

Vetoed Bills and Messages from the Governor of Maryland

A total of 154 bills were vetoed by the Governor following the 2014 Regular Session of the General Assembly. Of these vetoed bills, 40 originated in the Senate and 114 originated in the House of Delegates. Pursuant to the provisions of Article II, Section 17 of the Maryland Constitution, a vetoed bill will not be returned to the Legislature when a new General Assembly of Maryland has been elected and sworn since the passage of the vetoed bill. However, if the General Assembly convenes in Special Session prior to the election and swearing in of the newly elected members, the vetoed bills may be reconsidered in order to determine whether the veto is sustained or overridden.

2014 Session

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Vetoed Senate Bills and Messages

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 3 – *Vehicle Laws – Operation of Vehicle When Approaching a Tow Truck*.

The bill requires drivers approaching properly registered tow trucks that are stopped, standing, or parked on a highway and using specified visual signals, unless otherwise directed by a police officer or traffic control device, to change lanes into an available lane not immediately adjacent to the tow truck under specified circumstances, or to slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.

House Bill 436, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 3.

Sincerely,

Governor Martin O'Malley

Senate Bill 3

AN ACT concerning

Vehicle Laws – Operation of Vehicle When Approaching a Tow Truck ~~or~~ ~~Service Vehicle~~

FOR the purpose of requiring drivers approaching ~~a tow truck or service vehicle that is~~ certain tow trucks that are stopped, standing, or parked on a highway and using certain visual signals, unless otherwise directed by a police officer or traffic control device, to make a lane change into an available lane not immediately adjacent to the tow truck ~~or service vehicle~~ under certain circumstances, or to slow to a reasonable and prudent speed that is safe for certain existing conditions under certain circumstances; and generally relating to the rules of the road when approaching tow trucks ~~or service vehicles~~.

BY repealing and reenacting, with amendments,

Article – Transportation
 Section 21–405(e)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
 Article – Transportation
 Section 22–218(c)(6) and (11)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2013 Supplement)

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

Article – Transportation

21–405.

(e) Unless otherwise directed by a police officer or a traffic control device, when an emergency vehicle, ~~A TOW TRUCK, OR A SERVICE VEHICLE~~ **OR A TOW TRUCK THAT IS PROPERLY REGISTERED IN ACCORDANCE WITH § 13–920 OF THIS ARTICLE** using any visual signal that meets the requirements of § 22–218 of this article is stopped, standing, or parked on a highway, the driver of a motor vehicle approaching the emergency vehicle, ~~OR TOW TRUCK, OR SERVICE VEHICLE~~ from the rear shall:

(1) If practicable and not otherwise prohibited, make a lane change into an available lane not immediately adjacent to the emergency vehicle, ~~OR TOW TRUCK, OR SERVICE VEHICLE~~ with due regard for safety and traffic conditions; or

(2) If the driver of the motor vehicle is unable to make a lane change in accordance with item (1) of this subsection, slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.

22–218.

(c) (6) Service vehicles, rural letter carrier vehicles, slow moving farm vehicles, and tow trucks may be equipped with or display yellow or amber lights or signal devices.

(11) The yellow or amber lights or signal devices permitted on vehicles under paragraph (6) of this subsection may be flashed or oscillated or otherwise used only in the course of official duties, to indicate to the public that the vehicle is a slow moving vehicle or otherwise is impeding traffic.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 7 – *Maryland Consolidated Capital Bond Loan of 2013 – Talbot County – Oxford Community Center*.

The bill amends the Maryland Consolidated Capital Bond Loan of 2013 to authorize the matching fund of a grant for the Oxford Community Center to consist of real property, in kind contributions, or funds expended prior to the effective date of the Act and making the Act an emergency measure.

House Bill 206, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 7.

Sincerely,

Governor Martin O'Malley

Senate Bill 7

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2013 – Talbot County – Oxford
Community Center**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2013 to alter the matching fund requirements of a certain grant; making this Act an emergency measure; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2013.

BY repealing and reenacting, with amendments,
Chapter 424 of the Acts of the General Assembly of 2013

Section 1(3) Item ZA02(BW)

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

Chapter 424 of the Acts of 2013

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

(3) ZA02 LOCAL SENATE INITIATIVES

(BW) Oxford Community Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Oxford Community Center, Inc. for the repair, renovation, and capital equipping of the Oxford Community Center. **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 (Talbot 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.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 73 – *Talbot County – Chesapeake Bay Critical Area – Prosecution or Civil Suit for Certain Violations*.

The bill requires a criminal prosecution or a suit for a civil penalty for a violation of specified local laws relating to environmental protection or natural resource conservation occurring in the Chesapeake Bay Critical Area in Talbot County to be brought within 3 years after the local authorities in fact knew or reasonably should have known of the violation. The Act is applied prospectively.

House Bill 58, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 73.

Sincerely,

Governor Martin O'Malley

Senate Bill 73

AN ACT concerning

Talbot County – Chesapeake Bay Critical Area – Prosecution or Civil Suit for Certain Violations

FOR the purpose of requiring a criminal prosecution or a suit for a civil penalty for ~~a certain offense~~ certain offenses occurring in the Chesapeake Bay Critical Area in Talbot County to be brought within a certain number of years after ~~the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays or~~ the local authorities in fact knew or reasonably should have known of a certain violation; providing for the application of a certain exception in certain instances; providing for the application of this Act; and generally relating to prosecutions and civil suits for certain offenses occurring in Talbot County.

BY repealing and reenacting, ~~without~~ with amendments,
 Article – Courts and Judicial Proceedings
 Section 5–106(a) and 5–107
 Annotated Code of Maryland
 (2013 Replacement Volume and 2013 Supplement)

BY adding to
 Article – Courts and Judicial Proceedings
 Section 5–106(dd)
 Annotated Code of Maryland
 (2013 Replacement Volume and 2013 Supplement)

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

Article – Courts and Judicial Proceedings

5–106.

(a) Except as provided by this section ~~and~~ § 1–303 of the Environment Article, **AND § 8–1815 OF THE NATURAL RESOURCES ARTICLE**, a prosecution for a misdemeanor shall be instituted within 1 year after the offense was committed.

(DD) (1) THIS SUBSECTION APPLIES IN TALBOT COUNTY TO AN OFFENSE THAT:

(I) OCCURS IN THE CHESAPEAKE BAY CRITICAL AREA, AS DEFINED IN § 8–1807 OF THE NATURAL RESOURCES ARTICLE; AND

(II) IS A VIOLATION OF A LOCAL LAW THAT RELATES TO ENVIRONMENTAL PROTECTION OR NATURAL RESOURCE CONSERVATION, INCLUDING A LOCAL LAW REGULATING:

1. GRADING;
2. SEDIMENT CONTROL;
3. STORMWATER MANAGEMENT;
4. ZONING;
5. CONSTRUCTION; OR
6. HEALTH AND PUBLIC SAFETY.

(2) A CRIMINAL PROSECUTION OR A SUIT FOR A CIVIL PENALTY FOR AN OFFENSE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE INSTITUTED WITHIN 3 YEARS AFTER ~~THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS OR~~ THE LOCAL AUTHORITIES IN FACT KNEW OR REASONABLY SHOULD HAVE KNOWN OF THE VIOLATION.

5–107.

Except as provided in § 5–106 of this subtitle, [and] § 1–303 of the Environment Article, AND § 8–1815 OF THE NATURAL RESOURCES ARTICLE, a prosecution or suit for a fine, penalty, or forfeiture shall be instituted within one year after the offense was committed.

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 offense occurring before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 114 – *Public Safety – Internal Investigative Unit – Name Change and Duties*.

The bill changes the name of the Internal Investigative Unit in the Department of Public Safety and Correctional Services to the Intelligence and Investigative Division, and requires the Intelligence and Investigative Division to oversee and coordinate intelligence efforts within the Department.

House Bill 174, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 114.

Sincerely,

Governor Martin O'Malley

Senate Bill 114

AN ACT concerning

Public Safety – Internal Investigative Unit – Name Change and Duties

FOR the purpose of changing the name of the Internal Investigative Unit in the Department of Public Safety and Correctional Services to the Intelligence and Investigative Division; requiring the Intelligence and Investigative Division to oversee and coordinate intelligence efforts within the Department, subject to the authority of the Secretary of Public Safety and Correctional Services; and generally relating to changing the name and duties of the Internal Investigative Unit in the Department of Public Safety and Correctional Services.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 10–701, 10–901(f), 10–905(a), (b), (m), and (n), 10–907(a), and 10–912(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 2–101(c)(18)
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–213(a)(3)(xi) and 18–213.2(a)(8)(x)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–702(b)(2)
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–201(e)(2)(iii)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 26–201(a)(20), 26–202(b)(1)(xvii), 26–203.1(e)(1), and 26–203.3(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – Correctional Services

10–701.

(a) (1) There is an [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** in the Department.

(2) The Secretary shall appoint the Director of the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION**.

(3) Subject to the authority of the Secretary, the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** shall:

(i) investigate:

1. alleged criminal violations committed by employees of the Department while on duty;

2. alleged criminal violations committed by inmates, visitors, and other individuals that affect the safety or security of the Department's facilities or programs; and

3. alleged professional misconduct by employees of the Department; [and]

(ii) adopt regulations for the conduct of its investigations; **AND**

(III) OVERSEE AND COORDINATE ALL INTELLIGENCE EFFORTS WITHIN THE DEPARTMENT.

(b) An investigator in the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** may exercise the powers of a peace or police officer in the State on property that is owned, leased, operated by, or under the control of the Department.

(c) (1) An investigator in the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** may exercise the powers of a peace or police officer in the State on property that is not owned, leased, operated by, or under the control of the Department when:

(i) engaged in fresh pursuit of a suspected offender;

(ii) requested or authorized to do so by the chief executive officer or chief police officer of a county;

(iii) necessary to facilitate the orderly flow of traffic to and from property owned, leased, operated by, or under the control of the Department;

(iv) necessary to investigate and protect property that is owned, leased, operated by, or under the control of the Department;

(v) engaged in an active and official investigation of the conduct of an employee of the Department when the employee's alleged conduct will compromise the safety or security of the Department's facilities or programs;

(vi) engaged in an active and official investigation of an inmate in the custody of the Commissioner of Correction or the Commissioner of Pretrial Detention and Services, an inmate subject to the jurisdiction of the Patuxent Institution, or an individual sentenced to probation or released on parole or mandatory supervision; or

(vii) ordered to do so by the Governor.

(2) When acting under the authority granted in this subsection in connection with an investigation or enforcement action, the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** shall notify the following persons:

(i) when in an incorporated municipality, the chief of police, if any, or the chief's designee;

(ii) when in a county that has a county police department, the chief of police or the chief's designee;

(iii) when in a county without a police department, the sheriff or the sheriff's designee;

(iv) when in Baltimore City, the Police Commissioner or the Police Commissioner's designee;

(v) when on any property owned, leased, operated by, or under the control of the Department of Natural Resources, the Secretary of Natural Resources or the Secretary's designee;

(vi) when on any property owned, leased, operated by, or under the control of the Maryland Transportation Authority, the Maryland Aviation Administration, or the Maryland Port Administration, the respective chief of police or the chief's designee; and

(vii) unless there is an agreement otherwise with the Department of State Police, the Department of State Police barrack commander or designee.

(3) The notification required under paragraph (2) of this subsection shall be made:

(i) in advance, if practicable; or

(ii) if advance notification is not practicable, as soon as possible after the exercise of the powers.

(4) When acting under the authority granted in this subsection, a member of the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** shall have all the immunities from liability and exemptions as that of a State Police officer in addition to any other immunities and exemptions to which the member may otherwise be entitled.

(5) A member of the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** who uses the authority granted in this subsection shall at all times and for all purposes remain an employee of the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION**.

(d) An individual who is employed as an investigator in the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** shall meet the minimum qualifications required and satisfactorily complete the training prescribed by the Maryland Police Training Commission.

10-901.

(f) ["Internal Investigative Unit"] "**INTELLIGENCE AND INVESTIGATIVE DIVISION**" means the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** established under § 10-701 of this title.

10-905.

(a) The investigation or interrogation by the appointing authority or by the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** of a correctional officer for a reason that may lead to disciplinary action, demotion, or dismissal shall be conducted in accordance with this section.

(b) The investigating officer or interrogating officer shall be a member of the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** or a designee of the appointing authority.

(m) On completion of an investigation and at least 20 days before a hearing, the correctional officer under investigation shall be:

(1) notified of the name of each witness and of each charge and specification against the correctional officer; and

(2) provided with a copy of the investigatory file and any exculpatory information, if the correctional officer and the correctional officer's counsel or representative agree to execute a confidentiality agreement with the appointing authority or the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE**

DIVISION not to disclose any material contained in the investigatory file or exculpatory information for any purpose other than to defend the correctional officer.

(n) A person may not insert adverse material into a file of the correctional officer, except the file of the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION**, unless the correctional officer has an opportunity to review, sign, receive a copy of, and comment in writing on the adverse material.

10–907.

(a) The appointing authority may not bring charges recommending the imposition of discipline more than 90 days after the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** or the appointing authority acquires knowledge of the action that gives rise to the discipline.

10–912.

(a) On request, a correctional officer may have expunged from any file the record of a formal complaint made against the correctional officer if:

(1) the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** that investigated the complaint:

(i) exonerated the correctional officer of all charges in the complaint; or

(ii) determined that the charges were unsustainable or unfounded; or

(2) a hearing board acquitted the correctional officer, dismissed the action, or made a finding of not guilty.

Article – Criminal Procedure

2–101.

(c) “Police officer” means a person who in an official capacity is authorized by law to make arrests and is:

(18) a member of the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** of the Department;

Article – Health – General

18–213.

(a) (3) "Law enforcement officer" means any person who, in an official capacity, is authorized by law to make arrests and who is a member of one of the following law enforcement agencies:

(xi) The [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** of the Department of Public Safety and Correctional Services; or

18-213.2.

(a) (8) "Law enforcement officer" means any individual who, in an official capacity, is authorized by law to make arrests and who is a member of one of the following law enforcement agencies:

(x) The [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** of the Department of Public Safety and Correctional Services.

Article – Labor and Employment

3-702.

(b) (2) This section does not apply to an individual who is an employee of or applies for assignment to the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** of the Department of Public Safety and Correctional Services.

Article – Public Safety

3-201.

(e) (2) "Police officer" includes:

(iii) an investigator of the [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** of the Department;

Article – State Personnel and Pensions

26-201.

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

(20) a member of the Department of Public Safety and Correctional Services [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE**

DIVISION who has the powers granted to a police officer under § 10–701 of the Correctional Services Article; or

26–202.

(b) (1) Subject to paragraph (2) of this subsection, membership in the Law Enforcement Officers’ Pension System is optional for an individual described in § 26–201 of this subtitle:

(xvii) who was a member of the Department of Public Safety and Correctional Services [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** who has powers granted to a police officer under § 10–701 of the Correctional Services Article on June 30, 2007, and who elects membership on or before December 31, 2007; or

26–203.1.

(e) (1) This subsection applies to members of the Department of Public Safety and Correctional Services [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** who:

(i) have the powers granted to a police officer under § 10–701 of the Correctional Services Article; and

(ii) transfer to the Law Enforcement Officers’ Pension System on or before December 31, 2007.

26–203.3.

(a) This section applies to members of the Department of Public Safety and Correctional Services [Internal Investigative Unit] **INTELLIGENCE AND INVESTIGATIVE DIVISION** who:

(1) have the powers granted to a police officer under § 10–701 of the Correctional Services Article; and

(2) transfer to the Law Enforcement Officers’ Pension System on or before December 31, 2007.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 216 – *Workers' Compensation – Workers' Compensation Commission – Issuance of Subpoenas*.

The bill requires the Workers' Compensation Commission, on a request of a party to a proceeding pending before the Commission, to issue a subpoena for specified purposes and authorizes the Commission to assess the whole cost of the proceeding against the requesting party if the Commission determines after an evidentiary hearing that the subpoena was requested in bad faith.

House Bill 219, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 216.

Sincerely,

Governor Martin O'Malley

Senate Bill 216

AN ACT concerning

Workers' Compensation – Workers' Compensation Commission – Issuance of Subpoenas

FOR the purpose of requiring the Workers' Compensation Commission to ~~authorize the issuance of~~ issue certain subpoenas under certain circumstances; authorizing the Commission to assess certain costs and fees against a certain party under certain circumstances; making a stylistic change; and generally relating to the Workers' Compensation Commission and subpoenas.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9-311
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

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

Article – Labor and Employment

9–311.

(a) To carry out this title, a member of the Commission, the Secretary of the Commission, a special examiner, or an inspector may issue a subpoena for the attendance of a witness to testify or the production of a ~~pertinent~~ **RELEVANT** document or record.

(b) On request of a party to a ~~proceeding before the Commission~~ **CLAIM ON WHICH ISSUES ARE CURRENTLY PENDING**, the Commission shall ~~issue a subpoena for a hearing before the Commission~~ **AUTHORIZE THE ISSUANCE OF A SUBPOENA FOR:**

~~(1)~~ **DOCUMENTATION;**

~~(2)~~ **(1) PERSONAL APPEARANCE OF A WITNESS; or [for]**

~~(3)~~ **(2) a deposition by the party, AS AUTHORIZED UNDER § 9–719 OF THIS TITLE.**

(C) ON A REQUEST OF A PARTY TO A CLAIM ON WHICH ISSUES ARE CURRENTLY PENDING, THE COMMISSION SHALL ISSUE A SUBPOENA FOR RELEVANT DOCUMENTATION TO BE PRODUCED AT THE OFFICE OF THE REQUESTING PARTY AND DISTRIBUTED TO ALL PARTIES TO THE CLAIM IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSION.

(D) IF THE COMMISSION, AFTER AN EVIDENTIARY HEARING, DETERMINES THAT A SUBPOENA WAS REQUESTED IN BAD FAITH, THE COMMISSION MAY ASSESS AGAINST THE REQUESTING PARTY THE WHOLE COST OF THE PROCEEDING, INCLUDING REASONABLE ATTORNEY’S FEES.

~~(E)~~ **(E)** An officer who serves a subpoena issued under this section is entitled to the same fee as the sheriff in the county where the witness is subpoenaed would be entitled.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 223 – *Crimes – Threat of Mass Violence*.

The bill prohibits a person from threatening to commit, or threatening to cause to be committed, a crime of violence that would place five or more people at substantial risk of death or serious physical injury if there is a specified result of the threat.

House Bill 697, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 223.

Sincerely,

Governor Martin O'Malley

Senate Bill 223

AN ACT concerning

Crimes – Threat of Mass Violence

FOR the purpose of prohibiting a person from threatening to commit, or ~~causing~~ threatening to cause to be committed, a certain crime of violence that would place others at substantial risk of death or serious physical injury if there ~~are~~ is a certain result of the threat; establishing that this Act applies to a threat made by oral or written communication or electronic mail; establishing that a person who violates this Act is guilty of the misdemeanor of making a threat of mass violence; establishing a penalty for a violation of this Act; requiring a court to order a person convicted under this Act to reimburse certain persons; providing for the venue for a prosecution under this Act; defining certain terms; and generally relating to the misdemeanor of making a threat of mass violence.

BY adding to

Article – Criminal Law

Section 3-1001 to be under the new subtitle “Subtitle 10. Threat of Mass Violence”

Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Criminal Law

SUBTITLE 10. THREAT OF MASS VIOLENCE.

3–1001.

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

(2) “DWELLING” HAS THE MEANING STATED IN § 6–201 OF THIS ARTICLE.

(3) “PUBLIC PLACE” HAS THE MEANING STATED IN § 10–201 OF THIS ARTICLE.

(4) “STOREHOUSE” HAS THE MEANING STATED IN § 6–201 OF THIS ARTICLE.

(B) THIS SECTION APPLIES TO A THREAT MADE BY ORAL OR WRITTEN COMMUNICATION OR ELECTRONIC MAIL, AS DEFINED IN § 3–805(A) OF THIS TITLE.

(C) A PERSON MAY NOT KNOWINGLY THREATEN TO COMMIT, OR THREATEN TO CAUSE TO BE COMMITTED, A CRIME OF VIOLENCE, AS DEFINED IN § 14–101 OF THIS ARTICLE, THAT WOULD PLACE OTHERS AT SUBSTANTIAL RISK OF DEATH OR SERIOUS PHYSICAL INJURY, AS DEFINED IN § 3–201 OF THIS TITLE, IF ~~THE NATURAL AND PROBABLE CONSEQUENCE AS A RESULT OF THE THREAT, REGARDLESS OF WHETHER THE CONSEQUENCE OCCURS, IS THAT THREAT IS CARRIED OUT,~~ FIVE OR MORE PEOPLE ARE:

(1) PLACED IN REASONABLE FEAR THAT THE CRIME WILL BE COMMITTED; ~~OR~~

(2) EVACUATED FROM A DWELLING, STOREHOUSE, OR PUBLIC PLACE;

(3) REQUIRED TO MOVE TO A DESIGNATED AREA WITHIN A DWELLING, STOREHOUSE, OR PUBLIC PLACE; OR

(4) REQUIRED TO REMAIN IN A DESIGNATED SAFE AREA WITHIN A DWELLING, STOREHOUSE, OR PUBLIC PLACE.

(D) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE MISDEMEANOR OF MAKING A THREAT OF MASS VIOLENCE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

(2) IN ADDITION TO THE PENALTIES PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, A COURT SHALL ORDER A PERSON CONVICTED UNDER THIS SECTION TO REIMBURSE THE APPROPRIATE UNIT OF FEDERAL, STATE, OR LOCAL GOVERNMENT OR OTHER PERSON FOR EXPENSES AND LOSSES INCURRED IN RESPONDING TO THE UNLAWFUL THREAT UNLESS THE COURT STATES ON THE RECORD THE REASONS WHY REIMBURSEMENT WOULD BE INAPPROPRIATE.

(E) A PERSON WHO VIOLATES THIS SECTION MAY BE INDICTED, PROSECUTED, TRIED, AND CONVICTED IN ANY COUNTY WHERE:

- (1) THE THREAT WAS RECEIVED;**
- (2) THE THREAT WAS MADE; OR**
- (3) THE CONSEQUENCES OF THE THREAT OCCURRED.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 224 – *State Prosecutor and Deputy State Prosecutor – Witness Immunity– Compulsory Testimony*.

The bill alters the definition of “prosecutor” to include the State Prosecutor or Deputy State Prosecutor under provisions of law related to compulsory witness testimony and witness immunity under specified circumstances.

House Bill 364, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 224.

Sincerely,

Governor Martin O’Malley

Senate Bill 224

AN ACT concerning

**State Prosecutor and Deputy State Prosecutor – Witness Immunity –
Compulsory Testimony**

FOR the purpose of altering the definition of “prosecutor” to include the State Prosecutor or Deputy State Prosecutor under provisions of law related to compulsory witness testimony and witness immunity under certain circumstances; making a stylistic change; and generally relating to immunity for witnesses in proceedings before a court or grand jury.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 9–123
Annotated Code of Maryland
(2013 Replacement Volume and 2013 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

9–123.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Other information” includes any book, paper, document, record, recording, or other material.
- (3) “Prosecutor” means:
 - (i) The State’s Attorney for a county;

- (ii) A Deputy State's Attorney;
- (iii) The Attorney General of the State; [or]
- (iv) A Deputy Attorney General or designated Assistant Attorney General; **OR**
- (v) **THE STATE PROSECUTOR OR DEPUTY STATE PROSECUTOR.**

(b) (1) If a witness refuses, on the basis of the privilege against self-incrimination, to testify or provide other information in a criminal prosecution or a proceeding before a grand jury of the State, and the court issues an order to testify or provide other information under subsection (c) of this section, the witness may not refuse to comply with the order on the basis of the privilege against self-incrimination.

(2) No testimony or other information compelled under the order, and no information directly or indirectly derived from the testimony or other information, may be used against the witness in any criminal case, except in a prosecution for perjury, obstruction of justice, or otherwise failing to comply with the order.

(c) (1) If an individual has been, or may be, called to testify or provide other information in a criminal prosecution or a proceeding before a grand jury of the State, the court in which the proceeding is or may be held shall issue, on the request of the prosecutor made in accordance with subsection (d) of this section, an order requiring the individual to give testimony or provide other information which the individual has refused to give or provide on the basis of the individual's privilege against self-incrimination.

(2) The order shall have the effect provided under subsection (b) of this section.

(d) If a prosecutor seeks to compel an individual to testify or provide other information, the prosecutor shall request, by written motion, the court to issue an order under subsection (c) of this section when the prosecutor determines that:

(1) The testimony or other information from the individual may be necessary to the public interest; and

(2) The individual has refused or is likely to refuse to testify or provide other information on the basis of the individual's privilege against self-incrimination.

(e) If a witness refuses to comply with an order issued under subsection (c) of this section, on written motion of the prosecutor and on admission into evidence of the transcript of the refusal, if the refusal was before a grand jury, the court shall treat

the refusal as a direct contempt, notwithstanding any law to the contrary, and proceed in accordance with Title 15, Chapter 200 of the Maryland Rules.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 254 – *Public Safety – Fire, Rescue, and Ambulance Funds – Distribution*.

This bill alters the distribution of, and permissible uses of, funds from the Senator William H. Amoss Fire, Rescue, and Ambulance Fund (Amoss Fund). Maintenance of Effort (MOE) provisions are altered and certain waivers from MOE provisions, including a rebasing waiver, are established.

House Bill 365, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 254.

Sincerely,

Governor Martin O'Malley

Senate Bill 254

AN ACT concerning

Public Safety – Fire, Rescue, and Ambulance Funds – Distribution

FOR the purpose of repealing a provision of law prohibiting the Director of the Maryland Emergency Management Agency from requiring that capital equipment purchased with State money have a useful life expectancy of greater than 1 year; authorizing the Senator William H. Amoss Fire, Rescue, and Ambulance Fund to be used to acquire land for a specified purpose; authorizing

the Senator William H. Amoss Fire, Rescue, and Ambulance Fund to be used to install certain systems and to acquire telecommunication devices, computers, equipment, and machinery under specified circumstances; requiring the Treasurer to make certain payments by a certain date; repealing a prohibition against certain State money being used to acquire certain alarm systems; repealing a prohibition against certain State money being used to refinance debt or another obligation incurred before a certain date; requiring that certain funds be distributed to volunteer fire, rescue, and ambulance companies based on need; requiring a county to consider certain factors when determining need for purposes of distributing certain funds to volunteer fire, rescue, and ambulance companies; requiring a county to distribute certain money to fire, rescue, and ambulance companies, departments, or stations located in qualified municipalities; providing that a county shall be deemed in compliance with a certain requirement if it has participated in the Maryland Fire Incident Reporting System and Ambulance Information System during a certain year; requiring that the State Fire Marshal and the Executive Director of the Maryland Institute for Emergency Medical Services Systems make certain certifications to the Director of the Maryland Emergency Management Agency by a certain date; requiring the State Fire Marshal and the Executive Director of the Maryland Institute for Emergency Medical Services Systems to adopt policies and procedures for determining whether a county has participated in certain reporting systems; authorizing the Director of the Maryland Emergency Management Agency to withhold certain money from a county if certain requirements are not met; requiring the Director of the Maryland Emergency Management Agency to withhold certain money from a county if certain requirements are not met; specifying how certain penalties are to be determined; making a technical correction; providing that a certain maintenance of effort requirement does not apply to a county if the county requests and is granted a waiver from the requirement based on a certain determination; requiring a county to take certain actions in order to qualify for a certain waiver; requiring the Director of the Maryland Emergency Management Agency to provide a preliminary assessment of a certain waiver request to the Board of Public Works; requiring the Board of Public Works to consider certain factors when making a determination regarding a certain waiver request; requiring the Board of Public Works to respond to a certain waiver request by a certain date; providing a formula for calculating maintenance of effort if a waiver is granted; authorizing a county to request a waiver to rebase the maintenance of effort calculation under certain circumstances; requiring the Board of Public Works to establish certain policies and procedures relating to rebasing a maintenance of effort calculation; providing a formula to rebase the maintenance of effort calculation; providing that money distributed from the Senator William H. Amoss Fire, Rescue, and Ambulance Fund may be accounted for in a format developed by the Director of the Maryland Emergency Management Agency; requiring that money that remains unencumbered or unexpended after a certain period of time be deposited into the William H. Amoss Fire, Rescue, and Ambulance Fund rather than the General Fund; prohibiting a volunteer company from entering into a

certain legal obligation to encumber money received from the William H. Amoss Fire, Rescue, and Ambulance Fund without prior approval from the county; providing that money received from the William H. Amoss Fire, Rescue, and Ambulance Fund be placed in a special fund under certain circumstances; authorizing the Comptroller to set off shared revenues that are due to a county under certain circumstances; requiring that certain encumbrances of a volunteer company be considered an encumbrance of the county; authorizing a county or municipality to hold money distributed from the William H. Amoss Fire, Rescue, and Ambulance Fund in a bank account with other county or municipal funds; requiring a certain report to include specified information; authorizing a county to withhold money from a fire, a rescue, or an ambulance company under certain circumstances; authorizing a county to reallocate money distributed from the Senator William H. Amoss Fire, Rescue, and Ambulance Fund to compliant fire, rescue, and ambulance companies; providing that certain withheld money reverts to the William H. Amoss Fire, Rescue, and Ambulance Fund rather than the General Fund; defining certain terms; altering a certain definition; and generally relating to the distribution of money from the Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 8–101, 8–102, 8–103, 8–104, 8–105, and 8–106

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

Article – Public Safety

8–101.

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

(B) (1) “ADMINISTRATIVE COSTS” MEANS ANY COSTS THAT ARE FOR ADMINISTRATIVE FUNCTIONS, INCLUDING:

- (I) BILLING AND COLLECTION EXPENSES;**
- (II) PROMOTION AND MARKETING EXPENSES;**
- (III) TAXES, FEES, AND ASSESSMENTS;**
- (IV) LEGAL EXPENSES; AND**

(V) OTHER GENERAL AND ADMINISTRATIVE COSTS AS DETERMINED BY THE DIRECTOR.

(2) "ADMINISTRATIVE COSTS" DOES NOT INCLUDE:

(I) ACCOUNTING AND FINANCIAL REPORTING EXPENSES, INCLUDING THE COSTS OF AUDITING THE FUND IN ACCORDANCE WITH § 8-104 OF THIS SUBTITLE; OR

(II) COMPUTER SOFTWARE, IF USED EXCLUSIVELY FOR FIRE PROTECTION, RESCUE, AND AMBULANCE SERVICES.

(C) "BANK ACCOUNT" MEANS A CHECKING OR SAVINGS ACCOUNT THAT IS MAINTAINED IN A FINANCIAL INSTITUTION WHOSE DEPOSITS ARE INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION.

(D) "CAPITAL EQUIPMENT" MEANS ANY EQUIPMENT ITEM OR FURNISHING THAT HAS:

(1) A USEFUL LIFE GREATER THAN 1 YEAR; AND

(2) A PROCUREMENT COST OF AT LEAST ~~\$100~~ \$10,000 PER UNIT.

(E) "CAPITAL EXPENDITURE" MEANS REVENUES APPROPRIATED FOR:

(1) THE ACQUISITION OF LAND, BUILDINGS, OR CAPITAL EQUIPMENT; OR

(2) NEW CONSTRUCTION.

(F) (1) "COMPUTER SOFTWARE" MEANS ANY PROGRAM THAT IS USED TO CAUSE A COMPUTER TO PERFORM A SPECIFIC TASK OR SET OF TASKS.

(2) "COMPUTER SOFTWARE" INCLUDES:

(I) SYSTEM AND APPLICATION PROGRAMS; AND

(II) DATABASE STORAGE AND MANAGEMENT PROGRAMS.

[(b)] (G) "Director" means the Director of the Maryland Emergency Management Agency.

(H) "ENCUMBER" MEANS TO CREATE A LEGAL OBLIGATION THAT REQUIRES A PORTION OF AN APPROPRIATION TO BE RESERVED TO PAY MONEY IN THE FUTURE.

[(c)] (I) (1) “Expenditures for fire protection” means:

(i) revenues appropriated or to be appropriated by a county for fire protection, rescue, and ambulance services; and

(ii) the proceeds of any county bonds used to finance facilities that house equipment for fire protection, rescue, and ambulance services.

(2) “Expenditures for fire protection” includes:

(I) REVENUES APPROPRIATED BY A COUNTY TO VOLUNTEER FIRE, RESCUE, AND AMBULANCE COMPANIES;

(II) ACCOUNTING AND FINANCIAL REPORTING EXPENSES, INCLUDING THE COSTS OF AUDITING THE FUND IN ACCORDANCE WITH § 8-104 OF THIS SUBTITLE; AND

(III) the costs of training personnel.

(3) “Expenditures for fire protection” does not include:

(i) salaries, workers’ compensation, fringe benefits, or other personnel costs;

(ii) administrative costs; [or]

(III) CAPITAL EXPENDITURES; OR

[(iii)] (IV) in Carroll County, appropriations for loans to a volunteer fire, rescue, or ambulance company, secured by mortgages, notes, or other evidence of indebtedness of the volunteer fire, rescue, or ambulance company, if the appropriations derive from the proceeds of bonds used to finance facilities that house equipment for fire protection, rescue, and ambulance services.

[(d)] (J) “Fund” means the Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

(K) “LEGAL OBLIGATION” INCLUDES:

(1) A PURCHASE ORDER;

(2) A WRITTEN AGREEMENT FOR THE PURCHASE OF GOODS AND SERVICES;

(3) A WRITTEN AGREEMENT BETWEEN A COUNTY AND A VOLUNTEER FIRE, RESCUE, OR AMBULANCE COMPANY; AND

(4) A WRITTEN AGREEMENT BETWEEN A COUNTY AND A VENDOR.

[(e) (L) (1) “Qualified municipal corporation” means a municipal corporation in the State whose expenditures for fire protection from municipal sources exceed \$25,000.

(2) “Qualified municipal corporation” does not include Baltimore City.

(M) “REHABILITATE”, WITH REGARD TO A FACILITY, DOES NOT INCLUDE PURCHASING OFFICE EQUIPMENT OR INCURRING ADMINISTRATIVE EXPENSES.

(N) “ROUTINE MAINTENANCE COSTS” MEANS EXPENDITURES FOR ACTIVITIES THAT ARE:

(1) NORMALLY ESTABLISHED BY A MANUFACTURER OR AN INDUSTRY TRADE ASSOCIATION;

(2) PLANNED AND PERFORMED AT REGULAR INTERVALS; AND

(3) NECESSARY TO EXTEND THE USEFUL LIFE OR TO PREVENT THE PREMATURE FAILURE OF BUILDING COMPONENTS OR EQUIPMENT.

8–102.

(a) There is a Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

(b) The purposes of the Fund are to promote:

(1) the delivery of effective and high quality fire protection, rescue, and ambulance services in the State;

(2) increased financial support for fire, rescue, and ambulance companies by counties; and

(3) the continued financial viability of volunteer fire, rescue, and ambulance companies given the greatly increased costs of equipment.

(c) (1) The Director shall administer the Fund.

(2) Subject to paragraph (3) of this subsection, the Director may adopt procedures to carry out this subtitle, including additional auditing and reporting requirements.

(3) The Director may not[:

(i)] impose training or operational requirements as a precondition to receipt of money, except as otherwise expressly provided in this subtitle[; or

(ii) require that capital equipment purchased with State money have a useful life expectancy of greater than 1 year].

(d) The Fund consists of:

(1) money appropriated in the State budget to the Fund; and

(2) revenue distributed to the Fund under § 16–609 of the Business Regulation Article.

(e) (1) As authorized by the Director, the Treasurer shall make payments out of the Fund to each county on warrant of the Comptroller.

(2) The Treasurer shall make the payments required under this subsection to the appropriate county [in approximately equal amounts] on or about [August 15,] November 15[, February 15, and May 15].

(f) (1) State money provided under this section may only be used to:

(i) acquire or rehabilitate fire or rescue equipment, including ambulances;

(ii) acquire or rehabilitate capital equipment used in connection with fire or rescue equipment; [and]

(iii) rehabilitate facilities used primarily to house fire fighting equipment, ambulances, and rescue vehicles;

(IV) INSTALL LIFE SAFETY AND FIRE PROTECTION SYSTEMS AT A FIRE, A RESCUE, OR AN AMBULANCE FACILITY;

(V) ACQUIRE LAND THAT IS ADJACENT TO AN EXISTING FIRE, RESCUE, OR AMBULANCE FACILITY FOR THE PURPOSE OF REHABILITATING THAT FACILITY;

(VI) ACQUIRE WIRELESS TELECOMMUNICATIONS DEVICES, COMPUTERS, AND RELATED COMPUTER EQUIPMENT IF USED EXCLUSIVELY FOR FIRE PROTECTION, RESCUE, AND AMBULANCE SERVICES; AND

(VII) ACQUIRE MACHINERY AND EQUIPMENT IF USED EXCLUSIVELY FOR FIRE PROTECTION, RESCUE, AND AMBULANCE SERVICES.

(2) State money provided under this section may not be used:

- (i) for administrative costs;
- (ii) for compensation or fringe benefits to employees or members of county governments, or fire, rescue, or ambulance companies;
- (iii) for travel or meal expenses;
- (iv) for fuel, utility, or routine maintenance costs of facilities or equipment;
- (v) to acquire new or replacement fire hydrants[,] **OR WATER MAINS** [water mains, or emergency alarm systems not installed at a fire, rescue, or ambulance facility];
- (vi) for insurance;
- (vii) for fund-raising activities;
- (viii) [to refinance debt or another obligation incurred before July 1, 1985;
- (ix)] to replace or repair eligible items to the extent that insurance proceeds are available;
- [(x)] **(IX)** for costs associated with the "9-1-1" emergency telephone system; or
- [(xi)] **(X)** for land or interests in land, **EXCEPT AS PROVIDED IN PARAGRAPH (1)(V) OF THIS SUBSECTION.**

8-103.

(a) Subject to subsection (c) of this section, each county shall receive an initial allocation of money based on a percentage to be determined in the following manner:

(1) the Director of Assessments and Taxation shall certify to the Director each county's total percentage of land use property tax accounts, including vacant unimproved properties, relative to the statewide total of all land use property tax accounts for the first completed fiscal year immediately preceding the fiscal year for which money is to be allocated;

(2) except as provided in item (3) of this subsection, the percentage determined in item (1) of this subsection shall then be applied for each county to any amount included in the State budget for the purposes of this subtitle; and

(3) each county shall receive an allocation of at least 2% of the total Fund as appropriated in the State budget, in addition to the amount that is distributed to fire, rescue, and ambulance companies, departments, or stations located in qualified municipal corporations in accordance with subsection (c) of this section.

(b) (1) In accordance with the formula provided in paragraph (2) of this subsection, each county shall distribute a minimum percentage of funds that the county receives from the Fund to volunteer fire, rescue, and ambulance companies.

(2) The percentage of funds required to be distributed by each county under paragraph (1) of this subsection shall be equal to the same total percentage of funds distributed by each county to volunteer fire, rescue, and ambulance companies from the Fund in fiscal year 2011 or at least 51% of the allocation received by each county under subsection (a) of this section, whichever is greater.

[(3) Subject to § 2–1246 of the State Government Article, the Director shall report by December 31 of each year to the General Assembly on the funds distributed by each county under paragraph (2) of this subsection to volunteer fire, rescue, and ambulance companies.]

(3) EACH COUNTY SHALL DISTRIBUTE THE MONEY PROVIDED UNDER THIS SUBSECTION ON THE BASIS OF NEED, AS DETERMINED BY THE COUNTY, TO VOLUNTEER FIRE, RESCUE, AND AMBULANCE COMPANIES.

(4) IN DETERMINING NEED UNDER THIS SUBSECTION, THE COUNTY SHALL CONSIDER:

(I) THE FAILURE TO MEET MINIMUM STANDARDS ESTABLISHED BY THE COUNTY OR THE MARYLAND STATE FIREMEN’S ASSOCIATION;

(II) THE EXISTENCE OR POTENTIAL EXISTENCE OF AN EMERGENCY SITUATION AS DESCRIBED IN § 8–203 OF THIS TITLE;

(III) THE AGE AND CONDITION OF EXISTING FACILITIES AND EQUIPMENT;

(IV) THE LACK OF AVAILABILITY OF MUTUAL AID;

(V) ANY SERVICE PROBLEMS ASSOCIATED WITH DEMOGRAPHIC CONDITIONS;

(VI) A COMPANY'S INABILITY TO RAISE MONEY TO PAY FOR AN ITEM; AND

(VII) ANY OTHER RELEVANT FACTORS.

[(4)] (5) This subsection does not apply to:

(i) Baltimore City; or

(ii) distributions made to fire, rescue, and ambulance companies, departments, or stations located in qualified municipal corporations in accordance with subsection (c) of this section.

(c) (1) Subject to paragraph (6) of this subsection, each county shall distribute the money provided under this subtitle on the basis of need to fire, rescue, and ambulance companies, departments, or stations in the county, including companies, departments, or stations:

(i) located in municipal corporations; or

(ii) located outside the State if the company, department, or station:

1. has been a member of the Maryland State Firemen's Association for at least the past 10 years; and

2. has a first due response area in the State.

(2) Each county shall determine need in accordance with procedures that the county uses to adopt its budget.

(3) In determining need under this subsection, the county shall consider:

(i) the failure to meet minimum standards established by the county or the Maryland State Firemen's Association;

(ii) the existence or potential existence of an emergency situation as described in § 8-203 of this title;

(iii) the age and condition of existing facilities and equipment;

(iv) the lack of availability of mutual aid;

(v) any service problems associated with demographic conditions; and

(vi) any other relevant factors.

(4) In addition to consideration of the factors in paragraph (3) of this subsection, for a volunteer company the county shall consider the company's inability to raise money to pay for the item.

(5) Notwithstanding paragraphs (3) and (4) of this subsection, each county shall give the highest funding priority to the failure to meet minimum standards or the existence of an emergency situation as described in § 8–203 of this title.

(6) (I) IN THIS PARAGRAPH, “EXPENDITURES OF THE QUALIFIED MUNICIPAL CORPORATION” INCLUDES REVENUES APPROPRIATED TO VOLUNTEER FIRE, RESCUE, AND AMBULANCE COMPANIES.

(II) Distribution of money to fire, rescue, and ambulance companies, departments, or stations located in qualified municipal corporations in a county in the aggregate may not be less than 50% of the proportion that the expenditures of the qualified municipal corporation bear to total aggregate expenditures for fire protection in that county.

(III) A COUNTY SHALL DISTRIBUTE THE MONEY ALLOCATED UNDER THIS PARAGRAPH TO FIRE, RESCUE, AND AMBULANCE COMPANIES, DEPARTMENTS, OR STATIONS LOCATED IN QUALIFIED MUNICIPALITIES.

(7) **(I)** To receive money under this subsection, each county shall participate in the Maryland Fire Incident Reporting System and Ambulance Information System.

(II) A COUNTY SHALL BE DEEMED IN COMPLIANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH IF THE COUNTY HAS PARTICIPATED IN THE MARYLAND FIRE INCIDENT REPORTING SYSTEM AND AMBULANCE INFORMATION SYSTEM DURING THE IMMEDIATELY PRECEDING FISCAL YEAR FOR WHICH MONEY IS TO BE ALLOCATED.

(III) THE STATE FIRE MARSHAL SHALL:

1. ADOPT POLICIES AND PROCEDURES FOR DETERMINING IF A COUNTY HAS PARTICIPATED IN THE MARYLAND FIRE INCIDENT REPORTING SYSTEM; AND

2. CERTIFY TO THE DIRECTOR BY JULY 1 OF EACH YEAR WHETHER A COUNTY HAS PARTICIPATED IN THE MARYLAND FIRE INCIDENT REPORTING SYSTEM DURING THE IMMEDIATELY PRECEDING FISCAL YEAR.

(IV) THE EXECUTIVE DIRECTOR OF THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS SHALL:

1. ADOPT POLICIES AND PROCEDURES FOR DETERMINING IF A COUNTY HAS PARTICIPATED IN THE AMBULANCE INFORMATION SYSTEM; AND

2. CERTIFY TO THE DIRECTOR BY JULY 1 OF EACH YEAR WHETHER A COUNTY HAS PARTICIPATED IN THE AMBULANCE INFORMATION SYSTEM DURING THE IMMEDIATELY PRECEDING FISCAL YEAR.

8-104.

(a) (1) (i) The money distributed under this subtitle shall be used by each county for the purposes listed in § 8-102(f)(1) of this subtitle as an addition to and may not be substituted for any money appropriated from sources other than the Fund.

(ii) In each fiscal year, each county shall make expenditures for fire protection from sources other than the Fund in an amount that is at least equal to the average amount of the expenditures for fire protection during the 3 preceding fiscal years.

[(iii) Except as provided in paragraph (2) of this subsection, a county that fails to satisfy the requirements of this subsection may not receive money under this subtitle for that fiscal year.]

(2) (I) [For each fiscal year, each county that fails to satisfy the requirements of paragraph (1) of this subsection may receive money under this subtitle subject to a penalty equal to the percentage by which the county fails to meet the county's maintenance of effort for that fiscal year.] ~~THE DIRECTOR MAY WITHHOLD MONEY ALLOCATED FOR THE NEXT FISCAL YEAR FROM A COUNTY IF~~ THE IF A COUNTY DOES NOT COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION, THE DIRECTOR MAY WITHHOLD MONEY ALLOCATED TO THE COUNTY FOR THE FISCAL YEAR THAT BEGINS AFTER THE SUBMISSION OF THE REPORT REQUIRED UNDER § 8-105 OF THIS SUBTITLE.

(II) THE PENALTY IMPOSED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE EQUAL TO THE PERCENTAGE BY WHICH THE COUNTY FAILED TO MEET THE COUNTY'S MAINTENANCE OF EFFORT UNDER

PARAGRAPH (1)(II) OF THIS SUBSECTION ~~DURING THE PRECEDING FISCAL YEAR.~~

(3) (I) THE DIRECTOR SHALL AUTOMATICALLY WITHHOLD MONEY ALLOCATED TO A COUNTY FROM THE FUND IF:

1. THE COUNTY FAILS TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION FOR TWO CONSECUTIVE FISCAL YEARS; AND

2. NO WAIVER HAS BEEN GRANTED BY THE BOARD OF PUBLIC WORKS OR THE GENERAL ASSEMBLY IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

(II) THE PENALTY IMPOSED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE EQUAL TO THE PERCENTAGE BY WHICH THE COUNTY FAILED TO MEET THE COUNTY'S MAINTENANCE OF EFFORT FOR THE SECOND CONSECUTIVE FISCAL YEAR UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION ~~DURING THE PRECEDING FISCAL YEAR.~~

(b) (1) Each county shall make expenditures for fire protection from its own sources that are at least equal to the amount of State money to be received.

(2) A county may receive less than the amount initially allocated.

(3) In determining the amount of expenditures for fire protection made by a county, before certification, the Director shall review the financial information of the county for the first completed fiscal year before the fiscal year for which State money is appropriated.

(4) Money received from the [Emergency Assistance Trust Fund] **VOLUNTEER COMPANY ASSISTANCE FUND** under § 8–203 of this title or other State money may not be used as the match required under this subsection.

(c) (1) Money not distributed to a county because the requirements of subsections (a) and (b) of this section are not satisfied shall be distributed to the counties that meet the requirements of subsections (a) and (b) of this section in accordance with this subsection.

(2) (i) Subject to subparagraph (ii) of this paragraph, each county that meets the requirements of subsections (a) and (b) of this section shall receive an allocation of the money distributed under paragraph (1) of this subsection based on a percentage to be determined in accordance with § 8–103(a) of this subtitle.

(ii) For purposes of determining the percentage allocated to each county under this subsection, the property tax accounts of each county that fails to satisfy the requirements of subsection (a) or (b) of this section shall be excluded from the statewide total.

(3) Each county shall distribute money provided under this subsection in accordance with § 8-103(c) of this subtitle.

(D) (1) THE MAINTENANCE OF EFFORT REQUIREMENT IN SUBSECTION (A)(1)(II) OF THIS SECTION DOES NOT APPLY TO A COUNTY IF THE COUNTY REQUESTS AND IS GRANTED A WAIVER FROM THE REQUIREMENT BASED ON A DETERMINATION THAT THE COUNTY'S FISCAL CONDITION SIGNIFICANTLY IMPEDES THE COUNTY'S ABILITY TO FUND THE MAINTENANCE OF EFFORT REQUIREMENT.

(2) (I) IN ORDER TO QUALIFY FOR A WAIVER FOR A FISCAL YEAR, A COUNTY SHALL:

1. SEEK A WAIVER FROM THE GENERAL ASSEMBLY BY LEGISLATION DURING THE LEGISLATIVE SESSION PRECEDING THE FISCAL YEAR ~~IN WHICH THE WAIVER IS REQUESTED~~ IN WHICH THE PENALTY FOR FAILING TO COMPLY WITH THE MAINTENANCE OF EFFORT REQUIREMENT IS TO BE IMPOSED; OR

2. MAKE A REQUEST FOR A WAIVER TO THE BOARD OF PUBLIC WORKS BY JUNE 30 OF THE ~~PRIOR FISCAL YEAR~~ FISCAL YEAR PRECEDING THE FISCAL YEAR IN WHICH THE PENALTY FOR FAILING TO COMPLY WITH THE MAINTENANCE OF EFFORT REQUIREMENT IS TO BE IMPOSED.

(II) THE DIRECTOR SHALL PROVIDE A PRELIMINARY ASSESSMENT OF A WAIVER REQUEST TO THE BOARD OF PUBLIC WORKS.

(3) WHEN CONSIDERING WHETHER TO GRANT A COUNTY'S WAIVER REQUEST, THE BOARD OF PUBLIC WORKS SHALL CONSIDER THE FOLLOWING FACTORS:

(I) EXTERNAL ENVIRONMENTAL FACTORS SUCH AS A LOSS OF A MAJOR EMPLOYER OR INDUSTRY AFFECTING THE COUNTY OR A BROAD ECONOMIC DOWNTURN AFFECTING MORE THAN ONE COUNTY;

(II) THE COUNTY'S TAX BASE;

(III) THE COUNTY'S MAINTENANCE OF EFFORT REQUIREMENT RELATIVE TO THE COUNTY'S STATUTORY ABILITY TO RAISE REVENUES;

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

(V) SIGNIFICANT REDUCTIONS IN STATE AID TO THE COUNTY AND MUNICIPALITIES OF THE COUNTY FOR THE FISCAL YEAR FOR WHICH A WAIVER IS REQUESTED OR NEW COSTS IMPOSED ON THE COUNTY OR MUNICIPALITIES OF THE COUNTY DUE TO A CHANGE IN STATE LAW, REGULATION, OR POLICY; AND

(VI) THE NUMBER OF WAIVERS THE COUNTY HAS RECEIVED IN THE PAST 5 YEARS.

(4) THE BOARD OF PUBLIC WORKS SHALL INFORM THE COUNTY WHETHER THE WAIVER FOR A FISCAL YEAR IS APPROVED OR DENIED IN WHOLE OR PART NO LATER THAN 60 DAYS AFTER RECEIPT OF AN APPLICATION OR AUGUST 30 OF THE FISCAL YEAR IN WHICH THE WAIVER IS REQUESTED, WHICHEVER IS LATER.

(5) IF A COUNTY IS GRANTED A WAIVER FROM THE MAINTENANCE OF EFFORT PROVISION IN SUBSECTION (A)(1)(II) OF THIS SECTION BY EITHER THE BOARD OF PUBLIC WORKS OR THE GENERAL ASSEMBLY FOR ANY FISCAL YEAR, THE MAINTENANCE OF EFFORT CALCULATION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE THREE MOST RECENT FISCAL YEARS IN WHICH THE COUNTY MET THE MAINTENANCE OF EFFORT REQUIREMENT.

(6) (I) IF A COUNTY IS GRANTED A WAIVER FROM THE MAINTENANCE OF EFFORT CALCULATION IN SUBSECTION (A)(1)(II) OF THIS SECTION BY EITHER THE BOARD OF PUBLIC WORKS OR THE GENERAL ASSEMBLY FOR 5 CONSECUTIVE FISCAL YEARS, THE COUNTY MAY REQUEST A WAIVER FROM THE BOARD OF PUBLIC WORKS TO REBASE THE MAINTENANCE OF EFFORT CALCULATION.

(II) THE BOARD OF PUBLIC WORKS SHALL ESTABLISH POLICIES AND PROCEDURES FOR:

1. REQUESTING A WAIVER TO REBASE THE MAINTENANCE OF EFFORT CALCULATION; AND

2. DETERMINING WHETHER TO GRANT A WAIVER TO REBASE THE MAINTENANCE OF EFFORT CALCULATION.

(III) IF A WAIVER TO REBASE THE MAINTENANCE OF EFFORT CALCULATION UNDER THIS PARAGRAPH IS GRANTED, THE MAINTENANCE OF EFFORT CALCULATION SHALL BE REBASED TO THE AVERAGE AMOUNT OF EXPENDITURES FOR FIRE PROTECTION FROM SOURCES OTHER THAN THE FUND DURING THE 3 PRECEDING FISCAL YEARS.

(7) A WAIVER GRANTED BY EITHER THE BOARD OF PUBLIC WORKS OR THE GENERAL ASSEMBLY MAY NOT RELIEVE A COUNTY OF THE REQUIREMENT UNDER SUBSECTION (B)(1) OF THIS SECTION.

[(d)] (E) (1) The money distributed under this subtitle and allocated to a county shall be [accounted for and]:

(I) audited in accordance with the procedures for accounting and auditing of other governmental revenues; OR

(II) ACCOUNTED FOR IN A FORMAT DEVELOPED BY THE DIRECTOR.

(2) Money not expended by the county by the end of a fiscal year shall be placed in a special fund for expenditure in the next succeeding fiscal year.

(3) (i) Money distributed under this subtitle that remains unencumbered or unexpended by the county after the second fiscal year shall be repaid to the Director for deposit in the [General Fund] FUND.

(ii) The Comptroller may set off any shared revenues due to a county instead of repayment under this subsection.

(4) A VOLUNTEER FIRE, RESCUE, OR AMBULANCE COMPANY MAY NOT ENTER INTO A LEGAL OBLIGATION TO ENCUMBER MONEY RECEIVED UNDER THIS SUBTITLE WITH A DURATION OF MORE THAN 2 YEARS WITHOUT PRIOR APPROVAL FROM THE COUNTY.

(5) (I) IF A WRITTEN AGREEMENT BETWEEN A COUNTY AND A VOLUNTEER FIRE, RESCUE, OR AMBULANCE COMPANY TO ENCUMBER MONEY BECOMES NULL AND VOID, THE MONEY SHALL BE PLACED IN A SPECIAL FUND FOR EXPENDITURE BY THE COUNTY IN THE NEXT SUCCEEDING FISCAL YEAR.

(II) MONEY DISTRIBUTED UNDER THIS PARAGRAPH THAT REMAINS UNENCUMBERED OR UNEXPENDED BY THE COUNTY AFTER THE

SECOND FISCAL YEAR SHALL BE REPAID TO THE DIRECTOR FOR DEPOSIT IN THE FUND.

(III) THE COMPTROLLER MAY SET OFF ANY SHARED REVENUES DUE TO A COUNTY INSTEAD OF REPAYMENT UNDER THIS PARAGRAPH.

(6) IF A VOLUNTEER FIRE, RESCUE, OR AMBULANCE COMPANY CREATES A LEGAL OBLIGATION TO ENCUMBER MONEY RECEIVED FROM THE FUND, THE DIRECTOR SHALL CONSIDER THE LEGAL OBLIGATION TO BE AN ENCUMBRANCE OF THE COUNTY FOR PURPOSES OF THIS SUBTITLE.

[(4)] (7) (i) Money distributed under this subtitle to be expended by a volunteer or municipal fire, rescue, or ambulance company shall be:

- 1. maintained in a separate BANK account; and**
- 2. [shall be] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, audited in the same manner as other money of the volunteer or municipal company is audited.**

(II) MONEY DISTRIBUTED UNDER THIS SUBTITLE TO A VOLUNTEER OR MUNICIPAL FIRE, RESCUE, OR AMBULANCE COMPANY MAY BE ACCOUNTED FOR IN A FORMAT DEVELOPED BY THE DIRECTOR.

[(ii)] (III) Copies of the audit of the separate BANK account shall be submitted to the respective county government and to the Maryland Emergency Management Agency.

(8) (I) A COUNTY OR MUNICIPALITY MAY HOLD MONEY DISTRIBUTED UNDER THIS SUBTITLE TO A FIRE, RESCUE, OR AMBULANCE COMPANY IN THE COUNTY OR MUNICIPALITY'S BANK ACCOUNT.

(II) MONEY HELD BY A COUNTY OR MUNICIPALITY UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY BE MAINTAINED IN A BANK ACCOUNT WITH OTHER COUNTY OR MUNICIPAL FUNDS.

(III) MONEY HELD BY A COUNTY OR MUNICIPALITY UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE:

- 1. AUDITED IN ACCORDANCE WITH THE PROCEDURES FOR ACCOUNTING AND AUDITING OF OTHER GOVERNMENTAL REVENUES; OR**

2. ACCOUNTED FOR IN A FORMAT DEVELOPED BY THE DIRECTOR.

8-105.

(a) (1) On or before December 31 of each year, each county shall submit to the Director a report for the preceding fiscal year [that states:] **IN THE FORMAT PROVIDED BY THE DIRECTOR.**

(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(i) the amount of money distributed to each recipient and the purpose of expenditure of this money categorized as provided in § 8-102(f)(1) of this subtitle;

(ii) the amount and disposition of any unencumbered or unexpended money;

(iii) the amount of expenditures for fire protection by the county, including the amount of money distributed to volunteer fire, rescue, and ambulance companies from sources other than the Fund; and

(iv) the nature and estimated dollar amount of any in-kind contributions made by the county to volunteer fire, rescue, and ambulance companies.

~~[(2)]~~ **(3)** Each county shall provide a copy of the report required under paragraph (1) of this subsection, subject to § 2-1246 of the State Government Article, to the Department of Legislative Services.

(b) **(1)** Each year the Director shall report to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly on the information provided by the counties on the distribution of money provided under this subtitle, including an assessment of the extent to which the purposes of this subtitle are being achieved.

(2) THE REPORT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL STATE THE AMOUNT OF MONEY DISTRIBUTED BY EACH COUNTY UNDER § 8-103(B) OF THIS SUBTITLE TO VOLUNTEER FIRE, RESCUE, AND AMBULANCE COMPANIES.

8-106.

(A) (1) AFTER NOTICE AND AN OPPORTUNITY FOR A HEARING, A COUNTY MAY WITHHOLD MONEY ALLOCATED FOR THE NEXT FISCAL YEAR FROM

A FIRE, RESCUE, OR AMBULANCE COMPANY THAT DOES NOT COMPLY WITH THE PROVISIONS OF THIS SUBTITLE.

(2) THE FAILURE OF A FIRE, RESCUE, OR AMBULANCE COMPANY TO COMPLY WITH THIS SUBTITLE MAY RESULT IN THE FORFEITURE OF THE ALLOCATED MONEY, IN WHOLE OR IN PART.

(3) MONEY FORFEITED BY A FIRE, RESCUE, OR AMBULANCE COMPANY UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE REALLOCATED BY THE COUNTY TO COMPLIANT FIRE, RESCUE, AND AMBULANCE COMPANIES.

[(a)] (B) (1) The Director may withhold money allocated for the next fiscal year under this subtitle from a county if the county does not comply with this subtitle.

(2) After notice and an opportunity for a hearing, failure of a county to comply with this subtitle may result in the forfeiture of the allocated money, in whole or in part.

[(b)] (C) Money withheld under this section reverts to the [General Fund] FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 256 – *Maryland Consolidated Capital Bond Loan of 2013 – Talbot County – Easton Head Start Center*.

The bill amends the Maryland Consolidated Capital Bond Loan of 2013 to authorize the matching fund of a grant for the Easton Head Start Center to consist of funds expended prior to June 1, 2013, and makes the Act an emergency measure.

House Bill 238, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 256.

Sincerely,

Governor Martin O'Malley

Senate Bill 256

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2013 – Talbot County – Easton Head Start Center

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2013 to alter the matching fund requirements of a certain grant; making this Act an emergency measure; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2013.

BY repealing and reenacting, with amendments,
Chapter 424 of the Acts of the General Assembly of 2013
Section 1(3) Item ZA02(BV) and Item ZA03(BJ)

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

Chapter 424 of the Acts of 2013

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

(3) ZA02 LOCAL SENATE INITIATIVES

| | | |
|------|--|--------|
| (BV) | Easton Head Start Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Shore Up! Inc. for the construction and capital equipping of the Easton Head Start Center. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF FUNDS EXPENDED PRIOR TO JUNE 1, 2013 (Talbot County) | 50,000 |
|------|--|--------|

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

(BJ) Easton Head Start Center. Provide a grant equal to the lesser

of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Shore Up!, Inc. for the design, construction, and capital equipping of the Easton Head Start Center. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF FUNDS EXPENDED PRIOR TO JUNE 1, 2013** (Talbot 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 ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 266 – *Maryland Income Tax Refund – Baltimore City – Warrants*.

The bill expands the Anne Arundel County warrant intercept program to cover residents of Baltimore City and persons who have an outstanding warrant from Baltimore City.

House Bill 313, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 266.

Sincerely,

Governor Martin O'Malley

Senate Bill 266

AN ACT concerning

Maryland Income Tax Refund – Baltimore City – Warrants

FOR the purpose of altering the requirement for the Comptroller to withhold Maryland income tax refunds from certain individuals with outstanding warrants to include residents of Baltimore City or individuals who have outstanding warrants from Baltimore City; providing for the termination of this Act; and generally relating to withholding income tax refunds from individuals with outstanding warrants.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 13–935 and 13–937 through 13–940
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 13–936
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

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

Article – Tax – General

13–935.

- (a) In this part the following words have the meanings indicated.
- (b) “Refund” means an individual’s Maryland income tax refund.
- (c) (1) “Warrant” means a criminal arrest warrant.
(2) “Warrant” includes a warrant issued for or that results from:
 - (i) a failure to appear before a court of the State;
 - (ii) a violation of the Maryland Vehicle Law that is punishable by a term of confinement; or
 - (iii) a violation of probation.
- (3) “Warrant” does not include a body attachment.
- (d) “Warrant official” means an official of the federal, State, or local government charged with serving a warrant.

13–936.

(a) This part applies only to individuals who:

- (1) are residents of Anne Arundel County **OR BALTIMORE CITY**; or
- (2) have an outstanding warrant from Anne Arundel County **OR BALTIMORE CITY**.

(b) This part does not apply to an individual:

- (1) who is an active duty member of the armed forces of the United States; or
- (2) who files a joint Maryland income tax return.

13–937.

A warrant official may:

- (1) certify to the Comptroller the existence of an outstanding warrant for an individual who is a resident of Maryland or who receives income from Maryland; and
- (2) request the Comptroller to withhold any refund to which the individual is entitled.

13–938.

(a) A certification by a warrant official to the Comptroller shall include:

- (1) the full name and address of the individual and any other names known to be used by the individual;
 - (2) the Social Security number or federal tax identification number;
- and
- (3) a statement that the warrant is outstanding.

(b) The Comptroller shall determine if an individual for whom a certification is received is due a refund.

(c) As to any individual due a refund for whom a certification is received, the Comptroller shall:

- (1) withhold the individual's refund; and
- (2) notify the individual of a certification by the warrant official of the existence of an outstanding warrant.

(d) The Comptroller may not pay a refund until the warrant official notifies the Comptroller that the warrant is no longer outstanding.

13-939.

The Comptroller shall withhold and pay any amount as provided in § 13-918 of this subtitle before withholding any part of an income tax refund under § 13-938 of this part.

13-940.

On or before December 1 of each year, the Office of the Comptroller shall report to the House Ways and Means Committee and the Senate Budget and Taxation Committee, in accordance with § 2-1246 of the State Government Article, on the implementation of §§ 13-935 through 13-939 of this part.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014. It shall remain effective for a period of 5 years and, at the end of September 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 295 – *State Board of Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists – Sunset Extension and Program Evaluation*.

The bill continues the State Board of Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to July 1, 2026, the termination provisions relating to the statutory and regulatory authority of the Board; requires that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before December 15, 2023; and requires the Board to submit a specified report to specified General Assembly committees.

House Bill 258, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 295.

Sincerely,

Governor Martin O'Malley

Senate Bill 295

AN ACT concerning

State Board of Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; requiring the Board to submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to the State Board of Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 2–502
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(6)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – Health Occupations

2–502.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, [2016] **2026**.

Article – State Government

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(6) Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists, State Board of Examiners for (§ 2–201 of the Health Occupations Article: [2013] **2023**);

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2015, the State Board of Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists shall submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article, on the impact of:

(1) regulations that would establish a certificate of eligibility for a license to assist in the practice of speech–language pathology on the availability of supervised opportunities for speech–language pathology assistants; and

(2) shifting the renewal cycle of licenses on the finances and workload of the Board.

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

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 296 – *Prescription Drug Monitoring Program – Sunset Extension and Program Evaluation*.

The bill continues the Prescription Drug Monitoring Program in accordance with the provisions of the Maryland Program Evaluation Act (Sunset Law) by extending to July 1, 2019, the termination provisions relating to the statutory and regulatory authority of the Program; authorizes the Program to disclose specified information to specified persons under specified circumstances; and requires the Department of Legislative Services to conduct a direct full evaluation of the Program on or before December 1, 2017.

House Bill 255, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 296.

Sincerely,

Governor Martin O'Malley

Senate Bill 296

AN ACT concerning

Prescription Drug Monitoring Program – Sunset Extension and Program Evaluation

FOR the purpose of continuing the Prescription Drug Monitoring Program in accordance with the provisions of the Maryland Program Evaluation Act (Sunset Law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Program; requiring the Department of Legislative Services to conduct a certain evaluation of the Program on or before a certain date and to prepare and submit a certain report in accordance with certain statutory requirements; requiring the Program to submit a certain report to the Governor, the General Assembly, and the Department of Legislative Services on or before a certain date; ~~repealing the~~

~~requirement that the technical advisory committee to~~ authorizing the Program
~~review requests for to disclose certain information before the Program discloses~~
~~the information to a certain person~~ persons under certain circumstances;
 requiring the Advisory Board on Prescription Drug Monitoring to include
 certain information in a certain report; repealing an obsolete reporting
 requirement; and generally relating to the Prescription Drug Monitoring
 Program.

BY repealing and reenacting, without amendments,

Article – Health – General

Section 21–2A–05(a), 21–2A–06(b), (g), and (h), and 21–2A–07(a) and (b)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 21–2A–05(f)(3), 21–2A–06(c), ~~21–2A–07(b)~~, and 21–2A–10

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

Article – Health – General

21–2A–05.

(a) There is an Advisory Board on Prescription Drug Monitoring in the Department.

(f) The Board shall:

(3) [(i) Provide within 180 days after its first meeting, in accordance with § 2–1246 of the State Government Article, an interim report to the General Assembly setting forth the Board’s analysis and recommendations under item (2) of this subsection relating to the design, implementation, and funding of the Program; and

(ii)] Provide annually to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly [an analysis] **A REPORT THAT INCLUDES:**

(I) THE NUMBER OF PRESCRIBERS REGISTERED WITH AND USING THE PROGRAM;

(II) THE NUMBER OF DISPENSERS REGISTERED WITH AND USING THE PROGRAM;

(III) THE NUMBER OF DISCLOSURES MADE TO FEDERAL LAW ENFORCEMENT AGENCIES OR STATE OR LOCAL LAW ENFORCEMENT AGENCIES;

~~(III)~~ **(IV) AN ANALYSIS** of the impact of the Program on patient access to pharmaceutical care and on curbing prescription drug diversion in the State [, including any]; **AND**

~~(IV)~~ **(V) ANY** recommendations related to modification or continuation of the Program; and

21-2A-06.

(b) The Program shall disclose prescription monitoring data, in accordance with regulations adopted by the Secretary, to:

(1) A prescriber, or a licensed health care practitioner authorized by the prescriber, in connection with the medical care of a patient;

(2) A dispenser, or a licensed health care practitioner authorized by the dispenser, in connection with the dispensing of a monitored prescription drug;

(3) A federal law enforcement agency or a State or local law enforcement agency, on issuance of a subpoena, for the purpose of furthering an existing bona fide individual investigation;

(4) A licensing entity, on issuance of an administrative subpoena voted on by a quorum of the board of the licensing entity, for the purposes of furthering an existing bona fide individual investigation;

(5) A rehabilitation program under a health occupations board, on issuance of an administrative subpoena;

(6) A patient with respect to prescription monitoring data about the patient;

(7) Subject to subsection (g) of this section, the authorized administrator of another state's prescription drug monitoring program;

(8) The following units of the Department, on approval of the Secretary, for the purpose of furthering an existing bona fide individual investigation:

(i) The Office of the Chief Medical Examiner;

- (ii) The Maryland Medical Assistance Program;
- (iii) The Office of the Inspector General;
- (iv) The Office of Health Care Quality; and
- (v) The Division of Drug Control; or

(9) The technical advisory committee established under § 21-2A-07 of this subtitle for the purposes set forth in subsection (c) of this section.

(c) **(1)** Before the Program discloses information under subsection (b)(3), (4), (5), ~~[(7),]~~ or (8) of this section, the technical advisory committee to the Program shall:

~~(1)~~ **(I)** Review the requests for information;

~~(2)~~ **(II)** Provide clinical guidance and interpretation of the information requested to the Secretary to assist in the Secretary's decision on how to respond to a judicial subpoena, administrative subpoena, or other request; and

~~(3)~~ **(III)** Provide clinical guidance and interpretation of the information requested to the authorized recipient of the information.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE PROGRAM MAY DISCLOSE INFORMATION TO THE AUTHORIZED ADMINISTRATOR OF ANOTHER STATE'S PRESCRIPTION DRUG MONITORING PROGRAM FOR DISCLOSURE TO THE PERSONS LISTED IN SUBSECTION (B)(1), (2), AND (6) OF THIS SECTION WITHOUT THE REVIEW, CLINICAL GUIDANCE, AND INTERPRETATION OF THE TECHNICAL ADVISORY COMMITTEE.

(g) The Program may provide prescription monitoring data to another state's prescription drug monitoring program only if the other state's prescription drug monitoring program agrees to use the prescription monitoring data in a manner consistent with the provisions of this subtitle.

(h) The Program may:

(1) Request and receive prescription monitoring data from another state's prescription drug monitoring program and use the prescription monitoring data in a manner consistent with the provisions of this subtitle; and

(2) Develop the capability to transmit prescription monitoring data to and receive prescription monitoring data from other prescription drug monitoring programs employing the standards of interoperability.

21–2A–07.

(a) There is a technical advisory committee to the Program.

(b) The purpose of the technical advisory committee is to review requests for information from the Program under § 21–2A–06(b)(3), (4), (5), ~~¶(7),~~ and (8) of this subtitle.

21–2A–10.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this subtitle and all regulations adopted under this subtitle shall terminate and be of no effect after July 1, [2016] **2019**.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2015, the Prescription Drug Monitoring Program shall submit a report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, and the Department of Legislative Services that:

(1) describes efforts to collect and make available, in real–time, prescription monitoring data;

(2) includes recommendations for a long–term funding source to support the Program;

(3) provides the status of the Department of Health and Mental Hygiene’s independent evaluation of the Program; and

(4) discusses the status of any plans to pursue unsolicited reporting or mandatory utilization of prescription monitoring data by health care providers.

SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Legislative Services shall:

(1) conduct a direct full evaluation of the Prescription Drug Monitoring Program on or before December 1, 2017; and

(2) prepare and submit a full evaluation report in accordance with the requirements established under § 8–405(e) and (f) of the State Government Article.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 298 – *Alcoholic Beverages – Montgomery County – Beer Festivals*.

The bill authorizes Montgomery County to conduct a beer festival, on not more than 4 weekends each year, under the supervision of the Montgomery County Department of Liquor Control.

House Bill 136, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 298.

Sincerely,

Governor Martin O'Malley

Senate Bill 298

AN ACT concerning

Alcoholic Beverages – Montgomery County – Beer Festivals

FOR the purpose of authorizing Montgomery County to conduct a beer festival not more than a certain number of times each year under the supervision of the Montgomery County Department of Liquor Control; requiring the county, in selecting a nonprofit festival organization to organize the beer festival, to ensure that the organization has certain experience; specifying that the festival organization select the weekends during which the festival will be conducted; authorizing a festival organization to contract with holders of certain current alcoholic beverages licenses to sell and display beer at the festival; specifying that on the days and for the hours designated for the beer festival, beer may be displayed and sold at retail under certain conditions; requiring a festival organization to choose the festival location and ensure that the primary focus of the festival is the promotion of Maryland beer; requiring that a person hold a special beer festival license and contract with the festival organization before selling, offering for sale, or displaying beer at a festival; authorizing the Montgomery County Board of License Commissioners to issue a special beer festival license; establishing a license fee; allowing certain persons to hold a special beer festival license in addition to another license; providing for certain

penalties; requiring certain license fees to be deposited into the general fund of the county; requiring the Montgomery County Board of License Commissioners to adopt certain regulations; defining certain terms; and generally relating to beer festivals in Montgomery County.

