732
		<hr/>
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
Q00B02.03 Maryland Correctional Institution – Jessup		
General Fund Appropriation	37,697,973	
Special Fund Appropriation	864,546	38,562,519
		<hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby

granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		121,751,331
Total Special Fund Appropriation		2,238,490
		<hr/>
Total Appropriation		123,989,821
		<hr/> <hr/>

BALTIMORE REGION

Q00B03.01 Metropolitan Transition Center

General Fund Appropriation	39,307,283	
Special Fund Appropriation	801,648	
Federal Fund Appropriation	1,067,549	41,176,480
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B03.03 Chesapeake Detention Facility

Special Fund Appropriation	400,000	
Federal Fund Appropriation	22,661,417	23,061,417
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Q00B03.04 Maryland Reception, Diagnostic, and Classification Center

General Fund Appropriation	33,126,943	
Special Fund Appropriation	243,593	33,370,536
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B03.05 Baltimore Pre-Release Unit

General Fund Appropriation	4,859,539	
Special Fund Appropriation	355,314	5,214,853
	<hr/>	

Q00B03.07 Baltimore City Correctional Center

General Fund Appropriation	13,260,193	
Special Fund Appropriation	375,000	13,365,193
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		90,553,958
Total Special Fund Appropriation		2,175,555
Total Federal Fund Appropriation		23,728,966
		<hr/>
Total Appropriation		116,458,479
		<hr/> <hr/>

HAGERSTOWN REGION

Q00B04.01 Maryland Correctional Institution – Hagerstown

General Fund Appropriation	64,927,914	
Special Fund Appropriation	1,476,370	66,404,284
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B04.02 Maryland Correctional Training Center

General Fund Appropriation	68,273,223	
Special Fund Appropriation	2,475,622	70,748,845
	<hr/>	

Funds are appropriated in other agency

budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B04.03 Roxbury Correctional Institution

General Fund Appropriation	48,301,738	
Special Fund Appropriation	1,319,797	49,621,535
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		181,502,875
Total Special Fund Appropriation		5,271,789
		<hr/>
Total Appropriation		186,774,664
		<hr/> <hr/>

WOMEN’S FACILITIES

Q00B05.01 Maryland Correctional Institution for Women

General Fund Appropriation	36,923,614	
Special Fund Appropriation	1,094,361	38,017,975
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MARYLAND CORRECTIONAL PRE-RELEASE SYSTEM

Q00B06.01 General Administration

General Fund Appropriation		2,236,551
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B06.02 Brockbridge Correctional Facility

General Fund Appropriation	21,340,240	
Special Fund Appropriation	506,770	21,847,010

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B06.03 Jessup Pre-Release Unit

General Fund Appropriation	16,414,261	
Special Fund Appropriation	495,000	16,909,261

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B06.05 Southern Maryland Pre-Release Unit

General Fund Appropriation	2,703,042	
Special Fund Appropriation	318,689	3,021,731

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B06.06 Eastern Pre-Release Unit

General Fund Appropriation	4,552,141	
Special Fund Appropriation	258,121	4,810,262

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B06.11 Central Maryland Correctional Facility		
General Fund Appropriation	13,341,274	
Special Fund Appropriation	482,156	13,823,430
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		60,587,509
Total Special Fund Appropriation		2,060,738
		<hr/>
Total Appropriation		62,648,245
		<hr/> <hr/>

EASTERN SHORE REGION

Q00B07.01 Eastern Correctional Institution		
General Fund Appropriation	100,147,699	
Special Fund Appropriation	2,900,664	
Federal Fund Appropriation	1,274,491	104,322,854
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

WESTERN MARYLAND REGION

Q00B08.01 Western Correctional Institution

General Fund Appropriation	53,079,826	
Special Fund Appropriation	1,353,940	54,433,766
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B08.02 North Branch Correctional Institution		
General Fund Appropriation	52,601,215	
Special Fund Appropriation	966,749	53,567,964
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SUMMARY

Total General Fund Appropriation		105,681,041
Total Special Fund Appropriation		2,320,689
		<hr/>
Total Appropriation		108,001,730
		<hr/> <hr/>

MARYLAND CORRECTIONAL ENTERPRISES

Q00B09.01 Maryland Correctional Enterprises		
Special Fund Appropriation		54,766,927
		<hr/> <hr/>

MARYLAND PAROLE COMMISSION

Q00C01.01 General Administration and Hearings		
General Fund Appropriation		5,146,627
		<hr/> <hr/>

DIVISION OF PAROLE AND PROBATION

Provided that it is the intent of the General Assembly that the Department of Public Safety and Correctional Services (DPSCS) work with the Department of Budget and Management (DBM) to review the salaries of parole and probation agent positions and the impact the salaries have had on hiring and retention. DBM and DPSCS

shall develop a plan for increasing the starting salary for these positions, including identifying the potential cost, in order to address staffing concerns. The General Assembly is concerned that, given the qualifications required to be considered for a parole and probation agent position, which include having a college degree, the base salary for an agent position is not currently adequate.

Q00C02.01 General Administration		
General Fund Appropriation		5,542,552
Q00C02.02 Field Operations		
General Fund Appropriation	80,636,152	
Special Fund Appropriation	7,531,509	
Federal Fund Appropriation	201,571	88,369,232

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00C02.03 Community Surveillance and Enforcement Program		
General Fund Appropriation	9,655,358	
Special Fund Appropriation	123,717	9,779,075

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		95,834,062
Total Special Fund Appropriation		7,655,226
Total Federal Fund Appropriation		201,571

Total Appropriation		103,690,859
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PATUXENT INSTITUTION

Q00D00.01 Services and Institutional Operations		
General Fund Appropriation	46,482,568	
Special Fund Appropriation	709,487	47,192,055

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

INMATE GRIEVANCE OFFICE

Q00E00.01 General Administration		
Special Fund Appropriation		888,965

POLICE AND CORRECTIONAL TRAINING COMMISSIONS

Q00G00.01 General Administration		
General Fund Appropriation	7,700,200	
Special Fund Appropriation	330,000	
Federal Fund Appropriation	438,707	8,468,907

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

CRIMINAL INJURIES COMPENSATION BOARD

Q00K00.01 Administration and Awards		
Special Fund Appropriation	3,463,296	
Federal Fund Appropriation	2,175,000	5,638,296

Funds are appropriated in other agency budgets to pay for services provided by

this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MARYLAND COMMISSION ON CORRECTIONAL STANDARDS

Q00N00.01 General Administration		
General Fund Appropriation		537,517

DIVISION OF PRETRIAL DETENTION AND SERVICES

Q00P00.01 General Administration		
General Fund Appropriation		6,202,519

Q00P00.02 Pretrial Release Services		
General Fund Appropriation		5,797,572

Q00P00.03 Baltimore City Detention Center		
General Fund Appropriation	79,500,116	
Special Fund Appropriation	1,637,498	
Federal Fund Appropriation	7,000	81,144,614

Q00P00.04 Central Booking and Intake Facility		
General Fund Appropriation	52,232,927	
Special Fund Appropriation	123,763	52,356,690

SUMMARY

Total General Fund Appropriation		143,733,134
Total Special Fund Appropriation		1,761,261
Total Federal Fund Appropriation		7,000

Total Appropriation		145,501,395
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STATE DEPARTMENT OF EDUCATION

HEADQUARTERS

Provided that a Federal Fund reduction of \$224,539 is made for contractual turnover expectancy (comptroller subobject 0289).

R00A01.01 Office of the State Superintendent

Provided that it is the intent of the General Assembly that no individual loaned educator be engaged by the Maryland State Department of Education (MSDE) for more than 6 years. For loaned educators engaged in fiscal 2010, the time already served at MSDE shall not be counted toward the 6-year limit.

Further provided that it is the intent of the General Assembly that all loaned educators submit annual financial disclosure statements, as is required by State employees in similar positions.

Further provided that MSDE shall provide an annual census report on the number of loaned educator contracts and any conversion of these personnel to regular positions to the General Assembly by December 15, 2012, and every year thereafter. The annual report shall include job function, title, salary, fund source(s) for the contract, the first year of the contract and the number of years that each loaned educator has been employed by the State, and whether the educator files a financial disclosure statement. MSDE shall also provide a report to the budget committees prior to entering into any new loaned educator contract to provide temporary assistance to the State. The budget committees shall have 45 days to review and comment from the date of receipt of any report on new contracts.

Special Fund Appropriation	658,952	
Federal Fund Appropriation	32,841,024	39,655,457
	<hr/>	
R00A01.02 Division of Business Services		
General Fund Appropriation	1,769,148	
Special Fund Appropriation	47,222	
Federal Fund Appropriation	10,435,562	12,251,932
	<hr/>	
R00A01.03 Division of Academic Reform and Innovation		
General Fund Appropriation	895,766	
Federal Fund Appropriation	296,355	1,192,121
	<hr/>	
R00A01.04 Division of Accountability, Assessment and Data Systems		
<u>Provided that the Maryland State Department of Education shall budget assessment contract expenditures in a subobject dedicated for that purpose beginning in the fiscal 2014 budget submission and in every year thereafter. For purposes of comparability, the agency shall align expenses for actual fiscal 2012 spending, the fiscal 2013 working appropriation, and the fiscal 2014 allowance.</u>		
General Fund Appropriation	24,667,865	
Special Fund Appropriation	465,081	
Federal Fund Appropriation	8,173,131	33,306,077
	<hr/>	
Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
R00A01.05 Office of Information Technology		
General Fund Appropriation	68,134	
Federal Fund Appropriation	3,069,311	3,137,445
	<hr/>	

R00A01.06 Major Information Technology Development Projects			
Federal Fund Appropriation			11,241,344
 R00A01.10 Division of Early Childhood Development			
General Fund Appropriation	13,096,341		
Federal Fund Appropriation	25,690,142		38,786,483
		<hr/>	
R00A01.11 Division of Instruction			
General Fund Appropriation	1,758,714		
Special Fund Appropriation	1,829,375		
Federal Fund Appropriation	2,641,661		6,229,750
		<hr/>	
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>			
 R00A01.12 Division of Student, Family and School Support			
General Fund Appropriation	2,115,386		
	<u>2,077,473</u>		
Special Fund Appropriation	25,000		
Federal Fund Appropriation	7,305,362		9,445,748
			<u>9,407,835</u>
		<hr/>	
R00A01.13 Division of Special Education/Early Intervention Services			
General Fund Appropriation	592,970		
Special Fund Appropriation	787,351		
Federal Fund Appropriation	10,776,636		12,156,957
		<hr/>	
R00A01.14 Division of Career and College Readiness			
General Fund Appropriation	1,094,560		
Federal Fund Appropriation	2,438,024		3,532,584
		<hr/>	
R00A01.15 Juvenile Services Education Program			

General Fund Appropriation	9,531,704	
Federal Fund Appropriation	225,467	9,757,171
	<hr/>	
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
R00A01.17 Division of Library Development and Services		
General Fund Appropriation	550,807	
Federal Fund Appropriation	2,496,968	3,047,775
	<hr/>	
R00A01.18 Division of Certification and Accreditation		
General Fund Appropriation	2,514,319	
Special Fund Appropriation	178,517	
Federal Fund Appropriation	157,998	2,850,834
	<hr/>	
R00A01.19 Home and Community Based Waiver for Children With Autism Spectrum Disorder		
General Fund Appropriation		10,817,928
R00A01.20 Division of Rehabilitation Services – Headquarters		
General Fund Appropriation	1,675,956	
Special Fund Appropriation	133,333	
Federal Fund Appropriation	8,227,396	10,036,685
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R00A01.21 Division of Rehabilitation Services – Client Services		
General Fund Appropriation	9,883,484	
Federal Fund Appropriation	28,639,127	38,522,611
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R00A01.22 Division of Rehabilitation Services – Workforce and Technology Center		
General Fund Appropriation	1,576,463	
Federal Fund Appropriation	7,339,825	8,916,288
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R00A01.23 Division of Rehabilitation Services – Disability Determination Services Federal Fund Appropriation		37,515,401
R00A01.24 Division of Rehabilitation Services – Blindness and Vision Services General Fund Appropriation	611,210	
Special Fund Appropriation	3,555,260	
Federal Fund Appropriation	3,928,147	8,094,617

SUMMARY

Total General Fund Appropriation		89,338,323
Total Special Fund Appropriation		7,680,091
Total Federal Fund Appropriation		203,438,881
		<hr/>
Total Appropriation		300,457,295
		<hr/> <hr/>

AID TO EDUCATION

Provided that the Maryland State Department of Education shall notify the budget committees of any intent to transfer funds from program R00A02 Aid to Education to any other budgetary unit. The budget committees shall have 45 days to review and comment on the planned transfer prior to its effect.

R00A02.01 State Share of Foundation Program
General Fund Appropriation, ***provided that \$1,867,000 of this appropriation shall be reduced contingent upon the enactment of legislation transferring Video Lottery Terminal revenue from the Small, Minority, and Women-Owned Business Investment Account to the Education Trust Fund. Authorization is hereby provided to process a Special Fund budget amendment up to \$1,867,000 to recognize the new revenue in the Education Trust Fund.*** ~~provided that \$1,867,000 of this appropriation shall be~~

~~reduced contingent upon the enactment of legislation transferring Video Lottery Terminal revenue from the Small, Minority, and Women Owned Business Investment Account to the Education Trust Fund. Authorization is hereby provided to process a Special Fund budget amendment up to \$1,867,000 to recognize the new revenue in the Education Trust Fund, provided that \$1,658,000 of this appropriation shall be reduced contingent upon the enactment of legislation transferring Video Lottery Terminal revenue from the Small, Minority, and Women Owned Business Investment Account to the Education Trust Fund. Authorization is hereby provided to process a Special Fund budget amendment up to \$1,658,000 to recognize the new revenue in the Education Trust Fund.~~

~~provided~~ Further provided that \$1,376,467 of this appropriation made for the State Share of Foundation Program shall not be spent for that purpose and instead may only be transferred to the Guaranteed Tax Base program if additional State funds are necessary to provide aid under Section 5-210 of the Education Article. Any funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund

2,731,213,498

Special Fund Appropriation, provided that contingent upon the enactment of SB 152 transferring ~~\$950,000~~ **\$1,159,000** in video lottery terminal fee revenue from the Problem Gambling Fund to the Education Trust Fund, and ~~\$209,000~~ in video lottery terminal fee revenue from the Small, Minority, and Women Owned Business Account to the Education Trust Fund, authorization is hereby provided to process a Special Fund budget amendment up to \$1,159,000 to recognize

<u>the new revenue in the Education Trust Fund. Authorization is hereby granted to process a Special Fund budget amendment to appropriate \$1,159,000 to provide grants to local school systems for which total direct education aid in fiscal 2013 is less than the amount received in fiscal 2012 by more than 5.0%, contingent on enactment of legislation establishing the grants</u>			254,440,700	2,985,654,198
R00A02.02	Compensatory Education			
	General Fund Appropriation			1,146,261,309
R00A02.03	Aid for Local Employee Fringe Benefits			
	General Fund Appropriation, provided that \$229,866,304 \$68,322,476 \$136,644,952 of this appropriation shall be reduced by the amount specified in SB 152 contingent upon the enactment of legislation SB 152 requiring local jurisdictions to contribute fifty percent a portion of retirement and Social Security costs for teachers and librarians	909,223,014		
	Special Fund Appropriation	12,860,725		922,083,739
R00A02.04	Children at Risk			
	General Fund Appropriation	9,400,000		
	Special Fund Appropriation	4,000,000		
	Federal Fund Appropriation	16,724,225		30,124,225
R00A02.05	Formula Programs for Specific Populations			
	General Fund Appropriation			5,410,988
R00A02.07	Students With Disabilities			
	General Fund Appropriation			390,878,778
To provide funds as follows:				
	Formula	266,591,790		
	Non-Public Placement Program	113,897,884		
	Infants and Toddlers Program .	10,389,104		

Provided that funds appropriated for non-public placements may be used to develop a broad range of services to assist in returning children with special needs from out-of-state placements to Maryland; to prevent out-of-state placements of children with special needs; to prevent unnecessary separate day school, residential or institutional placements within Maryland; and to work with local jurisdictions in these regards. Policy decisions regarding the expenditures of such funds shall be made jointly by the Executive Director of the Governor’s Office for Children and the Secretaries of Health and Mental Hygiene, Human Resources, Juvenile Services, Budget and Management, and the State Superintendent of Education.

R00A02.08 Assistance to State for Educating Students With Disabilities		
Federal Fund Appropriation		246,702,213
R00A02.09 Gifted and Talented		
Federal Fund Appropriation		1,050,000
R00A02.12 Educationally Deprived Children		
Federal Fund Appropriation		214,963,377
R00A02.13 Innovative Programs		
General Fund Appropriation	5,713,341	
Federal Fund Appropriation	8,140,595	13,853,936
	<hr/>	
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
R00A02.15 Language Assistance		
Federal Fund Appropriation		8,455,000
R00A02.18 Career and Technology Education		
Federal Fund Appropriation		14,411,709

R00A02.24 Limited English Proficient General Fund Appropriation		177,513,226
R00A02.25 Guaranteed Tax Base General Fund Appropriation		44,205,671
R00A02.27 Food Services Program General Fund Appropriation	7,716,664	
Federal Fund Appropriation	242,724,257	250,440,921
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R00A02.31 Public Libraries General Fund Appropriation	33,664,772	
Federal Fund Appropriation	764,834	34,429,606
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R00A02.32 State Library Network General Fund Appropriation		16,058,820
R00A02.39 Transportation General Fund Appropriation		251,331,845
R00A02.52 Science and Mathematics Education Initiative General Fund Appropriation	2,221,230	
Federal Fund Appropriation	1,615,000	3,836,230
	<hr/>	
R00A02.55 Teacher Development General Fund Appropriation	5,390,000	
Special Fund Appropriation	600,000	
Federal Fund Appropriation	35,000,000	40,990,000
	<hr/>	
R00A02.57 Transitional Education Funding Program General Fund Appropriation		10,575,000
R00A02.58 Head Start General Fund Appropriation		1,800,000
R00A02.59 Child Care Subsidy Program General Fund Appropriation	39,897,835	
Federal Fund Appropriation	38,770,851	78,668,686
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SUMMARY

Total General Fund Appropriation	5,788,475,991
Total Special Fund Appropriation	271,901,425
Total Federal Fund Appropriation	829,322,061
	<hr/>
Total Appropriation	6,889,699,477
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FUNDING FOR EDUCATIONAL ORGANIZATIONS

R00A03.01 Maryland School for the Blind	
General Fund Appropriation	18,128,299
R00A03.02 Blind Industries and Services of Maryland	
General Fund Appropriation	531,115
R00A03.03 Other Institutions	
General Fund Appropriation	4,131,446
Alice Ferguson Foundation	53,486
Alliance of Southern Prince George's Communities, Inc.	21,395
American Visionary Art Museum	10,134
Arts Excel – Baltimore Symphony Orchestra	42,789
B&O Railroad Museum	40,537
Baltimore Museum of Industry	54,049
Best Buddies International (MD Program)	106,972
Chesapeake Bay Foundation	280,943
Chesapeake Bay Maritime Museum	13,512
Citizenship Law-Related Education	19,705
College Bound	24,210
The Dyslexia Tutoring Program, Inc.	24,209
Echo Hill Outdoor School	36,033
Imagination Stage	160,459
Jewish Museum of Maryland	8,445
Junior Achievement of Central Maryland	27,024
Living Classrooms Foundation	204,937

Maryland Academy of Sciences	588,352
Maryland Historical Society	80,510
Maryland Humanities Council	28,150
Maryland Leadership Workshops	29,277
Maryland Mathematics, Engineering and Science Achievement	51,234
Maryland Zoo in Baltimore – Education Component	547,251
National Aquarium in Baltimore	319,792
National Great Blacks in Wax Museum	27,024
National Museum of Ceramic Art and Glass	13,512
Northbay Adventure	625,000
Olney Theatre	94,023
Outward Bound	85,578
Port Discovery	74,881
Salisbury Zoological Park	11,823
Sotterley Foundation	8,445
South Baltimore Learning Center	27,024
State Mentoring Resource Center	51,234
Sultana Projects	13,512
Super Kids Camp	263,490
The Village Learning Place, Inc.	29,277
Walters Art Museum	10,697
Ward Museum	22,521

R00A03.04 Aid to Non-Public Schools

Special Fund Appropriation, provided that this appropriation shall be for the purchase of textbooks or computer hardware and software and other electronically delivered learning materials as permitted under Title IID, Section 2416(b)(4), (6), and (7) of the No Child Left Behind Act for loan to students in eligible non-public schools with a maximum distribution of \$60 per eligible non-public school student for participating schools, except that at schools where at least 20% of the students are eligible for the free or

reduced price lunch program there shall be a distribution of \$90 per student. To be eligible to participate, a non–public school shall:

- (1) Hold a certificate of approval from or be registered with the State Board of Education;
- (2) Not charge more tuition to a participating student than the statewide average per pupil expenditure by the local education agencies, as calculated by the department, with appropriate exceptions for special education students as determined by the department; and
- (3) Comply with Title VI of the Civil Rights Act of 1964, as amended.

The department shall establish a process to ensure that the local education agencies are effectively and promptly working with the non–public schools to assure that the non–public schools have appropriate access to federal funds for which they are eligible.

Further provided that the Maryland State Department of Education shall:

- (1) Assure that the process for textbook, computer hardware, and computer software acquisition uses a list of qualified textbook, computer hardware, and computer software vendors and of qualified textbooks, computer hardware, and computer software; uses textbooks, computer hardware, and computer software that are secular in character and acceptable for use in any public elementary or secondary school in Maryland; and

(2) Receive requisitions for textbooks, computer hardware, and computer software to be purchased from the eligible and participating schools, and forward the approved requisitions and payments to the qualified textbook, computer hardware, or computer software vendor who will send the textbooks, computer hardware, or computer software directly to the eligible school which will:

(i) Report shipment receipt to the department;

(ii) Provide assurance that the savings on the cost of the textbooks, computer hardware, or computer software will be dedicated to reducing the cost of textbooks, computer hardware, or computer software for students; and

(iii) Since the textbooks, computer hardware, or computer software shall remain property of the State, maintain appropriate shipment receipt records for audit purposes

4,440,000

SUMMARY

Total General Fund Appropriation 22,790,860

Total Special Fund Appropriation 4,440,000

Total Appropriation 27,230,860

CHILDREN'S CABINET INTERAGENCY FUND

*It is the intent of the General Assembly that
\$1,823,709 of the allocations to Local*

Management Boards for early intervention and prevention activities be used to fund these activities through Youth Services Bureaus (YSBs) and that this allocation for YSBs be distributed among all certified YSBs.