BY adding to

Article 2B – Alcoholic Beverages

Section 8–807

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

Article 2B – Alcoholic Beverages

8–807.

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

(2) “BOARD” MEANS THE MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS.

(3) “FESTIVAL” MEANS THE MONTGOMERY COUNTY BEER FESTIVAL.

(4) “FESTIVAL ORGANIZATION” MEANS A NONPROFIT ORGANIZATION THAT IS SELECTED BY MONTGOMERY COUNTY IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION TO ORGANIZE A FESTIVAL.

(B) IN SELECTING A NONPROFIT ORGANIZATION TO BE A FESTIVAL ORGANIZATION, MONTGOMERY COUNTY SHALL ENSURE THAT THE NONPROFIT ORGANIZATION HAS EXTENSIVE EXPERIENCE IN ORGANIZING AND MANAGING LARGE–SCALE PUBLIC EVENTS.

(C) UNDER THE SUPERVISION OF THE MONTGOMERY COUNTY DEPARTMENT OF LIQUOR CONTROL, THE COUNTY EACH YEAR MAY CONDUCT THE MONTGOMERY COUNTY BEER FESTIVAL ON NOT MORE THAN FOUR WEEKENDS THAT A FESTIVAL ORGANIZATION SELECTS.

(D) A FESTIVAL ORGANIZATION MAY CONTRACT WITH HOLDERS OF A CURRENT MONTGOMERY COUNTY RETAIL ALCOHOLIC BEVERAGES LICENSE, A STATE CLASS 5 BREWERY LICENSE, A STATE CLASS 6 PUB–BREWERY LICENSE,

~~OR~~ A STATE CLASS 7 MICRO-BREWERY LICENSE, OR A STATE CLASS 8 FARM BREWERY LICENSE TO SELL AND DISPLAY BEER AT THE FESTIVAL.

(E) ON THE DAYS AND FOR THE HOURS DESIGNATED FOR THE FESTIVAL, BEER MAY BE DISPLAYED AND SOLD AT RETAIL:

(1) FOR CONSUMPTION ON THE PREMISES; AND

(2) FOR CONSUMPTION OFF THE PREMISES IN SEALED CONTAINERS.

(F) A FESTIVAL ORGANIZATION:

(1) SHALL CHOOSE FOR THE FESTIVAL A LOCATION IN THE COUNTY THAT MAY BE A LICENSED OR AN UNLICENSED PREMISES; AND

(2) SHALL ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND BEER.

(G) (1) BEFORE A PERSON MAY SELL, OFFER FOR SALE, OR DISPLAY BEER AT A FESTIVAL, THE PERSON MUST CONTRACT WITH THE FESTIVAL ORGANIZATION AND OBTAIN A SPECIAL BEER FESTIVAL LICENSE FROM THE BOARD.

(2) THE BOARD MAY ISSUE A SPECIAL BEER FESTIVAL LICENSE.

(3) THE LICENSE FEE IS \$30 FOR EACH DAY OF THE FESTIVAL.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON MAY HOLD A SPECIAL BEER FESTIVAL LICENSE IN ADDITION TO ANOTHER LICENSE ISSUED UNDER THIS ARTICLE.

(5) THE BOARD MAY DENY A SPECIAL BEER FESTIVAL LICENSE TO ANY APPLICANT, SUSPEND OR REVOKE A SPECIAL BEER FESTIVAL LICENSE, OR IMPOSE A FINE NOT EXCEEDING \$20,000 IF THE APPLICANT OR LICENSE HOLDER VIOLATES A PROVISION OF THIS ARTICLE OR THE REGULATIONS OF THE BOARD.

(6) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL LICENSE FEES COLLECTED UNDER THIS SUBSECTION SHALL BE DEPOSITED INTO THE GENERAL FUND OF THE COUNTY.

(H) THE BOARD SHALL ADOPT REGULATIONS FOR IMPLEMENTING THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 307 – *Montgomery County – Alcoholic Beverages – Class B Beer, Wine and Liquor Licenses*.

The bill (1) removes certain geographic and time restrictions for obtaining additional Class B beer, wine, and liquor licenses in Montgomery County; (2) removes certain seating and advertising restrictions applicable to this type of license; and (3) authorizes the Montgomery County Board of License Commissioners to issue a Class B beer, wine, and liquor license to an operator of a restaurant or hotel in the same manner that the Board may issue such a license to an owner of a hotel.

House Bill 144, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 307.

Sincerely,

Governor Martin O'Malley

Senate Bill 307

AN ACT concerning

Montgomery County – Alcoholic Beverages – Class B Beer, Wine and Liquor Licenses

FOR the purpose of ~~removing certain geographic restrictions for Class B beer, wine and liquor licenses issued in Montgomery County;~~ authorizing the Montgomery County Board of License Commissioners to issue a Class B beer, wine and liquor license to an operator of a restaurant or hotel; requiring, as a prerequisite for

the initial issuance of a Class B beer, wine and liquor license, an operator of a restaurant or hotel to attest to a certain proportion of future food and alcoholic beverage sales based on gross receipts; requiring, as a prerequisite for each renewal of a Class B beer, wine and liquor license, an operator of a restaurant or hotel to attest to a certain proportion of food and alcoholic beverage sales based on gross receipts from sales during a certain period of time; repealing a prohibition on the serving or consumption of alcoholic beverages at any bar, counter without seats, or certain other areas of a restaurant or hotel for which a Class B beer, wine and liquor license is issued; repealing a certain limit on the number of seats in a cocktail area of a restaurant or hotel for which a Class B beer, wine and liquor license is issued; repealing a prohibition on the display of certain signs in connection with a restaurant or hotel for which a Class B beer, wine and liquor license is issued; altering the license fee for certain Class B beer, wine and liquor licenses obtained in Montgomery County; ~~authorizing the Montgomery County Board of License Commissioners to issue a Class B beer, wine and liquor license in certain locations; prohibiting the Board from imposing on a holder of a Class B beer, wine and liquor license a limit on the number of additional licenses of the same class and type that the holder may apply for and be eligible to receive~~ authorizing a person to hold a certain maximum number of Class B beer, wine and liquor licenses, with an exception allowing a licensee to obtain an additional license for a public hotel under certain conditions; repealing provisions of law allowing certain holders of a Class B beer, wine and liquor license to obtain an additional license or additional licenses, under certain circumstances; repealing certain definitions; making a conforming change; clarifying language; and generally relating to alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section ~~6–201(q)(1) and 8–216(a)(1)~~ 8–216(a)(1), (d)(1), (e), and (f)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 6–201(q)(2), 8–216(a)(2), 9–102(a), and 9–102.1

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

Article 2B – Alcoholic Beverages

6–201.

(q) (1) (i) This subsection applies only in Montgomery County.

(ii) 1. In this subsection the following words have the meanings indicated.

2. “Board” means the Board of License Commissioners.

3. “Dining area” means the area occupied by patrons for the consumption of food and includes a cocktail area where food need not be served if there is no separate outdoor entrance to the cocktail area.

(2) (i) ~~1.~~ The Board may issue this license only to the owner **OR OPERATOR** of any restaurant or hotel.

~~2.~~ The restaurant shall be located in the second, third, fourth, sixth, seventh, eighth, ninth, tenth, or thirteenth election districts.

3. The licensee may not be located in the Towns of Pooleville, Takoma Park, and Kensington.~~3.~~

(ii) 1. As a prerequisite for the initial issuance of a license under this subsection, the owner **OR OPERATOR** shall attest in a sworn statement that gross receipts from food sales in the restaurant or hotel will be at least equal to the gross receipts from the sale of alcoholic beverages.

2. As a prerequisite for each renewal of a license issued under this subsection, the owner **OR OPERATOR** shall attest in a sworn statement that the gross receipts from food sales in the restaurant or hotel for the 12-month period immediately preceding the application for renewal have been at least equal to the gross receipts from the sale of alcoholic beverages.

3. The Board by regulation shall provide for periodic inspection of the premises and for audits to determine the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages.

4. Any regulations adopted by the Board shall include a requirement of at least monthly physical inspections of the premises during the initial license year of any licensee and the submission by the licensee to the Board, during the initial license year, of monthly statements showing gross receipts from the sale of food and gross receipts from the sale of alcoholic beverages for the immediately preceding month.

5. In the event that a licensee, during the initial license year, fails to maintain the sales ratio requirement provided in this paragraph for a period of three consecutive months or after the initial license year for each license or calendar year, the Board, in its discretion, may revoke the license. The Board may require any licensee to provide supporting data as it, in its discretion, deems

necessary, in order to establish that the requirements of this section relating to the ratio of gross receipts from the sale of food to those from the sale of alcoholic beverages have been met.

(iii) A license issued under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only, ~~and alcoholic beverages may not be served to patrons or consumed at any bar, counter without seats, or other room but in the dining area. However, the seats in the cocktail area may not exceed 25 percent of the seats normally available for the general public in the dining area, including the cocktail area portion, but excluding special banquet and private party facilities.~~

~~(iv) Signs visible from the exterior of the building, advertising the sale of alcoholic beverages, are not permitted in connection with any restaurant or hotel holding a license issued under the provisions of this section except for the display of the menu then in use by the licensee.~~

~~(v) (IV)~~ [1.] The annual license fee is \$2,500.

[2. For the third license that is not restricted by location and is obtained by a licensee under § 9–102.1 of this article, the annual fee is \$5,000.]

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~~ **SUBSECTIONS (D), (E), AND** (f) of this section, in Montgomery County, a license for the sale of alcoholic beverages authorized by this article may not be issued for any place of business located in Damascus (12th election district), and in the towns of Barnesville, Kensington, Laytonsville, Washington Grove and the City of Takoma Park.

(ii) In the town of Barnesville, the Montgomery County Board of License Commissioners may issue:

~~1. A CLASS B BEER, WINE AND LIQUOR LICENSE; OR~~

~~2.~~ ~~[(a)]~~ A 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:

~~1.~~ ~~A CLASS B BEER, WINE AND LIQUOR LICENSE; OR~~

~~2.~~ ~~[(a)]~~ A 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:

A. Not more than three Class A (off–sale) beer and light wine licenses for use in the commercial areas specified in subparagraph (iv)1 of this paragraph; and

B. Subject to subsubparagraphs 5 and 6 of this subparagraph, not more than three beer and wine sampling or tasting (BWST) licenses for holding tastings or samplings of beer and wine.

2. A Class A beer and light wine license authorizes the holder to keep for sale and sell beer or light wine for consumption off the premises 7 days a week, from 10 a.m. to 8 p.m. daily.

3. A holder of a Class A beer and light wine license may not:

A. Sell single bottles or cans of beer;

B. Sell refrigerated products; or

C. On a side, door, or window of the building of the licensed premises, place a sign or other display that advertises alcoholic beverages in a publicly visible location.

4. The annual license fee is \$250.

5. The Montgomery County Board of License Commissioners may issue a beer and wine sampling or tasting (BWST) license

established under § 8–408.2 of this title to a holder of a Class A license under this subparagraph for holding tastings or samplings of beer and wine.

6. A beer and wine sampling or tasting (BWST) license issued under this subparagraph is subject to the fee, serving limits, and other license requirements established under § 8–408.2 of this title.

(vi) In Damascus (12th election district), the Montgomery County Board of License Commissioners may issue:

~~1. A CLASS B BEER, WINE AND LIQUOR LICENSE; OR~~

~~2. [a] A special 7-day Class C on-sale beer, wine and liquor license to any bona fide volunteer fire department.~~

~~(vii) IN WASHINGTON GROVE, THE MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS MAY ISSUE A CLASS B BEER, WINE AND LIQUOR LICENSE.~~

(d) (1) The Montgomery County Board of License Commissioners may issue, renew, and transfer and otherwise provide for 8 classes of alcoholic beverages licenses in the City of Takoma Park as follows:

(i) Class B (on-sale) beer and light wine, hotel and restaurant licenses;

(ii) Class H (on-sale) beer and light wine, hotel and restaurant licenses;

(iii) Class B (on-sale) beer, wine and liquor, hotel and restaurant licenses;

(iv) Class H-TP (on-sale) beer license;

(v) Class D-TP (on- and off-sale) beer and light wine license;

(vi) Class A-TP (off-sale) beer, wine and liquor license;

(vii) Class C-TP (on-sale) beer, wine and liquor license; and

(viii) Beer and wine sampling or tasting (BWST) licenses issued under § 8–408.2 of this title.

(e) The Board of License Commissioners may issue, renew, and transfer and otherwise provide a maximum of 2 Class H (on-sale) beer and light wine, hotel and restaurant licenses for use in the town of Laytonsville provided that:

(1) No license may be issued to any restaurant in which pool tables, billiard tables, shuffleboards, dart boards, video games, pinball machines, or recreational devices are used; and

(2) Alcoholic beverages served by a licensee may only be consumed by patrons while patrons are seated.

(f) The Montgomery County Board of License Commissioners may issue, renew, and transfer and otherwise provide Class H (on-sale) beer and light wine, hotel, and restaurant licenses for use in Damascus (12th election district) provided that:

(1) A license may not be issued to any restaurant in which pool tables, billiard tables, shuffleboards, dart boards, video games, pinball machines, or recreational devices are used; and

(2) Alcoholic beverages served by a licensee may be consumed by a patron only while the patron is seated.

9-102.

(a) (1) No more than one license provided by this article, except by way of renewal or as otherwise provided in this section, shall be issued in any county or Baltimore City, to any person, or for the use of any partnership, corporation, unincorporated association, or limited liability company, in Baltimore City or any county of the State.

(2) No more than one license shall be issued for the same premises except as provided in §§ 2-201 through 2-208, 2-301, and 6-701 and Title 7.5 of this article.

(3) This subsection may not be construed to apply to § 6-201(r)(4), (15), (17), and (18), § 7-101(b) and (c), § 8-202(g)(2)(ii) and (iii), § 8-217(e), § 8-508, § 8-902, **§ 9-102.1**, § 9-217(b-1), or § 12-202 of this article.

9-102.1.

(a) This section applies only in Montgomery County.

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

(2) "Board" means the Board of License Commissioners.

[(3) "Enterprise zone" has the meaning stated in § 5-701 of the Economic Development Article.]

[(4)] (3) “License” means a Class B beer, wine and liquor on-sale only license.

~~[(5)] (4) “Original license” means a Class B license as set forth in § 6-201(e) of this article.~~

~~(e) (1) **THE BOARD MAY NOT IMPOSE ON A HOLDER OF A CLASS B BEER, WINE AND LIQUOR LICENSE A LIMIT ON THE NUMBER OF ADDITIONAL LICENSES OF THE SAME CLASS AND TYPE THAT THE HOLDER MAY APPLY FOR AND BE ELIGIBLE TO RECEIVE.**~~

~~(2) After making an application and paying the fees, the holder of an original license may obtain the additional license or licenses authorized by this section.~~

~~(d) (1) **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY HOLD A MAXIMUM OF 10 LICENSES.**~~

(2) (I) A licensee may obtain additional licenses for premises operated as a public hotel.

(2) (II) An applicant for this additional license shall:

(i) 1. Meet the minimum requirements set forth in § 6-201(a)(3) of this article. If the capital investment in the hotel exceeds \$3,000,000, the building height and elevator requirements required by that section do not apply; and

(ii) 2. Have a minimum restaurant seating capacity, as specified in § 6-201(a)(3) of this article, of 100 persons.

(e) (1) A licensee may obtain one additional license for premises which meet the qualifications specified in this subsection. For identification purposes, the additional license may be referred to as a “1-year” license.

(2) An applicant for this additional license shall:

(i) Have the applicant’s place of business located in this State;

(ii) Have been the holder of a license for at least 1 year; and

(iii) Operate a restaurant, as defined by regulations of the Board.

(3) This is an on-sale license only.

(f) (1) A licensee may obtain not more than two additional licenses for premises which meet the qualifications specified in this subsection. For identification purposes, this additional license may be referred to as an enterprise zone license.

(2) Each restaurant shall be located within one of two designated enterprise zones, with not more than one restaurant in each enterprise zone.

(3) The requirement that the holder have been a licensee for 1 year does not apply to this subsection.

(4) A licensee may obtain an additional license for a premises in a designated enterprise zone, even after the incentives and initiatives for a business entity in the designated enterprise zone are eliminated or reduced.

(g) (1) A licensee may obtain one additional license for premises which meet the qualifications specified in this subsection. For identification purposes, this additional license may be referred to as a "Rockville" license.

(2) The restaurant shall be located within the Rockville Town Center zoned property.

(3) The requirement that the holder have been a licensee for 1 year does not apply to this subsection.

(h) (1) A licensee may obtain one additional license for premises that meet the qualifications specified in this subsection. For identification purposes, each additional license may be referred to as a "Germantown" license.

(2) The restaurant shall be located within the Germantown Town Center district.

(3) The requirement that the holder have been a licensee for 1 year does not apply to this subsection.

(i) (1) A licensee may obtain up to one additional license for premises that meet the qualifications specified in this subsection. For identification purposes, each additional license may be referred to as a "Gaithersburg" license.

(2) The restaurant shall be located within the City of Gaithersburg.

(3) The requirement that the holder have been a licensee for 1 year does not apply to this subsection.

(j) (1) A licensee may obtain up to one additional license for premises that meet the qualifications specified in this subsection. For identification purposes, each additional license may be referred to as a "Montgomery Village" license.

(2) The restaurant shall be located within the town sector zoned area called Montgomery Village.

(3) The requirement that the holder have been a licensee for 1 year does not apply to this subsection.

(k) (1) A licensee may obtain one additional license for premises that meet the qualifications specified in this subsection. For identification purposes, each additional license may be referred to as an “East County” license.

(2) The restaurant shall be located in an area bounded by the Howard County–Montgomery County line on the north, the Prince George’s County–Montgomery County line on the east, the Capital Beltway (I–495) on the south, and a line 3,000 feet west of the center of Columbia Pike on the west.

(3) The requirement that the holder have been a licensee for 1 year does not apply to this subsection.

(l) (1) A licensee may obtain a maximum of two additional licenses for premises which meet the qualifications specified in this subsection. For identification purposes, each additional license may be referred to as an “incentive” license.

(2) An applicant for an additional license shall:

(i) Have the applicant’s place of business located in this State;

(ii) Operate a restaurant, as defined by regulations of the Board; and

(iii) Hold an enterprise zone license, a Rockville license, a Germantown license, a Gaithersburg license, a Montgomery Village license, or an East County license.

(3) A maximum of one incentive license may be issued for each enterprise zone license, Rockville license, Germantown license, Gaithersburg license, Montgomery Village license, or East County license.

(4) The requirement that the holder have been a licensee for 1 year does not apply to this subsection.

(5) This is an on–sale license only.

(m) (1) A licensee may obtain one additional license for premises which meet the qualifications specified in this subsection. For identification purposes, the additional license may be referred to as a “5–year” license.

(2) An applicant for an additional license shall:

(i) Have the applicant's place of business located in this State;

(ii) Have been for at least 5 years the holder of two licenses under this section that are not restricted by location; and

(iii) Operate a restaurant, as defined by regulations of the Board.

(3) This is an on-sale license only.

(n) (1) Subsection (o) of this section excludes additional licenses issued pursuant to subsection (d) of this section, which relates to public hotels.

(2) This section does not permit the issuance to a person or for the use of any partnership, corporation, unincorporated association, or limited liability company of more than the number of licenses specified.

(o) (1) A licensee that holds an original license, may obtain a maximum of 9 additional licenses and may not hold more than 10 licenses altogether.

(2) Subject to the requirements of subsections (e) through (m) of this section, a licensee may hold any combination of the following licenses:

- (i) One 1-year license under subsection (e) of this section;
- (ii) One 5-year license under subsection (m) of this section;
- (iii) One enterprise zone license in each of two enterprise zones under subsection (f) of this section;
- (iv) One Rockville license under subsection (g) of this section;
- (v) One Germantown license under subsection (h) of this section;
- (vi) One Gaithersburg license under subsection (i) of this section;
- (vii) One Montgomery Village license under subsection (j) of this section;
- (viii) One East County license under subsection (k) of this section; and
- (ix) Two incentive licenses under subsection (l) of this section.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 311 – *Montgomery County – Alcoholic Beverages – Special BWL Community Performing Arts Facility License*.

The bill establishes a Special BWL Community Performing Arts Facility alcoholic beverages license in Montgomery County and authorizes the Montgomery County Board of License Commissioners to issue the license to certain qualifying facilities.

House Bill 146, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 311.

Sincerely,

Governor Martin O'Malley

Senate Bill 311

AN ACT concerning

**Montgomery County – Alcoholic Beverages – Special BWL Community
Performing Arts Facility License**

FOR the purpose of establishing a Special BWL Community Performing Arts Facility alcoholic beverages license in Montgomery County; authorizing the Montgomery County Board of License Commissioners to issue a Special BWL Community Performing Arts Facility license to apply to a certain performing arts facility; authorizing the Board to issue the license to certain entities to host certain activities; authorizing the Board to impose certain conditions on the issuance or renewal of the license; prohibiting the Board from approving the transfer of the license to another location; authorizing holders of certain catering licenses to

bring alcohol and food onto certain licensed premises under the terms of a certain contract; providing that certain violations of alcoholic beverages law apply to a certain caterer under certain circumstances; requiring a holder of the license to ensure that food is provided during a certain time; prohibiting the Board from issuing more than a certain number of licenses under this Act to a certain entity; establishing a certain license fee; defining a certain term; and generally relating to alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, without amendments,
 Article 2B – Alcoholic Beverages
 Section 6–201(q)(1)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2013 Supplement)

BY adding to
 Article 2B – Alcoholic Beverages
 Section 6–201(q)(5)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2013 Supplement)

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

Article 2B – Alcoholic Beverages

6–201.

- (q) (1) (i) This subsection applies only in Montgomery County.
- (ii) 1. In this subsection the following words have the meanings indicated.
2. “Board” means the Board of License Commissioners.
3. “Dining area” means the area occupied by patrons for the consumption of food and includes a cocktail area where food need not be served if there is no separate outdoor entrance to the cocktail area.

(5) (I) IN THIS PARAGRAPH, “COMMUNITY PERFORMING ARTS FACILITY” MEANS A FACILITY THAT IS USED FOR SHOWS, LIVE PERFORMANCES, THEATER PRODUCTIONS, ART CLASSES, EXHIBITS, VISUAL ART SHOWS, WEDDINGS, BANQUETS, AND COMMUNITY–RELATED ACTIVITIES.

(II) THERE IS A SPECIAL BWL COMMUNITY PERFORMING ARTS FACILITY LICENSE.

(III) THE BOARD MAY ISSUE A SPECIAL BWL COMMUNITY PERFORMING ARTS FACILITY LICENSE TO APPLY ONLY TO A PERFORMING ARTS FACILITY THAT HAS A MINIMUM CAPACITY OF 200 PERSONS AND A MAXIMUM CAPACITY OF 1,499 PERSONS.

(IV) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NOT-FOR-PROFIT PARTNERSHIP, A LIMITED LIABILITY COMPANY, A CORPORATION, OR ANY OTHER ENTITY THAT OWNS OR LEASES THE PERFORMING ARTS FACILITY.

(V) 1. THE LICENSE AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK FROM ONE OR MORE OUTLETS ON THE LICENSED PREMISES FOR CONSUMPTION ON THE LICENSED PREMISES.

2. A HOLDER OF THE LICENSE MAY EXERCISE THE PRIVILEGES UNDER THE LICENSE FROM 10 A.M. ON ANY DAY UNTIL 2 A.M. THE FOLLOWING DAY.

(VI) THE BOARD MAY IMPOSE CONDITIONS ON THE ISSUANCE OR RENEWAL OF THE LICENSE THAT ESTABLISH THE AREAS IN THE COMMUNITY PERFORMING ARTS FACILITY WHERE BEER, WINE, AND LIQUOR MAY BE SOLD, SERVED, POSSESSED, OR CONSUMED.

(VII) THE BOARD MAY NOT APPROVE THE TRANSFER OF THE LICENSE TO ANOTHER LOCATION.

(VIII) 1. A HOLDER OF A CLASS B-BWLHR LICENSE WITH CATERING AUTHORITY, A MONTGOMERY COUNTY CATERING LICENSE (CAT), OR A STATEWIDE CATERER LICENSE (SCAT) MAY BRING ALCOHOL AND FOOD ON THE LICENSED PREMISES UNDER THE TERMS OF A CONTRACT WITH A HOLDER OF A SPECIAL BWL COMMUNITY PERFORMING ARTS FACILITY LICENSE.

2. A VIOLATION OF THIS ARTICLE THAT OCCURS WHEN A CATERER BRINGS ALCOHOL ON LICENSED PREMISES AS PROVIDED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IS THE RESPONSIBILITY OF THE CATERER AND IS NOT THE RESPONSIBILITY OF THE HOLDER OF THE LICENSE.

(IX) A HOLDER OF THE LICENSE SHALL ENSURE THAT FOOD IS PROVIDED DURING THE HOURS ALCOHOLIC BEVERAGES ARE SOLD, SERVED, POSSESSED, OR CONSUMED.

(X) THE BOARD MAY ISSUE NO MORE THAN THREE LICENSES TO A NOT-FOR-PROFIT PARTNERSHIP, A LIMITED LIABILITY COMPANY, A CORPORATION, OR ANY OTHER ENTITY THAT OWNS OR LEASES PERFORMING ARTS FACILITIES IN SEPARATE LOCATIONS.

(XI) THE ANNUAL LICENSE FEE IS \$750.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 336 – *Natural Resources – Wildlands – Designation of New Wildlands*.

The bill designates specified areas of the State as State wildlands.

House Bill 296, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 336.

Sincerely,

Governor Martin O'Malley

Senate Bill 336

AN ACT concerning

Natural Resources – Wildlands – Designation of New Wildlands

FOR the purpose of designating certain areas of the State as State wildlands; and generally relating to wildland areas in the State.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 5–1203(a) and (e–1)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–1203(b), (c), (d), (g), (l), (q), (r), (v), (w), (x), (z), (aa), (cc), and (ff)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY adding to
Article – Natural Resources
Section 5–1203(gg) through (oo)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Natural Resources

5–1203.

(a) In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the State, leaving no lands designated for preservation and protection in their natural condition, it is the policy of the General Assembly to secure for the people of present and future generations the benefits of an enduring resource of State wildlands. For this purpose there is established a State wildlands preservation system composed of areas in the State designated by the General Assembly as “wildland areas”. The wildland areas shall be administered for the use and enjoyment of the people of Maryland in a manner that will leave them unimpaired for the future use and enjoyment as wildlands, to provide for their protection, preservation of their wildland character, and for gathering and dissemination of information regarding their use and enjoyment as wildlands. A State land may not be designated as “wildland areas” except as provided for in this section or by a subsequent act.

(b) Pursuant to the provisions of subsection (a) of this section that property in Garrett County containing approximately [2,691] **2,879** acres and described as follows is a Type 1 State wildland and shall be named the “Big Savage Mountain Wildland”:

[Beginning at the White Water primitive camping area and proceeding counterclockwise (S 75° E) approximately 4,000 feet, then (N 40° W) approximately 3,500 feet to a point 200 feet south of Big Savage Mountain Hiking Trail, then in a

northeasterly direction along the eastern slopes of Big Savage Mountain 200 feet south of and parallel to the Big Savage Mountain Hiking Trail until it intersects with High Rock Tower Road, then west along the High Rock Tower Road to a line 50 feet from High Rock Firetower, then circling the tower counterclockwise to the south no closer than 50 feet to the tower to a point due west of the tower, then northwest directly down slope to the State forest boundary line and continuing along the boundary line southwest, passing south around Rhodes Hill, turning north and northeast until the property line intersects with Saw Mill Hollow Trail, then 200 feet north of and parallel to Saw Mill Hollow Run until it intersects with Savage River, then southwest along the east bank of Savage River to the lake and then south along the lake shore returning to the White Water primitive camping area and also from the point 200 feet north of Saw Mill Hollow Run where it intersects with the Savage River, following the east bank of the Savage River and then proceeding clockwise in a northerly direction 600 feet to private land then east 800 feet, then northerly about 1,400 feet and then westerly 300 feet again to the bank of Savage, then leaving private land and following the river bank, generally northeasterly about 17,000 feet to a large transmission line (about 1,500 feet north of Warnick Point) then leaving Savage River and with the southern margin of that transmission line easterly 2,700 feet to private land and then with private land southwesterly 1,000 feet, then leaving private land and crossing Savage River State Forest southwesterly 2,700 feet, then again with private land southwesterly 900 feet, then southeasterly 2,200 feet and then southwesterly 4,200 feet and then northwesterly 1,700 feet and then southwesterly 1,800 feet and then southeasterly 1,800 feet and then southwesterly 2,200 feet and then northwesterly 1,100 feet and then southwesterly 2,500 feet and then southeasterly 200 feet to a point 200 feet north of Saw Mill Hollow Run, then leaving private land and running with and parallel to Saw Mill Hollow Run and 200 feet north of the same, generally southwesterly 2,300 feet to the beginning point of Savage River.]

BEGINNING AT A POINT, SAID POINT BEING THE INTERSECTION OF THE SOUTH SIDE OF HIGH ROCK TOWER ROAD AND A POINT LOCATED 200 FEET WEST OF THE BIG SAVAGE MOUNTAIN HIKING TRAIL AND RUNNING ~~THENCE~~ THEN IN A GENERALLY SWEST DIRECTION, 200 FEET WEST OF THE BIG SAVAGE MOUNTAIN HIKING TRAIL TO A POINT LOCATED AT THE WATERS OF THE SAVAGE RIVER RESERVOIR, THEN RUNNING GENERALLY IN A NORTHERLY DIRECTION WITH THE WATERS OF THE SAVAGE RIVER RESERVOIR, THE SAVAGE RIVER AND THE EXISTING SAVAGE RIVER STATE FOREST BOUNDARY TO A POINT OF INTERSECTION OF THE SAVAGE RIVER AND THE SOUTHERN MARGIN OF THE RIGHT OF WAY OF SAVAGE RIVER ROAD AND RUNNING ~~THENCE~~ THEN WITH THE SOUTHERN AND EASTERN RIGHT OF WAY OF THE SAVAGE RIVER ROAD TO THE SAVAGE RIVER STATE FOREST BOUNDARY, THEN RUNNING ALONG SAID BOUNDARY IN AN EASTERLY DIRECTION TO CORNER 533, THEN LEAVING THE SAID SAVAGE RIVER STATE FOREST BOUNDARY AND RUNNING DUE EAST TO A POINT ON THE EASTERN RIGHT OF WAY OF WESTERNPORT ROAD, THEN RUNNING ALONG SAID RIGHT OF WAY IN AN

EASTERLY AND SOUTHERN DIRECTION TO A POINT OF INTERSECTION WITH THE SAVAGE RIVER STATE FOREST BOUNDARY, THEN RUNNING WITH THE SAID STATE FOREST BOUNDARY SOUTH 71 DEGREES 26 MINUTES EAST TO CORNER 549, THEN RUNNING SOUTH 43 DEGREES 51 MINUTES WEST 142.34 FEET MORE OR LESS TO CORNER 548, SOUTH 58 DEGREES 36 MINUTES WEST 369.37 FEET MORE OR LESS TO CORNER 547, SOUTH 50 DEGREES 31 MINUTES WEST 891.50 FEET MORE OR LESS TO CORNER 546, SOUTH 75 DEGREES 49 MINUTES WEST 561.89 FEET MORE OR LESS TO CORNER 545, NORTH 89 DEGREES 04 MINUTES WEST 802.50 FEET MORE OR LESS TO CORNER 544, SOUTH 51 DEGREES 58 MINUTES WEST 689.27 FEET MORE OR LESS TO CORNER 543, SOUTH 50 DEGREES 28 MINUTES EAST 263.62 FEET MORE OR LESS TO CORNER 542, SOUTH 33 DEGREES 54 MINUTES WEST 2254.17 FEET MORE OR LESS TO CORNER 541, SOUTH 55 DEGREES 15 MINUTES EAST 2120.20 FEET MORE OR LESS TO CORNER 762, SOUTH 44 DEGREES 05 MINUTES WEST 2152.35 FEET MORE OR LESS TO CORNER 543, SOUTH 34 DEGREES 04 MINUTES EAST 109.55 FEET MORE OR LESS TO CORNER 760, NORTH 65 DEGREES 00 MINUTES WEST 2346.20 FEET MORE OR LESS, SOUTH 33 DEGREES 06 MINUTES 36 SECONDS WEST 1155.00 FEET MORE OR LESS, SOUTH 33 DEGREES 06 MINUTES 36 SECONDS WEST 1155.00 FEET MORE OR LESS, SOUTH 67 DEGREES 45 MINUTES 07 SECONDS WEST 2310.00 FEET MORE OR LESS, SOUTH 35 DEGREES 45 MINUTES 15 SECONDS WEST 1814.05 FEET MORE OR LESS, SOUTH 64 DEGREES 58 MINUTES 32 SECONDS WEST 170.61 FEET MORE OR LESS, SOUTH 69 DEGREES 11 MINUTES 55 SECONDS WEST 309.12 FEET MORE OR LESS, SOUTH 52 DEGREES 13 MINUTES 20 SECONDS WEST 1485.37 FEET MORE OR LESS, SOUTH 28 DEGREES 22 MINUTES 40 SECONDS WEST 485.81 FEET MORE OR LESS, NORTH 55 DEGREES 08 MINUTES 05 SECONDS WEST 1647.37 FEET MORE OR LESS, SOUTH 42 DEGREES 36 MINUTES 43 SECONDS WEST 1980.00 FEET MORE OR LESS, SOUTH 54 DEGREES 47 MINUTES 33 SECONDS WEST 1764.85 FEET MORE OR LESS, SOUTH 39 DEGREES 09 MINUTES 09 SECONDS WEST 881.58 FEET MORE OR LESS, SOUTH 43 DEGREES 00 MINUTES 42 SECONDS WEST 1874.10 FEET MORE OR LESS, NORTH 31 DEGREES 05 MINUTES 39 SECONDS WEST 426.38 FEET MORE OR LESS, NORTH 77 DEGREES 38 MINUTES 27 SECONDS EAST 127.57 FEET MORE OR LESS, NORTH 02 DEGREES 35 MINUTES 21 SECONDS WEST 304.92 FEET MORE OR LESS, SOUTH 85 DEGREES 01 MINUTES 09 SECONDS WEST 99.69 FEET MORE OR LESS, NORTH 12 DEGREES 50 MINUTES 27 SECONDS WEST 228.86 FEET MORE OR LESS, NORTH 08 DEGREES 52 MINUTES 27 SECONDS WEST 294.03 FEET MORE OR LESS, NORTH 14 DEGREES 47 MINUTES 17 SECONDS WEST 220.31 FEET MORE OR LESS, NORTH 18 DEGREES 31 MINUTES 27 SECONDS WEST 581.85 FEET MORE OR LESS, NORTH 22 DEGREES 23 MINUTES 34 SECONDS WEST 64.59 FEET MORE OR LESS, NORTH 44 DEGREES 19 MINUTES 16 SECONDS WEST 47.15 FEET MORE OR LESS, NORTH 56 DEGREES 11 MINUTES 54 SECONDS WEST 56.85 FEET MORE OR LESS, NORTH 83 DEGREES 40 MINUTES 13 SECONDS WEST 59.71 FEET MORE OR LESS, SOUTH 82 DEGREES 39 MINUTES 44 SECONDS

WEST 173.13 FEET MORE OR LESS, SOUTH 70 DEGREES 52 MINUTES 36 SECONDS
WEST 230.44 FEET MORE OR LESS, SOUTH 68 DEGREES 49 MINUTES 26 SECONDS
WEST 215.02 FEET MORE OR LESS, SOUTH 50 DEGREES 08 MINUTES 57 SECONDS
WEST 57.56 FEET MORE OR LESS, SOUTH 10 DEGREES 11 MINUTES 09 SECONDS
WEST 375.33 FEET MORE OR LESS, SOUTH 17 DEGREES 13 MINUTES 09 SECONDS
WEST 159.93 FEET MORE OR LESS, SOUTH 59 DEGREES 02 MINUTES 20 SECONDS
WEST 243.02 FEET MORE OR LESS, SOUTH 78 DEGREES 48 MINUTES 32 SECONDS
WEST 362.31 FEET MORE OR LESS, SOUTH 53 DEGREES 24 MINUTES 39 SECONDS
WEST 22.32 FEET MORE OR LESS, SOUTH 16 DEGREES 40 MINUTES 14 SECONDS
WEST 203.65 FEET MORE OR LESS, SOUTH 22 DEGREES 10 MINUTES 00 SECONDS
WEST 181.30 FEET MORE OR LESS, SOUTH 14 DEGREES 34 MINUTES 13 SECONDS
WEST 109.41 FEET MORE OR LESS, SOUTH 10 DEGREES 30 MINUTES 48 SECONDS
WEST 16.69 FEET MORE OR LESS, SOUTH 58 DEGREES 58 MINUTES 03 SECONDS
WEST 1002.96 FEET MORE OR LESS, SOUTH 31 DEGREES 37 MINUTES 33
SECONDS WEST 554.57 FEET MORE OR LESS, SOUTH 31 DEGREES 37 MINUTES 33
SECONDS WEST 109.02 FEET MORE OR LESS, SOUTH 02 DEGREES 20 MINUTES 57
SECONDS WEST 168.04 FEET MORE OR LESS, SOUTH 27 DEGREES 19 MINUTES 33
SECONDS WEST 151.56 FEET MORE OR LESS, SOUTH 04 DEGREES 55 MINUTES 20
SECONDS WEST 80.66 FEET MORE OR LESS, SOUTH 60 DEGREES 24 MINUTES 56
SECONDS EAST 372.83 FEET MORE OR LESS, SOUTH 54 DEGREES 58 MINUTES 14
SECONDS WEST 360.83 FEET MORE OR LESS, SOUTH 59 DEGREES 53 MINUTES 31
SECONDS WEST 53.19 FEET MORE OR LESS, SOUTH 30 DEGREES 55 MINUTES 55
SECONDS WEST 500.38 FEET MORE OR LESS TO A POINT, SAID POINT HAVING
THE COORDINATE VALUE 690973.93 NORTH, 716355.17 EAST (MARYLAND
STATE PLANE GRID SYSTEM ~~NAD83~~ NAD83), THEN RUNNING WITH THE SAID
STATE FOREST BOUNDARY SOUTH 42 DEGREES 50 MINUTES 49 SECONDS WEST
307.64 FEET, SOUTH 43 DEGREES 44 MINUTES 44 SECONDS WEST 301.50 FEET,
NORTH 43 DEGREES 14 MINUTES 23 SECONDS WEST 35.01 FEET, SOUTH 46
DEGREES 32 MINUTES 42 SECONDS WEST 782.09 FEET, SOUTH 68 DEGREES 44
MINUTES 44 SECONDS WEST 308.42 FEET, SOUTH 57 DEGREES 47 MINUTES 05
SECONDS WEST 445.08 FEET, SOUTH 57 DEGREES 47 MINUTES 05 SECONDS
WEST 445.08 FEET, NORTH 89 DEGREES 12 MINUTES 55 SECONDS WEST 826.58
FEET, SOUTH 79 DEGREES 47 MINUTES 05 SECONDS WEST 635.83 FEET, SOUTH
17 DEGREES 40 MINUTES 41 SECONDS WEST 2937.00 FEET, SOUTH 45 DEGREES
57 MINUTES 03 SECONDS EAST 1023.00 FEET, NORTH 89 DEGREES 02 MINUTES
57 SECONDS EAST 693.00 FEET, NORTH 47 DEGREES 02 MINUTES 57 SECONDS
EAST 1386.00 FEET, NORTH 47 DEGREES 46 MINUTES 34 SECONDS EAST 800.00
FEET, NORTH 47 DEGREES 46 MINUTES 34 SECONDS WEST 1291.64 FEET,
NORTH 49 DEGREES 13 MINUTES 30 SECONDS EAST 4692.22 FEET TO A
PLANTED STONE MARKED "BP 129", SAID STONE BEING CORNER 582, SAID
POINT HAVING THE COORDINATE VALUE 691489.38 NORTH, 719880.96 EAST
(MARYLAND STATE PLANE GRID SYSTEM ~~NAD83~~ NAD83), AND THEN
RUNNING, SOUTH 62 DEGREES 00 MINUTES EAST 1600.00 FEET MORE OR LESS

~~TO A POINT~~, THEN RUNNING NORTH 40 DEGREES 00 MINUTES EAST 200 FEET MORE OR LESS TO A POINT LYING 50 FEET WEST OF THE HIGH ROCK LOOKOUT TOWER SITE, THEN CIRCLING THE TOWER COUNTERCLOCKWISE TO THE SOUTH NO CLOSER THAN 50 FEET TO THE TOWER TO A POINT EAST OF THE TOWER SITE AND SOUTH OF THE EXISTING HIGH ROCK TOWER ROAD, AND THEN RUNNING WITH THE SOUTH SIDE OF THE HIGH ROCK TOWER ROAD TO THE POINT OF BEGINNING.

SAVING AND EXCEPTING THE POTOMAC EDISON TRANSMISSION LINE THAT LIES 1,500 FEET MORE OR LESS NORTH OF WARNICK POINT AND RUNS IN A SOUTHEASTERLY DIRECTION TO INTERSECT THE SAVAGE RIVER STATE FOREST BOUNDARY.

(c) (1) Pursuant to the provisions of subsection (a) of this section that property in Worcester County containing approximately [1,784] 2,090 acres and described as follows is a Type 2 wildland and shall be named the “Cypress Swamp Wildland”:

Parcel 1:

Beginning with the main part at a point on the north side of the Hickory Point Road, said point lying approximately 5,200 feet west of the Cederhall Road; and proceeding clockwise, then with the north side of the Hickory Point Road westerly, then northerly in a long curve approximately 9,600 feet, then leaving the road and with the Pocomoke State Forest boundary northerly about 1,200 feet to the south margin of the Pocomoke River (Point A), then with the south shore generally easterly approximately 7,500 feet upstream, then with the Pocomoke State Forest boundary and adjoining private land southeasterly approximately 4,700 feet and then southwesterly 7,750 feet to the beginning point.

Parcel 2:

A second and separate part of this wildland begins at a point on the south margin of the Pocomoke River, the point being approximately 3,300 feet generally westerly downstream from Point A, then with the Pocomoke State Forest boundary and adjacent private land in a clockwise direction generally southerly approximately 800 feet, thence westerly 1,150 feet, then northwesterly approximately 1,900 feet to the south shore of the Pocomoke River, then with the south shore northerly, then easterly and then southerly approximately 4,800 feet to the beginning point.

Parcel 3:

All that lot, tract, or parcel of land situate, lying and being in the Costen Election District of Worcester County, located on the Pocomoke River and being more particularly described in that certain patent of “Lankfords Discovery”, dated May 5, 1905, among the records of the Hall of Records of the State of Maryland which by deed

dated August 25, 1986 and recorded in the land records of Worcester County in Liber 1210, Folio 489 was conveyed by the Nature Conservancy to the State of Maryland, for the use of the Department of Natural Resources, and described as follows:

Beginning at a marked cypress standing on the east bank of the Pocomoke River about a half mile above the town of Rehoboth, and running thence, north 41 degrees 45 minutes 00 seconds east, 280.50 feet, then running north 53 degrees 00 minutes 00 seconds east, 140.25 feet to the edge of a small gut, then running south 21 degrees 39 minutes 00 seconds east, 4,174.50 feet to a point on the head of a small gut, then running south 29 degrees 00 minutes 00 seconds east, 3,349.50 feet to an old water hole, then running south 61 degrees 00 minutes 00 seconds west, 462.00 feet, to a point on the northwest side of Parting Creek, then running south 79 degrees 15 minutes 00 seconds west, 49.50 feet, then running south 47 degrees 00 minutes 00 seconds west, 231.00 feet, then running south 51 degrees 30 minutes 00 seconds west, 420.75 feet to a point on the east side of the Pocomoke River, then running along the east bank of the Pocomoke River in a northerly direction 8,400.00 feet more or less to the point of beginning.

Parcel 4:

All that part of a lot, tract, or parcel of land situate, lying and being in the Costen Election District of Worcester County, and conveyed by the Nature Conservancy to the State of Maryland to the Department of Natural Resources on July 20, 1978, and in Liber 1633, Folio 93, of the land records of Worcester County, and described as follows:

Beginning at a hickory tree, said tree being the point of beginning of a survey by Harold W. Hampshire, dated May 15, 1978, running thence with the 1st, 2nd, 3rd, 4th, and 5th lines of said survey, the following viz: north 82 degrees 04 minutes 10 seconds west 1,592.44 feet, to the edge of the marsh, then running north 33 degrees 55 minutes 26 seconds west 2,338.27 feet, to a cedar post, then north 09 degrees 50 minutes 06 seconds west 339.27 feet, to a cedar post, then south 74 degrees 23 minutes 34 seconds east 2,414.55 feet, to a concrete post, then south 77 degrees 37 minutes 08 seconds east 1,254.53 feet, to a concrete post, then running in a southerly direction 1,684.05 feet, to the point of beginning.

PARCEL 5:

ALL THAT PART OF A LOT, TRACT, OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE FIRST ELECTION DISTRICT OF WORCESTER COUNTY, AND CONVEYED BY THE CHESAPEAKE CORPORATION FOUNDATION TO THE STATE OF MARYLAND TO THE DEPARTMENT OF NATURAL RESOURCES ON MARCH 18, 1998, AND IN LIBER 2498, FOLIO 79, OF THE LAND RECORDS OF WORCESTER COUNTY, AND DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT, SAID POINT BEING THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED LAND, SAID POINT ALSO BEING ON THE SOUTHERLY SHORE OF THE POCOMOKE RIVER, SAID POINT ALSO BEING THE NORTHWESTERLYMOST CORNER OF THE LANDS NOW OR FORMERLY OF THE STATE OF MARYLAND DEPARTMENT OF NATURAL RESOURCES KNOWN AS "CYPRESS SWAMP" IN A DEED RECORDED IN THE LAND RECORDS OF WORCESTER COUNTY IN LIBER 633, FOLIO 93, AND FROM SAID PLACE OF BEGINNING RUNNING BY AND WITH THE STATE OF MARYLAND DEPARTMENT OF NATURAL RESOURCES LAND THE FOLLOWING COURSES AND DISTANCES, SOUTH 08 DEGREES 55 MINUTES 37 SECONDS EAST 65 FEET MORE OR LESS TO A CEDAR POST FOUND, ~~THENCE~~ THEN CONTINUING SOUTH 08 DEGREES 55 MINUTES 37 SECONDS EAST 304.26 FEET TO A CEDAR POST FOUND, ~~THENCE~~ THEN SOUTH 06 DEGREES 00 MINUTES 14 SECONDS WEST 1,174.93 FEET TO A TALL IRON PIPE FOUND, ~~THENCE~~ THEN SOUTH 22 DEGREES 20 MINUTES 41 SECONDS WEST 956.74 FEET TO A CONCRETE MONUMENT FOUND, ~~THENCE~~ THEN NORTH 77 DEGREES 37 MINUTES 08 SECONDS WEST 290.79 FEET TO THE SIDE OF A 16 FOOT RIGHT OF WAY AS DESCRIBED IN A DEED RECORDED IN THE LAND RECORDS OF WORCESTER COUNTY IN LIBER 633, FOLIO 93, ~~THENCE~~ THEN CONTINUING NORTH 77 DEGREES 37 MINUTES 08 SECONDS WEST 963.80 FEET TO A CONCRETE MONUMENT FOUND, ~~THENCE~~ THEN NORTH 74 DEGREES 22 MINUTES 53 SECONDS WEST 2,414.97 FEET TO A CEDAR POST FOUND, ~~THENCE~~ THEN SOUTH 09 DEGREES 49 MINUTES 25 SECONDS EAST 157.06 FEET TO A METAL FENCE POST SET AND THE LANDS NOW OR FORMERLY OF JOHN C. RICE, III DESCRIBED BY A DEED RECORDED IN THE LAND RECORDS OF WORCESTER COUNTY IN LIBER 1844, FOLIO 489, ~~THENCE~~ THEN BY AND WITH SAID JOHN C. RICE LAND NORTH 78 DEGREES 27 MINUTES 16 SECONDS WEST 386.42 FEET TO A METAL FENCE POST SET AND THE LANDS NOW OR FORMERLY OF THE STATE OF MARYLAND DEPARTMENT OF NATURAL RESOURCES KNOWN AS "LANKFORD'S DISCOVERY" AS DESCRIBED IN A DEED RECORDED IN THE LAND RECORDS OF WORCESTER COUNTY IN LIBER 1210, FOLIO 489, ~~THENCE~~ THEN BY AND WITH THE STATE OF MARYLAND DEPARTMENT OF NATURAL RESOURCES LAND NORTH 12 DEGREES 05 MINUTES 27 SECONDS WEST 4,000.96 FEET TO A LARGE MARKED PINE TREE FOUND ON THE SOUTHEASTERLY SHORE OF THE AFORESAID POCOMOKE RIVER AND OTHER LANDS OF THE STATE OF MARYLAND DEPARTMENT OF NATURAL RESOURCES KNOWN AS "OTTER RUN" AS DESCRIBED IN A DEED RECORDED IN THE LAND RECORDS OF WORCESTER COUNTY IN LIBER 424, FOLIO 637, ~~THENCE~~ THEN BY AND WITH THE STATE OF MARYLAND DEPARTMENT OF NATURAL RESOURCES LAND THE FOLLOWING COURSES AND DISTANCES, SOUTH 46 DEGREES 32 MINUTES 31 SECONDS EAST 1,909.05 FEET ~~TO A POINT~~, ~~THENCE~~ THEN NORTH 04 DEGREES 12 MINUTES 29 SECONDS EAST 1,138. 50 FEET ~~TO A POINT~~, ~~THENCE~~ THEN NORTH 24 DEGREES 42 MINUTES 29 SECONDS EAST 121 FEET MORE OR LESS TO THE SHORE OF THE AFORESAID POCOMOKE RIVER AND THE MANY MEANDERINGS THEREOF

GENERALLY THEN BY THE FOLLOWING COURSES AND DISTANCES, SOUTH 07 DEGREES 01 MINUTES 58 SECONDS WEST 379.50 FEET, ~~THENCE THEN~~ SOUTH 12 DEGREES 11 MINUTES 02 SECONDS 397.50 FEET, ~~THENCE THEN~~ SOUTH 39 DEGREES 39 MINUTES 30 SECONDS EAST 743.21 FEET, ~~THENCE THEN~~ SOUTH 64 DEGREES 09 MINUTES 03 SECONDS EAST 1,542.01 FEET, ~~THENCE THEN~~ SOUTH 73 DEGREES 24 MINUTES 30 SECONDS EAST 684.11 FEET TO THE PLACE OF BEGINNING; CONTAINING 305.680 ACRES OF LAND AS PER A SURVEY RECORDED IN THE PLAT RECORDS OF WORCESTER COUNTY, MARYLAND IN PLAT BOOK RHO 153, FOLIO 68, AND TOGETHER WITH A 16 FOOT RIGHT OF WAY WHICH LEADS FROM THE HEREIN DESCRIBED LAND TO THE PUBLIC ROAD KNOWN AS HICKORY POINT ROAD, SAID RIGHT OF WAY BEING MORE PARTICULARLY DESCRIBED IN A DEED RECORDED IN THE LAND RECORDS OF WORCESTER COUNTY, MARYLAND IN LIBER 633, FOLIO 93.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE EXISTING STAND OF PLANTED PINE TREES IN PARCEL 5 DESCRIBED AS FOLLOWS MAY BE HARVESTED BY THE DEPARTMENT USING MECHANICAL OR MOTORIZED EQUIPMENT, AND THE AREA THEN REFORESTED OR ALLOWED TO NATURALLY REVERT TO A FORESTED CONDITION: BEGINNING AT A POINT, SAID POINT HAVING THE COORDINATE VALUE 140229.23 NORTH, 1702780.67 EAST (MARYLAND STATE PLANE GRID SYSTEM ~~NAD83~~ NAD83), AND THEN RUNNING SOUTH 26 DEGREES 08 MINUTES 28 SECONDS EAST 1050.60 FEET, SOUTH 80 DEGREES 41 MINUTES 01 SECONDS EAST 1073.80 FEET, SOUTH 02 DEGREES 54 MINUTES 25 SECONDS WEST 203.47 FEET, SOUTH 11 DEGREES 17 MINUTES 41 SECONDS WEST 943.12 FEET, NORTH 86 DEGREES 53 MINUTES 59 SECONDS WEST 1239.82 FEET, NORTH 58 DEGREES 40 MINUTES 59 SECONDS WEST 1005.83 FEET, NORTH 07 DEGREES 30 MINUTES 40 SECONDS EAST 720.85 FEET, SOUTH 80 DEGREES 21 MINUTES 59 SECONDS EAST 567.10 FEET, NORTH 32 DEGREES 13 MINUTES 55 SECONDS WEST 974.04 FEET, NORTH 71 DEGREES 02 MINUTES 02 SECONDS EAST 650.67 FEET TO THE POINT OF BEGINNING, CONTAINING 68 ACRES MORE OR LESS.

(d) (1) Pursuant to the provisions of subsection (a) of this section that property situated in Worcester County containing approximately [2,481] **3,029** acres and described as follows is a Type 2 State wildland and shall be named the "Pocomoke River Wildland":

Parcel 1:

Beginning with the first part at a point on the west bank of Corkers Creek where it joins the Pocomoke River and proceeding clockwise, then generally southerly with said west bank approximately 6,200 feet to the rear line of the clearing for the forest manager's residence, then leaving the creek and with said rear line southwesterly 400 feet to a forest road, then with said forest road and with its

meanders, north westerly then southerly and then northwesterly approximately 11,500 feet to the Pocomoke State Forest boundary, and with it northwesterly about 2,200 feet to the Pocomoke River, then with the south bank thereof to the beginning point.

Parcel 2:

A second and separate part of this wildland begins at a point on the south bank of the Pocomoke River at the western boundary of a part of the Pocomoke River Wildlife Management Area, the point lying approximately 400 feet west of Mattaponi Landing and running with the wildlife management area boundary and adjacent private land southerly about 300 feet to the Blades Road, then with the road about 2,400 feet to the State wetland boundary, then following the State wetland boundary with its meanders generally southwesterly approximately 6,500 feet to the western boundary of the Tarr tract [in the Pocomoke State Forest, and then with the Pocomoke State Forest boundary northwesterly about 2,900 feet to the Pocomoke River; and then with the river's south bank generally northeasterly to the point of beginning.] **AND THE LANDS CONVEYED FROM WILLIAM CROPPER TO THE STATE OF MARYLAND, TO THE USE OF THE MARYLAND DEPARTMENT OF NATURAL RESOURCES BY A DEED DATED JUNE 16, 1993 AND RECORDED IN LAND RECORDS OF WORCESTER COUNTY, MARYLAND IN LIBER 1948, FOLIO 501, ~~THENCE~~ THEN RUNNING WITHIN SAID CONVEYED LANDS THE FOLLOWING COURSES AND DISTANCES, SOUTH 52 DEGREES 21 MINUTES WEST 981.05 FEET ~~TO A POINT~~, SOUTH 81 DEGREES 48 MINUTES EAST 859.32 FEET ~~TO A POINT~~, SOUTH 39 DEGREES 12 MINUTES WEST 474.43 FEET ~~TO A POINT~~, SOUTH 1 DEGREE 41 MINUTES WEST 350.84 FEET ~~TO A POINT~~, SOUTH 55 DEGREES 26 MINUTES EAST 563.62 FEET ~~TO A POINT~~, SOUTH 6 DEGREES 7 MINUTES EAST 580.90 FEET ~~TO A POINT~~, SOUTH 55 DEGREES 32 MINUTES WEST 637.99 FEET ~~TO A POINT~~, SOUTH 10 DEGREES 37 MINUTES EAST 167.90 FEET ~~TO A POINT~~, SOUTH 47 DEGREES 17 MINUTES WEST 182.48 FEET ~~TO A POINT~~ LYING WITHIN THE LANDS CONVEYED FROM LEVIN C. BEAUCHAMP TO THE STATE OF MARYLAND FOR THE USE OF THE GAME AND INLAND FISH COMMISSION BY A DEED DATED MAY 19, 1996 AND RECORDED IN THE LAND RECORDS OF WORCESTER COUNTY, MARYLAND IN LIBER 204, FOLIO 512 AND SHOWN ON PLAT EWR 1/38, ~~THENCE~~ THEN SOUTH 47 DEGREES 17 MINUTES WEST 182.48 FEET ~~TO A POINT~~, SOUTH 3 DEGREES 35 MINUTES EAST 165.35 FEET ~~TO A POINT~~, SOUTH 71 DEGREES 54 MINUTES EAST 635.00 FEET TO A POINT, SOUTH 71 DEGREES 54 MINUTES 635.0 FEET ~~TO POINT~~, SOUTH 22 DEGREES 18 MINUTES EAST 366.5 FEET ~~TO A POINT~~, NORTH 57 DEGREES 56 MINUTES EAST 912.92 FEET ~~TO A POINT~~, SOUTH 42 DEGREES 49 MINUTES EAST 245.25 FEET ~~TO A POINT~~, SOUTH 30 DEGREES 35 MINUTES WEST 773.52 FEET TO A POINT LYING WITHIN THE LANDS CONVEYED FROM WILLIAM CROPPER TO THE STATE OF MARYLAND, TO THE USE OF THE MARYLAND DEPARTMENT OF NATURAL RESOURCES BY A DEED DATED JUNE 16, 1993 AND RECORDED IN LAND RECORDS OF WORCESTER COUNTY, MARYLAND IN LIBER 1948, FOLIO 501, ~~THENCE~~ THEN NORTH 64 DEGREES 32 MINUTES WEST 239.90 FEET, SOUTH**

51 DEGREES 40 MINUTES WEST 282.70 FEET TO A POINT, SOUTH 58 DEGREES 43 MINUTES EAST 1092.30 FEET TO A POINT LYING WITHIN THE LANDS CONVEYED FROM LEVIN C. BEAUCHAMP TO THE STATE OF MARYLAND FOR THE USE OF THE GAME AND INLAND FISH COMMISSION BY A DEED DATED MAY 19, 1996 AND RECORDED IN THE LAND RECORDS OF WORCESTER COUNTY, MARYLAND IN LIBER 204, FOLIO 512, ~~THENCE THEN~~ NORTH 66 DEGREES 2 MINUTES EAST 304.75 FEET ~~TO A POINT~~, SOUTH 75 DEGREES 58 MINUTES EAST 722.96 FEET TO A POINT, SOUTH 15 DEGREES 2 MINUTES WEST 710.04 FEET TO A CONCRETE MONUMENT FOUND AT THE END OF THE 16TH LINE DESCRIBED IN THE AFOREMENTIONED CONVEYANCE FROM LEVIN C. BEAUCHAMP TO THE STATE OF MARYLAND FOR THE USE OF THE GAME AND INLAND FISH COMMISSION, ~~THENCE THEN~~ RUNNING BY AND WITH THE 16TH LINE REVERSED SOUTH 42 DEGREES 33 SECONDS EAST 650.76 FEET ~~TO A POINT~~, ~~THENCE THEN~~ SOUTH 57 DEGREES 28 MINUTES WEST 1271.84 FEET ~~TO A POINT~~, NORTH 59 DEGREES 21 MINUTES WEST 1942.26 FEET TO A POINT, NORTH 59 DEGREES 21 MINUTES WEST 1942.26 FEET ~~TO A POINT~~, NORTH 14 DEGREES 18 MINUTES EAST 542.85 FEET ~~TO A POINT~~, NORTH 49 DEGREES 16 MINUTES WEST 980.02 FEET ~~TO A POINT~~, NORTH 79 DEGREES 31 MINUTES EAST 566.44 FEET ~~TO A POINT~~, NORTH 62 DEGREES 39 MINUTES WEST 336.76 FEET ~~TO A POINT~~, SOUTH 58 DEGREES 0 MINUTES WEST 291.91 FEET ~~TO A POINT~~, SOUTH 7 DEGREES 51 MINUTES EAST 301.95 FEET ~~TO A POINT~~, SOUTH 52 DEGREES 54 MINUTES EAST 530.16 FEET ~~TO A POINT~~, SOUTH 13 DEGREES 40 MINUTES EAST 1580.05 FEET TO A POINT, LYING IN THE 2ND LINE DESCRIBED IN THE AFOREMENTIONED CONVEYANCE FROM LEVIN C. BEAUCHAMP TO THE STATE OF MARYLAND FOR THE USE OF THE GAME AND INLAND FISH COMMISSION, ~~THENCE THEN~~ RUNNING BY AND WITH THE 2ND LINE REVERSED SOUTH 67 DEGREES 57 SECONDS WEST 336.06 FEET TO THE END OF THE FIRST LINE, ~~THENCE THEN~~ RUNNING BY AND WITH THE 1ST LINE REVERSED NORTH 29 DEGREES 50 MINUTES EAST 5,280 FEET TO A POINT ON THE SOUTHERLY SIDE OF THE POCOMOKE RIVER, ~~THENCE THEN~~ RUNNING BY AND WITH THE 75TH LINE REVERSED EASTERLY BY AND WITH THE POCOMOKE RIVER IN AN EASTERLY DIRECTION 2,300 FEET MORE OR LESS TO A GUT AND THE END OF THE 74TH LINE, ~~THENCE THEN~~ RUNNING WITH THE 74TH LINE REVERSED BY AND WITH A GUT IN A SOUTHERLY DIRECTION 1,360 FEET MORE OR LESS TO THE END OF THE 73RD LINE, ~~THENCE THEN~~ RUNNING BY AND WITH THE 73RD LINE REVERSED NORTH 61 DEGREES 25 MINUTES EAST 902.50 FEET TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF A 16 ACRE PARCEL OF LAND CONVEYED TO ELTON D. ARDIS BY A DEED DATED AUGUST 1, 1950 AND RECORDED IN LAND RECORDS OF WORCESTER COUNTY, MARYLAND IN LIBER CWN 35, FOLIO 501 AND SHOWN ON PLAT EWR 1/38, ~~THENCE THEN~~ RUNNING IN A NORTHEASTERLY DIRECTION A DISTANCE OF 990 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY SIDE OF THE POCOMOKE RIVER, ~~THENCE THEN~~ RUNNING AND BINDING WITH THE SOUTHERLY SIDE OF THE POCOMOKE

RIVER IN A GENERALLY NORTHEASTERLY DIRECTION A DISTANCE OF 14,640 FEET MORE OR LESS TO THE POINT OF BEGINNING.

Parcel 3:

A third and separate part of this wildland begins at a point on the north bank of the Pocomoke River and the west bank of Corbin Branch, and proceeding then clockwise with the north bank and with its meanders generally southwesterly approximately 10,500 feet to the mouth of Milburn Branch, then with the north bank of the branch and with its meanders generally northwesterly about 1,800 feet to a forest road, then along this road and other interconnecting forest roads and with their windings northeasterly approximately 10,000 feet to the east bank of Corbin Branch, then with the east bank generally southerly about 1,000 feet again to the Pocomoke River and the beginning point.

Parcel 4 (Shad Tract, Parcel A):

Beginning at the intersection of Corker's Creek and a ditch running in a northeasterly direction, said point also being on the boundary line of Shad Landing State Park and then running, along said ditch in a northeasterly direction to its intersection with the Pocomoke River, then running along the south bank of the Pocomoke River to Corker's Creek, then running with Corker's Creek to the point of beginning.

Parcel 5 (Shad Tract, Parcel B):

Beginning at a concrete monument, said monument being the beginning of a tract of land which by deed dated October 14, 1988 and recorded in Liber 1486, Folio 530 of the Land Records of Worcester County, was conveyed by Lavara Van De Graf, personal representative of the Estate of Evelyn W. Jones, and the Nature Conservancy, to the State of Maryland, for the use of the Department of Natural Resources, and running, along the boundary line of Shad Landing State Park 2,200.00 feet more or less, to a point on the northeast side of the road leading to Shad Landing, then running along the northeast side of said road in a northwest direction 1,300.00 feet more or less, to the south bank of the Pocomoke River, then running by and with the meanderings of the Pocomoke River in a generally northerly direction to the end of the 4th line of the aforesaid conveyance from Lavara Van De Graf, then running, south 11 degrees 15 minutes 00 seconds west 660.00 feet to a point, south 18 degrees 45 minutes 00 seconds east 1,065.90 feet to a point, south 21 degrees 45 minutes 00 seconds east 226.38 feet to an iron pipe, south 65 degrees 00 minutes 00 seconds east 165.66 feet to the point of beginning.

Parcel 6 (Van De Graf Tract):

All that lot, tract, or parcel of land, situate, lying and being in the second election district of Worcester County located on the Pocomoke River and being more particularly described in a deed dated October 14, 1988 and recorded in Liber 1486,

Folio 530 of the land records of Worcester County, which was conveyed by Lavara Van De Graf, personal representative of the Estate of Evelyn W. Jones and the Nature Conservancy, to the State of Maryland, for the use of the Department of Natural Resources and described as follows: beginning at a concrete monument at the intersection of the northwesterly line of a tract of land now or formerly owned by Robert J. Reilly and the northeast line of Shad Landing State Park, and then running north 65 degrees 00 minutes 00 seconds west 165.66 feet to an iron pipe, then north 21 degrees 45 minutes 00 seconds west 226.38 feet to an iron pipe, then north 18 degrees 45 minutes 00 seconds west 1,065.90 feet, then north 11 degrees 15 minutes 00 seconds east 660.00 feet, then running with the meanderings of the Pocomoke River in a northerly direction 6,065.00 feet more or less to an iron pipe, then south 52 degrees 03 minutes 37 seconds east 471.90 feet to an iron pipe, then south 80 degrees 03 minutes 37 seconds east 1,223.64 feet to an iron axle, then south 27 degrees 48 minutes 26 seconds west 192.46 feet to an iron pipe, then south 55 degrees 00 minutes 00 seconds east 33.00 feet to an iron pipe, then south 33 degrees 00 minutes 00 seconds west 429.00 feet to an iron pipe, then south 50 degrees 00 minutes 00 seconds west 198.00 feet to an iron pipe, then south 20 degrees 00 minutes 00 seconds west 396.00 feet to an iron pipe, then south 55 degrees 00 minutes 00 seconds west 165.00 feet to an iron pipe, then south 49 degrees 00 minutes 00 seconds west 264.00 feet to an iron pipe, then south 37 degrees 00 minutes 00 seconds west 330.00 feet to an iron pipe, then north 56 degrees 00 minutes 00 seconds west 427.02 feet to an iron pipe, then south 08 degrees 00 minutes 00 seconds west 709.50 feet to an iron pipe, then south 19 degrees 45 minutes 00 seconds east 550.44 feet to a concrete monument, then south 76 degrees 38 minutes 23 seconds west 592.40 feet to a concrete monument, then south 76 degrees 38 minutes 38 seconds west 94.00 feet to an iron pipe, then south 56 degrees 08 minutes 23 seconds west 675.78 feet to an iron pipe, then north 45 degrees 33 minutes 46 seconds west 728.29 feet to an iron pipe, then south 43 degrees 45 minutes 12 seconds west 2160.38 feet to the point of beginning.

Parcel 7 (Tract A):

Beginning at the southeast intersection of River Road and a road on the eastern boundary line of Milburn Landing State Park, then running along the boundary of Milburn Landing State Park 3,000.00 feet more or less, to a point, then leaving the park boundary and running along the north west side of said road 500.00 feet more or less, to the center of Milburn Branch, then running in a southeasterly direction along said creek in a southerly direction to its confluence with the Pocomoke River and the boundary line of Pocomoke State Forest, then running along the Pocomoke River in a southwesterly direction 1,000.00 feet more or less, to a point, then running in a northwesterly direction 400.00 feet to a point on the east side of a drive, then running along said drive in a northerly direction 1,000.00 feet more or less, to a point, then leaving said road and running, north 18 degrees 30 minutes 00 seconds west 1,060.00 feet more or less, to a point, then running north 12 degrees 30 minutes 00 seconds east 1,000.00 feet more or less, to a point, on the south side of River Road, then running along the south side of River Road to the point of beginning.

Parcel 7 (Tract B):

Beginning at a point on the southeast side of River Road at its intersection with the northeast boundary line of Pocomoke State Forest, then running in a southeasterly direction along said State forest boundary 1,300.00 feet more or less, to a point, then running in a southwesterly direction at a right angle to the Pocomoke State Forest boundary 375.00 feet more or less, then running parallel to the State forest boundary line in a northwesterly direction 1,300.00 feet to the south side of River Road, then running along the south side of River Road to the point of beginning.

Parcel 8:

Beginning at a point in the intersection of Corker's Creek and a ditch running in a northwesterly direction, said point being in the northeastern boundary of Pocomoke State Forest and the Shad Landing State Park boundary line, then with said ditch in a northeasterly direction 700.00 feet more or less, then leaving said ditch and running in a southeasterly direction 850.00 feet to a State park loop road at a campground, then running along said road 4,000.00 feet more or less, to a point opposite a 90 degree bend in said road, then leaving the park road and running in a southwesterly direction 650.00 feet more or less, to Corker's Creek, then running along Corker's Creek in a northwesterly direction to the point of beginning.

Parcel 9:

Beginning at a point, said point being at the end of the 2nd line of a tract of land which by deed dated February 13, 1985 and recorded in Liber 1064, Folio 24 of the Land Records of Worcester County, was conveyed by Charles Timmons to the State of Maryland for the use of the Department of Natural Resources, then running with the 3rd, 4th, and 5th line of said tract of land and with the State forest boundary, south 43 degrees 15 minutes 28 seconds east 500.00 feet to an angle iron, then south 68 degrees 22 minutes 28 seconds east 460.72 feet to an angle iron, then south 46 degrees 44 minutes 49 seconds west 199.59 feet to an angle iron, then leaving said conveyance and running, south 42 degrees 07 minutes 00 seconds east 185.00 feet to an iron bar, then south 36 degrees 04 minutes 00 seconds east 317.00 feet to an iron bar, then north 53 degrees 23 minutes 00 seconds east 363.00 feet to an iron bar, then south 12 degrees 37 minutes 00 seconds east 250.00 feet more or less, to a point, then running, south 57 degrees 30 minutes 00 seconds east 2,100.00 feet more or less, to a point on the northwest side of a road, then running with the north side of said road in a southwesterly direction 450.00 feet to a point, then leaving said road and running, north 74 degrees 00 minutes 00 seconds west 1,200.00 feet to an iron bar, then running with the lines of a conveyance from Charles Timmons to the State of Maryland (Liber 788, Folio 390), north 41 degrees 07 minutes 00 seconds west 935.12 feet crossing over an iron bar at 156 feet, then running, south 79 degrees 55 minutes 00 seconds west 231.00 feet to a point, then running north 40 degrees 52 minutes 00 seconds west 264.00 feet to a point, then running north 60 degrees 49 minutes 00 seconds west 264.00 feet to a point, then running north 27 degrees 45 minutes 00 seconds east 82.50 feet to a point, then south 65 degrees 53 minutes 00 seconds west 132.00 feet to a point, then running north 84 degrees 37 minutes 00 seconds west

563.00 feet more or less, to an iron pipe, then running, north 18 degrees 00 minutes 00 seconds east 550.00 feet more or less, to the south side of the Pocomoke River, then running with said river to the point of beginning.

Parcel 10:

Beginning at the end of the 5th line of a tract of land surveyed by G. Oliver Morrell for John and Elisabeth Mohr on November 30, 1960, said tract of land conveyed by John and Elisabeth Mohr to the State of Maryland for the use of the Department of Natural Resources by a deed dated April 22, 1987, and recorded in Liber 1304, Folio 124 of the land records of Worcester County, and then running, north 29 degrees 59 minutes 00 seconds west 303.60 feet, then running north 72 degrees 22 minutes 40 seconds west 859.32 feet, then running north 60 degrees 03 minutes 10 seconds east 988.68 feet, then running north 38 degrees 32 minutes 20 seconds east 722.70 feet, then running south 83 degrees 05 minutes 50 seconds east 1,049.40 feet, then running south 79 degrees 59 minutes 30 seconds east 205.26 feet, then running north 39 degrees 09 minutes 30 seconds east 332.64 feet, then running north 87 degrees 34 minutes 50 seconds east 333.30 feet, then running south 54 degrees 43 minutes 30 seconds east 201.30 feet to a pipe, then running in a northeasterly direction with the south side of the marsh 5,500.00 feet more or less, to an old road, then running with the southwest side of said road in a southeasterly direction 1,000.00 feet more or less, to the intersection of a State forest road, then running with the northwest side of said road in a southwesterly direction 8,000.00 feet to the point of beginning.

Parcel 11:

All those [five (5)] **SIX (6)** tracts of land, situate, lying and being in the Second Election District of Worcester County, Maryland, and located south of Porter's Crossing Road where it crosses the Pocomoke River.

Tracts 1, 2, and 3 are described as follows:

Beginning at a point on the west bank of the Pocomoke River at the point of intersection with Porter's Crossing Road, then running with the south side of Porter's Crossing Road in a westerly direction 1,203.40 feet more or less to a point, then running south 51 degrees 47 minutes 09 seconds west 426.84 feet to a concrete monument, then running south 88 degrees 25 minutes 03 seconds west 290.70 feet to a concrete monument, then running north 68 degrees 41 minutes 15 seconds west 129.73 feet to a concrete monument, then running south 79 degrees 15 minutes 20 seconds west 771.33 feet to a concrete monument, then running north 41 degrees 44 minutes 29 seconds west 420.79 feet to a concrete monument, then running north 36 degrees 52 minutes 07 seconds west 320.18 feet to a concrete monument, then running north 89 degrees 02 minutes 27 seconds west 277.60 feet to a concrete monument, then running north 82 degrees 57 minutes 18 seconds west 467.51 feet to a concrete monument, then running south 48 degrees 38 minutes 24 seconds west 233.48 feet to a concrete monument, then running south 56 degrees 03 minutes 45 seconds west

176.63 feet to a concrete monument, then running south 55 degrees 16 minutes 03 seconds east 259.02 feet to a concrete monument, then running south 06 degrees 18 minutes 33 seconds west 462.51 feet to a concrete monument, then running south 72 degrees 50 minutes 46 seconds west 24.38 feet to a concrete monument, then running north 77 degrees 50 minutes 18 seconds west 68.72 feet to a concrete monument, then running south 48 degrees 29 minutes 23 seconds west 1,696.22 feet to a concrete monument, then running south 41 degrees 10 minutes 49 seconds east 301.16 feet to a concrete monument, then running south 11 degrees 01 minutes 02 seconds west 247.59 feet to a concrete monument, then running south 06 degrees 59 minutes 09 seconds east 159.93 feet to a concrete monument, then running south 15 degrees 40 minutes 49 seconds west 429.34 feet to a concrete monument, then running south 47 degrees 07 minutes 49 seconds east 711.02 feet to a concrete monument, then running south 00 degrees 19 minutes 05 seconds west 130.74 feet to a concrete monument, then running south 22 degrees 51 minutes 02 seconds west 36.50 feet to a concrete monument, then running south 22 degrees 51 minutes 02 seconds west 67.75 feet to a point, then running south 48 degrees 05 minutes 53 seconds east 166.09 feet to a concrete monument, then running south 25 degrees 20 minutes 40 seconds east 360.65 feet to a concrete monument, then running south 07 degrees 24 minutes 41 seconds east 483.19 feet to a concrete monument, then running south 45 degrees 55 minutes 44 seconds west 282.71 feet to a concrete monument, then running south 34 degrees 03 minutes 58 seconds west 592.74 feet to a concrete monument, then running north 52 degrees 59 minutes 51 seconds west 879.12 feet to a concrete monument, then running south 45 degrees 02 minutes 46 seconds west 216.82 feet to a concrete monument, then running south 45 degrees 02 minutes 46 seconds west 185.17 feet to a point, then running south 42 degrees 08 minutes 00 seconds east 2305.00 feet to the Pocomoke River, then running with the west side of said river in a northeasterly direction 11,310.00 feet to the point of beginning.

Tracts 4 and 5 are described as follows: beginning at a point, said point having Maryland State plane grid coordinates north 144,202.33 and east 1,273,168.00; and running from said point of beginning, south 04 degrees 55 minutes 46 seconds east 234.14 feet, then running north 57 degrees 55 minutes 46 seconds west 122.75 feet, then running north 39 degrees 55 minutes 46 seconds west 429.00 feet, then running north 17 degrees 55 minutes 46 seconds west 92.69 feet, to a point in the southerly line of Porter's Crossing Road, then running with the southerly line of said road 477.31 to the point of beginning.

Beginning at a point on the east bank of the Pocomoke River and on the south side of Porter's Crossing Road, said point having Maryland State plane grid coordinates north 146,120.03 and east 1,270,174.10; and running with the east bank of the river, south 15 degrees 49 minutes 14 seconds west 67.98 feet, then running south 05 degrees 39 minutes 08 seconds west 139.17 feet, then leaving the river and running south 07 degrees 05 minutes 11 seconds east 90.00 feet, then running south 51 degrees 50 minutes 58 seconds east 27.00 feet, then running south 12 degrees 55 minutes 46 seconds west 215.00 feet, then running south 89 degrees 55 minutes 46 seconds east 222.00 feet, then running south 69 degrees 10 minutes 46 seconds east 792.00 feet, then running parallel with an old mill ditch the following courses: south 39 degrees 55

minutes 46 seconds east 99.00 feet, then running south 05 degrees 55 minutes 46 seconds east 165.00 feet, then running south 75 degrees 55 minutes 46 seconds east 165.00 feet, then running south 50 degrees 55 minutes 46 seconds east 594.00 feet, then running north 88 degrees 04 minutes 14 seconds west 495.00 feet, then running south 74 degrees 10 minutes 46 seconds west 132.00 feet, then running south 44 degrees 55 minutes 46 seconds east 99.00 feet, then running south 17 degrees 55 minutes 46 seconds east 132.00 feet, then running south 53 degrees 55 minutes 46 seconds east 78.54 feet, then running north 45 degrees 04 minutes 14 seconds east 102.68 feet, to a point on the south side of Porter's Crossing Road, then running with said road in a northwesterly direction 1,369.89 feet more or less, to a point, then leaving said road and running, south 51 degrees 01 minutes 51 seconds west 297.98 feet to an iron pipe, then running north 13 degrees 12 minutes 26 seconds west 173.90 feet, then running north 17 degrees 59 minutes 52 seconds east 260.50 feet, to the south side of Porter's Crossing Road, then running with said road northwesterly 1,558.97 feet to the point of beginning.

Saving and excepting all portions of the Pocomoke River.

TRACT 6 IS DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT LOCATED ON THE NORTHERN SIDE OF THE EXISTING WOODEN BRIDGE WHERE PORTER'S CROSSING ROAD CROSSES THE CENTERLINE OF THE POCOMOKE RIVER AT THE BEGINNING OF LINE 1 AS SHOWN ON A PLAT ENTITLED "BOUNDARY SURVEY LANDS OF JOYCE D. QUILLEN" RECORDED IN THE LAND RECORDS OF WORCESTER COUNTY, MARYLAND IN PLAT BOOK S.V.H. 225 FOLIO 34, ~~THENCE THEN~~ RUNNING BY AND WITH THE NORTH SIDE OF PORTER'S CROSSING ROAD IN A WESTERLY DIRECTION A DISTANCE OF 1,156.00 FEET TO AN IRON ROD WITH CAP SET, ~~THENCE THEN~~ NORTH 39 DEGREES 48 MINUTES 31 SECONDS EAST A DISTANCE OF 573.54 FEET TO AN IRON ROD WITH CAP SET, ~~THENCE THEN~~ NORTH 45 DEGREES 54 MINUTES 32 SECONDS EAST 309.54 FEET TO AN IRON ROD WITH CAP SET, ~~THENCE THEN~~ NORTH 44 DEGREES 33 MINUTES 31 SECONDS EAST 238.92 FEET TO AN IRON PIPE FOUND, ~~THENCE THEN~~ NORTH 27 DEGREES 13 MINUTES 31 SECONDS EAST 105.60 FEET TO AN IRON ROD WITH CAP SET, ~~THENCE THEN~~ NORTH 0 DEGREES 27 MINUTES 37 SECONDS WEST 49.73 FEET TO AN IRON PIPE FOUND, ~~THENCE THEN~~ NORTH 37 DEGREES 27 MINUTES 58 SECONDS WEST 271.09 FEET TO AN ANGLE IRON FOUND, ~~THENCE THEN~~ NORTH 8 DEGREES 26 MINUTES 27 SECONDS WEST 435.58 FEET TO AN IRON ROD WITH CAP SET, ~~THENCE THEN~~ SOUTH 89 DEGREES 33 MINUTES 31 SECONDS WEST 122.86 FEET TO AN IRON ROD WITH CAP SET, ~~THENCE THEN~~ NORTH 0 DEGREES 33 MINUTES 52 SECONDS WEST 24.00 FEET TO AN IRON ROD WITH CAP SET, ~~THENCE THEN~~ NORTH 89 DEGREES 33 MINUTES 31 SECONDS EAST 616.73 FEET TO AN IRON ROD WITH CAP SET, ~~THENCE THEN~~ NORTH 21 DEGREES 17 MINUTES 58 SECONDS EAST 938.62 FEET TO AN IRON ROD WITH CAP SET, ~~THENCE THEN~~ NORTH 74 DEGREES 40 MINUTES 31 SECONDS EAST 214.50 FEET TO AN IRON

ROD WITH CAP SET, THENCE SOUTH 63 DEGREES 4 MINUTES 29 SECONDS EAST 544.50 FEET TO A CONCRETE MONUMENT FOUND, ~~THENCE THEN~~ NORTH 55 DEGREES 50 MINUTES 31 SECONDS EAST 167.14 FEET TO A CONCRETE MONUMENT FOUND, ~~THENCE THEN~~ SOUTH 77 DEGREES 19 MINUTES 29 SECONDS EAST 629.02 FEET TO THE CENTERLINE OF THE POCOMOKE RIVER, ~~THENCE THEN~~ BY AND WITH THE CENTERLINE OF THE POCOMOKE RIVER A DISTANCE OF 4,172 FEET, MORE OR LESS TO THE POINT OF BEGINNING, CONTAINING 89.92 ACRES OF LAND MORE OR LESS.

BEING THE SAME PARCEL OF LAND SITUATE, LYING AND BEING IN THE SECOND ELECTION DISTRICT OF WORCESTER COUNTY, MARYLAND, AND BEING LOCATED ON AND BINDING UPON THE NORTH SIDE OF PORTER'S CROSSING ROAD, CONVEYED BY THE NATURE CONSERVANCY TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES BY DEED DATED JULY 26, 2012 AND RECORDED AMONG THE LAND RECORDS OF WORCESTER COUNTY, MARYLAND IN LIBER S.V.H. 5944, FOLIO 272.

(2) Within the part of Pocomoke River Wildland lying north of the Pocomoke River and east of Milburn Landing area, Pocomoke River State Park, safety zone signs may be posted to protect the State park camping area in hunting seasons.

(e-1) Notwithstanding any other provision of this Part II of this subtitle, the designation of an area as a wildland may not be construed to preclude:

(1) The normal maintenance of an electrical transmission line, distribution line, telephone line, natural gas line, or other above ground or underground line, or of any easement held in conjunction with such line, in the manner such line or easement is normally maintained; or

(2) The upgrading or expansion of any electrical transmission line, distribution line, telephone line, natural gas line, or other above ground or underground line if the person responsible for the line had the right, subject to any required approval, to upgrade or expand the line in the designated area immediately before the designation of the area as wildlands.

(g) Pursuant to the provisions of subsection (a) of this section, that property situated in Frederick County containing approximately [3,452] ~~4,400~~ 4,397 acres and designated as follows, is a Type 1 State wildland, and shall be named, "The Cunningham Falls State Park Wildland".

Beginning for the first of [four] **TWO** parts at a point approximately 420 feet southwesterly of the intersection of Maryland Route 77 and Catoctin Hollow Road, that point lying on the east side of the latter road at the southern margin of Big Hunting Creek. Thence proceeding downstream with the southern margin and the meanders of the creek, southeasterly approximately 100 feet, thence northeasterly

approximately 1,000 feet, thence southeasterly approximately 460 feet, then southerly approximately 200 feet, thence southeasterly approximately 1,700 feet, thence southerly approximately 1,400 feet, thence easterly approximately 1,350 feet to bridge carrying Maryland Route 77 over Big Hunting Creek. Thence leaving the creek and running with southern margin of the right-of-way of Maryland Route 77 still easterly 1,600 feet, southerly approximately 1,700 feet and easterly 2,500 feet. Then leaving Maryland Route 77 and running with the boundary of Cunningham Falls State Park southwesterly approximately 200 feet, westerly 700 feet, southerly approximately 750 feet, easterly 700 feet, southerly approximately 200 feet, westerly 1,200 feet, southerly 300 feet, westerly approximately 1,250 feet, northerly 250 feet, westerly approximately 1,550 feet, southwesterly approximately 400 feet to a cleared power line right-of-way. Thence leaving the State park boundary running with the northern margin of the power line generally westerly approximately 3,200 feet to private land; leaving power line and with the private land northeasterly approximately 950 feet, westerly approximately 300 feet southwesterly in two courses 950 feet again to the power line. Then leaving private land and running again with the northern margin of the power line approximately 1,050 feet, then leaving the power line and cutting across State park property generally northerly in three courses 1,200 feet to the east margin of Catoctin Hollow Road. Then running with the road approximately 4,500 feet to the beginning containing approximately 535 acres.

[Beginning for a second and separate part at the most northerly point of the Thurmont Watershed property and running generally northerly with the State park boundary approximately 1,450 feet to a cleared power line. Then leaving the State park boundary and running with the southern margin of the power line, generally easterly approximately 6,600 feet, then southerly approximately 1,750 feet to the watershed property and running with it generally westerly approximately 6,300 feet to the beginning point, containing approximately 210 acres.

Beginning for a third and separate part at the southeastern corner of the Thurmont Watershed property and running across State park property generally southerly approximately 3,550 feet, southwesterly approximately 2,050 feet again southerly approximately 2,100 feet to the State park boundary and private land. Thence running with said private land westerly approximately 950 feet, then southwesterly in two courses approximately 1,050 feet, then westerly approximately 600 feet, southwesterly approximately 650 feet, westerly approximately 450 feet, southerly approximately 200 feet. Thence northwesterly in two courses approximately 950 feet and 1,650 feet. Then northerly approximately 200 feet. Thence westerly approximately 1,400 feet, and southwesterly approximately 850 feet to the Catoctin Hollow Road. Thence generally along the road northwesterly approximately 1,000 feet. Leaving the road and running again with private land approximately 2,000 feet to a point near the Catoctin Hollow Road. Thence northerly approximately 2,050 feet, northwesterly in two courses approximately 700 and 800 feet; then northerly approximately 1,100 feet, southeasterly approximately 1,400 feet, northerly approximately 3,000 feet, northwesterly in two courses approximately 1,400 and 1,000 feet, and easterly approximately 800 feet to the western boundary of the Thurmont Watershed property. Thence with the Watershed boundary southerly approximately

1,650 feet, then easterly approximately 8,450 feet to the beginning containing approximately 1,655 acres.

Beginning for a fourth and separate part at a point on the State park boundary lying southerly approximately 1,000 feet from the intersection of U.S. Route 15 and Catoctin Hollow Road. Thence southerly 3,900 feet, westerly 600 feet, southerly 2,000 feet, easterly 650 feet, southerly 1,200 feet. Still southerly 1,050 feet, westerly 1,950 feet, southeasterly 1,850 feet, southerly 2,400 feet. Thence westerly 3,800 feet. Thence northerly by twelve courses approximately 10,800 feet. Thence easterly approximately 1,100 feet northeasterly approximately 1,700 feet to an unimproved public road. Thence with the road again northeasterly approximately 300 feet. Thence leaving the road and running again with the State park boundary southeasterly in two courses 1,300 and 1,200 feet. Thence easterly approximately 450 feet, northerly approximately 2,400 feet, easterly approximately 1,150 feet to the beginning containing approximately 1,052 acres.]

BEGINNING FOR A SECOND AND SEPARATE PART AT A POINT, SAID POINT BEING THE BEGINNING OF THE NINTH LINE IN A DEED RECORDED AMONG THE LAND RECORDS OF FREDERICK COUNTY, MARYLAND IN LIBER 9503, FOLIO 92 FROM THE COMMISSIONERS OF THURMONT TO THE STATE OF MARYLAND, DEPARTMENT OF NATURAL RESOURCES, SAID POINT HAVING THE COORDINATE VALUE NORTH 669865.75, EAST 1187614.44 (MARYLAND STATE PLANE GRID SYSTEM NAD83), AND RUNNING NORTH 13 DEGREES 57 MINUTES 48 SECONDS EAST 225.71 FEET, NORTH 59 DEGREES 30 MINUTES 14 SECONDS WEST 231.00 FEET, NORTH 23 DEGREES 29 MINUTES 46 SECONDS EAST 1453.50 FEET, THEN RUNNING WITH THE SOUTHERN MARGIN OF THE POWER LINE, GENERALLY EASTERLY APPROXIMATELY 6,600 FEET, THEN SOUTHERLY APPROXIMATELY 1,750 FEET TO A COMMON CORNER OF THE COMMISSIONERS OF THURMONT PROPERTY AND THE PROPERTY OF THE STATE OF MARYLAND, THEN RUNNING NORTH 40 DEGREES 13 MINUTES 44 SECONDS WEST 905.55 FEET TO A POINT, SAID POINT HAVING THE COORDINATE VALUE NORTH 708716.84, EAST 1189592.00 (MARYLAND STATE PLANE GRID SYSTEM NAD83), THEN RUNNING WITH THE COMMON BOUNDARY OF THE COMMISSIONERS OF THURMONT PROPERTY AND THE PROPERTY OF THE STATE OF MARYLAND THE FOLLOWING 7 COURSES: SOUTH 78 DEGREES 53 MINUTES 49 SECONDS WEST 1573.18 FEET, SOUTH 37 DEGREES 54 MINUTES 37 SECONDS WEST 813.35 FEET, SOUTH 57 DEGREES 52 MINUTES 54 SECONDS EAST 836.04 FEET, SOUTH 82 DEGREES 23 MINUTES 06 SECONDS EAST 2524.79 FEET, SOUTH 21 DEGREES 15 MINUTES 08 SECONDS EAST 874.60 FEET, NORTH 84 DEGREES 44 MINUTES 51 SECONDS WEST 132.00 FEET, SOUTH 20 DEGREES 15 MINUTES 09 SECONDS WEST 132.00 FEET TO A POINT, SAID POINT HAVING THE COORDINATE VALUE NORTH 706064.64, EAST 1190263.74 (MARYLAND STATE PLANE GRID SYSTEM NAD83), ~~THENCE~~ THEN LEAVING THE SAID CONVEYANCE FROM THE COMMISSIONERS OF THURMONT TO THE STATE OF MARYLAND, DEPARTMENT OF NATURAL

RESOURCES AND THEN RUNNING ACROSS STATE PARK PROPERTY GENERALLY SOUTHERLY APPROXIMATELY 3,550 FEET, SOUTHWESTERLY APPROXIMATELY 2,050 FEET, SOUTHERLY APPROXIMATELY 2,100 FEET TO A POINT, SAID POINT BEING THE BEGINNING OF THE FOURTH LINE OF PARCEL ONE IN A DEED RECORDED AMONG THE LAND RECORDS OF FREDERICK COUNTY, MARYLAND IN LIBER 9493, FOLIO 163 FROM TROUT RUN LLC TO THE STATE OF MARYLAND, DEPARTMENT OF NATURAL RESOURCES, SAID POINT HAVING THE COORDINATE VALUE NORTH 669865.75, EAST 1187614.44 (MARYLAND STATE PLANE GRID SYSTEM NAD83), ~~THENCE THEN~~ RUNNING WITH SAID CONVEYANCE, NORTH 51 DEGREES 21 MINUTES 37 SECONDS EAST 337.42 FEET, NORTH 55 DEGREES 44 MINUTES 15 SECONDS EAST 244.77 FEET, NORTH 85 DEGREES 56 MINUTES 58 SECONDS EAST 274.44 FEET, SOUTH 68 DEGREES 02 MINUTES 15 SECONDS EAST 260.49 FEET, SOUTH 51 DEGREES 50 MINUTES 38 SECONDS EAST 260.26 FEET, SOUTH 27 DEGREES 07 MINUTES 59 SECONDS EAST 548.27 FEET, SOUTH 22 DEGREES 55 MINUTES 47 SECONDS WEST 347.65 FEET, NORTH 84 DEGREES 03 MINUTES 46 SECONDS WEST 261.09 FEET, SOUTH 74 DEGREES 28 MINUTES 06 SECONDS WEST 432.00 FEET, SOUTH 78 DEGREES 43 MINUTES 06 SECONDS WEST 367.50 FEET, SOUTH 47 DEGREES 13 MINUTES 06 SECONDS WEST 176.97 FEET, NORTH 68 DEGREES 24 MINUTES 55 SECONDS EAST 777.00 FEET, SOUTH 33 DEGREES 46 MINUTES 22 SECONDS WEST 275.92 FEET, SOUTH 01 DEGREES 28 MINUTES 44 SECONDS WEST 637.04 FEET, SOUTH 27 DEGREES 54 MINUTES 24 SECONDS WEST 368.55 FEET, SOUTH 74 DEGREES 14 MINUTES 54 SECONDS WEST 258.20 FEET, SOUTH 66 DEGREES 24 MINUTES 01 SECONDS WEST 367.87 FEET, NORTH 71 DEGREES 19 MINUTES 06 SECONDS WEST 311.22 FEET, NORTH 79 DEGREES 51 MINUTES 14 SECONDS WEST 374.81 FEET, SOUTH 63 DEGREES 43 MINUTES 55 SECONDS WEST 119.54 FEET, NORTH 75 DEGREES 20 MINUTES 13 SECONDS WEST 304.38 FEET, SOUTH 13 DEGREES 11 MINUTES 18 SECONDS WEST 133.42 FEET, SOUTH 55 DEGREES 35 MINUTES 58 SECONDS EAST 316.81 FEET, SOUTH 61 DEGREES 37 MINUTES 43 SECONDS EAST 302.65 FEET, SOUTH 61 DEGREES 37 MINUTES 43 SECONDS EAST 302.65 FEET, SOUTH 70 DEGREES 13 MINUTES 25 SECONDS EAST 249.17 FEET, SOUTH 71 DEGREES 00 MINUTES 24 SECONDS EAST 301.53 FEET, SOUTH 73 DEGREES 58 MINUTES 30 SECONDS EAST 294.91 FEET, NORTH 82 DEGREES 49 MINUTES 01 SECONDS EAST 222.95 FEET, NORTH 03 DEGREES 59 MINUTES 36 SECONDS WEST 114.82 FEET, SOUTH 88 DEGREES 50 MINUTES 31 SECONDS EAST 605.09 FEET, SOUTH 10 DEGREES 20 MINUTES 18 SECONDS EAST 549.49 FEET, SOUTH 85 DEGREES 22 MINUTES 28 SECONDS WEST 834.31 FEET TO A POINT, SAID POINT HAVING THE COORDINATE VALUE NORTH 696882.02, EAST 1186108.26 (MARYLAND STATE PLANE GRID SYSTEM NAD83), ~~THENCE THEN~~ LEAVING SAID CONVEYANCE FROM TROUT RUN LLC TO THE STATE OF MARYLAND, DEPARTMENT OF NATURAL RESOURCES AND RUNNING; SOUTH 15 DEGREES 42 MINUTES 37 SECONDS WEST 592.68 FEET MORE OR LESS ~~TO A POINT~~, SOUTH 50 DEGREES 17 MINUTES 23 SECONDS WEST 1082.40 FEET MORE OR LESS ~~TO A POINT~~, ~~THENCE THEN~~

EASTERLY APPROXIMATELY 450 FEET, NORTHERLY APPROXIMATELY 2,400 FEET, EASTERLY APPROXIMATELY 1,150 FEET TO A POINT ON THE STATE PARK BOUNDARY LYING SOUTHERLY APPROXIMATELY 1,000 FEET FROM THE INTERSECTION OF U.S. ROUTE 15 AND CATOCTIN HOLLOW ROAD, ~~THENCE~~ THEN RUNNING ALONG THE STATE PARK BOUNDARY SOUTHERLY 3,200 FEET, WESTERLY 150 FEET, SOUTHWESTERLY 850 FEET, SOUTHERLY 1,350 FEET, EASTERLY 625 FEET, SOUTHERLY 1,200 FEET, SOUTHWESTERLY 2,960 FEET, SOUTHEASTERLY 1,850 FEET, SOUTHERLY 2,400 FEET, ~~THENCE~~ THEN WESTERLY 3,800 FEET, ~~THENCE~~ THEN NORTHERLY BY TWELVE COURSES APPROXIMATELY 10,800 FEET TO A POINT, SAID POINT BEING THE BEGINNING OF THE THIRTY-FIFTH LINE OF PARCEL TWO IN A DEED RECORDED AMONG THE LAND RECORDS OF FREDERICK COUNTY, MARYLAND IN LIBER 9493, FOLIO 163 FROM TROUT RUN LLC TO THE STATE OF MARYLAND, DEPARTMENT OF NATURAL RESOURCES, SAID POINT HAVING THE COORDINATE VALUE NORTH 695055.31, EAST 1183665.60 (MARYLAND STATE PLANE GRID SYSTEM NAD83), ~~THENCE~~ THEN RUNNING WITH SAID CONVEYANCE NORTH 43 DEGREES 26 MINUTES 09 SECONDS WEST 654.61 FEET, NORTH 23 DEGREES 17 MINUTES 49 SECONDS WEST 264.16 FEET, NORTH 60 DEGREES 30 MINUTES 21 SECONDS WEST 1409.17 FEET, ~~SOUTH 76 DEGREES 22 MINUTES 13 SECONDS WEST 486.16 FEET, NORTH 84 DEGREES 12 MINUTES 04 SECONDS WEST 1055.99 FEET, NORTH 27 DEGREES 09 MINUTES 38 SECONDS EAST 3058.78 FEET,~~ THEN LEAVING SAID CONVEYANCE FROM TROUT RUN LLC TO THE STATE OF MARYLAND, DEPARTMENT OF NATURAL RESOURCES, AND RUNNING THE FOLLOWING COURSES AND DISTANCES, NORTH 81 DEGREES 34 MINUTES 28 SECONDS WEST 476.82 FEET, SOUTH 60 DEGREES 44 MINUTES 49 SECONDS WEST 279.32 FEET, NORTH 84 DEGREES 52 MINUTES 51 SECONDS WEST 298.10 FEET, NORTH 65 DEGREES 45 MINUTES 18 SECONDS WEST 230.41 FEET, NORTH 82 DEGREES 57 MINUTES 48 SECONDS WEST 254.53 FEET TO A POINT, SAID POINT INTERSECTING THE NORTH 27 DEGREES 09 MINUTES 38 SECONDS EAST 3058.78 FOOT LINE OF SAID CONVEYANCE FROM TROUT RUN LLC TO THE STATE OF MARYLAND, DEPARTMENT OF NATURAL RESOURCES, AND RUNNING WITH THE REMAINDER OF SAID LINE 2,953.53 FEET, THEN RUNNING SOUTH 71 DEGREES 36 MINUTES 40 SECONDS EAST 1213.38 FEET, NORTH 49 DEGREES 21 MINUTES 50 SECONDS EAST 374.81 FEET, ~~THENCE~~ THEN LEAVING SAID CONVEYANCE FROM TROUT RUN LLC TO THE STATE OF MARYLAND, DEPARTMENT OF NATURAL RESOURCES AND RUNNING NORTH 25 DEGREES 49 MINUTES 35 SECONDS WEST 724.05 FEET MORE OR LESS, NORTH 28 DEGREES 21 MINUTES 50 SECONDS EAST 273.90 FEET MORE OR LESS, SOUTH 77 DEGREES 21 MINUTES 50 SECONDS WEST 683.10 FEET MORE OR LESS, SOUTH 60 DEGREES 21 MINUTES 50 SECONDS WEST 339.90 FEET MORE OR LESS, SOUTH 79 DEGREES 21 MINUTES 50 SECONDS WEST 410.52 FEET MORE OR LESS, SOUTH 26 DEGREES 05 MINUTES 53 SECONDS WEST 587.24 FEET MORE OR LESS TO A POINT NORTH OF THE NORTHERN MARGIN OF CATOCTIN HOLLOW ROAD, ~~THENCE~~ THEN

RUNNING ALONG THE EXISTING STATE PARK BOUNDARY NORTH 36 DEGREES 34 MINUTES 42 SECONDS WEST 477.55 FEET MORE OR LESS, NORTH 34 DEGREES 01 MINUTES 45 SECONDS WEST 476.79 FEET MORE OR LESS, NORTH 60 DEGREES 46 MINUTES 07 SECONDS WEST 1187.24 FEET MORE OR LESS, NORTH 75 DEGREES 21 MINUTES 16 SECONDS WEST 671.45 FEET MORE OR LESS, NORTH 28 DEGREES 27 MINUTES 00 SECONDS WEST 454.64 FEET MORE OR LESS, NORTH 08 DEGREES 23 MINUTES 56 SECONDS WEST 1298.89 FEET MORE OR LESS, NORTH 25 DEGREES 49 MINUTES 35 SECONDS WEST 724.05 FEET MORE OR LESS, NORTH 26 DEGREES 00 MINUTES 03 SECONDS WEST 1096.58 FEET MORE OR LESS, NORTH 55 DEGREES 42 MINUTES 24 SECONDS WEST 722.64 FEET MORE OR LESS, NORTH 12 DEGREES 13 MINUTES 29 SECONDS WEST 833.42 FEET MORE OR LESS, NORTH 24 DEGREES 45 MINUTES 11 SECONDS WEST 281.68 FEET MORE OR LESS, SOUTH 53 DEGREES 53 MINUTES 56 SECONDS WEST 1212.53 FEET MORE OR LESS, NORTH 11 DEGREES 16 MINUTES 29 SECONDS EAST 2446.39 FEET MORE OR LESS, NORTH 25 DEGREES 49 MINUTES 35 SECONDS WEST 724.05 FEET MORE OR LESS, NORTH 09 DEGREES 29 MINUTES 30 SECONDS WEST 711.99 FEET MORE OR LESS, NORTH 47 DEGREES 38 MINUTES 33 SECONDS EAST 1026.19 FEET MORE OR LESS, NORTH 40 DEGREES 04 MINUTES 56 SECONDS WEST 956.82 FEET MORE OR LESS, NORTH 52 DEGREES 57 MINUTES 05 SECONDS EAST 464.51 FEET MORE OR LESS, NORTH 46 DEGREES 48 MINUTES 00 SECONDS EAST 525.75 FEET MORE OR LESS, SOUTH 73 DEGREES 25 MINUTES 15 SECONDS EAST 572.33 FEET MORE OR LESS, NORTH 72 DEGREES 41 MINUTES 56 SECONDS WEST 1386.92 FEET MORE OR LESS, TO A POINT, SAID POINT BEING THE BEGINNING OF THE TWELFTH LINE IN THE AFORESAID CONVEYANCE FROM THE COMMISSIONERS OF THURMONT TO THE STATE OF MARYLAND, DEPARTMENT OF NATURAL RESOURCES, SAID POINT HAVING THE COORDINATE VALUE NORTH 709830.19, EAST 1182371.72 (MARYLAND STATE PLANE GRID SYSTEM NAD83), AND RUNNING WITH SAID CONVEYANCE REVERSED, SOUTH 73 DEGREES 01 MINUTES 51 SECONDS EAST 1308.09 FEET, SOUTH 51 DEGREES 09 MINUTES 11 SECONDS EAST 198.00 FEET, NORTH 42 DEGREES 43 MINUTES 20 SECONDS EAST 802.07 FEET TO THE POINT OF BEGINNING.

EXEMPTING THE EXISTING RIGHT-OF-WAY OF CATOCTIN HOLLOW ROAD.

(l) [Under] PURSUANT TO the provisions of subsection (a) of this section, that property in Allegany County, containing approximately [2,330] **2,645** acres described as follows is a Type 2 State wildland and shall be named the "Potomac Bends Wildland":

Parcel 1:

Beginning on the shore of the Potomac River at the east boundary of the abandoned Western Maryland Railroad bed, now owned by the National Park Service,

then following the Potomac shore upriver and around the entire sinuous peninsula to the east boundary of the south end of the property now owned by the National Park Service, then following the National Park Service boundary inland in first a northeasterly direction, then northwest to the Western Maryland Railroad bed, and then northeast following that boundary back to the point of beginning, meaning to include all State-owned and only State-owned lands within this described peninsula.

The wildland excludes the approximately 23 acres privately owned by the Baltimore & Ohio Railroad.

Parcel 2:

Beginning at a point on the south side of the Oldtown Road at the junction of the Green Ridge hiking trail that leads from Oldtown Road to Lift Lock 59, [and with the hiking trail in a southerly direction to the west side of a timber management zone planted in larch trees to its junction again with the hiking trail, then with the hiking trail to a point 1,000 feet north of the C&O Canal bed, then with a line running] **THEN RUNNING SOUTH 30 DEGREES 25 MINUTES 15 SECONDS EAST 220.52 FEET TO A POINT, SAID POINT HAVING THE COORDINATE VALUE 718444.17 NORTH, 914431.67 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), THEN RUNNING NORTH 78 DEGREES 18 MINUTES 20 SECONDS EAST 232.59 FEET, SOUTH 74 DEGREES 21 MINUTES 31 SECONDS EAST 96.52 FEET ~~TO A POINT,~~ SOUTH 38 DEGREES 39 MINUTES 39 SECONDS EAST 166.64 FEET, SOUTH 25 DEGREES 46 MINUTES 13 SECONDS EAST 359.17 FEET, NORTH 83 DEGREES 53 MINUTES 08 SECONDS WEST 104.69 FEET, SOUTH 48 DEGREES 40 MINUTES 25 SECONDS WEST 287.14 FEET, SOUTH 14 DEGREES 02 MINUTES 14 SECONDS WEST 76.64 FEET, SOUTH 30 DEGREES 15 MINUTES 20 SECONDS WEST 154.95 FEET, SOUTH 34 DEGREES 06 MINUTES 55 SECONDS EAST 278.41 FEET, SOUTH 14 DEGREES 28 MINUTES 17 SECONDS EAST 119.03 FEET, SOUTH 66 DEGREES 18 MINUTES 51 SECONDS EAST 231.14 FEET, SOUTH 44 DEGREES 34 MINUTES 11 SECONDS EAST 950.04 FEET TO A POINT, SAID POINT HAVING THE COORDINATE VALUE 716509.66 NORTH, 915697.70 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), THEN RUNNING SOUTH 28 DEGREES 34 MINUTES 21 SECONDS EAST 250.00 FEET MORE OR LESS TO A POINT, SAID POINT BEING 1000.00 FEET MORE OR LESS NORTH OF THE C&O CANAL BED, AND THEN RUNNING southeasterly keeping 1,000 feet north of the canal bed to the current State forest boundary, then with the boundary to a point on the Western Maryland Railroad, then with the railroad south to the C&O Canal property line, then running upstream with the boundary to the Devil's Alley Road, then following in a northerly direction the road to its junction with Carroll Road and Devil's Alley Run, then with Devil's Alley Run or the Carroll Road, whichever is the most easterly to the Oldtown Road, then following the Oldtown Road to the beginning, **ONLY** including [all State-owned lands and only] lands that are State-owned **AND LANDS HELD BY THE STATE UNDER CERTIFICATES OF RESERVATION** within this described Parcel, and also permitting the nonconforming use of a two-acre Parcel containing an archeological site at an**

abandoned home site located near the junction of Devil's Alley Road and the C&O Canal boundary and a one-acre Parcel containing an existing observation structure and vista management area at Point Lookout.

Exempting an area consisting of a one hundred foot strip in width extending approximately 1,200 feet along the east side of Carroll Road, the area is located beginning at a stream crossing of the road approximately 1,000 feet north of the Carroll Chimney and all other areas in this Parcel 2 designated or legally used for vehicle parking as of January 1, 1988.

ANY LAND HELD WITHIN THIS PARCEL BY THE STATE UNDER A CERTIFICATE OF RESERVATION IS INCLUDED IN THE POTOMAC BENDS WILDLAND FOR SO LONG AS THE CERTIFICATE OF RESERVATION IS IN EFFECT.

Parcel 3:

Beginning at the intersection of Mertens Avenue and Outdoor Club Road then following Mertens Avenue in an easterly direction to the right-of-way of the Western Maryland Railroad, then with the railroad in a southerly direction to the C&O Canal boundary, then with the boundary upstream approximately 17,650 feet to the intersection of Sand Flat Run, then continuing with the C&O Canal boundary to a point approximately 1,000 feet southwesterly of the junction of Sand Flat Run and the C&O Canal bed, then in a northeasterly direction maintaining a 1,000 foot distance from the canal bed to Outdoor Club Road, then with the easterly side of Outdoor Club Road to the place of beginning, including all State-owned lands and only lands that are State-owned within this described Parcel.

Exempting all that portion of Outdoor Club Road contained in this Parcel 3 and all other areas in this Parcel 3 designated or legally used for vehicle parking as of January 1, 1988.

Parcel 4:

Beginning at a point where an unnamed forest service road intersects the Old Western Maryland Railroad north of Kessler Tunnel, then along the railroad to the Potomac River shore, then with the shore downstream to the C&O Canal boundary, then with the boundary to a point 1,000 feet from the bank of the river, then maintaining a 1,000 foot distance from the bank to the northerly edge of the unnamed service road, then with the road to the beginning.

Exempting all areas in this Parcel 4 designated or legally used for vehicle parking as of January 1, 1988.

Parcel 5:

An island in the Potomac River of approximately 30 acres known as Mandy Brown Island located near the Western Maryland Railroad Bridge north of Kessler Tunnel.

Parcel 6:

Beginning at a point where the Tunnel Hill Road crosses the C&O Canal boundary at its easternmost point near the Tunnel Hill hiking trail then with the southern boundary of the road to the Western Maryland Railroad south of Kessler Tunnel, then with the railroad in a southwesterly direction to the shore of the Potomac River, then running upstream to the C&O Canal Park, then with the canal boundary northerly to the beginning.

Exempting all areas in this Parcel 6 designated or legally used for vehicle parking as of January 1, 1988.

Parcel 7:

Beginning at a point, said point being the northeast corner of a tract of land designated as Potomac Bends Wildland Parcel 6, by subsection (l) of this section, then running in a northwest direction to a point where Parcel 6 intersects the east boundary of National Park Service land, then running in a northeast direction to a point where the east boundary of the National Park Service land intersects Potomac Bends Wildland, Parcel 4, then running in a southeast direction along the south boundary of the Potomac Bends Wildland, Parcel 4, to a point where the aforementioned line meets the west boundary of the abandoned Western Maryland Railroad bed, then running in a southwest direction along the west boundary of the abandoned Western Maryland Railroad bed to the point of beginning, meaning to include all State-owned and only State-owned lands within this described peninsula.

Exempting all areas in this Parcel 7 designated or legally used for vehicle parking as of January 1, 1996.

PARCEL 8:

BEGINNING AT A POINT, SAID POINT HAVING THE COORDINATE VALUE 710198.26 NORTH, 908834.08 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), AND THEN RUNNING NORTH 60 DEGREES 15 MINUTES 19 SECONDS EAST TO A POINT OF INTERSECTION WITH THE C&O CANAL BOUNDARY THEN RUNNING WITH THE C&O CANAL ~~BOUNDARY~~ BOUNDARY, IN A SOUTHEASTERLY DIRECTION TO THE WEST BOUNDARY OF THE ABANDONED WESTERN MARYLAND RAILROAD BED, THEN RUNNING IN A SOUTHWESTERLY DIRECTION WITH SAID RAILROAD PROPERTY 3460.00 FEET MORE OR LESS TO A POINT, THEN LEAVING SAID RAILROAD PROPERTY AND RUNNING NORTH 28 DEGREES 51 MINUTES 20 SECONDS WEST 800.00 FEET MORE OR LESS TO A POINT, SAID POINT HAVING THE COORDINATE VALUE 705850.51 NORTH, 909248.83 EAST (MARYLAND

STATE PLANE GRID SYSTEM NAD83), THEN RUNNING NORTH 05 DEGREES 11 MINUTES 40 SECONDS WEST 473.91 FEET, NORTH 16 DEGREES 23 MINUTES 22 SECONDS WEST 253.43 FEET, NORTH 84 DEGREES 17 MINUTES 22 SECONDS WEST 143.73 FEET, NORTH 33 DEGREES 06 MINUTES 41 SECONDS WEST 392.71 FEET, NORTH 04 DEGREES 05 MINUTES 08 SECONDS EAST 401.47 FEET, NORTH 47 DEGREES 43 MINUTES 34 SECONDS WEST 425.22 FEET, NORTH 34 DEGREES 30 MINUTES 30 SECONDS WEST 277.69 FEET, NORTH 28 DEGREES 21 MINUTES 11 SECONDS WEST 582.49 FEET, NORTH 46 DEGREES 42 MINUTES 27 SECONDS EAST 659.85 FEET, NORTH 10 DEGREES 39 MINUTES 05 SECONDS EAST 312.61 FEET, NORTH 46 DEGREES 18 MINUTES 50 SECONDS WEST 504.05 FEET, NORTH 56 DEGREES 42 MINUTES 14 SECONDS WEST 378.39 FEET, NORTH 80 DEGREES 41 MINUTES 04 SECONDS WEST 843.49 FEET, NORTH 41 DEGREES 35 MINUTES 02 SECONDS EAST 339.42 FEET, NORTH 85 DEGREES 14 MINUTES 11 SECONDS EAST 344.43 FEET, NORTH 84 DEGREES 17 MINUTES 22 SECONDS WEST 143.73 FEET, SOUTH 85 DEGREES 29 MINUTES 09 SECONDS EAST 545.16 FEET, SOUTH 59 DEGREES 44 MINUTES 37 SECONDS EAST 397.37 FEET, SOUTH 86 DEGREES 11 MINUTES 09 SECONDS EAST 215.00 FEET, NORTH 10 DEGREES 29 MINUTES 29 SECONDS WEST 392.71 FEET TO THE POINT OF BEGINNING.

PARCEL 9:

BEGINNING AT A POINT, SAID POINT HAVING THE COORDINATE VALUE 701890.57 NORTH, 914601.32 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), AND THEN RUNNING SOUTH 23 DEGREES 48 MINUTES 18 SECONDS WEST 186.84 FEET ~~TO A POINT~~, SOUTH 13 DEGREES 20 MINUTES 52 SECONDS WEST 152.44 FEET ~~TO A POINT~~, SOUTH 13 DEGREES 52 MINUTES 47 SECONDS EAST 320.00 FEET MORE OR LESS TO A POINT OF INTERSECTION WITH THE C&O CANAL BOUNDARY, THEN RUNNING WITH THE C&O CANAL BOUNDARY IN A NORTHWESTERLY DIRECTION TO A POINT OF INTERSECTION OF THE C&O CANAL BOUNDARY AND THE EASTERNMOST RIGHT OF WAY OF THE ABANDONED WESTERN MARYLAND RAILROAD BED, THEN RUNNING IN A NORTHERLY DIRECTION WITH SAID RAILROAD RIGHT OF WAY 500.00 FEET MORE OR LESS TO A POINT, THEN LEAVING SAID RAILROAD RIGHT OF WAY AND RUNNING SOUTH 89 DEGREES 05 MINUTES 36 SECONDS EAST 220.42 FEET TO A POINT, SAID POINT HAVING THE COORDINATE VALUE 704031.27 NORTH, 909853.00 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), THEN RUNNING SOUTH 50 DEGREES 11 MINUTES 43 SECONDS EAST 479.30 FEET, SOUTH 62 DEGREES 59 MINUTES 18 SECONDS EAST 344.70 FEET, SOUTH 57 DEGREES 27 MINUTES 15 SECONDS EAST 401.42 FEET, NORTH 62 DEGREES 24 MINUTES 07 SECONDS EAST 221.89 FEET, NORTH 52 DEGREES 51 MINUTES 09 SECONDS EAST 185.03 FEET, NORTH 11 DEGREES 37 MINUTES 58 SECONDS EAST 155.14 FEET, NORTH 48 DEGREES 30 MINUTES 10 SECONDS EAST 155.14 FEET, NORTH 67 DEGREES 00 MINUTES 38 SECONDS EAST 160.21 FEET, SOUTH 73 DEGREES 36 MINUTES 41

SECONDS EAST 79.19 FEET, SOUTH 43 DEGREES 01 MINUTES 33 SECONDS EAST 91.70 FEET, SOUTH 29 DEGREES 40 MINUTES 03 SECONDS EAST 406.32 FEET, SOUTH 27 DEGREES 36 MINUTES 05 SECONDS EAST 683.05 FEET, SOUTH 60 DEGREES 58 MINUTES 46 SECONDS EAST 573.06 FEET, SOUTH 70 DEGREES 27 MINUTES 14 SECONDS EAST 1388.51 FEET, SOUTH 71 DEGREES 38 MINUTES 35 SECONDS EAST 590.66 FEET TO THE POINT OF BEGINNING.

(q) (1) Pursuant to the provisions of subsection (a) of this section that property in Charles County containing approximately [1,605] **2,993** acres and described as follows is a Type 2 State wildland and shall be named the “Mattawoman Wildland”:

Parcel 1:

Beginning at a point, said point being the end of the south 16 degrees 32 minutes 12 seconds west 543.06 foot line of the first Parcel of a tract of land which by deed dated December 7, 1979 and recorded in Liber 690, Folio 228 of the land records of Charles County was conveyed by Potomac Sand and Gravel Company to the State of Maryland for the use of the Department of Natural Resources and running with an old road bed south 25 degrees 57 minutes 41 seconds west 466.37 feet to a point, then running north 65 degrees 14 minutes 07 seconds west 15.00 feet to a point, then running south 24 degrees 45 minutes 33 seconds west 97.95 feet to a point, then running south 65 degrees 14 minutes 07 seconds east 15.00 feet to a point, then running south 24 degrees 45 minutes 53 seconds west 255.72 feet to a point on the northern right-of-way of Maryland Route 224, and then with said right-of-way running in a southeasterly direction 8,159.00 feet more or less, to a point, said point being the end of the 39th line of a tract of land which by deed dated June 6, 1985, and recorded in Liber 1076, Folio 72 of the land records of Charles County, was conveyed by Potomac Homestead Company to the State of Maryland for the use of the Department of Natural Resources, and then running with the 40th, 41st, 42nd, 43rd, 1st, 2nd, 3rd, and 4th lines of said conveyance north 08 degrees 15 minutes 00 seconds west 45.00 feet to a point, then running south 80 degrees 53 minutes 30 seconds west 80.00 feet to a point, then running south 08 degrees 15 minutes 00 seconds east 45.00 feet to a point, then running south 80 degrees 52 minutes 30 seconds west 15.00 feet to an iron pipe, then running north 08 degrees 15 minutes 00 seconds west 532.55 feet to an iron pipe, then running north 22 degrees 59 minutes 00 seconds west 463.86 feet to an iron pipe, then running north 09 degrees 37 minutes 00 seconds west 463.53 feet to an iron pipe at the end of the 23rd line of a tract of land which by deed dated May 2, 1975, and recorded in Liber 387, Folio 65 of the land records of Charles County, was conveyed by Grace W. Fuss to the State of Maryland for the use of the Department of Natural Resources and running with said conveyance the following courses and distances as surveyed by Lorenzi, Dodds, & Gunnill Inc. in August 1973, south 24 degrees 35 minutes 11 seconds west 1,609.73 feet to an iron pipe, then running south 68 degrees 20 minutes 20 seconds west 88.98 feet to an iron pipe, then running south 22 degrees 42 minutes 40 seconds east 209.00 feet to an iron pipe in the northern right-of-way of Maryland Route 224, then running with said right-of-way 790.00 feet

more or less, to an iron pipe, then running north 54 degrees 40 minutes 45 seconds west 110.10 feet to an iron pipe, then running north 64 degrees 46 minutes 46 seconds west 151.60 feet to an iron pipe, then running north 41 degrees 00 minutes 46 seconds west 15.80 feet to an iron pipe, then running north 60 degrees 33 minutes 34 seconds west 111.60 feet to an iron pipe, then running north 78 degrees 14 minutes 34 seconds west 89.93 feet to an iron pipe, then running north 76 degrees 19 minutes 26 seconds west 167.78 feet to an iron pipe, then running south 50 degrees 12 minutes 34 seconds west 30.00 feet to an iron pipe, then running north 39 degrees 05 minutes 28 seconds west 2180.01 feet to an iron pipe, then running north 58 degrees 08 minutes 53 seconds east 104.92 feet to an iron pipe, then running north 38 degrees 37 minutes 07 seconds west 208.50 feet to an iron pipe, then running north 57 degrees 46 minutes 53 seconds east 195.70 feet to a point, then running north 32 degrees 40 minutes 07 seconds west 53.85 feet to a point, then running north 66 degrees 02 minutes 53 seconds east 64.40 feet to a point, then running south 59 degrees 39 minutes 07 seconds east 59.40 feet to a point on the mean high water line of Mattawoman Creek, then running, with said creek in a southeasterly direction 1,120.00 feet, then running with said creek in a northeasterly direction 820.07 feet to an iron pipe at the end of the 5th line of a tract of land which by deed dated June 6, 1985, and recorded in Liber 1076, Folio 72 of the land records of Charles County, was conveyed by Potomac Homestead Company to the State of Maryland for the use of the Department of Natural Resources, then running along the southerly shoreline of Mattawoman Creek in a northeasterly direction with said conveyance 2,569.00 feet more or less, then running along the southerly shoreline of Mattawoman Creek in a southeasterly direction 2,148.00 feet more or less, then running along the southerly shoreline of Mattawoman Creek in a northeasterly direction 657.00 feet more or less, to a point, said point being north 04 degrees, 45 minutes, 55 seconds, east 30.00 feet from a concrete monument, said point also being in the north 13 degrees 06 minutes 47 seconds west 2,491.09 feet from the line of aforesaid conveyance from Potomac Sand and Gravel Co., and running then with the remainder of said line, north 13 degrees 06 minutes 47 seconds west 500.00 feet to a point, then running for the remainder of this description with the line of said conveyance from Potomac Sand and Gravel Co. the following courses and distances to wit: north 63 degrees 00 minutes 00 seconds west 2,050.00 feet to a point, then running north 50 degrees 00 minutes 00 seconds west 1,201.90 feet to a point, said point having Maryland State plane coordinates north 275294.32, east 755600.34, then running north 40 degrees 00 minutes 00 seconds east 187.11 feet to a point, then running north 80 degrees 28 minutes 02 seconds east 346.00 feet to a pipe, then running north 77 degrees 23 minutes 02 seconds east 75.68 feet to a pipe, then running north 48 degrees 41 minutes 22 seconds east 469.77 feet to a pipe, then running north 29 degrees 15 minutes 40 seconds east 667.71 feet to a pipe, then running north 15 degrees 39 minutes 31 seconds east 221.68 feet to a pipe, then running north 33 degrees 53 minutes 08 seconds east 154.85 feet to a pipe, then running north 09 degrees 51 minutes 24 seconds east 206.97 feet to a pipe, then running north 61 degrees 13 minutes 36 seconds east 373.01 feet to a pipe, then running north 69 degrees 51 minutes 27 seconds east 236.98 feet to a point, then running south 69 degrees 56 minutes 05 seconds east 144.00 feet to a point, then running north 66 degrees 38 minutes 55 seconds east 200.00 feet to a pipe, then running north 38 degrees 08 minutes 55 seconds east 269.78 feet to a pipe, then

running north 61 degrees 39 minutes 13 seconds east 310.11 feet to a pipe, then running north 16 degrees 22 minutes 48 seconds east 188.09 feet to a pipe, then running north 23 degrees 58 minutes 36 seconds east 300.03 feet to a pipe, said point having Maryland State plane coordinates north 278055.05, east 758479.37, then running north 40 degrees 58 minutes 49 seconds east 244.06 feet to a pipe, then running south 02 degrees 05 minutes 58 seconds east 121.00 feet to a point, then running north 37 degrees 21 minutes 11 seconds east 213.91 feet to a pipe, then running north 79 degrees 33 minutes 08 seconds east 132.63 feet to a point, then running north 39 degrees 11 minutes 20 seconds east 199.05 feet to a point, then running north 87 degrees 46 minutes 20 seconds east 217.26 feet to a point, then running south 59 degrees 28 minutes 03 seconds east 170.28 feet to a point, then running south 32 degrees 54 minutes 38 seconds east 413.00 feet to a point, then running north 64 degrees 09 minutes 21 seconds east 135.00 feet to a point, then running south 54 degrees 24 minutes 39 seconds east 100.00 feet to a point, then running south 63 degrees 24 minutes 39 seconds east 100.00 feet to a point, then running south 66 degrees 54 minutes 38 seconds east 100.00 feet to a point, then running south 77 degrees 54 minutes 39 seconds east 68.00 feet to a point, then running south 30 degrees 20 minutes 21 seconds west 30.00 feet to a point, then running south 57 degrees 24 minutes 38 seconds east 435.63 feet to a point, then running north 69 degrees 24 minutes 35 seconds east 530.47 feet to a point, then running north 59 degrees 08 minutes 12 seconds west 282.82 feet to a point, then running north 80 degrees 21 minutes 07 seconds east 358.62 feet to a point, then running south 21 degrees 10 minutes 15 seconds east 27.29 feet to a point, then running north 88 degrees 36 minutes 54 seconds east 640.75 feet to a point, then running north 67 degrees 52 minutes 49 seconds east 194.80 feet to a point, then running north 74 degrees 46 minutes 49 seconds east 423.50 feet to a pipe, then running south 81 degrees 22 minutes 11 seconds east 224.64 feet to a pipe, then running south 71 degrees 39 minutes 13 seconds east 148.98 feet to a point, then running south 56 degrees 07 minutes 13 seconds east 419.94 feet to a point, then running south 06 degrees 40 minutes 13 seconds east 32.29 feet to a point, then running south 50 degrees 54 minutes 13 seconds east 338.35 feet to a point, then running north 39 degrees 05 minutes 37 seconds east 41.80 feet to a point, said point having Maryland State plane coordinates north 277691.44, east 763367.39, south 60 degrees 45 minutes 00 seconds east 305.00 feet more or less, to a point, then running south 70 degrees 51 minutes 16 seconds east 160.51 feet to a point, then running south 54 degrees 09 minutes 13 seconds east 329.01 feet to a point, then running south 70 degrees 51 minutes 15 seconds east 1041.97 feet to the eastern right-of-way of Maryland Route 225, said point having Maryland State plane coordinates north 276961.48, east 765040.12, then running along the eastern right-of-way of Maryland Route 225 in a southerly direction 2,900.00 feet more or less, to a point, then leaving said right-of-way and running, south 16 degrees 32 minutes 12 seconds west 543.06 feet to the point of beginning.

(2) Exempting from this description a parcel of land containing 31 acres more or less, conveyed to Carlisle and Nettie Abell and recorded in Liber 1684, Folio 368 of the land records of Charles County.

Parcel 2:

Beginning at a point, said point being the beginning of the second Parcel of the aforesaid tract of land conveyed to the State of Maryland by Potomac Sand and Gravel Co. (Liber 690, Folio 228), said point also being in the south side of Maryland Route 224, 75 feet from the centerline thereof and marking the corner of the Charles County Board of Education property (Liber 177, Folio 448) and running thence with the lines of said property, south 17 degrees 20 minutes 14 seconds east 900.88 feet to a pipe, then running north 84 degrees 05 minutes 07 seconds east 2,019.83 feet to a pipe, then leaving the Board of Education property, south 17 degrees 15 minutes 56 seconds east 410.81 feet to a pipe, then running south 22 degrees 56 minutes 52 seconds west 272.16 feet to a stone in the right-of-way line of Maryland Route 425, and then running with said road, south 31 degrees 49 minutes 32 seconds west 102.16 feet to a pipe, then running south 28 degrees 52 minutes 15 seconds west 118.60 feet to a pipe, then running south 23 degrees 00 minutes 11 seconds west 110.11 feet to a pipe, then running south 16 degrees 32 minutes 33 seconds west 117.64 feet to a pipe, then running south 11 degrees 02 minutes 40 seconds west 126.49 feet to a pipe, then running south 04 degrees 21 minutes 02 seconds west 205.69 feet to a pipe, then leaving the road and running, south 46 degrees 02 minutes 27 seconds west 592.90 feet to a stone, then running south 10 degrees 11 minutes 22 seconds west 1446.91 feet to a stone, then running south 03 degrees 09 minutes 57 seconds east 382.21 feet to a stone, then running south 85 degrees 52 minutes 32 seconds west 962.05 feet to a pipe, then running south 83 degrees 04 minutes 10 seconds west 880.28 feet to a stone, then running north 16 degrees 20 minutes 18 seconds west 1,256.57 feet to a stone, then running south 75 degrees 28 minutes 59 seconds west 163.73 feet to a stone, then running north 12 degrees 04 minutes 42 seconds west 846.73 feet to a stone, then running south 73 degrees 14 minutes 54 seconds west 994.60 feet to a pipe on the east side of Nelson Road, then with said road, north 25 degrees 44 minutes 19 seconds west 197.51 feet to a pipe, then running north 41 degrees 44 minutes 19 seconds west 526.69 feet to a stone, then with the east side of an old roadway, north 15 degrees 07 minutes 05 seconds east 262.45 feet to a pipe, then running north 17 degrees 52 minutes 55 seconds west 295.25 feet to a stone, then running north 05 degrees 53 minutes 18 seconds west 648.53 feet to a pipe, then running north 20 degrees 43 minutes 18 seconds west 149.27 feet to a stone in the south side of Maryland Route 224, then with Maryland Route 224, north 72 degrees 41 minutes 35 seconds east 1,849.04 feet to a point, then running south 17 degrees 18 minutes 25 seconds east 15.00 feet to a point, then running north 72 degrees 41 minutes 35 seconds east 65.00 feet to a point, then running north 17 degrees 18 minutes 25 seconds west 15.00 feet to a point, then running north 72 degrees 41 minutes 35 seconds east 860.30 feet to the point of beginning.

(3) Exempting a 6-acre tract of land located in the northeast corner of the above described Parcel of land, said Parcel is to be reserved for the use of the Charles County Board of Education, Lackey High School.

PARCEL 3:

BEGINNING FOR THE SAME AT A POINT, SAID POINT BEING THE BEGINNING OF THE SOUTH 04 DEGREES 35 MINUTES 58 SECONDS EAST 1034.66 FEET LINE AS SHOWN ON A PLAT OF SURVEY BY FSI DESIGN GROUP, DATED MAY 24, 1989 AND RECORDED IN THE LAND RECORDS OF CHARLES COUNTY IN PLAT BOOK 39, FOLIO 219, AND THEN RUNNING WITH SAID LINE SOUTH 04 DEGREES 35 MINUTES 58 SECONDS 1034.66 FEET TO A POINT, SAID POINT BEING IN THE CENTER OF YATES SPRING BRANCH AND THEN RUNNING GENERALLY WITH THE CENTER OF YATES SPRING BRANCH TO A POINT, SAID POINT BEING THE BEGINNING OF THE SOUTH 24 DEGREES 56 MINUTES 30 SECONDS EAST 1766.34 FOOT LINE OF A TRACT OF LAND WHICH BY DEED DATED DECEMBER 31, 1980 AND RECORDED IN LIBER 760, FOLIO 187 OF THE LAND RECORDS OF CHARLES COUNTY WAS CONVEYED BY FRED R. BUNTING AND BERNICE REEVES TO THE STATE OF MARYLAND TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES AND RUNNING WITH SAID DEED LINE IN ITS ENTIRETY TO A POINT, THEN RUNNING WITH A PORTION OF THE SOUTH 57 DEGREES 13 MINUTES 30 SECONDS WEST 1784.16 FOOT LINE, ~~973.42 FEET TO A POINT~~, THEN LEAVING SAID LINE AND RUNNING NORTH 58 DEGREES 06 MINUTES 58 SECONDS WEST 922.09 FEET ~~TO A POINT~~, NORTH 35 DEGREES 22 MINUTES 22 SECONDS ~~TO A POINT~~ WEST 409.16 FEET, NORTH 47 DEGREES 03 MINUTES 22 SECONDS EAST 220.24 FEET MORE OR LESS TO A POINT, SAID POINT BEING THE BEGINNING OF THE NORTH 54 DEGREES 19 MINUTES 00 SECONDS EAST 268.70 FOOT LINE OF THE ABOVE-MENTIONED CONVEYANCE FROM BUNTING TO THE STATE OF MARYLAND, AND THEN RUNNING WITH A PORTION OF SAID LINE 157.61 FEET MORE OR LESS TO THE BEGINNING OF THE NORTH 24 DEGREES 48 MINUTES 06 SECONDS WEST 1610.66 FOOT LINE AS SHOWN ON THE ABOVE-MENTIONED PLAT RECORDED IN PLAT BOOK 39, FOLIO 219, AND THEN RUNNING WITH SAID LINE NORTH 24 DEGREES 48 MINUTES 06 SECONDS WEST 1610.66 FEET, NORTH 35 DEGREES 28 MINUTES 21 SECONDS WEST 583.63 FEET TO A POINT IN THE SOUTHERN RIGHT OF WAY OF LIVINGSTON ROAD, ~~THENCE~~ THEN RUNNING WITH SAID RIGHT OF WAY GENERALLY IN A NORTHEAST DIRECTION TO THE BEGINNING OF THE SOUTH 27 DEGREES 44 MINUTES 27 SECONDS 264.06 FEET LINE, THEN RUNNING NORTH 65 DEGREES 24 MINUTES 48 SECONDS EAST 241.06 FEET, NORTH 65 DEGREES 24 MINUTES 48 SECONDS EAST 241.06 FEET, NORTH 00 DEGREES 49 MINUTES 01 SECONDS EAST 40.62 FEET, NORTH 05 DEGREES 00 MINUTES 42 SECONDS WEST 140.00 FEET, NORTH 14 DEGREES 47 MINUTES 37 SECONDS WEST 42.50 FEET, NORTH 69 DEGREES 35 MINUTES 12 SECONDS WEST 35.36 FEET, NORTH 65 DEGREES 24 MINUTES 48 SECONDS EAST 147.88 FEET, SOUTH 05 DEGREES 00 MINUTES 42 SECONDS EAST 828.37 FEET, NORTH 84 DEGREES 59 MINUTES 18 SECONDS EAST 250.23 FEET, SOUTH 05 DEGREES 00 MINUTES 42 SECONDS EAST 40.00 FEET, NORTH 84 DEGREES 59 MINUTES 18 SECONDS EAST 40.00 FEET, NORTH 05 DEGREES 00 MINUTES 44 SECONDS EAST 50.45 FEET, NORTH 84 DEGREES 59 MINUTES 18 SECONDS EAST 159.015 FEET, NORTH 05 DEGREES 04 MINUTES 27 SECONDS

WEST 207.09 FEET, NORTH 88 DEGREES 08 MINUTES 50 SECONDS EAST 210.00 FEET TO THE POINT OF BEGINNING.

BEING ALL THE SAME TRACT OF LAND DESCRIBED AS TRACT H IN A DEED FROM VMIF CHARLES COUNTY JOINT VENTURE TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES, DATED OCTOBER 28, 1998, AND RECORDED IN THE LAND RECORDS OF CHARLES COUNTY IN LIBER 2666, FOLIO 501 AND PART OF A TRACT OF LAND WHICH BY DEED DATED DECEMBER 31, 1980 AND RECORDED IN LIBER 760, FOLIO 187 OF THE LAND RECORDS OF CHARLES COUNTY WAS CONVEYED BY FRED R. BUNTING AND BERNICE REEVES TO THE STATE OF MARYLAND TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES.

PARCEL 4:

BEGINNING AT A POINT, SAID POINT BEING THE BEGINNING OF THE NORTH 47 DEGREES 56 MINUTES 00 SECONDS WEST 781.25 FOOT LINE OF THE SECOND PARCEL OF A TRACT OF LAND WHICH BY DEED DATED APRIL 17, 1989 AND RECORDED IN LIBER 1376, FOLIO 003 OF THE LAND RECORDS OF CHARLES COUNTY WAS CONVEYED BY THE GLADFELTER PULP WOOD COMPANY TO VMS CHARLES COUNTY VENTURE, SAID PARCEL OF LAND ALSO DESCRIBED AS TRACT EII BY DEED DATED OCTOBER 28, 1998 AND RECORDED IN LIBER 2666, FOLIO 501 OF THE LAND RECORDS OF CHARLES COUNTY WHICH WAS CONVEYED BY THE VMIF TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES, AND RUNNING WITH SAID FIRST LINE NORTH 47 DEGREES 56 MINUTES 00 SECONDS WEST 781.25 FEET TO A POINT, THEN RUNNING NORTH 43 DEGREES 45 MINUTES 25 SECONDS EAST 199.07 FEET, NORTH 44 DEGREES 40 MINUTES 50 SECONDS EAST 238.20 FEET, NORTH 42 DEGREES 51 MINUTES 00 SECONDS EAST 866.14 FEET, SOUTH 49 DEGREES 12 MINUTES 56 SECONDS EAST 134.08 FEET, NORTH 52 DEGREES 45 MINUTES 08 SECONDS EAST 151.05 FEET, NORTH 41 DEGREES 04 MINUTES 10 SECONDS WEST 197.07 FEET TO THE SOUTHERNMOST RIGHT OF WAY OF MARYLAND ROUTE 210, THEN RUNNING WITH THE SAID RIGHT OF WAY TO A POINT, SAID POINT BEING THE BEGINNING OF THE FIFTY-THIRD LINE OF THE ABOVE-MENTIONED SECOND PARCEL CONVEYED BY THE GLADFELTER PULP WOOD COMPANY TO VMS CHARLES COUNTY VENTURE BY A DEED RECORDED IN LIBER 1356, FOLIO 003 OF THE LAND RECORDS OF CHARLES COUNTY, AND THEN RUNNING SOUTH 51 DEGREES 15 MINUTES 56 SECONDS EAST 206.68 FEET, NORTH 40 DEGREES 46 MINUTES 20 SECONDS EAST 494.62 FEET TO THE SOUTHERNMOST RIGHT OF WAY OF MARYLAND ROUTE 210, THEN RUNNING WITH THE SAID RIGHT OF WAY TO A POINT AT THE BEGINNING OF THE SIXTY-FIRST LINE OF THE ABOVE-MENTIONED SECOND PARCEL CONVEYED BY THE GLADFELTER PULP WOOD COMPANY TO VMS CHARLES COUNTY

~~VENTURE~~ VENTURE, AND THEN RUNNING WITH SAID LINE SOUTH 51 DEGREES 14 MINUTES 13 SECONDS EAST 984.07 FEET, SOUTH 51 DEGREES 15 MINUTES 56 SECONDS EAST 228.54 FEET, SOUTH 51 DEGREES 07 MINUTES 04 SECONDS EAST 1606.73 FEET, TO A POINT, SAID POINT BEING THE END OF THE THIRTY-THIRD OR NORTH 40 DEGREES 35 MINUTES 21 SECONDS WEST 77.88 FOOT LINE OF A TRACT OF LAND WHICH BY DEED DATED FEBRUARY 15, 1989 AND RECORDED IN LIBER 1362, FOLIO 157 OF THE LAND RECORDS OF CHARLES COUNTY WAS CONVEYED BY CTNC, INC. TO VMS CHARLES COUNTY VENTURE, SAID PARCEL OF LAND ALSO DESCRIBED AS TRACT A BY DEED DATED OCTOBER 28, 1998 AND RECORDED IN LIBER 2666, FOLIO 501 OF THE LAND RECORDS OF CHARLES COUNTY WHICH WAS CONVEYED BY THE VMIF TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES, AND RUNNING THEN WITH THE THIRTY-FOURTH LINE NORTH 37 DEGREES 17 MINUTES 13 SECONDS EAST 301.33 FEET, NORTH 38 DEGREES 07 MINUTES 58 SECONDS EAST 400.80 FEET, NORTH 37 DEGREES 56 MINUTES 13 SECONDS EAST 712.19 FEET, SOUTH 27 DEGREES 08 MINUTES 23 SECONDS EAST 1622.88 FEET, SOUTH 37 DEGREES 22 MINUTES 54 SECONDS WEST 1280.28 FEET TO A POINT SAID POINT BEING THE END OF THE NORTH 38 DEGREES 20 MINUTES 58 SECONDS EAST 2773.52 FOOT LINE OF THE FIRST PARCEL OF A TRACT OF LAND WHICH BY DEED DATED APRIL 17, 1989 AND RECORDED IN LIBER 1376, FOLIO 003 OF THE LAND RECORDS OF CHARLES COUNTY WAS CONVEYED BY THE GLADFELTER PULP WOOD COMPANY TO VMS CHARLES COUNTY VENTURE, SAID PARCEL OF LAND ALSO DESCRIBED AS TRACT EII BY DEED DATED OCTOBER 28, 1998 AND RECORDED IN LIBER 2666, FOLIO 501 OF THE LAND RECORDS OF CHARLES COUNTY WHICH WAS CONVEYED BY THE VMIF TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES AND RUNNING WITH SAID SEVENTH LINE SOUTH 48 DEGREES 04 MINUTES 25 SECONDS EAST 650.03 FEET TO A POINT, THEN RUNNING SOUTH 35 DEGREES 09 MINUTES 27 SECONDS EAST 204.81 FEET, SOUTH 51 DEGREES 09 MINUTES 19 SECONDS EAST 395.00 FEET, SOUTH 64 DEGREES 52 MINUTES 44 SECONDS EAST 325.91 FEET, SOUTH 59 DEGREES 44 MINUTES 50 SECONDS WEST 855.02 FEET, SOUTH 04 DEGREES 51 MINUTES 03 SECONDS EAST 1685.76 FEET, SOUTH 67 DEGREES 24 MINUTES 56 SECONDS WEST 105.48 FEET, NORTH 04 DEGREES 51 MINUTES 03 SECONDS WEST 469.00 FEET, SOUTH 82 DEGREES 59 MINUTES 18 SECONDS WEST 452.25 FEET, NORTH 58 DEGREES 25 MINUTES 32 SECONDS WEST 503.35 FEET, NORTH 11 DEGREES 38 MINUTES 56 SECONDS WEST 385.51 FEET, SOUTH 85 DEGREES 51 MINUTES 43 SECONDS WEST 1239.75.00 FEET, NORTH 04 DEGREES 51 MINUTES 03 SECONDS WEST 469.00 FEET, TO A POINT, SAID POINT BEING THE BEGINNING OF THE FOURTH OR 40 DEGREES 04 MINUTES 07 SECONDS WEST 776.41 FOOT LINE OF A TRACT OF LAND WHICH BY DEED DATED FEBRUARY 10, 1989 AND RECORDED IN LIBER 1362, FOLIO 164 OF THE LAND RECORDS OF CHARLES COUNTY WAS CONVEYED BY CTNC INC. TO VMS CHARLES COUNTY VENTURE, SAID PARCEL OF LAND ALSO DESCRIBED AS

TRACT B BY DEED DATED OCTOBER 28, 1998 AND RECORDED IN LIBER 2666, FOLIO 501 OF THE LAND RECORDS OF CHARLES COUNTY WHICH WAS CONVEYED BY THE VMIF TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES, AND RUNNING THEN WITH THE SAID FOURTH LINE SOUTH 40 DEGREES 04 MINUTES 07 SECONDS WEST 776.41 FEET, SOUTH 43 DEGREES 12 MINUTES 47 SECONDS WEST 868.61 FEET, NORTH 52 DEGREES 14 MINUTES 03 SECONDS WEST 662.92 FEET, NORTH 56 DEGREES 35 MINUTES 24 SECONDS WEST 36.31 FEET, SOUTH 30 DEGREES 34 MINUTES 15 SECONDS EAST 433.17 FEET, SOUTH 30 DEGREES 27 MINUTES 21 SECONDS EAST 250.88 FEET, SOUTH 30 DEGREES 25 MINUTES 47 SECONDS EAST 87.57 FEET, SOUTH 64 DEGREES 57 MINUTES 48 SECONDS WEST 444.00 FEET, SOUTH 65 DEGREES 07 MINUTES 48 SECONDS WEST 200.00 FEET, NORTH 29 DEGREES 52 MINUTES 12 SECONDS WEST 197.40 FEET, NORTH 60 DEGREES 07 MINUTES 48 SECONDS WEST 200.00 FEET, NORTH 29 DEGREES 52 MINUTES 12 SECONDS WEST 40.14 FEET, SOUTH 64 DEGREES 57 MINUTES 48 SECONDS WEST 120.00 FEET, NORTH 25 DEGREES 02 MINUTES 12 SECONDS WEST 145.67 FEET, SOUTH 64 DEGREES 53 MINUTES 46 SECONDS WEST 50.82 FEET, NORTH 29 DEGREES 52 MINUTES 12 SECONDS WEST 183.00 FEET, SOUTH 60 DEGREES 42 MINUTES 52 SECONDS WEST 210.00 FEET, SOUTH 30 DEGREES 34 MINUTES 44 SECONDS EAST 32.97 FEET, SOUTH 60 DEGREES 07 MINUTES 48 SECONDS WEST 200.00 FEET, NORTH 29 DEGREES 52 MINUTES 12 SECONDS WEST 61.88 FEET, SOUTH 60 DEGREES 06 MINUTES 23 SECONDS WEST 240.10 FEET, SOUTH 29 DEGREES 57 MINUTES 41 SECONDS EAST 629.32 FEET, SOUTH 60 DEGREES 02 MINUTES 18 SECONDS WEST 200.60 FEET, SOUTH 30 DEGREES 02 MINUTES 02 SECONDS EAST 473.00 FEET, TO A POINT, SAID POINT BEING ON THE NORTHERNMOST RIGHT OF WAY OF LIVINGSTON ~~ROAD~~ ROAD, THEN RUNNING WITH SAID RIGHT OF WAY TO THE END OF THE FORTY-SECOND OR SOUTH 30 DEGREES 00 MINUTES 08 SECONDS WEST 2124.66 FOOT LINE OF A TRACT OF LAND WHICH BY DEED DATED FEBRUARY 15, 1989 AND RECORDED IN LIBER 1362, FOLIO 157 OF THE LAND RECORDS OF CHARLES COUNTY WAS CONVEYED BY CTNC INC. TO VMS CHARLES COUNTY VENTURE, SAID PARCEL OF LAND ALSO DESCRIBED AS TRACT A BY DEED DATED OCTOBER 28, 1998 AND RECORDED IN LIBER 2666, FOLIO 501 OF THE LAND RECORDS OF CHARLES COUNTY WHICH WAS CONVEYED BY THE VMIF CHARLES COUNTY VENTURE TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES, AND ~~RUNNING~~ THEN CONTINUING WITH SAID RIGHT OF WAY TO A POINT, SAID POINT BEING THE BEGINNING OF THE FIRST LINE OF THE AFOREMENTIONED CONVEYANCE FROM CTNC INC. TO VMS CHARLES COUNTY VENTURE, THEN RUNNING WITH THE FIRST THROUGH THE NINETEENTH LINE OF SAID CONVEYANCE TO A POINT, SAID POINT BEING THE BEGINNING OF THE THIRD OR NORTH 44 DEGREES 51 MINUTES 36 SECONDS WEST 112.27 FOOT LINE OF A TRACT OF LAND WHICH BY DEED DATED MARCH 28, 1989 AND RECORDED IN LIBER 1371, FOLIO 424 OF THE LAND RECORDS OF CHARLES COUNTY WAS

CONVEYED BY ALICE R. FLEET TO VMS CHARLES COUNTY VENTURE, SAID PARCEL OF LAND ALSO DESCRIBED AS TRACT D BY DEED DATED OCTOBER 28, 1998 AND RECORDED IN LIBER 2666, FOLIO 501 OF THE LAND RECORDS OF CHARLES COUNTY WHICH WAS CONVEYED BY THE VMIF CHARLES COUNTY VENTURE TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES, AND RUNNING THEN WITH THE SAID THIRD LINE NORTH 44 DEGREES 51 MINUTES 36 SECONDS WEST 112.27 FEET TO A POINT, SAID POINT BEING THE BEGINNING OF THE SOUTH 54 DEGREES 37 MINUTES 14 SECONDS WEST 1333.67 FOOT LINE OF THE ABOVE-MENTIONED SECOND PARCEL OF A TRACT OF LAND CONVEYED BY THE GLADFELTER PULP WOOD COMPANY TO VMS CHARLES COUNTY VENTURE AND THEN RUNNING WITH SAID SEVENTY-FOURTH LINE SOUTH 54 DEGREES 37 MINUTES 14 SECONDS WEST 1333.67 FEET TO THE POINT OF BEGINNING.