R00A04.01 Children’s Cabinet Interagency Fund		
General Fund Appropriation		16,947,915

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MORGAN STATE UNIVERSITY

R13M00.00 Morgan State University		
Current Unrestricted Appropriation, <u>provided that the appropriation herein for Morgan State University shall be reduced by \$355,000</u>	166,873,735	
Current Restricted Appropriation	56,418,748	223,292,483

ST. MARY’S COLLEGE OF MARYLAND

R14D00.00 St. Mary’s College of Maryland		
Current Unrestricted Appropriation	69,992,180	
Current Restricted Appropriation	4,200,000	74,192,180

MARYLAND PUBLIC BROADCASTING COMMISSION

R15P00.01 Executive Direction and Control		
Special Fund Appropriation		652,729
R15P00.02 Administration and Support Services		
General Fund Appropriation	7,820,823	
Special Fund Appropriation	873,461	8,694,284
R15P00.03 Broadcasting		
Special Fund Appropriation	9,592,589	

Federal Fund Appropriation	797,024	10,389,613
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R15P00.04 Content Enterprises		
Special Fund Appropriation	3,663,032	
Federal Fund Appropriation	596,468	4,259,500
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SUMMARY

Total General Fund Appropriation		7,820,823
Total Special Fund Appropriation		14,781,811
Total Federal Fund Appropriation		1,393,492
		<hr/>
Total Appropriation		23,996,126
		<hr/> <hr/>

UNIVERSITY SYSTEM OF MARYLAND

Provided that the unrestricted fund appropriation herein for the University System of Maryland institutions shall be reduced by \$5,300,000 in current unrestricted funds.

UNIVERSITY OF MARYLAND, BALTIMORE

R30B21.00 University of Maryland, Baltimore
 Current Unrestricted Appropriation, **provided that \$250,000 of this appropriation made for the purpose of general operating expenses at the University of Maryland, Baltimore may only be transferred by budget amendment to the University System of Maryland Office (R30B36) for use by University System of Maryland institutions to leverage State resources to assist farmers in the**

State with estates and trusts issues, compliance with environmental laws, and other matters necessary to preserve family farms. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled;
~~provided that \$250,000 of this appropriation made for the purpose of government relations in the Office of the President may not be expended for that purpose but instead may only be transferred by budget amendment to the R30B28.00 University of Baltimore School of Law to be used only for establishing an agricultural law clinic dedicated to assisting farmers in the State with estates and trusts issues, compliance with environmental laws, and other matters necessary to preserve family farms. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled~~

.....	526,431,610	
Current Restricted Appropriation	492,422,310	1,018,853,920

UNIVERSITY OF MARYLAND, COLLEGE PARK

R30B22.00 University of Maryland, College Park		
Current Unrestricted Appropriation	1,301,706,325	
Current Restricted Appropriation	433,222,113	1,734,928,438

BOWIE STATE UNIVERSITY

R30B23.00 Bowie State University		
Current Unrestricted Appropriation	84,775,556	
Current Restricted Appropriation	19,600,000	104,375,556

TOWSON UNIVERSITY

R30B24.00 Towson University		
Current Unrestricted Appropriation	375,263,780	
Current Restricted Appropriation	45,735,110	420,998,890

UNIVERSITY OF MARYLAND EASTERN SHORE

R30B25.00 University of Maryland Eastern Shore		
Current Unrestricted Appropriation	92,639,128	
Current Restricted Appropriation	32,881,019	125,520,147

FROSTBURG STATE UNIVERSITY

R30B26.00 Frostburg State University		
Current Unrestricted Appropriation	91,111,007	
Current Restricted Appropriation	12,864,000	103,975,007

COPPIN STATE UNIVERSITY

R30B27.00 Coppin State University		
Current Unrestricted Appropriation	68,120,166	
Current Restricted Appropriation	22,760,290	90,880,456

UNIVERSITY OF BALTIMORE

R30B28.00 University of Baltimore		
Current Unrestricted Appropriation	107,312,965	
Current Restricted Appropriation	23,962,374	131,275,339

SALISBURY UNIVERSITY

R30B29.00 Salisbury University		
Current Unrestricted Appropriation	149,467,384	
Current Restricted Appropriation	12,000,000	161,467,384

UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE

R30B30.00 University of Maryland University College		
Current Unrestricted Appropriation	370,227,612	
Current Restricted Appropriation	33,774,732	404,002,344

UNIVERSITY OF MARYLAND BALTIMORE COUNTY

R30B31.00 University of Maryland Baltimore County		
Current Unrestricted Appropriation	278,311,692	
Current Restricted Appropriation	85,502,134	363,813,826
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UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE

R30B34.00 University of Maryland Center for Environmental Science		
Current Unrestricted Appropriation	25,325,097	
Current Restricted Appropriation	21,332,812	46,657,909
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UNIVERSITY SYSTEM OF MARYLAND OFFICE

R30B36.00 University System of Maryland Office		
Current Unrestricted Appropriation	24,617,167	
Current Restricted Appropriation	3,500,000	28,117,167
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MARYLAND HIGHER EDUCATION COMMISSION

R62I00.01 General Administration		
General Fund Appropriation	4,396,242	
Special Fund Appropriation	806,534	
Federal Fund Appropriation	494,559	5,697,335
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R62I00.02 College Prep/Intervention Program		
General Fund Appropriation		750,000

R62I00.03 Joseph A. Sellinger Formula for Aid to Non-Public Institutions of Higher Education		
General Fund Appropriation, provided that this appropriation shall be reduced by \$1,344,148 contingent upon the enactment of the Budget Reconciliation and Financing Act		39,790,106 <u>39,400,323</u>

R62I00.05 The Senator John A. Cade Funding Formula for the Distribution of Funds to Community Colleges		
General Fund Appropriation, provided that this appropriation shall be reduced by \$2,490,430 contingent upon the enactment of the Budget Reconciliation and Financing Act		219,013,213 <u>215,044,122</u>
R62I00.06 Aid to Community Colleges – Fringe Benefits		
General Fund Appropriation, provided that this appropriation shall be reduced by \$9,450,801 contingent upon the enactment of the Budget Reconciliation and Financing Act	54,283,637	
Special Fund Appropriation	623,566	54,907,203
R62I00.07 Educational Grants		
General Fund Appropriation	7,293,000	
Federal Fund Appropriation	2,478,237	9,771,237
To provide Education Grants to various State, Local and Private Entities		
Complete College Maryland	250,000	
Improving Teacher Quality	978,237	
OCR Enhancement Fund	4,900,000	
Interstate Educational Compacts in Optometry	82,750	
Regional Higher Education Centers	1,500,000	
Harry Hughes Center for Agro-Ecology	200,000	
College Access Challenge Grant Program	1,500,000	
Washington Center for Internships and Academic Seminars	75,000	
UMB-WellMobile	285,250	
R62I00.10 Educational Excellence Awards		
General Fund Appropriation	72,335,603	
Special Fund Appropriation	4,060,567	76,396,170

R62I00.12 Senatorial Scholarships General Fund Appropriation	6,486,000
R62I00.14 Edward T. Conroy Memorial Scholarship Program General Fund Appropriation	570,474
R62I00.15 Delegate Scholarships General Fund Appropriation	5,300,486
R62I00.16 Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program Special Fund Appropriation	355,984
R62I00.17 Graduate and Professional Scholarship Program General Fund Appropriation	1,174,473
R62I00.20 Distinguished Scholar Program General Fund Appropriation	3,061,000
R62I00.21 Jack F. Tolbert Memorial Student Grant Program General Fund Appropriation	200,000
R62I00.26 Janet L. Hoffman Loan Assistance Repayment Program General Fund Appropriation	1,492,895
R62I00.28 Maryland Loan Assistance Repayment Program for Physicians Special Fund Appropriation	520,000
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>	
R62I00.33 Part-time Grant Program General Fund Appropriation	5,087,780
R62I00.34 Major Information Technology	

Development Projects General Fund Appropriation	241,010
R62I00.36 Workforce Shortage Student Assistance Grants General Fund Appropriation	1,254,775
R62I00.37 Veterans of the Afghanistan and Iraq Conflicts Scholarships General Fund Appropriation	750,000
R62I00.38 Nurse Support Program II Special Fund Appropriation	13,809,878
R62I00.39 Health Personnel Shortage Incentive Grant Program Special Fund Appropriation	520,000

SUMMARY

Total General Fund Appropriation	419,121,820
Total Special Fund Appropriation	20,696,529
Total Federal Fund Appropriation	2,972,796
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Total Appropriation	442,791,145
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HIGHER EDUCATION

R75T00.01 Support for State Operated Institutions
of Higher Education

The following amounts constitute the General Fund appropriation for the State operated institutions of higher education. The State Comptroller is hereby authorized to transfer these amounts to the accounts of the programs indicated below in four equal allotments; said allotments to be made on July 1 and October 1 of 2012 and January 1 and April 1 of 2013. Neither this appropriation nor the amounts herein enumerated constitute a lump sum appropriation as contemplated by Sections 7-207 and 7-233 of the State Finance and Procurement Article of the Code.

Program	Title	
R30B21	University of Maryland, Baltimore ₃ provided that \$250,000 of this appropriation made for the purpose of government relations in the Office of the President may not be expended for that purpose but instead may only be transferred by budget amendment to the R30B28.00 University of Baltimore School of Law to be used only for establishing an agricultural law clinic dedicated to assisting farmers in the State with estates and trusts issues, compliance with environmental laws, and other matters necessary to preserve family farms. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund	176,251,511
R30B22	University of Maryland, College Park	396,094,631
R30B23	Bowie State University	34,336,241
R30B24	Towson University	87,745,747
R30B25	University of Maryland Eastern Shore	30,756,102
R30B26	Frostburg State University	32,100,696
R30B27	Coppin State University	36,397,975
R30B28	University of Baltimore	29,045,989
R30B29	Salisbury University .	38,214,314
R30B30	University of Maryland University	

College	32,817,986
R30B31 University of Maryland Baltimore County	92,337,649
R30B34 University of Maryland Center for Environmental Science	18,772,647
R30B36 University System of Maryland Office	18,500,351
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Subtotal University System of Maryland.....	1,023,371,839
R95C00 Baltimore City Community College	42,342,403
R14D00 St. Mary's College of Maryland	18,154,113
R13M00 Morgan State University	70,843,695

General Fund Appropriation, ~~provided that the appropriation for Baltimore City Community College shall be reduced by \$1,704,285 contingent upon the enactment of the Budget Reconciliation and Financing Act,~~ provided that the appropriation herein for the University System of Maryland institutions shall be reduced by \$5,300,000.

Further provided that the appropriation shall be reduced by ~~\$630,000~~ \$246,160 contingent upon the enactment of ~~the Budget Reconciliation and Financing Act~~ SB 523.

Further provided that contingent upon the enactment of SB 523 increasing revenues to the Higher Education Investment Fund and SB 152 authorizing St. Mary's College of Maryland to receive funds from the Higher Education Investment Fund, authorization is hereby granted to process a Special Fund budget amendment to appropriate \$383,840 to provide a grant to St. Mary's College of Maryland to offset a 2.0% increase in the in-State

undergraduate tuition rate for fiscal 2013.

Further provided that the appropriation herein for Morgan State University shall be reduced by \$355,000.

Further provided that \$1,000,000 of the appropriation herein for the University System of Maryland (USM) institutions may only be used to provide incentive funding to USM institutions that propose to offer new programs at any of the non-USM Regional Higher Education Centers. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

Further provided that to the extent USM uses the funds for this restricted purpose it shall report on the institutions receiving the funds, the amount, location, and the proposed program on December 20, 2012, and June 30, 2013.

Further provided that \$250,000 of this appropriation made for the purpose of general operating expenses at the University of Maryland, Baltimore may only be transferred by budget amendment to the University System of Maryland Office (R30B36) for use by University System of Maryland institutions to leverage State resources to assist farmers in the State with estates and trusts issues, compliance with environmental laws, and other matters necessary to preserve family farms. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund

~~1,154,712,050~~
1,152,764,908

The following amounts constitute an estimate of Special Fund revenues derived from the Higher Education Investment Fund and the Maryland Emergency Medical System Operations Fund. These revenues support the Special Fund appropriation for the State operated institutions of higher education. The State Comptroller is hereby authorized to transfer these amounts to the accounts of the programs indicated below in four allotments; said allotments to be made on July 1 and October 1 of 2012 and January 1 and April 1 of 2013. To the extent revenue attainment is lower than estimated, the Comptroller shall adjust the transfers at year end. Neither this appropriation nor the amounts herein enumerated constitute a lump sum appropriation as contemplated by Sections 7-207 and 7-233 of the State Finance and Procurement Article of the Code.

Program	Title	
R30B21	University of Maryland, Baltimore	8,037,212
R30B22	University of Maryland, College Park.....	25,554,963
R30B23	Bowie State University	1,523,443
R30B24	Towson University	3,929,956
R30B25	University of Maryland Eastern Shore	1,392,593
R30B26	Frostburg State University	1,434,753
R30B27	Coppin State University	1,650,613
R30B28	University of Baltimore	1,316,910
R30B29	Salisbury University	1,705,794
R30B30	University of Maryland University College	1,368,534
R30B31	University of Maryland Baltimore County	4,132,307
R30B34	University of Maryland Center for Environmental Science.....	810,213
R30B36	University System of Maryland Office	844,631

Subtotal University System of Maryland.....	53,701,922	
R13M00 Morgan State University	3,207,000	
Special Fund Appropriation, provided that \$7,568,922 of this appropriation shall be used by the University of Maryland, College Park (R30B22) for no other purpose than to support MFRI as provided in Section 13-955 of the Transportation Article	56,908,922	1,211,620,972 <u>1,209,673,830</u>
	<hr/>	<hr/> <hr/>

BALTIMORE CITY COMMUNITY COLLEGE

R95C00.00 Baltimore City Community College		
Current Unrestricted Appropriation, provided that this appropriation shall be reduced by \$1,704,285 contingent upon the enactment of legislation reducing the mandated amount of funds for the College, provided <u>that \$5,900,000 of this appropriation</u> <u>made for the purpose of the Baltimore</u> <u>City Community College (BCCC) major</u> <u>information technology upgrade may not</u> <u>be expended until BCCC receives approval</u> <u>from the Department of Information</u> <u>Technology (DoIT) on its Concept Proposal</u> <u>and Information Technology Project</u> <u>Request (ITPR) and submits a report to</u> <u>the budget committees containing the</u> <u>approved Concept Proposal and ITPR. The</u> <u>budget committees shall have 45 days to</u> <u>review and comment from the date of the</u> <u>submission of the report. Funds restricted</u> <u>pending receipt of a report may not be</u> <u>transferred by budget amendment or</u> <u>otherwise to any other purpose and shall</u> <u>be reverted to the fund balance of the</u> <u>college if the report is not submitted to the</u> <u>budget committees</u>	80,330,217 <u>78,392,075</u>	
Current Restricted Appropriation	28,058,996	108,308,213

106,451,071

MARYLAND SCHOOL FOR THE DEAF

FREDERICK CAMPUS

R99E01.00 Services and Institutional Operations		
General Fund Appropriation	18,692,074	
Special Fund Appropriation	203,818	
Federal Fund Appropriation	79,939	18,975,831

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

COLUMBIA CAMPUS

R99E02.00 Services and Institutional Operations		
General Fund Appropriation	8,789,245	
Special Fund Appropriation	226,750	
Federal Fund Appropriation	448,644	9,464,639

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

OFFICE OF THE SECRETARY

S00A20.01 Office of the Secretary		
Special Fund Appropriation	2,441,520	
Federal Fund Appropriation	1,140,459	3,581,979
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S00A20.03 Office of Management Services		
Special Fund Appropriation	2,439,695	
Federal Fund Appropriation	1,113,218	3,552,913
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SUMMARY

Total Special Fund Appropriation		4,881,215
Total Federal Fund Appropriation		2,253,677
		<hr/>
Total Appropriation		7,134,892
		<hr/> <hr/>

DIVISION OF CREDIT ASSURANCE

S00A22.01 Maryland Housing Fund		
Special Fund Appropriation		668,557
S00A22.02 Asset Management		
Special Fund Appropriation	1,504,334	
Federal Fund Appropriation	3,201,291	4,705,625
	<hr/>	
S00A22.03 Maryland Building Codes		
Special Fund Appropriation	703,680	
Federal Fund Appropriation	82,500	786,180
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SUMMARY

Total Special Fund Appropriation		2,876,571
Total Federal Fund Appropriation		3,283,791
		<hr/>
Total Appropriation		6,160,362
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DIVISION OF NEIGHBORHOOD REVITALIZATION

S00A24.01 Neighborhood Revitalization

General Fund Appropriation	240,000	
Special Fund Appropriation	7,047,930	
Federal Fund Appropriation	12,228,632	19,516,562

S00A24.02 Neighborhood Revitalization – Capital
Appropriation

Special Fund Appropriation	1,900,000	
Federal Fund Appropriation	12,300,000	14,200,000

SUMMARY

Total General Fund Appropriation		240,000
Total Special Fund Appropriation		8,947,930
Total Federal Fund Appropriation		24,528,632

Total Appropriation		33,716,562
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DIVISION OF DEVELOPMENT FINANCE

S00A25.01 Administration

Special Fund Appropriation	2,245,790	
Federal Fund Appropriation	362,934	2,608,724

S00A25.02 Housing Development Program

Special Fund Appropriation	3,356,742	
Federal Fund Appropriation	656,661	4,013,403

S00A25.03 Homeownership Programs

Special Fund Appropriation	4,289,376	
Federal Fund Appropriation	237,336	4,526,712

S00A25.04 Special Loan Programs

Special Fund Appropriation	696,842	
Federal Fund Appropriation	4,326,402	5,023,244

S00A25.05 Rental Services Programs

General Fund Appropriation	1,700,000	
Special Fund Appropriation	50,000	
Federal Fund Appropriation	211,167,885	212,917,885

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

S00A25.07 Rental Housing Programs – Capital Appropriation		
Special Fund Appropriation	15,500,000	
Federal Fund Appropriation	7,000,000	22,500,000

S00A25.08 Homeownership Programs – Capital Appropriation		
Special Fund Appropriation	500,000	
Federal Fund Appropriation	1,900,000	2,400,000

S00A25.09 Special Loan Programs – Capital Appropriation		
Special Fund Appropriation	500,000	
Federal Fund Appropriation	3,000,000	3,500,000

S00A25.14 Maryland BRAC Preservation Loan Fund – Capital Appropriation		
Special Fund Appropriation		4,000,000

SUMMARY

Total General Fund Appropriation	1,700,000	
Total Special Fund Appropriation	31,138,750	
Total Federal Fund Appropriation	228,651,218	
Total Appropriation		261,489,968

DIVISION OF INFORMATION TECHNOLOGY

S00A26.01 Information Technology

Special Fund Appropriation	1,343,023	
Federal Fund Appropriation	1,494,877	2,837,900

S00A26.02 Major Information Technology Development Projects Special Fund Appropriation		75,000
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SUMMARY

Total Special Fund Appropriation		1,418,023
Total Federal Fund Appropriation		1,494,877

Total Appropriation		2,912,900
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DIVISION OF FINANCE AND ADMINISTRATION

S00A27.01 Finance and Administration Special Fund Appropriation	4,089,969	
Federal Fund Appropriation	1,976,405	6,066,374

MARYLAND AFRICAN AMERICAN MUSEUM CORPORATION

S50B01.01 General Administration General Fund Appropriation		2,000,000
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DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

OFFICE OF THE SECRETARY

T00A00.01 Secretariat Services		
General Fund Appropriation	1,407,080	
Special Fund Appropriation	483,255	
Federal Fund Appropriation	63,811	1,954,146
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T00A00.03 Office of the Assistant Attorney General		
General Fund Appropriation	91,664	
Special Fund Appropriation	1,418,842	
Federal Fund Appropriation	5,564	1,516,070
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T00A00.05 Maryland Biotechnology Center		
General Fund Appropriation	912,212	
Special Fund Appropriation	2,594,795	3,507,007
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T00A00.08 Office of Administration and Technology		
General Fund Appropriation	4,043,095	
Special Fund Appropriation	836,495	
Federal Fund Appropriation	169,290	5,048,880
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SUMMARY

Total General Fund Appropriation		6,454,051
Total Special Fund Appropriation		5,333,387
Total Federal Fund Appropriation		238,665
		<hr/>
Total Appropriation		12,026,103
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DIVISION OF MARKETING AND COMMUNICATIONS

T00E00.01 Division of Marketing and Communications		
General Fund Appropriation	3,216,128	
Special Fund Appropriation	906,503	4,122,631
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DIVISION OF BUSINESS AND ENTERPRISE DEVELOPMENT