(4) EXEMPTING FROM THIS DESCRIPTION OF PARCEL 4 AN EXISTING UNIMPROVED PARKING LOT 2,000 SQUARE FEET MORE OR LESS IN SIZE LOCATED ALONG THE NORTHERNMOST SIDE OF LIVINGSTON ROAD AND A DRIVEWAY ENTRANCE 1,000 YARDS MORE OR LESS LONG THAT ORIGINATES 3,017 FEET MORE OR LESS NORTHEAST FROM THE JUNCTION OF MARYLAND ROUTE 224 AND MARYLAND ROUTE 225.

(5) EXEMPTING FROM THIS DESCRIPTION OF PARCEL 4 A TRACT OF APPROXIMATELY THREE ACRES OF LAND THAT IS USED FOR A PUBLIC PARKING AREA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT, SAID POINT HAVING THE COORDINATE VALUE 344332.00 NORTH, 1281944.00 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), AND THEN RUNNING NORTH 60 DEGREES 54 MINUTES 39 SECONDS EAST 705.27.27 FEET, NORTH 33 DEGREES 01 MINUTES 24 SECONDS WEST 275.54 FEET TO THE SOUTHERNMOST RIGHT OF WAY OF MARYLAND ROUTE 210, THEN RUNNING IN A SOUTHWESTERLY DIRECTION WITH SAID RIGHT OF WAY 700 FEET MORE OR LESS TO A POINT, SAID POINT HAVING THE COORDINATE VALUE 344575.00 NORTH, 1281792.00 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), AND THEN RUNNING SOUTH 31 DEGREES 55 MINUTES 15 SECONDS EAST 286.62 FEET MORE OR LESS TO THE POINT OF BEGINNING.

[(4)] (6) Notwithstanding any other provisions of this title, the Department may:

(i) Permit motorized boat access and use within the boundary of the Mattawoman Wildland; and

(ii) Permit commercial fishing guide operations, provided the base of operations for the commercial activity is not located within the boundary of the Mattawoman Wildland.

(7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, IN THE MATTAWOMAN WILDLAND AREA THE DEPARTMENT, WITH PRIOR APPROVAL OF THE MARYLAND HISTORICAL TRUST AND AFTER AN INTERNAL DEPARTMENTAL REVIEW, MAY AUTHORIZE:

(I) ARCHEOLOGICAL INVENTORIES, STUDIES, AND RESEARCH THAT INVOLVE SURFACE EXAMINATION OR LIMITED SUBSURFACE SAMPLING;

(II) SALVAGE AND EXCAVATION OF ARCHEOLOGICAL SITES;
AND

(III) STABILIZATION AND RESTORATION OF HISTORIC STRUCTURES EXISTING AS OF OCTOBER 1, 2014.

(r) (1) Pursuant to the provisions of subsection (a) of this section, that property in Baltimore County containing approximately [1,526] **1,798** acres and described as follows is a Type 2 State wildland and shall be named the "Soldiers Delight Wildland":

Parcel 1:

Beginning at a stone marked "18", the beginning of the 12th line of the land which by deed dated December 26, 1972 and recorded in the land records of Baltimore County in Liber 5325, Folio 537 was conveyed by Samuel Sietz to the State of Maryland, for the use of Forest and Parks, and running thence, south 57 degrees 48 minutes 11 seconds east 650.00 feet to a concrete monument "DFP-MD-LWR-316", then running north 51 degrees 21 minutes 10 seconds east 528.00 feet to a concrete monument "DFP-MD-LWR-313", then running north 65 degrees 21 minutes 10 seconds east 792.00 feet to a concrete monument "DFP-MD-LWR-309", then running north 51 degrees 21 minutes 10 seconds east 990.00 feet to a concrete monument "DFP-MD-LWR-305", then running north 1 degree 53 minutes 50 seconds west 462.00 feet to a concrete monument "DFP-MD-LWR-303", then running north 37 degrees 06 minutes 10 seconds east 264.00 feet to a steel bar "DFP-MD-LWR-300", then running north 39 degrees 50 minutes 51 seconds east 932.25 feet to a concrete monument "DFP-MD-LWR-298", then running south 50 degrees 58 minutes 08 seconds east 738.25 feet to a concrete monument "DFP-MD-LWR-294", then running south 55 degrees 23 minutes 12 seconds east 1,092.79 feet to a concrete monument "DFP-MD-LWR-153", then running south 87 degrees 07 minutes 45 seconds east 264.72 feet to a concrete monument "DFP-MD-LWR-350", then running north 41 degrees 53 minutes 08 seconds east 1,184.11 feet to a concrete monument "DFP-MD-LWR-343", south 0 degrees 03 minutes 44 seconds west 671.56 feet then running south 2 degrees 52 minutes 08 seconds west 249.28 feet to a steel bar marked "DFP-MD-LWR-217", south 2 degrees 52 minutes 08 seconds west 1,290.00 feet more or less, then running in a southwesterly direction on the northern side of Wards

Chapel Road for approximately 3,120 feet more or less, to a concrete monument marked “DFP–MD–LWR–185”, located approximately 25 feet north of Wards Chapel Road, then running north 64 degrees 46 minutes 58 seconds west 731.50 feet to a stone, south 29 degrees 15 minutes 00 seconds east 648.30 feet to an iron rod on the west margin of Wards Chapel Road, thence running along the northwest edge of Wards Chapel Road in a southerly direction approximately 620 feet more or less, to a point on the northwesterly edge of Wards Chapel Road, said point being the end of the 4th line of the land by which deed dated December 22, 1978 and recorded in the land records of Baltimore County in Liber 5979, Folio 642 was conveyed by Charles J. Brady, John E. Brady, Mary Louise Ruch, and Margaret E. Miller to the State of Maryland for the use of the Department of Natural Resources, then running north 68 degrees 16 minutes 58 seconds west 192.64 feet to a stone, then running north 63 degrees 34 minutes 35 seconds west 494.51 feet to a stone, then running south 21 degrees 17 minutes 38 seconds west 243.84 feet to a stone, then running south 21 degrees 20 minutes 21 seconds west 252.57 feet to a stone, then running south 21 degrees 26 minutes 51 seconds west 860.11 feet to a stone, at a point on the 40th line of the land which by deed dated November 14, 1978 and recorded in the land records of Baltimore County in Liber 5960, Folio 064 was conveyed by Josephine C. Greene, Constance C. Owings, George G. Carey Jr., and Rosalie C. Wood to the State of Maryland, for the use of the Department of Natural Resources, and running thence, south 69 degrees 38 minutes 55 seconds east 410.00 feet more or less, to a stone marked “19”, then running south 21 degrees 54 minutes 53 seconds west 395.39 feet to a concrete monument “DFP–MD–LWR–421”, then running along the northwest edge of Wards Chapel Road in a southwesterly direction approximately 405 feet more or less, to a point on the 3rd line of the aforementioned deed, then running north 80 degrees 57 minutes 32 seconds west 1,407.69 feet to a pipe, then running south 9 degrees 02 minutes 28 seconds west 664.16 feet, to a city concrete monument, then running north 80 degrees 57 minutes 32 seconds west 1,105.70 feet, to a city concrete monument, then running north 8 degrees 33 minutes 36 seconds east 591.15 feet, to a city concrete monument, then running north 8 degrees 33 minutes 36 seconds east 1,191.60 feet, to a stone “9”, then running north 9 degrees 17 minutes 15 seconds west 2,231.10 feet, to a stone “10”, then running south 68 degrees 37 minutes 26 seconds east 140.87 feet, to a stone “11”, then running north 9 degrees 51 minutes 17 seconds west 50.17 feet, to a stone “12”, then running north 23 degrees 31 minutes 00 seconds west 341.25 feet, to a stone, then running south 80 degrees 00 minutes 00 seconds east 697.95 feet, then running north 48 degrees 45 minutes 00 seconds east 263.65 feet to a stone and then running south 89 degrees 00 minutes 00 seconds east 355.10 feet to the point of beginning.

Parcel 2:

Beginning at a point on a line, 1,102.14 feet from the beginning of the 3rd line of Parcel 1 on the land which by deed dated October 7, 1971 and recorded in the land records of Baltimore County in Liber 5225, Folio 427 was conveyed by Samuel R. Zetzer, Homewood Holding Company et al. to the State of Maryland, for the use of the Department of Forest and Parks, on the south side of Wards Chapel Road where the aforementioned road meets the Baltimore Gas and Electric Company of Maryland

right-of-way, and running thence, south 2 degrees 52 minutes 08 seconds west 1,277.14 feet, then running south 3 degrees 15 minutes 19 seconds west 1,747.92 feet, then running south 4 degrees 47 minutes 57 seconds west 1,193.24 feet to a concrete monument "DFP-MD-LWR-219", then running south 4 degrees 47 minutes 16 seconds west 1,755.00 feet, then running south 4 degrees 47 minutes 12 seconds west 24.64 feet, then running south 4 degrees 45 minutes 92 seconds west 1,315.89 feet to a steel bar marked "DFP-MD-LWR-371", then running north 61 degrees 27 minutes 23 seconds west 163.94 feet to a concrete monument "DFP-MD-LWR-370", then running north 61 degrees 27 minutes 23 seconds west 1,863.41 feet to a concrete monument "DFP-MD-LWR-364", then running north 3 degrees 12 minutes 33 seconds west 600.00 feet to a stone "20-1801", then running north 42 degrees 06 minutes 38 seconds east 329.64 feet to a stone "19" (not the aforementioned stone marked 19), then running south 62 degrees 56 minutes 22 seconds east 257.56 feet to a bolt found in a pile of rocks, then running north 4 degrees 24 minutes 43 seconds east 215.92 feet to a stone, then running north 58 degrees 30 minutes 43 seconds west 458.89 feet, then running south 88 degrees 43 minutes 26 seconds west 442.58 feet to a stone, then running north 3 degrees 57 minutes 52 seconds west [1,732.50 feet to a pipe, then running] **891.00 FEET TO A POINT, THEN RUNNING SOUTH 64 DEGREES 11 MINUTES 47 SECONDS WEST 475.20 FEET, NORTH 84 DEGREES 03 MINUTES 32 SECONDS WEST 221.88 FEET, SOUTH 62 DEGREES 56 MINUTES 28 SECONDS WEST 213.31 FEET, SOUTH 54 DEGREES 56 MINUTES 28 SECONDS WEST 271.00 FEET, SOUTH 79 DEGREES 01 MINUTES 53 SECONDS WEST 251.39 FEET, NORTH 05 DEGREES 18 MINUTES 47 SECONDS WEST 32.61 FEET, NORTH 21 DEGREES 54 MINUTES 39 SECONDS WEST 257.00 FEET, SOUTH 86 DEGREES 35 MINUTES 59 SECONDS WEST 375.00 FEET, SOUTH 21 DEGREES 54 MINUTES 39 SECONDS WEST 291.09 FEET, SOUTH 59 DEGREES 24 MINUTES 42 SECONDS WEST 37.74 FEET, SOUTH 54 DEGREES 21 MINUTES 13 SECONDS WEST 81.09 FEET, SOUTH 76 DEGREES 09 MINUTES 48 SECONDS WEST 178.09 FEET, SOUTH 86 DEGREES 19 MINUTES 07 SECONDS WEST 106.75 FEET, NORTH 34 DEGREES 59 MINUTES 14 SECONDS WEST 43.50 FEET, NORTH 25 DEGREES 28 MINUTES 39 SECONDS EAST 232.11 FEET, NORTH 64 DEGREES 31 MINUTES 21 SECONDS WEST 29.14 FEET, NORTH 18 DEGREES 13 MINUTES 45 SECONDS EAST 152.15 FEET, NORTH 72 DEGREES 36 MINUTES 36 SECONDS EAST 146.13 FEET, NORTH 77 DEGREES 53 MINUTES 18 SECONDS EAST 265.85 FEET, NORTH 61 DEGREES 54 MINUTES 07 SECONDS EAST 1204.23 FEET, NORTH 27 DEGREES 54 MINUTES 07 SECONDS EAST 148.50 FEET, SOUTH 77 DEGREES 13 MINUTES 19 SECONDS EAST 113.85 FEET, NORTH 14 DEGREES 24 MINUTES 51 SECONDS WEST 80.19 FEET, SOUTH 89 DEGREES 46 MINUTES 02 SECONDS EAST 247.23 FEET,** north 3 degrees 57 minutes 52 seconds west 209.99 feet to fence fragments, then running north 87 degrees 02 minutes 40 seconds west 271.00 feet to a concrete monument "DFP-MD-LWR-453", then running north 2 degrees 55 minutes 42 seconds west 377.96 feet to a concrete monument "DFP-MD-LWR-455", then running north 2 degrees 55 minutes 42 seconds west 98.69 feet, then running north 28 degrees 40 minutes 16 seconds east 627.00 feet to a stone found "D", then running north 28 degrees 40 minutes 16 seconds east 99.00 feet, then running north 53 degrees 40

minutes 16 seconds east 260.29 feet to a point at the end of the 2nd line of the land which by deed dated January 24, 1990 and recorded in the land records of Baltimore County in Liber 8395, Folio 016, was conveyed by the Roman Catholic Archbishop of Baltimore to the State of Maryland, for the use of the Department of Natural Resources, and running thence, north 33 degrees 15 minutes 54 seconds west 776.00 feet to a steel bar set in the southeasterly side of the macadam paving of the Wards Chapel Road, thence running in a northeasterly direction along Wards Chapel Road approximately 3,425 feet to the point of beginning.

(2) Exempting the Baltimore Gas and Electric Company and Susquehanna Power Company rights-of-way.

Parcel 3:

Beginning at a concrete monument “DFP–MD–LWR–142”, on a line, 869.24 feet from the beginning of the 1st line of Parcel 2 on the land which by deed dated October 7, 1971 and recorded in the land records of Baltimore County in Liber 5225, Folio 427 was conveyed by Samuel R. Zetzer, Homewood Holding Company et al. to the State of Maryland, for the use of the Department of Forest and Parks, on the south side of Wards Chapel Road where the aforementioned road meets the Baltimore Gas and Electric Company of Maryland row, and running thence, south 2 degrees 52 minutes 08 seconds west 1,277.14 feet, then running south 3 degrees 15 minutes 19 seconds west 1,747.92 feet, then running south 4 degrees 47 minutes 57 seconds west 1,193.24 feet to a concrete monument “DFP–MD–LWR–219”, then running south 4 degrees 47 minutes 16 seconds west 1755.00 feet, then running south 4 degrees 47 minutes 12 seconds west 24.64 feet, then running south 4 degrees 45 minutes 92 seconds west 1,315.89 feet to a steel bar marked “DFP–MD–LWR–371”, then running south 61 degrees 27 minutes 23 seconds west 109.28 feet to a concrete monument “DFP–MD–LWR–372”, then running south 61 degrees 27 minutes 23 seconds west 168.76 feet to a concrete monument “DFP–MD–LWR–397”, then running north 37 degrees 40 minutes 15 seconds east 353.20 feet to a stone, then running north 65 degrees 55 minutes 16 seconds east 298.16 feet to a concrete monument “DFP–MD–LWR–401”, then running north 30 degrees 25 minutes 16 seconds east 200.43 feet to a concrete monument “DFP–MD–LWR–402”, then running north 8 degrees 25 minutes 16 seconds east 240.18 feet to a concrete monument “DFP–MD–LWR–403”, then running south 70 degrees 17 minutes 23 seconds east 158.82 feet to a steel bar marked “DFP–MD–LWR–383”, then running south 70 degrees 17 minutes 23 seconds east 390.12 feet, then running south 70 degrees 17 minutes 23 seconds east 515.22 feet to a steel bar marked “DFP–MD–LWR–387”, then running north 26 degrees 54 minutes 10 seconds east [1,143.27 feet to a steel bar marked “DFP–MD–LWR–393”, then running north 26 degrees 54 minutes 10 seconds east 176.73 feet, then running north 26 degrees 54 minutes 10 seconds east 415.80 feet to a point on the northern side of Mountain View Road, 505 feet more or less, from the end of the 11th line of the land which by deed dated June 7, 1989 and recorded in the land records of Baltimore County in Liber 5372, Folio 291 was conveyed by John T. Bachman to the State of Maryland, for the use of the Department of Natural Resources, and running thence south 70 degrees 38 minutes 58 seconds east 495.00

feet] **357.00 FEET, SOUTH 63 DEGREES 25 MINUTES 58 SECONDS EAST 202.55 FEET, SOUTH 26 DEGREES 54 MINUTES 02 SECONDS WEST 201.40 FEET, SOUTH 62 DEGREES 33 MINUTES 00 SECONDS EAST 62.26 FEET, NORTH 26 DEGREES 54 MINUTES 02 SECONDS EAST 340.00 FEET, SOUTH 63 DEGREES 25 MINUTES 58 SECONDS EAST 524.70 FEET, NORTH 20 DEGREES 44 MINUTES 02 SECONDS EAST 377.70 FEET, NORTH 05 DEGREES 54 MINUTES 07 SECONDS WEST 461.90 FEET, NORTH 63 DEGREES 40 MINUTES 31 SECONDS EAST 369.25 FEET, NORTH 17 DEGREES 48 MINUTES 47 SECONDS EAST 331.40 FEET** to a point where Mountain View Road and Deer Park Road intersect, thence running in a northwesterly direction on the southwest side of Deer Park Road for a distance of 5,610 feet to a point at the end of the 2nd line of the land which by deed dated November 9, 1989 and recorded in the land records of Baltimore County in Liber 8322, Folio 620 was conveyed by James Snodgrass and Joseph Snodgrass to the State of Maryland, for the use of the Department of Natural Resources, and running thence, south 54 degrees 45 minutes 04 seconds west 247.50 feet, then running north 29 degrees [14] 47 minutes [56] 52 seconds east 306.00 feet, then running north 55 degrees 06 minutes 48 seconds east 132.50 feet to a point at the southwest edge of Deer Park Road, then running north 34 degrees 00 minutes 00 seconds west 217.50 feet to the point of beginning.

(3) Exempting the Baltimore Gas and Electric Company power line right-of-way.

Parcel 4:

Beginning at a concrete monument "DFP-MD-LWR-373", the beginning of the 3rd line of the land which by deed dated August 19, 1974 and recorded in the land records of Baltimore County in Liber 5476, Folio 837 was conveyed by Charles R. McComas to the State of Maryland, for the use of Forest and Parks, and running thence north 42 degrees 02 minutes 25 seconds east 158.03 feet to a concrete monument "DFP-MD-LWR-374", then running south 57 degrees 07 minutes 53 seconds east 606.74 feet to a concrete monument "DFP-MD-LWR-236", then running south 18 degrees 23 minutes 34 seconds east 415.05 feet, then running north 27 degrees 30 minutes 09 seconds east 260.87 feet, then running south 57 degrees 07 minutes 53 seconds east 42.30 feet to a concrete monument stamped "DFP-MD-LWR-236", then running south 57 degrees 07 minutes 53 seconds east 1,671.36 feet, then running south 16 degrees 03 minutes 66 seconds east 267.69 feet to a steel bar "DFP-MD-LWR-115", then running north 45 degrees 39 minutes 32 seconds east 176.99 feet, then running south 57 degrees 07 minutes 53 seconds west 57.79 feet to a concrete monument with brass disk "B G & E Co.", then running north 87 degrees 37 minutes 10 seconds east [890.00 feet to a point on the west side of a drive, then running with southwest side of said drive 750.00 feet more or less to a point, then leaving said drive and running south 08 degrees west 500.00 feet, then running south 36 degrees east 1,100.00 feet, then running south 71 degrees east 1,400.00 feet, then running north 83 degrees east 500 feet, then running south 01 degrees 23 minutes 41 seconds east 750.00 feet] **2012.51 FEET, SOUTH 49 DEGREES 21 MINUTES 50 SECONDS EAST 87.74 FEET, SOUTH 09 DEGREES 04 MINUTES 35**

SECONDS WEST 357.32 FEET, NORTH 50 DEGREES 50 MINUTES 53 SECONDS EAST 39.76 FEET, SOUTH 87 DEGREES 52 MINUTES 07 SECONDS 73.92 FEET, SOUTH 77 DEGREES 53 MINUTES 07 SECONDS EAST 69.42 FEET, SOUTH 58 DEGREES 46 MINUTES 07 SECONDS EAST 49.94 FEET, NORTH 68 DEGREES 06 MINUTES 59 SECONDS EAST 202.55 FEET, 206.41, SOUTH 49 DEGREES 21 MINUTES 50 SECONDS EAST 1643.61 FEET, NORTH 84 DEGREES 56 MINUTES 17 SECONDS EAST 216.49 FEET, SOUTH 01 DEGREES 23 MINUTES 41 SECONDS EAST 1578.521 FEET to a pipe, then running north 33 degrees 01 minutes 23 seconds west 230.89 feet to a stone, then running south 77 degrees 08 minutes 41 seconds west 500.34 feet to a stone, then running south 22 degrees 16 minutes 43 seconds east 213.84 feet to a stone, then running south 78 degrees 08 minutes 35 seconds west 383.95 feet to a stone, then running north 48 degrees 17 minutes 10 seconds west 548.67 feet to a concrete monument “DFP–MD–LWR–50”, then running south 38 degrees 17 minutes 07 seconds west 416.24 feet to a concrete monument “DFP–MD–LWR–48”, then running south 20 degrees 11 minutes 00 seconds west 831.91 feet to a stone, then running south 53 degrees 34 minutes 16 seconds east 570.91 feet to a stone, then running south 59 degrees 13 minutes 45 seconds east 764.58 feet to a concrete monument “DFP–MD–LWR–37”, then running south 27 degrees 19 minutes 04 seconds west 835.65 feet to a stone, [then running south 77 degrees 06 minutes 16 seconds west 791.36 feet to a concrete monument, then running south 63 degrees 00 minutes 00 seconds east 1,077.45 feet to a point at the northwest edge of Dolfield Road, at the beginning of the last line of the land which by deed dated July 18, 1973 and recorded in the land records of Baltimore County in Liber 5379, Folio 94 was conveyed by International Land and Development Co., Inc., to the State of Maryland, for the use of the Department of Natural Resources, and running thence, south 60 degrees 00 minutes 00 seconds west 337.5 feet to a point at the end of the 11th line of which by deed dated October 7, 1971 and recorded in the land records of Baltimore County in Liber 5225, Folio 427 was conveyed by Samuel R. Zetzer, Homewood Holding Company et al. to the State of Maryland, for the use of the Department of Forest and Parks,] THEN RUNNING SOUTH 59 DEGREES 08 MINUTES 52 SECONDS EAST 457.00 FEET ~~TO A POINT~~, NORTH 33 DEGREES 28 MINUTES 35 SECONDS EAST 289.66 FEET ~~TO A POINT~~, SOUTH 31 DEGREES 23 MINUTES 31 SECONDS EAST 143.01 FEET ~~TO A POINT~~, SOUTH 65 DEGREES 31 MINUTES 16 SECONDS EAST 69.62 FEET ~~TO A POINT~~, SOUTH 73 DEGREES 35 MINUTES 06 SECONDS EAST 38.06 FEET ~~TO A POINT~~, SOUTH 48 DEGREES 06 MINUTES 31 SECONDS EAST 45.46 FEET ~~TO A POINT~~, SOUTH 76 DEGREES 40 MINUTES 31 SECONDS EAST 60.69 FEET TO A POINT, SAID POINT BEING ON THE NORTHWESTERNMOST RIGHT OF WAY OF DOLFIELD ROAD, THEN RUNNING WITH SAID RIGHT OF WAY GENERALLY IN A SOUTHWEST DIRECTION TO A POINT, SAID POINT BEING THE INTERSECTION OF THE NORTHWESTERNMOST RIGHT OF WAY AND THE SOUTH 31 DEGREES 18 MINUTES 08 SECONDS WEST 1027.13 FOOT LINE OF THE LAND WHICH BY DEED DATED JULY 18, 1973 AND RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER 5379, FOLIO 94 WAS CONVEYED BY INTERNATIONAL LAND AND DEVELOPMENT Co., INC., TO THE STATE OF MARYLAND, FOR THE USE OF THE DEPARTMENT OF NATURAL

RESOURCES, AND RUNNING WITH THE REMAINDER OF SAID LINE, then running south 31 degrees 18 minutes 08 seconds west 1,012.13 feet, then running north 70 degrees 23 minutes 13 seconds west 887.00 feet to a stone, then running north 4 degrees 08 minutes 33 seconds west [902.12 feet to a concrete monument "DFP-MD-LWR-283", then running north 70 degrees 35 minutes 57 seconds west 519.83 feet to a steel bar "281", then running north 19 degrees 24 minutes 03 seconds east 330.00 feet, then running north 70 degrees 35 minutes 57 seconds west 389.26 feet, then running south 19 degrees 24 minutes 57 seconds east 330.00 feet, then running north 70 degrees 35 minutes 57 seconds west 237.10 feet] **382.59 FEET, NORTH 70 DEGREES 55 MINUTES 48 SECONDS WEST 520.96 FEET, NORTH 03 DEGREES 57 MINUTES 30 SECONDS WEST 520.96 FEET, NORTH 70 DEGREES 29 MINUTES 30 SECONDS WEST 570.42 FEET, NORTH 25 DEGREES 45 MINUTES 30 SECONDS WEST 68.30 FEET, SOUTH 63 DEGREES 19 MINUTES 33 SECONDS WEST 84.35 FEET, NORTH 26 DEGREES 07 MINUTES 06 SECONDS WEST 307.00 FEET, SOUTH 70 DEGREES 41 MINUTES 35 SECONDS EAST 182.59 FEET** to a concrete monument "DFP-MD-LWR-279", then running north 21 degrees 30 minutes 11 seconds west 528.19 feet to a concrete monument "DFP-MD-LWR-277", then running north 75 degrees 11 minutes 07 seconds west 247.80 feet to a concrete monument "DFP-MD-LWR-276", then running north 21 degrees 29 minutes 12 seconds west 62.04 feet to a concrete monument "DFP-MD-LWR-275", then running north 75 degrees 11 minutes 07 seconds west 433.47 feet to a concrete monument "DFP-MD-LWR-64", then running north 29 degrees 00 minutes 00 seconds west 115.00 feet to a stone, then running south 75 degrees 19 minutes 26 seconds east 305.00 feet to a steel bar "DFP-MD-LWR-274", then running north 27 degrees 37 minutes 34 seconds west 277.60 feet intersecting a point 623.80 feet from the beginning of the 16th line of the land which by deed dated October 7, 1971 and recorded in the land records of Baltimore County in Liber 5225, Folio 427 was conveyed by Samuel R. Zetzer, Homewood Holding Company et al. to the State of Maryland, for the use of the Department of Forest and Parks, running thence, north 75 degrees 13 minutes 34 seconds west 297.04 feet to a stone at the northeast edge of Deer Park Road, then running in a northwesterly direction along the aforementioned road 325.00 feet to an iron pipe 18.6 feet from the northwest edge of the aforementioned road, then running north 54 degrees 53 minutes 34 seconds east 809.00 feet, then running north 35 degrees 06 minutes 26 seconds west 560.48 feet, then running south 54 degrees 53 minutes 34 seconds west 155.42 feet, then running north 35 degrees 06 minutes 26 seconds west 199.94 feet, then running south 54 degrees 53 minutes 34 seconds west 180.92 feet to a point at the northwest edge of Deer Park Road, then running in a northwesterly direction approximately 1,237.5 feet along the northwest edge of Deer Park Road to a concrete monument "DFP-MD-LWR-128", located 50.40 feet from the edge of the aforementioned road, then running north 30 degrees 15 minutes 08 seconds west 100.56 feet, then running north 34 degrees 04 minutes 12 seconds west 150.11 feet, then running north 44 degrees 38 minutes 49 seconds west 119.32 feet, then running north 51 degrees 06 minutes 39 seconds west 150.19 feet, then running north 43 degrees 52 minutes 12 seconds west 214.42 feet, then running north 37 degrees 25 minutes 59 seconds west 149.12 feet, then running north 36 degrees 12 minutes 15 seconds west 142.03 feet,

then running north 31 degrees 40 minutes 15 seconds west 158.00 feet to a steel bar, then running north 26 degrees 43 minutes 43 seconds west 511.50 feet, then running north 54 degrees 10 minutes 45 seconds east 841.50 feet, then running north 52 degrees 39 minutes 08 seconds west 170.20 feet to a stone, then running south 55 degrees 06 minutes 48 seconds west 132.00 feet to a concrete monument “DFP–MD–LWR–238”, then running south 55 degrees 06 minutes 48 seconds west 643.00 feet to the northeast side of Deer Park Road, then running along the aforementioned road 600 feet to a point, and running thence, south 89 degrees 56 minutes 47 seconds east 500.00 feet, then running north 0 degrees 03 minutes 13 seconds west 150.00 feet, then running north 89 degrees 56 minutes 47 seconds west 150.00 feet, then running north 00 degrees 32 minutes 31 seconds east 249.90 feet to a pipe, then running north 89 degrees 56 minutes 47 seconds west 348.50 feet to a point on the northeast side of Deer Park Road, running thence, in a northwesterly direction 670 feet to a point 600 feet from the beginning of the 2nd line of the land which by deed dated August 19, 1974 and recorded in the land records of Baltimore County in Liber 5476, Folio 837 was conveyed by Charles R. McComas to the State of Maryland, for the use of Forest and Parks, thence running, north 2 degrees 52 minutes 08 seconds east 590.00 feet to a concrete monument “DFP–MD–LWR–373”, the point of beginning.

PARCEL 5:

BEGINNING AT A POINT, SAID POINT HAVING THE COORDINATE VALUE 638425.77 NORTH, 1363001.34 EAST (MARYLAND STATE PLANE GRID SYSTEM ~~NAD83~~ NAD83), AND THEN RUNNING NORTH 49 DEGREES 21 MINUTES 51 SECONDS WEST 695.83 FEET, NORTH 68 DEGREES 06 MINUTES 59 SECONDS EAST 195.92 FEET, SOUTH 33 DEGREES 20 MINUTES 45 SECONDS EAST 629.88 FEET TO THE POINT OF BEGINNING.

PARCEL 6:

BEGINNING AT A POINT, SAID POINT HAVING THE COORDINATE VALUE 638425.77 NORTH, 1363001.34 EAST (MARYLAND STATE PLANE GRID SYSTEM ~~NAD83~~ NAD83), AND THEN RUNNING SOUTH 58 DEGREES 39 MINUTES 15 SECONDS EAST 1010.96 FEET, SOUTH 01 DEGREES 23 MINUTES 41 SECONDS EAST 33.86 FEET, SOUTH 84 DEGREES 56 MINUTES 17 SECONDS WEST 192.90 FEET, NORTH 49 DEGREES 21 MINUTES 50 SECONDS EAST 885.64 FEET TO THE POINT OF BEGINNING.

PARCEL 7:

BEGINNING AT A POINT, SAID POINT BEING THE END OF THE SOUTH 41 DEGREES 05 MINUTES 09 SECONDS WEST 676.77 FOOT LINE AS SHOWN ON A PLAT OF SURVEY ENTITLED “1ST AMENDED PLAT OF DURKEE PROPERTY”, PREPARED BY DUVAL AND ASSOCIATES, INC., DATED AUGUST 25, 1998 AND

RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK 71, PAGE 19, SAID POINT HAVING THE COORDINATE VALUE 642713.07 NORTH, 1355507.80 EAST (MARYLAND STATE PLANE GRID SYSTEM ~~NAD83~~ NAD83), AND THEN RUNNING SOUTH 69 DEGREES 48 MINUTES 26 SECONDS WEST 586.56 FEET, SOUTH 21 DEGREES 22 MINUTES 14 SECONDS EAST 213.44 FEET, SOUTH 55 DEGREES 37 MINUTES 11 SECONDS WEST 942.71 FEET MORE OR LESS TO A ~~POINT SAID POINT INTERSECTION~~ POINT, SAID POINT INTERSECTING THE BOUNDARY OF THE PROPERTY OF THE STATE OF MARYLAND, THEN RUNNING WITH SAID BOUNDARY SOUTH 33 DEGREES 04 MINUTES 36 SECONDS EAST 346.63 FEET MORE OR LESS ~~TO A POINT~~, NORTH 62 DEGREES 57 MINUTES 41 SECONDS EAST 86.46 FEET MORE OR LESS ~~TO A POINT~~, THEN LEAVING THE SAID STATE BOUNDARY AND RUNNING NORTH 62 DEGREES 16 MINUTES 10 SECONDS EAST 744.49 FEET MORE OR LESS ~~TO A POINT~~, NORTH 08 DEGREES 47 MINUTES 26 SECONDS WEST 213.01 FEET MORE OR LESS ~~TO A POINT~~, NORTH 55 DEGREES 16 MINUTES 03 SECONDS EAST 628.47 FEET MORE OR LESS ~~TO A POINT~~, SOUTH 43 DEGREES 45 MINUTES 02 SECONDS WEST 492.70 FEET MORE OR LESS ~~TO A POINT~~, SOUTH 46 DEGREES 12 MINUTES 42 SECONDS WEST 508.04 FEET MORE OR LESS ~~TO A POINT~~, SOUTH 49 DEGREES 40 MINUTES 10 SECONDS WEST 519.62 FEET MORE OR LESS TO A POINT, SAID POINT BEING ON THE EXISTING BOUNDARY OF THE STATE OF MARYLAND, ~~THEN WITH SAID BOUNDARY~~ PROPERTY, THEN RUNNING WITH SAID BOUNDARY NORTH 42 DEGREES 01 MINUTES 00 SECONDS EAST 294.92 FEET MORE OR LESS ~~TO A POINT~~, NORTH 25 DEGREES 24 MINUTES 54 SECONDS WEST 607.13 FEET MORE OR LESS ~~TO A POINT~~, NORTH 84 DEGREES 42 MINUTES 30 SECONDS EAST 734.94 FEET MORE OR LESS ~~TO A POINT~~, NORTH 02 DEGREES 21 MINUTES 58 SECONDS EAST 979.00 FEET MORE OR LESS ~~TO A POINT~~, NORTH 52 DEGREES 45 MINUTES 25 SECONDS WEST 54.97 FEET MORE OR LESS ~~TO A POINT~~, NORTH 34 DEGREES 00 MINUTES 09 SECONDS WEST 85.95 FEET MORE OR LESS ~~TO A POINT~~, NORTH 02 DEGREES 21 MINUTES 57 SECONDS EAST 544.95 FEET MORE OR LESS ~~TO A POINT~~, NORTH 27 DEGREES 10 MINUTES 26 SECONDS WEST 288.20 FEET MORE OR LESS ~~TO A POINT~~, NORTH 56 DEGREES 34 MINUTES 34 SECONDS EAST 89.30 FEET MORE OR LESS ~~TO A POINT~~, NORTH 37 DEGREES 46 MINUTES 11 SECONDS WEST 618.92 FEET MORE OR LESS ~~TO A POINT~~, NORTH 54 DEGREES 42 MINUTES 10 SECONDS WEST 204.60 FEET MORE OR LESS ~~TO A POINT~~, NORTH 16 DEGREES 57 MINUTES 50 SECONDS WEST 703.48 FEET MORE OR LESS ~~TO A POINT~~, SOUTH 55 DEGREES 44 MINUTES 11 SECONDS WEST 277.53 FEET MORE OR LESS ~~TO A POINT~~, NORTH 72 DEGREES 44 MINUTES 24 SECONDS WEST 560.36 FEET MORE OR LESS TO A POINT, NORTH 89 DEGREES 49 MINUTES 38 SECONDS WEST 336.13 FEET MORE OR LESS ~~TO A POINT~~, SOUTH 40 DEGREES 13 MINUTES 01 SECONDS WEST 529.12 FEET MORE OR LESS ~~TO A POINT~~, SOUTH 28 DEGREES 31 MINUTES 38 SECONDS WEST 1064.97 FEET MORE OR LESS ~~TO A POINT~~, SOUTH 61 DEGREES 02 MINUTES 08 SECONDS EAST 1270.23 FEET MORE OR LESS ~~TO A POINT~~, SOUTH 05 DEGREES 55 MINUTES 23 SECONDS WEST 280.50 FEET MORE OR LESS ~~TO A~~

~~POINT~~, SOUTH 40 DEGREES 50 MINUTES 50 SECONDS WEST 676.77 FEET TO THE POINT OF BEGINNING.

(4) Exempting from the above described Parcels the following described tracts:

Tract 1:

Beginning at a point, said point being the beginning of the above described Parcel 1 and then running, south 21 degrees 35 minutes 00 seconds west 454.19 feet, then running south 04 degrees 01 minutes 00 seconds west 318.98 feet, then running south 56 degrees 34 minutes 00 seconds west 350.00 feet more or less to a point, then running north 48 degrees 00 minutes 00 seconds west 380.00 feet more or less to a point, then running north 72 degrees 00 minutes 00 seconds west 750.00 feet more or less to the end of the 35th line of Parcel 1, then running with the 36th, 37th, 38th, and 39th lines of said Parcel to the beginning.

Tract 2:

Beginning at a point, said point being north 69 degrees west 580.00 feet more or less from the end of the 24th line of Parcel 1, and then running north 69 degrees 00 minutes 00 seconds west 580.00 feet, then running north 21 degrees 00 minutes 00 seconds east 570.00 feet, then running north 47 degrees 00 minutes 00 seconds west 450.00 feet, then running south 64 degrees 00 minutes 00 seconds west 440.00 feet, then running north 17 degrees 30 minutes 00 seconds west 430.00 feet, then running north 72 degrees 30 minutes 00 seconds east 370.00 feet, then running north 19 degrees 00 minutes 00 seconds east 450.00 feet, then running south 65 degrees 00 minutes 00 seconds east 180.00 feet, then running north 82 degrees 00 minutes 00 seconds east 470.00 feet, then running north 58 degrees 00 minutes 00 seconds east 780.00 feet, then running north 32 degrees 00 minutes 00 seconds east 770.00 feet, then running south 09 degrees 00 minutes 00 seconds east 830.00 feet, then running south 59 degrees 30 minutes 00 seconds east 340.00 feet, then running south 05 degrees 30 minutes 00 seconds west 680.00 feet, then running north 59 degrees 00 minutes 00 seconds west 720.00 feet, then running south 10 degrees 00 minutes 00 seconds west 250.00 feet, then running south 75 degrees 00 minutes 00 seconds west 370.00 feet, then running south 65 degrees 30 minutes 00 seconds east 490.00 feet, then running south 24 degrees 00 minutes 00 seconds west 670.00 feet, then running north 54 degrees 30 minutes 00 seconds west 300.00 feet, then running south 18 degrees 30 minutes 00 seconds west 580.00 feet to the point of beginning.

Including also the existing right-of-way to Wards Chapel Road.

Tract 3:

Beginning at a point, said point being south 50 degrees west 160.00 feet more or less from the end of the 3rd line of the above described Parcel 1 and running north 52 degrees 00 minutes 00 seconds east 170.00 feet, then running south 38 degrees 00

minutes 00 seconds east 170.00 feet, then running south 52 degrees 00 minutes 00 seconds west 170.00 feet, then running north 38 degrees 00 minutes 00 seconds east 170.00 feet to the point of beginning.

Including also the existing right-of-way to Wards Chapel Road.

Tract 4:

Beginning at a point, said point being south 26 degrees east 530.00 feet from the end of the 4th line of the above described Parcel 1 and running south 82 degrees 00 minutes 00 seconds east 270.00 feet, then running south 08 degrees 00 minutes 00 seconds west 270.00 feet, then running north 82 degrees 00 minutes 00 seconds west 270.00 feet, then running north 08 degrees 00 minutes 00 seconds east 270.00 feet to the point of beginning.

Including also the existing right-of-way to Wards Chapel Road.

Tract 5:

Being a 20 foot right-of-way and described as follows: beginning at a point, said point being north 59 degrees 13 minutes 45 seconds west 141.60 feet from the end of the 26th line of the above described Parcel 4, and then running, north 88 degrees 35 minutes 20 seconds west 29.50 feet, then running north 65 degrees 31 minutes 10 seconds west 45.00 feet, then running north 56 degrees 30 minutes 40 seconds west 211.59 feet, then running north 82 degrees 28 minutes 10 seconds west 26.71 feet, then running south 70 degrees 31 minutes 20 seconds west 36.50 feet, then running south 39 degrees 39 minutes 50 seconds west 175.15 feet, then running south 40 degrees 09 minutes 20 seconds west 282.86 feet, then running south 54 degrees 22 minutes 20 seconds west 34.47 feet, then running south 83 degrees 10 minutes 20 seconds west 22.70 feet, then running north 76 degrees 44 minutes 40 seconds west 31.50 feet, then running north 58 degrees 35 minutes 40 seconds west 207.31 feet, then running north 40 degrees 18 minutes 40 seconds west 113.60 feet to the point of beginning.

Tract 6:

Beginning at a point, said point being north 20 degrees 13 minutes 04 seconds east 472.00 feet from the end of the 14th line of the above described Parcel 3, and then running south 70 degrees 17 minutes 23 seconds east 68.00 feet, then running north 20 degrees 13 minutes 04 seconds east 263.00 feet, then running north 70 degrees 17 minutes 23 seconds west 250.00 feet, then running south 20 degrees 13 minutes 14 seconds west 263.00 feet, then running south 70 degrees 17 minutes 23 seconds east 182.00 feet to the point of beginning.

Including also the existing right-of-way to Deer Park Road.

Tract 7:

Beginning at a point, said point being north 20 degrees 13 minutes 04 seconds east 932.00 feet from the end of the 13th line of the above described Parcel 3, and then running, north 83 degrees 20 minutes 37 seconds east 353.00 feet, then running north 03 degrees 04 minutes 45 seconds east 174.00 feet, then running south 83 degrees 20 minutes 37 seconds west 305.00 feet, then running south 20 degrees 13 minutes 04 seconds west 195.00 feet to the point of beginning.

Including also the existing right-of-way to Deer Park Road.

Tract 8:

Beginning at a point, said point being north 76 degrees 28 minutes 38 seconds east from a point located north 04 degrees 47 minutes 57 seconds east 880.00 feet from the end of the 3rd line of the above described Parcel 4, and then running south 85 degrees 12 minutes 03 seconds east 790.00 feet, then running south 04 degrees 47 minutes 57 seconds west 173.00 feet, then running south 85 degrees 12 minutes 03 seconds east 495.00 feet, then running south 04 degrees 47 minutes 57 seconds west 280.00 feet, then running north 85 degrees 12 minutes 03 seconds west 1,280.00 feet, then running north 04 degrees 47 minutes 57 seconds east 450.00 feet to the point of beginning.

Including also the existing right-of-way to Deer Park Road.

Tract 9:

A Parcel of land containing a parking lot situate on the west side of Deer Park Road, 2,400.00 feet more or less south of the intersection with Wards Chapel Road.

Tract 10:

Beginning at a point, said point being on the west side of Deer Park Road, 1,200 feet south of the intersection with Wards Chapel Road, and then running south 58 degrees 00 minutes 00 seconds west 270.00 feet, then running south 07 degrees 00 minutes 00 seconds west 150.00 feet, then running south 15 degrees 00 minutes 00 seconds east 60.00 feet, then running south 86 degrees 00 minutes 00 seconds east 150.00 feet, then running north 62 degrees 00 minutes 00 seconds east 320.00 feet to a point on the west side of Deer Park Road, then running with said road to the point of beginning.

Tract 11:

Beginning at a point, said point being on the west side of Deer Park Road, 860 feet south of the intersection with Wards Chapel Road, and then running south 56 degrees 00 minutes 00 seconds east 680.00 feet, then running south 270.00 feet, then running north 50 degrees 00 minutes 00 seconds east 330.00 feet, then running north

42 degrees 00 minutes 00 seconds east 470.00 feet to the west side of Deer Park Road, then running with said road to the point of beginning.

(5) The Soldiers Delight Wildland Area contains unique ecological features associated with serpentine soils. Active manipulation of the landscape may be required to maintain these features. Notwithstanding any other provisions of this title, the Department may:

(i) Remove, replace, or dispose of vegetation using mechanical or motorized equipment; and

(ii) Erect fencing, gates, and signage associated with the protection and interpretation of unique natural or historical elements as called for in the management plan for the area.

(v) (1) Pursuant to the provisions of subsection (a) of this section, that property in Washington and Allegany counties containing approximately [922] **1,555** acres and described as follows is a Type 2 wildland and shall be named the "Sideling Hill Wildland":

Parcel 1:

Beginning for the same, at a point, said point being the beginning of a tract of land which by deed dated July 26, 1927, and recorded in the land records of Washington County in Liber 178, Folio 75, was conveyed by Washington Orchard Company to the State of Maryland, for the use of the Game and Conservation Department, said point also being the beginning of Parcel 2 of a tract of land which by deed dated July 26, 1927 and recorded in the land records of Allegany County in Liber 156, Folio 135 was conveyed by the Washington Orchard Company to the State of Maryland, for the use of the Game and Conservation Department, thence binding on and reversing on the 93rd, 92nd, 91st, 90th lines of the aforementioned first tract of land, south 74 degrees 00 minutes 00 seconds east 412.50 feet to a stone, then running north 80 degrees 30 minutes 00 seconds east 313.50 feet to a point, then running north 34 degrees 30 minutes 00 seconds east 1,650.00 feet to a stone, then running south 66 degrees 30 minutes 00 seconds east 1,600.50 feet more or less, to a point on the western edge of Riser Road, then running with the western edge of Riser Road, in a southwesterly direction, 7,950.00 feet more or less, to a point, said point being the beginning of the second Parcel of a tract of land which by deed dated September 17, 1958, and recorded in the land records of Allegany County in Liber 340, Folio 276, was conveyed by Baltimore Area Council Boy Scouts of America, Incorporated to the State of Maryland, for the use of the Game and Inland Fish Commission, then running, north 18 degrees 00 minutes 00 seconds west 540.00 feet to a point, then running north 55 degrees 00 minutes 00 seconds west 367.00 feet to a point, then running north 19 degrees 00 minutes 00 seconds west 104.00 feet to a point, then running south 50 degrees 00 minutes 00 seconds west 40.00 feet to a point in the center of a spring, then running north 43 degrees 00 minutes 00 seconds west 405.00 feet, to a stone pile set on the north side of a Wood Road, then running, north 66 degrees 00

minutes 00 seconds west 396.00 feet to a point, then running north 10 degrees 00 minutes 00 seconds west 396.00 feet to a point, then running north 15 degrees 30 minutes 00 seconds west 278.00 feet to a point, then running north 15 degrees 30 minutes 00 seconds west 478.00 feet to a point, then running north 46 degrees 00 minutes 00 seconds east 309.00 feet to a stone pile on the south bank of Sideling Hill Creek, then crossing said creek and running, north 46 degrees 00 minutes 00 seconds east 87.00 feet to a point, said point being on the 23rd line of the second aforementioned tract of land, then running with said tract of land and along Sideling Hill Creek, north 53 degrees 30 minutes 00 seconds west 900.00 feet more or less, to a point, then running north 65 degrees 25 minutes 00 seconds west 834.90 feet more or less, to a point, then running north 54 degrees 45 minutes 00 seconds west 396.00 feet more or less, to a point, then leaving the creek and running, south 47 degrees 45 minutes 00 seconds west 214.50 feet more or less, to a point on the south bank of the creek, then running north 56 degrees 00 minutes 00 seconds west 660.00 feet more or less, to a point near the creek, then running south 56 degrees 00 minutes 00 seconds west 1,501.50 feet more or less, to a point, then running south 44 degrees 00 minutes 00 seconds west 198.00 feet more or less, to a point near the east bank of the creek, then running north 47 degrees 00 minutes 00 seconds east 247.50 feet more or less, then crossing the creek and running, north 31 degrees 30 minutes 00 seconds east 247.50 feet more or less, to a point, then running south 33 degrees 00 minutes 00 seconds east 198.00 feet more or less, to a point near the west bank of the creek, then running north 55 degrees 00 minutes 00 seconds east 132.00 feet more or less, to a point, then leaving the creek and running, north 45 degrees 00 minutes 00 seconds west 231.00 feet, then running north 28 degrees 00 minutes 00 seconds west 99.00 feet, then running north 09 degrees 00 minutes 00 seconds west 561.00 feet, then running north 15 degrees 00 minutes 00 seconds east 759.00 feet, then running north 31 degrees 00 minutes 00 seconds east 396.00 feet, then running north 89 degrees 00 minutes 00 seconds east 627.00 feet, then running north 30 degrees 00 minutes 00 seconds east 429.00 feet, then running south 80 degrees 00 minutes 00 seconds east 561.00 feet, then running north 57 degrees 15 minutes 00 seconds east 412.50 feet, then running south 56 degrees 00 minutes 00 seconds east 441.37 feet, then running north 33 degrees 00 minutes 00 seconds east 792.00 feet, then running north 50 degrees 30 minutes 00 seconds east 231.00 feet, then running north 17 degrees 00 minutes 00 seconds west 346.50 feet to a pole line, then running with said pole line, south 85 degrees 30 minutes 00 seconds east 970.00 feet then leaving said pole line and running south 50.00 feet, then running south 59 degrees 00 minutes 00 seconds east 495.00 feet, then running north 86 degrees 30 minutes 00 seconds east 330.00 feet, then running north 86 degrees 30 minutes 00 seconds east 1,839.75 feet, then running south 57 degrees 00 minutes 00 seconds east 264.00 feet, then running south 30 degrees 00 minutes 00 seconds east 330.00 feet, then running south 06 degrees 15 minutes 00 seconds east 519.75 feet, then running south 86 degrees 00 minutes 00 seconds east 231.00 feet, then running south 74 degrees 00 minutes 00 seconds east 49.50 feet to the beginning.

(2) Exempting a tract of land described as beginning at a point, said point being north 30 degrees 00 east 1,450 feet from the end of the 16th line of the

above described Parcel of land, said point being the center of a Parcel of land with a radius of 75.00 feet, this circular Parcel of land contains 0.405 acres.

(3) Exempting a tract of land described as beginning at a point, said point being south 37 degrees 00 minutes 00 seconds west 275.00 feet from the beginning of the 44th line of the above described wildland and running south 56 degrees 00 minutes east 875.00 feet, then running south 17 degrees 00 minutes east 925.00 feet, then running north 65 degrees 30 minutes west 940.00 feet, then running south 54 degrees 00 minutes west 360.00 feet, then running north 30 degrees 00 minutes west 660.00 feet, then running north 37 degrees 00 minutes east 800.00 feet to the beginning.

Parcel 2:

Beginning at a point in Sideling Hill Creek, said point being the end of the 30th or north 49 degrees 00 minutes west line of a tract of land which by deed dated July 26, 1927, and recorded in the land records of Washington County in Liber 178, Folio 75, was conveyed by Washington Orchard Company to the State of Maryland, for the use of the Game and Conservation Department, thence binding and reversing on the 30th and 29th lines of said tract of land, south 49 degrees 00 minutes 00 seconds east 1,815.00 feet to a point, then running south 56 degrees 00 minutes 00 seconds east 412.50 feet to a point, then running south 56 degrees 00 minutes 00 seconds east 450.00 feet more or less, to a point, then running south 36 degrees 30 minutes 00 seconds west 1,400.00 feet more or less, to a point, then running south 61 degrees 45 minutes 00 seconds west 530.00 feet, more or less, to a concrete monument, said monument being the end of the 3rd line, of the Parcel, of a tract of land which by deed dated March 4, 1991, and recorded in the land records of Washington County in Liber 985, Folio 819, was conveyed by the Baltimore Area Council, Boy Scouts of America, Inc. to the State of Maryland, for the use of the Department of Natural Resources, thence binding on and reversing the 3rd and 2nd lines of said tract of land north 51 degrees 15 minutes 46 seconds west 1,968.98 feet to a stone pile, then running south 78 degrees 07 minutes 23 seconds west 584.37 feet to a 3/8" rebar, then running north 30 degrees 00 minutes 00 seconds west 1,740.00 feet more or less, to a point in Sideling Hill Creek, then running with the creek in a southwesterly direction, 1,200.00 feet more or less, to a point, then running north 40 degrees 00 minutes 00 seconds west 1,250.00 feet more or less, to a point at the end of the 32nd line of the first Parcel of a tract of land which by deed dated September 17, 1958, and recorded in the land records of Allegany County in Liber 340, Folio 276, was conveyed by Baltimore Area Council Boy Scouts of America, Incorporated to the State of Maryland, for the use of the Game and Inland Fish Commission, then running with said tract of land with the 32nd through the 17th and part of the 16th lines, reversed, south 73 degrees 30 minutes 00 seconds east 220.00 feet, then running north 122.00 feet, then running north 70 degrees 00 minutes 00 seconds east 86.00 feet, then running south 56 degrees 45 minutes 00 seconds east 165.00 feet, then running south 81 degrees 00 minutes 00 seconds east 332.00 feet, then running south 51 degrees 15 minutes 00 seconds east 99.00 feet to a stone marked "39", then running north 84 degrees 00 minutes 00 seconds east 205.00 feet to a stone marked "38", then running north 59 degrees 15

minutes 00 seconds east 1,012.00 feet to a stone marked “37”, then running north 35 degrees 15 minutes 00 seconds east 447.00 feet to a stone marked “36”, then running north 60 degrees 00 minutes 00 seconds east 314.00 feet to a stone marked “35”, then running north 30 degrees 00 minutes 00 seconds west 266.00 feet to a stone marked “34”, then running north 23 degrees 00 minutes 00 seconds east 146.00 feet to a stone marked “33”, then running south 85 degrees 00 minutes 00 seconds east 842.00 feet to a stone marked “32”, then running south 10 degrees 00 minutes 00 seconds east 132.00 feet, then running south 44 degrees 30 minutes 00 seconds west 122.00 feet to a stone marked “30”, then running south 69 degrees 00 minutes 00 seconds east 858.00 feet to a point in the center of Sideling Hill Creek, then running with the center of the creek south 03 degrees 00 minutes 00 seconds west 200.00 feet more or less, to the point of beginning.

PARCEL 3:

BEGINNING FOR THE SAME AT A ~~POINT~~ POINT, SAID POINT BEING THE BEGINNING OF THE FIRST LINE OF THE PARCEL OF LAND DESCRIBED IN A DEED DATED AUGUST 7, 1931 AND RECORDED AUGUST 15, 1941 AMONG THE LAND RECORDS OF ~~ALLEGHENY~~ ALLEGANY COUNTY IN LIBER 166, FOLIO 194 WHICH WAS CONVEYED BY MARY GEORGE ET AL. TO THE STATE OF MARYLAND, ~~THENCE~~ THEN RUNNING WITH SAID FIRST LINE 703.01 FEET TO THE WESTERNMOST RIGHT OF WAY OF HOOP POLE ROAD, THEN RUNNING WITH THE WESTERNMOST RIGHT OF WAY OF SAID HOOP POLE ROAD IN A SOUTHERLY DIRECTION 7137.41 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT OF WAY OF HOOP HOLE ROAD AND THE FIFTY FIRST LINE OF THE ABOVEMENTIONED CONVEYANCE FROM MARY GEORGE ET AL. TO THE STATE OF MARYLAND, ~~THENCE~~ THEN LEAVING SAID ROAD AND RUNNING WITH THE EXISTING STATE FOREST BOUNDARY SOUTH 70 DEGREES WEST 290.78 FEET, THEN SOUTH 20 DEGREES EAST 584.15 FEET TO A POINT, SAID POINT BEING THE BEGINNING OF THE FIRST LINE OF THE PARCEL OF LAND DESCRIBED IN A DEED DATED SEPTEMBER 27, 1984 AND RECORDED AMONG THE LAND RECORDS OF ~~ALLEGHENY~~ ALLEGANY COUNTY IN LIBER 545, FOLIO 546 WHICH WAS CONVEYED BY MILLARD H CREEK AND GALE L CREEK, HIS WIFE, TO THE STATE OF MARYLAND, FOR THE USE OF THE DEPARTMENT OF NATURAL RESOURCES, SAID POINT ALSO BEING ON THE SOUTH SIDE OF STOTTLEMYER ROAD, THEN RUNNING WITH THE SOUTH AND WEST SIDE OF STOTTLEMYER ROAD 2026.71 FEET TO A POINT AT THE END OF THE SIXTEENTH LINE OF THE ABOVE MENTIONED CONVEYANCE FROM MILLARD H CREEK AND GALE L CREEK, HIS WIFE, TO THE STATE OF MARYLAND, FOR THE USE OF THE DEPARTMENT OF NATURAL RESOURCES, THEN LEAVING THE WESTERNMOST RIGHT OF WAY OF STOTTLEMYER ROAD AND THE BOUNDARY OF GREEN RIDGE STATE FOREST AND RUNNING THE FOLLOWING COURSES, SOUTH 78 DEGREES 58 MINUTES 25 SECONDS WEST 1297.0 FEET TO A POINT, SAID POINT HAVING THE COORDINATE VALUE 727797.69 NORTH, 927314.07 EAST (MARYLAND

STATE PLANE GRID SYSTEM NAD83), THEN SOUTH 57 DEGREES 25 MINUTES 29 SECONDS WEST 404.8 FEET, THEN SOUTH 85 DEGREES 04 MINUTES 13 SECONDS WEST 1476.8 FEET TO A POINT, SAID POINT HAVING THE COORDINATE VALUE 727452.82 NORTH, 925501.54 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), THEN NORTH 74 DEGREES 08 MINUTES 29 SECONDS WEST 860.00 MORE OR LESS TO THE EASTERNMOST RIGHT OF WAY OF ORLEANS ROAD, THEN RUNNING WITH SAID RIGHT OF WAY OF ORLEANS ROAD IN A NORTHERLY DIRECTION TO INTERSECT THE GREEN RIDGE STATE FOREST BOUNDARY AND THE ONE HUNDRED FOURTEENTH LINE OF THE ABOVE MENTIONED CONVEYANCE FROM MARY GEORGE ET AL. TO THE STATE OF MARYLAND, ~~THENCE~~ THEN RUNNING WITH THE SAID RIGHT OF WAY, THE STATE FOREST BOUNDARY AND THE REMAINDER OF THE AFORESAID ONE HUNDRED FOURTEENTH LINE TO A POINT, THEN RUNNING THE ENTIRE ONE HUNDRED FIFTEENTH LINE THROUGH THE ONE HUNDRED NINETEENTH LINE OF THE AFOREMENTIONED CONVEYANCE FROM MARY GEORGE ET AL. TO THE STATE OF MARYLAND TO THE POINT OF BEGINNING.

PARCEL 4:

BEGINNING FOR THE SAME AT A POINT SAID POINT BEING THE BEGINNING OF THE THIRTY SEVENTH LINE OF THE ABOVEMENTIONED PARCEL OF LAND DESCRIBED IN A DEED DATED AUGUST 7, 1931 AND RECORDED AUGUST 15, 1941 AMONG THE LAND RECORDS OF ALLEGANY COUNTY IN LIBER 166, FOLIO 194 WHICH WAS CONVEYED BY MARY GEORGE ET AL. TO THE STATE OF MARYLAND, ~~THENCE~~ THEN RUNNING WITH THE AFORESAID THIRTY SEVENTH LINE THROUGH THE FORTY SECOND LINE, THEN RUNNING WITH THE FORTY THIRD LINE 627.33 FEET TO A POINT ON THE WESTERNMOST RIGHT OF WAY OF STOTTLEMYER ROAD, THEN RUNNING WITH THE SAID WESTERNMOST RIGHT OF WAY OF STOTTLEMYER ROAD IN A SOUTHWESTERLY DIRECTION 1063.66 FEET TO A POINT, SAID POINT BEING IN THE WESTERNMOST RIGHT OF WAY OF THE INTERSECTION OF STOTTLEMYER ROAD AND HOOP POLE ROAD, THEN RUNNING WITH THE EASTERNMOST RIGHT OF WAY OF HOOP POLE ROAD 4483.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.

(w) Pursuant to the provisions of subsection (a) of this section, that property in Allegany County containing approximately [2,760] **5,125** acres and described as follows is a Type 1 State wildland and shall be named the "Maple Run Wildland":

Beginning at a point, which by deed dated May 3, 1938 and recorded in the land records of Allegany County in Liber [rj] 180, Folio 713, was conveyed by Mrs. Margaret Bailey to the State of Maryland, said point being the northwest corner of Green Ridge Valley Orchard Lot 683, Section F, where the east side of Black Twigg Road intersects the southwest side of Mertens Avenue, then running along the southwest side of Mertens Avenue, [14,100] **15,000** feet more or less, to the

intersection of Green Ridge Road, then running along the west side of Green Ridge Road a distance of [6,600 feet more or less, to the intersection of the transmission line with Green Ridge Road, then running in a west direction along the north boundary of the transmission line, 990 feet more or less, to a point where the transmission line intersects Jacobs Road, then running in a west direction along the north side of Jacobs Road, 1,200 feet more or less, to a point where the aforementioned road intersects the aforementioned transmission line, then running in a west direction along the north boundary of the transmission line, 3,150 feet to the intersection of the transmission line and Jacobs Road, then running in a northwest direction along the north side of Jacobs Road, 11,000 feet more or less, to a point where the road meets the 1,000 foot contour line, then running in a generally northeasterly direction northeasterly, northwesterly, southwesterly and southeasterly with the 1,000 foot contour line, neither increasing nor decreasing elevation, to the intersection of the 1,000 foot contour line and Black Twigg Road, then running along the southeast side of Black Twigg Road, in a northeast direction, 1,200 feet more or less, to the point of beginning.] **17,900 FEET MORE OR LESS, TO A POINT, SAID POINT BEING THE INTERSECTION OF THE WESTERNMOST RIGHT OF WAY OF GREEN RIDGE ROAD AND THE EXISTING BOUNDARY OF GREEN RIDGE STATE FOREST, THEN RUNNING WITH THE SAID STATE FOREST BOUNDARY IN A NORTHWESTERLY DIRECTION TO THE WESTERNMOST CORNER OF LOT 947 SECTION F, THEN RUNNING ALONG THE WESTERNMOST LINES OF SAID LOT AND LOT 948 SECTION F TO THE NORTHEAST CORNER OF LOT 971, SECTION F, THEN RUNNING IN A NORTHEAST DIRECTION TO THE NORTHEASTERNMOST CORNER OF LOT 860 SECTION F, THEN RUNNING IN A NORTHEAST DIRECTION CROSSING JACOBS ROAD TO A POINT OF INTERSECTION WITH THE NORTHEASTERNMOST RIGHT OF WAY OF JACOBS ROAD, THEN RUNNING WITH SAID RIGHT OF WAY IN A NORTHWESTERLY DIRECTION TO A POINT OF INTERSECTION WITH AN UNNAMED FOREST ROAD, THEN RUNNING WITH THE EASTERNMOST RIGHT OF WAY OF JACOBS ROAD IN A NORTHERLY DIRECTION TO ITS INTERSECTION WITH BLACK TWIGG ROAD, THEN RUNNING ALONG THE EASTERNMOST RIGHT OF WAY TO THE POINT OF BEGINNING.**

SAVING AND EXCEPTING THE EXISTING RIGHT OF WAY FOR JACOBS ROAD.

SAVING AND EXCEPTING THE EXISTING POTOMAC EDISON TRANSMISSION LINE THAT BEGINS AT A POINT ON THE EASTERLY LINE OF ORCHARD TRACT 331, SECTION F, SAID POINT BEING ON THE WEST SIDE OF THE GREEN RIDGE ROAD RIGHT OF WAY AND HAVING THE COORDINATE VALUE 709448 NORTH, 890869 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), AND THEN RUNNING NORTH 86 DEGREES 10 MINUTES 56 SECONDS WEST A DISTANCE OF 11,999 FEET, MORE OR LESS, TO A POINT ON THE SOUTHWESTERLY LINE OF ORCHARD TRACT 634, SECTION F, SAID POINT HAVING THE COORDINATE

VALUE 710247 NORTH, 878897 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83).

SAVING AND EXCEPTING THE FOLLOWING PRIVATELY OWNED ORCHARD TRACTS LOCATED WITHIN THE EXTERIOR BOUNDARY OF THE ABOVE DESCRIPTION:

ORCHARD TRACT 330-F, 1/2 LOT TOTALING 1.8 ACRES, BEING ALL THE SAME LAND IN A DEED DATED JULY 26, 2013 AND RECORDED AMONG THE LAND RECORDS OF ALLEGANY COUNTY IN LIBER 2002, FOLIO 213 WHICH WAS CONVEYED TO MABLE W. FRITTER.

ORCHARD TRACT 334-F, 1/2 LOT TOTALING 5 ACRES, BEING ALL THE SAME LAND IN A DEED DATED NOVEMBER 29, 1990 AND RECORDED AMONG THE LAND RECORDS OF ALLEGANY COUNTY IN LIBER 591, FOLIO 927 WHICH WAS CONVEYED TO MICHAEL E. & BELINDA J. WEAVER.

ORCHARD TRACT 334-F, 1/2 LOT TOTALING 5 ACRES, BEING ALL THE SAME LAND IN A DEED DATED SEPTEMBER 17, 1994 AND RECORDED AMONG THE LAND RECORDS OF ALLEGANY COUNTY IN LIBER 634, FOLIO 456 WHICH WAS CONVEYED TO MARK W. AND BARBARA I. MORGAN.

ORCHARD TRACT 377-F AND 378-F, BEING ALL THE SAME LAND IN A DEED DATED JANUARY 28, 1983 AND RECORDED AMONG THE LAND RECORDS OF ALLEGANY COUNTY IN LIBER 532, FOLIO 699 WHICH WAS CONVEYED TO RICHARD C. RAMSEY.

ORCHARD TRACT 675-F, BEING ALL THE SAME LAND IN A DEED DATED JANUARY 29, 2013 AND RECORDED AMONG THE LAND RECORDS OF ALLEGANY COUNTY IN LIBER 1949, FOLIO 238 WHICH WAS CONVEYED TO JEFFREY H. HAYES, WILLIAM A. SUITE, JOHN P. HAYES.

ANY LAND HELD WITHIN THIS PARCEL BY THE STATE UNDER A CERTIFICATE OF RESERVATION IS INCLUDED IN THE WILDLAND FOR SO LONG AS THE CERTIFICATE OF RESERVATION IS IN EFFECT.

(x) Pursuant to the provisions of subsection (a) of this section, that property in Allegany County containing approximately [1,260] 1,416 acres and described as follows is a Type 2 State wildland and shall be named the "Deep Run Wildland":

[Beginning at a point, said point being the southeast corner of a tract of land designated as Orchard Tract 299 Section F, which by deed dated February 28, 1939, and recorded in Liber 184, Folio 224 of the land records of Allegany County, was conveyed by James E. Barlow to the State of Maryland, and then running, in a

northwest direction along the south side of Lot 299, 1,460 feet more or less, to a point in the southwest corner of Lot 299 Section F, then running along the lines of Lot 210 in a northeasterly direction 300 feet more or less, to the southwest corner of Lot 300 Section F, then running in a northeast direction along the lines of Lots 300, 301 and part of 302, Section F, 750 feet more or less, to a point in the southeast corner of Lot 264, Section F, then running in a northwesterly direction along the south line of Lot 264, 1,760 feet more or less, to point] **BEGINNING AT A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF A TRACT OF LAND DESIGNATED AS ORCHARD TRACT 298 SECTION F, WHICH BY DEED DATED FEBRUARY 28, 1939, AND RECORDED IN LIBER 184, FOLIO 224 OF THE LAND RECORDS OF ALLEGANY COUNTY, WAS CONVEYED BY JAMES E. BARLOW TO THE STATE OF MARYLAND, AND THEN RUNNING IN A NORTHWEST DIRECTION ALONG THE SOUTH SIDE OF LOT 298 TO A POINT IN THE SOUTHWEST CORNER OF LOT 298 SECTION F, THEN RUNNING ALONG THE NORTHWEST LINE OF SAID LOT AND A PORTION OF ORCHARD TRACT 299 SECTION F TO THE SOUTHEAST CORNER OF LOT 261 SECTION ~~F~~ F, THEN RUNNING IN A NORTHWEST DIRECTION ALONG THE SOUTHWEST LINE OF LOT 261 SECTION F TO A POINT** on the east side of Green Ridge Road, then running along the east side of Green Ridge Road in a northeasterly direction [14,400] **15,400** feet more or less, to a point at the intersection of Green Ridge Road and an unnamed forest road, then running along said unnamed forest road and through Lots 183, 182, 111, and 110, Section D, 1,500 feet more or less, to a point on the southwest side of Fifteen Mile Creek Road, then running along the south side of Fifteen Mile Creek Road [3,000] **3,200** feet more or less, to the intersection with Deep Run, then running along Deep Run in a southwesterly direction 500 feet more or less, to a point, then running in a southeasterly direction [1,270] **1,340** feet more or less, to the northwest corner of Lot 61, Section D, then running along the west side of Lots 61, 60, 59, 58, 168, 54, 115, 114, 113, and 112, Section D, then running south [60] **20** degrees east 175 feet more or less, to the west side of East Valley Road, then running along the west side of East Valley Road, to the beginning.

[Saving and excepting Lots 324, 319, 305, 279 Section F, Lots 212, 211, 210, 205, 204, 151, 152, 153, 154, 155, 149, 199 Section D.]

SAVING AND EXCEPTING THE FOLLOWING PRIVATELY OWNED ORCHARD TRACTS LOCATED WITHIN THE EXTERIOR BOUNDARY OF THE ABOVE DESCRIPTION:

ORCHARD TRACT 155–D, BEING ALL THE SAME LAND IN A DEED DATED SEPTEMBER 8, 2010 AND RECORDED AMONG THE LAND RECORDS OF ALLEGANY COUNTY IN LIBER 1745, FOLIO 378 WHICH WAS CONVEYED TO JOEL WILLIAM MERRBAUGH & JOHN HENRY MERRBAUGH, JR.

ORCHARD TRACT 204–D, BEING ALL THE SAME LAND IN A DEED DATED AUGUST 8, 2012 AND RECORDED AMONG THE LAND RECORDS OF ALLEGANY

COUNTY IN LIBER 1899, FOLIO 122 WHICH WAS CONVEYED TO STEPHAN C. WHITNEY & LAUREN E. HUDACIK.

ORCHARD TRACT 263-F, BEING ALL THE SAME LAND IN A DEED DATED DECEMBER 10, 2010 AND RECORDED AMONG THE LAND RECORDS OF ALLEGANY COUNTY IN LIBER 1747, FOLIO 230 WHICH WAS CONVEYED TO RICHARD S. PRILL, SR., RICHARD S. PRILL, JR., AND STEPHANIE A. PRILL.

ANY LAND HELD WITHIN THIS PARCEL BY THE STATE UNDER A CERTIFICATE OF RESERVATION IS INCLUDED IN THE WILDLAND FOR SO LONG AS THE CERTIFICATE OF RESERVATION IS IN EFFECT.

(z) Pursuant to the provisions of subsection (a) of this section, that property in Garrett County containing approximately [1,916] **2,932** acres and described as follows is a Type 1 State wildland and shall be named the "Middle Fork Wildland":

Beginning at a point, said point indicated as corner number 826 on a plat of survey by the United States Department of Agriculture, Soil Conservation Service (plat dated June 6, 1940) said point also being a corner on a tract of land designated as tract number 432 in a deed dated December 20, 1955 and recorded in Liber 187, Folio 553 in the land records of Garrett County and was conveyed by the United States of America to the State of Maryland, for the use of the Department of Forests and Parks and then running north 61 degrees 08 minutes west 256.93 feet to corner 825, then running north 49 degrees 18 minutes west 199.98 feet to corner 824, then running north 44 degrees 48 minutes west 132.73 feet to corner 823, then running north 20 degrees 28 minutes east 332.50 feet to corner 822, then running north 05 degrees 09 minutes east 726.26 feet to corner 821, then running north 17 degrees 01 minutes west 501.10 feet to corner 820, then running north 29 degrees 06 minutes west 458.21 feet to corner 819, then running north 02 degrees 15 minutes west 397.10 feet to corner 818, then running north 14 degrees 30 minutes east 421.50 feet to corner 817, then running north 36 degrees 00 minutes east 891.16 feet to corner 816, then running north 59 degrees 01 minutes west 616.34 feet to corner 815, then running north 69 degrees 04 minutes west 449.18 feet to corner 814, then running north 57 degrees 51 minutes west 660.86 feet to corner 813, then running north 45 degrees 20 minutes west 1,434.11 feet to corner 812, then running north 47 degrees 28 minutes east 754.53 feet to corner 811, then running south 42 degrees 52 minutes east 1,259.09 feet to corner 810, then running north 47 degrees 30 minutes east 1,750.79 feet to corner 809, then running north 42 degrees 56 minutes west 425.36 feet to corner 808, then running north 47 degrees 54 minutes east 1,319.69 feet to corner 807, then running south 42 degrees 32 minutes east 422.28 feet to corner 806, then running north 47 degrees 10 minutes east 844.12 feet to corner 801, then running north 42 degrees 39 minutes west 1,268.11 feet to corner 800, then running north 82 degrees 31 minutes west 2,018.29 feet to corner 799, then running north 52 degrees 26 minutes west 397.74 feet to corner 798, then running north 35 degrees 24 minutes east 1,115.34 feet to corner 797, then running north 78 degrees 49 minutes east 711.51 feet to corner 796, then running north 49 degrees 48 minutes east 1,673.89 feet to corner 795, then

running south 89 degrees 26 minutes east 1,722.80 feet to corner 794, then running north 85 degrees 09 minutes east 1,994.31 feet to corner 793, then running north 06 degrees 06 minutes west 509.87 feet to corner 792, then running north 53 degrees 19 minutes west 756.07 feet to corner 791, then running north 40 degrees 54 minutes east 898.72 feet to corner 790, then running north 07 degrees 55 minutes west 124.51 feet to corner 789, then running south 79 degrees 18 minutes east 2,674.95 feet to corner 788, then running south 08 degrees 22 minutes west 1,901.32 feet to corner 787, then running south 67 degrees 49 minutes east 946.35 feet to corner 786, then running north 47 degrees 35 minutes east 1,296.74 feet to corner 785, then running north 66 degrees 11 minutes east 490.28 feet to corner 781, then running north 66 degrees 11 minutes east 760.00 feet to corner 780, then running south 30 degrees 27 minutes east 1,298.48 feet to corner 805, then running south 30 degrees 51 minutes west 874.55 feet to corner 804, then running south 29 degrees 14 minutes west 1,697.03 feet to corner 803, then running south 64 degrees 23 minutes west 850.86 feet to corner 802, then running south 10 degrees 44 minutes east 2,046.04 feet to corner 854, [then running south 18 degrees 20 minutes east 1,740.00 feet to corner 849,] **THEN RUNNING SOUTH 70 DEGREES 49 MINUTES EAST 632.61 FEET TO CORNER 853, NORTH 26 DEGREES 48 MINUTES EAST 2082.64 FEET TO CORNER 852, SOUTH 60 DEGREES 04 MINUTES EAST 227.71 FEET TO CORNER 851, SOUTH 16 DEGREES 32 MINUTES WEST 2735.59 FEET TO CORNER 850, NORTH 71 DEGREES 34 MINUTES EAST 1995.63 FEET TO CORNER 855, NORTH 12 DEGREES 42 MINUTES EAST 792.60 FEET TO CORNER 856, SOUTH 55 DEGREES 45 MINUTES EAST 1966.08 FEET TO CORNER 857, SOUTH 40 DEGREES 09 MINUTES EAST 630.45 FEET TO CORNER 858, SOUTH 18 DEGREES 13 MINUTES EAST 2894.92 FEET TO CORNER 859, NORTH 56 DEGREES 34 MINUTES EAST 920.60 FEET TO CORNER 860, NORTH 22 DEGREES 28 MINUTES EAST 647.34 FEET TO CORNER 861, THEN LEAVING THE SAVAGE RIVER STATE FOREST BOUNDARY AND RUNNING THROUGH THE STATE FOREST THE FOLLOWING SEVEN COURSES AND DISTANCES, SOUTH 37 DEGREES 47 MINUTES 46 SECONDS EAST 703.6 FEET, NORTH 70 DEGREES 04 MINUTES 03 SECONDS EAST 625.4 FEET, SOUTH 76 DEGREES 55 MINUTES 50 SECONDS EAST 371.4 FEET, SOUTH 70 DEGREES 39 MINUTES 54 SECONDS EAST 361.0 FEET, SOUTH 39 DEGREES 31 MINUTES 40 SECONDS EAST 490.0 FEET, SOUTH 10 DEGREES 34 MINUTES 00 SECONDS EAST 3255.2 FEET, SOUTH 10 DEGREES 27 MINUTES 56 SECONDS WEST 741.4 FEET TO A POINT OF INTERSECTION WITH THE NORTHERNMOST RIGHT OF WAY OF SAVAGE RIVER ROAD, THEN RUNNING WITH SAID RIGHT OF WAY 5750.82 FEET MORE OR LESS TO ITS INTERSECTION WITH SPRING LICK ROAD, THEN RUNNING WITH THE NORTHERNMOST RIGHT OF WAY OF SPRING LICK ROAD 101.63 FEET TO A POINT, SAID POINT BEING A POINT OF INTERSECTION WITH THE SEVENTH LINE OF THE FIRST PARCEL OF THE FOURTH TRACT OF LAND DESCRIBED IN A DEED DATED MARCH 15, 1948 AND RECORDED ON NOVEMBER 30, 1948 AMONG THE LAND RECORDS OF GARRETT COUNTY IN LIBER 154, FOLIO 140 WHICH WAS CONVEYED BY THE POTOMAC RIVER COMMISSION TO THE STATE OF MARYLAND, FOR THE USE OF THE STATE DEPARTMENT OF FORESTS AND**

PARKS, ~~THENCE~~ THEN RUNNING WITH THE FOLLOWING SIX LINES OF SAID CONVEYANCE, NORTH 39 DEGREES 41 MINUTES 00 SECONDS WEST 159.25 FEET, NORTH 28 DEGREES 00 MINUTES 00 SECONDS EAST 139.4 FEET, NORTH 11 DEGREES 15 MINUTES 00 SECONDS EAST 407.00 FEET, NORTH 34 DEGREES 00 MINUTES 00 SECONDS EAST 285.55 FEET, NORTH 48 DEGREES 54 MINUTES 00 SECONDS EAST 338.3 FEET, NORTH 62 DEGREES 07 MINUTES 00 SECONDS EAST 235.5 FEET, TO A POINT, SAID POINT BEING A POINT OF INTERSECTION WITH THE THIRD LINE OF THE FIRST PARCEL OF THE FIFTH TRACT OF LAND DESCRIBED IN THE ABOVE AFOREMENTIONED CONVEYANCE FROM THE POTOMAC RIVER COMMISSION TO THE STATE OF MARYLAND, FOR THE USE OF THE STATE DEPARTMENT OF FORESTS AND PARKS, ~~THENCE~~ THEN RUNNING WITH THE FOLLOWING LINE OF SAID CONVEYANCE NORTH 06 DEGREES 00 MINUTES 00 SECONDS WEST 1101.0 FEET TO A POINT, SAID POINT BEING THE POINT OF INTERSECTION WITH THE FIRST LINE OF THE FIRST PARCEL OF THE SIXTH TRACT OF LAND DESCRIBED IN THE ABOVE AFOREMENTIONED CONVEYANCE FROM THE POTOMAC RIVER COMMISSION TO THE STATE OF MARYLAND, FOR THE USE OF THE STATE DEPARTMENT OF FORESTS AND PARKS, ~~THENCE~~ THEN RUNNING WITH THE FOLLOWING LINE OF SAID CONVEYANCE SOUTH 86 DEGREES 00 MINUTES 00 SECONDS WEST 462.00 FEET TO CORNER 896, ~~THENCE~~ THEN RUNNING SOUTH 89 DEGREES 08 MINUTES WEST 203.33 FEET TO CORNER 895, SOUTH 17 DEGREES 14 MINUTES WEST 232.80 FEET TO CORNER 894, NORTH 46 DEGREES 25 MINUTES WEST 447.67 FEET TO CORNER 893, SOUTH 51 DEGREES 56 MINUTES WEST 771.20 FEET TO CORNER 892, SOUTH 73 DEGREES 30 MINUTES WEST 1511.65 FEET TO CORNER 891, SAID CORNER BEING THE NORTHERNMOST EDGE OF A WOODS ROAD, THEN RUNNING WITH THE NORTHERNMOST EDGE OF SAID WOODS ROAD GENERALLY IN A WESTERN AND NORTHERLY DIRECTION TO A POINT, SAID POINT HAVING THE COORDINATE VALUE 677437.36 NORTH, 697513.43 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), THEN RUNNING NORTH 08 DEGREES 36 MINUTES 51 SECONDS WEST 145.7 FEET, SOUTH 86 DEGREES 00 MINUTES 00 SECONDS WEST 462.00 FEET, NORTH 09 DEGREES 54 MINUTES 54 SECONDS EAST 921.7 FEET, NORTH 57 DEGREES 32 MINUTES 40 SECONDS EAST 372.6 FEET, NORTH 83 DEGREES 09 MINUTES 25 SECONDS EAST 789.0 FEET TO CORNER 869, THEN RUNNING WITH THE SAVAGE RIVER STATE FOREST BOUNDARY NORTH 61 DEGREES 53 MINUTES EAST 341.6 FEET TO A POINT, THEN LEAVING THE STATE FOREST BOUNDARY AND RUNNING SOUTH 24 DEGREES 07 MINUTES 23 SECONDS EAST 386.4 FEET, NORTH 65 DEGREES 35 MINUTES 07 SECONDS EAST 658.9 FEET, NORTH 22 DEGREES 16 MINUTES 32 SECONDS WEST 408.1 FEET TO A POINT OF INTERSECTION WITH THE STATE FOREST BOUNDARY, THEN RUNNING NORTH 61 DEGREES 53 MINUTES 1171.7 FEET TO CORNER 868, NORTH 09 DEGREES 24 MINUTES WEST 811.56 FEET TO CORNER 867, SOUTH 89 DEGREES 22 MINUTES WEST 725.40 FEET TO CORNER 865, NORTH 18 DEGREES 02 MINUTES WEST 3979.66 FEET TO CORNER 866, NORTH

85 DEGREES 30 MINUTES WEST 2519.44 FEET TO CORNER 849, then running south 18 degrees 20 minutes east 2,178.69 feet to corner 848, then running north 49 degrees 55 minutes west 338.29 feet to corner 847, then running north 86 degrees 31 minutes west 1,449.66 feet to corner 846, then running north 26 degrees 39 minutes west 1,288.06 feet to corner 845, then running south 63 degrees 41 minutes west 1,585.29 feet to corner 844, then running north 26 degrees 29 minutes west 261.20 feet to corner 843, then running north 73 degrees 17 minutes west 1,408.71 feet to corner 842, then running north 51 degrees 31 minutes west 538.14 feet to corner 841, then running north 37 degrees 15 minutes east 1,083.13 feet to corner 840, then running north 21 degrees 51 minutes west 968.70 feet to corner 839, then running north 61 degrees 42 minutes east 608.85 feet to corner 838, then running north 04 degrees 31 minutes east 513.56 feet to corner 837, then running north 60 degrees 45 minutes west 385.28 feet to corner 836, then running south 44 degrees 46 minutes west 420.89 feet to corner 835, then running south 52 degrees 18 minutes west 1,515.89 feet to corner 834, then running south 58 degrees 10 minutes east 291.67 feet to corner 833, then running south 21 degrees 16 minutes east 718.54 feet to corner 832, then running south 38 degrees 25 minutes west 895.92 feet to corner 831, then running south 33 degrees 15 minutes west 2,185.32 feet to corner 830, then running north 56 degrees 01 minutes west 2,426.87 feet to corner 830A, then running south 13 degrees 01 minutes west 2,511.20 feet to corner 829A, then running south 65 degrees 00 minutes east 1,064.10 feet to corner 829, then running south 25 degrees 26 minutes west 358.85 feet to corner 828, then running north 66 degrees 15 minutes west 482.77 feet to corner 827, then running south 25 degrees 44 minutes west 868.24 feet to corner 826, to the beginning.

(aa) Pursuant to the provisions of subsection (a) of this section, that property in Garrett County containing approximately [2,427] **2,789** acres and described as follows is a Type 1 State wildland and shall be named the “Savage Ravines Wildland”:

Beginning at a point, said point indicated as corner number 692 on a plat of survey by the United States Department of Agriculture, Soil Conservation Service (plat dated June 6, 1940) said point also being a point on a tract of land designated as tract number 110 in a deed dated December 20, 1955 and recorded in Liber 187, Folio 553 in the land records of Garrett County and was conveyed by the United States of America to the State of Maryland, for the use of the Department of Forests and Parks, and then running south 58 degrees 43 minutes 00 seconds east 1,600.00 feet more or less, to a point on the [west side of the] **WESTERNMOST RIGHT OF WAY OF THE Avilton–Lonaconing Road**, then running with said [road] **RIGHT OF WAY** in a southwesterly direction [3,050.00 feet] **2,750 FEET MORE OR LESS** to a point on the west side of said road, then running south 11 degrees 00 minutes 00 seconds west [1,120.00] **2,190.00** feet more or less, to a point, **SAID POINT HAVING THE COORDINATES VALUE 711028.80 NORTH, 741652.84 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83)**, then running south 41 degrees 00 minutes 00 seconds west 6,080.00 feet **MORE OR LESS** to a point on the Savage River State Forest boundary line, said point also being on the west side of Pine Swamp Road, then running north 71 degrees 06 minutes 00 seconds west 550.00 feet to corner 697 as

described on aforementioned plat, then running south 46 degrees 10 minutes 00 seconds west 347.50 feet to corner 696 south 36 degrees 51 minutes 00 seconds west 1,200.00 feet more or less, to the northwest side of Pine Swamp Road, then running with the northwest side of Pine Swamp Road in a southwesterly direction 7,500.00 feet more or less, to a point on the boundary of Savage River State Forest, then running north 55 degrees 20 minutes 00 seconds west [200.00 feet] **635 FEET MORE OR LESS** to a point on the northeast side of Westernport Road, then running in a northeasterly direction on the northeast side of Westernport Road [1,000.00 feet] **434.81 FEET MORE OR LESS** to a point on the northeast side of said road and on the boundary of Savage River State Forest, then running north 36 degrees 58 minutes 00 seconds east [2,100.00 feet] **2806.00 FEET MORE OR LESS** to corner 1118, then running north 48 degrees 02 minutes 00 seconds east 341.00 feet to corner 1117, then running north 45 degrees 23 minutes 00 seconds east 345.12 feet to corner 1116, then running north 16 degrees 26 minutes 00 seconds east 407.34 feet to corner 1115, then running north 55 degrees 40 minutes 00 seconds east 742.91 feet to corner 1114, then running north 38 degrees 25 minutes 00 seconds west 733.97 feet to corner 1113, then running north 65 degrees 23 minutes 00 seconds west 318.64 feet to corner 1112, then running south 60 degrees 05 minutes 00 seconds west 133.68 feet to corner 1111, then running south 11 degrees 02 minutes 00 seconds west 447.10 feet to corner 1110, then running north 69 degrees 02 minutes 00 seconds west 419.78 feet to corner 1109, then running north 19 degrees 09 minutes 00 seconds west 177.10 feet to corner 1108, then running north 37 degrees 13 minutes 00 seconds west 482.30 feet to corner 1107, then running north 77 degrees 09 minutes 00 seconds west 195.08 feet to corner 1106, then running north 41 degrees 07 minutes 00 seconds west 228.11 feet to corner 1105, then running north 07 degrees 41 minutes 00 seconds east 225.23 feet to corner 1104, then running north 40 degrees 02 minutes 00 seconds east 456.55 feet to corner 1103, then running north 81 degrees 30 minutes 00 seconds west 350.00 feet to corner 1102, then running south 71 degrees 00 minutes 00 seconds west 330.00 feet to corner 1101, then running north 70 degrees 00 minutes 00 seconds west 380.00 feet to corner 1100, then running south 59 degrees 12 minutes 00 seconds west 219.00 feet to corner 561, then running north 35 degrees 07 minutes 00 seconds west 1,078.50 feet to corner 560, then running north 79 degrees 37 minutes 00 seconds west 653.96 feet to corner 559, then running south 69 degrees 35 minutes 00 seconds west 131.86 feet to corner 558, then running south 32 degrees 57 minutes 00 seconds west 725.09 feet to corner 557, then running south 56 degrees 21 minutes 00 seconds west 264.32 feet to corner 556, then running south 38 degrees 47 minutes 00 seconds west 254.13 feet to corner 555, then running south 51 degrees 47 minutes 00 seconds east 527.15 feet to corner 554, then running south 43 degrees 42 minutes 00 seconds east 200.41 feet to corner 553, then running south 00 degrees 55 minutes 00 seconds east 819.70 feet to corner 552, then running south 71 degrees 19 minutes 00 seconds west 525.93 feet to corner 551, then running south 42 degrees 09 minutes 00 seconds east 729.32 feet to corner 550, [then running north 71 degrees 26 minutes 00 seconds west 1,300.00 feet more or less, to the east side] **THEN RUNNING SOUTH 71 DEGREES 26 MINUTES EAST 1278.00 FEET MORE OR LESS TO THE NORTHERNMOST RIGHT OF WAY** of Westernport Road, then running with [the east side of said road in a northerly direction 2,500.00 feet more or less,] **SAID RIGHT OF WAY** to a point on the east of said road, intersecting the boundary of Savage

River State Forest, then running north 89 degrees 38 minutes 00 seconds east [650.00] **715.00** feet more or less, to corner 531, then running north 00 degrees 06 minutes 00 seconds east 754.28 feet to corner 530, then running north 01 degrees 43 minutes 00 seconds west 631.49 feet to corner 529, then running north 88 degrees 27 minutes 00 seconds east 1,648.33 feet to corner 566, then running north 02 degrees 30 minutes 00 seconds west 406.65 feet to corner 565 on the north bank of Savage River, then running along the Old Pea Ridge Road in an easterly direction 3,000.00 feet more or less, to a point intersecting the boundary line of Savage River State Forest, then running along said boundary line, north 74 degrees 25 minutes 13 seconds east 1,055.15 feet, then running north 28 degrees 23 minutes 00 seconds east 774.45 feet, then running south 73 degrees 03 minutes 27 seconds east 263.85 feet, then running north 36 degrees 53 minutes 21 seconds east 593.55 feet, then running north 47 degrees 23 minutes 55 seconds east 197.55 feet, then running north 37 degrees 23 minutes 25 seconds east 494.61 feet, then running north 57 degrees 54 minutes 22 seconds east 461.61 feet, then running north 40 degrees 08 minutes 32 seconds east 1,382.92 feet, then running north 75 degrees 00 minutes 00 seconds east 800.00 feet more or less, to a point on the south bank of Savage River, then running with the south bank of Savage River [1,000.00 feet more or less, to corner 991 as designated on aforementioned plat, then running south 50 degrees 25 minutes 00 seconds east 1,870.77 feet to corner 990, then running north 36 degrees 48 minutes 00 seconds east 4,837.51 feet to corner 692, to the point of beginning.] **TO A POINT POINT, SAID POINT BEING THE BEGINNING OF THE TWENTY-SEVENTH OR SOUTH 25 DEGREES 23 MINUTES EAST 247.50 FOOT LINE OF THE THIRD PARCEL OF LAND DESCRIBED IN A DEED DATED DECEMBER 12, 2006 AND RECORDED AMONG THE LAND RECORDS OF GARRETT COUNTY IN LIBER 1273, FOLIO 128 WHICH WAS CONVEYED BY THE CONSERVATION FUND TO THE STATE OF MARYLAND, FOR THE USE OF THE DEPARTMENT OF NATURAL RESOURCES, ~~THENCE THEN~~ RUNNING WITH SAID LINE SOUTH 31 DEGREES 39 MINUTES 56 SECONDS EAST 247.50 FEET MORE OR LESS ~~TO A POINT~~, SOUTH 21 DEGREES 22 MINUTES 04 SECONDS WEST 924.60 FEET MORE OR LESS ~~TO A POINT~~, SOUTH 59 DEGREES 09 MINUTES 56 SECONDS EAST 180.00 FEET MORE OR LESS ~~TO A POINT~~, NORTH 47 DEGREES 11 MINUTES 04 SECONDS EAST 150.30 FEET MORE OR LESS ~~TO A POINT~~, NORTH 74 DEGREES 20 MINUTES 04 SECONDS EAST 64.40 FEET MORE OR LESS ~~TO A POINT~~, NORTH 52 DEGREES 51 MINUTES 04 SECONDS EAST 146.04 FEET MORE OR LESS ~~TO A POINT~~, NORTH 68 DEGREES 25 MINUTES 04 SECONDS EAST 303.90 FEET MORE OR LESS ~~TO A POINT~~, NORTH 41 DEGREES 50 MINUTES 04 SECONDS EAST 350.90 FEET MORE OR LESS ~~TO A POINT~~, NORTH 41 DEGREES 50 MINUTES 04 SECONDS EAST 660.00 FEET MORE OR LESS ~~TO A POINT~~, NORTH 25 DEGREES 20 MINUTES 04 SECONDS EAST 990.00 FEET MORE OR LESS ~~TO A POINT~~, NORTH 56 DEGREES 09 MINUTES 56 SECONDS WEST 919.70 FEET MORE OR LESS TO A POINT, SAID POINT BEING SOUTH 56 DEGREES 09 MINUTES 56 SECONDS EAST 78.90 FEET FROM THE END OF THE THIRTY SEVENTH LINE THIRD PARCEL OF THE ABOVE MENTIONED CONVEYANCE BY THE CONSERVATION FUND TO THE STATE OF MARYLAND, FOR THE USE OF THE DEPARTMENT OF NATURAL ~~RESOURCES~~ **RESOURCES**, THEN RUNNING ALONG**

THE SOUTH SIDE OF AVILTON-LONACONING ROAD THE FOLLOWING SIX LINES NORTH 83 DEGREES 10 MINUTES 49 SECONDS EAST 362.61 FEET, NORTH 37 DEGREES 32 MINUTES 28 SECONDS EAST 291.12 FEET, NORTH 47 DEGREES 32 MINUTES 28 SECONDS EAST 291.12 FEET, NORTH 11 DEGREES 04 MINUTES 14 SECONDS EAST 292.68 FEET, NORTH 30 DEGREES 43 MINUTES 04 SECONDS EAST 94.22 FEET, NORTH 49 DEGREES 12 MINUTES 30 SECONDS EAST 51.79 FEET TO A POINT, SAID POINT BEING SOUTH 41 DEGREES 24 MINUTES 00 SECONDS EAST 19.10 FEET FROM THE BEGINNING OF THE FORTY FIFTH LINE OF THE THIRD PARCEL OF THE ABOVE MENTIONED CONVEYANCE BY THE CONSERVATION FUND TO THE STATE OF MARYLAND, FOR THE USE OF THE DEPARTMENT OF NATURAL RESOURCES THEN RUNNING SOUTH 47 DEGREES 40 MINUTES 56 SECONDS EAST 748.80 FEET TO A POINT, SAID POINT BEING 50.00 FEET FROM THE END OF THE FORTY FIFTH LINE OF THE THIRD PARCEL OF THE ABOVE MENTIONED CONVEYANCE BY THE CONSERVATION FUND TO THE STATE OF MARYLAND, FOR THE USE OF THE DEPARTMENT OF NATURAL RESOURCES, SAID POINT ALSO BEING ON THE NORTH SIDE OF THE AVILTON-LONACONING ROAD, AND THEN RUNNING PARALLEL AND 50 FEET FROM THE NORTH SIDE OF SAID ROAD TO A POINT OF INTERSECTION WITH THE FIRST LINE OF THE LINE OF THE THIRD PARCEL OF THE ABOVE MENTIONED CONVEYANCE BY THE CONSERVATION FUND TO THE STATE OF MARYLAND, FOR THE USE OF THE DEPARTMENT OF NATURAL RESOURCES, THEN RUNNING WITH SAID FIRST LINE SOUTH 34 DEGREES 37 MINUTES 04 SECONDS EAST 3445.00 FEET MORE OR LESS TO CORNER 692, THE POINT OF BEGINNING.

SAVING AND EXCEPTING THE FOLLOWING LANDS SHOWN ON A PLAT OF SURVEY BY BLAINE MILLER, DATED JANUARY 12, 1980 AND RECORDED IN THE PLAT RECORDS OF GARRETT COUNTY IN PLAT BOOK A.G.R. I, FOLIO 54:

ALL THE SAME LAND DESCRIBED IN A DEED DATED JANUARY 12, 2003 AND RECORDED AMONG THE LAND RECORDS OF GARRETT COUNTY IN LIBER 1020, FOLIO 820 WHICH WAS CONVEYED BY THOMAS DAVID JEWELL TO CHARLES WILLIAM TURNER JR. AND ANGELA MARIE TURNER CONTAINING 5.09 ACRES, AND SHOWN ON THE PLAT AS LOT 3.

ALL THE SAME LAND DESCRIBED IN A DEED DATED OCTOBER 6, 1980 AND RECORDED AMONG THE LAND RECORDS OF GARRETT COUNTY IN LIBER 413, FOLIO 548 WHICH WAS CONVEYED BY THE SUMMER SCHOOL ACRES CORPORATION TO EDWARD B. BURLAS AND JOYCE BURLAS CONTAINING 15.00 ACRES, AND SHOWN ON THE PLAT AS "RESIDUE OF LIBER 378, FOLIO 64".

ALL THE SAME LAND SHOWN AS THE 20 FOOT RIGHT OF WAY LEADING FROM THE AVILTON-LONACONING ROAD TO THE 5.09 ACRE LAND SHOWN ON THE PLAT AS LOT 3, AND THE 15.00 ACRE LAND SHOWN ON THE PLAT AS "RESIDUE OF LIBER 378, FOLIO 64".

(cc) (1) Pursuant to the provisions of subsection (a) of this section, that property in Frederick and Montgomery counties containing approximately [670] **790** acres and described as follows is a Type 2 State wildland and shall be named the “Islands of the Potomac Wildland”:

Parcel 1

Beginning at the northwestern most point of Watkins Island and running thence in a southeasterly direction, with the low water mark, along the northern shoreline 8100 feet more or less to the northwest corner of a tract of land now or formerly owned by Bernard Wolfson, as recorded in the land records of Montgomery County in Liber 2309, Folio 598, thence leaving the northernmost shoreline of Watkins Island and running with said Wolfson land in a southwesterly direction 200 feet more or less to a point on the southwest side of Watkins Island, thence leaving the Wolfson tract and running in a northwesterly direction, with the low water mark, along the southwestern shoreline of said island 8500 feet to the beginning.

Parcel 2

Beginning at a point, said point being the beginning of the first parcel of a tract of land which by deed dated May 13, 1988, and recorded in the land records of Montgomery County in Liber 8279, Folio 156, was conveyed by the Nature Conservancy to the State of Maryland, to the use of the Department of Natural Resources, and running thence in a southeasterly direction, with the low water mark, along the southwestern shoreline of Watkins Island 5100 feet more or less to the southernmost point on said island, thence running in a northwesterly direction, with the low water mark, along the northeastern shoreline of Watkins Island 6403 feet more or less to a point, thence leaving the northern shoreline of Watkins Island and running 900 feet more or less to a point on the southern shore of said island, thence running in a southeasterly direction, with the low water mark, along the southwestern shoreline 1891 feet more or less to the point of beginning.

Saving and exempting from the above a parcel of land conveyed to the Washington Sanitary Commission by deed recorded in the land records of Montgomery County in Liber 3943, Folio 28, said parcel being located on the southern end of Watkins Island on the northern shoreline.

Saving and exempting all gas pipelines running through the above described portion of Watkins Island.

Parcel 3

A tract of land known as Katie (Poteau) Island, located within the Potomac River, in Montgomery County, 400 feet more or less north west of Watkins Island, the center of which lies at 444910 north, 713880 east in accordance with the Maryland State plane grid system (NAD27).

Parcel 4

A tract of land known as Norbell Island, located within the Potomac River, in Montgomery County, 800 feet more or less northeast of Watkins Island, the center of which lies at 443370 north, 719980 east in accordance with the Maryland State plane grid system (NAD27).

Parcel 5

A tract of land known as Grapevine Island, located within the Potomac River, in Montgomery County, 300 feet more or less southwest of Watkins Island, the center of which lies at 443990 north, 714100 east in accordance with the Maryland State plane grid system (NAD27).

Parcel 6

A tract of land known as Beall's Island, located within the Potomac River, in Montgomery County, 9000 feet more or less northeast of Potomac, Maryland, the center of which lies at 433400 north, 731600 east in accordance with the Maryland State plane grid system (NAD27).

Parcel 7

A tract of land known as Island Number 6, located within the Potomac River, in Montgomery County, 300 feet more or less southwest of Watkins Island, the center of which lies at 446000 north, 713490 east in accordance with the Maryland State plane grid system (NAD27).

Parcel 8

A tract of land known as Islands Number 9, 10, and 11, located within the Potomac River, in Montgomery County, just southeast of Grapevine Island and southwest of Watkins Island.

Parcel 9

A tract of land known as Van Deventer Island which is located within the Potomac River, in Montgomery County, the center of which lies 4.3 miles due south of Poolesville, Maryland, and is also located directly across from the southern shoreline of the McKee–Beshers Wildlife Management Area.

Parcel 10

A tract of land known as Heater's Island which is located within the Potomac River, in Frederick County, and the center of which lies 3/4 of a mile southeast of Point of Rocks, Maryland.

Parcel 11

A tract of land known as Clagett Island, located within the Potomac River, in Montgomery County, southwest of Watkins Island, the center of which lies at 438200 north, 721770 east in accordance with the Maryland State plane grid system (NAD27).

Parcel 12

A tract of land known as Submarine Island, located within the Potomac River, in Montgomery County, 500 feet more or less northeast of Watkins Island, the center of which lies at 443870 north, 717100 east in accordance with the Maryland State plane grid system (NAD27).

PARCEL 13

A TRACT OF LAND KNOWN AS PATON ISLAND, LOCATED WITHIN THE POTOMAC RIVER, IN FREDERICK COUNTY, 4,700 FEET MORE OR LESS NORTHWEST OF POINT OF ROCKS, MARYLAND, THE CENTER OF WHICH LIES AT 588719 NORTH, 1155824 EAST IN ACCORDANCE WITH THE MARYLAND STATE PLANE GRID SYSTEM (NAD83).

PARCEL 14

A TRACT OF LAND KNOWN AS OXLEY'S ISLAND, LOCATED WITHIN THE POTOMAC RIVER, IN MONTGOMERY COUNTY, 7,500 FEET MORE OR LESS NORTHWEST OF MARTINSBURG, MARYLAND, THE CENTER OF WHICH LIES AT 552742 NORTH, 1174725 EAST IN ACCORDANCE WITH THE MARYLAND STATE PLANE GRID SYSTEM (NAD83).

PARCEL 15

A TRACT OF LAND KNOWN AS EAGLE'S ISLAND, LOCATED WITHIN THE POTOMAC RIVER, IN MONTGOMERY COUNTY, 3,800 FEET MORE OR LESS SOUTH OF RUSHVILLE, MARYLAND, THE CENTER OF WHICH LIES AT 507686 NORTH, 1219742 EAST IN ACCORDANCE WITH THE MARYLAND STATE PLANE GRID SYSTEM (NAD83).

PARCEL 16

A TRACT OF LAND KNOWN AS DOT'S ISLAND, LOCATED WITHIN THE POTOMAC RIVER, IN MONTGOMERY COUNTY, 3,900 FEET MORE OR LESS SOUTHWEST OF CABIN JOHN, MARYLAND, THE CENTER OF WHICH LIES AT 473555 NORTH, 1263737 EAST IN ACCORDANCE WITH THE MARYLAND STATE PLANE GRID SYSTEM (NAD83).

PARCEL 17

A TRACT OF LAND KNOWN AS ISLE OF HOPE, LOCATED WITHIN THE POTOMAC RIVER, IN MONTGOMERY COUNTY, 3,700 FEET MORE OR LESS SOUTHWEST OF CABIN JOHN, MARYLAND, THE CENTER OF WHICH LIES AT 473477 NORTH, 1264030 EAST IN ACCORDANCE WITH THE MARYLAND STATE PLANE GRID SYSTEM (NAD83).

PARCEL 18

A TRACT OF LAND KNOWN AS LANGLEY ISLAND, LOCATED WITHIN THE POTOMAC RIVER, IN MONTGOMERY COUNTY, 3,800 FEET MORE OR LESS SOUTH OF RUSHVILLE, MARYLAND, THE CENTER OF WHICH LIES AT 507686 NORTH, 1219742 EAST IN ACCORDANCE WITH THE MARYLAND STATE PLANE GRID SYSTEM (NAD83).

(2) Notwithstanding any other provision of this title, the Department may permit motorized boat access and use within the boundaries of the islands of the Potomac Wildland.

(ff) (1) Pursuant to the provisions of subsection (a) of this section, that property in Garrett County containing approximately [1,934] **2,079** acres and described as follows is a Type 2 State wildland and shall be named the "South Savage Wildland":

Beginning at a point, said point indicated as monument number [580] **590** on a plat of survey by the United States Department of Agriculture titled "Survey of Land Purchased, Project LU-MD-38-2, Garrett County Maryland," said point also having coordinate values of [north 627588.80, 213338.275 east (NAD 27)] **NORTH 688322.69, 725697.44 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83)**, and then running with the easternmost boundary of the Savage River State Forest south [29] **24** degrees 55 minutes 00 seconds west 1,274.49 feet to a point, then running north 60 degrees 30 minutes 00 seconds west 1,237.64 feet to a point, then running south 30 degrees 31 minutes 00 seconds west 2,515.17 feet to a point, then running north 66 degrees 15 minutes 00 seconds west 828.28 feet to a point, then running south 25 degrees 18 minutes 00 seconds west 1,035.27 feet to a point, then running south 66 degrees 31 minutes 00 seconds east 690.58 feet to a point, then running south 29 degrees 04 minutes 00 seconds west 1,630.27 feet to a point, then running south 48 degrees 20 minutes 00 seconds west 1,113.26 feet to a point, then running south 89 degrees 19 minutes 00 seconds west 332.41 feet to a point, then running south 18 degrees 57 minutes 00 seconds west 1,876.31 feet to a point, then running north 71 degrees 27 minutes 00 seconds west 749.32 feet to a point, then running south 22 degrees 46 minutes 00 seconds west 803.01 feet to a point, then running south 57 degrees 35 minutes 00 seconds west 232.67 feet to a pipe at corner

598, [then leaving the easternmost boundary of Savage River State Forest and running north 77 degrees 00 minutes 47 seconds west 243.47 feet to the centerline of a stream, then running with the center of said stream south 04 degrees 33 minutes 40 seconds east 316.36 feet to a point, then running south 10 degrees 57 minutes 06 seconds west 223.70 feet to a point, then running south 42 degrees 00 minutes 33 seconds west 291.85 feet to a point, then running south 10 degrees 43 minutes 21 seconds west 405.45 feet to a point, then running south 38 degrees 18 minutes 14 seconds west 177.35 feet to a point, then running south 11 degrees 39 minutes 33 seconds west 234.73 feet to a point, then running south 08 degrees 59 minutes 46 seconds west 237.75 feet to a point, then running south 04 degrees 34 minutes 14 seconds west 322.25 feet to a point, then running south 21 degrees 33 minutes 55 seconds east 244.95 feet to a point, then running south 32 degrees 43 minutes 08 seconds east 395.64 feet to a point, then running south 14 degrees 15 minutes 44 seconds east 109.92 feet to a point, then running south 55 degrees 47 minutes 46 seconds east 292.43 feet to a point, then running south 32 degrees 05 minutes 17 seconds east 392.98 feet to a point, then running south 14 degrees 49 minutes 53 seconds east 474.86 feet to a point, then running south 10 degrees 58 minutes 02 seconds east 377.57 feet to a point, then running south 06 degrees 46 minutes 51 seconds west 344.23 feet to a point, then running south 16 degrees 10 minutes 05 seconds west 330.20 feet to a point, then running south 40 degrees 35 minutes 53 seconds west 292.21 feet to a point, then running south 05 degrees 42 minutes 44 seconds west 266.54 feet to a point, then running south 30 degrees 23 minutes 38 seconds west 166.80 feet] **THEN RUNNING SOUTH 07 DEGREES 01 MINUTES 00 SECONDS WEST 1297.76 FEET TO CORNER 599, THEN RUNNING SOUTH 15 DEGREES 41 MINUTES 00 SECONDS EAST 752.82 FEET TO CORNER 600, THEN RUNNING SOUTH 54 DEGREES 05 MINUTES 00 SECONDS EAST 567.40 FEET TO CORNER 601, THEN RUNNING SOUTH 36 DEGREES 24 MINUTES 00 SECONDS EAST 327.86 FEET TO CORNER 602, THEN RUNNING SOUTH 09 DEGREES 19 MINUTES 43 SECONDS EAST 2180.8 FEET, THEN RUNNING SOUTH 26 DEGREES 33 MINUTES 53 SECONDS EAST 1064.2 FEET, THEN RUNNING SOUTH 06 DEGREES 50 MINUTES 34 SECONDS EAST 428.0 FEET, THEN RUNNING SOUTH 17 DEGREES 41 MINUTES 44 SECONDS WEST 1051.0 FEET TO A POINT IN THE NORTHERNMOST LIMIT OF SAVAGE RIVER ROAD, ~~THENCE~~ THEN RUNNING WITH SAID ROAD IN A NORTHWESTERLY DIRECTION 3793.61 FEET to a point at the edge of an existing road, then leaving aforementioned stream and running at the base of Big Savage Mountain north 74 degrees 07 minutes 40 seconds west 654.05 feet to a point, then running south 85 degrees 27 minutes 31 seconds west 954.17 feet to a point, then running north 37 degrees 38 minutes 52 seconds west 333.52 feet to a point, then running south 49 degrees 06 minutes 00 seconds west 685.27 feet to a point, then running north 71 degrees 13 minutes 33 seconds west 652.80 feet to a point, then running north 85 degrees 08 minutes 44 seconds west 1,186.18 feet to a point, then running north 86 degrees 47 minutes 03 seconds west 586.33 feet to a point, then running north 44 degrees 54 minutes 31 seconds west 687.53 feet to a point, then running north 74 degrees 02 minutes 54 seconds west 228.75 feet to a point, then running north 81 degrees 55 minutes 49 seconds west 458.76 feet to a point, then running north 87 degrees 12 minutes 07 seconds west 397.99 feet to a**

point, then running north 80 degrees 39 minutes 57 seconds west 258.69 feet to a point, then running north 38 degrees 37 minutes 00 seconds west 199.63 feet to a point, then running north 02 degrees 59 minutes 27 seconds west 275.16 feet to a point, then running north 04 degrees 47 minutes 17 seconds west 372.59 feet to a point, then running north 13 degrees 23 minutes 55 seconds west 422.52 feet to a point, then running north 19 degrees 18 minutes 17 seconds west 805.12 feet to a point, then running north 66 degrees 50 minutes 12 seconds west 467.21 feet to the easternmost boundary of the Big Savage Mountain Wildland, then running with the easternmost boundary of said wildland north 09 degrees 42 minutes 43 seconds east 1,074.90 feet to a point, then running north 00 degrees 29 minutes 39 seconds east 487.76 feet to a point, then running north 16 degrees 36 minutes 19 seconds east 657.34 feet to a point, then running north 22 degrees 59 minutes 23 seconds east 660.24 feet to a point, then running north 27 degrees 44 minutes 26 seconds east 581.93 feet to a point, then running north 45 degrees 08 minutes 06 seconds east 468.08 feet to a point, then running north 66 degrees 30 minutes 40 seconds east 905.64 feet to a point, then running north 77 degrees 06 minutes 01 seconds east 724.19 feet to a point, then running north 82 degrees 51 minutes 58 seconds east 624.35 feet to a point, then running south 51 degrees 25 minutes 01 seconds east 312.48 feet to a point, then running south 64 degrees 40 minutes 58 seconds east 179.02 feet to a point, then running north 46 degrees 47 minutes 13 seconds east 12,723.48 feet to a point intersecting the southernmost edge of the High Rock Fire Tower Road, then running with the southernmost edge of said road south 60 degrees 02 minutes 01 seconds east 367.54 feet to a point, then running south 76 degrees 17 minutes 39 seconds east 747.93 feet to a point, then running north 87 degrees 32 minutes 41 seconds east 558.94 feet to a point, then running south 52 degrees 04 minutes 35 seconds east 379.26 feet to a point, then running north 82 degrees 00 minutes 19 seconds east 112.27 feet to a point in the westernmost right of way of Westernport Road, then running with the westernmost right of way of said road south 34 degrees 15 minutes 30 seconds east 733.80 feet to a point, then leaving said road and running south 22 degrees 18 minutes 38 seconds west 1,285.97 feet to the point of beginning.

(2) (i) The South Savage Wildland area provides a unique site for the study of environmental sciences and offers an outstanding value for education, research, and enhanced understanding of natural processes and related economic, sociological, and cultural benefits.

(ii) Notwithstanding any other provision of this subtitle, the Department may allow research study in the South Savage Wildland area that involves some activities that are generally restricted or prohibited in State wildland areas, if the Department determines that the activities will not cause adverse impacts to the wildland resources and the ecological values of the site.

(iii) The Department and the University System of Maryland, through its constituent institutions Frostburg State University and the University of Maryland Biotechnology Institute, shall develop a comprehensive plan for the site setting forth the timing, duration, and general scope of the research activities to be

allowed, subject to public review and comment and subject to approval by the Secretary.

(GG) PURSUANT TO THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, THAT PROPERTY IN SOMERSET COUNTY CONTAINING APPROXIMATELY 3,125 ACRES AND DESCRIBED AS FOLLOWS IS A TYPE 2 STATE WILDLAND AND SHALL BE NAMED THE “JANES ISLAND WILDLAND”:

A TRACT OF LAND KNOWN AS JANES ISLAND, LOCATED WITHIN THE CHESAPEAKE BAY, SOMERSET COUNTY, THE CENTER OF WHICH LIES AT 126256.00 NORTH, 1638821.00 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83); OTHERWISE BEING ALL THAT PORTION OF LAND, SITUATE IN THE CRISFIELD AND LAWSON ELECTION DISTRICTS OF SOMERSET COUNTY, MARYLAND, KNOWN AS “JANES ISLAND” AND “FLAT CAP MARSHLANDS”, SHOWN AND DESCRIBED ON A PLAT ENTITLED “MAP OF JANES ISLAND AND FLAT CAP MARSHES” DATED JUNE 26, 1962 AND RECORDED IN THE LAND RECORDS OF SOMERSET COUNTY, MARYLAND IN PLAT BOOK GJB 5, FOLIOS 83A AND 83B AND CONVEYED UNTO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF FORESTS AND PARKS BY THE FOLLOWING TWO DEEDS: (1) A QUIT CLAIM DEED DATED JULY 16, 1962 FROM WALLACE M. QUINN AND AUGUSTA QUINN, HIS WIFE RECORDED IN THE LAND RECORDS OF SOMERSET COUNTY, MARYLAND IN LIBER 211, FOLIO 537, AND (2) A QUIT CLAIM DEED DATED JULY 31, 1962 FROM JOHN W. LANDON, JR. AND MABEL LANDON, HIS WIFE RECORDED IN THE LAND RECORDS OF SOMERSET COUNTY, MARYLAND IN LIBER 211, FOLIO 165.

SAVING AND EXCEPTING THAT TRACT OF LAND LYING ON THE WESTERN SHORELINE OF TANGIER SOUND AND BOUNDED BY FLAT CAP CREEK AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING FOR THE SAME AT A POINT WHERE FLAT CAP CREEK EMPTIES INTO TANGIER SOUND, SAID POINT LYING ON THE SOUTHWESTERN SIDE OF THE MOUTH OF FLAT CAP CREEK, SAID POINT ALSO HAVING THE COORDINATE VALUE 131537.63 NORTH 1,638,129.59 EAST (MARYLAND STATE PLANE GRID SYSTEM ~~NAD83~~ NAD83), ~~THENCE THEN~~ RUNNING BY AND WITH THE WESTERN SIDE OF FLAT CAP CREEK IN A SOUTHERLY DIRECTION TO A POINT, SAID POINT ALSO HAVING THE COORDINATE VALUE 127164.00 NORTH 1,637218.00 EAST (MARYLAND STATE PLANE GRID SYSTEM ~~NAD83~~ NAD83), ~~THENCE THEN~~ LEAVING THE WESTERN SIDE OF FLAT CAP CREEK AND RUNNING NORTH 66 DEGREES 32 MINUTES WEST A DISTANCE OF 756.00 MORE OR LESS FEET TO A POINT ON THE WESTERN SHORELINE ON TANGIER SOUND, ~~THENCE THEN~~ RUNNING BY AND WITH THE WESTERN SHORELINE OF TANGIER SOUND TO THE POINT OF BEGINNING, CONTAINING 50.1 ACRES OF LAND MORE OR LESS.

SAVING AND EXCEPTING THAT TRACT OF LAND LYING ON THE NORTHERN SHORELINE OF THE LITTLE ANNAMESSEX RIVER AND BEING BOUNDED BY THE SOUTHERN SHORELINE OF OLD HOUSE COVE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING FOR THE SAME AT A POINT, SAID POINT LYING ON THE SOUTHWEST SIDE OF OLD HOUSE COVE, SAID POINT ALSO HAVING THE COORDINATE VALUE 114050.14 NORTH, 1630106.93 EAST (MARYLAND STATE PLANE GRID SYSTEM ~~NAD83~~ NAD83), ~~THENCE THEN~~ RUNNING AND BINDING WITH THE SOUTHERN SHORELINE OF OLD HOUSE COVE IN A SOUTHEASTERLY DIRECTION A DISTANCE OF 4,560 FEET MORE OR LESS TO A POINT ON THE NORTHERN SHORELINE OF THE LITTLE ANNAMESSEX RIVER, ~~THENCE THEN~~ RUNNING BY AND WITH THE NORTHERN SHORELINE OF THE LITTLE ANNAMESSEX RIVER IN A NORTHWESTERLY DIRECTION A DISTANCE OF 4,150 FEET MORE OR LESS TO A POINT ON THE NORTHERN SHORELINE OF THE LITTLE ANNAMESSEX RIVER, ~~THENCE THEN~~ SOUTH 88 DEGREES 58 MINUTES EAST 241.79 FEET TO THE POINT OF BEGINNING, CONTAINING 12.6 ACRES MORE OR LESS.

SAVING AND EXCEPTING THAT TRACT OF LAND LYING ON NORTHERN SHORELINE OF THE LITTLE ANNAMESSEX RIVER AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING FOR THE SAME AT A POINT, SAID POINT LYING ON THE SOUTHEASTERMOST SIDE OF AN UNNAMED ISLAND SOUTH OF LONG POINT ON JANES ISLAND, SAID POINT ALSO HAVING THE COORDINATE VALUE 112375.00 NORTH, 1635762.00 EAST (MARYLAND STATE PLANE GRID SYSTEM ~~NAD83~~ NAD83), AND THEN RUNNING ALONG THE NORTHERN SHORELINE OF THE SAID ISLAND IN A NORTHWEST DIRECTION TO ITS NORTHEASTERMOST POINT, SAID POINT ALSO HAVING THE COORDINATE VALUE 113561.00 NORTH, 1634261.00 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83) AND THEN RUNNING ALONG THE SOUTHERN SHORELINE OF SAID ISLAND IN A SOUTHEASTERLY DIRECTION TO THE POINT OF BEGINNING, CONTAINING 13.7 ACRES MORE OR LESS.

(HH) (1) PURSUANT TO THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, THAT PROPERTY IN CALVERT COUNTY CONTAINING APPROXIMATELY 1,756 ACRES AND DESCRIBED AS FOLLOWS IS A TYPE 2 STATE WILDLAND AND SHALL BE NAMED THE "PARKER'S CREEK WILDLAND":

PARCEL 1:

BEING ALL THE SAME LAND IN A DEED DATED JUNE 26, 1995 AND RECORDED AMONG THE LAND RECORDS OF CALVERT COUNTY IN LIBER 813, FOLIO 43 WHICH WAS CONVEYED BY J AND H PROPERTIES TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES.

PARCEL 2:

BEING ALL THE SAME LAND IN A DEED DATED MAY 4, 2000 AND RECORDED AMONG THE LAND RECORDS OF CALVERT COUNTY IN LIBER 1267, FOLIO 135 WHICH WAS CONVEYED BY THE NATURE CONSERVANCY TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES.

PARCEL 3:

BEING ALL THE SAME LAND IN A DEED DATED JANUARY 29, 2001 AND RECORDED AMONG THE LAND RECORDS OF CALVERT COUNTY IN LIBER 1344, FOLIO 96 WHICH WAS CONVEYED BY THE NATURE CONSERVANCY TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES.

PARCEL 4:

BEING ALL THE SAME LAND IN A DEED DATED SEPTEMBER 27, 2001 AND RECORDED AMONG THE LAND RECORDS OF CALVERT COUNTY IN LIBER 1464, FOLIO 328 WHICH WAS CONVEYED BY THE NATURE CONSERVANCY TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES.

PARCEL 5:

BEING ALL THE SAME LAND IN A DEED DATED SEPTEMBER 27, 2001 AND RECORDED AMONG THE LAND RECORDS OF CALVERT COUNTY IN LIBER 1467, FOLIO 171 WHICH WAS CONVEYED BY THE NATURE CONSERVANCY TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES.

PARCEL 6:

BEING ALL THE SAME LAND IN A DEED DATED DECEMBER 18, 2002 AND RECORDED AMONG THE LAND RECORDS OF CALVERT COUNTY IN LIBER 1733, FOLIO 388 WHICH WAS CONVEYED BY THE NATURE CONSERVANCY TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES.

PARCEL 7:

BEING ALL THE SAME LAND IN A DEED DATED DECEMBER 13, 2004 AND RECORDED AMONG THE LAND RECORDS OF CALVERT COUNTY IN LIBER 2358, FOLIO 57 WHICH WAS CONVEYED BY THE NATURE CONSERVANCY TO THE

STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES.

(2) (I) THE PARKER'S CREEK WILDLAND AREA CONTAINS UNIQUE ECOLOGICAL FEATURES AND RARE HABITATS THAT HARBOR NUMEROUS SENSITIVE PLANT AND ANIMAL SPECIES.

(II) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, IN ORDER TO PRESERVE, MAINTAIN, STUDY, RESEARCH, AND EDUCATE THE PUBLIC ABOUT THE UNIQUE ECOLOGICAL FEATURES AND RARE HABITATS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, IN THE PARKER'S CREEK WILDLAND AREA THE DEPARTMENT MAY:

1. RETAIN, MAINTAIN, ~~OR REMOVE~~ REMOVE, OR REPLACE EXISTING STRUCTURES, TRAILS, PARKING AREAS, AND ROADS USING MECHANICAL OR MOTORIZED EQUIPMENT;

2. REMOVE, REPLACE, OR DISPOSE OF NON-NATIVE SPECIES USING MECHANICAL OR MOTORIZED EQUIPMENT;

3. ERECT FENCING, GATES, OR SIGNS IN ORDER TO PROTECT OR IDENTIFY UNIQUE NATURAL OR HISTORICAL ELEMENTS;

4. CONSTRUCT AND MAINTAIN NOT MORE THAN TWO VIEWING PLATFORMS ADJACENT TO HIKING TRAILS FOR PUBLIC OBSERVATION;

5. CONSTRUCT AND MAINTAIN A FOOTBRIDGE ACROSS PARKER'S CREEK AT THE HISTORICAL CROSSING FOUND AT THE SOUTHERN TERMINUS OF OLD PARKER'S CREEK ROAD; AND

6. CONTINUE TO AUTHORIZE AGRICULTURAL MANAGEMENT ACTIVITIES ON THE GOLDSTEIN BAY FARM FOR SO LONG AS AN AGRICULTURAL LEASE IS IN EFFECT.

(II) PURSUANT TO THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, THAT PROPERTY IN CHARLES COUNTY CONTAINING APPROXIMATELY 443 ACRES AND DESCRIBED AS FOLLOWS IS A TYPE 2 STATE WILDLAND AND SHALL BE NAMED THE "ZEKIAH SWAMP WILDLAND":

PARCEL 1:

BEING ALL THE SAME LAND IN A DEED DATED SEPTEMBER 3, 1976 AND RECORDED AMONG THE LAND RECORDS OF CHARLES COUNTY IN LIBER 461,

FOLIO 34 WHICH WAS CONVEYED BY WILLIAM C. MITCHELL TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES.

PARCEL 2:

BEING ALL THE SAME LAND IN A DEED DATED NOVEMBER 4, 1983 AND RECORDED APRIL 11, 1984 AMONG THE LAND RECORDS OF CHARLES COUNTY IN LIBER 976, FOLIO 109 WHICH WAS CONVEYED BY FISHER FARM PARTNERSHIP TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES.

PARCEL 3:

BEING ALL THE SAME LAND IN A DEED DATED MARCH 27, 1986 AND RECORDED AMONG THE LAND RECORDS OF CHARLES COUNTY IN LIBER 1117, FOLIO 65 WHICH WAS CONVEYED BY WILLIAM E. SILL JR. TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES.

(JJ) (1) PURSUANT TO THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, THAT PROPERTY IN CHARLES COUNTY CONTAINING APPROXIMATELY 694 ACRES AND DESCRIBED AS FOLLOWS IS A TYPE 2 STATE WILDLAND AND SHALL BE NAMED THE “CHAPMAN WILDLAND”:

PARCEL 1:

BEGINNING AT A POINT ON THE NORTHWESTERNMOST RIGHT OF WAY OF CHAPMAN’S LANDING ROAD, SAID POINT BEING THE END OF THE THIRTEENTH OR SOUTH 49 DEGREES 49 MINUTES 53 SECONDS WEST 1649.93 FOOT LINE OF THE FIRST PARCEL OF A TRACT OF LAND WHICH BY DEED DATED FEBRUARY 15, 1989 AND RECORDED IN LIBER 1362, FOLIO 169 OF THE LAND RECORDS OF CHARLES COUNTY WAS CONVEYED BY MAR-JAC INVESTMENTS, INC. TO VMS CHARLES COUNTY VENTURE, SAID PARCEL OF LAND ALSO DESCRIBED AS TRACT C BY DEED DATED OCTOBER 28, 1998 AND RECORDED ~~ON~~ IN LIBER 2666, FOLIO 501 OF THE LAND RECORDS OF CHARLES COUNTY WHICH WAS CONVEYED BY THE VMIF CHARLES COUNTY VENTURE TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES AND RUNNING WITH SAID THIRTEENTH LINE REVERSED NORTH 49 DEGREES 49 MINUTES 53 SECONDS EAST 1649.93 FEET TO A POINT, THEN RUNNING NORTH 43 DEGREES 45 MINUTES 32 SECONDS EAST 187.93 FEET, THEN LEAVING SAID RIGHT OF WAY AND RUNNING NORTH 49 DEGREES 52 MINUTES 12 SECONDS EAST 462.19 FEET, NORTH 51 DEGREES 56 MINUTES 35 SECONDS EAST 1044.13 FEET, SOUTH 49 DEGREES 13 MINUTES 25 SECONDS EAST 460.66 FEET TO A POINT ON THE WESTERNMOST RIGHT OF WAY OF CHAPMAN’S LANDING ROAD AND RUNNING NORTH 53 DEGREES 09 MINUTES 55 SECONDS EAST 644.48 FEET,

NORTH 73 DEGREES 15 MINUTES 29 SECONDS EAST 260.40 FEET TO A POINT, THEN LEAVING SAID RIGHT OF WAY AND RUNNING NORTH 39 DEGREES 24 MINUTES 01 SECONDS EAST 304.26 FEET TO A ~~POINT~~ POINT, SAID POINT HAVING THE COORDINATE VALUE 344581.81 NORTH, 1278899.91 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), THEN RUNNING NORTH 20 DEGREES 13 MINUTES 29 SECONDS EAST 436.76 FEET, DUE NORTH 269.63 FEET, NORTH 11 DEGREES 46 MINUTES 06 SECONDS WEST 264.40 FEET, NORTH 34 DEGREES 41 MINUTES 42 SECONDS EAST 170.53 FEET, NORTH 31 DEGREES 25 MINUTES 46 SECONDS EAST 455.02 FEET, NORTH 19 DEGREES 10 MINUTES 44 SECONDS WEST 262.63 FEET, SOUTH 68 DEGREES 33 MINUTES 08 SECONDS WEST 973.34 FEET, NORTH 20 DEGREES 24 MINUTES 35 SECONDS WEST 759.08 FEET, NORTH 24 DEGREES 58 MINUTES 01 SECONDS EAST 567.71 FEET, NORTH 03 DEGREES 55 MINUTES 16 SECONDS EAST 430.31 FEET MORE OR LESS TO A POINT ON THE MEAN HIGH WATERLINE OF THE POTOMAC RIVER, THEN RUNNING WITH MEAN HIGH WATER LINE OF THE POTOMAC RIVER IN A SOUTHWESTERLY DIRECTION 4,560.00 FEET MORE OR LESS TO A POINT, THEN LEAVING THE POTOMAC RIVER AND RUNNING SOUTH 07 DEGREES 43 MINUTES 15 SECONDS EAST 533.05 FEET TO A ~~POINT~~ POINT, SAID POINT HAVING THE COORDINATE VALUE 344624.95 NORTH, 1275578.15 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), AND THEN RUNNING SOUTH 78 DEGREES 41 MINUTES 24 SECONDS EAST 219.97 FEET, SOUTH 19 DEGREES 47 MINUTES 55 SECONDS WEST 286.56 FEET, SOUTH 51 DEGREES 20 MINUTES 24 SECONDS EAST 345.29 FEET, SOUTH 80 DEGREES 50 MINUTES 16 SECONDS EAST 338.65 FEET, NORTH 03 DEGREES 49 MINUTES 53 SECONDS WEST 752.06 FEET MORE OR LESS TO THE MEAN HIGH WATERLINE OF THE POTOMAC RIVER, THEN RUNNING WITH MEAN HIGH WATER LINE OF THE POTOMAC RIVER IN A SOUTHWESTERLY DIRECTION 2020.00 FEET MORE OR LESS TO A POINT, SAID POINT BEING THE END OF THE THIRTIETH OR NORTH 26 DEGREES 10 MINUTES 39 SECONDS WEST 436.68 FOOT LINE OF THE SAID FIRST PARCEL OF THE TRACT OF LAND CONVEYED BY MAR-JAC INVESTMENTS, INC. TO VMS CHARLES COUNTY VENTURE, AND THEN RUNNING WITH THE THIRTIETH THROUGH TWELFTH LINES OF SAID CONVEYANCE (REVERSED) TO THE POINT OF BEGINNING.

SAVING AND EXCEPTING THE EXISTING ROADWAY SOMETIMES REFERRED TO AS RIVERS EDGE PLACE AND 15 FEET ON EACH SIDE OF ITS CENTERLINE, EXTENDING FROM THE BOUNDARY OF PARCEL 1 CLOSEST TO GLYMONT ROAD ACROSS PARCEL 1 TO INTERSECT WITH THE BOUNDARY ON THE OTHER SIDE AT A POINT HAVING THE APPROXIMATE COORDINATE VALUE 344301.37 NORTH, 1275059.56 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83).

PARCEL 2:

BEGINNING AT A POINT ON THE NORTHWESTERNMOST RIGHT OF WAY OF CHAPMAN'S LANDING ROAD, SAID POINT BEING THE BEGINNING ~~OF THE~~ OF THE SIXTH OR NORTH 86 DEGREES 38 MINUTES 58 SECONDS WEST 1319.67 FOOT LINE OF THE FIRST PARCEL OF A TRACT OF LAND WHICH BY DEED DATED FEBRUARY 15, 1989 AND RECORDED IN LIBER 1362, FOLIO 169 OF THE LAND RECORDS OF CHARLES COUNTY WAS CONVEYED BY MAR-JAC INVESTMENTS, INC. TO VMS CHARLES COUNTY VENTURE, SAID PARCEL OF LAND ALSO DESCRIBED AS TRACT C BY DEED DATED OCTOBER 28, 1998 AND RECORDED ~~ON~~ IN LIBER 2666, FOLIO 501 OF THE LAND RECORDS OF CHARLES COUNTY WHICH WAS CONVEYED BY THE VMIF CHARLES COUNTY VENTURE TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL ~~RESOURCES~~ RESOURCES, AND RUNNING WITH THE SAID RIGHT OF WAY AND THE FIFTH LINE REVERSED NORTH 67 DEGREES 46 MINUTES 51 SECONDS EAST 552.46 FEET TO A POINT, NORTH 42 DEGREES 12 MINUTES 39 SECONDS EAST 340.94 FEET, NORTH 42 DEGREES 28 MINUTES 30 SECONDS EAST 1426.97 FEET, NORTH 42 DEGREES 44 MINUTES 21 SECONDS EAST 997.21 FEET, NORTH 46 DEGREES 43 MINUTES 308 SECONDS EAST 34.64.97 FEET, NORTH 53 DEGREES 05 MINUTES 42 SECONDS EAST 80.99 FEET, NORTH 62 DEGREES 02 MINUTES 25 SECONDS EAST 228.32 FEET, NORTH 69 DEGREES 57 MINUTES 12 SECONDS EAST 125.20 FEET TO A POINT, THEN LEAVING THE SAID RIGHT OF WAY OF CHAPMAN'S LANDING ROAD AND RUNNING NORTH 39 DEGREES 02 MINUTES 48 SECONDS WEST 185.30 FEET, NORTH 37 DEGREES 50 MINUTES 16 SECONDS EAST 82.71 FEET, NORTH 45 DEGREES 03 MINUTES 29 SECONDS EAST 545.26 FEET, NORTH 42 DEGREES 02 MINUTES 59 SECONDS EAST 77.87 FEET, NORTH 37 DEGREES 54 MINUTES 28 SECONDS EAST 311.71 FEET, NORTH 41 DEGREES 10 MINUTES 35 SECONDS EAST 260.95 FEET, NORTH 44 DEGREES 26 MINUTES 57 SECONDS WEST 277.80 FEET, NORTH 45 DEGREES 46 MINUTES 19 SECONDS WEST 222.13 FEET, NORTH 44 DEGREES 47 MINUTES 43 SECONDS WEST 254.88 FEET, NORTH 46 DEGREES 41 MINUTES 29 SECONDS WEST 310.52 FEET, NORTH 40 DEGREES 24 MINUTES 27 SECONDS WEST 392.86 FEET, NORTH 49 DEGREES 46 MINUTES 33 SECONDS WEST 169.99 FEET, NORTH 55 DEGREES 48 MINUTES 05 SECONDS WEST 229.43 FEET, NORTH 46 DEGREES 21 MINUTES 39 SECONDS WEST 339.31 FEET, NORTH 45 DEGREES 38 MINUTES 37 SECONDS WEST 302.40 FEET, NORTH 48 DEGREES 27 MINUTES 42 SECONDS WEST 139.84 FEET, NORTH 44 DEGREES 31 MINUTES 32 SECONDS WEST 149.05 FEET, NORTH 46 DEGREES 25 MINUTES 31 SECONDS WEST 487.00 FEET MORE OR LESS TO A POINT ON THE MEAN HIGH WATERLINE OF THE POTOMAC RIVER, THEN RUNNING WITH MEAN HIGH WATER LINE OF THE POTOMAC RIVER IN A SOUTHWESTERLY DIRECTION 2850 FEET MORE OR LESS TO A POINT, THEN LEAVING SAID RIVER AND RUNNING SOUTH 24 DEGREES 09 MINUTES 27 SECONDS EAST 1376.43 FEET MORE OR LESS TO A POINT, SAID POINT HAVING THE COORDINATE VALUE 347083.91 NORTH, 1279730.34 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), AND THEN RUNNING SOUTH 32 DEGREES 13 MINUTES 52 SECONDS

EAST 1671.03 FEET, SOUTH 34 DEGREES 26 MINUTES 20 SECONDS WEST 441.74 FEET, SOUTH 65 DEGREES 46 MINUTES 20 SECONDS EAST 228.29 FEET, SOUTH 88 DEGREES 58 MINUTES 20 SECONDS WEST 282.28 FEET, NORTH 63 DEGREES 26 MINUTES 05 SECONDS EAST 241.16 FEET, DUE WEST 194.13 FEET, SOUTH 56 DEGREES 18 MINUTES 35 SECONDS WEST 155.54 FEET, SOUTH 13 DEGREES 23 MINUTES 32 SECONDS WEST 232.82 FEET, SOUTH 02 DEGREES 51 MINUTES 44 SECONDS WEST 215.97 FEET, SOUTH 16 DEGREES 41 MINUTES 56 SECONDS WEST 225.20 FEET, SOUTH 40 DEGREES 54 MINUTES 51 SECONDS WEST 229.09 FEET MORE OR LESS, TO A POINT ON THE WESTERNMOST RIGHT OF WAY OF CHAPMAN'S LANDING ROAD, AND THEN RUNNING WITH SAID RIGHT OF WAY SOUTH 86 DEGREES 38 MINUTES 58 SECONDS EAST 1055.11 FEET MORE OR LESS TO THE POINT OF BEGINNING.

PARCEL 3:

BEING A PARCEL OF LAND ALSO DESCRIBED AS TRACT E2 BY DEED DATED OCTOBER 28, 1998 AND RECORDED IN LIBER 2666, FOLIO 501 OF THE LAND RECORDS OF CHARLES COUNTY WHICH WAS CONVEYED BY THE VMIF CHARLES COUNTY VENTURE TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, IN THE CHAPMAN WILDLAND AREA THE DEPARTMENT, WITH PRIOR APPROVAL OF THE MARYLAND HISTORICAL TRUST AND AFTER AN INTERNAL DEPARTMENTAL REVIEW, MAY AUTHORIZE:

(I) ARCHEOLOGICAL INVENTORIES, STUDIES, AND RESEARCH THAT INVOLVE SURFACE EXAMINATION OR LIMITED SUBSURFACE SAMPLING;

(II) SALVAGE AND EXCAVATION OF ARCHEOLOGICAL SITES;
AND

(III) STABILIZATION AND RESTORATION OF HISTORIC STRUCTURES EXISTING AS OF OCTOBER 1, 2014.