T00F00.01 Assistant Secretary Business and Enterprise Development		
General Fund Appropriation	385,864	
Special Fund Appropriation	57,391	443,255
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T00F00.02 Office of International Investment and Trade		
General Fund Appropriation	1,680,033	
	<u>1,601,593</u>	
Special Fund Appropriation	76,697	
Federal Fund Appropriation	584,897	2,341,627
		<u>2,263,187</u>
	<hr/>	
T00F00.03 Maryland Small Business Development Financing Authority		
Special Fund Appropriation		1,723,368
		<u>1,600,468</u>
		<u>1,723,368</u>
T00F00.04 Office of Business Development		
General Fund Appropriation, <i><u>provided that it is the intent of the General Assembly that some portion of this appropriation be used to collaborate with the University System of Maryland to develop an incubator program for businesses associated with the unmanned aerial vehicle industry</u></i>	2,417,526	
	<u>2,193,241</u>	
	2,292,526	
	<u>2,417,526</u>	
Special Fund Appropriation	60,000	2,477,526
		<u>2,253,241</u>
		2,292,526
		<u>2,477,526</u>
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T00F00.05 Office of Business Services		
General Fund Appropriation	2,019,048	
Special Fund Appropriation	761,154	2,780,202
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T00F00.07 Partnership for Workforce Quality Special Fund Appropriation		85,000
T00F00.08 Financing Programs Operations Special Fund Appropriation		4,299,699
T00F00.09 Maryland Small Business Development Financing Authority – Business Assistance General Fund Appropriation	2,500,000	
Special Fund Appropriation	4,362,500	6,862,500
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T00F00.12 Maryland Biotechnology Investment Tax Credit Reserve Fund General Fund Appropriation		8,000,000
T00F00.13 Office of Military Affairs and Federal Affairs General Fund Appropriation	837,387	
Special Fund Appropriation	88,958	
Federal Fund Appropriation	519,534	1,445,879
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T00F00.15 Small, Minority, and Women–Owned Business Investment Account Special Fund Appropriation		7,869,300
T00F00.16 Economic Development Opportunity Fund Special Fund Appropriation.....		1,071,429
T00F00.17 Maryland Enterprise Investment Fund and Challenge Programs Special Fund Appropriation		19,633,333
T00F00.18 Military Personnel and Service–Disabled Veteran Loan Program General Fund Appropriation		300,000
T00F00.23 Maryland Economic Development Assistance Authority and Fund General Fund Appropriation	4,500,000	
Special Fund Appropriation	10,500,000	15,000,000
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SUMMARY

Total General Fund Appropriation		22,561,418
Total Special Fund Appropriation		50,588,829
Total Federal Fund Appropriation		1,104,431
		<hr/>
Total Appropriation		74,254,678
		<hr/> <hr/>

DIVISION OF TOURISM, FILM AND THE ARTS

T00G00.01 Office of the Assistant Secretary		
General Fund Appropriation		831,953

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

T00G00.02 Office of Tourism Development		
General Fund Appropriation	3,326,712	
Special Fund Appropriation	238,982	3,565,694
	<hr/>	

T00G00.03 Maryland Tourism Development Board		
General Fund Appropriation, provided that this appropriation shall be reduced by \$1,000,000 contingent upon the enactment of legislation reducing the mandated amount of funds for the Maryland Tourism Development Board	8,000,000 7,000,000 8,000,000	
Special Fund Appropriation	350,000	8,350,000 7,350,000 8,350,000
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

T00G00.05 Maryland State Arts Council		
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General Fund Appropriation, provided that this appropriation shall be reduced by \$344,703 contingent upon the enactment of legislation reducing the mandated amount of funds for the Maryland State Arts Council	13,508,000	
	<u>13,163,297</u>	
Special Fund Appropriation	300,000	
Federal Fund Appropriation	804,306	14,612,306
		<u>14,267,603</u>

SUMMARY

Total General Fund Appropriation		25,321,962
Total Special Fund Appropriation		888,982
Total Federal Fund Appropriation		804,306
		<hr/>
Total Appropriation		27,015,250
		<hr/> <hr/>

MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION

T50T01.01 Technology Development, Transfer and Commercialization

General Fund Appropriation, <u>provided that \$500,000 of this appropriation for the Maryland Technology Development Corporation made for the purpose of technology development, transfer, and commercialization programs may not be expended until the Corporation submits all outstanding annual reports as required in Section 10-415 of the Economic Development Article by October 1, 2012. The budget committees shall have 45 days to review and comment upon the receipt of the reports. Funds restricted pending the receipt of the reports may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the reports are not submitted</u>		3,173,192
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T50T01.03 Maryland Stem Cell Research Fund

General Fund Appropriation		10,400,000
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SUMMARY

Total General Fund Appropriation	13,573,192
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DEPARTMENT OF THE ENVIRONMENT

Provided that no funding for major information technology development projects may be spent in the budget of the Maryland Department of the Environment until notification is provided to the budget committees and the Department of Information Technology. The notification shall include a project description; business need or justification; benefits; major risks; and funding plan by year, fund source, and specific fund type.

OFFICE OF THE SECRETARY

U00A01.01 Office of the Secretary		
General Fund Appropriation	1,016,737	
Special Fund Appropriation	614,797	
Federal Fund Appropriation	782,750	2,414,284
	<hr/>	

U00A01.03 Capital Appropriation – Water Quality Revolving Loan Fund		
Special Fund Appropriation	156,571,000	
Federal Fund Appropriation	34,286,000	190,857,000
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

U00A01.05 Capital Appropriation – Drinking Water Revolving Loan Fund		
Special Fund Appropriation	28,436,000	
Federal Fund Appropriation	10,560,000	38,996,000
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

U00A01.11 Capital Appropriation – Bay Restoration Fund – Wastewater		
Special Fund Appropriation, <u>provided that the Administration shall submit a budget amendment by July 1, 2012, that adjusts the Special Fund appropriation to reflect the final outcome of any legislation that alters the Bay Restoration Fund fee</u>		105,700,000
U00A01.12 Capital Appropriation – Bay Restoration Fund – Septic Systems		
Special Fund Appropriation, <u>provided that the Administration shall submit a budget amendment by July 1, 2012, that adjusts the Special Fund appropriation to reflect the final outcome of any legislation that alters the Bay Restoration Fund fee</u>		17,000,000

SUMMARY

Total General Fund Appropriation		1,016,737
Total Special Fund Appropriation		308,321,797
Total Federal Fund Appropriation		45,628,750
		<hr/>
Total Appropriation		354,967,284
		<hr/> <hr/>

OPERATIONAL SERVICES ADMINISTRATION

U00A02.02 Operational Services Administration		
General Fund Appropriation	5,243,478	
Special Fund Appropriation	2,082,368	
Federal Fund Appropriation	1,112,877	8,438,723
	<hr/>	<hr/> <hr/>

WATER MANAGEMENT ADMINISTRATION

U00A04.01 Water Management Administration		
General Fund Appropriation	11,793,063	
Special Fund Appropriation	9,930,373	
Federal Fund Appropriation	7,215,889	28,939,325
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by

this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SCIENCE SERVICES ADMINISTRATION

U00A05.01 Science Services Administration

General Fund Appropriation	5,128,114	
Special Fund Appropriation	749,822	
Federal Fund Appropriation	6,484,509	12,362,445
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

LAND MANAGEMENT ADMINISTRATION

U00A06.01 Land Management Administration

General Fund Appropriation	3,019,571	
Special Fund Appropriation	16,668,808	
Federal Fund Appropriation	10,593,109	30,281,488
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

AIR AND RADIATION MANAGEMENT ADMINISTRATION

U00A07.01 Air and Radiation Management Administration

General Fund Appropriation, provided that \$250,000 of this appropriation for the Maryland Department of the Environment (MDE) Air and Radiation Management Administration made for the purpose of general operating expenses may not be expended until MDE submits a report on how it is using the revenues from the

Strategic Energy Investment Fund to further climate change work, in general, and to meet the requirements of Chapters 171 and 172 of 2009. The budget committees shall have 45 days to review and comment upon the receipt of the report. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees ...

Special Fund Appropriation	1,344,167	
Federal Fund Appropriation	11,080,235	
	4,796,438	17,220,840

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

COORDINATING OFFICES

U00A10.01 Coordinating Offices

General Fund Appropriation, provided that \$500,000 of this appropriation for the Maryland Department of the Environment (MDE) Coordinating Offices made for the purpose of general operating expenses may not be expended until MDE submits quarterly reports on July 1, 2012, October 1, 2012, January 1, 2013, and April 1, 2013, on its currently funded major information technology projects in terms of usage, functionality, and funding. Funding restricted for this purpose may be released quarterly upon receipt of the required reports. The budget committees shall have 30 days to review and comment upon receipt of each report. Funds restricted pending the receipt of the reports may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the reports are not submitted to

the budget committees	3,910,870	
Special Fund Appropriation	8,496,262	
Federal Fund Appropriation	4,761,413	17,168,545

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

U00A10.02 Major Information Technology Development Projects		
Federal Fund Appropriation		800,000
U00A10.03 Bay Restoration Fund Debt Service		
Special Fund Appropriation		9,615,000

SUMMARY

Total General Fund Appropriation	3,910,870	
Total Special Fund Appropriation	18,111,262	
Total Federal Fund Appropriation	5,561,413	
		<hr/>
Total Appropriation		27,583,545
		<hr/> <hr/>

DEPARTMENT OF JUVENILE SERVICES

Provided that on or before October 3, 2012, the responsibility for providing education services at William Donald Schaefer House and Thomas J.S. Waxter Children's Center shall be transferred from the Department of Juvenile Services (DJS) to the Maryland State Department of Education (MSDE) Juvenile Services Education Program R00A01.15. All funds and positions appropriated for the purpose of providing educational services at these facilities, and not expended by DJS for that purpose as of October 3, 2012, shall be transferred by budget amendment to MSDE Juvenile Services Education Program R00A01.15 no later than 30 days from the date education services are transferred.

Further provided that on or before January 9, 2013, responsibility for providing education services at Alfred D. Noyes Children's Center shall also be transferred from DJS to MSDE Juvenile Services Education Program R00A01.15. All funds and positions appropriated for the purpose of providing educational services at the facility, and not expended by DJS for that purpose as of January 9, 2013, shall be transferred by budget amendment to MSDE Juvenile Services Education Program R00A01.15 no later than 30 days from the date education services are transferred.

It is the intent of the General Assembly that, if additional resources are required to provide adequate education services to the juveniles enrolled in these programs, MSDE may request a deficiency appropriation from the Governor to ensure sufficient funds. It is further the intent of the General Assembly that the general, special, and federal funds and positions appropriated for the purpose of providing

education services at Backbone Mountain Youth Center, Green Ridge Youth Center, Meadow Mountain Youth Center, and Savage Mountain Youth Center be transferred from DJS to the MSDE Juvenile Services Education Program R00A01.15 to be used for the purpose of providing education services for youth at these centers no later than July 1, 2013.

OFFICE OF THE SECRETARY

V00D01.01 Office of the Secretary

General Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of supporting departmental administration may not be expended until the Department of Juvenile Services submits a report to the budget committees outlining the plan for implementing a new reception and evaluation center. In addition to discussing how the new reception and evaluation center will function and how the new process will be implemented, the submitted report shall also include an implementation timeline and a cost-benefit analysis. The report shall be submitted by November 15, 2012, and the budget committees shall have 45 days to review and comment. Funds restricted pending receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that \$100,000 of this appropriation made for the purpose of supporting departmental administration may not be expended until the Department of Juvenile Services (DJS) submits a report to the budget committees outlining a plan for implementing appropriate girls' services programming and addressing placement disparities between male and female youth. DJS has adequately

provided statistical information on female youthful offenders and an inventory of what girls' services currently exist. This report shall improve upon that information by providing an analysis of the gaps in gender-specific services and what additional services and programs are needed in order to provide appropriate treatment for female youth. In addition, the report shall specifically address the placement inequalities that result in a higher rate of female youth being placed in residential care for lesser offenses than male youth. The report shall also include a proposed timeline and cost estimate for addressing the gaps in girls' services, including both community and residential programs. The report shall be submitted by December 1, 2012, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees

3,912,916

DEPARTMENTAL SUPPORT

V00D02.01 Departmental Support

General Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of supporting residential and community operations may not be expended until the Department of Juvenile Services submits the findings of its community caseload work load data study evaluating the appropriate staff-to-youth caseload ratios. The report shall provide information on previously utilized ratios and the findings of the study, including any proposed changes to the ratios and the justification for those changes. The report shall also identify any changes in resource demand as a result of the findings. The report shall be submitted by September 15, 2012, and the

budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report shall not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that \$25,000 of this appropriation made for the purpose of departmental support may not be expended ~~for that purpose but instead may only be used to hire~~ until the Department of Juvenile Services hires an outside consultant to conduct an anonymous survey of current direct care employees in order to gain a better understanding of the reasons behind the department’s ongoing staffing issues. The survey shall attempt to identify employees’ concerns with the work environment and any impediments to retention, in addition to possible solutions and areas for improvement. An analysis of the findings shall be submitted to the budget committees no later than December 30, 2012. Funds ~~not expended for this~~ restricted *pending the receipt of a report* ~~purpose~~ may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund *if the report is not submitted to the budget committees*

Special Fund Appropriation	23,569,976	
Federal Fund Appropriation	350,000	
	273,886	24,193,862
	<hr/>	<hr/> <hr/>

RESIDENTIAL AND COMMUNITY OPERATIONS

V00E01.01 Residential and Community Operations		
General Fund Appropriation	3,544,060	
Federal Fund Appropriation	1,223,618	4,767,678
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by

this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

BALTIMORE CITY REGION

V00G01.01	Baltimore City Region Administrative General Fund Appropriation		3,334,009
V00G01.02	Baltimore City Region Community Operations General Fund Appropriation	37,850,677	
	Special Fund Appropriation	326,248	
	Federal Fund Appropriation	1,308,414	39,485,339
		<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

V00G01.03	Baltimore City Region State Operated Residential General Fund Appropriation	21,367,319	
	Special Fund Appropriation	20,000	
	Federal Fund Appropriation	244,294	21,631,613
		<hr/>	

SUMMARY

Total General Fund Appropriation	62,552,005
Total Special Fund Appropriation	346,248
Total Federal Fund Appropriation	1,552,708
	<hr/>
Total Appropriation	64,450,961
	<hr/> <hr/>

CENTRAL REGION

V00H01.01	Central Region Administrative General Fund Appropriation	1,678,004
V00H01.02	Central Region Community	

Operations			
General Fund Appropriation	19,517,174		
Special Fund Appropriation	146,052		
Federal Fund Appropriation	577,717	20,240,943	
			<hr/>
V00H01.03 Central Region State Operated Residential			
General Fund Appropriation	14,619,363		
Special Fund Appropriation	2,500		
Federal Fund Appropriation	114,271	14,736,134	
			<hr/>
SUMMARY			
Total General Fund Appropriation		35,814,541	
Total Special Fund Appropriation		148,552	
Total Federal Fund Appropriation		691,988	
			<hr/>
Total Appropriation		36,655,081	<hr/> <hr/>

WESTERN REGION

V00I01.01 Western Region Administrative			
General Fund Appropriation	2,220,567		
Special Fund Appropriation	264	2,220,831	
			<hr/>
V00I01.02 Western Region Community Operations			
General Fund Appropriation	8,876,622		
Special Fund Appropriation	75,508		
Federal Fund Appropriation	302,825	9,254,955	
			<hr/>
V00I01.03 Western Region State Operated Residential			
General Fund Appropriation	27,030,401		
Special Fund Appropriation	1,016,702		
Federal Fund Appropriation	1,463,631	29,510,734	
			<hr/>

SUMMARY

Total General Fund Appropriation		38,127,590	
Total Special Fund Appropriation		1,092,474	

Total Federal Fund Appropriation		1,766,456
		<hr/>
Total Appropriation		40,986,520
		<hr/> <hr/>

EASTERN SHORE REGION

V00J01.01 Eastern Shore Region Administrative General Fund Appropriation			1,204,105
V00J01.02 Eastern Shore Region Community Operations General Fund Appropriation	11,893,829		
Special Fund Appropriation	150,585		
Federal Fund Appropriation	603,919		12,648,333
		<hr/>	
V00J01.03 Eastern Shore Region State Operated Residential General Fund Appropriation	6,741,463		
Special Fund Appropriation	4,491		
Federal Fund Appropriation	64,299		6,810,253
		<hr/>	

SUMMARY

Total General Fund Appropriation		19,839,397
Total Special Fund Appropriation		155,076
Total Federal Fund Appropriation		668,218
		<hr/>
Total Appropriation		20,662,691
		<hr/> <hr/>

SOUTHERN REGION

V00K01.01 Southern Region Administrative General Fund Appropriation			593,795
V00K01.02 Southern Region Community Operations General Fund Appropriation	14,298,245		
Special Fund Appropriation	118,432		
Federal Fund Appropriation	474,969		14,891,646
		<hr/>	

V00K01.03	Southern Region State Operated Residential		
	General Fund Appropriation	7,770,026	
	Special Fund Appropriation	63,651	
	Federal Fund Appropriation	49,033	7,882,710
			<hr/>

SUMMARY

Total General Fund Appropriation	22,662,066
Total Special Fund Appropriation	182,083
Total Federal Fund Appropriation	524,002
	<hr/>

Total Appropriation	23,368,151
	<hr/> <hr/>

METRO REGION

V00L01.01	Metro Region Administrative		
	General Fund Appropriation		1,441,958

V00L01.02	Metro Region Community Operations		
	General Fund Appropriation	27,218,637	
	Special Fund Appropriation	369,570	
	Federal Fund Appropriation	1,482,156	29,070,363
			<hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

V00L01.03	Metro Region State Operated Residential		
	General Fund Appropriation	24,834,068	
	Special Fund Appropriation	25,000	
	Federal Fund Appropriation	153,988	25,013,056
			<hr/>

SUMMARY

Total General Fund Appropriation	53,494,663
Total Special Fund Appropriation	394,570
Total Federal Fund Appropriation	1,636,144

Total Appropriation

55,525,377

DEPARTMENT OF STATE POLICE

MARYLAND STATE POLICE

W00A01.01 Office of the Superintendent		
General Fund Appropriation		16,539,794
W00A01.02 Field Operations Bureau		
General Fund Appropriation, provided that \$4,173,658 of this appropriation shall be reduced contingent upon the enactment of legislation allowing the use of speed camera revenues for State Police operations for fiscal year 2013. Authorization is granted to process a special fund budget amendment of \$4,173,658 to replace the aforementioned general fund amount	109,461,143	
Special Fund Appropriation	75,790,152	185,251,295
	<hr/>	
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
W00A01.03 Criminal Investigation Bureau		
General Fund Appropriation	30,840,111	
Special Fund Appropriation	429,010	31,269,121
	<hr/>	
W00A01.04 Support Services Bureau		
General Fund Appropriation	46,717,984	
Special Fund Appropriation	100,000	
Federal Fund Appropriation	436,000	47,253,984
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

W00A01.08 Vehicle Theft Prevention Council

Special Fund Appropriation	1,800,000
W00A01.12 Major Information Technology Development Projects Special Fund Appropriation	161,741

SUMMARY

Total General Fund Appropriation	203,559,032
Total Special Fund Appropriation	78,280,903
Total Federal Fund Appropriation	436,000
	<hr/>
Total Appropriation	282,275,935
	<hr/> <hr/>

FIRE PREVENTION COMMISSION AND FIRE MARSHAL

W00A02.01 Fire Prevention Services General Fund Appropriation	7,281,903
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

PUBLIC DEBT

X00A00.01 Redemption and Interest on State Bonds		
Special Fund Appropriation	909,648,547	
Federal Fund Appropriation	11,954,643	921,603,190
	<hr/>	<hr/> <hr/>

STATE RESERVE FUND

Y01A01.01 Revenue Stabilization Account

General Fund Appropriation

~~340,457,774~~

27,757,774

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Y01A02.01 Dedicated Purpose Account

General Fund Appropriation, ~~provided that this appropriation shall be reduced by \$50,000,000 contingent upon the enactment of the Budget Reconciliation and Financing Act~~

~~50,000,000~~

0

Transfer Tax Repayment

~~50,000,000~~

0

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OFFICE OF THE PUBLIC DEFENDER

FY 2012 Deficiency Appropriation

C80B00.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for real property lease expenses.

General Fund Appropriation 157,544

C80B00.02 District Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for case related expenses.

General Fund Appropriation 900,000

BOARDS, COMMISSIONS AND OFFICES

FY 2012 Deficiency Appropriation

D15A05.03 Office of Minority Affairs

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to cover the cost of on-going maintenance and Minority Business Enterprise activity monitoring of video lottery terminals.

General Fund Appropriation 66,103

D15A05.05 Governor's Office of Community Initiatives

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to cover the cost of leave payouts for staff separating from the office.

General Fund Appropriation 20,000

D15A05.05 Governor's Office of Community Initiatives

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to cover the cost of American Sign Language interpreter services for the Volunteer Maryland Training sessions.

General Fund Appropriation 20,000

D15A05.06 State Ethics Commission

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to cover the cost of leave payouts for staff separating from the commission.

General Fund Appropriation 38,000

MARYLAND STADIUM AUTHORITY

FY 2012 Deficiency Appropriation

D28A03.55 Baltimore Convention Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for the State portion of the Baltimore Convention Center operating deficit.

General Fund Appropriation 1,929,478

D28A03.58 Ocean City Convention Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for the State portion of the Ocean City Convention Center operating deficit.

General Fund Appropriation 45,651

D28A03.60 Hippodrome Performing Arts Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for the State portion of the operating deficit at the Hippodrome Performing Arts Center.

General Fund Appropriation	372,862
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MARYLAND HEALTH BENEFIT EXCHANGE

FY 2012 Deficiency Appropriation

D78Y01.01 Maryland Health Benefit Exchange

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide one full-time position for the Exchange. No additional funds are needed. Sufficient Federal Funds are already in the appropriation.

Federal Fund Appropriation.....	0
	<hr/> <hr/>

D78Y01.02 Major Information Technology Development Projects

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for the development of the Maryland Health Benefit Exchange. These funds are in addition to federal funds being used for the project and will be the match for those funds.

General Fund Appropriation	1,673,512
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COMPTROLLER OF MARYLAND

FY 2012 Deficiency Appropriation

COMPLIANCE DIVISION

E00A05.01 Compliance Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for contractual employees to handle increased call volumes associated with tax clearances for Motor Vehicle Administration (MVA) license and registration renewals.

General Fund Appropriation	330,000
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STATE DEPARTMENT OF ASSESSMENTS AND
TAXATION

FY 2012 Deficiency Appropriation

E50C00.02 Real Property Valuation

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to substitute special funds with an equal amount of general funds, to ensure a 10% general fund and 90% special fund cost allocation for program 02 – Real Property Valuation, as required by HB 72 (2011).

General Fund Appropriation	438,606
Special Fund Appropriation.....	-438,606
	0

Total Appropriation

E50C00.04 Office of Information Technology

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to substitute special funds with an equal amount of general funds, to ensure a 10% general fund and 90% special fund cost allocation for program 04 – Office of Information Technology, as required by HB 72 (2011).

General Fund Appropriation	13,908
Special Fund Appropriation.....	-13,908

Total Appropriation

E50C00.05 Business Property Valuation

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to substitute special funds with an equal amount of general funds, to ensure a 10% general fund and 90% special fund cost allocation for program 02 – Business Property Valuation, as required by HB 72 (2011).

General Fund Appropriation	20,588
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Special Fund Appropriation.....	-20,588
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Total Appropriation	0
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E50C00.06 Tax Credit Payments

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds to cover an anticipated deficiency in State funding needed to compensate local governments for the cost of providing the Homeowner’s Property Tax Credit.

General Fund Appropriation	2,417,000
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DEPARTMENT OF BUDGET AND MANAGEMENT

FY 2012 Deficiency Appropriation

OFFICE OF PERSONNEL SERVICES AND BENEFITS

F10A02.08 Statewide Expenses

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for the estimated costs of the State’s workers’ compensation claims based on claims activity through November 2011 plus a carryover of \$6.8 million in claims from fiscal year 2011.

General Fund Appropriation	10,517,568
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DEPARTMENT OF NATURAL RESOURCES

FY 2012 Deficiency Appropriation

NATURAL RESOURCES POLICE

K00A07.04 Field Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds to support the Natural Resources Police bridge security initiative.

General Fund Appropriation	1,086,730
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DEPARTMENT OF HEALTH AND MENTAL
HYGIENE

FY 2012 Deficiency Appropriation

OFFICE OF THE SECRETARY

M00A01.08 Major Information Technology Development
Projects

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide planning funds for a cost effective Women, Infants and Children (WIC) Electronic Benefits Transfer (EBT) system. This new system will replace the current system of issuing paper checks to WIC participants.

Federal Fund Appropriation.....	384,785
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FAMILY HEALTH ADMINISTRATION

INFECTIOUS DISEASE AND ENVIRONMENTAL
HEALTH ADMINISTRATION

M00F02.03 Infectious Disease and Environmental Health
Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for the Maryland AIDS Drug Assistance Program (\$25,563,118); the Minority AIDS Initiative (\$914,000); HIV prevention activities for the Baltimore–Towson Metropolitan Statistical Area (\$1,214,496); and Vaccine Immunization activities (\$1,038,040).

Special Fund Appropriation.....	25,563,118
Federal Fund Appropriation.....	3,193,536

Total Appropriation	28,756,654
	<hr/> <hr/>

FAMILY HEALTH ADMINISTRATION

M00F03.02 Family Health Services and Primary Care

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for increased Women, Infants, and Children (WIC) activities.

Federal Fund Appropriation..... 2,500,000

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M00F03.06 Prevention and Disease Control

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds to support primary care prevention activities and State Chronic Disease planning.

Federal Fund Appropriation..... 1,636,694

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OFFICE OF PREPAREDNESS AND RESPONSE

M00F06.01 Office of Preparedness and Response

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for Medical Reserve Corps activities (\$15,000), Prince George’s County Hospital for Emergency Preparedness upgrades (\$2,413,176), and purchase of an Inventory Management and Tracking System (IMATS) (\$101,986).

Federal Fund Appropriation..... 2,530,162

=====

MENTAL HYGIENE ADMINISTRATION

M00L01.02 Community Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for Maryland Mental Health Transformation activities and provision of care management as well as other community services for children and families.

Federal Fund Appropriation..... 3,157,401

=====

M00L01.03 Community Services for Medicaid Recipients

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for fiscal years 2011 and 2012 mental health services.

General Fund Appropriation	14,100,000
	<u><u> </u></u>

MEDICAL CARE PROGRAMS ADMINISTRATION

M00Q01.03 Medical Care Provider Reimbursements

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds to cover the costs associated with medical care provider reimbursements.

General Fund Appropriation	63,910,000
	<u> 0</u>
Federal Fund Appropriation.....	66,699,086
	<u> 2,789,086</u>
	<u><u> </u></u>
Total Appropriation	130,609,086
	<u> 2,789,086</u>
	<u><u> </u></u>

M00Q01.03 Medical Care Provider Reimbursements

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds to cover the costs associated with medical care provider reimbursements.

Special Fund Appropriation.....	64,004,245
	<u><u> </u></u>

DEPARTMENT OF HUMAN RESOURCES

FY 2012 Deficiency Appropriation

LOCAL DEPARTMENT OPERATIONS

N00G00.08 Assistance Payments

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to align the fiscal year 2012

appropriation with the actual Temporary Assistance for Needy Families (TANF) federal grant.

General Fund Appropriation	37,877,011
Federal Fund Appropriation.....	-25,765,438
	<hr/>
Total Appropriation	12,111,573
	<hr/> <hr/>

N00G00.10 Work Opportunities

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to align the fiscal year 2012 appropriation with the actual Temporary Assistance for Needy Families (TANF) federal grant.

Federal Fund Expenditure	-4,000,000
	<hr/> <hr/>

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

FY 2012 Deficiency Appropriation

OFFICE OF THE SECRETARY

Q00A01.05 Capital Appropriation

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for capital expenses related to the construction of the Dorsey Run Community Correctional Facility in Jessup.

Federal Fund Expenditure	2,100,000
	<hr/> <hr/>

DIVISION OF CORRECTION – HEADQUARTERS

Q00B01.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for overtime expenses.

General Fund Appropriation	8,000,000
	<hr/> <hr/>

Q00B01.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for utility expenses.

General Fund Appropriation 1,066,177

STATE DEPARTMENT OF EDUCATION

2012 Deficiency Appropriation

HEADQUARTERS

R00A01.02 Division of Business Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for the general operations of the Division of Business Services.

Federal Fund Appropriation..... 26,177

R00A01.04 Division of Accountability, Assessment, and Data Systems

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for the development and scoring of the Maryland School Assessments and High School Assessments.

General Fund Appropriation 18,000,000

R00A01.11 Division of Instruction

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for mathematics and science initiatives and language assistance programs.

Federal Fund Appropriation..... 90,805

R00A01.15 Juvenile Services Education Program

To become available immediately upon passage of this

budget to supplement the appropriation for fiscal year 2012 to provide funds for instructional materials.

Federal Fund Appropriation..... 140,853

R00A01.18 Division of Certification and Accreditation

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds to support the costs of two existing positions.

Special Fund Appropriation..... 30,000

R00A01.20 Division of Rehabilitation Services – Headquarters

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to support training programs for employees providing rehabilitation services to individuals with disabilities.

Federal Fund Appropriation..... 102,673

R00A01.21 Division of Rehabilitation Services – Client Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for rehabilitation services for individuals with disabilities and to cover costs associated with servicing consumers eligible for supported employment services.

Federal Fund Appropriation..... 6,867,077

AID TO EDUCATION

R00A02.01 State Share of Foundation Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to reflect revised revenue projections from the Education Trust Fund generated by Video Lottery Terminals.

General Fund Appropriation	101,159,190
Special Fund Appropriation.....	-101,159,190

Total Appropriation.....	0
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R00A02.01 State Share of Foundation Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to reflect a supplemental award available through the Education Jobs program. General Funds are reduced to offset the increase in Federal Funds.

General Fund Appropriation	-2,643,538
Federal Fund Appropriation.....	2,643,538

Total Appropriation.....	0
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R00A02.13 Innovative Programs

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to replace Temporary Assistance for Needy Families (TANF) funds with General Funds.

General Fund Appropriation	4,590,343
Federal Fund Appropriation.....	-4,590,343

Total Appropriation.....	0
--------------------------	---

R00A02.59 Child Care Subsidy Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to replace Temporary Assistance for Needy Families (TANF) funds with General Funds.

General Fund Appropriation	10,285,667
Federal Fund Appropriation.....	-10,285,667

Total Appropriation.....	0
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CHILDREN'S CABINET INTERAGENCY FUND

R00A04.01 Children's Cabinet Interagency Fund

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to replace Temporary Assistance for Needy Families (TANF) funds with General Funds.

General Fund Appropriation	7,323,989
Federal Fund Appropriation.....	-7,323,989
Total Appropriation.....	0

UNIVERSITY SYSTEM OF MARYLAND

FY 2012 Deficiency Appropriation

UNIVERSITY OF MARYLAND CENTER FOR
ENVIRONMENTAL SCIENCER30B34.00 University of Maryland Center for Environmental
Science

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for costs associated with the Environmental Synthesis Center (EnSynC) in Annapolis, Maryland.

Current Unrestricted Funds.....	150,000
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MARYLAND HIGHER EDUCATION COMMISSION

FY 2012 Deficiency Appropriation

R62I00.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for costs associated with legal representation of the Maryland Higher Education Commission in a current lawsuit.

General Fund Appropriation	900,000
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R62I00.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal

year 2012 to provide funds for costs associated with the relocation of the Maryland Higher Education Commission from Annapolis to Baltimore.

General Fund Appropriation 2,053,970

=====

R62I00.05 The Senator John A. Cade Funding Formula for the Distribution of Funds to Community Colleges

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for costs associated with past obligations of the Statewide and Health Manpower Program.

General Fund Appropriation 1,000,000

=====

R62I00.16 Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide Special Funds to replace General Funds for this tuition reimbursement program.

Special Fund Appropriation..... 340,979

=====

R62I00.20 Distinguished Scholar Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for costs associated with financial aid awards for the Distinguished Scholar Program.

General Fund Appropriation 1,002,000

=====

SUPPORT FOR STATE OPERATED INSTITUTIONS OF HIGHER EDUCATION

FY 2012 Deficiency Appropriation

R75T00.01 Support for State Operated Institutions of Higher Education

To become available immediately upon passage of this

budget to supplement the appropriation for fiscal year 2012 to provide funds for costs associated with the Environmental Synthesis Center (EnSynC) in Annapolis, Maryland.

General Fund Appropriation 150,000

=====

DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

FY 2012 Deficiency Appropriation

DIVISION OF TOURISM, FILM AND THE ARTS

T00G00.03 Maryland Tourism Development Board

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds to support the War of 1812 Celebration.

General Fund Appropriation 2,000,000

=====

DEPARTMENT OF JUVENILE SERVICES

FY 2012 Deficiency Appropriation

DEPARTMENTAL SUPPORT

V00D02.01 Departmental Support

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for overtime expenses. Portions of this amendment shall be transferred by budget amendment to other programs within the Department.

General Fund Appropriation 2,192,102

=====

V00D02.01 Departmental Support

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for contractual employees in residential facilities. Portions of this

amendment shall be transferred by budget amendment to other programs within the Department.

General Fund Appropriation 1,526,853

=====

V00D02.01 Departmental Support

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for building maintenance and residential facility repairs. Portions of this amendment shall be transferred by budget amendment to other programs within the Department.

General Fund Appropriation 2,170,000

=====

FY 2012 Deficiency Appropriation

PUBLIC DEBT

X00A01.01 Redemption and Interest on State Bonds

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for debt service payments on the State's general obligation bonds.

Federal Fund Appropriation, American Recovery and Reinvestment Act..... 437,153

=====

SECTION 2. AND BE IT FURTHER ENACTED, That in order to carry out the provisions of these appropriations the Secretary of Budget and Management is authorized:

(a) To allot all or any portion of the funds herein appropriated to the various departments, boards, commissions, officers, schools and institutions by monthly, quarterly or seasonal periods and by objects of expense and may place any funds appropriated but not allotted in contingency reserve available for subsequent allotment. Upon the Secretary's own initiative or upon the request of the head of any State agency, the Secretary may authorize a change in the amount of funds so allotted.

The Secretary shall, before the beginning of the fiscal year, file with the Comptroller of the Treasury a schedule of allotments, if any. The Comptroller shall not authorize any expenditure or obligation in excess of the allotment made and any expenditure so made shall be illegal.

(b) To allot all or any portion of funds coming into the hands of any department, board, commission, officer, school and institution of the State, from sources not estimated or calculated upon in the budget.

(c) To fix the number and classes of positions, including temporary and permanent positions, or person years of authorized employment for each agency, unit, or program thereof, not inconsistent with the Public General Laws in regard to classification of positions. The Secretary shall make such determination before the beginning of the fiscal year and shall base them on the positions or person years of employment authorized in the budget as amended by approved budgetary position actions. No payment for salaries or wages nor any request for or certification of personnel shall be made except in accordance with the Secretary's determinations. At any time during the fiscal year the Secretary may amend the number and classes of positions or person years of employment previously fixed by the Secretary; the Secretary may delegate all or part of this authority. The governing boards of public institutions of higher education shall have the authority to transfer positions between programs and campuses under each institutional board's jurisdiction without the approval of the Secretary, as provided in Section 15–105 of the Education Article.

(d) To prescribe procedures and forms for carrying out the above provisions.

SECTION 3. AND BE IT FURTHER ENACTED, That in accordance with Section 7–109 of the State Finance and Procurement Article of the Annotated Code of Maryland, it is the intention of the General Assembly to include herein a listing of nonclassified flat rate or per diem positions by unit of State government, job classification, the number in each job classification and the amount proposed for each classification. The Chief Judge of the Court of Appeals may make adjustments to positions contained in the Judicial portion of this section (including judges) that are impacted by changes in salary plans or by salary actions in the executive agencies.

JUDICIARY

Chief Judge, Court of Appeals	1	181,352
Judge, Court of Appeals (@ 162,352)	6	974,112
Chief Judge, Court of Special Appeals	1	152,552
Judge, Court of Special Appeals (@ 149,552)	12	1,794,624
Judge, Circuit Court (@ 140,352)	157	22,035,264
Chief Judge, District Court of Maryland	1	149,552
Judge, District Court (@ 127,252)	111	14,124,972
Judiciary Clerk of Court A (@ 98,500)	5	492,500
Judiciary Clerk of Court B (@ 96,750)	6	580,500
Judiciary Clerk of Court C (@ 95,600)	6	573,600
Judiciary Clerk of Court D (@ 92,600)	7	648,200

OFFICE OF THE PUBLIC DEFENDER

Public Defender	1	140,352
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OFFICE OF THE ATTORNEY GENERAL

Attorney General	1	125,000
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OFFICE OF THE STATE PROSECUTOR

State Prosecutor	1	140,352
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PUBLIC SERVICE COMMISSION

Commissioner (@ 130,050)	4	520,200
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WORKERS' COMPENSATION COMMISSION

Chairman	1	128,952
Commissioner (@ 127,252)	9	1,145,268

EXECUTIVE DEPARTMENT – GOVERNOR

Governor	1	150,000
Lieutenant Governor	1	125,000

SECRETARY OF STATE

Secretary of State	1	87,500
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MARYLAND STATE BOARD OF CONTRACT APPEALS

Chairman	1	116,469
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Member	1	105,048
Member	1	105,048

MARYLAND INSTITUTE FOR EMERGENCY
MEDICAL SERVICES SYSTEMS

EMS Executive Director	1	238,168
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OFFICE OF THE COMPTROLLER

Comptroller	1	125,000
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STATE TREASURER'S OFFICE

Treasurer	1	125,000
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MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

State Retirement Administrator	1	132,600
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MARYLAND DEPARTMENT OF TRANSPORTATION

State Highway Administration

State Highway Administrator	1	150,000
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Maryland Port Administration

Executive Director	1	257,040
Deputy Executive Director, Development and Administration	1	151,541
Director, Operations	1	135,869
Director, Marketing	1	127,422
CFO and Treasurer (MIT)	1	117,883
Director, Maritime Commercial Management	1	115,723
Director, Engineering	1	116,840
Deputy Director, Marketing	1	107,100
Director, Planning and Environment	1	99,454
Director, Security	1	90,000
Deputy Director, Harbor Development	1	98,845
Manager, South America and Latin America Trade Development	1	90,162

Maryland Transit Administration

Maryland Transit Administrator	1	183,090
Senior Deputy Administrator, Transit Operations	1	122,400

Executive Director of Safety and Risk Management	1	129,957
Maryland Aviation Administration		
Executive Director	1	261,557
Deputy Executive Director, Facilities Development and Engineering	1	134,514
Deputy Executive Director, Technology, Human Resources, Safety and Training	1	118,705
Deputy Executive Director, Business Management and Administration	1	134,514
Director, Planning and Environmental Services	1	121,843
Director, Commercial Management	1	121,839
Director, Marketing, Communications and Customer Service	1	121,843
Director, Regional Aviation Assistance	1	83,649
Deputy Executive Director, Operations and Maintenance	1	142,800
Director of Engineering and Construction Management	1	125,000

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Office of the Secretary

Director, Media Relations	1	86,653
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DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Maryland Parole Commission

Chairman	1	99,337
Member (@ 87,916)	9	791,244

PUBLIC EDUCATION

State Department of Education – Headquarters

State Superintendent of Schools	1	195,000
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DEPARTMENT OF STATE POLICE

Maryland State Police

Pilot	1	81,137
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SECTION 4. AND BE IT FURTHER ENACTED, That if any person holding an office of profit within the meaning of Article 35 of the Declaration of Rights, Constitution of Maryland, is appointed to or otherwise becomes the holder of a second office within the meaning of Article 35 of the Declaration of Rights, Constitution of Maryland, then no compensation or other emolument, except expenses incurred in connection with attendance at hearings, meetings, field trips, and working sessions, shall be paid from any funds appropriated by this bill to that person for any services in connection with the second office.

SECTION 5. AND BE IT FURTHER ENACTED, That amounts received pursuant to Sections 2–201 and 7–217 of the State Finance and Procurement Article may be expended by approved budget amendment.

SECTION 6. AND BE IT FURTHER ENACTED, That funds appropriated by this bill may be transferred among programs in accordance with the procedure provided in Sections 7–205 through 7–212, inclusive, of the State Finance and Procurement Article.

SECTION 7. AND BE IT FURTHER ENACTED, That, except as otherwise provided, amounts received from sources estimated or calculated upon in the budget in excess of the estimates for any special or federal fund appropriations listed in this bill may be made available by approved budget amendment.

SECTION 8. AND BE IT FURTHER ENACTED, That authorization is hereby granted to transfer by budget amendment General Fund amounts for the operations of State office buildings and facilities to the budgets of the various agencies and departments occupying the buildings.

SECTION 9. AND BE IT FURTHER ENACTED, That \$6,506,800 is appropriated in the various agency budgets for tort claims (including motor vehicles) under the provisions of the State Government Article, Title 12, Subtitle 1, the Maryland Tort Claims Act (MTCA). These funds are to be transferred to the State Insurance Trust Fund; these funds, together with funds appropriated in prior budgets for tort claims but unexpended, are the only funds available to make payments under the provisions of the MTCA.

(A) Tort claims for incidents or occurrences occurring after October 1, 1999, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$200,000 to a single claimant for injuries arising from a single incident or occurrence.

(B) Tort claims for incidents or occurrences occurring after July 1, 1996, and before October 1, 1999, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$100,000 to a single claimant for injuries arising from a single incident or occurrence.

(C) Tort claims for incidents or occurrences resulting in death on or after July 1, 1994, and before July 1, 1996, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$75,000 to a single claimant. All other tort claims occurring on or after July 1, 1994, and before July 1, 1996, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$50,000 to a single claimant for injuries arising from a single incident or occurrence.

(D) Tort claims for incidents or occurrences occurring prior to July 1, 1994, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$50,000 to a single claimant for injuries arising from a single incident or occurrence.

SECTION 10. AND BE IT FURTHER ENACTED, That authorization is hereby granted to transfer by budget amendment General Fund amounts, budgeted to the various State agency programs and subprograms which comprise the indirect cost pools under the Statewide Indirect Cost Plan, from the State agencies providing such services to the State agencies receiving the services. It is further authorized that receipts by the State agencies providing such services from charges for the indirect services may be used as special funds for operating expenses of the indirect cost pools.

SECTION 11. AND BE IT FURTHER ENACTED, That certain funds appropriated to the various State agency programs and subprograms in Comptroller object 0882 (In-State Services – Computer Usage – ADC Only) shall be utilized to pay for services provided by the Comptroller of the Treasury, Data Processing Division, Computer Center Operations (E00A10.01) consistent with the reimbursement schedule provided for in the supporting budget documents. The expenditure or transfer of these funds for other purposes requires the prior approval of the Secretary of Budget and Management. Notwithstanding any other provision of law, the Secretary of Budget and Management may transfer amounts appropriated in Comptroller object 0882 between State departments and agencies by approved budget amendment in fiscal year 2013.

SECTION 12. AND BE IT FURTHER ENACTED, That, pursuant to Section 8–102 of the State Personnel and Pensions Article, the salary schedule for the executive pay plan during fiscal year 2013 shall be as set forth below. Adjustments to the salary schedule may be made during the fiscal year in accordance with the provisions of Sections 8–108 and 8–109 of the State Personnel and Pensions Article. Notwithstanding the inclusion of salaries for positions which are determined by agencies with independent salary setting authority in the salary schedule set forth below, such salaries may be adjusted during the fiscal year in accordance with such salary setting authority. The salaries presented may be off by \$1 due to rounding.