(KK) (1) PURSUANT TO THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, THAT PROPERTY IN ALLEGANY COUNTY CONTAINING APPROXIMATELY 4,047 ACRES AND DESCRIBED AS FOLLOWS IS A TYPE 1 STATE WILDLAND AND SHALL BE NAMED THE "DAN'S MOUNTAIN WILDLAND":

BEGINNING FOR THE SAME AT A POINT, SAID POINT BEING LOCATED ON THE BOUNDARY OF DAN'S MOUNTAIN WILDLIFE MANAGEMENT AREA AND BEING 823.41 FEET FROM THE BEGINNING OF THE LAST OR SOUTH 44 DEGREES

04 MINUTES 00 SECONDS WEST 1978.42 FOOT LINE OF THE PARCEL OF LAND DESCRIBED IN A DEED DATED NOVEMBER 4, 1960 AND RECORDED AMONG THE LAND RECORDS OF ALLEGANY COUNTY IN LIBER 329, FOLIO, 281 WHICH WAS CONVEYED BY EVA COX ET AL. TO THE STATE OF MARYLAND, TO THE USE OF THE GAME AND INLAND FISH COMMISSION, SAID POINT ALSO BEING ON THE SOUTHWESTERNMOST RIGHT OF WAY OF DAN'S ROCK ROAD AND RUNNING ~~THENCE~~ THEN WITH SAID RIGHT OF WAY IN A SOUTHEASTERLY DIRECTION TO A POINT OF INTERSECTION WITH THE ~~SAID~~ AFOREMENTIONED DAN'S MOUNTAIN WILDLIFE MANAGEMENT AREA BOUNDARY, AND THEN RUNNING WITH SAID BOUNDARY TWO COURSES ON A SOUTHEASTERLY DIRECTION TO A POINT, SAID POINT BEING LOCATED ON SAID BOUNDARY AND 282.00 FEET MORE OR LESS FROM THE BEGINNING OF THE SIXTY THIRD LINE OF THE PARCEL OF THE AFORESAID CONVEYANCE FROM EVA COX TO THE STATE OF ~~MARYLAND~~ MARYLAND, AND THEN LEAVING THE ~~SAID~~ AFOREMENTIONED BOUNDARY OF DAN'S MOUNTAIN WILDLIFE MANAGEMENT AREA AND RUNNING SOUTH 47 DEGREES 21 MINUTES 17 SECONDS WEST 2225.80 FEET MORE OR LESS TO A POINT, SAID POINT HAVING THE COORDINATE VALUE 699490.18 NORTH, 776146.39 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), AND THEN RUNNING SOUTH 41 DEGREES 12 MINUTES 48 SECONDS WEST 1417.57 FEET, SOUTH 44 DEGREES 40 MINUTES 23 SECONDS EAST 1384.38 FEET, SOUTH 68 DEGREES 03 MINUTES 38 SECONDS EAST 645.69 FEET, SOUTH 54 DEGREES 08 MINUTES 42 SECONDS EAST 544.19 FEET, SOUTH 53 DEGREES 30 MINUTES 07 SECONDS EAST 1064.55 FEET, SOUTH 29 DEGREES 30 MINUTES 09 SECONDS WEST 1075.02 FEET, SOUTH 05 DEGREES 05 MINUTES 06 SECONDS WEST 1837.81 FEET, SOUTH 13 DEGREES 18 MINUTES 21 SECONDS EAST 738.22 FEET, SOUTH 51 DEGREES 19 MINUTES 01 SECONDS WEST 778.44 FEET, NORTH 76 DEGREES 43 MINUTES 44 SECONDS WEST 695.99 FEET, SOUTH 89 DEGREES 38 MINUTES 03 SECONDS WEST 848.54 FEET, SOUTH 58 DEGREES 43 MINUTES 42 SECONDS WEST 836.41 FEET, SOUTH 85 DEGREES 11 MINUTES 02 SECONDS WEST 426.61 FEET, SOUTH 03 DEGREES 21 MINUTES 44 SECONDS EAST 170.49 FEET, SOUTH 42 DEGREES 54 MINUTES 17 SECONDS EAST 2320.86 FEET, SOUTH 62 DEGREES 39 MINUTES 03 SECONDS WEST 413.73 FEET, SOUTH 41 DEGREES 27 MINUTES 44 SECONDS WEST 642.13 FEET, SOUTH 59 DEGREES 30 MINUTES 53 SECONDS WEST 224.52 FEET, NORTH 81 DEGREES 15 MINUTES 29 SECONDS WEST 394.79 FEET, NORTH 56 DEGREES 33 MINUTES 07 SECONDS WEST 707.57 FEET, NORTH 54 DEGREES 06 MINUTES 41 SECONDS WEST 944.30 FEET, SOUTH 87 DEGREES 18 MINUTES 27 SECONDS WEST 1135.83 FEET, SOUTH 55 DEGREES 48 MINUTES 14 SECONDS WEST 755.69 FEET, NORTH 36 DEGREES 48 MINUTES 13 SECONDS WEST 394.32 FEET, NORTH 44 DEGREES 58 MINUTES 08 SECONDS WEST 789.32 FEET, NORTH 74 DEGREES 24 MINUTES 47 SECONDS WEST 625.03 FEET, NORTH 81 DEGREES 16 MINUTES 42 SECONDS WEST 1071.03 FEET, SOUTH 89 DEGREES 37 MINUTES 45 SECONDS WEST 542.00 FEET MORE OR LESS TO A POINT ON THE WESTERNMOST SIDE OF "THE FLATS ROAD", SAID POINT HAVING

THE APPROXIMATE COORDINATE VALUE 690805.50 NORTH, 768923.00 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), THEN RUNNING WITH THE NORTHWESTERNMOST SIDE OF "THE FLATS ROAD" IN A SOUTHWESTERLY DIRECTION TO A POINT OF INTERSECTION WITH "MIDDLE RIDGE ROAD", SAID POINT HAVING THE APPROXIMATE COORDINATE VALUE 685711.50 NORTH, 764680.00 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), AND THEN RUNNING WITH THE WESTERNMOST SIDE OF "MIDDLE RIDGE ROAD" IN A SOUTHERLY DIRECTION TO A POINT, SAID POINT HAVING THE APPROXIMATE COORDINATE VALUE 679399.50 NORTH, 763595.15 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), AND THEN RUNNING WITH THE WESTERNMOST SIDE OF "MIDDLE RIDGE ROAD" IN A NORTHERLY DIRECTION TO A POINT ON THE WESTERNMOST SIDE OF "THE FLATS ROAD", SAID POINT HAVING THE APPROXIMATE COORDINATE VALUE 680844.00 NORTH, 761673.50 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), AND THEN RUNNING WITH THE WESTERNMOST SIDE OF "THE FLATS ROAD" IN A SOUTHERLY DIRECTION TO A POINT, SAID POINT HAVING THE APPROXIMATE COORDINATE VALUE 676476.50 NORTH, 758032.50 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), THEN LEAVING "THE FLATS ROAD" AND RUNNING SOUTH 33 DEGREES 20 MINUTES 48 SECONDS WEST 4548.56 FEET, SOUTH 57 DEGREES 12 MINUTES 01 SECONDS EAST 578.70 FEET, NORTH 61 DEGREES 45 MINUTES 45 SECONDS EAST 662.57 FEET, SOUTH 55 DEGREES 22 MINUTES 48 SECONDS EAST 1967.38 FEET, SOUTH 53 DEGREES 01 MINUTES 14 SECONDS EAST 900.09 FEET, SOUTH 29 DEGREES 44 MINUTES 41 SECONDS WEST 398.56 FEET, SOUTH 02 DEGREES 19 MINUTES 11 SECONDS WEST 1332.67 FEET TO A POINT IN THE BOUNDARY OF DAN'S MOUNTAIN WILDLIFE MANAGEMENT AREA, SAID POINT BEING THE BEGINNING OF NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 1777.00 FOOT LINE OF THE PARCEL OF LAND DESCRIBED IN A DEED DATED AUGUST 29, 1953 AND RECORDED AMONG THE LAND RECORDS OF ALLEGANY COUNTY IN LIBER 253, FOLIO 231 WHICH WAS CONVEYED BY DARIN MOREHOUSE ET AL. TO THE STATE OF MARYLAND, TO THE USE OF THE GAME AND INLAND FISH COMMISSION, AND RUNNING WITH SAID CONVEYANCE AND THE EXISTING BOUNDARY OF DAN'S MOUNTAIN WILDLIFE MANAGEMENT AREA TO THE BEGINNING OF THE SOUTH 21 DEGREES 30 MINUTES 00 SECONDS WEST 1377.00 FOOT LINE OF THE SAID MOREHOUSE CONVEYANCE TO THE STATE OF MARYLAND AND THEN LEAVING SAID WILDLIFE MANAGEMENT AREA BOUNDARY AND RUNNING NORTH 44 DEGREES 37 MINUTES 51 SECONDS EAST 908.17 FEET TO A POINT, SAID POINT HAVING THE COORDINATE VALUE 668628.58 NORTH, 754267.50 EAST (MARYLAND STATE PLANE GRID SYSTEM ~~NAD83~~ NAD83), AND THEN RUNNING NORTH 22 DEGREES 48 MINUTES 16 SECONDS EAST 1031.92 FEET, NORTH 16 DEGREES 21 MINUTES 33 SECONDS WEST 886.76 FEET, NORTH 34 DEGREES 40 MINUTES 39 SECONDS WEST 2106.92 FEET, NORTH 00 DEGREES 48 MINUTES 57 SECONDS EAST 1518.92 FEET, NORTH 35 DEGREES 48 MINUTES 13 SECONDS EAST 2439.09 FEET, NORTH 28 DEGREES

09 MINUTES 00 SECONDS EAST 2360.01 FEET, NORTH 35 DEGREES 58 MINUTES 02 SECONDS EAST 7943.42 FEET, NORTH 25 DEGREES 33 MINUTES 03 SECONDS EAST 2170.69 FEET, NORTH 40 DEGREES 54 MINUTES 19 SECONDS EAST 3153.05 FEET MORE OR LESS TO A POINT, SAID POINT BEING LOCATED ON THE ~~SAID~~ AFOREMENTIONED WILDLIFE MANAGEMENT AREA BOUNDARY AND 667.40 FEET MORE OR LESS FROM THE BEGINNING OF THE TWENTY SIXTH LINE OF THE AFORESAID CONVEYANCE FROM EVA COX TO THE STATE OF ~~MARYLAND~~ MARYLAND, AND THEN RUNNING WITH THE SAID BOUNDARY THE REMAINDER OF THE SAID TWENTY SIXTH LINE AND THE TWENTY FIFTH THROUGH THE TWENTY SECOND LINE OF THE AFORESAID CONVEYANCE FROM EVA COX TO THE STATE OF MARYLAND TO A POINT, SAID POINT BEING LOCATED ON THE ~~SAID~~ AFOREMENTIONED WILDLIFE MANAGEMENT AREA BOUNDARY AND 1005.00 FEET MORE OR LESS FROM THE END OF THE TWENTY FIRST LINE OF THE AFORESAID CONVEYANCE FROM EVA COX TO THE STATE OF ~~MARYLAND~~ MARYLAND, AND THEN LEAVING THE SAID BOUNDARY OF THE DAN'S MOUNTAIN WILDLIFE MANAGEMENT AREA AND RUNNING NORTH 33 DEGREES 13 MINUTES 58 SECONDS EAST 1174.68 FEET MORE OR LESS TO A POINT, SAID POINT HAVING THE COORDINATE VALUE 691345.14 NORTH, 765649.54 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), THEN RUNNING NORTH 45 DEGREES 15 MINUTES 50 SECONDS EAST 935.17 FEET, NORTH 38 DEGREES 56 MINUTES 54 SECONDS EAST 2572.73 FEET, NORTH 35 DEGREES 12 MINUTES 19 SECONDS EAST 2381.30 FEET, NORTH 26 DEGREES 50 MINUTES 35 SECONDS EAST 1264.93 FEET, MORE OR LESS TO A POINT ON THE DAN'S MOUNTAIN WILDLIFE MANAGEMENT AREA BOUNDARY, THEN RUNNING WITH SAID BOUNDARY NORTH 48 DEGREES 29 MINUTES 32 SECONDS EAST 264.00 FEET, SOUTH 44 DEGREES 04 MINUTES 28 SECONDS EAST 248.15 FEET, NORTH 54 DEGREES 10 MINUTES 12 SECONDS EAST 290.30 FEET, NORTH 50 DEGREES 10 MINUTES 32 SECONDS EAST 373.35 FEET, NORTH 58 DEGREES 14 MINUTES 32 SECONDS EAST 266.25 FEET, NORTH 84 DEGREES 07 MINUTES 32 SECONDS EAST 184.25 FEET, NORTH 15 DEGREES 56 MINUTES 32 SECONDS EAST 247.60 FEET, NORTH 40 DEGREES 22 MINUTES 44 SECONDS WEST 470.70 FEET, THEN LEAVING THE SAID BOUNDARY AND RUNNING NORTH 35 DEGREES 38 MINUTES 53 SECONDS EAST 1495.22 FEET MORE OR LESS TO THE AFORESAID DAN'S MOUNTAIN WILDLIFE MANAGEMENT AREA BOUNDARY, AND THEN RUNNING WITH SAID BOUNDARY, AS DEFINED IN THE YEAR 2014, TO THE POINT OF BEGINNING.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, IN THE DAN'S MOUNTAIN WILDLAND AREA THE DEPARTMENT MAY:

(i) ESTABLISH AND MAINTAIN ROADS AND TRAILS TO PROVIDE ACCESS FOR WILDLIFE-DEPENDENT RECREATION;

(II) IMPROVE AND MANAGE HABITAT FOR EARLY-SUCCESSION WILDLIFE; AND

(III) TAKE ALL OTHER ACTIONS NECESSARY TO MANAGE THE AREA IN A WAY THAT FULFILLS THE PURPOSES OF THE 1966 FEDERAL AID IN FISH AND WILDLIFE RESTORATION ACT GRANT FROM THE DEPARTMENT OF THE INTERIOR THAT PARTIALLY FUNDED ACQUISITION OF THE AREA.

(LL) PURSUANT TO THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, THAT PROPERTY IN GARRETT COUNTY CONTAINING APPROXIMATELY 300 ACRES AND DESCRIBED AS FOLLOWS IS A TYPE 1 STATE WILDLAND AND SHALL BE NAMED THE "UPPER WHITE ROCK WILDLAND":

PARCEL 1:

BEING ALL THE SAME LAND DESCRIBED IN A DEED DATED DECEMBER 9, 1937 AND RECORDED DECEMBER 21, 1937 AMONG THE LAND RECORDS OF GARRETT COUNTY IN LIBER 117, FOLIO 122 WHICH WAS CONVEYED BY PAUL FRIEND, CLAUDINE M. FRIEND, HIS WIFE AND OTTO SCHULTZ TO THE STATE OF MARYLAND, FOR THE USE OF THE DEPARTMENT OF ~~FORESTRY~~ FORESTRY, AND ALSO KNOWN AS MILITARY LOTS 1454, 1455, AND 1456.

PARCEL 2:

BEING ALL THE SAME LAND DESCRIBED IN A DEED DATED DECEMBER 3, 1937 AND RECORDED JANUARY 10, 1938 AMONG THE LAND RECORDS OF GARRETT COUNTY IN LIBER 117, FOLIO 182 WHICH WAS CONVEYED BY PAUL FRIEND, CHARLES H. LINVILLE AND MARY K. LINVILLE, HIS WIFE TO THE STATE OF MARYLAND, FOR THE USE OF THE DEPARTMENT OF ~~FORESTRY~~ FORESTRY, AND ALSO KNOWN AS MILITARY LOTS 1450, 1451, AND 1452.

(MM) PURSUANT TO THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, THAT PROPERTY IN GARRETT COUNTY CONTAINING APPROXIMATELY 1,706 ACRES AND DESCRIBED AS FOLLOWS IS A TYPE 1 STATE WILDLAND AND SHALL BE NAMED THE "BACKBONE MOUNTAIN WILDLAND":

BEGINNING FOR THE SAME AT A ~~POINT~~ POINT, SAID POINT BEING THE BEGINNING OF THE FIRST LINE OF THE PARCEL OF LAND DESCRIBED IN A DEED DATED OCTOBER 18, 2013 AND RECORDED AMONG THE LAND RECORDS OF GARRETT COUNTY IN LIBER 1774, FOLIO 280 WHICH WAS CONVEYED BY MOUNTAIN MARYLAND MINERALS LLC TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES, SAID POINT ALSO BEING SHOWN ON A PLAT OF SURVEY ENTITLED "ALTA/ACSM LAND TITLE SURVEY, EXTERIOR BOUNDARY FOR THE LANDS OF THE STATE OF MARYLAND,

DEPARTMENT OF NATURAL RESOURCES SITUATED ALONG MARYLAND ROUTE 135, ELECTION DISTRICT NO. 4, GARRETT COUNTY, MARYLAND”, PREPARED BY CATOCTIN MOUNTAIN SURVEYS, INC., DATED MAY 10, 2013 AND RECORDED AMONG THE LAND RECORDS OF GARRETT COUNTY IN PLAT BOOK TVM, PAGE 497 AND RUNNING ~~THENCE~~ THEN, WITH THE BOUNDARY OF THE POTOMAC STATE FOREST AND THE FIRST THROUGH EIGHTH LINES OF SAID DEED TO A POINT INTERSECTING THE FIRST LINE OF A TRACT OF LAND DESCRIBED IN A DEED DATED JANUARY 7, 1935 AND RECORDED AMONG THE LAND RECORDS OF GARRETT COUNTY IN LIBER 110, FOLIO 177 WHICH WAS CONVEYED BY CHARLES STRECKER ET AL. TO THE STATE OF MARYLAND, THEN RUNNING WITH THE SAID STATE FOREST BOUNDARY FOR REMAINDER OF THE SAID FIRST LINE TO A POINT, THEN RUNNING WITH THE SECOND THROUGH FIFTH LINES OF SAID DEED TO A POINT, THEN RUNNING WITH A PORTION OF THE SIXTH LINE TO A POINT, THEN LEAVING THE SAID STATE FOREST BOUNDARY AND RUNNING ALONG THE NORTHERNMOST EDGE OF AN EXISTING WOODS ROAD IN A WESTERLY DIRECTION 5048.45 FEET TO A POINT, SAID POINT HAVING A COORDINATE VALUE 667048.26 NORTH, 696303.36 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), THEN RUNNING NORTH 23 DEGREES 16 MINUTES 01 SECONDS WEST 228.1 FEET TO A PLANTED STONE IN THE SAID STATE FOREST BOUNDARY, THEN RUNNING WITH SAID STATE FOREST BOUNDARY THE FOLLOWING TWO COURSES, NORTH 34 DEGREES 52 MINUTES 47 SECONDS WEST 561.00 FEET MORE OR LESS TO A POINT, ~~THENCE~~ THEN NORTH 24 DEGREES 52 MINUTES 47 MINUTES WEST 586.3 FEET MORE OR LESS TO A POINT IN THE SOUTHERNMOST RIGHT OF WAY OF THE CSX RAILROAD, THEN RUNNING WITH THE SOUTHERNMOST RIGHT OF WAY OF SAID RAILROAD IN A NORTHEASTERLY DIRECTION TO A POINT, SAID POINT BEING THE BEGINNING OF THE EIGHTH LINE OF A TRACT OF LAND DESCRIBED IN A DEED DATED DECEMBER 12, 2011 AND RECORDED AMONG THE LAND RECORDS OF GARRETT COUNTY IN LIBER 1629, FOLIO 380 WHICH WAS CONVEYED BY WILLARD F. WHITE ET AL. TO THE STATE OF MARYLAND AND FOLLOWING THE NEXT THREE COURSES AND DISTANCES, SOUTH 44 DEGREES 00 MINUTES 00 SECONDS EAST 198.0 FEET, ~~THEN~~ NORTH 46 DEGREES 00 MINUTES 00 SECONDS EAST 214.5 FEET, THEN NORTH 44 DEGREES 00 MINUTES 00 SECONDS WEST 198.0 FEET TO A POINT, SAID POINT BEING IN THE SOUTHERNMOST RIGHT OF WAY OF THE CSX RAILROAD, THEN RUNNING WITH THE SOUTHERNMOST RIGHT OF WAY OF SAID RAILROAD IN A EASTERLY DIRECTION TO A POINT, SAID POINT BEING THE BEGINNING OF THE FOURTH LINE IN A TRACT OF LAND DESCRIBED IN A DEED DATED JANUARY 5, 1985 AND RECORDED AMONG THE LAND RECORDS OF GARRETT COUNTY IN LIBER 454, FOLIO 609 WHICH WAS CONVEYED BY RICHARD B. NEWMAN ET AL. TO THE NATURE CONSERVANCY, A NOT-FOR-PROFIT ~~CORPORATION~~ CORPORATION, AND FOLLOWING THE NEXT THREE COURSES AND DISTANCES, SOUTH 26 DEGREES 00 MINUTES 00 SECONDS WEST 1584.00 FEET, ~~THEN~~ SOUTH 63 DEGREES 00 MINUTES 00 SECONDS EAST

990.0 FEET, ~~THEN~~ NORTH 46 DEGREES 00 MINUTES 00 SECONDS EAST 1650.0 FEET TO A POINT, SAID POINT BEING IN THE SOUTHERNMOST RIGHT OF WAY OF THE AFORESAID CSX RAILROAD, ~~THENCE~~ THEN RUNNING WITH THE SOUTHERNMOST RIGHT OF WAY OF SAID RAILROAD IN AN EASTERLY DIRECTION TO A POINT, SAID POINT HAVING A COORDINATE VALUE 674787.84 NORTH, 713729.74 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), THEN LEAVING THE SAID RAILROAD RIGHT OF WAY AND RUNNING SOUTH 00 DEGREES 57 MINUTES 53 SECONDS WEST 656.9 FEET TO A POINT, SAID POINT BEING THE BEGINNING OF THE ~~SOUTH~~ SOUTH 88 DEGREES 00 MINUTES 00 SECONDS WEST 2640.00 FOOT LINE OF THE FIRST PARCEL OF THE FIRST TRACT OF LAND DESCRIBED IN A DEED DATED MARCH 15, 1948 AND RECORDED ON NOVEMBER 30, 1948 AMONG THE LAND RECORDS OF GARRETT COUNTY IN LIBER 154, FOLIO 140 WHICH WAS CONVEYED BY THE POTOMAC RIVER COMMISSION TO THE STATE OF MARYLAND, FOR THE USE OF THE STATE DEPARTMENT OF FOREST AND PARKS, THEN RUNNING WITH THE FOLLOWING SIX LINES OF SAID CONVEYANCE SOUTH 88 DEGREES 31 MINUTES 32 SECONDS WEST 2613.80 FEET MORE OR LESS TO A POINT, SOUTH 04 DEGREES 14 MINUTES 29 SECONDS WEST 311.81 FEET MORE OR LESS TO A POINT, NORTH 69 DEGREES 35 MINUTES 51 SECONDS WEST 209.63 FEET MORE OR LESS TO A POINT, NORTH 68 DEGREES 27 MINUTES 39 SECONDS WEST 1642.13 FEET MORE OR LESS TO A POINT, SOUTH 20 DEGREES 27 MINUTES 32 SECONDS WEST 314.94 FEET MORE OR LESS TO A POINT, SAID POINT BEING THE BEGINNING OF THE FIRST LINE OF THE PARCEL OF LAND DESCRIBED IN A DEED DATED OCTOBER 18, 2013 AND RECORDED AMONG THE LAND RECORDS OF GARRETT COUNTY IN LIBER 1774, FOLIO 280 WHICH WAS CONVEYED BY MOUNTAIN MARYLAND MINERALS LLC TO THE STATE OF MARYLAND, TO THE USE OF THE DEPARTMENT OF NATURAL RESOURCES, THEN RUNNING SOUTH 20 DEGREES 27 MINUTES 32 SECONDS WEST 929.06 FEET, SOUTH 15 DEGREES 09 MINUTES 35 SECONDS WEST 251.99 FEET, SOUTH 79 DEGREES 15 MINUTES 41 SECONDS WEST 448.15 FEET, SOUTH 16 DEGREES 34 MINUTES 12 SECONDS EAST 35.00 FEET, SOUTH 68 DEGREES 38 MINUTES 19 SECONDS WEST 365.36 FEET, NORTH 70 DEGREES 43 MINUTES 44 SECONDS WEST 620.98 FEET, NORTH 44 DEGREES 03 MINUTES 05 SECONDS WEST 124.01 FEET, SOUTH 72 DEGREES 11 MINUTES 42 SECONDS WEST 1291.88 FEET, SOUTH 15 DEGREES 17 MINUTES 29 SECONDS EAST 707.67 FEET, NORTH 73 DEGREES 09 MINUTES 10 SECONDS EAST 50.06 FEET, SOUTH 13 DEGREES 20 MINUTES 23 SECONDS WEST 28.42 FEET, AND THEN NORTH 70 DEGREES 36 MINUTES 39 SECONDS WEST 138.52 FEET TO THE POINT OF BEGINNING.

SAVING AND EXCEPTING A TRACT OF LAND DESCRIBED IN A DEED DATED JANUARY 5, 1985 AND RECORDED AMONG THE LAND RECORDS OF GARRETT COUNTY IN LIBER 454, FOLIO 609 WHICH WAS CONVEYED BY RICHARD B. NEWMAN ET AL. TO THE NATURE CONSERVANCY, A NOT-FOR-PROFIT CORPORATION CONTAINING 48.15 ACRES MORE OR LESS.

SAVING AND EXCEPTING A TRACT OF LAND DESCRIBED IN A DEED DATED JUNE 6, 2008 AND RECORDED AMONG THE LAND RECORDS OF GARRETT COUNTY IN LIBER 1374, FOLIO 35 WHICH WAS CONVEYED BY DIANE M. KENNER TO ERWIN P. KENNER AND DIANE M. KENNER CONTAINING 1.85 ACRES MORE OR LESS.

PARCEL 2

BEGINNING FOR THE SAME AT A POINT ON THE SOUTHERNMOST EDGE OF A WOODS ROAD, SAID POINT HAVING THE COORDINATE VALUE 667037.54 NORTH, 699584.53 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), ~~THENCE THEN~~ THEN RUNNING SOUTH 45 DEGREES 50 MINUTES 05 SECONDS WEST 4814.4 FEET ~~TO A POINT~~, THEN SOUTH 52 DEGREES 35 MINUTES 30 SECONDS WEST 4128.1 FEET MORE OR LESS TO A POINT IN THE NORTHERNMOST RIGHT OF WAY OF STATE ROUTE 135, THEN RUNNING NORTH 73 DEGREES 25 MINUTES 13 SECONDS WEST 552.5 FEET MORE OR LESS TO A POINT ON THE SOUTHERNMOST EDGE OF THE AFORESAID WOODS ROAD, SAID POINT HAVING THE COORDINATE VALUE 661333.10 NORTH, 692322.39 EAST (MARYLAND STATE PLANE GRID SYSTEM NAD83), THEN RUNNING WITH THE EASTERNMOST EDGE OF THE AFORESAID WOODS ROAD IN A GENERALLY NORTHERLY DIRECTION TO THE ~~PLACE~~ POINT OF BEGINNING.

(NN) PURSUANT TO THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, THAT PROPERTY IN GARRETT COUNTY CONTAINING APPROXIMATELY 600 ACRES AND DESCRIBED AS FOLLOWS IS A TYPE 1 STATE WILDLAND AND SHALL BE NAMED THE “MAPLE LICK RUN WILDLAND”:

BEING ALL THE SAME LAND DESCRIBED AS THE THIRD TRACT OF LAND IN A DEED DATED OCTOBER 7, 1938 AND RECORDED OCTOBER 25, 1938 AMONG THE LAND RECORDS OF GARRETT COUNTY IN LIBER 118, FOLIO 160 WHICH WAS CONVEYED BY ARTHUR H. STRECKER TRUSTEE, ARTHUR H. STRECKER, BERTHA C. STRECKER, HIS WIFE, CHARLES F. STRECKER, AND THE CITIZENS NATIONAL BANK OF MARIETTA OHIO, TRUSTEE UNDER THE LAST WILL AND TESTAMENT OF BENJAMIN T. STRECKER TO THE STATE OF MARYLAND, FOR THE USE OF THE DEPARTMENT OF FORESTRY.

(OO) PURSUANT TO THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, THAT PROPERTY IN GARRETT COUNTY CONTAINING APPROXIMATELY 457 ACRES AND DESCRIBED AS FOLLOWS IS A TYPE 1 STATE WILDLAND AND SHALL BE NAMED THE “PUZZLEY RUN WILDLAND”:

BEGINNING AT A POINT, SAID POINT INDICATED AS MONUMENT NUMBER 75 ON A PLAT OF SURVEY BY THE UNITED STATES DEPARTMENT OF

AGRICULTURE TITLED "SURVEY OF LAND PURCHASED, PROJECT LU-MD-38-2, GARRETT COUNTY MARYLAND", SAID POINT ALSO HAVING COORDINATE VALUES OF NORTH 756159.75, EAST 686447.24 (MARYLAND STATE PLANE GRID SYSTEM NAD83), THEN RUNNING ON THE WESTERNMOST RIGHT OF WAY OF HETRICK ROAD IN A SOUTHERLY DIRECTION TO A REBAR AND CAP AT CORNER 76, ~~THENCE~~ THEN LEAVING SAID RIGHT OF WAY AND RUNNING WITH THE BOUNDARY OF SAVAGE RIVER STATE FOREST SOUTH 78 DEGREES 30 MINUTES 46 SECONDS WEST 228.83 FEET TO A PIPE AT CORNER 77, THEN SOUTH 02 DEGREES 13 MINUTES 50 SECONDS EAST 1305.63 FEET TO A PIPE AT CORNER 78, THEN NORTH 77 DEGREES 17 MINUTES 46 SECONDS WEST 178.57 FEET TO A PIPE AT CORNER 79, THEN SOUTH 23 DEGREES 44 MINUTES 09 SECONDS WEST 489.1 FEET TO A PIPE AT CORNER 80, THEN SOUTH 58 DEGREES 36 MINUTES 46 SECONDS EAST 629.61 FEET TO A PIPE AT CORNER 81, THEN SOUTH 08 DEGREES 06 MINUTES 42 SECONDS WEST 389.15 FEET TO A PIPE AT CORNER 82, THEN SOUTH 06 DEGREES 32 MINUTES 25 SECONDS EAST 1256.9 FEET TO A POINT, THEN LEAVING SAID STATE FOREST BOUNDARY AND RUNNING SOUTH 85 DEGREES 43 MINUTES 50 SECONDS WEST 744.6 FEET TO A POINT, THEN SOUTH 04 DEGREES 06 MINUTES 14 SECONDS WEST 666.8 FEET TO A PIPE AT CORNER 84, THEN RUNNING WITH THE BOUNDARY OF SAVAGE RIVER STATE FOREST SOUTH 83 DEGREES 30 MINUTES 53 SECONDS WEST 1327.86 FEET TO A PIPE AT CORNER 85, THEN NORTH 02 DEGREES 28 MINUTES 42 SECONDS WEST 427.07 FEET TO A PIPE AT CORNER 86, THEN NORTH 82 DEGREES 06 MINUTES 26 SECONDS WEST 626.63 FEET TO A PIPE AT CORNER 87, THEN NORTH 16 DEGREES 14 MINUTES 06 SECONDS WEST 1969.51 FEET TO A PIPE AT CORNER ~~88.~~ 88, ~~THEN~~ THEN LEAVING SAID STATE FOREST BOUNDARY AND RUNNING NORTH 23 DEGREES 23 MINUTES 35 SECONDS WEST 285.4 FEET TO A POINT ON THE EASTERNMOST EDGE OF A WOODS ROAD, THEN RUNNING WITH THE EASTERNMOST EDGE OF SAID WOODS ROAD IN A NORTHERLY DIRECTION TO A POINT ON THE NORTHERNMOST BOUNDARY OF SAVAGE RIVER STATE FOREST AND THE MARYLAND-PENNSYLVANIA STATE LINE, SAID POINT HAVING COORDINATE VALUES NORTH 756220.05, EAST 682835.04 (MARYLAND STATE PLANE GRID SYSTEM NAD83), THEN RUNNING WITH SAID BOUNDARY LINE IN AN EASTERLY DIRECTION TO THE ~~PLACE~~ POINT OF BEGINNING.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.

President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 344 – *Charles County – Sunday Car Sales Blue Law Exemption – Enabling Authority*.

The bill authorizes the Charles County Commissioners, after a public hearing, to adopt an ordinance authorizing a new or used car dealer in Charles County to sell, barter, deliver, give away, show, or offer for sale a motor vehicle or certificate of title for a motor vehicle on Sunday.

House Bill 344, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 344.

Sincerely,

Governor Martin O'Malley

Senate Bill 344

AN ACT concerning

Charles County – Sunday Car ~~Sales~~ Sales Blue Law Exemption – Enabling Authority

FOR the purpose of authorizing the Charles County Commissioners, after a public hearing, to adopt an ordinance authorizing a new or used car dealer in Charles County to sell, barter, deliver, give away, show, or offer for sale a motor vehicle or certificate of title for a motor vehicle on Sunday; and generally relating to enabling authority for Sunday car sales in Charles County.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 18–101
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

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

Article – Business Regulation

18-101.

(a) (1) This section does not apply to the laws that relate to the sale of alcoholic beverages.

(2) This section does not apply in Wicomico County.

(b) Subject to this section and § 3-704 of the Labor and Employment Article, a retail or wholesale establishment may do business on Sunday.

(c) Notwithstanding an agreement to the contrary between a merchant and landlord:

(1) the landlord may not directly or indirectly require the merchant to open the merchant's place of business on Sunday; and

(2) a landlord may not directly or indirectly cancel or refuse to renew the merchant's lease because the merchant refuses to open the merchant's place of business on Sunday.

(d) Except in ~~CHARLES~~, Howard, Montgomery, and Prince George's counties, and except as provided in subsections (g) ~~and~~, (h), AND (I) of this section, a new or used car dealer may not sell, barter, deliver, give away, show, or offer for sale a motor vehicle or certificate of title for a motor vehicle on Sunday.

(e) In Anne Arundel County, a dealer may sell, barter, deliver, give away, show, or offer for sale on Sunday a new or used camping trailer, mobile home, or travel trailer, as those terms are defined in Title 11 of the Transportation Article.

(f) A new or used car dealer who violates subsection (d) of this section is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$10,000.

(g) In Anne Arundel County and Worcester County, a dealer may sell, barter, deliver, give away, show, or offer for sale a motorcycle, as defined in § 11-136 of the Transportation Article, or certificate of title for a motorcycle on Sunday.

(h) In Baltimore City, a used car dealer may sell, barter, deliver, give away, show, or offer for sale a motor vehicle or certificate of title for a motor vehicle on Sunday, instead of Saturday, if the dealer notifies the Motor Vehicle Administration in advance that the dealer intends to conduct business on Sunday, instead of Saturday.

(I) IN CHARLES COUNTY, THE COUNTY COMMISSIONERS, AFTER A PUBLIC HEARING, MAY ADOPT AN ORDINANCE AUTHORIZING A NEW OR USED CAR DEALER TO SELL, BARTER, DELIVER, GIVE AWAY, SHOW, OR OFFER FOR SALE A MOTOR VEHICLE OR CERTIFICATE OF TITLE FOR A MOTOR VEHICLE ON SUNDAY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 389 – *Motor Vehicles – Inspection Certificates for Used Vehicles – Procedures*.

The bill requires the Automotive Safety Enforcement Division of the Department of State Police to establish the manner and format for the submission of an inspection certificate for the transfer of a used motor vehicle; establishes that the Division may authorize electronic submission of an inspection certificate for a used motor vehicle; requires the Division to authorize the use of inspection certificate forms for the submission of an inspection certificate; and requires the Department to submit a specified report on or before December 1, 2016.

House Bill 246, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 389.

Sincerely,

Governor Martin O'Malley

Senate Bill 389

AN ACT concerning

Motor Vehicles – Inspection Certificates for Used Vehicles – Procedures

FOR the purpose of ~~repealing the requirement that the Automotive Safety Enforcement Division of the Department of State Police prepare certain inspection certificates for used motor vehicles and provide the certificates without charge to licensed motor vehicle inspection stations;~~ requiring the Automotive Safety Enforcement Division of the Department of State Police to

establish the manner and format for the submission of an inspection certificate for the transfer of a used motor vehicle; ~~authorizing the Division to require establishing that the Division may authorize~~ electronic submission of an inspection certificate for a used motor vehicle; requiring the Division to authorize the use of inspection certificate forms for the submission of an inspection certificate; repealing certain provisions of law governing the required issuance and use of written inspection certificates for used motor vehicles; requiring the Department to submit a certain report to certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; altering a certain definition; making a certain technical correction; and generally relating to procedures applicable to inspection certificates for used motor vehicles.

BY repealing and reenacting, without amendments,

Article – Transportation

Section 23–101(a), (b), and (f) ~~and 23–103(a), 23–103(a), and 23–108~~

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 23–101(e), 23–103(b), 23–106, 23–107(a)(1), and 23–109(h) through (k)

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY repealing

Article – Transportation

Section ~~23–108 and~~ 23–109(g)

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY adding to

Article – Transportation

Section ~~23–108~~ 23–108.1

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

Article – Transportation

23–101.

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

(b) “Division” means the Automotive Safety Enforcement Division of the Department of State Police.

(e) “Inspection certificate” means a [written] certification by an inspection station, **IN A FORMAT ESTABLISHED BY THE DIVISION**, that:

(1) Certifies that, as of its date, a specified vehicle meets or exceeds the standards for equipment established under this title; and

(2) [Is signed and dated on behalf of] **IDENTIFIES** the inspection station [by] **AND** the registered individual who personally inspected the vehicle.

(f) “Inspection station” means a facility that is licensed by the Division under this subtitle.

23–103.

(a) (1) On receipt of an application and a nonrefundable fee established by the Administration from a facility for an inspection station license, the Division shall:

(i) Inspect the facility as to its ability to inspect and correct equipment; and

(ii) If the facility is qualified, issue to it a license as an inspection station.

(2) On receipt of a renewal application and the annual license fee established by the Administration for an inspection station, the Division shall issue the renewal license if the facility is qualified.

(b) The license authorizes the facility to:

(1) Inspect a used vehicle on request of its transferor or transferee [and attach an inspection certificate to the vehicle];

(2) Inspect the equipment of a vehicle for which a safety equipment repair order has been issued and issue a repair order certification for the vehicle; and

(3) Inspect an ambulance on the request of its owner that is required to be inspected under § 13–515 of the Education Article.

23–106.

(a) This section does not apply to:

- (1) Any transfer of a used vehicle to any licensed dealer or to any foreign dealer;
 - (2) Any transfer between:
 - (i) Spouses;
 - (ii) A parent and child; or
 - (iii) Co-owners of the vehicle to be transferred when a co-owner's name is being removed from the title;
 - (3) Any transfer of a used vehicle that is not to be both titled and registered in this State;
 - (4) Any transfer of a used vehicle among any agencies of the State;
 - (5) Any transfer of a used vehicle as described in § 13-503.2 of this article;
 - (6) Any transfer of a used vehicle into a written inter vivos trust in which the transferor is the primary beneficiary;
 - (7) Any transfer of a used island vehicle, as defined in § 13-935 of this article, registered, or to be registered, as a Class K (farm area/island) vehicle; or
 - (8) Any transfer of an off-highway recreational vehicle.
- (b) (1) Except as provided in [paragraph (4)] **PARAGRAPHS (4) AND (5)** of this subsection, if any licensed dealer that also is an inspection station transfers any used vehicle, it shall:
- (i) Prepare [and attach] an inspection certificate [to a window of the vehicle]; or
 - (ii) Have an inspection certificate prepared [and attached to a window of the vehicle] by another inspection station.
- (2) Except as provided in paragraphs (4) and (5) of this subsection, if any other person transfers a used vehicle, the person shall obtain an inspection certificate from an inspection station. [The inspection certificate shall be issued without charge and attached to a window of the vehicle.]
- (3) If a used vehicle is transferred other than by voluntary transfer or is transferred by a political subdivision of the State after that subdivision obtains the vehicle by proceedings pursuant to Title 12 of the Criminal Procedure Article, the

transferee shall obtain the inspection certificate from an authorized inspection station. [The inspection certificate shall be issued without charge and attached to a window of the vehicle.]

(4) In the case of a transfer of any used vehicle registered, or to be registered, as a Class E (truck) exceeding three-fourths ton manufacturer's rated capacity, Class F (tractor), Class G (freight trailer or semitrailer), or Class G (dump service semitrailer) vehicle, the transferor or the transferee of the vehicle may obtain the required inspection certificate.

(5) In the case of a transfer of any used vehicle registered or to be registered, that is sold for dismantling or rebuilding purposes, the transferor or the transferee of the vehicle may obtain the required inspection certificate.

[(6) On applying for a certificate of title of the vehicle, the transferee shall remove the inspection certificate from the vehicle and present it to the Administration.]

23-107.

(a) (1) Before the Administration titles and registers any used vehicle, it shall require [the applicant to present] a valid inspection certificate for the vehicle.

~~23-108.~~

The Division shall prepare inspection certificate forms and provide them without charge to inspection stations. The forms shall be serially numbered and shall require the information that the Administration and the Division determine.‡

~~23-108.~~ 23-108.1.

FOR VEHICLE TITLING AND REGISTRATION PURPOSES, THE DIVISION:

(1) SHALL ESTABLISH THE MANNER AND FORMAT FOR THE SUBMISSION OF AN INSPECTION CERTIFICATE FOR THE TRANSFER OF A USED MOTOR VEHICLE; ~~AND~~

(2) ~~MAY REQUIRE~~ AUTHORIZE ELECTRONIC SUBMISSION OF THE INSPECTION CERTIFICATE; ~~AND~~

(3) SHALL AUTHORIZE THE USE OF AN INSPECTION CERTIFICATE FORM FOR THE SUBMISSION OF THE INSPECTION CERTIFICATE.

23-109.

[(g)] A person may not attach or cause or permit to be attached to any vehicle an inspection certificate knowing it to be fictitious or issued without the equipment having been inspected for compliance with this subtitle.]

[(h)] (G) A person may not issue or cause or permit to be issued a repair order certification knowing it to be fictitious or issued without the equipment having been inspected for compliance with this subtitle.

[(i)] (H) On suspension or revocation of its license, an inspection station shall surrender to the Division, at its request, the license and all related material issued by the Division.

[(j)] (I) A person may not materially alter or change any equipment of a vehicle for which an inspection certificate or a repair order certification has been issued under this subtitle.

[(k)] (J) A person may not willfully violate any rule or regulation adopted under this subtitle relating to inspection procedures and inspection station requirements.

SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1, 2016, the Department of State Police shall submit to the Senate Judicial Proceedings Committee and the House Environmental Matters Committee, in accordance with § 2-1246 of the State Government Article, a report describing the procedures the Department establishes for the submission of used vehicle inspection certificates and, on a monthly basis, the number of times each authorized procedure is used.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014. It shall remain effective for a period of 3 years and, at the end of June 30, 2017, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 396 – *Equity Court Jurisdiction – Immigrant Children – Custody or Guardianship*.

This bill expands the jurisdiction of an equity court to include a petition to award custody or guardianship of an immigrant “child” along with a motion for Special Immigrant Juvenile factual findings. A “child” is an unmarried individual younger than age 21.

House Bill 315, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 396.

Sincerely,

Governor Martin O’Malley

Senate Bill 396

AN ACT concerning

**Equity Court Jurisdiction – Immigrant Children – Custody or Guardianship
~~Petitions~~**

FOR the purpose of altering the jurisdiction of an equity court to include ~~a certain petition to award~~ custody or guardianship of an immigrant child ~~that is filed with~~ pursuant to a certain motion; defining a certain term under certain circumstances; and generally relating to equity court jurisdiction over immigrant children.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 1–201
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Family Law

1–201.

(A) FOR THE PURPOSES OF SUBSECTION (B)(10) OF THIS SECTION, “CHILD” MEANS AN UNMARRIED INDIVIDUAL UNDER THE AGE OF 21 YEARS.

[(a)] (B) An equity court has jurisdiction over:

(1) adoption of a child, except for a child who is under the jurisdiction of any juvenile court and who previously has been adjudicated to be a child in need of assistance;

(2) alimony;

(3) annulment of a marriage;

(4) divorce;

(5) custody or guardianship of a child except for a child who is under the jurisdiction of any juvenile court and who previously has been adjudicated to be a child in need of assistance;

(6) visitation of a child;

(7) legitimation of a child;

(8) paternity; [and]

(9) support of a child; AND

(10) ~~A PETITION TO AWARD~~ CUSTODY OR GUARDIANSHIP OF AN IMMIGRANT CHILD ~~THAT IS FILED WITH~~ PURSUANT TO A MOTION FOR SPECIAL IMMIGRANT JUVENILE FACTUAL FINDINGS REQUESTING A DETERMINATION THAT THE CHILD WAS ABUSED, NEGLECTED, OR ABANDONED BEFORE THE AGE OF 18 YEARS FOR PURPOSES OF § 101(A)(27)(J) OF THE FEDERAL IMMIGRATION AND NATIONALITY ACT.

[(b)] (C) In exercising its jurisdiction over the custody, guardianship, visitation, or support of a child, an equity court may:

(1) direct who shall have the custody or guardianship of a child, pendente lite or permanently;

(2) determine who shall have visitation rights to a child;

(3) decide who shall be charged with the support of the child, pendente lite or permanently;

(4) from time to time, set aside or modify its decree or order concerning the child; or

(5) issue an injunction to protect a party to the action from physical harm or harassment.

[(c)] (D) This section does not take away or impair the jurisdiction of a juvenile court or a criminal court with respect to the custody, guardianship, visitation, and support of a child.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 407 – *Public Ethics – Chesapeake Bay Trust – Exemptions and Conflict of Interest Provisions*.

The bill provides that the trustees and employees of the Chesapeake Bay Trust are exempt from the provisions of the Public Ethics Law subject to the adoption of conflict of interest provisions for nonprofit organizations and requiring the Trust to keep on file and make available for public inspection specified conflict of interest provisions and making specified technical changes.

House Bill 129, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 407.

Sincerely,

Governor Martin O'Malley

Senate Bill 407

AN ACT concerning

Public Ethics – Chesapeake Bay Trust – Exemptions and Conflict of Interest Provisions

FOR the purpose of providing that the trustees and employees of the Chesapeake Bay Trust are exempt from the provisions of the Public Ethics Law subject to the adoption of certain conflict of interest provisions for nonprofit organizations; requiring the Trust to keep on file and make available for public inspection certain conflict of interest provisions; making certain technical changes; and generally relating to public ethics and the Chesapeake Bay Trust.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–1910
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Natural Resources

8–1910.

(a) **(1)** Except as provided in [subsection (b) of this section] **PARAGRAPH (2) OF THIS SUBSECTION**, in exercising its powers, the Trust:

[(1)] (I) Is exempt from the provisions of the State Finance and Procurement Article, the provisions of Division I of the State Personnel and Pensions Article that govern the State Personnel Management System, and the provisions of Division II and Title 37 of the State Personnel and Pensions Article; and

[(2)] (II) May carry out its corporate purposes without obtaining the consent of any department, board, or agency of the State.

[(b)] (2) The Trust is subject to the provisions of the State Finance and Procurement Article to the extent of State appropriations or contracts or grants from a unit of State government, if any.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE TRUSTEES AND EMPLOYEES OF THE TRUST ARE EXEMPT FROM THE PROVISIONS OF THE PUBLIC ETHICS LAW.

(2) (I) THE BOARD SHALL ADOPT PROVISIONS TO GOVERN THE PUBLIC ETHICS OF THE TRUSTEES AND EMPLOYEES OF THE TRUST RELATING TO CONFLICTS OF INTEREST FOR NONPROFIT ORGANIZATIONS.

(II) THE TRUST SHALL KEEP ON FILE AND MAKE AVAILABLE FOR PUBLIC INSPECTION AT THE PRINCIPAL OFFICE OF THE TRUST A WRITTEN

COPY OF THE CONFLICT OF INTEREST PROVISIONS ADOPTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 412 – *Health Occupations – Licensed Dentists Who Dispense Antibiotics – Exclusion From Maryland Pharmacy Act*.

The bill provides that the Maryland Pharmacy Act does not prohibit, under specified circumstances, a licensed dentist from dispensing a full course of treatment of antibiotics to a patient for infection control.

House Bill 303, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 412.

Sincerely,

Governor Martin O'Malley

Senate Bill 412

AN ACT concerning

Health Occupations – Licensed Dentists Who ~~Prepare and~~ Dispense Antibiotics – Exclusion From Maryland Pharmacy Act

FOR the purpose of providing that the Maryland Pharmacy Act does not prohibit, under certain circumstances, a licensed dentist from ~~personally preparing and~~ dispensing a full course of treatment of antibiotics to a patient for infection control; and generally relating to the exclusion of licensed dentists from the Maryland Pharmacy Act.

BY repealing and reenacting, without amendments,
 Article – Health Occupations
 Section 12–102(a)(1) and (3)
 Annotated Code of Maryland
 (2009 Replacement Volume and 2013 Supplement)

BY adding to
 Article – Health Occupations
 Section 12–102(h)
 Annotated Code of Maryland
 (2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
 Article – Health Occupations
 Section 12–102(h), (i), and (j)
 Annotated Code of Maryland
 (2009 Replacement Volume and 2013 Supplement)

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

Article – Health Occupations

12–102.

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

(3) “Personally preparing and dispensing” means that the licensed dentist, physician, or podiatrist:

(i) Is physically present on the premises where the prescription is filled; and

(ii) Performs a final check of the prescription before it is provided to the patient.

(H) THIS TITLE DOES NOT PROHIBIT A LICENSED DENTIST FROM ~~PERSONALLY PREPARING AND DISPENSING~~ A FULL COURSE OF ANTIBIOTICS TO A PATIENT FOR INFECTION CONTROL IF:

(1) THE PATIENT IS RECEIVING PRO BONO DENTAL CARE;

(2) THERE IS NO CHARGE FOR THE ANTIBIOTICS; ~~AND~~

(3) THE LICENSED DENTIST ENTERS AN APPROPRIATE RECORD OF THE TREATMENT IN THE PATIENT’S CHART; AND

(4) THE LICENSED DENTIST AFFIXES A LABEL ON THE ANTIBIOTIC CONTAINER THAT INCLUDES:

(I) THE NAME OF THE PATIENT; AND

(II) UNLESS ALREADY PRINTED ON THE CONTAINER:

1. THE EXPIRATION DATE OF THE ANTIBIOTIC; AND

2. THE INSTRUCTIONS FOR TAKING THE ANTIBIOTIC.

[h] (I) This title does not limit the right of a general merchant to sell:

- (1) Any nonprescription drug or device;
- (2) Any commonly used household or domestic remedy; or
- (3) Any farm remedy or ingredient for a spraying solution, in bulk or otherwise.

[i] (J) The Board of Pharmacy, the Board of Dental Examiners, the Board of Physicians, and the Board of Podiatric Medical Examiners annually shall report to the Division of Drug Control:

- (1) The names and addresses of its licensees who are authorized to personally prepare and dispense prescription drugs; and
- (2) The names and addresses of its licensees who have reported, in accordance with subsection (c)(2)(iv)12 of this section, that they have personally prepared and dispensed prescription drugs within the previous year.

[j] (K) A dentist, physician, or podiatrist who fails to comply with the provisions of this section governing the dispensing of prescription drugs or devices shall:

- (1) Have the dispensing permit revoked; and
- (2) Be subject to disciplinary actions by the appropriate licensing board.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 455 – *Higher Education – Unaccompanied Homeless Youth – Tuition Exemption*.

The bill expands eligibility for tuition and mandatory fee waivers at public institutions of higher education by including certain unaccompanied homeless youth.

House Bill 482, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 455.

Sincerely,

Governor Martin O'Malley

Senate Bill 455

AN ACT concerning

Higher Education – Unaccompanied Homeless Youth – Tuition Exemption

FOR the purpose of adding certain homeless youths to the list of individuals who may be eligible for a waiver of certain tuition and fees at certain institutions of higher education; ~~authorizing a certain administrator to rely on certain documents when making a certain determination if certain other documents are not available~~ requiring a certain administrator to verify that certain youth qualify as certain students under a certain federal act; defining a certain term; and generally relating to a tuition exemption for unaccompanied homeless youths.

BY repealing and reenacting, with amendments,
Article – Education
Section 15–106.1
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

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

Article – Education

15–106.1.

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

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

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

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

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

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

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

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

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

(5) “UNACCOMPANIED HOMELESS YOUTH” MEANS A CHILD OR YOUTH WHO:

(I) IS NOT IN THE PHYSICAL CUSTODY OF A PARENT OR GUARDIAN; AND

(II) ~~IS~~ IS A HOMELESS CHILD OR YOUTH, AS DEFINED BY THE MCKINNEY–VENTO HOMELESS ASSISTANCE ACT; ~~OR~~

~~2. IS A YOUTH WHO IS AT RISK OF HOMELESSNESS AND SELF-SUPPORTING, AS VERIFIED BY: .~~

~~(B) WHEN DETERMINING WHETHER A YOUTH IS AN UNACCOMPANIED HOMELESS YOUTH, A FINANCIAL AID ADMINISTRATOR SHALL VERIFY THAT THE YOUTH QUALIFIES AS AN INDEPENDENT STUDENT UNDER THE FEDERAL COLLEGE COST REDUCTION AND ACCESS ACT, 20 U.S.C. § 1087VV(D)(1)(H).~~

~~A. A LOCAL EDUCATIONAL AGENCY HOMELESS LIAISON, AS DEFINED BY THE MCKINNEY VENTO HOMELESS ASSISTANCE ACT;~~

~~B. A DIRECTOR OF A PROGRAM FUNDED UNDER THE RUNAWAY AND HOMELESS YOUTH ACT;~~

~~C. A DIRECTOR OF A PROGRAM FUNDED UNDER TITLE IV, SUBTITLE B OF THE MCKINNEY VENTO HOMELESS ASSISTANCE ACT; OR~~

~~D. A FINANCIAL AID ADMINISTRATOR OF THE INSTITUTION OF HIGHER EDUCATION WHERE THE YOUTH IS APPLYING OR ENROLLED.~~

~~(B) IN THIS SECTION, WHEN DETERMINING WHETHER A YOUTH IS AN UNACCOMPANIED HOMELESS YOUTH, A FINANCIAL AID ADMINISTRATOR MAY RELY ON A DOCUMENTED INTERVIEW WITH THE YOUTH WHEN FORMAL WRITTEN DOCUMENTATION IS NOT AVAILABLE.~~

[(b)] (C) (1) A foster care recipient OR AN UNACCOMPANIED HOMELESS YOUTH is exempt from paying any tuition at a public institution of higher education, regardless of that foster care recipient's OR UNACCOMPANIED HOMELESS YOUTH'S receipt of any scholarship or grant if:

(i) The foster care recipient OR UNACCOMPANIED HOMELESS YOUTH is enrolled at the institution on or before the date that the foster care recipient OR UNACCOMPANIED HOMELESS YOUTH reaches the age of 25 years;

(ii) The foster care recipient OR UNACCOMPANIED HOMELESS YOUTH is enrolled as a candidate for a vocational certificate, an associate's degree, or a bachelor's degree; and

(iii) The foster care recipient OR UNACCOMPANIED HOMELESS YOUTH has filed for federal and State financial aid by March 1 each year.

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

(3) A foster care recipient **OR AN UNACCOMPANIED HOMELESS YOUTH** who is exempt from tuition under this section continues to be exempt until the earlier of:

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

(ii) The date that the foster care recipient **OR UNACCOMPANIED HOMELESS YOUTH** is awarded a bachelor's degree.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) on or before June 30, 2017, each public institution of higher education in the State shall report to the Maryland Higher Education Commission regarding the number of unaccompanied homeless youth that receive a tuition exemption under § 15-106.1 of the Education Article, as enacted by Section 1 of this Act, in the preceding 3 years; and

(b) on or before September 1, 2017, the Maryland Higher Education Commission shall report, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee, the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Ways and Means Committee regarding the information collected under subsection (a) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 469 – *Maryland Income Tax Refund – Washington County – Warrants*.

The bill expands the Anne Arundel County warrant intercept program to cover residents of Washington County and persons who have an outstanding warrant from Washington County.

House Bill 217, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 469.

Sincerely,

Governor Martin O'Malley

Senate Bill 469

AN ACT concerning

Maryland Income Tax Refund – Washington County – Warrants

FOR the purpose of altering the requirement for the Comptroller to withhold Maryland income tax refunds of certain individuals with outstanding warrants to include residents of Washington County or individuals who have outstanding warrants from Washington County; providing for the termination of this Act; and generally relating to withholding income tax refunds for individuals with outstanding warrants.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 13–935 and 13–937 through 13–940
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 13–936
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

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

Article – Tax – General

13–935.

- (a) In this part the following words have the meanings indicated.
- (b) “Refund” means an individual’s Maryland income tax refund.
- (c)
 - (1) “Warrant” means a criminal arrest warrant.
 - (2) “Warrant” includes a warrant issued for or that results from:
 - (i) a failure to appear before a court of the State;
 - (ii) a violation of the Maryland Vehicle Law that is punishable by a term of confinement; or
 - (iii) a violation of probation.
 - (3) “Warrant” does not include a body attachment.
- (d) “Warrant official” means an official of the federal, State, or local government charged with serving a warrant.

13–936.

- (a) This part applies only to individuals who:
 - (1) are residents of Anne Arundel County **OR WASHINGTON COUNTY**; or
 - (2) have an outstanding warrant from Anne Arundel County **OR WASHINGTON COUNTY**.
- (b) This part does not apply to an individual:
 - (1) who is an active duty member of the armed forces of the United States; or
 - (2) who files a joint Maryland income tax return.

13–937.

A warrant official may:

- (1) certify to the Comptroller the existence of an outstanding warrant for an individual who is a resident of Maryland or who receives income from Maryland; and

(2) request the Comptroller to withhold any refund to which the individual is entitled.

13-938.

(a) A certification by a warrant official to the Comptroller shall include:

(1) the full name and address of the individual and any other names known to be used by the individual;

(2) the Social Security number or federal tax identification number; and

(3) a statement that the warrant is outstanding.

(b) The Comptroller shall determine if an individual for whom a certification is received is due a refund.

(c) As to any individual due a refund for whom a certification is received, the Comptroller shall:

(1) withhold the individual's refund; and

(2) notify the individual of a certification by the warrant official of the existence of an outstanding warrant.

(d) The Comptroller may not pay a refund until the warrant official notifies the Comptroller that the warrant is no longer outstanding.

13-939.

The Comptroller shall withhold and pay any amount as provided in § 13-918 of this subtitle before withholding any part of an income tax refund under § 13-938 of this part.

13-940.

On or before December 1 of each year, the Office of the Comptroller shall report to the House Ways and Means Committee and the Senate Budget and Taxation Committee, in accordance with § 2-1246 of the State Government Article, on the implementation of §§ 13-935 through 13-939 of this part.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014. It shall remain effective for a period of 5 years and, at the end of September 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
 President of the Senate
 H-107 State House
 Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 476 – *Criminal Procedure – Limited Immunity – Alcohol- or Drug-Related Medical Emergencies*.

The bill provides that a person who, in good faith, seeks, provides, or assists with medical assistance for a person experiencing a medical emergency after ingesting or using alcohol or drugs, or if the person experiencing the medical emergency after ingesting or using alcohol or drugs, shall be immune from specified criminal prosecutions if evidence for the criminal prosecutions was obtained solely as a result of specified actions.

House Bill 342, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 476.

Sincerely,

Governor Martin O'Malley

Senate Bill 476

AN ACT concerning

~~Criminal Procedure – Seeking Medical Assistance for Another Who Ingested Alcohol or Drugs – Minors~~ Limited Immunity – Alcohol- or Drug-Related Medical Emergencies

FOR the purpose of providing that a ~~minor who, in good faith, seeks medical assistance for another person who is experiencing a medical emergency after ingesting alcohol or drugs may not be charged with or prosecuted for certain crimes, be detained on an outstanding warrant for another nonviolent crime under certain circumstances, or be required to provide any personal identifying information for a certain purpose; creating a certain exception; and generally relating to the seeking of medical assistance for another person who ingested alcohol or drugs~~ person who, in good faith, seeks, provides, or assists with the provision of medical assistance for a person experiencing a medical emergency

after ingesting or using alcohol or drugs shall be immune from a certain criminal prosecution if the evidence for the criminal prosecution was obtained solely as a result of a certain action; providing that a person who experiences a medical emergency after ingesting or using alcohol or drugs shall be immune from a certain criminal prosecution if the evidence for the criminal prosecution was obtained solely as a result of a certain action; establishing that the act of providing or assisting with the provision of medical assistance can be used as a certain mitigating factor; making clarifying changes; and generally relating to limited immunity for alcohol- or drug-related medical emergencies.

BY repealing and reenacting, with amendments,
 Article – Criminal Procedure
 Section 1–210
 Annotated Code of Maryland
 (2008 Replacement Volume and 2013 Supplement)

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

Article – Criminal Procedure

1–210.

(A) The act of seeking, PROVIDING, OR ASSISTING WITH THE PROVISION OF medical assistance for another person who is experiencing a medical emergency after ingesting OR USING alcohol or drugs may be used as a mitigating factor in a criminal prosecution.

~~(B) (1) A MINOR WHO, IN GOOD FAITH, SEEKS MEDICAL ASSISTANCE FOR ANOTHER PERSON WHO IS EXPERIENCING A MEDICAL EMERGENCY AFTER INGESTING ALCOHOL OR DRUGS MAY NOT BE:~~

~~(I) CHARGED WITH OR PROSECUTED FOR POSSESSION OF A CONTROLLED DANGEROUS SUBSTANCE UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE OR UNDERAGE POSSESSION OF ALCOHOL UNDER § 10-114 OF THE CRIMINAL LAW ARTICLE IF THE EVIDENCE FOR THE CRIMINAL PROSECUTION WAS OBTAINED SOLELY AS A RESULT OF THE MINOR SEEKING MEDICAL ASSISTANCE;~~

~~(II) DETAINED ON AN OUTSTANDING WARRANT FOR ANOTHER NONVIOLENT CRIME IF THE SEEKING OF MEDICAL ASSISTANCE BY THE MINOR IS THE REASON FOR THE ENCOUNTER WITH LAW ENFORCEMENT; OR~~

~~(III) REQUIRED TO PROVIDE ANY PERSONAL IDENTIFYING INFORMATION FOR ANY PURPOSE OTHER THAN ASSISTING IN THE MEDICAL TREATMENT OF THE PERSON EXPERIENCING A MEDICAL EMERGENCY.~~

~~(2) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO PROVIDED, SOLD, GAVE, OR EXCHANGED FOR OTHER GOODS OR SERVICES THE ALCOHOL OR DRUGS CAUSING THE MEDICAL EMERGENCY TO THE PERSON FOR WHOM MEDICAL ASSISTANCE IS SOUGHT.~~

(B) A PERSON WHO, IN GOOD FAITH, SEEKS, PROVIDES, OR ASSISTS WITH THE PROVISION OF MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING A MEDICAL EMERGENCY AFTER INGESTING OR USING ALCOHOL OR DRUGS SHALL BE IMMUNE FROM CRIMINAL PROSECUTION FOR A VIOLATION OF §§ 5-601, 5-619, 10-114, 10-116, AND 10-117 OF THE CRIMINAL LAW ARTICLE IF THE EVIDENCE FOR THE CRIMINAL PROSECUTION WAS OBTAINED SOLELY AS A RESULT OF THE PERSON'S SEEKING, PROVIDING, OR ASSISTING WITH THE PROVISION OF MEDICAL ASSISTANCE.

(C) A PERSON WHO EXPERIENCES A MEDICAL EMERGENCY AFTER INGESTING OR USING ALCOHOL OR DRUGS SHALL BE IMMUNE FROM CRIMINAL PROSECUTION FOR A VIOLATION OF §§ 5-601, 5-619, 10-114, 10-116, AND 10-117 OF THE CRIMINAL LAW ARTICLE IF THE EVIDENCE FOR THE CRIMINAL PROSECUTION WAS OBTAINED SOLELY AS A RESULT OF ANOTHER PERSON'S SEEKING MEDICAL ASSISTANCE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 527 – *Maryland Horse Racing Act – Sunset Extension and Program Evaluation*.

The bill extends the Maryland Horse Racing Act termination date to July 1, 2024 and requires that an evaluation of the State Racing Commission and specified advisory committees be made on or before December 15, 2021.

House Bill 988, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 527.

Sincerely,

Governor Martin O'Malley

Senate Bill 527

AN ACT concerning

Maryland Horse Racing Act – Sunset Extension and Program Evaluation

FOR the purpose of extending the date on which the Maryland Horse Racing Act terminates; requiring that an evaluation in accordance with the Maryland Program Evaluation Act (sunset law) be made of the State Racing Commission, the Maryland–Bred Race Fund Advisory Committee, and the Maryland Standardbred Race Fund Advisory Committee and the related statutes and regulations on or before a certain date; and generally relating to the Maryland Horse Racing Act.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 11–1101
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–1102
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(34), (47), and (53)

Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – Business Regulation

11–1101.

This title is the Maryland Horse Racing Act.

11–1102.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all regulations adopted under this title shall terminate on July 1, [2014] **2024**.

Article – State Government

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(34) Maryland–Bred Race Fund Advisory Committee (§ 11–531 of the Business Regulation Article: [2011] **2021**);

(47) Racing Commission, State (§ 11–201 of the Business Regulation Article: [2011] **2021**);

(53) Standardbred Race Fund Advisory Committee, Maryland (§ 11–625 of the Business Regulation Article: [2011] **2021**);

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
 President of the Senate
 H-107 State House
 Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 542 – *Law Enforcement Officers – Entrance-Level and In-Service Training Requirements (Christopher's Law)*.

The bill requires the Police Training Commission to require that specified entrance-level and in-service training conducted by the State and each county and municipal police training school must include: training in lifesaving techniques, including cardiopulmonary resuscitation (CPR); training in the proper level and use of force; training regarding sensitivity to cultural and gender diversity; and training regarding individuals with physical, intellectual, developmental, and psychiatric disabilities.

House Bill 294, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 542.

Sincerely,

Governor Martin O'Malley

Senate Bill 542

AN ACT concerning

Law Enforcement Officers – Entrance-Level and ~~Annual~~ In-Service Training Requirements (Christopher's Law)

FOR the purpose of ~~altering~~ requiring the Police Training Commission to require that certain entrance-level and ~~annual~~ in-service training conducted by the State and each county and municipal police training school ~~and required by the Police Training Commission to~~ include certain training consistent with certain provisions; and generally relating to entrance-level and ~~annual~~ in-service training requirements for law enforcement officers.

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 3–207
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

Article – Public Safety

3–207.

Subject to the authority of the Secretary, the Commission has the following powers and duties:

- (1) to establish standards for the approval and continuation of approval of schools that conduct police entrance–level and in–service training courses required by the Commission, including State, regional, county, and municipal training schools;
- (2) to approve and issue certificates of approval to police training schools;
- (3) to inspect police training schools;
- (4) to revoke, for cause, the approval or certificate of approval issued to a police training school;
- (5) to establish the following for police training schools:
 - (i) curriculum;
 - (ii) minimum courses of study;
 - (iii) attendance requirements;
 - (iv) eligibility requirements;
 - (v) equipment and facilities;
 - (vi) standards of operation; and
 - (vii) minimum qualifications for instructors;
- (6) to require, for entrance–level police training and at least every 3 years for in–service level police training conducted by the State and each county and

municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application and enforcement of:

(i) the criminal laws concerning rape and sexual offenses, including the sexual abuse and exploitation of children and related evidentiary procedures;

(ii) the contact with and treatment of victims of crimes and delinquent acts;

(iii) the notices, services, support, and rights available to victims and victims' representatives under State law; and

(iv) the notification of victims of identity fraud and related crimes of their rights under federal law;

(7) to certify and issue appropriate certificates to qualified instructors for police training schools authorized by the Commission to offer police training programs;

(8) to verify that police officers have satisfactorily completed training programs and issue diplomas to those police officers;

(9) to conduct and operate police training schools authorized by the Commission to offer police training programs;

(10) to make a continuous study of entrance-level and in-service training methods and procedures;

(11) to consult with and accept the cooperation of any recognized federal, State, or municipal law enforcement agency or educational institution;

(12) to consult and cooperate with universities, colleges, and institutions in the State to develop specialized courses of study for police officers in police science and police administration;

(13) to consult and cooperate with other agencies and units of the State concerned with police training;

(14) to develop, with the cooperation of the Office of the Chief Medical Examiner and the Federal Bureau of Investigation, a uniform missing person report form to be available for use by each law enforcement agency of the State on or before October 1, 2008;

(15) to require, for entrance-level police training and annually for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include,

~~CONSISTENT WITH ESTABLISHED LAW ENFORCEMENT STANDARDS AND FEDERAL AND STATE CONSTITUTIONAL PROVISIONS:~~

~~(I) TRAINING IN LIFESAVING TECHNIQUES, INCLUDING CARDIOPULMONARY RESUSCITATION (CPR);~~

~~(II) TRAINING IN THE PROPER LEVEL AND USE OF FORCE;~~

~~(III) TRAINING REGARDING SENSITIVITY TO CULTURAL AND GENDER DIVERSITY;~~

~~(IV) TRAINING REGARDING INDIVIDUALS WITH PHYSICAL AND INTELLECTUAL AND DEVELOPMENTAL DISABILITIES; AND~~

~~(V) for police officers who are issued an electronic control device by a law enforcement agency, special training in the proper use of electronic control devices, as defined in § 4-109 of the Criminal Law Article, consistent with established law enforcement standards and federal and State constitutional provisions;~~

(16) TO REQUIRE, FOR ENTRANCE-LEVEL POLICE TRAINING AND, AS DETERMINED BY THE COMMISSION, FOR IN-SERVICE LEVEL TRAINING CONDUCTED BY THE STATE AND EACH COUNTY AND MUNICIPAL POLICE TRAINING SCHOOL, THAT THE CURRICULUM AND MINIMUM COURSES OF STUDY INCLUDE, CONSISTENT WITH ESTABLISHED LAW ENFORCEMENT STANDARDS AND FEDERAL AND STATE CONSTITUTIONAL PROVISIONS:

(I) TRAINING IN LIFESAVING TECHNIQUES, INCLUDING CARDIOPULMONARY RESUSCITATION (CPR);

(II) TRAINING IN THE PROPER LEVEL AND USE OF FORCE;

(III) TRAINING REGARDING SENSITIVITY TO CULTURAL AND GENDER DIVERSITY; AND

(IV) TRAINING REGARDING INDIVIDUALS WITH PHYSICAL, INTELLECTUAL, DEVELOPMENTAL, AND PSYCHIATRIC DISABILITIES;

~~(16)~~ (17) to develop, with the cooperation of the Office of the Attorney General, the Governor's Office of Crime Control and Prevention, and the Federal Trade Commission, a uniform identity fraud reporting form that:

(i) makes transmitted data available on or before October 1, 2011, for use by each law enforcement agency of State and local government; and

(ii) may authorize the data to be transmitted to the Consumer Sentinel program in the Federal Trade Commission; and

~~(17)~~ **(18)** to perform any other act that is necessary or appropriate to carry out the powers and duties of the Commission under this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 615 – *Frederick County – Gaming Permits*.

The bill increases the number of gaming events to four that a specified organization in Frederick County may hold in a calendar year in which the major prize has a value of more than \$5,000.

House Bill 329, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 615.

Sincerely,

Governor Martin O'Malley

Senate Bill 615

AN ACT concerning

Frederick County – Gaming Permits

FOR the purpose of increasing the number of gaming events that a certain organization in Frederick County may hold in a calendar year in which the major prize has a value of more than a certain amount; and generally relating to gaming events in Frederick County.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 13–1304(a) and (b)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–1304(f)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Criminal Law

13–1304.

(a) Before an organization listed in subsection (b) of this section may conduct a gaming event, the organization shall obtain a permit from the county agency that the county commissioners designate.

(b) An organization may conduct a gaming event for its own benefit if the organization is:

- (1) a bona fide:
 - (i) religious organization;
 - (ii) fraternal organization;
 - (iii) civic organization;
 - (iv) war veterans' organization;
 - (v) hospital;
 - (vi) amateur athletic organization;
 - (vii) patriotic organization;
 - (viii) educational organization; or
 - (ix) charitable organization;

- (2) a Frederick County volunteer:
 - (i) fire company;
 - (ii) rescue company; or
 - (iii) ambulance company; or
- (3) an auxiliary for a Frederick County volunteer:
 - (i) fire company;
 - (ii) rescue company; or
 - (iii) ambulance company.
- (f) (1) The holder of a gaming permit may award:
 - (i) prizes to individuals at a gaming event; and
 - (ii) only one major prize at each gaming event.

(2) During each calendar year, the holder of a gaming event, including a raffle for which the prize drawings are held on a single day, may not hold or receive the proceeds from more than [one gaming event] **FOUR GAMING EVENTS** in which the major prize has a value of more than \$5,000.

(3) During each calendar year, the holder of a gaming event may hold one raffle in which prize drawings are held on more than a single day if the major prize has a value of \$5,000 or less.

(4) The county commissioners may regulate the number of permits to conduct a raffle that an organization may receive in 1 calendar year.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 616 – *Frederick County – Property Tax – Exemption for Property Owned by Affordable Housing Land Trust*.

The bill authorizes the governing body of Frederick County to exempt from the county property tax real property that is owned by an affordable housing land trust and is not subject to an affordable housing land trust agreement.

House Bill 321, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 616.

Sincerely,

Governor Martin O'Malley

Senate Bill 616

AN ACT concerning

**Frederick County – Property Tax – Exemption for Property Owned by
Affordable Housing Land Trust**

FOR the purpose of authorizing the governing body of Frederick County to exempt certain real property owned by certain trusts from the county property tax under certain circumstances; defining certain terms; providing for the application of this Act; and generally relating to a certain property tax exemption in Frederick County.

BY adding to

Article – Tax – Property

Section 7–518

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

Article – Tax – Property

7–518.

(A) IN THIS SECTION, "AFFORDABLE HOUSING LAND TRUST" AND "AFFORDABLE HOUSING LAND TRUST AGREEMENT" HAVE THE MEANINGS STATED IN § 14-501 OF THE REAL PROPERTY ARTICLE.

(B) THE GOVERNING BODY OF FREDERICK COUNTY MAY EXEMPT REAL PROPERTY FROM THE FREDERICK COUNTY PROPERTY TAX IF THE REAL PROPERTY IS:

(1) OWNED BY AN AFFORDABLE HOUSING LAND TRUST; AND

(2) NOT SUBJECT TO AN AFFORDABLE HOUSING LAND TRUST AGREEMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014, and shall be applicable to all taxable years beginning after June 30, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 619 – *Frederick County – Alcoholic Beverages Act of 2014*.

The bill authorizes the Board of License Commissioners of Frederick County to issue a certain alcoholic beverages license to certain types of organizations located in the county. The bill also alters a restriction on the number of bottles of wine that may remain open at any one time at a wine sampling or tasting event in the county.

House Bill 433, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 619.

Sincerely,

Governor Martin O'Malley

Senate Bill 619

AN ACT concerning

Frederick County – Alcoholic Beverages – ~~Organizational Licenses~~ Act of 2014

FOR the purpose of authorizing the Board of License Commissioners of Frederick County to issue a certain alcoholic beverages license to certain organizations located in the county; requiring the net proceeds of the sale of alcoholic beverages under certain licenses to be used solely for certain purposes; altering a certain restriction on the number of bottles of wine that may remain open at any one time at a wine sampling or tasting event in the county; prohibiting a single individual at an event from consuming more than a certain amount of wine from all brands in a single day; requiring the Board to adopt certain regulations; and generally relating to alcoholic beverages licenses in Frederick County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 7–101(g) and 8–211(a), (b), (c), and (d–1)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–211(g–1)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–406
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

Article 2B – Alcoholic Beverages

7–101.

(g) The special licenses provided for in this section may not be issued in any county or in Baltimore City, or in this State in case of application for statewide license, if the issuance of a regular license of the same class is not authorized by this article.

8-211.

(a) The provisions of this section apply only in Frederick County.

(b) A license for the sale of alcoholic beverages authorized by this article may not be issued for any place of business located in any of the following election districts:

- (1) Catoctin (6th);
- (2) Hauvers (10th);
- (3) Jackson (16th);
- (4) Linganore (19th); and
- (5) Ballenger (23rd).

(c) Class A, B, and C licenses for the sale of beer only, as authorized by this article, shall be issued for places of business located in any of the following election districts:

- (1) Jefferson (14th);
- (2) Johnsville (17th); and
- (3) Burkittsville (22nd).

(d-1) (1) The Board of License Commissioners may issue within the municipal boundaries of the municipal corporation of Middletown:

- (i) Class A, B, or C beer licenses;
- (ii) Class B beer, wine and liquor (on-sale) licenses if the licensed premises derive at least 70% of its monthly gross revenue from the sale of food; or
- (iii) Middletown Wine Festival licenses.