Fiscal 2013
Executive Salary Schedule

	Scale	Minimum	Maximum
ES 4	9904	74,608	99,478
ES 5	9905	80,160	106,940
ES 6	9906	86,161	115,000
ES 7	9907	92,640	123,708
ES 8	9908	99,637	133,112
ES 9	9909	107,196	143,270
ES 10	9910	115,356	154,235
ES 11	9911	124,175	166,082
ES 91	9991	142,800	239,700

Classification Title	Scale	FY 2013 Allowance
OFFICE OF THE PUBLIC DEFENDER		
Deputy Public Defender	9909	107,196
Executive VI	9906	108,683
OFFICE OF THE ATTORNEY GENERAL		
Deputy Attorney General	9909	143,270
Deputy Attorney General	9909	143,270
Senior Executive Associate Attorney General	9908	133,112
Senior Executive Associate Attorney General	9908	133,112
Senior Executive Associate Attorney General	9908	129,193
PUBLIC SERVICE COMMISSION		
Chair	9991	150,000
OFFICE OF THE PEOPLE'S COUNSEL		
People's Counsel	9906	102,563
SUBSEQUENT INJURY FUND		
Executive Director	9906	115,000
UNINSURED EMPLOYERS' FUND		
Executive Director	9906	115,000

EXECUTIVE DEPARTMENT – GOVERNOR

Executive Chief of Staff	9991	150,858
Executive Aide XI	9911	156,060
Executive Aide XI	9911	137,700
Executive Aide X	9910	150,858
Executive Aide X	9910	144,692
Executive Aide X	9910	144,692
Executive Aide X	9910	143,707
Executive Aide X	9910	132,500
Executive Aide IX	9909	131,691
Executive Aide IX	9909	130,333
Executive Aide IX	9909	130,228
Executive Aide IX	9909	130,050
Executive Aide VIII	9908	119,646

DEPARTMENT OF DISABILITIES

Secretary	9909	122,038
Deputy Secretary	9906	95,365

MARYLAND ENERGY ADMINISTRATION

Executive Aide VIII	9908	130,050
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EXECUTIVE DEPARTMENT – BOARDS, COMMISSIONS AND OFFICES

Executive Aide IX	9909	130,050
Executive Aide VIII	9908	130,000
Executive Aide VIII	9908	121,021

GOVERNOR'S OFFICE FOR CHILDREN

Executive Aide VIII	9908	115,000
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INTERAGENCY COMMITTEE FOR SCHOOL CONSTRUCTION

Executive VII	9907	119,594
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DEPARTMENT OF AGING

Secretary	9909	124,848
Deputy Secretary	9906	93,636

MARYLAND COMMISSION ON CIVIL RIGHTS

Executive Director	9906	86,161
Deputy Director	9904	96,845

STATE BOARD OF ELECTIONS

State Administrator of Elections	9906	109,372
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DEPARTMENT OF PLANNING

Secretary	9909	124,848
Deputy Director	9906	115,000
Executive V	9905	103,080

MILITARY DEPARTMENT

Military Department Operations and Maintenance

The Adjutant General	9909	130,560
Executive VIII	9908	127,500
Executive VII	9907	121,987
Executive VII	9907	120,054

DEPARTMENT OF VETERANS AFFAIRS

Secretary	9905	104,092
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STATE ARCHIVES

State Archivist	9907	123,051
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MARYLAND HEALTH BENEFIT EXCHANGE

Executive Director	9991	175,000
Health Benefit Exchange Executive XI	9911	160,000
Health Benefit Exchange Executive X	9910	150,000
Health Benefit Exchange Executive X	9910	115,356
Health Benefit Exchange Executive X	9910	115,356
Health Benefit Exchange Executive X	9910	115,356

MARYLAND INSURANCE ADMINISTRATION

Maryland Insurance Commissioner	9911	145,500
Maryland Deputy Insurance Commissioner	9908	132,380

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge	9907	118,000
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COMPTROLLER OF MARYLAND

Office of the Comptroller

Chief Deputy Comptroller	9910	154,235
Executive Aide X	9910	154,235
Assistant State Comptroller VII	9907	120,026
Assistant State Comptroller V	9905	106,940

General Accounting Division

Assistant State Comptroller VII	9907	108,175
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Bureau of Revenue Estimates

Assistant State Comptroller VII	9907	116,396
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Revenue Administration Division

Assistant State Comptroller VII	9907	123,708
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Compliance Division

Assistant State Comptroller VII	9907	122,066
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Field Enforcement Division

Assistant State Comptroller VI	9906	102,115
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Central Payroll Bureau

Assistant State Comptroller V	9905	106,940
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Information Technology Division

Assistant State Comptroller VII	9907	92,640
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STATE TREASURER'S OFFICE

Chief Deputy Treasurer	9909	136,706
Executive VIII	9908	130,050
Executive VIII	9908	99,637
Executive VI	9906	102,232

Executive V	9905	106,940
Executive V	9905	106,704
Executive V	9905	103,284
Executive V	9905	80,160

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

Director	9908	121,449
Deputy Director	9906	113,485
Executive V	9905	99,635

STATE LOTTERY AGENCY

Director	9910	145,000
Executive VIII	9908	128,750
Executive VII	9907	115,000
Executive VII	9907	115,000

DEPARTMENT OF BUDGET AND MANAGEMENT

Office of the Secretary

Secretary	9911	166,082
Deputy Secretary	9909	139,954

Office of Personnel Services and Benefits

Executive VIII	9908	125,635
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Office of Budget Analysis

Executive VIII	9908	133,112
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Office of Capital Budgeting

Executive VII	9907	111,394
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DEPARTMENT OF INFORMATION TECHNOLOGY

Secretary	9911	166,082
Executive VIII	9908	129,250

MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

Executive Director	9909	143,270
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TEACHERS AND STATE EMPLOYEES SUPPLEMENTAL RETIREMENT PLANS

Executive VII	9907	105,310
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DEPARTMENT OF GENERAL SERVICES

Office of the Secretary

Secretary	9909	138,374
Executive VII	9907	108,924

Office of Facilities Operation and
Maintenance

Executive V	9905	93,135
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Office of Procurement and Logistics

Executive V	9905	80,160
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Office of Real Estate

Executive V	9905	93,551
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Office of Facilities Planning, Design
and Construction

Executive V	9905	98,886
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DEPARTMENT OF NATURAL RESOURCES

Office of the Secretary

Secretary	9910	148,778
Deputy Secretary	9908	129,193
Executive VI	9906	115,000
Executive VI	9906	115,000

Critical Area Commission

Chairman	9906	100,581
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DEPARTMENT OF AGRICULTURE

Office of the Secretary

Secretary	9909	130,050
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Deputy Secretary	9907	106,656
Program Executive	9904	91,009

Office of Marketing, Animal Industries and Consumer Services

Executive V	9905	89,004
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Office of Plant Industries and Pest Management

Executive V	9905	88,884
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Office of Resource Conservation

Executive V	9905	98,536
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DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Office of the Secretary

Secretary	9911	166,082
Deputy Secretary	9908	122,334
Executive VII	9907	123,708
Executive VII	9907	94,250
Executive V	9905	96,446

Regulatory Services

Executive VI	9906	100,581
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Deputy Secretary for Public Health Services

Executive IX	9909	143,270
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Office of the Chief Medical Examiner

Chief Medical Examiner Post Mortem	9991	227,660
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Laboratories Administration

Executive VI	9906	105,293
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Behavioral Health and Disabilities

Deputy Secretary	9909	143,270
Executive V	9905	100,089

Alcohol and Drug Abuse Administration

Executive VI	9906	110,000
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Developmental Disabilities Administration

Executive VII	9907	117,250
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Medical Care Programs Administration

Deputy Secretary	9910	154,235
Executive VI	9906	115,000
Executive VI	9906	115,000
Executive VI	9906	107,100

Health Regulatory Commissions

Executive Director, Maryland Health Care Access and Cost Commission	9908	99,637
Executive Director, Health Services Cost Review Commission	9908	99,637
Executive VIII	9908	99,637

DEPARTMENT OF HUMAN RESOURCES

Office of the Secretary

Secretary	9910	154,820
Deputy Secretary	9908	129,250
Deputy Secretary	9908	129,250

Social Services Administration

Executive VI	9906	102,000
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Child Support Enforcement Administration

Executive Director	9906	109,000
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Family Investment Administration

Executive VI	9906	86,161
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DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Office of the Secretary

Secretary	9911	158,974
Deputy Secretary	9908	99,637

Division of Labor and Industry

Executive VI	9906	115,000
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Division of Occupational and Professional Licensing

Executive VI	9906	100,581
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Division of Workforce Development

Executive VII	9907	116,485
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Division of Unemployment Insurance

Executive VI	9906	111,442
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DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES

Office of the Secretary

Secretary	9911	166,082
Deputy Secretary	9908	133,112
Deputy Secretary	9908	123,310
Executive VII	9907	123,708
Executive VII	9907	92,640

Division of Correction – Headquarters

Commissioner	9907	92,640
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Division of Parole and Probation

Director	9907	92,640
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Division of Pretrial and Detention Services

Commissioner	9907	116,706
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PUBLIC EDUCATION

State Department of Education – Headquarters

Deputy State Superintendent of Schools	9908	130,464
Assistant State Superintendent	9906	115,000
Assistant State Superintendent	9906	115,000
Assistant State Superintendent	9906	115,000
Assistant State Superintendent	9906	110,362
Assistant State Superintendent	9906	109,333
Assistant State Superintendent	9906	107,546
Assistant State Superintendent	9906	104,250
Assistant State Superintendent	9906	100,000
Assistant State Superintendent	9906	99,398
Assistant State Superintendent	9906	86,161

Maryland Higher Education Commission

Secretary	9910	110,356
Assistant Secretary	9907	92,640

Maryland School for the Deaf – Frederick Campus

Superintendent	9907	123,708
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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Office of the Secretary

Secretary	9910	148,778
Deputy Secretary	9908	133,122

Division of Credit Assurance

Executive VI	9906	114,883
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Division of Neighborhood Revitalization

Executive VI	9906	106,713
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Division of Development Finance

Executive VI	9906	111,793
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DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

Office of the Secretary

Secretary	9911	155,000
Deputy Secretary	9909	130,466

Division of Marketing and Communications

Executive VIII	9908	127,250
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Division of Business and Enterprise Development

Executive VIII	9908	133,112
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Division of Tourism, Film and the Arts

Executive VIII	9908	127,410
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DEPARTMENT OF THE ENVIRONMENT

Office of the Secretary

Secretary	9910	141,026
Deputy Secretary	9908	129,546
Executive VIII	9908	125,844

Water Management Administration

Executive VI	9906	110,376
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Land Management Administration

Executive VI	9906	114,167
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Air and Radiation Management Administration

Executive VI	9906	112,481
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DEPARTMENT OF JUVENILE SERVICES

Office of the Secretary

Secretary	9911	150,162
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Departmental Support

Deputy Secretary	9908	120,009
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Residential and Community Operations

Deputy Secretary	9908	120,009
Assistant Secretary	9905	94,171

DEPARTMENT OF STATE POLICE

Maryland State Police

Superintendent	9911	155,000
Deputy Secretary	9907	92,640
Executive VIII	9908	133,112

SECTION 13. AND BE IT FURTHER ENACTED, That pursuant to Section 2–103.4(h) of the Transportation Article of the Annotated Code of Maryland the salary schedule for the Department of Transportation executive pay plan during fiscal year 2013 shall be as set forth below. Adjustments to the salary schedule may be made during the fiscal year in accordance with the provisions of Section 2–103.4(h) of the Transportation Article. Notwithstanding the inclusion of salaries for positions which are determined by agencies with independent salary setting authority in the salary schedule set forth below, such salaries may be adjusted during the fiscal year in accordance with such salary setting authority. The salaries presented may be off by \$1 due to rounding.

Fiscal 2013
Executive Salary Schedule

	Scale	Minimum	Maximum
ES 4	9904	74,608	99,478
ES 5	9905	80,160	106,940
ES 6	9906	86,161	115,000
ES 7	9907	92,640	123,708
ES 8	9908	99,637	133,112
ES 9	9909	107,196	143,270
ES 10	9910	115,356	154,235
ES 11	9911	124,175	166,082
ES 91	9991	142,800	239,700

DEPARTMENT OF TRANSPORTATION

The Secretary's Office

Secretary	9911	166,082
Deputy Secretary	9909	143,270

Motor Vehicle Administration

Motor Vehicle Administrator	9909	136,650
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SECTION 14. AND BE IT FURTHER ENACTED, That if a person is placed by the Departments of Health and Mental Hygiene, Human Resources, or Juvenile Services or the State Department of Education in a facility or program that becomes eligible for Medical Assistance Program (Medicaid) participation, and the Medical Assistance Program makes payment for such services, general funds equal to the general funds paid by the Medical Assistance Program to such a facility or program may be transferred from the previously mentioned departments to the Medical Assistance Program. Further, should the facility or program become eligible subsequent to payment to the facility or program by any of the previously mentioned departments, and the Medical Assistance Program makes subsequent additional payments to the facility or program for the same services, any recoveries of overpayment, whether paid in this or prior fiscal years, shall become available to the Medical Assistance Program for provider reimbursement purposes.

SECTION 15. AND BE IT FURTHER ENACTED, That all funds appropriated to the various State departments and agencies in Comptroller Object 0831 (Office of Administrative Hearings) to conduct administrative hearings by the Office of Administrative Hearings are to be transferred to the Office of Administrative Hearings (D99A11.01) on July 1, 2012 and may not be expended for any other purpose.

SECTION 16. AND BE IT FURTHER ENACTED, That funds budgeted in the State Department of Education and the Departments of Health and Mental Hygiene, Human Resources, and Juvenile Services may be transferred by budget amendment to the Children's Cabinet Interagency Fund (R00A04.01). Funds transferred would represent costs associated with local partnership agreements approved by the Children's Cabinet Interagency Fund.

SECTION 17. AND BE IT FURTHER ENACTED, That funds appropriated to the various State agency programs and subprograms in Comptroller Objects 0152 (Health Insurance), 0154 (Retirees Health Insurance Premiums), 0175 (Workers' Compensation), 0305 (DBM Paid Telecommunications), 0322 (Capital Lease Telecommunications), 0874 (Office of Attorney General Administrative Fee), 0876 (DoIT IT Services Allocation), 0894 (State Personnel System Allocation), and 1303 (rent paid to DGS) are to be utilized for their intended purposes only. The expenditure or transfer of these funds for other purposes requires the prior approval of the Secretary of Budget and Management. Notwithstanding any other provision of law,

the Secretary of Budget and Management may transfer amounts appropriated in Comptroller Objects 0152, 0154, 0305, and 0322 between State departments and agencies by approved budget amendment in fiscal year 2012 and fiscal year 2013. All funds budgeted in or transferred to Comptroller Objects 0152 and 0154, and any funds restricted in this budget for use in the employee and retiree health insurance program that are unspent shall be credited to the fund as established in accordance with Section 2-516 of the State Personnel and Pensions Article of the Annotated Code of Maryland.

Further provided that each agency that receives funding in this budget in any of the restricted Comptroller Objects listed within this section shall establish within the State's accounting system a structure of accounts to separately identify for each restricted Comptroller Object, by fund source, the legislative appropriation, monthly transactions, and final expenditures. It is the intent of the General Assembly that an accounting detail be established so that the Office of Legislative Audits may review the disposition of funds appropriated for each restricted Comptroller Object as part of each closeout audit to ensure that funds are used only for the purposes for which they are restricted and that unspent funds are reverted or canceled.

SECTION 18. AND BE IT FURTHER ENACTED, That all funds appropriated to the various State departments and agencies in Comptroller Object 0875 (Retirement Administrative Fee) to support the Maryland State Retirement agency operations are to be transferred to the Maryland State Retirement agency (G20J01.01) on July 1, 2012 and may not be expended for any other purpose.

SECTION 19. AND BE IT FURTHER ENACTED, That the Governor is hereby authorized to transfer by approved budget amendment from State agencies to budget code F50A04.07, Web Systems, positions and associated funding related to web design functions within the Department of Information Technology (DoIT) and additional positions and associated funding shall be reduced effective July 1, 2012, in accordance with the following schedule:

Agency	Position FTE	General Funds	PIN Number
K00 Department of Natural Resources	1.0	99,346	075252
L00 Department of Agriculture	1.0	86,732	014891
M00 Department of Health and Mental Hygiene	1.0	83,652	016212
TOTAL	3.0	269,730	

Further provided that the following positions shall be transferred from State agencies to budget code F50A04.07, Web Systems, related to web design functions

within DoIT effective July 1, 2012. The respective State agencies shall reimburse DoIT for its share of the cost of the positions in accordance with the following schedule:

	Agency	Position FTE	Total Funds	PIN Number
J00	Department of Transportation	of 3.0	247,447	007245 012529 012711
K00	Department of Natural Resources	1.0	73,849	013469
M00	Department of Health and Mental Hygiene	1.0	78,699	079368 069625
S00	Department of Housing and Community Development	2.0	149,782	077304
T00	Department of Business and Economic Development	1.0	80,675	032022
	TOTAL	<u>8.0</u>	<u>630,452</u>	

SECTION 20. AND BE IT FURTHER ENACTED, That the Governor is hereby authorized to transfer by approved budget amendment from State agencies to budget code F50A04.01, State Chief of Information Technology, positions and associated funding related to Geographical Information Services (GIS) within the Department of Information Technology (DoIT) and additional positions and associated funding shall be reduced effective July 1, 2012, in accordance with the following schedule:

	Agency	Position FTE	General Funds	PIN Number
L00	Department of Agriculture	1.0	86,153	073486
M00	Department of Health and Mental Hygiene	1.0	76,265	016171
T00	Department of Business and Economic Development	1.0	91,003	076204
	TOTAL	<u>3.0</u>	<u>253,421</u>	

Further provided that the following positions shall be transferred from State agencies to budget code F50A04.01, State Chief of Information Technology, related to GIS functions within DoIT effective July 1, 2012. The respective State agencies shall reimburse DoIT for its share of the cost of the positions and services in accordance with the following schedule:

Position	Total	PIN
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	Agency	FTE	Funds	Number
K00	Department of Natural Resources	1.0	82,876	060562
K00	Imap Hosting Services		400,000	
M00	Department of Health and Mental Hygiene			
	GIS consultant services		365,000	
	Mapping Services		25,000	
S00	Department of Housing and Community Development	1.0	92,271	051096
	TOTAL	2.0	965,147	

SECTION 21. AND BE IT FURTHER ENACTED, That all across-the-board reductions applied to the Executive Branch, unless otherwise stated, shall apply to current unrestricted and general funds in the University System of Maryland, St. Mary's College of Maryland, Morgan State University, and Baltimore City Community College.

SECTION 22. AND BE IT FURTHER ENACTED, That the Comptroller of Maryland General Accounting Division shall establish a subsidiary ledger control account to debit all State agency funds budgeted under subobject 0175 (workers' compensation coverage) and to credit all payments disbursed to the Injured Workers' Insurance Fund (IWIF) via transmittal. The control account shall also record all funds withdrawn from IWIF and returned to the State and subsequently transferred to the General Fund. IWIF shall submit monthly reports to the Department of Legislative Services concerning the status of the account.

SECTION 23. AND BE IT FURTHER ENACTED, That the Governor's budget books shall include a summary statement of federal revenues by major federal program sources supporting the federal appropriations made therein along with the major assumptions underpinning the federal fund estimates. The Department of Budget and Management (DBM) shall exercise due diligence in reporting this data and ensure that they are updated as appropriate to reflect ongoing congressional action on the federal budget. In addition, DBM shall provide to the Department of Legislative Services (DLS) data for the actual, current, and budget years listing the components of each federal fund appropriation by Catalog of Federal Domestic Assistance number or equivalent detail for programs not in the catalog. Data shall be provided in an electronic format subject to the concurrence of DLS.

SECTION 24. AND BE IT FURTHER ENACTED, That in the expenditure of federal funds appropriated in this budget or subsequent to the enactment of this budget by the budget amendment process:

(1) State agencies shall administer these federal funds in a manner that recognizes that federal funds are taxpayer dollars that require prudent fiscal management, careful application to the purposes for which they are directed, and strict attention to budgetary and accounting procedures established for the administration of all public funds.

(2) For fiscal 2013, except with respect to capital appropriations, to the extent consistent with federal requirements:

(a) when expenditures or encumbrances may be charged to either State or Federal Fund sources, federal funds shall be charged before State funds are charged except that this policy does not apply to the Department of Human Resources with respect to federal funds to be carried forward into future years for child welfare or welfare reform activities;

(b) when additional federal funds are sought or otherwise become available in the course of the fiscal year, agencies shall consider, in consultation with the Department of Budget and Management, whether opportunities exist to use these federal revenues to support existing operations rather than to expand programs or establish new ones; and

(c) the Department of Budget and Management shall take appropriate actions to effectively establish the provisions of this section as policies of the State with respect to the administration of federal funds by executive agencies.

SECTION 25. AND BE IT FURTHER ENACTED, That the Department of Budget and Management (DBM) shall provide an annual report on indirect costs to the General Assembly in January 2013 as an appendix in the Governor's fiscal 2014 budget books. The report shall detail by agency for the actual fiscal 2012 budget the amount of statewide indirect cost recovery received, the amount of statewide indirect cost recovery transferred to the general fund, and the amount of indirect cost recovery retained for use by each agency. In addition, it shall list the most recently available federally approved statewide and internal agency cost recovery rates. As part of the normal fiscal/compliance audit performed for each agency once every three years, the Office of Legislative Audits shall assess available information on the timeliness, completeness, and deposit history of indirect cost recoveries by State agencies. Further provided that for fiscal 2013, excluding the Maryland Department of Transportation, the amount of revenue received by each agency from any federal source for statewide cost recovery may only be transferred to the General Fund and may not be retained in any clearing account or by any other means, nor may DBM or any other agency or entity approve exemptions to permit any agency to retain any portion of federal statewide cost recoveries.

SECTION 26. AND BE IT FURTHER ENACTED, That the Governor's budget books shall include a forecast of the impact of the Executive budget proposal on the long-term fiscal condition of the General Fund, Transportation Trust Fund, and higher education Current Unrestricted Fund accounts. This forecast shall estimate

aggregate revenues, expenditures, and fund balances in each account for the fiscal year last completed, the current year, the budget year, and four years thereafter. Expenditures shall be reported at such agency, program or unit levels, or categories as may be determined appropriate after consultation with the Department of Legislative Services. A statement of major assumptions underlying the forecast shall also be provided, including but not limited to general salary increases, inflation, and growth of caseloads in significant program areas.

SECTION 27. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that all State departments, agencies, bureaus, commissions, boards, and other organizational units included in the State budget, including the Judiciary, shall prepare and submit items for the fiscal 2014 budget detailed by Comptroller subobject classification in accordance with instructions promulgated by the Comptroller of the Treasury. The presentation of budget data in the State budget books shall include object, fund, and personnel data in the manner provided for in fiscal 2013 except as indicated elsewhere in this Act; however, this shall not preclude the placement of additional information into the budget books. For actual fiscal 2012 spending, the fiscal 2013 working appropriation, and the fiscal 2014 allowance, the budget detail shall be available from the Department of Budget and Management (DBM) automated data system at the subobject level by subobject codes and classifications for all agencies. To the extent possible, except for public higher education institutions, subobject expenditures shall be designated by fund for actual fiscal 2012 spending, the fiscal 2013 working appropriation, and the fiscal 2014 allowance. The agencies shall exercise due diligence in reporting this data and ensuring correspondence between reported position and expenditure data for the actual, current, and budget fiscal years. This data shall be made available upon request and in a format subject to the concurrence of the Department of Legislative Services (DLS). Further, the expenditure of appropriations shall be reported and accounted for by the subobject classification in accordance with the instructions promulgated by the Comptroller of the Treasury.

Further provided that due diligence shall be taken to accurately report full-time equivalent counts of contractual positions in the budget books. For the purpose of this count, contractual positions are defined as those individuals having an employee-employer relationship with the State. This count shall include those individuals in higher education institutions who meet this definition but are paid with additional assistance funds.

Further provided that DBM shall provide to DLS with the allowance for each department, unit, agency, office, and institution, a 1-page organizational chart in Microsoft Word or Adobe PDF format that depicts the allocation of personnel across operational and administrative activities of the entity.

SECTION 28. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that on or before August 1, 2012, each State agency and each public institution of higher education shall report to the Department of Budget and Management (DBM) any agreements in place for any part of fiscal 2012 between State

agencies and any public institution of higher education involving potential expenditures in excess of \$100,000 over the term of the agreement. Further provided that DBM shall provide direction and guidance to all State agencies and public institutions of higher education as to the procedures and specific elements of data to be reported with respect to these interagency agreements, to include at a minimum:

- (1) a common code for each interagency agreement that specifically identifies each agreement and the fiscal year in which the agreement began;
- (2) the starting date for each agreement;
- (3) the ending date for each agreement;
- (4) a total potential expenditure, or not-to-exceed dollar amount, for the services to be rendered over the term of the agreement by any public institution of higher education to any State agency;
- (5) a description of the nature of the goods and services to be provided;
- (6) the total number of personnel, both full-time and part-time, associated with the agreement; and
- (7) contact information for the agency and the public institution of higher education for the person(s) having direct oversight or knowledge of the agreement.

Further provided that DBM shall submit a consolidated report to the budget committees and the Department of Legislative Services by December 1, 2012, that contains information on all agreements between State agencies and any public institution of higher education involving potential expenditures in excess of \$100,000 that were in effect at any time during fiscal 2012.

SECTION 29. AND BE IT FURTHER ENACTED, That any budget amendment to increase the total amount of special, federal, or higher education (current restricted and current unrestricted) fund appropriations, or to make reimbursable fund transfers from the Governor's Office of Crime Control and Prevention or the Maryland Emergency Management Agency, made in Section 1 of this Act shall be subject to the following restrictions:

- (1) This section shall not apply to budget amendments for the sole purpose of:
 - (a) appropriating funds available as a result of the award of federal disaster assistance;
 - (b) transferring funds from the State Reserve Fund – Economic Development Opportunities Fund for projects approved by the Legislative Policy Committee; and

(c) appropriating funds for Major Information Technology Development Project Fund projects approved by the budget committees.

(2) Budget amendments increasing total appropriations in any fund account by \$100,000 or more may not be approved by the Governor until (i) that amendment has been submitted to the Department of Legislative Services (DLS); and (ii) the budget committees or the Legislative Policy Committee have considered the amendment or 45 days have elapsed from the date of submission of the amendment. Each amendment submitted to DLS shall include a statement of the amount, sources of funds and purposes of the amendment, and a summary of impact on budgeted or contractual position and payroll requirements.

(3) Unless permitted by the budget bill or the accompanying supporting documentation or by other authorizing legislation, and notwithstanding the provisions of Section 3-216 of the Transportation Article, a budget amendment may not:

(a) restore funds for items or purposes specifically denied by the General Assembly;

(b) fund a capital project not authorized by the General Assembly provided, however, that subject to provisions of the Transportation Article, projects of the Maryland Department of Transportation shall be restricted as provided in Section 1 of this Act;

(c) increase the scope of a capital project by an amount 7.5% or more over the approved estimate or 5.0% or more over the net square footage of the approved project until the amendment has been submitted to DLS and the budget committees have considered and offered comment to the Governor or 45 days have elapsed from the date of submission of the amendment. This provision does not apply to the Maryland Department of Transportation; and

(d) provide for the additional appropriation of special, federal, or higher education funds of more than \$100,000 for the reclassification of a position or positions.

(4) A budget may not be amended to increase a Federal Fund appropriation by \$100,000 or more unless documentation evidencing the increase in funds is provided with the amendment and fund availability is certified by the Secretary of Budget and Management.

(5) No expenditure or contractual obligation of funds authorized by a proposed budget amendment may be made prior to approval of that amendment by the Governor.

(6) Notwithstanding the provisions of this section, any federal, special, or higher education fund appropriation may be increased by budget amendment upon a

declaration by the Board of Public Works that the amendment is essential to maintaining public safety, health, or welfare, including protecting the environment or the economic welfare of the State.

(7) Further provided that the fiscal 2014 appropriation detail as shown in the Governor's budget books submitted to the General Assembly in January 2013 and the supporting electronic detail shall not include appropriations for budget amendments that have not been signed by the Governor, exclusive of the Maryland Department of Transportation pay-as-you-go capital program.

(8) Further provided that it is the policy of the State to recognize and appropriate additional special, higher education, and federal revenues in the budget bill as approved by the General Assembly. Further provided that for the fiscal 2014 allowance, the Department of Budget and Management shall continue policies and procedures to minimize reliance on budget amendments for appropriations that could be included in a deficiency appropriation.

SECTION 30. AND BE IT FURTHER ENACTED, That:

(1) The Secretary of Health and Mental Hygiene shall maintain the accounting systems necessary to determine the extent to which funds appropriated for fiscal 2012 in program M00Q01.03 Medical Care Provider Reimbursements have been disbursed for services provided in that fiscal year and shall prepare and submit the periodic reports required under this section for that program.

(2) The State Superintendent of Schools shall maintain the accounting systems necessary to determine the extent to which funds appropriated for fiscal 2012 to program R00A02.07 Students With Disabilities for Non-Public Placements have been disbursed for services provided in that fiscal year and to prepare periodic reports as required under this section for that program.

(3) The Secretary of Human Resources shall maintain the accounting systems necessary to determine the extent to which funds appropriated for fiscal 2012 in program N00G00.01 Foster Care Maintenance Payments have been disbursed for services provided in that fiscal year and to prepare the periodic reports required under this section for that program.

(4) For the programs specified, reports shall indicate total appropriations for fiscal 2012 and total disbursements for services provided during that fiscal year up through the last day of the second month preceding the date on which the report is to be submitted and a comparison to data applicable to those periods in the preceding fiscal year.

(5) Reports shall be submitted to the budget committees, the Department of Legislative Services, the Department of Budget and Management, and the Comptroller on November 1, 2012, March 1, 2013, and June 1, 2013.

(6) It is the intent of the General Assembly that general funds appropriated for fiscal 2012 to the programs specified that have not been disbursed within a reasonable period, not to exceed 12 months from the end of the fiscal year, shall revert.

SECTION 31. AND BE IT FURTHER ENACTED, That no funds in this budget may be expended to pay the salary of a Secretary or Acting Secretary of any department whose nomination as Secretary has been rejected by the Senate or an Acting Secretary who was serving in that capacity prior to the 2012 session whose nomination for the Secretary position was not put forward and approved by the Senate during the 2012 session unless the Acting Secretary is appointed under Article II, Section 11 of the Maryland Constitution prior to July 1, 2012.

SECTION 32. AND BE IT FURTHER ENACTED, That the Board of Public Works (BPW), in exercising its authority to create additional positions pursuant to Section 7-236 of the State Finance and Procurement Article, may authorize during the fiscal year no more than 100 positions in excess of the total number of authorized State positions on July 1, 2012, as determined by the Secretary of Budget and Management. Provided, however, that if the imposition of this ceiling causes undue hardship in any department, agency, board, or commission, additional positions may be created for that affected unit to the extent that positions authorized by the General Assembly for the fiscal year are abolished in that unit or in other units of State government. It is further provided that the limit of 100 does not apply to any position that may be created in conformance with specific manpower statutes that may be enacted by the State or federal government nor to any positions created to implement block grant actions or to implement a program reflecting fundamental changes in federal/State relationships. Notwithstanding anything contained in this section, BPW may authorize additional positions to meet public emergencies resulting from an act of God and violent acts of men, that are necessary to protect the health and safety of the people of Maryland.

BPW may authorize the creation of additional positions within the Executive Branch provided that 1.25 full-time equivalent contractual positions are abolished for each regular position authorized and that there be no increase in agency funds in the current budget and the next two subsequent budgets as the result of this action. It is the intent of the General Assembly that priority is given to converting individuals that have been in contractual positions for at least two years. Any position created by this method shall not be counted within the limitation of 100 under this section.

The numerical limitation on the creation of positions by BPW established in this section shall not apply to positions entirely supported by funds from federal or other non-State sources so long as both the appointing authority for the position and the Secretary of Budget and Management certify for each position created under this exception that:

(1) funds are available from non-State sources for each position established under this exception;

(2) the position's classification is not one for which another position was abolished through the Voluntary Separation Program; and

(3) any positions created will be abolished in the event that non-State funds are no longer available.

The Secretary of Budget and Management shall certify and report to the General Assembly by June 30, 2013, the status of positions created with non-State funding sources during fiscal 2009, 2010, 2011, 2012, and 2013 under this provision as remaining authorized or abolished due to the discontinuation of funds.

SECTION 33. AND BE IT FURTHER ENACTED, That immediately following the close of fiscal 2012, the Secretary of Budget and Management shall determine the total number of full-time equivalent (FTE) positions that are authorized as of the last day of fiscal 2012 and on the first day of fiscal 2013. Authorized positions shall include all positions authorized by the General Assembly in the personnel detail of the budgets for fiscal 2012 and 2013 including nonbudgetary programs, the Maryland Transportation Authority, the University System of Maryland self-supported activities, and the Maryland Correctional Enterprises.

The Department of Budget and Management shall also prepare during fiscal 2013 a report for the budget committees upon creation of regular FTE positions through Board of Public Works action and upon transfer or abolition of positions. This report shall also be provided as an appendix in the fiscal 2014 Governor's budget books. It shall note, at the program level:

- (1) where regular FTE positions have been abolished;
 - (2) where regular FTE positions have been created;
 - (3) from where and to where regular FTE positions have been transferred;
- and
- (4) where any other adjustments have been made.

Provision of contractual FTE position information in the same fashion as reported in the appendices of the fiscal 2014 Governor's budget books shall also be provided.

SECTION 34. AND BE IT FURTHER ENACTED, That the Department of Budget and Management and the Maryland Department of Transportation are required to submit to the Department of Legislative Services (DLS) Office of Policy Analysis:

- (1) a report in Excel format listing the grade, salary, title, and incumbent of each position in the Executive Pay Plan (EPP) as of July 1, 2012, October 1, 2012, January 1, 2013, and April 1, 2013; and

(2) detail on any lump-sum increases given to employees paid on the EPP subsequent to the previous quarterly report.

Flat-rate employees on the EPP shall be included in these reports. Each position in the report shall be assigned a unique identifier that describes the program to which the position is assigned for budget purposes and corresponds to the manner of identification of positions within the budget data provided annually to the DLS Office of Policy Analysis.

SECTION 35. AND BE IT FURTHER ENACTED, That no position identification number assigned to a position abolished in this budget may be reassigned to a job or function different from that to which it was assigned when the budget was submitted to the General Assembly. Incumbents in positions abolished, except participants in the Voluntary Separation Program, may continue State employment in another position.

SECTION 36. AND BE IT FURTHER ENACTED, That the Secretary of Budget and Management shall include as an appendix in the fiscal 2014 Governor's budget books an accounting of the fiscal 2012 actual, fiscal 2013 working appropriation, fiscal 2014, and fiscal 2015 estimated revenues and expenditures associated with the employees' and retirees' health plan. This accounting shall include:

(1) any health plan receipts received from State agencies, employees, and retirees, as well as prescription rebates or recoveries, or audit and other miscellaneous recoveries;

(2) any premium, capitated, or claims expenditures paid on behalf of State employees and retirees for any health, mental health, dental, or prescription plan, as well as any administrative costs not covered by these plans; and

(3) any balance remaining and held in reserve for future provider payments.

SECTION 37. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Department of Budget and Management, the Department of Natural Resources, and the Maryland Department of the Environment provide two reports on Chesapeake Bay restoration spending. The reports shall be drafted subject to the concurrence of the Department of Legislative Services (DLS) in terms of both electronic format to be used and data to be included. The scope of the reports is as follows:

(1) Chesapeake Bay restoration operating and capital expenditures by agency, fund type, and particular fund source based on programs that have over 50% of their activities directly related to Chesapeake Bay restoration for the fiscal 2012 actual, fiscal 2013 working appropriation, and fiscal 2014 allowance, which is to be included as an appendix in the fiscal 2014 budget volumes and submitted electronically in disaggregated form to DLS; and

(2) two-year milestones funding by agency, best management practice, fund type, and particular fund source along with associated nutrient and sediment reductions for fiscal 2011, 2012, 2013, and 2014, which is to be submitted electronically in disaggregated form to DLS.

SECTION 38. AND BE IT FURTHER ENACTED, That the Department of Budget and Management shall provide an annual report on the Strategic Energy Investment Fund (SEIF) to the General Assembly in conjunction with submission of the fiscal 2014 budget and annually thereafter as an appendix to the Governor's budget books. This report shall include information for the actual fiscal 2012 budget, fiscal 2013 working appropriation, and fiscal 2014 allowance. The report shall detail revenue assumptions used to calculate the available SEIF for each fiscal year including:

- (1) the number of auctions;
- (2) the number of allowances sold;
- (3) the allowance price for both the current and future control period allowances sold in each auction;

(4) alternative compliance payments; ~~and~~

(5) contributions received as a result of the Exelon Corporation/Constellation Energy Group merger; and

~~(5)~~ (6) fund balance used to support the appropriation.

The report shall also include detail on the amount of the SEIF available to each agency that receives funding through each required allocation:

- (1) energy assistance;
- (2) energy efficiency and conservation programs, low- and moderate-income sector;
- (3) energy efficiency and conservation programs, all other sectors;
- (4) renewable and clean energy programs and initiatives, education, and climate change programs;
- (5) administrative expenditures;
- (6) dues owed to the Regional Greenhouse Gas Initiative, Inc.; and
- (7) transfers made to other funds.

SECTION 39. AND BE IT FURTHER ENACTED, That \$57,074 in reimbursable funds and one regular position appropriated in the Department of Health and Mental Hygiene, Office of the Secretary Operations (Program M00A01.02) shall be deleted. The Governor shall develop a schedule for allocating this reimbursable fund reduction across the department as appropriate. The reduction under this section shall equal at least the amounts indicated for the budgetary types listed:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$28,137</u>
<u>Federal</u>	<u>28,937</u>

SECTION 40. AND BE IT FURTHER ENACTED, That \$100,000 of the General Fund appropriation for the Department of Human Resources (DHR) and \$100,000 of the General Fund appropriation for the Department of Juvenile Services (DJS) may not be expended unless, by September 1, 2012, DHR and DJS jointly submit a plan to the budget committees that outlines how the departments will budget for Interagency Rates Committee (IRC) rate increases in fiscal 2014 that will fully fund private child placement agencies licensed under COMAR 07.05 and private residential child care programs licensed under COMAR 14.31.05-07, including training costs and salary increases for residential child and youth care practitioners associated with new certification requirements.

~~SECTION 41. AND BE IT FURTHER ENACTED, That \$500,000 of the General Fund appropriation for the Department of General Services (DGS) may not be expended until DGS and the Department of Housing and Community Development (DHCD) submit a report to the budget committees providing additional information about the relocation of DHCD from Anne Arundel County to Prince George's County. This report shall include:~~

~~(1) the proposed timeline for construction of the building, DHCD's move, and the sale of the existing property;~~

~~(2) the short and long term operating and capital costs and program impacts of staying in the existing building versus moving to the new location;~~

~~(3) the financing plan for the new development, including any State assistance or debt, tax increment financing, and developer equity;~~

~~(4) existing operations and maintenance costs for the Anne Arundel County property and estimated annual all-in rent payments for the Prince George's County property;~~

~~(5) efforts to ease the transition for existing DHCD employees that live in Anne Arundel County; and~~

~~(6) enumeration of the operational benefits that this move provides.~~

~~The report shall be submitted 45 days prior to the lease agreement being reviewed by the Board of Public Works and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.~~

~~SECTION 41. AND BE IT FURTHER ENACTED, That \$300,000 of the Special Fund appropriation for the Department of General Services (DGS) made for the purpose of operating expenses may not be expended until DGS submits to the budget committees the feasibility study and all other documents relating to the relocation of the Department of Housing and Community Development (DHCD) from Anne Arundel County to Prince George's County. The documents shall be submitted to the budget committees at least 60 days prior to the lease agreement being reviewed by the Board of Public Works, and the budget committees shall have 60 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted to the budget committees.~~

~~Further provided that \$50,000 of this appropriation made for the purpose of operating expenses may not be expended for that purpose but instead may only be transferred by budget amendment to the Department of Legislative Services program B75A01.07 to be used to hire an independent consultant to conduct a cost benefit analysis of the relocation of DHCD from Anne Arundel County to Prince George's County. The independent consultant shall submit its final report to the budget committees by November 15, 2012, and the budget committees shall have 45 days to review and comment upon receipt of the report. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled.~~

SECTION 42. AND BE IT FURTHER ENACTED, That the following reductions of \$262,238,143 in General Fund appropriations contained in Section 1 of this Act are contingent upon the failure to enact SB 152 requiring local jurisdictions to contribute a portion of retirement costs for teachers.

<u>Appropriation Code</u>	<u>Program Title</u>	<u>Contingent Reduction Amount</u>
<u>A15000.01</u>	<u>Disparity Grants</u> <u>Reduce Disparity Grants by 10%</u>	<u>11,992,672</u>
<u>A15000.01</u>	<u>Disparity Grants</u> <u>Eliminate Supplemental Disparity Grant</u>	<u>19,583,662</u>

<u>D15A05.16</u>	<u>Governor's Office of Crime Control and Prevention</u> <u>Eliminate Local Law Enforcement Grants</u>	<u>20,768,000</u>
<u>R00A02.01</u>	<u>State Share of Foundation Program</u> <u>Eliminate GCEI</u>	<u>128,752,660</u>
<u>R00A02.01</u>	<u>State Share of Foundation Program</u> <u>Reduce Per Pupil Foundation Amount</u> <u>from \$6,761 to \$6,650</u>	<u>44,774,042</u>
<u>R00A02.02</u>	<u>Compensatory Education</u> <u>Reduce Per Pupil Foundation Amount</u> <u>from \$6,761 to \$6,650</u>	<u>18,877,131</u>
<u>R00A02.07</u>	<u>Students with Disabilities</u> <u>Reduce Per Pupil Foundation Amount</u> <u>from \$6,761 to \$6,650</u>	<u>4,368,607</u>
<u>R00A02.24</u>	<u>Limited English Proficient</u> <u>Reduce Per Pupil Foundation Amount</u> <u>from \$6,761 to \$6,650</u>	<u>2,917,010</u>
<u>R00A02.31</u>	<u>Public Libraries</u> <u>Reduce Library Funding by 10%</u>	<u>3,366,477</u>
<u>R00A02.32</u>	<u>State Library Network</u> <u>Reduce State Library Network Funding by</u> <u>10%</u>	<u>1,605,882</u>
<u>R00A02.55</u>	<u>Teacher Development</u> <u>Eliminate Teacher Quality</u> <u>Incentives/National Board Certification</u> <u>Fees</u>	<u>5,232,000</u>

SECTION 43. AND BE IT FURTHER ENACTED, That the following reductions of ~~\$427,732,349~~ \$250,000,000 in General Fund appropriations contained in Section 1 of this Act are contingent upon the failure to enact SB 523 increasing General Fund revenues.