(2) In all other areas of the Middletown (3rd) election district, the Board of License Commissioners may only issue:

- (i) Class A, B, or C beer licenses; or
- (ii) Middletown Wine Festival licenses.

(G-1) (1) THE RESTRICTIONS IN THIS SECTION AND IN § 7-101(G) OF THIS ARTICLE DO NOT APPLY TO LICENSES ISSUED UNDER THIS SUBSECTION.

(2) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A LICENSE FOR THE SALE OF BEER, WINE, AND LIQUOR FOR CONSUMPTION ON THE PREMISES ONLY TO AN ORGANIZATION LOCATED IN THE COUNTY THAT IS A BONA FIDE:

- (I) RELIGIOUS ORGANIZATION;
- (II) FRATERNAL ORGANIZATION;
- (III) CIVIC ORGANIZATION;
- (IV) WAR VETERANS' ORGANIZATION; OR
- (V) PATRIOTIC ORGANIZATION.

(3) ALL NET PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES BY AN ORGANIZATION LICENSED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE USED SOLELY FOR CHARITABLE PURPOSES OR OTHERWISE TO FURTHER THE PURPOSES OF THE ORGANIZATION.

8-406.

- (a) This section applies only in Frederick County.
- (b) A beer and wine sampling or tasting (BWST) license may only be issued to a holder of a Class A license.
- (c) The annual license fee is \$200.
- (d) (1) Applications for a BWST license shall be made on forms supplied by the Board of License Commissioners.
- (2) Renewals of the license may be made at the time the regular license is renewed.
- (3) A license may be granted without a hearing.
- (4) If application for a license is denied, the applicant may request a public hearing before the Board.
- (e) (1) A holder of a BWST license may allow consumption by a single individual for sampling or tasting purposes of:
 - (i) Not more than 1 ounce of a given brand of light wine; and

(ii) Not more than 3 ounces of a given brand of beer.

[(2) A maximum of six bottles of wine may be opened at any one time.]

(2) THE BOTTLES OF WINE THAT MAY BE OPENED AT ANY ONE TIME AT A WINE SAMPLING OR TASTING EVENT ARE:

(I) ALL OF THE BOTTLES IN A WINE PRESERVATION SYSTEM THAT THE BOARD APPROVES; AND

(II) NOT MORE THAN SIX OTHER BOTTLES OF WINE OPENED BY A HOLDER OF A SOLICITOR'S PERMIT, THE HOLDER OF THE BWST LICENSE, OR AN EMPLOYEE OF THE LICENSE HOLDER.

(3) A SINGLE INDIVIDUAL MAY NOT CONSUME MORE THAN 6 OUNCES OF WINE FROM ALL BRANDS IN A SINGLE DAY.

[(3)] (4) The licensee shall notify the Board in writing at least 5 days prior to each event.

[(4)] (5) Once opened, each bottle used for the beer and wine sampling or tasting event shall be marked that it is to be used for that purpose only.

[(5)] (6) The contents of each bottle may not be mixed with any other bottle and all bottles shall be destroyed once they are empty.

(f) (1) A BWST license is for on-premises consumption only.

(2) Sampling or tasting of beer or wine may not be conducted from a drive-through window.

(G) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House

Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 686 – *Law Enforcement Officers’ Bill of Rights – Disclosures – Punitive Action*.

This bill authorizes a law enforcement agency that is required by law to disclose information for use as impeachment or exculpatory evidence in a criminal case, to maintain a list of law enforcement officers who have been found or alleged to have committed acts which bear on credibility, integrity, honesty, or other characteristics that would constitute exculpatory or impeachment evidence.

House Bill 598, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 686.

Sincerely,

Governor Martin O’Malley

Senate Bill 686

AN ACT concerning

Law Enforcement Officers’ Bill of Rights – ~~Prosecutorial~~ Disclosures – Punitive Action

FOR the purpose of ~~prohibiting punitive action from being taken against a law enforcement officer based solely on the fact that a prosecutorial agency determined that it must disclose information about the law enforcement officer to the defense under certain circumstances; specifying that this Act does not limit a law enforcement agency from taking punitive action against a law enforcement officer based on the underlying acts or omissions for which information about the law enforcement officer was disclosed; providing for the construction of this Act;~~ authorizing a certain law enforcement agency to maintain a list of certain law enforcement officers solely for the purpose of satisfying a certain disclosure requirement relating to impeachment or exculpatory evidence; prohibiting a certain law enforcement agency from taking certain punitive action against a law enforcement officer whose name is on the list under certain circumstances; requiring a certain law enforcement agency to provide a certain notice to a certain law enforcement officer under certain circumstances; providing that a law enforcement officer maintains all rights of appeal under certain circumstances; and generally relating to prosecutorial disclosures and the Law Enforcement Officers’ Bill of Rights.

BY adding to

Article – Public Safety

Section 3–106.1

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

Article – Public Safety

3–106.1.

~~(A) BASED SOLELY ON THE FACT THAT A PROSECUTORIAL AGENCY HAS DETERMINED THAT IT SHALL DISCLOSE INFORMATION ABOUT A LAW ENFORCEMENT OFFICER TO THE DEFENSE IN ACCORDANCE WITH MARYLAND RULES 4-262(D) OR 4-263(D), THE LAW ENFORCEMENT OFFICER MAY NOT:~~

~~(1) BE DEMOTED;~~

~~(2) BE DISMISSED;~~

~~(3) BE TRANSFERRED;~~

~~(4) LOSE PAY;~~

~~(5) BE REASSIGNED; OR~~

~~(6) FACE ANY OTHER SIMILAR ACTION THAT IS CONSIDERED PUNITIVE.~~

~~(B) NOTHING IN THIS SECTION MAY BE CONSTRUED TO LIMIT THE ABILITY OF A LAW ENFORCEMENT AGENCY TO TAKE PUNITIVE ACTION AGAINST A LAW ENFORCEMENT OFFICER BASED ON THE UNDERLYING ACTS OR OMISSIONS FOR WHICH INFORMATION ABOUT THE LAW ENFORCEMENT OFFICER WAS DISCLOSED TO THE DEFENSE IN ACCORDANCE WITH MARYLAND RULES 4-262(D) OR 4-263(D).~~

(A) A LAW ENFORCEMENT AGENCY REQUIRED BY LAW TO DISCLOSE INFORMATION FOR USE AS IMPEACHMENT OR EXCULPATORY EVIDENCE IN A CRIMINAL CASE, SOLELY FOR THE PURPOSE OF SATISFYING THE DISCLOSURE REQUIREMENT, MAY MAINTAIN A LIST OF LAW ENFORCEMENT OFFICERS WHO HAVE BEEN FOUND OR ALLEGED TO HAVE COMMITTED ACTS WHICH BEAR ON

CREDIBILITY, INTEGRITY, HONESTY, OR OTHER CHARACTERISTICS THAT WOULD CONSTITUTE EXCULPATORY OR IMPEACHMENT EVIDENCE.

(B) A LAW ENFORCEMENT AGENCY MAY NOT, BASED SOLELY ON THE FACT THAT A LAW ENFORCEMENT OFFICER IS INCLUDED ON THE LIST MAINTAINED UNDER SUBSECTION (A) OF THIS SECTION, TAKE PUNITIVE ACTION AGAINST THE LAW ENFORCEMENT OFFICER, INCLUDING:

- (1) DEMOTION;**
- (2) DISMISSAL;**
- (3) SUSPENSION WITHOUT PAY; OR**
- (4) REDUCTION IN PAY.**

(C) A LAW ENFORCEMENT AGENCY THAT MAINTAINS A LIST OF LAW ENFORCEMENT OFFICERS UNDER SUBSECTION (A) OF THIS SECTION SHALL PROVIDE TIMELY NOTICE TO EACH LAW ENFORCEMENT OFFICER WHOSE NAME HAS BEEN PLACED ON THE LIST.

(D) A LAW ENFORCEMENT OFFICER MAINTAINS ALL RIGHTS OF APPEAL PROVIDED IN THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 708 – *Residential Property – Statute of Limitations for Certain Specialties and Motion for Certain Deficiency Judgments*.

The bill authorizes a secured party or any other party in interest to file a motion for a deficiency judgment under specified circumstances and requiring a specified motion

for a deficiency judgment to be filed within a specified time period and requiring the specified party that files a specified motion for deficiency judgment to file within 3 years after the final ratification of the auditor's report.

House Bill 274, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 708.

Sincerely,

Governor Martin O'Malley

Senate Bill 708

AN ACT concerning

~~Civil Actions~~ ***Residential Property*** – Statute of Limitations for Certain Specialties and Motion for Certain Deficiency Judgments

FOR the purpose of altering the time period within which a civil action on certain specialties shall be filed; authorizing a certain party, ~~within a certain time period,~~ to file a motion for a deficiency judgment under certain circumstances; *requiring a certain motion for a deficiency judgment to be filed within a certain time period;* requiring ~~the a certain~~ party to serve ~~the a certain~~ motion in accordance with certain procedures; providing that the filing of a certain motion shall constitute the sole post-ratification remedy available to a certain party under certain circumstances; providing for the application of *certain provisions of this Act; providing that any cause of action to collect the unpaid balance due on a certain deed of trust, mortgage, or promissory note that arises before a certain date must be filed within a certain time period under certain circumstances; providing that any motion for a deficiency judgment on a certain deed of trust, mortgage, or promissory note for which an auditor's report has final ratification must be filed within a certain time period under certain circumstances; defining certain terms;* and generally relating to specialties and deficiency judgments *with regard to residential property.*

BY repealing and reenacting, without amendments,

Article – Courts and Judicial Proceedings

Section 5–101

Annotated Code of Maryland

(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 5–102

Annotated Code of Maryland

(2013 Replacement Volume and 2013 Supplement)

BY adding to

Article – Real Property

Section 7–105.13

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

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

Article – Courts and Judicial Proceedings

5–101.

A civil action at law shall be filed within three years from the date it accrues unless another provision of the Code provides a different period of time within which an action shall be commenced.

5–102.

(a) An action on one of the following specialties shall be filed within 12 years after the cause of action accrues, or within 12 years from the date of the death of the last to die of the principal debtor or creditor, whichever is sooner:

- (1) Promissory note or other instrument under seal;
- (2) Bond except a public officer's bond;
- (3) Judgment;
- (4) Recognizance;
- (5) Contract under seal; or
- (6) Any other specialty.

(b) A payment of principal or interest on a specialty suspends the operation of this section as to the specialty for three years after the date of payment.

(c) This section does not apply to [a]:

- (1) A specialty taken for the use of the State; OR
- (2) A DEED OF TRUST, MORTGAGE, OR PROMISSORY NOTE THAT HAS BEEN SIGNED UNDER SEAL ~~BY A MORTGAGOR~~ AND SECURES OR IS SECURED

BY OWNER-OCCUPIED RESIDENTIAL PROPERTY, AS ~~THAT TERM IS~~ DEFINED IN § 7-105.1 OF THE REAL PROPERTY ARTICLE.

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

Article – Real Property

7-105.13.

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

(2) “OWNER-OCCUPIED RESIDENTIAL PROPERTY” HAS THE MEANING STATED IN § 7-105.1 OF THIS SUBTITLE.

(3) “RESIDENTIAL PROPERTY” HAS THE MEANING STATED IN § 7-105.1 OF THIS SUBTITLE.

(B) THIS SECTION APPLIES TO RESIDENTIAL PROPERTY THAT WAS OWNER-OCCUPIED RESIDENTIAL PROPERTY AT THE TIME AN ORDER TO DOCKET OR COMPLAINT TO FORECLOSE WAS FILED.

~~(A) (C)~~ ~~WITHIN 180 DAYS AFTER~~ AFTER THE FINAL RATIFICATION OF THE AUDITOR’S REPORT FOLLOWING A SALE MADE IN ACCORDANCE WITH §§ ~~7-105~~ 7-105.1 THROUGH 7-105.8 OF THIS SUBTITLE OR THE MARYLAND RULES, A SECURED PARTY OR AN APPROPRIATE PARTY IN INTEREST MAY FILE A MOTION FOR A DEFICIENCY JUDGMENT IF THE PROCEEDS OF THE SALE, AFTER DEDUCTING ALL COSTS AND EXPENSES ALLOWED BY THE COURT, ARE INSUFFICIENT TO SATISFY THE DEBT AND ACCRUED INTEREST.

~~(B) (D)~~ A MOTION FOR DEFICIENCY JUDGMENT UNDER THIS SECTION SHALL BE FILED WITHIN 3 YEARS AFTER THE FINAL RATIFICATION OF THE AUDITOR’S REPORT.

~~(B) (C)~~ (E) THE SECURED PARTY OR PARTY IN INTEREST SHALL SERVE THE MOTION IN ACCORDANCE WITH THE MARYLAND RULES.

~~(C) (D)~~ (F) THE FILING OF A MOTION FOR DEFICIENCY JUDGMENT IN ACCORDANCE WITH THIS SECTION AND THE MARYLAND RULES SHALL CONSTITUTE THE SOLE POST-RATIFICATION REMEDY AVAILABLE TO A SECURED PARTY OR PARTY IN INTEREST FOR BREACH OF A COVENANT CONTAINED IN A DEED OF TRUST, MORTGAGE, OR PROMISSORY NOTE THAT SECURES OR IS

~~SECURED BY OWNER-OCCUPIED RESIDENTIAL PROPERTY, AS THAT TERM IS DEFINED IN § 7-105.1 OF THIS SUBTITLE.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.~~

SECTION 3. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, Section 1 of this Act shall be construed to apply prospectively to any cause of action that arises on or after the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That any cause of action to collect the unpaid balance due on a deed of trust, mortgage, or promissory note that has been signed under seal and secures or is secured by residential property that was owner-occupied residential property at the time the property was transferred with the unpaid balance that arises before July 1, 2014, and would not be barred under § 5-102 of the Courts and Judicial Proceedings Article before July 1, 2014, must be filed within 12 years after the date the cause of action accrues or before July 1, 2017, whichever occurs first.

SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 6 of this Act, Section 2 of this Act shall be construed to apply prospectively to any motion for a deficiency judgment that is filed on or after the effective date of this Act on a deed of trust, mortgage, or promissory note that secures or is secured by residential property that was owner-occupied residential property at the time the order to docket or complaint to foreclose was filed.

SECTION 6. AND BE IT FURTHER ENACTED, That any motion for a deficiency judgment on a deed of trust, mortgage, or promissory note that secures or is secured by residential property that was owner-occupied residential property at the time the order to docket or complaint to foreclose was filed for which an auditor's report has final ratification before July 1, 2014, and would not be barred under Maryland Rule 14-216 before July 1, 2014, must be filed within 3 years after the date of final ratification or before July 1, 2017, whichever occurs first.

SECTION ~~3~~ 7. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate

H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 718 – *Governor's Office of Crime Control and Prevention – Juvenile Charged as Adult Population Forecast*.

The bill requires the Governor's Office of Crime Control and Prevention (GOCCP) to report the Juvenile Charged as Adult Population Forecast to the Governor and General Assembly annually on or before December 1, to consider specified juvenile population statistics when calculating the forecast, and requiring specified State and local detention facilities to provide specified data to GOCCP.

House Bill 589, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 718.

Sincerely,

Governor Martin O'Malley

Senate Bill 718

AN ACT concerning

**Governor's Office of Crime Control and Prevention – ~~State Corrections~~
Juvenile Charged as Adult Population Forecast ~~and Juvenile Population~~
Statistics**

FOR the purpose of requiring the Governor's Office of Crime Control and Prevention to report ~~a certain State corrections population forecast and certain juvenile population statistics~~ the Juvenile Charged as Adult Population Forecast to the Governor and General Assembly annually on or before a certain date; requiring the Office to consider ~~the~~ certain juvenile population statistics when calculating the forecast; providing for the termination of this Act; requiring certain State and local detention facilities to provide certain data to the Office; requiring the Office to develop a certain format that certain State and local detention facilities must use to report certain data; requiring certain data reported to the Office to include certain information; and generally relating to reporting the ~~State corrections population forecast and juvenile population statistics~~ Juvenile Charged as Adult Population Forecast.

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

(a) On or before December 1 of each year, the Governor's Office of Crime Control and Prevention shall report the Juvenile Charged as Adult Population Forecast to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly ~~on:~~

~~(1) the State corrections population forecast for the next calendar year; and~~

~~(2) the juvenile population statistics for the prior calendar year.~~

(b) (1) The ~~State corrections population~~ forecast shall include the expected population of each ~~prison, State and local detention facility, and juvenile facility~~ for the next calendar year and the methodology and assumptions used in developing the projection.

(2) In calculating the forecast, the Office shall consider the juvenile population statistics listed under subsection (c) of this section.

(c) The juvenile population statistics shall include:

(1) the total number of juveniles charged as adults in the State;

(2) the average daily population of juveniles charged as adults detained in each State and local detention facility; and

(3) the average length of stay of juveniles charged as adults detained in each State and local detention facility.

(d) (1) Each State and local detention facility shall provide juvenile population data to the Governor's Office of Crime Control and Prevention as requested by the Office to complete the annual report.

(2) The Governor's Office of Crime Control and Prevention shall develop a standardized format that each State and local detention facility must use in reporting data to the Office.

(3) The data reported to the Governor's Office of Crime Control and Prevention shall include the following information for each juvenile charged as an adult:

(i) the facility identification number for the detention facility where the juvenile was held;

(ii) the name of the juvenile;

(iii) the date of birth of the juvenile;

- (iv) the age of the juvenile;
- (v) the sex of the juvenile;
- (vi) the race of the juvenile;
- ~~(vii) the ethnicity of the juvenile;~~
- ~~(viii)~~ (vii) the date the juvenile was placed in the facility;
- ~~(ix)~~ (viii) the date the juvenile was released from the facility;
- ~~(x)~~ (ix) the total time the juvenile was held at the facility;
- ~~(xi)~~ (x) the offense for which the juvenile was being held at
the facility;
- ~~(xii)~~ (xi) the offense type for which the juvenile was being held
at the facility;
- ~~(xiii)~~ (xii) whether there was a federal hold on the juvenile;
- ~~(xiv)~~ (xiii) the case status for the juvenile;
- ~~(xv)~~ (xiv) the case number for the juvenile; and
- ~~(xvi)~~ (xv) whether the juvenile court has waived its jurisdiction
with respect to the juvenile.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014. It shall remain effective for a period of ~~4~~ 3 years and, at the end of September 30, ~~2018~~ 2017, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 730 – *Maryland Transportation Authority – All–Electronic Tolling – Study*.

The bill requires the Maryland Transportation Authority to study and report on the status of its initiative to implement all–electronic tolling; requires the study to address specified matters, including an analysis of all–electronic tolling in other states and a description of various all–electronic tolling programs; requires the Authority to submit the report on or before January 1, 2016; and prohibits the Authority from implementing all–electronic tolling at the Thomas J. Hatem Memorial Bridge before January 1, 2016.

House Bill 389, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 730.

Sincerely,

Governor Martin O'Malley

Senate Bill 730

AN ACT concerning

Maryland Transportation Authority – ~~Transportation Facilities Projects –~~ Cash Toll Lanes All–Electronic Tolling – Study

FOR the purpose of requiring the Maryland Transportation Authority to ~~maintain at certain transportation facilities projects at least one cash toll lane and as many additional cash toll lanes as necessary to ensure that motorists are not unduly delayed in passing through the toll plaza; and generally relating to cash toll lanes at transportation facilities projects~~ complete a study and submit a report on the status of its initiative to implement all–electronic tolling; requiring the study to include certain matters; requiring the Authority to submit a report of its findings and recommendations to certain persons on or before a certain date; prohibiting the Authority from implementing all–electronic tolling at a certain facility before a certain date; and generally relating to all–electronic tolling.

~~BY repealing and reenacting, without amendments,
Article – Transportation
Section 4–101(h)
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)~~

~~BY adding to
Article – Transportation
Section 4–406~~

~~Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)~~

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

~~Article Transportation~~

~~4-101.~~

~~(h) "Transportation facilities project" includes:~~

~~(1) The Susquehanna River Bridge, the Harry W. Nice Memorial Potomac River Bridge, the William Preston Lane, Jr. Memorial Chesapeake Bay Bridge and parallel Chesapeake Bay Bridge, the Baltimore Harbor Tunnel, the Fort McHenry Tunnel, the Francis Scott Key Bridge, and the John F. Kennedy Memorial Highway, together with their appurtenant causeways, approaches, interchanges, entrance plazas, toll stations, and service facilities;~~

~~(2) A vehicle parking facility located in a priority funding area as defined in § 5-7B-02 of the State Finance and Procurement Article;~~

~~(3) Any other project for transportation facilities that the Authority authorizes to be acquired or constructed; and~~

~~(4) Any additions, improvements, or enlargements to any of these projects, whenever authorized.~~

~~4-106.~~

~~AT EACH TRANSPORTATION FACILITIES PROJECT, EXCLUDING THE INTERCOUNTY CONNECTOR, INTERSTATE 95 EXPRESS TOLL LANES, OR A VEHICLE PARKING FACILITY, THE AUTHORITY SHALL MAINTAIN:~~

~~(1) AT LEAST ONE LANE WHERE MOTORISTS MAY PAY THE TOLL IN CASH; AND~~

~~(2) AS MANY ADDITIONAL LANES WHERE MOTORISTS MAY PAY THE TOLL IN CASH AS ARE NECESSARY TO ENSURE THAT MOTORISTS PAYING THE TOLL IN CASH ARE NOT UNDULY DELAYED IN PASSING THROUGH THE TOLL PLAZA.~~

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

(2) “All–electronic tolling” means electronic toll collection at highway speeds through the use of a transponder and video tolling, with no cash transactions occurring on the roadway.

(3) “Authority” means the Maryland Transportation Authority.

(4) “Project” means the:

(i) Thomas J. Hatem Memorial Bridge;

(ii) Harry W. Nice Memorial Potomac River Bridge;

(iii) William Preston Lane, Jr. Memorial Chesapeake Bay Bridge and parallel Chesapeake Bay Bridge;

(iv) Baltimore Harbor Tunnel;

(v) Fort McHenry Tunnel;

(vi) Francis Scott Key Bridge; or

(vii) Millard Tydings Memorial Bridge.

(b) (1) The Authority shall complete a study and submit a report on the status of its initiative to implement all–electronic tolling in accordance with this subsection.

(2) The study shall include:

(i) an analysis of all–electronic tolling in other states and a description of various all–electronic tolling programs;

(ii) an analysis of electronic toll collection interoperability;

(iii) an analysis of:

1. alternative payment methods that do not exceed the existing cash toll rate at each project;

2. a video toll rate based on an analysis of actual costs and potential savings to collect video tolls; and

3. a toll rate needed to address concerns with video toll collection associated with trucks;

(iv) an analysis of issues and factors related to all–electronic tolling that must be addressed before all–electronic tolling becomes effective at each project;

(v) an overview of revisions, if any, to the Authority's initial all–electronic tolling proposal; and

(vi) proposed legislation, if required, relating to the implementation of all–electronic tolling.

(3) The Authority shall submit a report of its findings and recommendations on or before January 1, 2016, to:

(i) the County Executive and County Council of Cecil County;

(ii) the County Executive and County Council of Harford County;

(iii) the Mayor and Town Commission of the Town of Perryville;

(iv) the Mayor and City Council of the City of Havre de Grace;
and

(v) in accordance with § 2–1246 of the State Government Article, the House Committee on Ways and Means and the Senate Finance Committee.

(c) The Authority's initial proposal for all–electronic tolling at the Thomas J. Hatem Memorial Bridge is withdrawn and the Authority may not implement all–electronic tolling at the Thomas J. Hatem Memorial Bridge before January 1, 2016.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H–107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 771 – *Motor Vehicles – Exceptional Milk Hauling Permit – Establishment*.

The bill authorizes the State Highway Administration to issue an exceptional milk hauling permit that authorizes an axle configuration of not less than six axles and a front-to-rear centerline axle spacing of not less than 50 feet and specified increased weight limitations; requires the Administration to enter into an agreement with the Maryland and Virginia Milk Producers Cooperative Association to collect specified data; and requires specified data to be compiled in an annual report.

House Bill 1246, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 771.

Sincerely,

Governor Martin O'Malley

Senate Bill 771

AN ACT concerning

Motor Vehicles – Exceptional Milk Hauling Permit – Establishment

FOR the purpose of authorizing the State Highway Administration to issue an exceptional milk hauling permit that authorizes certain axle configurations and certain increased weight limitations; establishing that the general exceptional hauling permit for farm products does not apply to the transportation of milk; providing for the repeal of certain provisions of this Act on a certain date; requiring the Administration to enter into an agreement with a certain entity to collect certain data; requiring certain data to be compiled in an annual report; requiring the Administration to meet annually with a certain entity to review the annual report; providing for the effective dates of this Act; and generally relating to the establishment of the exceptional milk hauling permit.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–113.2
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–113.2(b) and (c)
Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)
(As enacted by Section 1 of this Act)

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

Article – Transportation

24–113.2.

(a) Unless otherwise provided by federal law, an exceptional hauling permit issued under this section is not valid on the interstate highway system, as defined in § 8–101(j) of this article.

(b) Notwithstanding any other provision of this title, the State Highway Administration may issue an exceptional hauling permit for a combination of vehicles that:

(1) **(I)** Carries farm products as defined in § 10–601(c) of the Agriculture Article, ~~EXCEPT FOR OTHER THAN MILK~~, that:

[i] **1.** Are loaded in fields or other off-highway locations;
and

[ii] **2.** Are the only load of the vehicle; and

[2] **(II)** Has an axle configuration of not less than six axles and a front-to-rear centerline axle spacing of not less than 50 feet; ~~OR~~

(2) (I) CARRIES TO A PROCESSING PLANT RAW LIQUID MILK THAT IS THE ONLY LOAD ON THE VEHICLE AND IS LOADED FROM BULK LIQUID MILK STORAGE TANKS AT ONE OR MORE FARM LOCATIONS; AND

(II) HAS AN AXLE CONFIGURATION OF NOT LESS THAN ~~FIVE~~ SIX AXLES AND A ~~DISTANCE OF AT LEAST 28 FEET BETWEEN THE LAST AXLE ON THE TRACTOR AND THE FIRST AXLE ON THE SEMITRAILER~~ FRONT-TO-REAR CENTERLINE AXLE SPACING OF NOT LESS THAN 50 FEET; OR

(3) (I) CARRIES TO A PROCESSING PLANT FROM MARCH 1 UNTIL JUNE 30 RAW LIQUID MILK THAT IS THE ONLY LOAD ON THE VEHICLE AND IS LOADED FROM BULK LIQUID MILK STORAGE TANKS AT ONE OR MORE FARM LOCATIONS; AND

(II) HAS AN AXLE CONFIGURATION OF FIVE AXLES AND A DISTANCE OF AT LEAST 28 FEET BETWEEN THE LAST AXLE ON THE TRACTOR AND THE FIRST AXLE ON THE SEMITRAILER.

(c) A combination of vehicles operating under the authority of an exceptional hauling permit issued under subsection (b) of this section shall:

(1) Comply with the following weight limits:

(i) A maximum of 20,000 pounds gross weight on a single axle;

(ii) For any consecutive axle configuration of two or more axles on individual vehicles in the combination, the maximum gross weight specified in § 24–109(c) of this subtitle; and

(iii) A maximum of:

1. 87,000 pounds gross combination weight FOR A COMBINATION OF VEHICLES CARRYING FARM PRODUCTS OTHER THAN MILK; ~~OR~~

2. ~~90,000~~ 95,000 POUNDS GROSS COMBINATION WEIGHT FOR A COMBINATION OF VEHICLES WITH AT LEAST 6 AXLES CARRYING MILK; OR

3. 88,000 POUNDS GROSS COMBINATION WEIGHT FOR A COMBINATION OF VEHICLES WITH 5 AXLES CARRYING MILK;

(2) Twice each year, submit to and pass a North American Standard Driver/Vehicle Level 1 inspection; and

(3) Be allowed a load limit tolerance of only 1,000 pounds for gross combination weight and 15% for axle weights.

(d) While operating a combination of vehicles under the authority of an exceptional hauling permit issued under subsection (b) of this section, a person may not:

(1) Violate a highway restriction issued by a competent authority;

(2) Operate the combination of vehicles on the interstate highway system, as defined in § 8–101(j) of this article;

(3) Operate the combination of vehicles if the combination of vehicles exceeds any tire weight rating or tire speed restriction adopted under § 25–111 of this article; or

(4) Fail to comply with the terms and conditions of the exceptional hauling permit.

(e) While operating a combination of vehicles under the authority of an exceptional hauling permit issued under subsection (b) of this section, a person shall have in the person's possession:

(1) The original exceptional hauling permit issued for the vehicle; and

(2) For each vehicle in the combination of vehicles, a copy of a valid North American Standard Driver/Vehicle Level 1 inspection report issued within the preceding 180 days that shows no out-of-service violations.

(f) (1) A violation of this section, regulations adopted to implement this section, or the terms and conditions of an exceptional hauling permit issued under subsection (b) of this section shall:

(i) Void the authority granted under the exceptional hauling permit;

(ii) Subject the vehicle to all weight requirements and tolerances specified in this article; and

(iii) For a violation of a weight restriction specified in this section that exceeds 5,000 pounds, subject the exceptional hauling permit to immediate confiscation by an officer or authorized civilian employee of the Department of State Police, an officer of the Maryland Transportation Authority Police, or any police officer.

(2) A person who confiscates an exceptional hauling permit under paragraph (1) of this subsection shall immediately notify the State Highway Administration.

(3) On notification of the confiscation of an exceptional hauling permit, the State Highway Administration shall review the confiscation, verify the violation of a weight restriction, and, if the State Highway Administration determines that a violation did occur, revoke the permit.

(4) An owner or operator of a combination of vehicles may appeal the revocation of an exceptional hauling permit to the State Highway Administrator or the Administrator's designee.

(g) (1) On request from the State Highway Administrator or the Administrator's designee, weight and delivery records of the holder of an exceptional hauling permit that are kept in the normal course of business shall be provided by:

(i) The holder of the exceptional hauling permit; or

(ii) A facility that receives farm products, as defined in § 10–601(c) of the Agriculture Article, delivered by a vehicle operating under the authority of an exceptional hauling permit.

(2) If the holder of an exceptional hauling permit or a facility that receives farm products does not comply with a request under this subsection, the State Highway Administration may:

(i) Suspend the holder’s exceptional hauling permit; or

(ii) Prohibit a vehicle from delivering farm products under the authority of the exceptional hauling permit to the noncompliant facility.

(h) (1) An applicant for an exceptional hauling permit shall pay to the State Highway Administration:

(i) 1. \$250 for the issuance of a new annual permit or the annual renewal; or

2. \$30 for the issuance of a 30–day permit;

(ii) \$1,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a first violation; and

(iii) \$5,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a second or subsequent violation within the prior 24 months.

(2) A fee paid under this subsection is nonrefundable.

(i) Except as otherwise provided in this section, an exceptional hauling permit is valid for:

(1) 1 year from the date of issuance for an annual permit; or

(2) 30 consecutive days for a 30–day permit.

(j) In consultation with the Secretary of State Police, the State Highway Administration shall adopt regulations to implement this section.

(k) (1) An exceptional hauling permit is issued under this section at the discretion of the State Highway Administrator.

(2) The State Highway Administrator may stop issuing or renewing exceptional hauling permits under this section if the Administrator determines that the use of the permits is adversely affecting any part of the State highway system.

(3) The State Highway Administrator shall promptly report to the General Assembly, in accordance with § 2-1246 of the State Government Article, regarding any decision to stop issuing or renewing exceptional hauling permits under this section and the reason for the decision.

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

Article – Transportation

24-113.2.

(b) Notwithstanding any other provision of this title, the State Highway Administration may issue an exceptional hauling permit for a combination of vehicles that:

(1) (i) Carries farm products as defined in § 10-601(c) of the Agriculture Article, other than milk, that:

1. Are loaded in fields or other off-highway locations;
and

2. Are the only load of the vehicle; and

(ii) Has an axle configuration of not less than six axles and a front-to-rear centerline axle spacing of not less than 50 feet; OR

(2) (i) Carries to a processing plant raw liquid milk that is the only load on the vehicle and is loaded from bulk liquid milk storage tanks at one or more farm locations; and

(ii) Has an axle configuration of not less than six axles and a distance of at least 28 feet between the last axle on the tractor and the first axle on the ~~semitrailer~~ front-to-rear centerline axle spacing of not less than 50 feet [; or

(3) (i) Carries to a processing plant from March 1 until June 30 raw liquid milk that is the only load on the vehicle and is loaded from bulk liquid milk storage tanks at one or more farm locations; and

(ii) Has an axle configuration of five axles and a distance of at least 28 feet between the last axle on the tractor and the first axle on the semitrailer].

(c) A combination of vehicles operating under the authority of an exceptional hauling permit issued under subsection (b) of this section shall:

(1) Comply with the following weight limits:

- (i) A maximum of 20,000 pounds gross weight on a single axle;
- (ii) For any consecutive axle configuration of two or more axles on individual vehicles in the combination, the maximum gross weight specified in § 24–109(c) of this subtitle; and
- (iii) A maximum of:
 - 1. 87,000 pounds gross combination weight for a combination of vehicles carrying farm products other than milk; OR
 - 2. 95,000 pounds gross combination weight for a combination of vehicles [with at least 6 axles] carrying milk; [or
 - 3. 88,000 pounds gross combination weight for a combination of vehicles with 5 axles carrying milk.]
- (2) Twice each year, submit to and pass a North American Standard Driver/Vehicle Level 1 inspection; and
- (3) Be allowed a load limit tolerance of only 1,000 pounds for gross combination weight and 15% for axle weights.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The State Highway Administration shall enter into an agreement with the Maryland and Virginia Milk Producers Cooperative Association to collect the following data:

(1) with respect to a permit issued under § 24–113.2(b)(2) of the Transportation Article, as enacted by this Act, the total number of vehicles or combination of vehicles operating under the permit with a gross combination weight:

- (i) under 90,000 pounds;
- (ii) between 90,000 and 95,000 pounds; and
- (iii) over 95,000 pounds; and

(2) with respect to a permit issued under § 24–113.2(b)(3) of the Transportation Article, as enacted by this Act, the total number of vehicles or combination of vehicles operating under the permit with a gross combination weight:

- (i) under 80,000 pounds;
- (ii) between 80,000 and 88,000 pounds; and

(iii) over 88,000 pounds.

(b) Data collected under subsection (a) of this section shall be organized by month and compiled in an annual report.

(c) The State Highway Administration shall meet annually with the Maryland and Virginia Milk Producers Cooperative Association to review the most recent annual report compiled under this section.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2016.

SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect October 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 794 – *Maryland Unaccompanied Homeless Youth and Young Adult Count Demonstration Project*.

The bill establishes the Maryland Unaccompanied Homeless Youth and Young Adult Count Demonstration Project and requiring the Department of Housing and Community Development to select and monitor a coordinating entity to oversee the project created to conduct data collection and analysis to determine the number and characteristics of unaccompanied homeless youth and young adults in jurisdictions served by specified Continuums of Care.

House Bill 794, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 794.

Sincerely,

Governor Martin O'Malley

Senate Bill 794

AN ACT concerning

~~Department of Planning~~ **Maryland Unaccompanied Homeless Youth and Young Adult Count Demonstration Project**

FOR the purpose of establishing the Maryland Unaccompanied Homeless Youth and Young Adult Count Demonstration Project; requiring the Department of ~~Planning~~ Housing and Community Development to select and monitor a coordinating entity to oversee the ~~Maryland Unaccompanied Homeless Youth and Young Adult Count Demonstration~~ Project; establishing the purpose of the Project; requiring the coordinating entity to be selected through a competitive request for proposal or by sole source contract; requiring the coordinating entity to determine the number and characteristics of unaccompanied homeless youth and young adults in certain ~~jurisdictions~~ Continuums of Care using certain methods; requiring the coordinating entity to assign each youth participant a unique identifier; requiring the Department of Planning to provide certain technical assistance; requiring the ~~Department~~ Departments to make every effort to identify non-State sources of funding to fund the cost of the Project; ~~providing for the termination of this Act~~; requiring the coordinating entity to submit a certain report on or before a certain date; making this Act subject to a certain contingency; and generally relating to the Maryland Unaccompanied Homeless Youth and Young Adult Count Demonstration Project.

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

(a) ~~The Department of Planning shall select a coordinating entity to oversee the~~ There is a Maryland Unaccompanied Homeless Youth and Young Adult Count Demonstration Project.

(b) The purpose of the Project is to:

~~(1)~~ conduct data collection and analysis to determine the number and characteristics of unaccompanied homeless youth and young adults in each jurisdiction; and.

(c) (1) The Department of Housing and Community Development shall select and monitor a coordinating entity to oversee the Project.

(2) The coordinating entity shall be selected through a competitive request for proposal or by sole source contract.

~~(2) on or before September 30, 2016, submit a report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the results of the Project.~~

~~(e) The coordinating entity shall be selected through a competitive request for proposal or by sole source contract.~~

(d) The Project shall require the coordinating entity to determine the number and characteristics of unaccompanied homeless youth and young adults in ~~the following jurisdictions:~~

~~(1) Anne Arundel County;~~

~~(2) Baltimore City; and~~

~~(3) Wicomico County~~ at least the following Continuums of Care established under Subtitle C of Title IV of the McKinney–Vento Homeless Assistance Act, 42 U.S.C. §§ 11381 through 11389:

(1) MD 501 – Baltimore City Continuum of Care;

(2) MD 503 – Annapolis/Anne Arundel County Continuum of Care;

(3) MD 505 – Baltimore County Continuum of Care;

(4) MD 512 – Hagerstown/Washington County Continuum of Care;

(5) MD 513 – Wicomico/Somerset/Worcester County Continuum of Care; and

(6) MD 600 – Prince George’s County Continuum of Care.

(e) (1) To determine the number of unaccompanied homeless youth and young adults in each jurisdiction, the coordinating entity, in partnership with Continuums of Care and local communities, shall:

(i) utilize data on the number of homeless students in public schools reported under the federal McKinney–Vento Homeless Assistance Act;

(ii) conduct a street count of unaccompanied homeless youth and young adults;

~~(iii) survey service providers; and~~

(iii) conduct a service provider count of unaccompanied homeless youth; and

(iv) conduct qualitative data collection, including conducting:

1. surveys;
2. focus groups; and
3. in-depth interviews.

(2) The coordinating entity shall work with local ~~jurisdictions~~ communities to tailor data collection methodology used under paragraph (1) of this subsection, as appropriate.

(3) Any survey conducted under paragraph (1) of this subsection shall include a uniform set of questions but may include additional questions if the additional questions are agreed on by the local ~~jurisdictions~~ communities and the coordinating entity.

(4) The methods of data collection described under paragraph (1) of this subsection shall employ promising practices, including those identified through the federal Youth Count! Pilot Project, including:

- (i) employing youth outreach workers;
- (ii) using magnet events; and
- (iii) providing stipends to encourage participation.

(5) Data collection conducted under this subsection shall be conducted to coincide with the end of the K–12 school year and the reporting of data under the federal McKinney–Vento Homeless Assistance Act.

(6) To protect the anonymity of youth participants and avoid duplication, the coordinating entity shall assign each youth participant a unique identifier that does not reveal the participant's identity.

(f) The Department of Planning shall:

- (1) assist with presurvey data collection consultation and mapping support;
- (2) analyze and compile data after the survey is completed; and
- (3) provide a technical review of draft reports.

~~(g)~~ (g) The ~~Department~~ Departments shall make every effort to identify non-State sources of funding to fund the cost of the Project, including:

- (1) applying for federal or university grants; and
- (2) partnering with private entities to share the cost.

(h) On or before September 30, 2017, the coordinating entity shall submit a report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the results of the Project.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the receipt of funding through an appropriation in the State budget or through non-State sources of funding to select a coordinating entity to oversee the Maryland Unaccompanied Homeless Youth and Young Adult Count Demonstration Project. The Department of Housing and Community Development shall notify the Department of Legislative Services within 5 days after funding is received. If notice of the receipt of funding is not received by the Department of Legislative Services on or before June 30, 2018, this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 2 of this Act, this Act shall take effect ~~October~~ July 1, 2014. ~~It shall remain effective for a period of 3 years and, at the end of September 30, 2017, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 795 – *Joint Committee on Ending Homelessness*.

This bill establishes a Joint Committee on Ending Homelessness to take specified actions to ensure that public resources, programs, and policies are coordinated and effective in preventing, mitigating the effects of, and ending homelessness in Maryland.

House Bill 813, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 795.

Sincerely,

Governor Martin O'Malley

Senate Bill 795

AN ACT concerning

Joint Committee on Ending Homelessness

FOR the purpose of creating a Joint Committee on Ending Homelessness; specifying the membership of the Committee; providing that members of the Committee serve at the pleasure of the appointing officer; providing for the appointment of cochairmen of the Committee; establishing that a majority of the full authorized membership of the Committee is a quorum; providing staff for the Committee; requiring the Committee to hold certain meetings; authorizing the Committee to hold certain hearings and consider certain votes on certain bills or resolutions; establishing the powers and duties of the Committee; requiring the Governor's Interagency Council on Homelessness to cooperate fully with the Committee, keep the Committee fully informed as to the Council's priorities and progress, and submit a certain report to the Committee on or before a certain date each year; requiring the Committee to submit a certain report to the General Assembly ~~by~~ on or before a certain date each year; providing for a delayed effective date; and generally relating to the Joint Committee on Ending Homelessness.

BY adding to

Article – State Government

Section 2–10A–15

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

Article – State Government

2–10A–15.

(A) **THERE IS A JOINT COMMITTEE ON ENDING HOMELESSNESS.**

(B) (1) **THE COMMITTEE CONSISTS OF 10 MEMBERS.**

(2) OF THE 10 MEMBERS:

(I) FIVE SHALL BE MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE; AND

(II) FIVE SHALL BE MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE.

(C) (1) THE MEMBERS OF THE COMMITTEE SERVE AT THE PLEASURE OF THE PRESIDING OFFICER WHO APPOINTED THEM.

(2) (I) IF A VACANCY OCCURS AMONG THE SENATORS ON THE COMMITTEE, A SUCCESSOR PROMPTLY SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE.

(II) IF A VACANCY OCCURS AMONG THE DELEGATES ON THE COMMITTEE, A SUCCESSOR PROMPTLY SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE.

(D) FROM AMONG THE MEMBERSHIP OF THE COMMITTEE, THE PRESIDENT OF THE SENATE SHALL APPOINT A SENATOR TO SERVE AS THE SENATE CHAIR OF THE COMMITTEE, AND THE SPEAKER OF THE HOUSE SHALL APPOINT A DELEGATE TO SERVE AS THE HOUSE CHAIR OF THE COMMITTEE.

(E) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE COMMITTEE IS A QUORUM.

(F) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL PROVIDE STAFF ASSISTANCE TO THE COMMITTEE.

(G) THE COMMITTEE SHALL HOLD:

(1) AN ORGANIZATIONAL MEETING PROMPTLY AFTER THE APPOINTMENT OF ITS MEMBERS; AND

(2) ~~QUARTERLY MEETINGS EACH YEAR; AND~~

~~(3)~~ ANY OTHER MEETINGS THAT THE COMMITTEE CONSIDERS NECESSARY TO CARRY OUT ITS DUTIES EFFICIENTLY.

(H) THE COMMITTEE MAY:

(1) HOLD A HEARING ON ANY MATTER RELATING TO THE FUNCTIONS OF THE COMMITTEE; AND

(2) CONSIDER A VOTE ON A BILL OR RESOLUTION REFERRED TO THE COMMITTEE BY THE PRESIDENT OF THE SENATE OR THE SPEAKER OF THE HOUSE.

(I) TO ENSURE THAT PUBLIC RESOURCES, PROGRAMS, AND POLICIES ARE COORDINATED AND EFFECTIVE IN PREVENTING, MITIGATING THE EFFECTS OF, AND ENDING HOMELESSNESS IN MARYLAND, THE COMMITTEE SHALL:

(1) STUDY ISSUES RELATING TO HOMELESSNESS, INCLUDING:

(I) HOUSING;

(II) INCOME;

(III) HEALTH CARE;

(IV) EDUCATION; ~~AND~~

(V) GOVERNMENT SUPPORTS; AND

(VI) VETERANS EXPERIENCING HOMELESSNESS;

(2) CONSULT WITH GOVERNMENTAL AGENCIES, COMMUNITY-BASED ORGANIZATIONS, AND OTHER STAKEHOLDERS TO IDENTIFY STATE POLICIES, PROGRAMS, AND ACTIONS THAT SHOULD OR COULD PREVENT, MITIGATE THE EFFECTS OF, AND END HOMELESSNESS IN MARYLAND;

(3) REVIEW AND MAKE RECOMMENDATIONS TO ALIGN STATE STATUTES, REGULATIONS, PROGRAMS, SERVICES, AND BUDGETARY PRIORITIES WITH THE STATE POLICIES AND ACTIONS DESCRIBED IN ITEM (2) OF THIS SUBSECTION;

(4) SEARCH FOR ANY INTRADEPARTMENTAL OR INTERDEPARTMENTAL GAPS, INCONSISTENCIES, AND INEFFICIENCIES IN THE IMPLEMENTATION OR ATTAINMENT OF THE STATE POLICIES, PROGRAMS, AND ACTIONS DESCRIBED IN ITEM (2) OF THIS SUBSECTION; AND

(5) IDENTIFY NEW LAWS, REGULATIONS, PROGRAMS, SERVICES, AND BUDGETARY PRIORITIES THAT ARE NEEDED TO PREVENT, MITIGATE THE EFFECTS OF, AND END HOMELESSNESS IN MARYLAND.

(J) THE GOVERNOR'S INTERAGENCY COUNCIL ON HOMELESSNESS SHALL:

- (1) COOPERATE FULLY WITH THE COMMITTEE;
 - (2) KEEP THE COMMITTEE FULLY INFORMED AS TO ITS PRIORITIES AND PROGRESS; AND
 - (3) SUBMIT AN ANNUAL REPORT, SUBJECT TO § 2-1246 OF THIS TITLE, TO THE COMMITTEE ON OR BEFORE OCTOBER 1 OF EACH YEAR THAT INCLUDES:
 - (I) A DESCRIPTION OF THE COUNCIL'S WORK;
 - (II) A REPORT ON THE COUNCIL'S PRIORITIES AND PROGRESS; AND
 - (III) RECOMMENDATIONS FOR NEW LAWS, REGULATIONS, PROGRAMS, SERVICES, AND BUDGETARY PRIORITIES THAT ARE NEEDED TO PREVENT, MITIGATE THE EFFECTS OF, AND END HOMELESSNESS IN MARYLAND.
- (K) (1) SUBJECT TO § 2-1246 OF THIS TITLE, THE COMMITTEE SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 1 EACH YEAR.
- (2) THE REPORT SHALL INCLUDE:
 - (I) A DESCRIPTION OF THE WORK OF THE COMMITTEE; AND
 - (II) ANY RECOMMENDATIONS OF THE COMMITTEE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2014~~ June 1, 2015.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 874 – *Health Insurance – Specialty Drugs*.

The bill prohibits specified insurers, nonprofit health service plans, and health maintenance organizations from imposing a copayment or coinsurance requirement on a covered specialty drug that exceeds a specified dollar amount; provides for an annual increase to the copayment or coinsurance requirement limit; and authorizes a pharmacy registered under a specified provision of federal law to apply to be a designated pharmacy for a specified purpose under specified conditions.

House Bill 761, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 874.

Sincerely,

Governor Martin O'Malley

Senate Bill 874

AN ACT concerning

Health Insurance – Specialty Drugs

FOR the purpose of prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from imposing a copayment or coinsurance requirement on a covered specialty drug that exceeds a certain dollar amount; providing for an annual increase to the copayment or coinsurance requirement limit; providing that, under certain circumstances, certain provisions of law or certain regulations do not preclude certain insurers, nonprofit health service plans, and health maintenance organizations from requiring a covered specialty drug to be obtained through a certain source or a pharmacy participating in the provider network of the insurer, nonprofit health service plan, or health maintenance organization under certain conditions; authorizing a pharmacy registered under a certain provision of federal law to apply to be a designated pharmacy for a certain purpose, under certain conditions; prohibiting an insurer, nonprofit health service plan, or health maintenance organization from unreasonably withholding certain approval; authorizing certain insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for specialty drugs through a managed care system; providing that a certain determination is considered a coverage decision under certain provisions of law; authorizing the Maryland Insurance Commissioner to seek advice from certain persons relating to certain complaints filed with the Commissioner; requiring the expenses for the advice to be paid for as provided under certain provisions of law; defining certain terms; making the provisions of this Act applicable to health maintenance organizations; providing for the application of this Act; and generally relating to specialty drugs.

BY adding to

Article – Insurance
Section 15–847
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY adding to

Article – Health – General
Section 19–706(oooo)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – Insurance

15–847.

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

(2) (I) “COMPLEX OR CHRONIC MEDICAL CONDITION” MEANS A PHYSICAL, BEHAVIORAL, OR DEVELOPMENTAL CONDITION THAT:

- 1. MAY HAVE NO KNOWN CURE;**
- 2. IS PROGRESSIVE; OR**
- 3. CAN BE DEBILITATING OR FATAL IF LEFT UNTREATED OR UNDERTREATED.**

(II) “COMPLEX OR CHRONIC MEDICAL CONDITION” INCLUDES:

- 1. MULTIPLE SCLEROSIS;**
- 2. HEPATITIS C; AND**
- 3. RHEUMATOID ARTHRITIS.**

(3) “MANAGED CARE SYSTEM” MEANS A SYSTEM OF COST CONTAINMENT METHODS THAT AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION USES TO REVIEW AND

PREAUTHORIZE DRUGS PRESCRIBED BY A HEALTH CARE PROVIDER FOR A COVERED INDIVIDUAL TO CONTROL UTILIZATION, QUALITY, AND CLAIMS.

(4) (I) “RARE MEDICAL CONDITION” MEANS A DISEASE OR CONDITION THAT AFFECTS FEWER THAN:

- 1. 200,000 INDIVIDUALS IN THE UNITED STATES; OR**
- 2. APPROXIMATELY 1 IN 1,500 INDIVIDUALS WORLDWIDE.**

(II) “RARE MEDICAL CONDITION” INCLUDES:

- 1. CYSTIC FIBROSIS;**
- 2. HEMOPHILIA; AND**
- 3. MULTIPLE MYELOMA.**

(5) “SPECIALTY DRUG” MEANS A PRESCRIPTION DRUG THAT:

(I) IS PRESCRIBED FOR AN INDIVIDUAL WITH A COMPLEX OR CHRONIC MEDICAL CONDITION OR A RARE MEDICAL CONDITION;

(II) COSTS \$600 OR MORE FOR UP TO A 30-DAY SUPPLY;

(III) IS NOT TYPICALLY STOCKED AT RETAIL PHARMACIES;
AND

(IV) 1. REQUIRES A DIFFICULT OR UNUSUAL PROCESS OF DELIVERY TO THE PATIENT IN THE PREPARATION, HANDLING, STORAGE, INVENTORY, OR DISTRIBUTION OF THE DRUG; OR

2. REQUIRES ENHANCED PATIENT EDUCATION, MANAGEMENT, OR SUPPORT, BEYOND THOSE REQUIRED FOR TRADITIONAL DISPENSING, BEFORE OR AFTER ADMINISTRATION OF THE DRUG.

(B) THIS SECTION APPLIES TO:

(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL OR GROUP CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ENTITY SUBJECT TO THIS SECTION MAY NOT IMPOSE A COPAYMENT OR COINSURANCE REQUIREMENT ON A COVERED SPECIALTY DRUG THAT EXCEEDS \$150 FOR UP TO A 30-DAY SUPPLY OF THE SPECIALTY DRUG.

(2) ON JULY 1 OF EACH YEAR, THE LIMIT ON THE COPAYMENT OR COINSURANCE REQUIREMENT ON A COVERED SPECIALTY DRUG SHALL INCREASE BY A PERCENTAGE EQUAL TO THE PERCENTAGE CHANGE FROM THE PRECEDING YEAR IN THE MEDICAL CARE COMPONENT OF THE MARCH CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS, WASHINGTON-BALTIMORE, FROM THE U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS.

(D) SUBJECT TO § 15-805 OF THIS SUBTITLE AND NOTWITHSTANDING § 15-806 OF THIS SUBTITLE, NOTHING IN THIS ARTICLE OR REGULATIONS ADOPTED UNDER THIS ARTICLE PRECLUDES AN ENTITY SUBJECT TO THIS SECTION FROM REQUIRING A COVERED SPECIALTY DRUG TO BE OBTAINED THROUGH:

(1) A DESIGNATED PHARMACY OR OTHER SOURCE AUTHORIZED UNDER THE HEALTH OCCUPATIONS ARTICLE TO DISPENSE OR ADMINISTER PRESCRIPTION DRUGS; OR

(2) A PHARMACY PARTICIPATING IN THE ENTITY'S PROVIDER NETWORK, IF THE ENTITY DETERMINES THAT THE PHARMACY:

(I) MEETS THE ENTITY'S PERFORMANCE STANDARDS; AND

(II) ACCEPTS THE ENTITY'S NETWORK REIMBURSEMENT RATES.

(E) (1) A PHARMACY REGISTERED UNDER § 340B OF THE FEDERAL PUBLIC HEALTH SERVICES ACT MAY APPLY TO AN ENTITY SUBJECT TO THIS SECTION TO BE A DESIGNATED PHARMACY UNDER SUBSECTION (D)(1) OF THIS SECTION FOR THE PURPOSE OF ENABLING THE PHARMACY'S PATIENTS WITH HIV, AIDS, OR HEPATITIS C TO RECEIVE THE COPAYMENT OR COINSURANCE MAXIMUM PROVIDED FOR IN SUBSECTION (C) OF THIS SECTION IF:

(I) THE PHARMACY IS OWNED BY A FEDERALLY QUALIFIED HEALTH CENTER, AS DEFINED IN 42 U.S.C. § 254B;

(II) THE FEDERALLY QUALIFIED HEALTH CENTER PROVIDES INTEGRATED AND COORDINATED MEDICAL AND PHARMACEUTICAL SERVICES TO HIV POSITIVE, AIDS, AND HEPATITIS C PATIENTS; AND

(III) THE PRESCRIPTION DRUGS ARE COVERED SPECIALTY DRUGS FOR THE TREATMENT OF HIV, AIDS, OR HEPATITIS C.

(2) AN ENTITY SUBJECT TO THIS SECTION MAY NOT UNREASONABLY WITHHOLD APPROVAL OF A PHARMACY'S APPLICATION UNDER PARAGRAPH (1) OF THIS SUBSECTION.

~~(F)~~ (F) AN ENTITY SUBJECT TO THIS SECTION MAY PROVIDE COVERAGE FOR SPECIALTY DRUGS THROUGH A MANAGED CARE SYSTEM.

(G) (1) A DETERMINATION BY AN ENTITY SUBJECT TO THIS SECTION THAT A PRESCRIPTION DRUG IS NOT A SPECIALTY DRUG IS CONSIDERED A COVERAGE DECISION UNDER § 15-10D-01 OF THIS TITLE.

(2) FOR COMPLAINTS FILED WITH THE COMMISSIONER UNDER THIS SUBSECTION, IF THE ENTITY MADE ITS DETERMINATION THAT A PRESCRIPTION DRUG IS NOT A SPECIALTY DRUG ON THE BASIS THAT THE PRESCRIPTION DRUG DID NOT MEET THE CRITERIA LISTED IN SUBSECTION (A)(5)(I) OF THIS SECTION:

(I) THE COMMISSIONER MAY SEEK ADVICE FROM AN INDEPENDENT REVIEW ORGANIZATION OR MEDICAL EXPERT ON THE LIST COMPILED UNDER § 15-10A-05(B) OF THIS TITLE; AND

(II) THE EXPENSES FOR ANY ADVICE PROVIDED BY AN INDEPENDENT REVIEW ORGANIZATION OR MEDICAL EXPERT SHALL BE PAID FOR AS PROVIDED UNDER § 15-10A-05(H) OF THIS TITLE.

Article – Health – General

19-706.

(0000) THE PROVISIONS OF § 15-847 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 issued, delivered, or renewed in the State on or after January 1, 2016.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 879 – *State Personnel – Disciplinary Appeal and Grievance Procedure Documents – Electronic Transmission*.

The bill authorizes the electronic transmission of disciplinary appeal documents and decisions to appropriate parties. It requires the Secretary of the Department of Budget and Management to make forms for initiating and processing grievances available on the Department's website and authorizing the electronic transmission of copies of such grievances and dispositions.

House Bill 1040, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 879.

Sincerely,

Governor Martin O'Malley

Senate Bill 879

AN ACT concerning

**State Personnel – Disciplinary Appeal and Grievance Procedure Documents
– Electronic Transmission**

FOR the purpose of authorizing the electronic transmission of certain disciplinary appeal documents and decisions to certain ~~appointing authorities, exclusive representatives, and employees~~ parties; requiring the Secretary of Budget and Management to make certain forms for initiating and processing grievances available on the Department of Budget and Management's Web site; authorizing the electronic transmission of certain copies of certain grievances

and dispositions; and generally relating to electronic transmission of disciplinary appeal and grievance procedure documents.

BY adding to

Article – State Personnel and Pensions
Section 11–103(e)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions
Section 12–108 and 12–403
Annotated Code of Maryland
(2009 Replacement Volume and 2013 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

11–103.

(E) ALL WRITTEN APPEAL DOCUMENTS AND ALL DECISIONS RENDERED UNDER THIS SUBTITLE MAY BE TRANSMITTED ELECTRONICALLY TO THE ~~APPOINTING AUTHORITY, THE EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEE, AND THE EMPLOYEE~~ APPROPRIATE PARTIES.

12–108.

The Secretary shall:

- (1) provide for forms for initiating and processing grievances; AND**
- (2) MAKE THE FORMS AVAILABLE ON THE DEPARTMENT’S WEB SITE.**

12–403.

(A) On conclusion of each step of a grievance proceeding, a copy of the grievance and its disposition shall be given to the grievant and the grievant’s representative.

(B) A COPY OF THE GRIEVANCE AND DISPOSITION REQUIRED TO BE PROVIDED UNDER SUBSECTION (A) OF THIS SECTION MAY BE TRANSMITTED ELECTRONICALLY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 918 – *Talbot County – Board of Elections – Membership*.

The bill requires the Talbot County Board of Elections to have five regular members and requires the members of the local board to be of specified political parties and that a vacancy on the local board be filled in a specified manner.

House Bill 991, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 918.

Sincerely,

Governor Martin O'Malley

Senate Bill 918

AN ACT concerning

Talbot County – Board of Elections – Membership

FOR the purpose of altering the number of regular members of the Talbot County Board of Elections; requiring the members of the local board to be of certain political parties; requiring that a vacancy on the local board be filled in a certain manner; providing for a delayed effective date; and generally relating to the membership of the Talbot County Board of Elections.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2-201(l)
Annotated Code of Maryland

(2010 Replacement Volume and 2013 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.

(1) (1) In Allegany County, Baltimore City, Caroline County, Charles County, Frederick County, Harford County, Somerset County, **TALBOT COUNTY**, Washington County, Wicomico County, and Worcester County, the local board consists of five regular members.

(2) Three regular members shall be of the majority party, and two regular members shall be of the principal minority party.

(3) (i) If a vacancy occurs on the local board, the Governor shall appoint an eligible person from the same political party as the predecessor member to fill the vacancy in accordance with subsection (g) of this section for the remainder of the unexpired term and until a successor is appointed and qualifies.

(ii) An appointment made while the Senate of Maryland is not in session shall be considered temporary until the appointee is confirmed by the Senate.

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

May 15, 2014

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 993 – *Frederick County – Transition to Charter Government – Corrections to References in the Annotated Code of Maryland*.

The bill corrects certain references in the Annotated Code of Maryland that will become obsolete after Frederick County transitions from a commission county to a charter county.

House Bill 1205, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 993.

Sincerely,

Governor Martin O'Malley

Senate Bill 993

AN ACT concerning

Frederick County – Transition to Charter Government – Corrections to References in the Annotated Code of Maryland

FOR the purpose of correcting references to the government of Frederick County in the Annotated Code of Maryland that will be rendered obsolete after the status of the county is changed from a commission county to a charter county; altering the manner in which certain authority may be exercised in the county; replacing references to the County Manager with references to the Chief Administrative Officer; repealing certain definitions; providing for an abnormal effective date; and generally relating to the government of Frederick County.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 2–102(b)(3)
Annotated Code of Maryland
(2007 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–309(l)(1), (5)(ii)2., (iv)2., and (v)4.B., and (6)(ii)2., (iv)2., and (v)4.B.,
and 2–507(a)(11)
Annotated Code of Maryland
(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 9–609(a)(2), 13–1301, 13–1305(d), and 13–1306(a), (d), and (f)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section 3–5B–01(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–504
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 5–857 through 5–862
Annotated Code of Maryland
(As enacted by Chapter ____ (H.B. 270) of the Acts of the General Assembly of
2014)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–304(e)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Land Use
Section 9–1002
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Local Government
Section 1–1007(a)(1) and (c), 1–1014, 12–208(c), 12–301(e), 12–408, 12–522,
12–806(c)(1), 13–121, 13–304, 13–306 through 13–308, 13–922, 19–105,
20–419, and 20–703
Annotated Code of Maryland
(2013 Volume)

BY repealing
Article – Local Government
Section 12–301(d)
Annotated Code of Maryland
(2013 Volume)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 3–903(a)(6)

Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 7–211
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–312(d) and 14–820(b)(10)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–313(b)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Corporations and Associations

2–102.

(b) (3) The Department may not accept articles of incorporation from a fire or rescue organization to be located in Frederick County for the purpose of providing fire or rescue service in Frederick County unless the articles are accompanied by a written resolution of the **GOVERNING BODY OF** Frederick County [Board of Commissioners] indicating [the Board's] approval of the proposed incorporation. Incorporated municipalities in Frederick County with primary responsibility for governmental funding for fire service shall within their jurisdiction hold those powers assigned to the **GOVERNING BODY OF** Frederick County [Commissioners] in this section.

Article – Courts and Judicial Proceedings

2–309.

(l) (1) The Sheriff of Frederick County shall receive a salary of \$100,000. The Sheriff shall appoint deputies as necessary, at salaries of at least \$2,400, and jail wardens as necessary, at salaries of at least \$1,320 each. The Sheriff also may appoint additional temporary deputy sheriffs as the Sheriff considers necessary for the public

safety, with the approval of the [Board of County Commissioners] **GOVERNING BODY OF FREDERICK COUNTY, BY ORDINANCE**. The [County Commissioners] **GOVERNING BODY, BY ORDINANCE**, shall allow reasonable compensation for the temporary additional deputy sheriffs and the temporary deputies may not serve longer than the occasion requires. The Sheriff may appoint a chief deputy who shall serve at the pleasure of the Sheriff.

(5) (ii) 2. Any additional funding required as a result of a negotiated collective bargaining agreement shall be [subject to approval by the Board of County Commissioners of] **IN THE Frederick County BUDGET**.

(iv) 2. The parties shall make every reasonable effort to conclude negotiations in a timely manner to allow for inclusion by the Office of the Sheriff of matters agreed upon in its budget request [to the Board of County Commissioners of Frederick County].

(v) 4. B. Additional funding, if any, required as a result of the agreement shall be subject to the approval of the [Board of County Commissioners] **GOVERNING BODY OF FREDERICK COUNTY**.

(6) (ii) 2. Any additional funding required as a result of a negotiated collective bargaining agreement shall be subject to approval by the [Board of County Commissioners] **GOVERNING BODY** of Frederick County.

(iv) 2. The parties shall make every reasonable effort to conclude negotiations in a timely manner to allow for inclusion by the Office of the Sheriff of matters agreed on in its budget request to the [Board of County Commissioners] **GOVERNING BODY** of Frederick County.

(v) 4. B. Additional funding, if any, required as a result of the agreement shall be subject to the approval of the [Board of County Commissioners] **GOVERNING BODY OF FREDERICK COUNTY**.

2–507.

(a) (11) Frederick County — As set by the [County Commissioners] **COUNTY GOVERNMENT**.

Article – Criminal Law

9–609.

(a) This section does not apply:

(2) in Frederick County if [the Board of County Commissioners of Frederick County adopts] regulations **ARE ADOPTED** under § 12–806 of the Local Government Article providing for the registration of alarm system contractors and alarm users, the issuance of civil citations, and penalties for a violation of a regulation; 13–1301.

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

(b) “County commissioners” means the Board of County Commissioners of Frederick County.

(c) “Gaming], “**GAMING** event” includes [a]:

- (1) A bazaar;
- (2) A carnival;
- (3) A raffle;
- (4) A tip jar; and
- (5) A punchboard.

13–1305.

(d) The tip jar or punchboard shall be purchased from a distributor that:

- (1) has an office in the State;
- (2) is licensed by the county agency that issues gaming event permits;

and

(3) keeps the records that [the county commissioners require] **FREDERICK COUNTY REQUIRES.**

13–1306.

(a) A person authorized to conduct bingo under this subtitle shall obtain a bingo permit from the county agency [designated by the county commissioners to issue] **THAT ISSUES** a bingo permit.

(d) (1) To qualify for a bingo permit, a person shall meet the requirements set by [the county commissioners] **FREDERICK COUNTY.**

(2) The county [commissioners] may require an applicant for a bingo permit to pay a permit fee set by the county [commissioners].

(f) [The county commissioners] **FREDERICK COUNTY** may adopt regulations to carry out this section.

Article – Education

3–5B–01.

(d) (1) The terms of voting members are staggered as provided in subsection (c) of this section.

(2) [The County Commissioners] **SUBJECT TO CONFIRMATION OF THE COUNTY COUNCIL, THE COUNTY EXECUTIVE** shall appoint a qualified individual to fill a vacancy on the county board for the remainder of the term and until a successor is elected and qualifies.

Article – Election Law

13–504.

As to contributions to the **COUNTY EXECUTIVE OF Frederick County [Board of County Commissioners] OR TO A MEMBER OF THE FREDERICK COUNTY COUNCIL** or a candidate for [that office] **ELECTION AS THE COUNTY EXECUTIVE OF FREDERICK COUNTY OR TO A MEMBER OF THE FREDERICK COUNTY COUNCIL**, Title 15, Subtitle 8, Part VIII of the State Government Article may apply.

Article – General Provisions

5–857.

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

(b) “Aggrieved party” means:

(1) a property owner whose property:

(i) adjoins, fronts, or is located near the subject property; or

(ii) is located within sight or sound of the subject property; or

(2) an individual located within the same subdivision as the subject property or who lives up to three–quarters of a mile by road or otherwise one–half mile away from the subject property.

- (c) (1) “Applicant” means a person that is:
- (i) a title owner or contract purchaser of land that is the subject of an application;
 - (ii) a trustee who has an interest in land that is the subject of an application, excluding trustees described in a mortgage or deed of trust; or
 - (iii) a holder of at least a 10% interest in land that is the subject of an application.
- (2) “Applicant” includes a person who is an officer or a director of a corporation that actually holds title to the land, or is a contract purchaser of the land, that is the subject of an application.
- (3) “Applicant” does not include:
- (i) a financial institution that has loaned money or extended financing for the acquisition, development, or construction of or improvements on the land that is the subject of an application;
 - (ii) a municipal corporation or public corporation;
 - (iii) a public authority;
 - (iv) an electric company or electric supplier applying for a certificate of public convenience and necessity under § 7–207 or § 7–208 of the Public Utilities Article; or
 - (v) a person who is hired or retained as an accountant, an attorney, an architect, an engineer, a land use consultant, an economic consultant, a real estate agent, a real estate broker, a traffic consultant, or a traffic engineer.
- (d) “Application” means:
- (1) an application for a zoning map amendment as part of a piecemeal or floating zone rezoning proceeding;
 - (2) a formal application for a comprehensive map planning change or zoning change during the county comprehensive land use plan update;
 - (3) an application for a map amendment to the county water and sewerage plan;
 - (4) a request made under § 4–416 of the Local Government Article for the **[Board] GOVERNING BODY** to approve the placement of annexed land in a zoning classification that allows a land use that is substantially different from the use for the

land authorized in the zoning classification of the county applicable at the time of annexation; or

(5) an application to create a district or an easement or any other interest in real property as part of an agricultural land preservation program.

(e) [“Board” means the Board of County Commissioners for Frederick County.

(f) “Board member” includes an individual elected or appointed to the Board or a candidate who takes the oath of office for the Board.

(g) “Business entity” means:

- (1) a corporation;
- (2) a limited liability company;
- (3) a partnership; or
- (4) a sole proprietorship.

[(h)] (F) “Candidate” means a candidate for [the Board] COUNTY EXECUTIVE OR COUNTY COUNCIL who becomes [a member of the Board] AN ELECTED OFFICIAL.

[(i)] (G) “Contribution” means a payment or transfer of money or property worth at least \$100, calculated cumulatively during the pendency of the application, to a candidate or a treasurer or political committee of a candidate.

(H) “GOVERNING BODY” MEANS THE GOVERNING BODY OF FREDERICK COUNTY.

[(j)] (I) “Partnership” includes:

- (1) a general partnership;
- (2) a joint venture;
- (3) a limited liability limited partnership;
- (4) a limited liability partnership; or
- (5) a limited partnership.

[(k)] (J) “Party of record” means a person that participated in a proceeding on an application before the **[Board] GOVERNING BODY** by appearing at a public hearing or filing a statement in an official record.

[(l)] (K) “Pendency of the application” means the time between the acceptance by the County Department of Planning and Zoning of a filing of an application and the earlier of:

- (1) 2 years after the acceptance of the application; or
- (2) the expiration of 30 days after:
 - (i) the **[Board] GOVERNING BODY** has taken final action on the application; or
 - (ii) the application is withdrawn.

[(m)] (L) “Political committee” means a committee specifically created to promote the candidacy of a **[Board] member OF THE GOVERNING BODY** who is running for an elective office.

[(n)] (M) “Treasurer” has the meaning stated in § 1–101 of the Election Law Article.

5–858.

(a) An applicant may not make a contribution to a **[Board] member OF THE GOVERNING BODY** during the pendency of the application.

(b) Except as provided in subsection (c) of this section, after an application has been filed, a **[Board] member OF THE GOVERNING BODY** may not vote or participate in any way in the proceedings on the application if the **[Board] member** or the treasurer or political committee of the **[Board] member** received a contribution from the applicant during the pendency of the application.

(c) A **[Board] member OF THE GOVERNING BODY** may participate in a comprehensive zoning or rezoning proceeding.

5–859.

(a) This section does not apply to a communication between a **[Board] member OF THE GOVERNING BODY** and an employee of the Frederick County government whose duties involve giving aid or advice to a **[Board] member OF THE GOVERNING BODY** concerning a pending application.

(b) A [Board] member **OF THE GOVERNING BODY** who communicates ex parte with an individual concerning a pending application during the pendency of the application shall file with the [County Manager] **CHIEF ADMINISTRATIVE OFFICER** a separate disclosure for each communication within the later of 7 days after the communication was made or received.

5–860.

At any time before final action on an application, a party of record may file with the [County Manager] **CHIEF ADMINISTRATIVE OFFICER** an affidavit including competent evidence of:

- (1) a contribution by an applicant covered under § 5–858 of this subtitle; or
- (2) an ex parte communication covered under § 5–859 of this subtitle.

5–861.

(a) In the enforcement of this part, the [County Manager] **CHIEF ADMINISTRATIVE OFFICER** shall be subject to the direction and control of the Frederick County Ethics Commission and, unless otherwise specifically directed by the County Ethics Commission, may only:

- (1) receive filings;
- (2) maintain records;
- (3) report violations; and
- (4) perform other ministerial duties necessary to administer this part.

(b) (1) The affidavits and disclosures required under this part shall be filed in the appropriate case file of an application.

(2) The [County Manager] **CHIEF ADMINISTRATIVE OFFICER**, at least twice each year, shall prepare a summary report compiling all affidavits and disclosures that have been filed in the application case files.

(3) All summary reports compiled under paragraph (2) of this subsection shall be available to members of the public on written request.

(4) All affidavits, disclosures, and accompanying documentation required under this part shall be in the form required by the Frederick County Ethics Commission.

5-862.

(a) (1) The Frederick County Ethics Commission or another aggrieved party of record may assert as procedural error a violation of this part in an action for judicial review of the application.

(2) If the court finds that a violation of this part occurred, the court shall remand the case to the [Board] **GOVERNING BODY** for reconsideration.

(b) (1) A person that knowingly and willfully violates this part is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

(2) If the person is a business entity and not an individual, each member, officer, or partner of the business entity who knowingly authorized or participated in the violation is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

(3) An action taken in reliance on an opinion of the State Ethics Commission or the Frederick County Ethics Commission may not be considered a knowing and willful violation.