<u>Appropriation</u> <u>Code</u>	<u>Program</u> <u>Title</u>	<u>Contingent</u> <u>Reduction</u> <u>Amount</u>
<u>D40W01.12</u>	<u>Sustainable Communities Tax Credit</u> <u>Eliminate Sustainable Communities Tax Credit</u>	<u>7,000,000</u>

<u>F10A02.08</u>	<u>Statewide Expenses</u> <u>Eliminate State employee cost-of-living adjustment</u>	<u>33,800,000</u>
<u>M00L01.02</u>	<u>Community Services</u> <u>Eliminate provider increases for Mental Hygiene Administration (MHA)</u>	<u>800,000</u>
<u>M00L01.03</u>	<u>Community Services for Medicaid Recipients</u> <u>Eliminate provider increases for MHA</u>	<u>2,300,000</u>
<u>M00L05.01</u>	<u>Services and Institutional Operations</u> <u>Reduce capacity at the Regional Institutes for Children and Adolescents (RICA); patients may be absorbed in private Residential Treatment Centers (RTC)</u>	<u>3,250,000</u>
<u>M00L11.01</u>	<u>Services and Institutional Operations</u> <u>Reduce capacity at the RICAs; patients may be absorbed in private RTCs</u>	<u>3,250,000</u>
<u>M00M01.02</u>	<u>Community Services</u> <u>Eliminate provider increases for the Developmental Disabilities Administration</u>	<u>8,600,000</u>
<u>M00Q01.03</u>	<u>Medical Care Provider Reimbursements</u> <u>Reduce outpatient service limit, Primary Adult Care, managed care organization rate cut, and rate increases</u>	<u>100,761,000</u>
<u>N00G00.01</u>	<u>Foster Care Maintenance Payments</u> <u>Eliminate provider increases for foster care</u>	<u>1,400,000</u>
<u>R00A02.07</u>	<u>Students with Disabilities</u> <u>Eliminate provider increases for nonpublic placements</u>	<u>2,100,000</u>
<u>R62I00.03</u>	<u>Joseph A. Sellinger Formula for Aid to Non-Public Institutions of Higher Education</u> <u>Reduce nonpublic higher education grants by 10%</u>	<u>3,844,596</u>
<u>R62I00.05</u>	<u>The Senator John A. Cade Funding Formula for the Distribution of Funds to Community Colleges</u> <u>Reduce funding for community colleges 10% below the Budget Reconciliation and Financing</u>	<u>19,917,611</u>

	<u>Act</u>	
<u>R62I00.12</u>	<u>Senatorial Scholarships</u> <u>Eliminate Senatorial scholarships</u>	<u>6,486,000</u>
<u>R62I00.15</u>	<u>Delegate Scholarships</u> <u>Eliminate Delegate scholarships</u>	<u>5,351,937</u>
<u>R75T00.01</u>	<u>Support for State Operated Institutions of</u> <u>Higher Education</u>	<u>115,471,205</u> <u>38,499,856</u>
	<u>Reduce public higher education 10% 3.3%</u>	
<u>T00F00.12</u>	<u>Maryland Biotechnology Investment Tax Credit</u> <u>Reserve Fund</u> <u>Eliminate Biotechnology Tax Credit</u>	<u>8,000,000</u>
<u>T50T01.03</u>	<u>Maryland Stem Cell Research Fund</u> <u>Eliminate Stem Cell Research Fund</u>	<u>10,400,000</u>
<u>Statewide</u>	<u>Increase employee share of health insurance</u> <u>costs, provided that on or before June 1, 2012,</u> <u>the Governor shall submit a schedule to the</u> <u>Board of Public Works to allocate the statewide</u> <u>reduction of \$15,000,000 and shall take such</u> <u>actions as necessary to implement the</u> <u>reductions.</u>	<u>15,000,000</u>
<u>Statewide</u>	<u>Eliminate 500 positions, provided that on or</u> <u>before June 1, 2012, the Governor shall abolish</u> <u>500 regular positions from the Executive</u> <u>Branch and shall allocate the statewide</u> <u>reduction of \$30,000,000 for salaries and fringe</u> <u>benefits. An accounting of the abolished</u> <u>positions shall be noted in Appendix E of the</u> <u>fiscal 2014 budget submission.</u>	<u>30,000,000</u>
<u>Statewide</u>	<u>Reduce agency operating expenses by 8%,</u> <u>provided that on or before June 1, 2012, the</u> <u>Governor shall submit a schedule to the Board</u> <u>of Public Works to allocate the statewide</u> <u>reduction of \$50,000,000 and shall take such</u> <u>actions as necessary to implement a reduction</u> <u>of 8% across all Executive Branch agencies.</u>	<u>50,000,000</u>

~~SECTION 44. AND BE IT FURTHER ENACTED, That the following reductions of \$47,710,491 in appropriations contained in Section 1 of this Act are contingent upon~~

~~the failure to enact SB 152 authorizing \$2,800,000 as transfers from special funds to the General Fund for fiscal 2012 and \$148,553,179 as transfers from special funds to the General Fund and reductions in mandated appropriations for fiscal 2013.~~

<u>Appropriation Code</u>	<u>Program Title</u>	<u>General Fund Reduction</u>	<u>Special Fund Reduction</u>
D15A05.16	Governor's Office of Crime Control and Prevention Reduce Police Aid grants by 50%	22,710,491	
K00A14.02	Watershed Services Eliminate all funding for the Chesapeake and Atlantic Coastal Bays 2010 Fund		25,000,000

SECTION 44. AND BE IT FURTHER ENACTED, That \$1,000,000 of the General Fund appropriation within the Department of State Police (DSP) may not be expended until DSP submits the Crime in Maryland, 2011 Uniform Crime Report (UCR) to the budget committees. The budget committees shall have 45 days to review and comment following receipt of the report. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that if DSP encounters difficulty obtaining the necessary crime data on a timely basis from local jurisdictions who provide the data for inclusion in the UCR, DSP shall notify the Governor's Office of Crime Control and Prevention (GOCCP). GOCCP shall withhold a portion, totaling at least 15% but no more than 50%, of that jurisdiction's State Aid for Police Protection (SAPP) grant for fiscal 2013 upon receipt of notification from DSP. GOCCP shall withhold SAPP funds until such time that the jurisdiction submits its crime data to DSP. DSP and GOCCP shall submit a report to the budget committees indicating any jurisdiction from which crime data was not received on a timely basis and the amount of SAPP funding withheld from each jurisdiction.

SECTION 45. AND BE IT FURTHER ENACTED, That the Secretaries of the Department of Health and Mental Hygiene, the Department of Human Resources, and the Maryland Department of Transportation shall maintain the records necessary to determine the local destination of all funds appropriated for fiscal 2012 in Comptroller Objects 08 (Contractual Services) and 12 (Grants, Subsidies, and Contributions) on a county-by-county basis. This data collection is only required for program appropriations greater than \$1,000,000.

The jurisdictional distribution for actual fiscal 2012 payments will be compiled into a report and submitted to the budget committees, the Department of Legislative

Services, the Department of Budget and Management, and the Comptroller on November 1, 2012.

SECTION 46. AND BE IT FURTHER ENACTED, That for fiscal 2013, contingent on the enactment of legislation providing for teacher retirement supplemental grants, \$5,000,000 may be transferred from the Revenue Stabilization Account of the State Reserve Fund to the General Fund.

SECTION 47. AND BE IT FURTHER ENACTED, That the Governor shall abolish 64 regular full-time equivalent positions from the Executive Branch during fiscal 2013. Further provided that abolitions shall occur on or before January 1, 2013, and an accounting of the abolished positions shall be noted in Appendix E of the fiscal 2014 budget submission.

SECTION 48. AND BE IT FURTHER ENACTED, That the following reductions of \$163,502 in General Fund appropriations shall be reduced to offset additional special funds available for administrative charges associated with the use of the State Retirement System.

<u>Appropriation Code</u>	<u>Program Title</u>	<u>Reduction</u>
<u>R00A02.03</u>	<u>Aid for Local Employee Fringe Benefits</u>	<u>155,941</u>
<u>R62I00.06</u>	<u>Aid to Community College - Fringe Benefits</u>	<u>7,561</u>

SECTION ~~21~~, ~~45~~, ~~46~~, ~~49~~, AND BE IT FURTHER ENACTED, That numerals of this bill showing subtotals and totals are informative only and are not actual appropriations. The actual appropriations are in the numerals for individual items of appropriation. It is the legislative intent that in subsequent printings of the bill the numerals in subtotals and totals shall be administratively corrected or adjusted for continuing purposes of information, in order to be in arithmetic accord with the numerals in the individual items.

SECTION ~~22~~, ~~46~~, ~~47~~, ~~50~~, AND BE IT FURTHER ENACTED, That pursuant to the provisions of Article III, Section 52(5a) of the Constitution of Maryland, the following total of all proposed appropriations and the total of all estimated revenues available to pay the appropriations for the 2013 fiscal year is submitted:

BUDGET SUMMARY (\$)**Fiscal Year 2012**

General Fund Balance, June 30, 2011 available for 2012 Operations		990,115,128
2012 Estimated Revenues (all funds)		33,890,309,495
Reimbursement from reserve for Sustainable Community Tax Credits		4,006,176
Reimbursement from reserve for Biotechnology Tax Credits		8,000,000
Transfer from other funds – 2011 Session		36,403,007
Transfer from other capital related funds – 2011 Session		189,131,115
Transfers from other funds contingent upon legislation		2,800,000
2012 Appropriations as amended (all funds)	34,546,991,641	
2012 Deficiencies (all funds)	325,561,867	
Estimated Agency General Fund Reversions	<u>(37,134,750)</u>	
Subtotal Appropriations (all funds)		<u>34,835,418,758</u>
2012 General Funds Reserved for 2013 Operations		285,346,163

Fiscal Year 2013

2012 General Funds Reserved for 2013 Operations		285,346,163
2013 Estimated Revenues (all funds)		35,298,393,568
Reimbursement from reserve for Sustainable Community Tax Credits		6,767,363
Reimbursement from reserve for Biotechnology Tax Credits		8,000,000
Transfer from the Revenue Stabilization Account		315,000,000
Transfer from other funds contingent upon legislation		1,793,592
Transfers from other capital related funds contingent upon legislation		99,481,649
2013 Appropriations (all funds)	36,253,737,682	

General Fund Reductions contingent upon legislation	(367,560,970)	
Estimated Agency General Fund Reversions	<u>(35,000,000)</u>	
Subtotal Appropriations (all funds)		<u>35,851,176,712</u>
2013 General Fund Unappropriated Balance		163,605,623

SUPPLEMENTAL BUDGET NO. 1 – FISCAL YEAR 2013

April 2, 2012

Mr. President, Mr. Speaker,
Ladies and Gentlemen of the General Assembly:

Pursuant to the authority conferred on me by Article III, Section 52, Subsection (5) of the Constitution of Maryland, and in accordance with the consent of the (State Senate) – (House of Delegates), duly granted, I hereby submit a supplement to Senate Bill 150 and/or House Bill 85 in the form of an amendment to the original budget for the Fiscal Year ending June 30, 2013.

Supplemental Budget No. 1 will affect previously estimated funds available for budget operations as shown on the following summary statement.

SUPPLEMENTAL BUDGET SUMMARY

Sources:

Estimated general fund unappropriated balance July 1, 2013 (per original budget)	163,605,623
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Adjustment to revenue:

General Funds:

Fiscal Year 2012 Revenues

Board of Revenue Estimates – March 7, 2012	(80,055,000)
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National Mortgage Foreclosure Settlement	7,194,747
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DBM Central Collections Unit	3,911,553
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MSA – Rent Payment	750,000
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Revenue Transfer from Maryland Environmental Service	712,009
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Fiscal Year 2013 Revenues

Board of Revenue Estimates – March 7, 2012	(50,775,000)
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DBM Central Collections Unit	(797,703)
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District of Columbia Hospital Claims Processing Charge	6,000,000
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Increase in DHMH Laboratory Fees	680,000
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(112,379,394)

Special Funds:

SWF316 Strategic Energy Investment Fund	4,500,000	
SWF322 Housing Counseling and Foreclosure Mediation Fund	40,339	
G20302 Admin Cost Allocation – Participating Governments	41,377	
SWF318 Maryland Education Trust Fund	-22,500,000	
SWF318 Maryland Education Trust Fund	22,500,000	
R00390 Local Retirement Administrative Charge	155,941	
R62311 Community College Retirement Contribution	7,561	
S00347 EmPower Maryland	83,700	
S00347 EmPower Maryland	302,301	
S00347 EmPower Maryland	2,914,961	
S00347 EmPower Maryland	21,234,567	
SWF316 Strategic Energy Investment Fund	1,000,000	
S00348 Weinberg Grant Funds	150,000	
S00347 EmPower Maryland	625,000	
S00348 Weinberg Grant Funds	850,000	
S00347 EmPower Maryland	3,125,000	
SWF316 Strategic Energy Investment Fund	1,500,000	
V00328 Receipts, Commissions and Donations	3,100,000	
SWF320 Speed Monitoring Systems Fund	-1,230,272	
X00301 Annuity Bond Fund	865,437	
Health Insurance Reduction (Section XX)	-2,908,012	36,357,900

Federal Funds:

12.401 National Guard Military Operations and Maintenance Projects	250,000	
12.401 National Guard Military Operations and Maintenance Projects	3,000,000	
93.778 Medical Assistance Program	1,500,000	
93.778 Medical Assistance Program	-30,000,000	

93.778 Medical Assistance Program		3,000,000	
93.778 Medical Assistance Program		4,500,000	
17.225 Unemployment Insurance	9,674,224		
17.258 Workforce Investment Act	<u>3,325,776</u>	13,000,000	
84.412 Race to the Top – Early Learning Challenge		354,292	
84.412 Race to the Top – Early Learning Challenge		3,475,232	
84.412 Race to the Top – Early Learning Challenge		10,743,261	
66.468 Capitalization Grants for Drinking Water State Revolving Funds		600,000	
93.778 Medical Assistance Program		250,000	
Health Insurance Reduction (Section XX)		-2,230,757	8,442,028
Current Unrestricted Funds:			
Health Insurance Reduction (Section XX)		-3,042,734	(3,042,734)
Reimbursable Funds			
G20901 Administrative Cost Allocation – State Agencies		273,490	273,490
Total Available			93,256,913
Uses:			
General Funds		27,513,866	
Special Funds		36,357,900	
Federal Funds		8,442,028	
Current Unrestricted Funds		-3,042,734	
Reimbursable Funds		<u>273,490</u>	
			<u>69,544,550</u>
Revised estimated general fund unappropriated balance July 1, 2013.			23,712,363

OFFICE OF THE PUBLIC DEFENDER

1. C80B00.02 District Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for case related expenses and office assistance.

Object .02 Technical and Special Fees	494,183
Object .08 Contractual Services	<u>440,000</u>
	934,183

General Fund Appropriation	934,183
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2. C80B00.02 District Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for indigent representation at bail hearings only, including weekends.

Personnel Detail:

Assistant Public Defender I	40.50	200,057
	<u>34.00</u>	
PD Intake Specialist I	40.50	108,763
	<u>34.00</u>	
Computer Network Specialist I	2.00	8,865
Fiscal Accounts Clerk	1.00	2,855
Personnel Associate I	1.00	3,036
Fringe Benefits		<u>156,260</u>
Object .01 Salaries, Wages and Fringe Benefits		479,836
Object .02 Technical and Special Fees		700,266
Object .03 Communication		30,632
Object .04 Travel		17,784
Object .08 Contractual Services		418,504
Object .09 Supplies and Materials		22,975
Object .11 Equipment – Additional		283,900
Object .13 Fixed Charges		<u>25,700</u>
		1,979,597

General Fund Appropriation, *provided that these funds shall be reduced by \$1,273,214. Further provided that 6.5 Assistant Public Defender I and 6.5 PD Intake Specialist I positions are*

abolished

1,979,597

3. C80B00.02 District Operations

In addition to the appropriation shown on page 4 of the printed bill (first reading file bill) to provide funds for indigent representation at bail hearings only, including weekends.

Personnel Detail:

Assistant Public Defender I	2,400,678
PD Intake Specialist I	1,305,153
Computer Network Specialist I	106,378
Fiscal Accounts Clerk	34,260
Personnel Associate I	36,436
Fringe Benefits	1,875,120
Turnover Expectancy	<u>-188,849</u>
Object .01 Salaries, Wages and Fringe Benefits	5,569,176
Object .03 Communication	183,800
Object .04 Travel	91,900
Object .08 Contractual Services	275,700
Object .09 Supplies and Materials	91,900
Object .13 Fixed Charges	<u>183,800</u>
	6,396,276

General Fund Appropriation, provided that these funds shall be reduced by \$965,359

6,396,276

MARYLAND ENERGY ADMINISTRATION

4. D13A13.08 Renewable and Clean Energy Program and Initiatives

In addition to the appropriation shown on page 11 of the printed bill (first reading file bill), to provide funds for the development of offshore wind power.

Object .08 Contractual Services	4,500,000
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Special Fund Appropriation, provided that funds may be transferred to the Department of Natural Resources by approved budget amendment

4,500,000

5. D15A05.16 Governor's Office of Crime Control and Prevention

In addition to the appropriation shown on page 12 of the printed bill (first reading file bill), to provide funds for a grant to the Prince George's County State's Attorney Office to support the Strategic Investigations Unit.

Object .12 Grants, Subsidies and Contributions	350,000	
General Fund Appropriation		350,000

MARYLAND STADIUM AUTHORITY

6. D28A03.41 General Administration

To add an appropriation on page 15 of the printed bill (first reading file bill), to provide funds to study the economic feasibility, economic impact, and fiscal costs of building a stadium for the DC United in Westport.

Object .08 Contractual Services	175,000	
General Fund Appropriation		175,000

DEPARTMENT OF PLANNING

7. D40W01.08 Museum Services

In addition to the appropriation shown on page 17 of the printed bill (first reading file bill), to provide funds for a grant to the Maryland Women's Heritage Center.

Object .12 Grants, Subsidies and Contributions	250,000	
General Fund Appropriation		250,000

MILITARY DEPARTMENT

8. D50H01.03 Army Operations and Maintenance

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for utility costs.

Object .06 Fuel and Utilities 393,678

General Fund Appropriation 393,678

9. D50H01.03 Army Operations and Maintenance

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for Guard activations due to Hurricane Lee and Tropical Storm Irene.

Object .02 Technical and Special Fees 46,290

General Fund Appropriation 46,290

10. D50H01.04 Capital Appropriation

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for updating the Gunpowder Military Reservation's firing range for better safety standards.

Object .14 Land and Structure 250,000

Federal Fund Appropriation 250,000

11. D50H01.04 Capital Appropriation

In addition to the appropriation shown on page 19 of the printed bill (first reading file bill), to provide funds for updating the Gunpowder Military Reservation's firing range for better safety standards.

Object .14 Land and Structure 3,000,000

Federal Fund Appropriation 3,000,000

OFFICE OF ADMINISTRATIVE HEARINGS

12. D99A11.01 General Administration

In addition to the appropriation shown on page 23 of the printed bill (first reading file bill), to provide funds for an additional contractual clerk related to the passage of HB 1374 to establish pre-file mediations.

Object .02 Technical and Special Fees 40,339

Special Fund Appropriation, provided that this appropriation is contingent on enactment of HB 1374 pertaining to establishing pre-file mediations before the commencement of foreclosure actions.

40,339

MARYLAND STATE LOTTERY AGENCY

13. E75D00.02 Video Lottery Terminal Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for three new Casino Compliance positions at the Maryland Live! Casino at Arundel Mills.

Personnel Detail:

Administrative Specialist III	3.00	107,100
Fringe Benefits		32,922
Turnover		<u>-102,735</u>
Object .01 Salaries, Wages and Fringe Benefits		37,287

General Fund Appropriation

37,287

14. E75D00.02 Video Lottery Terminal Operations

In addition to the appropriation shown on page 28 of the printed bill (first reading file bill), to provide funds for three new Casino Compliance positions at the Maryland Live! Casino at Arundel Mills.

Personnel Detail:

Administrative Specialist III		107,100
Fringe Benefits		62,324
Turnover		<u>-4,883</u>
Object .01 Salaries, Wages and Fringe Benefits		164,541

General Fund Appropriation 164,541

DEPARTMENT OF BUDGET AND MANAGEMENT

15. F10A02.08 Statewide Expenses

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds to reimburse the federal government for the federal portion of Injured Workers' Insurance Fund and the State Insurance Trust Fund revenues transferred to the General Fund in fiscal year 2009.

Personnel Detail:

Workers' Compensation	<u>3,285,000</u>
Object .01 Salaries, Wages and Fringe Benefits	3,285,000
Object .13 Fixed Charges	<u>1,825,000</u>
	5,110,000

General Fund Appropriation 5,110,000

STATE RETIREMENT AGENCY

16. G20J01.01 State Retirement Agency

In addition to the appropriation shown on page 35 of the printed bill (first reading file bill) to provide funds for additional positions and support costs to oversee trust assets in the Investment Division.

Personnel Detail:

Program Manager Sr II	1.00	100,249
Sr. Investment Analyst	2.00	176,060
Fringe Benefits		97,573
Turnover Expectancy		<u>-82,409</u>
Object .01 Salaries, Wages and Fringe Benefits		291,473
Object .09 Supplies and Materials		900
Object .11 Equipment Additional		12,300
Object .13 Fixed Charges		<u>10,194</u>
		314,867

Special Fund Appropriation 41,377
Reimbursable Fund Appropriation 273,490

DEPARTMENT OF GENERAL SERVICES

17. H00C01.01 Facilities Operation and Maintenance

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for increased electricity costs.

Object .06 Fuel and Utilities	1,277,616	
General Fund Appropriation		1,277,616

DEPARTMENT OF NATURAL RESOURCES

18. K00A07.04 Field Operations

In addition to the appropriation shown on page 48 of the printed bill (first reading file bill), to provide for Natural Resources Police turnover relief and associated supplies to support 8 officers for an Academy Class and 15 Cadet hires.

Personnel Detail:

Turnover	<u>1,079,299</u>	
Object .01 Salaries, Wages and Fringe Benefits	1,079,299	
Object .03 Communications	400	
Object .04 Travel	56,000	
Object .07 Motor Vehicle Operations and Maintenance	67,400	
Object .09 Supplies and Materials	85,700	
Object .11 Equipment Additional	<u>60,800</u>	
	1,349,599	
General Fund Appropriation		1,349,599

DEPARTMENT OF AGRICULTURE

19. L00A12.18 Rural Maryland Council

To add an appropriation on page 55 of the printed bill (first reading file bill), to provide funds to support operations of the Rural Maryland Council.

Object .12 Grants, Subsidies and Contributions	167,000	
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General Fund Appropriation 167,000

20. L00A12.19 Maryland Agricultural Education and Rural Development Assistance Fund

To add an appropriation on page 55 of the printed bill (first reading file bill), to provide funds to support operations of the Maryland Agricultural Education and Rural Development Assistance Fund.

Object .12 Grants, Subsidies and Contributions 167,000

General Fund Appropriation 167,000

21. L00A15.04 Resource Conservation Grants

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds to support cover crop payments to farmers.

Object .12 Grants, Subsidies and Contributions 3,607,500

General Fund Appropriation 3,607,500

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

22. M00F03.02 Family Health Services and Primary Care

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for a grant to support 2–1–1 Maryland.

Object .12 Grants, Subsidies and Contributions 121,000

General Fund Appropriation 121,000

23. M00F03.02 Family Health Services and Primary Care

In addition to the appropriation on page 61 of the printed bill (first reading file bill), to provide funds for a grant to support 2–1–1 Maryland.

	Object .12 Grants, Subsidies and Contributions	363,000	
	General Fund Appropriation		363,000
24.	M00F03.02 Family Health Services and Primary Care		
	In addition to the appropriation on page 61 of the printed bill (first reading file bill), to provide funding to the Parents and Children Together Inc. (PACT) program to provide medical day care services.		
	Object .12 Grants, Subsidies and Contributions	150,000	
	General Fund Appropriation		150,000
25.	M00J02.01 Laboratory Services		
	In addition to the appropriation on page 63 of the printed bill (first reading file bill), to provide increased funding for newborn screening laboratory supplies.		
	Object .09 Supplies and Materials	400,000	
	General Fund Appropriation		400,000
26.	M00L01.02 Community Services		
	In addition to the appropriation shown on page 64 of the printed bill (first reading file bill), to provide additional funding for psychiatric rehabilitation for the uninsured.		
	Object .08 Contractual Services	1,500,000	
	General Fund Appropriation		1,500,000
27.	M00L01.03 Community Services for Medicaid Recipients		
	To become available immediately upon passage of this budget to increase the appropriation for fiscal year 2012 to provide funds for prior year claims on the public mental health system.		

Object .08 Contractual Services 5,000,000

General Fund Appropriation 5,000,000

28. M00L01.03 Community Services for Medicaid Recipients

In addition to the appropriation shown on page 64 of the printed bill (first reading file bill), to provide funds for Community Crisis Response teams.

Object .08 Contractual Services 1,000,000

General Fund Appropriation 1,000,000

29. M00L01.03 Community Services for Medicaid Recipients

In addition to the appropriation shown on page 64 of the printed bill (first reading file bill), to restore funding to provide psychiatric rehabilitation payments to Johns Hopkins Bayview Medical Center.

Object .08 Contractual Services ~~3,000,000~~

1,500,000

General Fund Appropriation ~~1,500,000~~

750,000

Federal Fund Appropriation ~~1,500,000~~

750,000

30. M00M01.02 Community Services

Provided that the Developmental Disabilities Administration is hereby authorized to spend federal funds encumbered at the close of fiscal 2011 to fund any fiscal 2012 costs associated with the provision of community services for the developmentally disabled.

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2012 for community-based services to individuals eligible for services from the Developmental Disabilities Administration. Funding will be used in fiscal year 2013.

Object .08 Contractual Services	-13,297,109	
General Fund Appropriation		-13,297,109

31. M00M01.02 Community Services

In addition to the appropriation shown on page 68 of the printed bill (first reading file bill), to provide funding for community-based services to individuals eligible for services from the Developmental Disabilities Administration.

Object .08 Contractual Services	13,297,109	
General Fund Appropriation		13,297,109

32. M00Q01.03 Medical Care Provider Reimbursements

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2012 based on revised enrollment estimates.

Object .08 Contractual Services	60,000,000	
	<u>-85,500,000</u>	
General Fund Appropriation		30,000,000
		<u>-42,750,000</u>
Federal Fund Appropriation		30,000,000
		<u>-42,750,000</u>

33. M00Q01.03 Medical Care Provider Reimbursements

In addition to the appropriation on page 71 of the printed bill (first reading file bill), to provide funds to nursing home facilities for operating expenses, **provided that this appropriation may only be expended to:**

(1) increase the net capital value rental rate in Baltimore City;

(2) establish a Baltimore City specific regional rate for the administration/routine cost and other patient care cost centers; and

(3) establish an increased tracheotomy care rate for services to individuals who require frequent suctioning.

Object .08 Contractual Services	6,000,000	
General Fund Appropriation		3,000,000
Federal Fund Appropriation		3,000,000

34. M00Q01.03 Medical Care Provider Reimbursements

In addition to the appropriation on page 71 of the printed bill (first reading file bill), to provide funds for a rate increase for hospital services in the District of Columbia.

Object .08 Contractual Services	9,000,000	
General Fund Appropriation		4,500,000
Federal Fund Appropriation		4,500,000

DEPARTMENT OF LABOR, LICENSING AND REGULATION

35. P00C01.02 Financial Regulation

In addition to the appropriation on page 82 of the printed bill (first reading file bill), to provide funds for an appropriation to the Financial Regulation program as awarded by the National Mortgage Foreclosure Settlement.

Object .08 Contractual Services	225,000	
General Fund Appropriation		225,000

36. P00E01.03 Racetrack Operation

To become available immediately upon passage of this budget to increase the appropriation for fiscal year 2012 to provide funds for regulatory oversight of horse racing and pari-mutuel wagering at Rosecroft Raceway.

Object .02 Technical and Special Fees	234,045
Object .08 Contractual Services	<u>16,760</u>
	250,805

General Fund Appropriation	250,805
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37. P00G01.01 Office of the Assistant Secretary

In addition to the appropriation on page 84 of the printed bill (first reading file bill), to provide funds to establish a Health Care Personnel Training Program.

Object .08 Contractual Services	500,000
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General Fund Appropriation	500,000
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38. P00H01.01 Office of Unemployment Insurance

~~In addition to the appropriation shown on page 85 of the printed bill (first reading file bill), to provide funds for the Center for Employment Security and Education and Research/Information Technology Support Center pass through grants.~~

Object .12 Grants, Subsidies and Contributions	13,000,000
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Federal Fund Appropriation	13,000,000
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DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

39. Q00B01.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide for overtime costs. Funds will be distributed to units across the Department.

Personnel Detail:

	Overtime	<u>1,024,390</u>	
	Object .01 Salaries, Wages and Fringe Benefits	1,024,390	
	General Fund Appropriation		1,024,390
40.	Q00D00.01 Services and Institutional Operations		
	To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide for overtime costs. Funds will be distributed to units across the Department.		
	Personnel Detail:		
	Overtime	<u>448,171</u>	
	Object .01 Salaries, Wages and Fringe Benefits	448,171	
	General Fund Appropriation		448,171
41.	Q00P00.03 Baltimore City Detention Center		
	To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide for overtime costs. Funds will be distributed to units across the Department.		
	Personnel Detail:		
	Overtime	<u>1,527,439</u>	
	Object .01 Salaries, Wages and Fringe Benefits	1,527,439	
	General Fund Appropriation		1,527,439
MARYLAND STATE DEPARTMENT OF EDUCATION			
42.	R00A01.02 Division of Business Services		
	In addition to the appropriation shown on page 98 of the printed bill (first reading file bill), to provide funds to be used for administrative expenses associated with the Race to the Top Early Learning Challenge Grant.		
	Object .12 Grants, Subsidies and Contributions	354,292	
	Federal Fund Appropriation		354,292

43. R00A01.04 Division of Accountability, Assessment, and Data Systems

In addition to the appropriation shown on page 98 of the printed bill (first reading file bill), provide funds to reinstate the Government High School Assessment in fiscal year 2013 and begin developing the essay portion for implementation for fiscal year 2014.

Object .08 Contractual Services 3,500,000

General Fund Appropriation, *provided that this appropriation is contingent on enactment of SB 293 or HB 1227 requiring the implementation of an assessment program in social studies that includes a written response*

3,500,000

44. R00A01.06 Major Information Technology Development Projects

In addition to the appropriation shown on page 98 of the printed bill (first reading file bill), to provide funds for the Enhanced Child Care Tracking System.

Object .08 Contractual Services 3,475,232

Federal Fund Appropriation

3,475,232

45. R00A01.10 Division of Early Childhood Development

In addition to the appropriation shown on page 99 of the printed bill (first reading file bill), to provide funds to implement the Race to the Top Early Learning Challenge Grant.

Object .02 Technical and Special Fees	1,892,124
Object .03 Communication	30,706
Object .04 Travel	87,497
Object .08 Contractual Services	7,730,626
Object .09 Supplies and Materials	10,374
Object .11 Equipment – Additional	48,610
Object .12 Grants, Subsidies and Contributions	840,000
Object .13 Fixed Charges	<u>103,324</u>

		10,743,261	
	Federal Fund Appropriation		10,743,261
46.	R00A02.01 State Share of Foundation Program		
	To become available immediately upon passage of this budget to supplement the General Fund appropriation for fiscal year 2012 to reflect revised revenue projections from the Education Trust Fund generated by Video Lottery Terminals.		
	Object .12 Grants, Subsidies and Contributions	0	
	General Fund Appropriation		22,500,000
	Special Fund Appropriation		-22,500,000
47.	R00A02.01 State Share of Foundation Program		
	To adjust the appropriation shown on page 101 of the printed bill (first reading file bill), to reflect revised revenue projections for the Education Trust Fund generated by Video Lottery Terminals.		
	Object .12 Grants, Subsidies and Contributions	0	
	General Fund Appropriation		-22,500,000
	Special Fund Appropriation		22,500,000
48.	R00A02.03 Aid for Local Employee Fringe Benefits		
	In addition to the appropriation shown on page 101 of the printed bill (first reading file bill), to realize additional revenue from the Local Boards of Education for administrative charges associated with the use of the State Retirement System.		
	Object .12 Grants, Subsidies and Contributions	155,941	
	Special Fund Appropriation		155,941
49.	R00A02.04 Children at Risk		

In addition to the appropriation shown on page 101 of the printed bill (first reading file bill), to fully fund the SEED School funding formula.

Object .12 Grants, Subsidies and Contributions	300,000	
General Fund Appropriation		300,000

50. R00A02.07 Students with Disabilities

To reduce the appropriation shown on page 102 of the printed bill (first reading file bill), to adjust for enrollment changes.

Object .12 Grants, Subsidies and Contributions	-97,074	
General Fund Appropriation		-97,074

51. R00A02.13 Innovative Programs

In addition to the appropriation shown on page 103 of the printed bill (first reading file bill), to provide funds for the Healthy Families program.

Object .12 Grants, Subsidies and Contributions	2,238,178	
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General Fund Appropriation, **provided that this appropriation shall be allocated according to the following schedule:**

<u>County</u>	<u>Amount</u>	
<u>Calvert</u>	<u>\$253,780</u>	
<u>Caroline</u>	<u>\$76,043</u>	
<u>Charles</u>	<u>\$348,722</u>	
<u>Frederick</u>	<u>\$310,740</u>	
<u>Garrett</u>	<u>\$387,562</u>	
<u>Howard</u>	<u>\$321,686</u>	
<u>Kent</u>	<u>\$64,025</u>	
<u>Montgomery</u>	<u>\$179,248</u>	
<u>Queen Anne's</u>	<u>\$296,372</u>	2,238,178

52. R00A02.24 Limited English Proficient

To reduce the appropriation shown on page 103 of the printed bill (first reading file bill), to adjust for enrollment changes.

	Object .12 Grants, Subsidies and Contributions	-107,717	
	General Fund Appropriation		-107,717
53.	R00A02.39 Transportation		
	To reduce the appropriation shown on page 103 of the printed bill (first reading file bill), to adjust for enrollment changes.		
	Object .12 Grants, Subsidies and Contributions	-3,000	
	General Fund Appropriation		-3,000
54.	R00A02.55 Teacher Development		
	To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to fund all eligible teachers in the Teacher Quality Incentives program.		
	Object .12 Grants, Subsidies and Contributions	2,387,204	
	General Fund Appropriation		2,387,204
MARYLAND HIGHER EDUCATION COMMISSION			
55.	R62I00.01 General Administration		
	To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds to be used for legal services associated with a lawsuit against the agency.		
	Object .08 Contractual Services	90,000	
	General Fund Appropriation		90,000
56.	R62I00.02 College Preparation/Intervention Program		

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to fund fiscal year 2011 obligations for the College Preparation Intervention Program. General funds were inadvertently reverted during the fiscal year 2011 year-end close.

Object .12 Grants, Subsidies and Contributions	419,906	
General Fund Appropriation		419,906

57. R62I00.06 Aid to Community Colleges Fringe Benefits

In addition to the appropriation shown on page 112 of the printed bill (first reading file bill), to realize additional revenue from the community colleges for administrative charges associated with the use of the State Retirement System.

Object .12 Grants, Subsidies and Contributions	7,561	
Special Fund Appropriation		7,561

58. R62I00.07 Educational Grants

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to fund fiscal year 2011 obligations associated with higher education investment workforce grants for workforce and professional education of incoming BRAC personnel. General funds were inadvertently reverted during the fiscal year 2011 year-end close.

Object .12 Grants, Subsidies and Contributions	405,219	
General Fund Appropriation		405,219

59. R62I00.07 Educational Grants

In addition to the appropriation shown on page 112 of the printed bill (first reading file bill), to increase the grant to the Regional Higher Education Centers.

Object .12 Grants, Subsidies and Contributions	250,000
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General Fund Appropriation	250,000
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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

60. S00A25.02 Housing Development Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for EmPower Maryland weatherization projects.

Object .02 Technical and Special Fees	36,374
Object .03 Communications	800
Object .04 Travel	6,391
Object .08 Contractual Services	18,041
Object .09 Supplies and Materials	1,000
Object .11 Equipment Additional	18,324
Object .12 Grants, Subsidies and Contributions	<u>2,770</u>
	83,700

Special Fund Appropriation	83,700
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61. S00A25.02 Housing Development Program

In addition to the appropriation shown on page 120 of the printed bill (first reading file bill), to provide funds for EmPower Maryland weatherization projects.

Object .02 Technical and Special Fees	145,497
Object .03 Communications	2,200
Object .04 Travel	25,564
Object .08 Contractual Services	116,959
Object .09 Supplies and Materials	1,000
Object .12 Grants, Subsidies and Contributions	<u>11,081</u>
	302,301

Special Fund Appropriation	302,301
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62. S00A25.04 Special Loan Programs

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for EmPower Maryland weatherization projects.

Object .02 Technical and Special Fees	121,981
Object .03 Communications	3,050
Object .04 Travel	18,542
Object .08 Contractual Services	190,104
Object .09 Supplies and Materials	4,500
Object .11 Equipment Additional	79,945
Object .12 Grants, Subsidies and Contributions	<u>2,496,839</u>
	2,914,961

Special Fund Appropriation

2,914,961

63. S00A25.04 Special Loan Programs

In addition to the appropriation shown on page 120 of the printed bill (first reading file bill), to provide funds for EmPower Maryland weatherization projects.

Object .02 Technical and Special Fees	429,548
Object .03 Communications	6,460
Object .04 Travel	74,168
Object .08 Contractual Services	724,217
Object .09 Supplies and Materials	4,500
Object .11 Equipment Additional	5,500
Object .12 Grants, Subsidies and Contributions	<u>19,990,174</u>
	21,234,567

Special Fund Appropriation

21,234,567

64. S00A25.04 Special Loan Programs

In addition to the appropriation shown on page 120 of the printed bill (first reading file bill), to provide funds for weatherization projects.

Object .12 Grants, Subsidies and Contributions	1,000,000
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Special Fund Appropriation

1,000,000

65. S00A25.07 Rental Housing Programs – Capital Appropriation

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for rental housing units for nonelderly disabled households in Maryland.

Object .14 Land and Structures 150,000

Special Fund Appropriation 150,000

66. S00A25.07 Rental Housing Programs – Capital Appropriation

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for EmPower Maryland weatherization projects.

Object .14 Land and Structures 625,000

Special Fund Appropriation 625,000

67. S00A25.07 Rental Housing Programs – Capital Appropriation

In addition to the appropriation on page 121 of the printed bill (first reading file bill), to provide funding for rental housing units for nonelderly disabled households in Maryland.

Object .14 Land and Structures 850,000

Special Fund Appropriation 850,000

68. S00A25.07 Rental Housing Programs – Capital Appropriation

In addition to the appropriation shown on page 121 of the printed bill (first reading file bill), to provide funds for EmPower Maryland weatherization projects.

Object .14 Land and Structures 3,125,000

Special Fund Appropriation 3,125,000

MARYLAND AFRICAN AMERICAN MUSEUM CORPORATION

69. S50B01.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds to address a fiscal year 2012 operating deficit.

Object .12 Grants, Subsidies and Contributions	450,000	
General Fund Appropriation		450,000

DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

70. T00F00.04 Office of Business Development

In addition to the appropriation shown on page 124 of the printed bill (first reading file bill), to funds to support the Manufacturing Extension Partnership (MEP) program.

Object .12 Grants, Subsidies and Contributions	250,000	
General Fund Appropriation		250,000

71. T00F00.05 Office of Business Services

In addition to the appropriation shown on page 124 of the printed bill (first reading file bill), to provide additional funds to support the Tri-County Councils.

Object .12 Grants, Subsidies and Contributions	167,000	
General Fund Appropriation		167,000

72. T00F00.19 Offshore Wind Business Development Fund

To add an appropriation on page 125 of the printed bill (first reading file bill), to provide funds to support the Offshore Wind Business Development Fund.

Object .12 Grants, Subsidies and Contributions	1,500,000	
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Special Fund Appropriation, provided that this appropriation is contingent upon the enactment of SB 237 or HB 441.

1,500,000

MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION

73. T50T01.04 Maryland Innovation Initiative

To add an appropriation on page 127 of the printed bill (first reading file bill), to provide funds to support the Maryland Innovation Initiative.

Object .12 Grants, Subsidies and Contributions 5,000,000

General Appropriation, provided that this appropriation is contingent upon the enactment of SB 239 or HB 442 pertaining to the Maryland Innovation Initiative.

5,000,000

MARYLAND DEPARTMENT OF THE ENVIRONMENT

74. U00A04.01 Water Management Administration

In addition to the appropriation shown on page 129 of the printed bill (first reading file bill), to provide funds to support additional permitting and compliance activities related to the State's Watershed Implementation Plan.

Personnel Detail:

Turnover	<u>200,000</u>
Object .01 Salaries, Wages and Fringe Benefits	200,000

General Fund Appropriation 200,000

75. U00A04.01 Water Management Administration

In addition to the appropriation shown on page 129 of the printed bill (first reading file bill), to provide funds to support tracking and reporting for water supply systems.

Object .08 Contractual Services 600,000

Federal Fund Appropriation 600,000

DEPARTMENT OF JUVENILE SERVICES

76. V00D02.01 Departmental Support

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide additional funds for residential per-diem. Portions of this supplemental appropriation shall be transferred by budget amendment.

Object .08 Contractual Services	8,957,617	
General Fund Appropriation		5,607,617
Special Fund Appropriation		3,100,000
Federal Fund Appropriation		250,000

DEPARTMENT OF STATE POLICE

77. W00A01.02 Field Operations Bureau

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for Field Force overtime.

Personnel Detail:

Overtime	<u>939,845</u>	
Object .01 Salaries, Wages and Fringe Benefits	939,845	

General Fund Appropriation		939,845
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78. W00A01.02 Field Operations Bureau

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for trooper turnover due to unattained Speed Camera revenue.

Personnel Detail:

Turnover	<u>0</u>	
Object .01 Salaries, Wages and Fringe Benefits	0	

General Fund Appropriation		1,230,272
Special Fund Appropriation		-1,230,272

79. W00A01.04 Support Services Bureau

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2012 to provide funds for gasoline due to higher prices.

Object .07 Motor Vehicle Operations and Maintenance

1,000,000

General Fund Appropriation

1,000,000

PUBLIC DEBT

80. X00A00.01 Redemption and Interest on State Bonds

In addition to the appropriation shown on page 139 of the printed bill (first reading file bill), to provide funds for debt service payments on the State's general obligation bonds.

Object .13 Fixed Charges

865,437

Special Fund Appropriation

865,437

AMENDMENTS TO SENATE BILL 150/HOUSE BILL 85
(First Reading File Bill)

Amendment No. 1:

On page 102, line 9, strike "266,591,790" and replace with "266,494,716".

Revises the amount of the Formula funding allocated in the R00A02.07 Students With Disabilities program within Aid to Education to reflect a reduction in funding provided for the program in this supplemental budget.

Amendment No. 2:

On page 112, line 38, strike "1,500,000" and replace with "1,750,000".

Increases the amount of funding for the Regional Higher Education Centers within the Educational Grants program (R62I00.07).

Amendment No. 3:

On page 178, after line 3, insert the words "~~Section XX.~~ **SECTION 41. AND BE IT FURTHER ENACTED, That for fiscal year 2013, funding for health insurance shall be reduced by \$15,767,725 in Executive Branch agencies \$16,875,614 to reflect health insurance savings from the rebid of the pharmacy contract. Funding for this purpose shall be reduced in Executive Branch agencies in fiscal year 2013 by the following amounts in accordance with a schedule determined by the Governor:**

<u>General Funds</u>	<u>7,586,222</u>
<u>General Funds – R75</u>	<u>3,042,734</u>
<u>Special Funds</u>	<u>2,908,012</u>
<u>Federal Funds</u>	<u>2,230,757</u>
<u>Current Unrestricted Funds</u>	<u>3,042,734</u>
 <u><i>General Funds – Legislature</i></u>	 <u><i>199,739</i></u>
<u><i>General Funds – Judiciary</i></u>	<u><i>836,682</i></u>
<u><i>Special Funds – Judiciary</i></u>	<u><i>58,602</i></u>
<u><i>Federal Funds – Judiciary</i></u>	<u><i>12,866</i></u> ".

Adds budget bill language to reduce health insurance ~~in Executive Branch agencies~~ in fiscal year 2013 to reflect savings associated with the rebid of the pharmacy contract.

SUMMARY
SUPPLEMENTAL APPROPRIATIONS

	General Funds	Special Funds	Federal Funds	Current Unrestricted Funds	Reimbursable Funds	Total Funds
Appropriation						
2012 Fiscal Year	56,788,019	6,873,661	500,000	0	0	64,161,680
2013 Fiscal Year	47,359,703	56,122,523	40,172,785	0	273,490	143,928,501
Subtotal	<u>104,147,722</u>	<u>62,996,184</u>	<u>40,672,785</u>	<u>0</u>	<u>273,490</u>	<u>208,090,181</u>
Reduction in Appropriation						
2012 Fiscal Year	-43,297,109	-23,730,272	-30,000,000	0	0	-97,027,381
2013 Fiscal Year	-33,336,747	-2,908,012	-2,230,757	-3,042,734	0	-41,518,250
Subtotal	<u>-76,633,856</u>	<u>-26,638,284</u>	<u>-32,230,757</u>	<u>-3,042,734</u>	<u>0</u>	<u>-138,545,631</u>
Net Change in Appropriation	<u>27,513,866</u>	<u>36,357,900</u>	<u>8,442,028</u>	<u>-3,042,734</u>	<u>273,490</u>	<u>69,544,550</u>

Sincerely,

Martin O'Malley
Governor

Enacted under Article III, § 52(6) of the Maryland Constitution, April 9, 2012.