(c) (1) A person that is subject to this part shall preserve all books, papers, and other documents necessary to complete and substantiate any reports, statements, or records required to be made under this part for 3 years from the date of filing the application.

(2) The documents shall be available for inspection on request.

Article – Health – General

21-304.

(e) (1) The [County Commissioners for] **GOVERNING BODY OF** Frederick County may adopt [a law,] an ordinance[, a rule, or a regulation] to allow a restaurant with an outdoor dining area to allow a patron's dog to accompany the patron in the outdoor dining area.

Article – Land Use

9-1002.

Notwithstanding any other provision of this division, the [board of county commissioners] **GOVERNING BODY OF FREDERICK COUNTY** may overrule an action of the county planning commission under Title 3, Subtitle 2 or 3 of this article [by a majority vote of the membership of the board of county commissioners].

Article – Local Government

1–1007.

(a) (1) (i) Except as provided in subsection (d)(1) of this section, a board consists of 10 members.

(ii) The county commissioners [or], **THE** county council of the county, **OR, SUBJECT TO THE CONFIRMATION OF THE FREDERICK COUNTY COUNCIL, THE COUNTY EXECUTIVE OF FREDERICK COUNTY** shall appoint the initial members of the board for the following terms:

1. three members for 3 years;
2. three members for 2 years; and
3. three members for 1 year.

(iii) The county commissioners [or], **THE** county council, **OR, SUBJECT TO THE CONFIRMATION OF THE FREDERICK COUNTY COUNCIL, THE COUNTY EXECUTIVE OF FREDERICK COUNTY** shall appoint one of its members to be an ex officio member of the board.

(c) [The County Commissioners] **SUBJECT TO THE CONFIRMATION OF THE FREDERICK COUNTY COUNCIL, THE CHIEF EXECUTIVE** of Frederick County shall appoint a successor member for:

- (1) a term of 3 years if a term expires; or
- (2) the rest of the term if a term is vacated.

1–1014.

In addition to the authority provided in this part, the [County Commissioners] **GOVERNING BODY** of Frederick County may establish, maintain, and operate a nursing home or other facility or service for the care and treatment of aged, convalescent, and chronically ill individuals in Frederick County.

12–208.

(c) (1) In addition to any benefit paid in accordance with subsection (a) of this section, the [County Commissioners] **GOVERNING BODY** of Frederick County may pay an additional \$8 per month to any retiree described in subsection (a)(1) of this section.

(2) The [County Commissioners] **GOVERNING BODY** shall impose a tax in an amount sufficient to pay for the additional benefit described in paragraph (1) of this subsection.

12-301.

[(d) (1) (i) In Frederick County, subsection (c) of this section applies only to a contract for services or the purchase of supplies if the contract exceeds \$30,000.

(ii) In Frederick County, subsection (c) of this section does not apply to a contract solely for architectural, engineering, or consulting services.

(2) The County Commissioners of Frederick County may award a contract for architectural, engineering, or consulting services with a value that exceeds \$30,000:

(i) on a competitive basis that consists of competitive sealed bids or competitive negotiation that includes the submission of written technical and price proposals from two or more offerors and a written evaluation of the proposals in accordance with evaluation criteria; or

(ii) based on an evaluation of the technical proposals and qualifications of at least two persons, with the contract set at a rate of compensation that is fair, competitive, and reasonable.]

[(e)](D) In Somerset County, subsection (c) of this section does not apply to a contract solely for design or consultation services.

12-408.

(a) (1) [The County Commissioners of] Frederick County may:

(i) purchase or lease personal property under a multiyear contract that requires the county [commissioners] to make installment or rental payments during 2 or more fiscal years;

(ii) pay interest as part of any installment or rental payments in accordance with the terms of the contract; and

(iii) pledge and assign the personal property purchased or leased to secure the obligation.

(2) (i) The county [commissioners] may enter into a contract under paragraph (1) of this subsection only if:

1. the county [commissioners have] **HAS** appropriated money sufficient to pay the amount due under the contract during the first fiscal year in which the contract is effective;

2. subject to subparagraph (ii) of this paragraph, the contract authorizes the county [commissioners] to terminate the contract if money sufficient to pay the amount due under the contract for any fiscal year is not appropriated;

3. the contract provides that, except if the county [commissioners default] **DEFAULTS** in payment under the contract, an obligation for payment under the contract is limited to money appropriated for contract payment for that fiscal year; and

4. the contract provides that, if the county [commissioners default] **DEFAULTS** in payment under the contract, the obligation for payment is limited to:

A. money appropriated for contract payments for that fiscal year;

B. any money realized from the personal property purchased or leased under the contract; and

C. any other money legally available for contract payment.

(ii) The contract may provide that a contract termination is ineffective if the county [commissioners purchase or lease] **PURCHASES OR LEASES** personal property similar or functionally related to the property purchased or leased under the contract within a specified period of time.

(b) [The County Commissioners of] Frederick County may sell to a government unit located in the county or to the Frederick Memorial Hospital, Inc., surplus school board real property:

(1) without advertising the property for sale; and

(2) after obtaining three independent appraisals.

(c) [The County Commissioners of] Frederick County may sell surplus county real property at a public or private sale if, subject to county procedures, the [county commissioners hold] **GOVERNING BODY OF FREDERICK COUNTY HOLDS** a hearing on the sale and [provide] **PROVIDES** adequate notice of the hearing.

(d) (1) [The County Commissioners of] Frederick County may:

(i) accept a donation of real property that is not needed for a public purpose; and

(ii) sell the property by public or private sale for consideration that the county [commissioners determine] **DETERMINES** to be adequate.

(2) The county [commissioners] shall use all proceeds from the sale of real property under this subsection in accordance with the county budget or a resolution adopted by the [county commissioners] **GOVERNING BODY**.

(3) A sales agreement entered into under this subsection is not effective until:

(i) a copy of the agreement is filed with the clerk of the court; and

(ii) a summary of the agreement is published in at least one newspaper of general circulation in the county.

(e) [The County Commissioners of]Frederick County may sell an abandoned right-of-way in the county by public or private sale, after advertising the property for sale for at least 20 days.

12-522.

If any road in Frederick County has not been maintained [by the County Commissioners of Frederick County] for a period of 20 years before July 1, 1973, it shall be conclusively presumed that the road was closed in accordance with this subtitle.

12-806.

(c) (1) The [county commissioners] **GOVERNING BODY OF A COUNTY** may adopt regulations to:

(i) register alarm system contractors operating in the county;

(ii) register alarm users in the county;

(iii) provide penalties for failure to register as an alarm system contractor or alarm user;

(iv) provide civil citations and penalties for false alarms, notwithstanding Title 9, Subtitle 6, Part II of the Criminal Law Article;

(v) provide exemptions from the issuance of civil citations and penalties for false alarms;

(vi) authorize the designated county enforcement agency to maintain a record of the alarm system contractor, monitoring service, and manufacturer of each security system in operation in the county; and

(vii) authorize the designated county enforcement agency, if it finds a pattern of false alarms attributed to a particular manufacturer's model or to installation by a particular alarm system contractor, to inform:

1. the manufacturer of the model or the alarm system contractor that installed the alarm system; and

2. the appropriate State or national licensing agency or the certification standards entity.

13–121.

(a) (1) The [County Commissioners] **GOVERNING BODY** of Frederick County, by ordinance, may provide for a comprehensive system for the regulation of domestic animals and wild animals kept in captivity.

(2) The ordinance may provide for:

(i) the licensing and control of domestic animals and wild animals kept in captivity;

(ii) seizing and disposing of unlicensed or dangerous dogs;

(iii) the regulation of persons who own or keep any vicious animal or an animal that disturbs the peace of a neighborhood; and

(iv) reasonable penalties for a violation of an ordinance not exceeding imprisonment for 30 days or a fine of \$500 or both.

(3) The [county commissioners] **GOVERNING BODY**:

(i) may regulate animals that are hybrids of domestic and wild animals; but

(ii) may not regulate or control wild animals that are not owned or kept by individuals.

(b) (1) The [County Commissioners] **GOVERNING BODY** of Frederick County may [pass rules, regulations, or resolutions to] provide for:

(i) issuing dog licenses;

(ii) keeping records of all sales of licenses;

(iii) designating persons authorized to sell licenses; and

(iv) seizing and disposing of any dogs found running at large in the county.

(2) Before the [county commissioners pass a rule, regulation, or resolution] **GOVERNING BODY PASSES AN ORDINANCE** in accordance with this subsection, the proposed [rule, regulation, or resolution] ordinance shall be advertised in a newspaper of general circulation in the county once each week for 4 successive weeks, to provide any person an opportunity to be heard.

(3) The [rules, regulations, or resolutions] ordinance shall include standards and operate uniformly.

(4) Subject to paragraph (5) of this subsection, the [county commissioners] **GOVERNING BODY** may delegate, by written contract, the enforcement of the [rules, regulations, or resolutions] ordinance.

(5) (i) The [county commissioners] **GOVERNING BODY** shall reserve the right to cancel a written contract executed in accordance with paragraph (4) of this subsection.

(ii) A cancellation under this paragraph:

1. may be without notice or recourse, if the cancellation is for cause; or
2. requires notice at least 30 days before cancellation, if the cancellation is without cause.

(c) The powers granted to the [County Commissioners] **GOVERNING BODY** of Frederick County to regulate dogs are also granted for the regulation of cats.

(d) (1) In Frederick County, on or before July 1 of each year, a person owning or keeping a dog shall apply to the county tax collector for a license for the dog if the dog is at least 6 months old.

(2) At the time of application, the applicant shall pay the fee for a dog or kennel license set by the [County Commissioners of Frederick County] **COUNTY**.

(3) Except as provided in § 13–108 of this subtitle, the licenses and fees required under this section are the only licenses and fees required for owning or keeping a dog.

(4) The county [commissioners] shall prepare and supply the form for a license issued under this subsection.

(5) A dog license shall contain the date of issuance, a serial number, and a description of the dog licensed.

(6) A license expires on July 1 of the year after issuance.

(e) (1) In Frederick County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the person pays the license fee for the dog.

(2) The [County Commissioners of Frederick County] COUNTY shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner under subsection (d) of this section;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The county [commissioners] shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word “kennel”.

(6) The person owning or keeping a dog shall attach the tag to a substantial collar and keep the collar and tag on the dog for which the license was issued at all times, except when the dog is:

(i) confined in a kennel; or

(ii) hunting under the charge of an attendant.

(7) The county tax collector shall replace a lost tag on:

issued;

- (i) application by the person to whom the original license was issued;
- (ii) the production of the license; and
- (iii) payment of a fee of 25 cents.

(f) (1) [The County Commissioners of] Frederick County may contract with an animal welfare society, a humane society, or any other qualified person to:

- (i) establish an animal shelter; and
- (ii) seize, dispose of, and euthanize stray, injured, or sick dogs.

(2) Notwithstanding § 13–105(d) of this subtitle, the county [commissioners] may use proceeds from dog license fees to:

- (i) establish an animal shelter; and
- (ii) collect and euthanize stray, injured, or sick dogs.

(g) (1) In Frederick County, the owner or custodian of a female dog that is in heat:

- (i) may not knowingly allow the dog to run at large; and
- (ii) shall confine the dog.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$25.

13–304.

The [county commissioners] **GOVERNING BODY** of a county may license and regulate transient vendors in the county.

13–306.

At least 30 days before the date of intended sale in a county, a transient vendor shall submit to the [county commissioners] **GOVERNING BODY** of the county a verified, written application that contains:

(1) the name and address of the applicant and the owner of the goods to be sold or exhibited for sale;

(2) the name and address of the employer of the applicant or persons with whom the applicant is associated and the length of the employment or association;

(3) a description of the nature and place of the applicant's employment during the preceding 12 months;

(4) (i) an estimate of the length of time that and exact location where the applicant will pursue the activities regulated under this part; and

(ii) if a fixed site is occupied, the address of the property owner of the site;

(5) the names and addresses of at least three individuals who:

(i) have known the applicant for at least 1 year; and

(ii) will verify the facts contained in the application;

(6) the applicant's Maryland sales and use tax number;

(7) (i) the address of any permanent place of business of the applicant in the State; or

(ii) a copy of the certificate from the State Department of Assessments and Taxation stating that the applicant has qualified to do business in the State and the name and address of the applicant's agent;

(8) proof that the applicant:

(i) is qualified to do business in the State and the county; and

(ii) has obtained all necessary permits and licenses from the State and the county for the operation of the business;

(9) a description of the nature of the business and the goods intended for sale or the catalog from which goods can be ordered;

(10) a description and motor vehicle registration plate number of any vehicle used in connection with the applicant's activities;

(11) a statement as to whether the applicant has ever been convicted of a felony or a misdemeanor and, if so, a statement as to:

(i) the nature of the offense;

(ii) when and where the applicant was convicted; and

(iii) the penalty imposed;

(12) a description of the place where the goods are manufactured, the location of the goods at the time of the filing of the application, and the proposed method of delivery of the goods; and

(13) any additional information that the [county commissioners require] **GOVERNING BODY REQUIRES**.

13-307.

(a) (1) An applicant for a transient vendor license shall execute and file a bond with the [county commissioners] **GOVERNING BODY** of the county in the amount of \$10,000.

(2) The bond shall be issued by a surety:

(i) authorized to do business in the State; and

(ii) approved by the [county commissioners] **GOVERNING BODY**.

(b) (1) The bond shall be payable to the extent of any taxes, fees, or fines.

(2) The surety shall indemnify a purchaser who suffers a loss because of defective goods or misrepresentation.

(c) (1) The bond shall provide that the [county commissioners] **GOVERNING BODY** of a county may file suit against the licensee or the surety for taxes, fees, or fines due from the licensee that are not paid within 30 days after the termination of:

(i) a sale authorized under this part; or

(ii) the transient vendor license.

(2) The bond shall provide that a purchaser at a sale may maintain an action for claims arising from the sale against a licensee or the surety.

(d) The bond shall continue in effect for at least 1 year after the termination of the transient vendor license expires and until:

(1) all actions are concluded and judgments have been satisfied; or

(2) the amount of the bond has been exhausted by payments on judgments.

(e) The bond shall be in addition to any deposit, license fee, permit fee, or other requirement under county law.

13–308.

(a) (1) The [county commissioners] **GOVERNING BODY** of a county shall verify the statements made by the applicant in the application for the transient vendor license.

(2) (i) If the application contains a false statement, the [county commissioners] **GOVERNING BODY** may deny the license.

(ii) If the license is denied, the [county commissioners] **GOVERNING BODY** shall refund the license fee, less administrative costs.

(b) (1) The [county commissioners] **GOVERNING BODY** of a county shall issue a transient vendor license within 20 days after the application is filed if:

(i) the [county commissioners approve] **GOVERNING BODY APPROVES** the application and surety bond; and

(ii) the license fee is paid.

(2) The license shall:

(i) be effective for the duration and term applied for in the application not to exceed a period of 1 year; and

(ii) terminate automatically.

13–922.

The [County Commissioners] **GOVERNING BODY** of Frederick County may enact [a local law or adopt regulations] **AN ORDINANCE** to control the increase of rent in the county.

19–105.

The [County Commissioners] **GOVERNING BODY** of Frederick County shall establish and maintain a bond rating enhancement reserve.

20–419.

(a) Frederick County shall distribute the hotel rental tax revenue as follows:

(1) a reasonable sum for hotel rental tax administrative costs to the general fund of the county; and

(2) the remaining balance to the Tourism Council of Frederick County, Inc., with a portion of the balance designated by the [county commissioners] **GOVERNING BODY OF FREDERICK COUNTY** to be used for a visitor center.

(b) The internal auditor of Frederick County shall conduct an audit of the financial records of the Tourism Council and report the findings to the [county commissioners] **GOVERNING BODY OF FREDERICK COUNTY**.

20-703.

(a) Subject to subsection (b) of this section, by ordinance [or resolution], the [County Commissioners] **GOVERNING BODY** of Frederick County may impose development impact fees to finance any of the capital costs of additional or expanded public works, improvements, and facilities required to accommodate new construction or development.

(b) Before adopting an ordinance [or a resolution] under this section, the [County Commissioners] **GOVERNING BODY** of Frederick County shall hold a public hearing.

Article – Natural Resources

3-903.

(a) (6) Frederick County, Maryland, may also become a participating county in the Authority by the County [Commissioners] **COUNCIL** of Frederick County filing certified copies of a resolution of participation with the Secretary of State and the Department of Legislative Services, whereupon Frederick County, Maryland, shall have all of the rights, privileges, and powers under this subtitle that the other participating counties have or may have.

Article – Public Safety

7-211.

(a) To encourage volunteer service in Frederick County, the [Board of County Commissioners] **GOVERNING BODY** of Frederick County may enact a monetary service award plan based on length of service for members of volunteer fire companies in Frederick County.

(b) The [Board of County Commissioners] **GOVERNING BODY OF FREDERICK COUNTY** may implement the plan by enacting [ordinances or resolutions that relate] **AN ORDINANCE THAT RELATES** to the provisions and implementation of the plan.

Article – Tax – Property

9–312.

(d) The governing body of Frederick County and of a municipal corporation in Frederick County may grant, by law, a property tax credit under this section against the county or municipal corporation property tax imposed on real property that is:

- (1) leased to the **GOVERNING BODY OF** Frederick County [Board of County Commissioners] or to the Frederick County Board of Education; and
- (2) used exclusively for public school educational purposes.

14–820.

(b) The rate of redemption is 6% a year except:

(10) in Frederick County the rate is 6% a year or as fixed by the [County Commissioners] **GOVERNING BODY OF FREDERICK COUNTY**;

Article – Transportation

21–313.

(b) The County Commissioners of Charles County[, Frederick County,] and Washington County[,] **AND THE GOVERNING BODY OF FREDERICK COUNTY**, by ordinance, may prohibit the use of any controlled access highway in the county’s jurisdiction by any person to solicit money, donations of any kind, employment, business, or a ride from the occupant of any vehicle on the controlled access highway.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect December 1, 2014.

Vetoed House Bills and Messages

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1 – *Children in Need of Assistance – Educational Stability*.

The bill requires the juvenile court to inquire as to the educational stability of a child at shelter care, adjudicatory, and disposition hearings and at change of placement proceedings.

Senate Bill 64, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1.

Sincerely,

Governor Martin O'Malley

House Bill 1

AN ACT concerning

Children in Need of Assistance – Educational Stability

FOR the purpose of requiring the juvenile court to inquire as to the educational stability of a child at certain hearings and proceedings; authorizing the juvenile court to consider certain factors in determining the educational stability of a child; defining a certain term; and generally relating to children in need of assistance and educational stability.

BY adding to

Article – Courts and Judicial Proceedings
Section 3-816.4
Annotated Code of Maryland
(2013 Replacement Volume and 2013 Supplement)

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

Article – Courts and Judicial Proceedings

3–816.4.

(A) IN THIS SECTION, “EDUCATIONAL STABILITY” MEANS THE CONTINUOUS PROCESS OF IDENTIFYING AND IMPLEMENTING THE APPROPRIATE EDUCATIONAL PLACEMENT, TRAINING, RESOURCES, SERVICES, AND EXPERIENCES THAT WILL ADDRESS THE FUNDAMENTAL NEEDS NECESSARY TO ENSURE THE SUCCESSFUL EDUCATIONAL OUTCOME OF A CHILD AND CONTRIBUTE TO THE CHILD’S OVERALL WELL-BEING.

(B) THE COURT SHALL INQUIRE AS TO THE EDUCATIONAL STABILITY OF A CHILD AT A SHELTER CARE HEARING, ADJUDICATORY HEARING, DISPOSITION HEARING, AND ANY CHANGE OF PLACEMENT PROCEEDING.

(C) IN DETERMINING THE EDUCATIONAL STABILITY OF A CHILD UNDER THIS SECTION, THE COURT MAY CONSIDER THE FOLLOWING FACTORS:

- (1) THE APPROPRIATENESS OF THE CHILD’S CURRENT SCHOOL PLACEMENT;
- (2) THE SCHOOL PLACEMENT OF THE CHILD’S SIBLINGS;
- (3) THE MINIMIZATION OF SCHOOL CHANGES;
- (4) THE PROXIMITY OF THE SCHOOL TO THE CHILD’S PLACEMENT;
- (5) TRANSPORTATION TO AND FROM SCHOOL;
- (6) THE PROPER RELEASE AND PROMPT TRANSFER OF THE CHILD’S EDUCATION RECORDS;
- (7) THE CHILD’S SCHOOL ATTENDANCE;
- (8) THE IDENTIFICATION OF AND CONSULTATION WITH THE CHILD’S EDUCATIONAL GUARDIAN;
- (9) THE MAINTENANCE OF ANY INDIVIDUAL EDUCATION PLAN (IEP); AND
- (10) THE CHILD’S APPROPRIATE GRADE LEVEL PROGRESS OR PROGRESS TOWARD GRADUATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 16 – *Cecil County – Board of Elections – Membership*.

The bill alters the number of regular members of the Cecil County Board of Elections and requires the members of the local board to be of specified political parties. In addition, it requires that a vacancy on the local board be filled in a specified manner and provides for a delayed effective date of June 1, 2015.

Senate Bill 243, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 16.

Sincerely,

Governor Martin O'Malley

House Bill 16

AN ACT concerning

Cecil County – Board of Elections – Membership

FOR the purpose of altering the number of regular members of the Cecil County Board of Elections; requiring the members of the local board to be of certain political parties; requiring that a vacancy on the local board be filled in a certain manner; providing for a delayed effective date; and generally relating to the membership of the Cecil County Board of Elections.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2-201(l)

Annotated Code of Maryland
(2010 Replacement Volume and 2013 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.

(1) (1) In Allegany County, Baltimore City, Caroline County, **CECIL 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.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 39 – *Chesapeake Employers’ Insurance Company – Issuance, Renewal, and Cancellation of Policies – Authority*.

The bill authorizes the Chesapeake Employers' Insurance Company to issue policies for employer's liability insurance and insurance under a federal compensation law; provides an exception to a specified prohibition to allow the Company to cancel or refuse to renew or issue a policy for failure to reimburse the Company under a policy with deductibles as required under a specified provision of law and; makes the Act an emergency measure.

Senate Bill 16, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 39.

Sincerely,

Governor Martin O'Malley

House Bill 39

AN ACT concerning

Chesapeake Employers' Insurance Company – Issuance, Renewal, and Cancellation of Policies – Authority

FOR the purpose of authorizing the Chesapeake Employers' Insurance Company to issue policies for employer's liability insurance and insurance under a federal compensation law; providing an exception to a certain prohibition to allow the Company to cancel or refuse to renew or issue a policy for failure to reimburse the Company under a certain policy as required under a certain provision of law; making this Act an emergency measure; and generally relating to the authority of the Chesapeake Employers' Insurance Company to issue, cancel, and renew policies.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 24–304 and 24–306
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

Article – Insurance

24–304.

(a) Before October 1, 2013, the Company shall:

(1) file an application for a certificate of authority under this article and a statement of the risk-based capital levels of the Company as of the date of the application prepared in accordance with § 4–303 of this article; and

(2) take all steps necessary to be an authorized domestic insurer under State law.

(b) On approval of the application for a certificate of authority, the Commissioner shall issue to the Company a certificate of authority that authorizes the Company to issue policies under Title 9 of the Labor and Employment Article.

(c) Except as otherwise provided in this subtitle, the Company has the powers, privileges, and immunities granted by and is subject to the provisions applicable to insurers authorized to write workers' compensation insurance under this article.

(D) THE COMPANY MAY ISSUE POLICIES FOR:

(1) EMPLOYER'S LIABILITY INSURANCE; AND

(2) INSURANCE UNDER A FEDERAL COMPENSATION LAW.

[(d)] **(E)** Except as otherwise provided in this subtitle, the Company shall be:

(1) authorized, examined, and regulated by the Commissioner in the same manner and to the same extent as other authorized property and casualty insurers; and

(2) subject to each provision of this article that is applicable to other authorized property and casualty insurers.

[(e)] **(F)** The Company is a member of the Property and Casualty Insurance Guaranty Corporation.

24–306.

(a) The Company:

(1) shall be an authorized insurer; and

(2) on and after October 1, 2013, shall be the workers' compensation insurer of last resort for employers covered under Title 9 of the Labor and Employment Article.

(b) Before October 1, 2013, the Fund shall serve as the workers' compensation insurer of last resort for workers' compensation insurance and as a competitive workers' compensation insurer under the same terms and conditions as the Fund served before October 1, 2012.

(c) The Company may not cancel or refuse to renew or issue a policy except for:

(1) nonpayment of a premium for current or prior policies issued by the Fund or the Company;

(2) failure to provide payroll information to the Fund or the Company;
[or]

(3) failure to cooperate in any payroll audit conducted by the Fund or the Company; **OR**

(4) FAILURE TO REIMBURSE THE COMPANY UNDER A POLICY WITH DEDUCTIBLES AS REQUIRED UNDER § 19-404 OF THIS ARTICLE.

(d) The Company may engage only in the business of workers' compensation insurance in accordance with State law.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.~~

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

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 45 – *Maryland Register – Publication of Court Documents – Exception*.

The bill provides for an exception to a requirement that specified court documents be published in the Maryland Register if the court document is posted on the website of the Maryland Judiciary.

Senate Bill 69, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 45.

Sincerely,

Governor Martin O'Malley

House Bill 45

AN ACT concerning

Maryland Register – Publication of Court Documents – Exception

FOR the purpose of providing for a certain exception to a requirement that certain court documents be published in the Maryland Register; and generally relating to certain court documents posted on the Web site of the Maryland Judiciary.

BY repealing and reenacting, with amendments,
Article – State Government
Section 7–206(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – State Government

7–206.

(a) An issue of the Register shall contain:

(1) on the first page:

(i) the closing date and hour of the issue; and

(ii) the issue date, which shall be the date of deposit in the United States mail and shall appear prominently;

(2) the text of each of the following documents that has been submitted to the Division before the closing date and hour and has not been published previously:

(i) during each session of the General Assembly:

1. a synopsis of each bill that is introduced; and
2. a synopsis of each bill that is enacted;

(ii) **UNLESS POSTED PROMPTLY ON THE WEB SITE OF THE MARYLAND JUDICIARY:**

1. each proposed rule of court that the Chief Judge of the Court of Appeals directs to be published;

[(iii)] 2. each rule of court that the Court of Appeals adopts or permits to be adopted;

[(iv)] 3. the hearing calendar of the Court of Appeals;

[(v)] 4. each administrative order or memorandum of the Chief Judge of the Court of Appeals or of the Administrative Office of the Courts that the Chief Judge directs to be published;

[(vi)] 5. the hearing calendar of the Court of Special Appeals;

AND

[(vii)] 6. each administrative regulation that the Chief Judge of the District Court adopts;

[(viii)] (III) each executive order;

[(ix)] (IV) each designation of an official State agency under a federal program;

[(x)] (V) except for notaries public and special police, a list of gubernatorial appointments that states:

1. the office;
2. the name of the appointee;
3. the county where the appointee resides;

4. the effective date of appointment;
5. the term of office; and
6. the salary;

[(xi)] (VI) for a proposed regulation:

- and
1. the notice of the proposed adoption of the regulation;
 2. the text of the proposed regulation;

[(xii)] (VII) each notice of a public hearing that a unit issues;

[(xiii)] (VIII) unless otherwise exempted, each other document that is required by law to be published in the Code of Maryland Regulations;

[(xiv)] (IX) each other document that is required to be published in the Register;

[(xv)] (X) each notice or other document issued by an agency of a county or municipal government that the Committee permits to be published in the Register; and

[(xvi)] (XI) unless otherwise privileged, each other document that the Committee permits to be published in the Register;

(3) a table of contents; and

(4) an index to each title of the Code of Maryland Regulations that a document in the issue affects.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 98 – *Commercial Law – Interference With Internet Ticket Sales – Prohibition*.

The bill would prohibit a person from intentionally selling or using specified software to circumvent a security measure, an access control system, or any other control or measure on a specified Web site that is used to ensure an equitable ticket buying process and provides that a violation of the Act is an unfair or deceptive trade practice under the Maryland Consumer Protection Act and is subject to specified enforcement and penalty provisions.

Senate Bill 154, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 98.

Sincerely,

Governor Martin O'Malley

House Bill 98

AN ACT concerning

Commercial Law – Interference With Internet Ticket Sales – Prohibition

FOR the purpose of prohibiting a person from intentionally selling or using certain software to circumvent a security measure, an access control system, or any other control or measure on a certain Web site that is used to ensure an equitable ticket buying process; providing that a violation of this Act is an unfair or deceptive trade practice under the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; defining certain terms; and generally relating to ticket sales on the Internet.

BY adding to

Article – Commercial Law

Section 14–4001 through 14–4003 to be under the new subtitle “Subtitle 40.

Interference With Internet Ticket Sales”

Annotated Code of Maryland

(2013 Replacement Volume)

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

Article – Commercial Law

SUBTITLE 40. INTERFERENCE WITH INTERNET TICKET SALES.

14-4001.

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

(B) (1) “ENTERTAINMENT EVENT” MEANS:

(I) A PERFORMANCE;

(II) A RECREATION;

(III) AN AMUSEMENT;

(IV) A DIVERSION;

(V) A SPECTACLE;

(VI) A SHOW; OR

(VII) ANY SIMILAR EVENT.

(2) “ENTERTAINMENT EVENT” INCLUDES:

(I) A THEATRICAL OR MUSICAL PERFORMANCE;

(II) A CONCERT;

(III) A FILM;

(IV) A GAME;

(V) A RIDE; AND

(VI) A SPORTING EVENT.

(C) “TICKET” MEANS A TICKET FOR ADMISSION TO AN ENTERTAINMENT EVENT.

14-4002.

A PERSON MAY NOT INTENTIONALLY SELL OR USE SOFTWARE TO CIRCUMVENT A SECURITY MEASURE, AN ACCESS CONTROL SYSTEM, OR ANY OTHER CONTROL OR MEASURE ON A TICKET SELLER'S WEB SITE THAT IS USED TO ENSURE AN EQUITABLE TICKET BUYING PROCESS.

14-4003.

A VIOLATION OF THIS SUBTITLE IS:

(1) AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THIS ARTICLE; AND

(2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 99 – *Maryland Uniform Commercial Code – Secured Transactions – Notice of Filing of Financing Statement*.

The bill requires the State Department of Assessments and Taxation or other office that receives a specified financing statement for filing to provide a notice of the filing to the debtor identified on the financing statement; requires the Department or other office to provide the notice to determine the form of the notice; and requires the notice to contain specified information.

Senate Bill 404, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 99.

Sincerely,

Governor Martin O'Malley

House Bill 99

AN ACT concerning

Maryland Uniform Commercial Code – Secured Transactions – Notice of Filing of Financing Statement

FOR the purpose of requiring the State Department of Assessments and Taxation or other office that receives a certain financing statement for filing to provide a certain notice of the filing to the debtor identified on the financing statement under certain circumstances; requiring the Department or other office required to provide the notice to determine the form of the notice; requiring the notice to contain certain information; providing for the application of this Act; and generally relating to secured transactions and the filing of financing statements.

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 9–501

Annotated Code of Maryland

(2013 Replacement Volume)

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

Article – Commercial Law

9–501.

(a) Except as otherwise provided in subsection (b), if the local law of this State governs perfection of a security interest or agricultural lien, the office in which to file a financing statement to perfect the security interest or agricultural lien is:

(1) The office designated for the filing or recording of a record of a mortgage on the related real property, if:

(A) The collateral is as–extracted collateral or timber to be cut;
or

(B) The financing statement is filed as a fixture filing and the collateral is goods that are or are to become fixtures; or

(2) The Maryland State Department of Assessments and Taxation (“Department”), in all other cases, including a case in which the collateral is goods that

are or are to become fixtures and the financing statement is not filed as a fixture filing.

(b) The office in which to file a financing statement to perfect a security interest in collateral, including fixtures, of a transmitting utility is the Department. The financing statement also constitutes a fixture filing as to the collateral indicated in the financing statement which is or is to become fixtures.

(C) (1) THIS SUBSECTION DOES NOT APPLY TO A FINANCING STATEMENT THAT IS A MORTGAGE OR DEED OF TRUST.

(2) IF THE DEPARTMENT OR OTHER OFFICE RECEIVES A FINANCING STATEMENT UNDER SUBSECTION (A) OR (B) FOR FILING AND THE SECURED PARTY AND THE DEBTOR IDENTIFIED ON THE FINANCING STATEMENT ARE INDIVIDUALS, THE DEPARTMENT OR OTHER OFFICE SHALL PROVIDE WRITTEN NOTICE OF THE FILING OF THE FINANCING STATEMENT TO THE DEBTOR.

~~(2)~~ (3) SUBJECT TO PARAGRAPH ~~(3)~~ (4), THE DEPARTMENT OR OTHER OFFICE REQUIRED TO PROVIDE WRITTEN NOTICE UNDER PARAGRAPH ~~(1)~~ (2) SHALL DETERMINE THE FORM OF THE NOTICE.

~~(3)~~ (4) THE WRITTEN NOTICE SHALL CONTAIN AT LEAST THE FOLLOWING INFORMATION:

(A) THE DEBTOR'S NAME AND ADDRESS AS SHOWN ON THE FINANCING STATEMENT;

(B) THE SECURED PARTY'S NAME AND ADDRESS AS SHOWN ON THE FINANCING STATEMENT; AND

(C) THE REMEDIES AVAILABLE TO THE DEBTOR IF THE DEBTOR BELIEVES THAT THE FINANCING STATEMENT IS ERRONEOUSLY OR FRAUDULENTLY FILED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

The Honorable Michael E. Busch

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 112 – *State Board of Professional Counselors and Therapists – Cease and Desist Orders and Penalties for Misrepresentation and Practicing Without a License*.

The bill authorizes the State Board of Professional Counselors and Therapists to issue cease and desist orders or obtain injunctive relief for violations of specified provisions of law; alters a specified penalty; and provides that a person who violates specified provisions of law is subject to a civil fine not exceeding \$50,000 to be assessed by the Board in accordance with regulations.

Senate Bill 448, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 112.

Sincerely,

Governor Martin O'Malley

House Bill 112

AN ACT concerning

State Board of Professional Counselors and Therapists – Cease and Desist Orders and Penalties for Misrepresentation and Practicing Without a License

FOR the purpose of authorizing the State Board of Professional Counselors and Therapists to issue cease and desist orders or obtain injunctive relief for violations of certain provisions of law; altering a certain penalty for practicing, attempting to practice, or offering to practice certain health occupations without a license issued by the State Board of Professional Counselors and Therapists; providing that a person who violates certain provisions of law is subject to a civil fine not exceeding a certain amount to be assessed by the Board in accordance with certain regulations; ~~requiring the Board to pay certain penalties into the State Board of Professional Counselors and Therapists Fund;~~ and generally relating to the State Board of Professional Counselors and Therapists and cease and desist orders and penalties for misrepresentation and practicing without a license.

BY repealing and reenacting, without amendments,

Article – Health Occupations
 Section 17–301 and 17–601 through 17–603
 Annotated Code of Maryland
 (2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
 Article – Health Occupations
 Section 17–513 and 17–604
 Annotated Code of Maryland
 (2009 Replacement Volume and 2013 Supplement)

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

Article – Health Occupations

17–301.

(a) Except as otherwise provided in subsection (b) of this section, an individual may not practice, attempt to practice, or offer to practice clinical alcohol and drug counseling, clinical marriage and family therapy, clinical professional art therapy, or clinical professional counseling in the State unless licensed by the Board.

(b) Subject to the regulations of the Board, subsection (a) of this section does not apply to:

(1) A student working under the supervision of a licensed mental health care provider while pursuing a supervised course of study in counseling that the Board approves as qualifying training and experience under this title; or

(2) An individual who, in accordance with § 17–406 of this title, is working as a trainee under the supervision of a licensed clinical alcohol and drug counselor or another health care provider licensed or certified under this article and approved by the Board while fulfilling the experiential or course of study requirements under § 17–302 of this subtitle or § 17–403 or § 17–404 of this title.

(c) This subtitle may not be construed to limit the scope of practice of any individual who is duly licensed under this article.

17–513.

(A) THE BOARD MAY ISSUE A CEASE AND DESIST ORDER OR OBTAIN INJUNCTIVE RELIEF FOR A VIOLATION OF ANY PROVISION OF § 17–301 OR §§ 17–601 THROUGH 17–603 OF THIS TITLE.

[(a)] (B) An action may be maintained in the name of the State or the Board to enjoin:

(1) The unauthorized practice of alcohol and drug counseling and clinical alcohol and drug counseling, marriage and family therapy and clinical marriage and family therapy, professional counseling and clinical professional counseling, or clinical professional art therapy; or

(2) Conduct that is a ground for disciplinary action under § 17–509 of this subtitle.

[(b)] (C) An action under this section may be brought by:

(1) The Board, in its own name;

(2) The Attorney General, in the name of the State; or

(3) A State’s Attorney, in the name of the State.

[(c)] (D) An action under this section shall be brought in the county where the defendant:

(1) Resides; or

(2) Engages in the acts sought to be enjoined.

[(d)] (E) Proof of actual damages or that any person will sustain any damages if an injunction is not granted is not required for an action under this section.

[(e)] (F) An action under this section is in addition to and not instead of criminal prosecution for the unauthorized practice of alcohol and drug counseling and clinical alcohol and drug counseling, marriage and family therapy and clinical marriage and family therapy, professional counseling and clinical professional counseling, or clinical professional art therapy, under § 17–301, § 17–601, § 17–602, or § 17–603 of this title or disciplinary action under § 17–509 of this subtitle.

17–601.

Unless an individual is licensed to practice clinical alcohol and drug counseling, clinical marriage and family therapy, clinical professional counseling, or clinical professional art therapy, an individual may not:

(1) Represent to the public by title, by description of services, methods, or procedures, or otherwise, that the individual is licensed by the Board to provide clinical alcohol and drug counseling services, clinical marriage and family therapy services, clinical professional counseling services, or clinical professional art therapy services in the State;

(2) Use any title, abbreviation, sign, card, or other representation that the individual is a licensed clinical alcohol and drug counselor, licensed clinical marriage and family therapist, licensed clinical professional counselor, licensed clinical professional art therapist; or

(3) Use the title "L.C.A.D.C.", "L.C.M.F.T.", "L.C.P.C.", or "L.C.P.A.T." or the words "licensed clinical alcohol and drug counselor", "licensed clinical marriage and family therapist", "licensed clinical professional counselor", or "licensed clinical professional art therapist" with the intent to represent that the individual practices clinical alcohol and drug counseling, clinical marriage and family therapy, clinical professional counseling, or clinical professional art therapy.

17-602.

Except as otherwise provided in this title, unless an individual has been approved by the Board to practice as a licensed graduate alcohol and drug counselor, a licensed graduate professional counselor, a licensed graduate marriage and family therapist, or a licensed graduate professional art therapist the individual may not:

(1) Use the title "licensed graduate alcohol and drug counselor", "licensed graduate professional counselor", "licensed graduate marriage and family therapist", or "licensed graduate professional art therapist";

(2) Use the initials "L.G.A.D.C.", "L.G.P.C.", "L.G.M.F.T.", or "L.G.P.A.T." after the name of the individual;

(3) Represent to the public that the individual is approved by the Board to practice alcohol and drug counseling, professional counseling, marriage and family therapy, or professional art therapy; or

(4) Use any title, abbreviation, sign, card, or other representation that the individual is a licensed graduate alcohol and drug counselor, a licensed graduate professional counselor, a licensed graduate marriage and family therapist, or a licensed graduate professional art therapist.

17-603.

Except as otherwise provided in this title, unless an individual is certified to practice alcohol and drug counseling, marriage and family therapy, or professional counseling, the individual may not:

(1) Represent to the public by title, by description of services, methods, or procedures, or otherwise, that the individual is certified by the Board to provide counseling or therapy services in this State;

(2) Use any title, abbreviation, sign, card, or other representation that the individual is a certified professional counselor, certified professional

counselor–marriage and family therapist, certified professional counselor–alcohol and drug, certified associate counselor–alcohol and drug, or certified supervised counselor–alcohol and drug; or

(3) Use the title “C.P.C.”, “C.P.C.–M.F.T.”, “C.P.C.–A.D.”, “C.A.C.–A.D.”, or “C.S.C.–A.D.”, the words “certified professional counselor” or “certified professional counselor–marriage and family therapist”, or the words “certified counselor” or “certified marriage and family therapist” with the intent to represent that the individual practices professional counseling or marriage and family therapy, or the words “certified professional counselor–alcohol and drug”, “certified associate counselor–alcohol and drug”, “certified supervised counselor–alcohol and drug” with the intent to represent that the individual practices alcohol and drug counseling.

17–604.

(a) [Any] A person who violates any provision of this subtitle or § 17–301 of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding [\$2,000] **\$5,000** or imprisonment not exceeding 1 year or both.

(B) ~~(1)~~ A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR § 17–301 OF THIS TITLE IS SUBJECT TO A CIVIL FINE NOT EXCEEDING \$50,000 TO BE ASSESSED BY THE BOARD IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.

~~**(2) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE STATE BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS FUND.**~~

[b] (C) Each violation of this subtitle is a separate offense.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 113 – *State Board of Examiners of Psychologists – Psychology Associates – Registration*.

The bill requires an individual, except under specified circumstances, to be registered by the State Board of Examiners of Psychologists before practicing psychology as a psychology associate in the State; specifies the circumstances under which a registered psychology associate is authorized to practice psychology in the State; requires an individual to meet specified requirements to qualify for registration as a psychology associate; and specifies the examinations that an applicant for a psychology license must pass.

Senate Bill 225, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 113.

Sincerely,

Governor Martin O'Malley

House Bill 113

AN ACT concerning

State Board of Examiners of Psychologists – Psychology Associates – Registration

FOR the purpose of requiring an individual, except under certain circumstances, to be registered by the Board before practicing psychology as a psychology associate in the State; specifying the circumstances under which a registered psychology associate is authorized to practice psychology in the State; repealing obsolete language regarding an exemption from licensure for psychology associates; requiring an individual to meet certain requirements to qualify for registration as a psychology associate; specifying the examinations that an applicant for a psychologist license must pass; requiring an applicant for registration as a psychology associate, except under certain circumstances, to pass a certain examination; requiring the Board to grant a waiver of certain registration requirements to certain applicants; requiring an applicant for a registration to practice psychology to meet certain requirements; providing that an applicant who otherwise qualifies for a registration is entitled to be examined in a certain manner; providing that a registration authorizes a registrant to practice psychology while the registration is effective; requiring the Board to maintain a roster that contains the names and certain other information regarding registered psychology associates; providing that, except under certain circumstances, a registration expires on the date set by the Board;

prohibiting the renewal of a registration for a term longer than a certain number of years; requiring the Board to send to a registrant a renewal notice by a certain method a certain number of days before the registration expires; specifying the content of a renewal notice sent to a registrant; requiring a registrant to notify the Board in writing of any change in the registrant's address within a certain period of time; authorizing a registrant to renew a registration for a certain term under certain circumstances; authorizing the Board to establish continuing education requirements as a condition to the renewal of registrations; requiring the Board to renew the registration of a registrant who meets the requirements of certain provisions of law; repealing the requirement that continuing education requirements set by the Board be standard for all licensed psychologists; authorizing the Board, on a certain vote of its membership, to take certain action against a licensee if the licensee fails to supervise a registered psychology associate in accordance with certain regulations; authorizing the Board to impose a certain monetary penalty instead of suspending a registration or in addition to suspending or revoking a registration; authorizing the Board to direct a registrant to submit to a certain examination; providing that, in return for the privilege given to a registrant to practice psychology in the State, the registrant is deemed to have consented to a certain examination under certain circumstances and waived a certain claim of privilege; providing that the failure or refusal of a registrant to submit to a required examination is prima facie evidence of a registrant's inability to practice psychology competently, with a certain exception; prohibiting a decision of the Board in relation to a registration from being stayed pending judicial review; authorizing the Board to reinstate a registration that has been revoked; altering the prohibition on practicing, attempting to practice, or offering to practice psychology in the State to include a person who is not registered by the Board; altering certain definitions; defining certain terms; repealing a certain definition; making certain conforming and stylistic changes; and generally relating to the registration of psychology associates.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 18–101, 18–202, 18–206, 18–301, 18–302, 18–303, 18–304(a), 18–306, 18–307(a), 18–308 through 18–313, 18–313.1(a), 18–314(a), (b), and (c), 18–316(c), 18–317, and 18–401(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

Article – Health Occupations

18–101.

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

(b) "Board" means the State Board of Examiners of Psychologists.

(c) (1) "Doctoral degree in psychology" means:

(i) A degree received from a program that at the time the degree was awarded:

1. Is accredited by the American Psychological Association or the Canadian Psychological Association; or

2. Is listed in the designated doctoral programs in psychology published by the Council for the National Register of Health Service Providers in Psychology; or

(ii) A doctoral degree in psychology that the Council for the National Register of Health Service Providers in Psychology determines meets its criteria for a doctoral degree in psychology, if the degree was received from a doctoral program in psychology that:

1. Is located outside the United States and Canada;

2. Is currently accredited or designated in accordance with paragraph (1)(i) of this subsection, but was not accredited or designated at the time the degree was awarded;

3. Was completed prior to 1981 for United States programs;

4. Was completed prior to 1988 for Canadian programs;
or

5. Is no longer in existence.

(2) (i) A determination by the Council under paragraph (1)(ii) of this subsection that a doctoral degree in psychology meets its criteria shall be considered by the Board as prima facie evidence that the degree meets those criteria.

(ii) In determining whether the degree in psychology meets the criteria described in paragraph (1)(ii) of this subsection and subparagraph (i) of this paragraph, the Board may consider the completion of postdoctoral course work in psychology, not to exceed 9 semester hours.

(d) "License" means, unless the context requires otherwise, a license issued by the Board to practice psychology **AS A PSYCHOLOGIST**.

(e) “Licensed psychologist” means[, unless the context requires otherwise, a psychologist] **AN INDIVIDUAL who MEETS THE REQUIREMENTS IN § 18–302(F) OF THIS TITLE AND** is licensed by the Board to practice psychology.

(f) (1) “Practice psychology” means to provide to any person:

(i) Any service for compensation involving the application of psychological principles, psychological methods, or psychological procedures for understanding, predicting, or influencing behavior, including the principles that relate to learning, perception, motivation, emotions, organizational relationships, and interpersonal relationships;

(ii) Any service for compensation involving the application of psychological methods or psychological procedures for interviewing, counseling, psychotherapy, behavior modification, or hypnosis; or

(iii) Any service for compensation involving the application of psychological methods or psychological procedures for constructing, administering, or interpreting tests of mental abilities, neuropsychological functioning, aptitudes, interests, attitudes, personality characteristics, emotions, or motivations.

(2) “Practice psychology” includes:

(i) The application of psychological principles and psychological methods in the diagnosis, prevention, treatment, and amelioration of psychological problems, emotional conditions, or mental conditions of individuals or groups;

(ii) The use of psychological methods to assist an individual in acquiring greater human effectiveness or to modify feelings, conditions, attitudes, or behavior that is emotionally, intellectually, or socially ineffectual or maladjusted; and

(iii) The use of biofeedback instruments that do not pierce or cut the skin to measure physical and mental functioning.

(3) In this subsection, “psychological methods”, “psychological principles”, and “psychological procedures” include the body of information that can be derived from a graduate program in psychology, and other education or training recognized by the Board as prerequisites for a license under this title, and that does not amount to the practice of medicine.

[(g) “Psychologist” means an individual who practices psychology.]

(G) “REGISTERED PSYCHOLOGY ASSOCIATE” MEANS AN INDIVIDUAL WHO MEETS THE REQUIREMENTS IN § 18–302(G) OF THIS TITLE AND IS REGISTERED BY THE BOARD TO PRACTICE PSYCHOLOGY.

(H) “REGISTRATION” MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A REGISTRATION ISSUED BY THE BOARD TO PRACTICE PSYCHOLOGY AS A PSYCHOLOGY ASSOCIATE.

18–202.

- (a) (1) The Board consists of 9 members.
 - (2) Of the 9 Board members:
 - (i) 2 shall be consumer members; and
 - (ii) 7 shall be licensed psychologists, of whom:
 - 1. At least 2 shall be engaged primarily in providing psychological services; and
 - 2. At least 2 shall be engaged primarily in teaching, training, or research in psychology.
 - (3) The Governor shall appoint the psychologist members, with the advice of the Secretary and the advice and consent of the Senate, from a list of names submitted to the Secretary by the Maryland Psychological Association.
 - (4) For each vacancy of a psychologist member, the Maryland Psychological Association shall:
 - (i) Notify all licensed psychologists in the State of the vacancy to solicit nominations to fill the vacancy; and
 - (ii) Conduct a balloting process where every licensed psychologist is eligible to vote to select the names of the licensed psychologists that will be submitted to the Governor.
 - (5) The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate.
- (b) Each psychologist member of the Board shall be:
 - (1) A licensed psychologist who has practiced, taught, or engaged in research in psychology for at least 5 years;
 - (2) A citizen of the United States; and
 - (3) A resident of this State.
 - (c) Each consumer member of the Board:

- (1) Shall be a member of the general public;
 - (2) May not be or ever have been a psychologist **OR PSYCHOLOGY ASSOCIATE** or in training to become a psychologist **OR PSYCHOLOGY ASSOCIATE**;
 - (3) May not have a household member who is a psychologist **OR PSYCHOLOGY ASSOCIATE** or in training to become a psychologist **OR PSYCHOLOGY ASSOCIATE**;
 - (4) May not participate or ever have participated in a commercial or professional field related to psychology;
 - (5) May not have a household member who participates in a commercial or professional field related to psychology; and
 - (6) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.
- (d) While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board.
- (e) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.
- (f)
- (1) The term of a member is 4 years.
 - (2) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 1981.
 - (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) To the extent practicable, the Governor shall fill any vacancy on the Board within 60 days of the date of the vacancy.
 - (6) A member may not serve more than 2 consecutive full terms.
- (g)
- (1) The Governor may remove a member for incompetence or misconduct.

(2) Upon the recommendation of the Secretary, the Governor may remove a member whom the Secretary finds to have been absent from 2 successive Board meetings without adequate reason.

18-206.

(a) In addition to the powers set forth elsewhere in this title, the Board may adopt rules and regulations to carry out the provisions of this title.

(b) In addition to the duties set forth elsewhere in this title, the Board shall:

(1) Establish procedures for receiving and investigating complaints, including:

(i) Providing notice to the **[licensed psychologist] LICENSEE OR REGISTRANT** that a complaint has been filed against the **[licensed psychologist] LICENSEE OR REGISTRANT** and forwarding a copy of the complaint to the **[licensed psychologist] LICENSEE OR REGISTRANT** within 120 days of receipt of the complaint, unless the Board:

1. Makes an affirmative determination that the disclosure would prejudice the investigation of the complaint and notifies the licensee **OR REGISTRANT** of the determination; or

2. Disposes of the complaint within 120 days of the date of receipt of the complaint; and

(ii) Notifying, at least every 3 months, the **[licensed psychologist] LICENSEE OR REGISTRANT** and the complainant as to the status of any outstanding complaint;

(2) Submit an annual report of its activities to the Secretary as soon as practicable after the end of each fiscal year; and

(3) Adopt an official seal.

18-301.

(a) Except as otherwise provided in this section, an individual shall be licensed **OR REGISTERED** by the Board before the individual may practice psychology **AS A PSYCHOLOGIST OR PSYCHOLOGY ASSOCIATE** in this State.

(B) A REGISTERED PSYCHOLOGY ASSOCIATE MAY PRACTICE PSYCHOLOGY IN THIS STATE ONLY IF:

(1) THE REGISTERED PSYCHOLOGY ASSOCIATE IS SUPERVISED BY A LICENSED PSYCHOLOGIST IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD;

(2) THE SUPERVISING LICENSED PSYCHOLOGIST IS JOINTLY RESPONSIBLE FOR THE PROVISION OF PSYCHOLOGICAL SERVICES BY THE REGISTERED PSYCHOLOGY ASSOCIATE; AND

(3) THE REGISTERED PSYCHOLOGY ASSOCIATE DOES NOT USE ANY TITLE OTHER THAN “REGISTERED PSYCHOLOGY ASSOCIATE”.

[(b)] (C) Subject to the rules and regulations of the Board, this section does not apply to:

(1) The activities and services of and the use of an official title by an individual employed by any agency of the federal government, this State, or any political subdivision of this State, or a chartered educational institution while performing the duties of that employment;

(2) The education–related services described in regulations adopted by the State Department of Education that are performed by a certified school psychologist:

(i) While performing the duties of employment of the certified school psychologist; or

(ii) While conducting staff development and training workshops for compensation;

(3) The activities and services of a student, intern, resident or fellow while pursuing a supervised course of study in psychology that the Board approves as qualifying training and experience under this title; **AND**

(4) **[**The activities and services of an individual while performing psychological services under the direct supervision of a licensed psychologist who takes full responsibility for the activities and services performed, if the supervised individual has graduated from an accredited college or university with at least a master’s degree based on a program of studies whose content was primarily psychological or a program judged by the Board to be substantially equivalent in subject matter and extent of training to a master’s or doctoral degree in psychology, provided that:

(i) The supervised individual may not use any title other than “psychology associate”;

(ii) The supervised individual has applied to the Board for an exemption under this section; and

(iii) The supervised individual has received an exemption under this section within 6 months of application unless the Board grants an extension; and

(5) The activities and services of an individual licensed or certified as a psychologist in any state who recently has become a resident of this State and has an application for a license approved by the Board, provided that the individual passes the first scheduled examination for which the applicant is eligible.

[(c)] (D) If, for good cause, an applicant for a license under subsection [(b)(5)] (C)(4) of this section is unable to take the first scheduled examination for which the applicant is eligible, the Board may grant an extension to the individual to take the next scheduled examination for which the applicant is eligible.

[(d)] (E) The Board may authorize an unlicensed individual to practice psychology, subject to any limitations the Board imposes, if:

(1) The Board finds that the circumstances warrant; and

(2) The individual:

(i) Is not a resident of this State; and

(ii) Meets the qualifications, other than residence and examination, for a license.

[(e)] (F) (1) The exceptions of subsection [(b)(1)] (C)(1) of this section do not apply to individuals who are employed by the Department, a county health department, the Baltimore City Health Department, the Department of State Police, or the Department of Public Safety and Correctional Services after July 1, 1985.

(2) An individual who is employed by any of the departments under this subsection on July 1, 1985 but who is not licensed by the Board shall function under the direct supervision of a licensed psychologist who takes full responsibility for the psychological services provided by the individual.

18-302.

(a) To qualify for a license **OR REGISTRATION**, an applicant shall be an individual who meets the requirements of this section.

(b) The applicant shall be of good moral character.

(c) The applicant shall be at least 18 years old.

[(d) The applicant shall have a doctoral degree in psychology as defined in § 18–101(c) of this title.

(e) Except as otherwise provided in this subtitle, the applicant shall pass an examination given by the Board under this subtitle.

(f) The applicant shall have at least 2 years of professional supervised experience in psychology that is approved by the Board in accordance with regulations adopted by the Board.]

[(g) (D) (1) Except as provided in this subsection, an applicant shall reside or practice, or intend to reside or practice, in this State.

(2) The Board may issue a license **OR REGISTRATION** to an applicant who is neither a resident of this State nor practicing in this State if the applicant shows that issuing the license **OR REGISTRATION** would be in the interest of the citizens or government of this State.

[(h) (E) The applicant shall submit to a criminal history records check in accordance with § 18–302.1 of this subtitle.

(F) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, TO QUALIFY TO BE A LICENSED PSYCHOLOGIST, AN APPLICANT SHALL:

(1) HAVE A DOCTORAL DEGREE IN PSYCHOLOGY; AND

(2) HAVE AT LEAST 2 YEARS OF PROFESSIONAL, SUPERVISED EXPERIENCE IN PSYCHOLOGY THAT IS APPROVED BY THE BOARD IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.

(G) EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION AND IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, TO QUALIFY TO BE A REGISTERED PSYCHOLOGY ASSOCIATE, AN APPLICANT SHALL:

(1) HAVE A MASTER’S DEGREE IN CLINICAL PSYCHOLOGY, COUNSELING PSYCHOLOGY, OR SCHOOL PSYCHOLOGY FROM A PROGRAM ACCREDITED BY THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION;

(2) HAVE A MASTER’S DEGREE IN EDUCATION WITH A FIELD OF SPECIALIZATION IN PSYCHOLOGY OR COUNSELING PSYCHOLOGY FROM A PROGRAM ACCREDITED BY THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION;

(3) BE ADMITTED TO CANDIDACY FOR A DOCTORAL DEGREE IN CLINICAL PSYCHOLOGY, COUNSELING PSYCHOLOGY, SCHOOL PSYCHOLOGY, OR EDUCATION WITH A FIELD OF SPECIALIZATION IN PSYCHOLOGY OR COUNSELING PSYCHOLOGY IN A PROGRAM ACCREDITED BY THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION, AFTER HAVING SATISFACTORILY:

(i) COMPLETED AT LEAST 3 YEARS OF POSTGRADUATE EDUCATION IN PSYCHOLOGY; AND

(ii) PASSED PRELIMINARY DOCTORAL EXAMINATIONS;

(4) HAVE COMPLETED A DOCTORAL DEGREE IN PSYCHOLOGY OR IN EDUCATION WITH A FIELD OF SPECIALIZATION IN PSYCHOLOGY OR COUNSELING PSYCHOLOGY FROM A PROGRAM ACCREDITED BY THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION; OR

(5) HAVE AT LEAST A MASTER'S LEVEL DEGREE FROM A PROGRAM OUTSIDE THE UNITED STATES THAT HAS BEEN DETERMINED BY THE BOARD TO BE EQUIVALENT TO A DEGREE LISTED IN ITEM (1), (2), OR (4) OF THIS SUBSECTION.

(H) ~~(1) EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION,~~
AN APPLICANT FOR A PSYCHOLOGIST LICENSE SHALL SUCCESSFULLY PASS:

~~(1)~~ (I) A NATIONAL EXAMINATION IN THE PRACTICE OF PSYCHOLOGY; AND

~~(2)~~ (II) THE STATE JURISPRUDENCE EXAMINATION.

(2) EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, AN APPLICANT FOR A PSYCHOLOGY ASSOCIATE REGISTRATION SHALL SUCCESSFULLY PASS THE STATE JURISPRUDENCE EXAMINATION.

(I) THE BOARD SHALL GRANT A WAIVER OF THE REQUIREMENTS OF SUBSECTIONS (G) AND ~~(H)~~ (H)(2) OF THIS SECTION TO AN APPLICANT FOR A PSYCHOLOGY ASSOCIATE REGISTRATION IF THE APPLICANT WAS APPROVED BY THE BOARD BEFORE OCTOBER 1, 2014, TO PRACTICE PSYCHOLOGY AS A PSYCHOLOGY ASSOCIATE UNDER THE SUPERVISION OF A LICENSED PSYCHOLOGIST.

18-303.

To apply for a license OR REGISTRATION to practice psychology, an applicant shall:

(1) Submit a verified application to the Board on the form that the Board requires;

(2) Pay to the Board the application fee set by the Board; and

(3) Submit to a criminal history records check in accordance with § 18–302.1 of this subtitle.

18–304.

(a) An applicant who otherwise qualifies for a license **OR REGISTRATION** is entitled to be examined as provided in this section.

18–306.

(a) The Board shall issue a license **OR REGISTRATION** to any applicant who meets the requirements of this title.

(b) The Board shall include on each license **OR REGISTRATION** that the Board issues:

(1) The full name of the [licensed psychologist] **LICENSEE OR REGISTRANT**;

(2) The dates of issuance and expiration;

(3) A serial number;

(4) The signatures of the chairman and the vice chairman of the Board; and

(5) The seal of the Board.

(c) (1) On receipt of the criminal history record information of an applicant for licensure **OR REGISTRATION** forwarded to the Board in accordance with § 18–302.1 of this subtitle, in determining whether to grant a license or [certificate] **REGISTRATION**, the Board shall consider:

(i) The age at which the crime was committed;

(ii) The circumstances surrounding the crime;

(iii) The length of time that has passed since the crime;

(iv) Subsequent work history;

(v) Employment and character references; and

(vi) Other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

(2) The Board may not issue a license **OR REGISTRATION** if the criminal history record information required under § 18–302.1 of this subtitle has not been received.

18–307.

(a) Except as otherwise provided in this section, a license **OR REGISTRATION** authorizes the licensee **OR REGISTRANT** to practice psychology while the license **OR REGISTRATION** is effective.

18–308.

(a) The Board shall maintain a roster that contains the name and address of each psychologist **AND PSYCHOLOGY ASSOCIATE** currently licensed **OR REGISTERED**, listed alphabetically by name and geographically by address, and any other information the Board considers desirable.

(b) The Board shall:

(1) Respond to inquiries from the public regarding information contained in the roster; and

(2) Provide copies of the roster by mail to the public on request.

18–309.

(a) (1) A license **OR REGISTRATION** expires on the date set by the Board, unless it is renewed for an additional term as provided in this section.

(2) A license **OR REGISTRATION** may not be renewed for a term longer than 2 years.

(b) (1) **(I)** At least 90 days before [the] A license expires, the Board shall send a renewal notice to the licensee:

[(i)] 1. By first-class mail to the last known address of the licensee; or

[(ii)] 2. If requested by the licensee, by electronic means to the last known electronic mail address of the licensee.

[(2)] (II) If a renewal notice sent by electronic means under **[paragraph (1)(ii)] SUBPARAGRAPH (I)2** of this **[subsection] PARAGRAPH** is returned to the Board as undeliverable, the Board shall send a renewal notice to the licensee by first-class mail to the last known address of the licensee.

(2) AT LEAST 90 DAYS BEFORE A REGISTRATION EXPIRES, THE BOARD SHALL SEND A RENEWAL NOTICE TO THE REGISTRANT:

(I) BY FIRST-CLASS MAIL TO THE LAST KNOWN ADDRESS OF THE REGISTRANT; OR

(II) BY ELECTRONIC MEANS TO THE LAST KNOWN ELECTRONIC MAIL ADDRESS OF THE REGISTRANT.

(c) The renewal notice sent under subsection (b) of this section shall state:

(1) The date on which the current license **OR REGISTRATION** expires;

(2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license **OR REGISTRATION** expires; and

(3) The amount of the renewal fee.

(d) Each licensee **OR REGISTRANT** shall notify the Board in writing of any change in the licensee's **OR REGISTRANT'S** address or electronic mail address within 30 days after the change occurs.

(e) Before the license **OR REGISTRATION** expires, the licensee **OR REGISTRANT** periodically may renew it for an additional 2-year term, if the licensee **OR REGISTRANT:**

(1) Otherwise is entitled to be licensed **OR REGISTERED;**

(2) Pays to the Board a renewal fee set by the Board; and

(3) Submits to the Board:

(i) A renewal application on the form that the Board requires;
and

(ii) Satisfactory evidence of compliance with any continuing education requirements set under this section for license **OR REGISTRATION** renewal.

(f) (1) The Board may establish continuing education requirements as a condition to the renewal of licenses **OR REGISTRATIONS** under this section.

(2) The requirements established under this subsection shall be[:

(i) Set] **SET** by the Board as to the amount and type of study required[; and

(ii) Standard for all licensed psychologists].

(g) The Board shall renew the license **OR REGISTRATION** of each licensee **OR REGISTRANT** who meets the requirements of this section.

18–310.

(a) (1) The Board shall place a licensee on inactive status, if the licensee submits to the Board:

(i) An application for inactive status on the form required by the Board; and

(ii) The inactive status fee set by the Board.

(2) (i) The Board shall license an individual on inactive status who applies for a license if the individual:

1. Complies with the renewal requirements that exist at the time the individual changes from inactive status to active status; and

2. Meets the continuing education requirements set by the Board.

(ii) The Board may not require payment of a late fee by an individual as a condition to licensing under this paragraph.

(b) The Board shall reinstate the license **OR REGISTRATION** of a psychologist **OR PSYCHOLOGY ASSOCIATE** [who has not been put on inactive status and] who has failed to renew the license **OR REGISTRATION** for any reason if the psychologist **OR PSYCHOLOGY ASSOCIATE**:

(1) Meets the renewal requirements of § 18–309 of this subtitle;

(2) Pays to the Board a reinstatement fee set by the Board; and

(3) Applies to the Board for reinstatement of the license **OR REGISTRATION** within 5 years after the license **OR REGISTRATION** expires.

(c) (1) The Board may not reinstate the license **OR REGISTRATION** of a psychologist **OR PSYCHOLOGY ASSOCIATE** who fails to apply for reinstatement of the license **OR REGISTRATION** within 5 years after the license **OR REGISTRATION** expires. [However, the]

(2) A psychologist **OR PSYCHOLOGY ASSOCIATE WHO FAILS TO APPLY FOR REINSTATEMENT OF THE LICENSE OR REGISTRATION WITHIN 5 YEARS AFTER THE LICENSE OR REGISTRATION EXPIRES** may become licensed **OR REGISTERED** by meeting the current requirements for obtaining a new license **OR REGISTRATION** under this title.

18–311.

(a) (1) The Board shall adopt a code of ethics for psychologists **AND PSYCHOLOGY ASSOCIATES** in this State.

(2) The code of ethics **ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION** shall be designed to protect the public interest.

(b) In adopting the code of ethics, the Board shall consider:

(1) The ethical standards of psychologists published by the American Psychological Association; and

(2) The professional character of psychological services.

(c) In adopting the code of ethics, the Board shall announce and hold public hearings on the subject.

18–312.

(a) Unless the Board agrees to accept the surrender of a license **OR REGISTRATION**, a licensed psychologist **OR REGISTERED PSYCHOLOGY ASSOCIATE** may not surrender the license **OR REGISTRATION** nor may the license **OR REGISTRATION** lapse by operation of law while the licensee **OR REGISTRANT** is under investigation or while charges are pending against the psychologist **OR PSYCHOLOGY ASSOCIATE**.

(b) The Board may set conditions on its agreement with the psychologist **OR PSYCHOLOGY ASSOCIATE** under investigation or against whom charges are pending to accept surrender of the psychologist's license **OR PSYCHOLOGY ASSOCIATE'S REGISTRATION**.

18–313.

Subject to the hearing provisions of § 18–315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license **OR REGISTRATION** to any applicant, reprimand any licensee **OR REGISTRANT**, place any licensee **OR REGISTRANT** on probation, or suspend or revoke a license **OR REGISTRATION** of any licensee **OR REGISTRANT** if the applicant [or licensee], **LICENSEE, OR REGISTRANT**:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license **OR REGISTRATION** for the applicant [or licensee], **LICENSEE, OR REGISTRANT** or for another;
- (2) Fraudulently or deceptively uses a license **OR REGISTRATION**;
- (3) Is convicted of or pleads guilty or nolo contendere to a felony or a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (4) Is or has been addicted to any narcotic or habitually intoxicated;
- (5) Aids or abets an unauthorized person in practicing psychology or representing oneself to be a psychologist **OR A PSYCHOLOGY ASSOCIATE**;
- (6) Practices psychology fraudulently or deceitfully;
- (7) Violates the code of ethics adopted by the Board under § 18–311 of this subtitle;
- (8) Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;
- (9) Submits a false statement to collect a fee;
- (10) Willfully makes or files a false report or record in the practice of psychology;
- (11) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the United States Veterans Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;
- (12) Violates any provision of this title or any regulation adopted by the Board;

(13) Uses or promotes or causes the use of any misleading, deceiving, or untruthful advertising matter, promotional literature, or testimonial;

(14) Is professionally, physically, or mentally incompetent;

(15) Promotes the sale of devices, appliances, or goods to a patient so as to exploit the patient for financial gain;

(16) Behaves immorally in the practice of psychology;

(17) Commits an act of unprofessional conduct in the practice of psychology;

(18) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee **OR REGISTRANT** is licensed **OR REGISTERED** and qualified to render because the individual is HIV positive;

(19) Fails to cooperate with a lawful investigation conducted by the Board;

(20) Does an act that is inconsistent with generally accepted professional standards in the practice of psychology; [or]

(21) Fails to submit to a criminal history records check in accordance with § 18–302.1 of this subtitle; **OR**

(22) FAILS TO SUPERVISE A REGISTERED PSYCHOLOGY ASSOCIATE IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.

18–313.1.

(a) If, after a hearing under § 18–315 of this subtitle, the Board finds that there are grounds under § 18–313 of this subtitle to suspend or revoke a license **OR REGISTRATION** or to reprimand a licensee **OR REGISTRANT**, the Board may impose a monetary penalty not exceeding \$10,000:

(1) Instead of suspending the license **OR REGISTRATION**; or

(2) In addition to suspending or revoking the license **OR REGISTRATION**.

18–314.

(a) If, in investigating an allegation brought against a licensee **OR REGISTRANT** under this title, the Board has reason to believe that the licensee **OR**

REGISTRANT may cause harm to persons affected by the licensee's **OR REGISTRANT'S** practice of psychology, the Board, on its own initiative, may direct the licensee **OR REGISTRANT** to submit to an appropriate examination by a psychologist or physician designated by the Board.

(b) In return for the privilege given to a licensee **OR REGISTRANT** to practice psychology in the State, the licensee **OR REGISTRANT** is deemed to have:

(1) Consented to submit to an examination under this section, if requested by the Board in writing; and

(2) Waived any claim of privilege as to the testimony or examination reports of the examining psychologist or physician.

(c) The failure or refusal of the licensee **OR REGISTRANT** to submit to an examination required under subsection (b) of this section is prima facie evidence of the licensee's **OR REGISTRANT'S** inability to practice psychology competently, unless the Board finds that the failure or refusal was beyond the control of the licensee **OR REGISTRANT**.

18-316.

(c) A decision of the Board to deny a license **OR REGISTRATION**, enforce a suspension of a license **OR REGISTRATION** for more than 1 year, or revoke a license **OR REGISTRATION** may not be stayed pending judicial review.

18-317.

For reasons the Board considers sufficient, and on the affirmative vote of a majority of its members then serving, the Board may:

(1) Reinstate a license **OR REGISTRATION** that has been revoked;

(2) Reduce the period of a suspension; or

(3) Withdraw a reprimand.

18-401.

(a) Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice psychology in this State unless licensed **OR REGISTERED** by the Board.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 121 – *Chesapeake Bay Trust – Powers and Duties – Member Terms*.

The bill specifies that the two-term limit for members of the Board of Trustees of the Chesapeake Bay Trust applies only to consecutive terms and repealing a limitation on the ability of the Chesapeake Bay Trust to solicit or accept a gift, bequest, or lease of real or personal property.

Senate Bill 62, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 121.

Sincerely,

Governor Martin O'Malley

House Bill 121

AN ACT concerning

Chesapeake Bay Trust – Powers and Duties – Member Terms

FOR the purpose of specifying that a certain term limit for members of the Board of Trustees of the Chesapeake Bay Trust applies only to consecutive terms; repealing a certain limitation on the ability of the Chesapeake Bay Trust to solicit or accept a gift, bequest, or lease of real or personal property; and generally relating to the Chesapeake Bay Trust.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8-1904 and 8-1906
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Natural Resources

8–1904.

(a) The powers and duties of the Chesapeake Bay Trust shall rest in and be exercised by a board of 19 trustees.

(b) The Board of Trustees shall consist of:

(1) The President of the Senate, ex officio;

(2) The Speaker of the House, ex officio;

(3) The Secretaries of Agriculture, the Environment, and Natural Resources, ex officio, or their designees; and

(4) 14 individuals appointed by the Governor as follows:

(i) 8 shall represent the interests of local government, education, environmental conservation, and the general public; and

(ii) 6 shall represent the business community.

(c) The Governor shall consider geographical balance in making appointments to the Board of Trustees.

(d) Except for the ex officio members or their designees:

(1) The term of a member is 4 years;

(2) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 1985;

(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 is begun serves for the rest of the term and until a successor is appointed and qualifies; and

(5) A member may serve no more than 2 **CONSECUTIVE** terms.

8–1906.

[(a)] The Trust shall have the powers and duties to:

- (1) Solicit and accept any gift, grant, legacy, or endowment of money from the federal government, State government, local government, or any private source in furtherance of the Trust;
- (2) Provide grants to nonprofit organizations, community associations, civic groups, schools, or public agencies for citizen involvement projects;
- (3) Develop projects for sponsorship by corporate and business organizations or private individuals;
- (4) Develop criteria for citizen involvement projects or corporate sponsorship projects;
- (5) Make, execute, and enter into any contract or other legal instrument;
- (6) Receive appropriations as provided in the State budget;
- (7) Lease and maintain an office at a place within the State the Trust designates;
- (8) Adopt bylaws for the regulation of its affairs and the conduct of its business;
- (9) Take any other action necessary to carry out the purposes of the Trust;
- (10) Sue and be sued, but only to enforce contractual or similar agreements with the Trust; and
- (11) Report annually to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly, its activities during the preceding year together with any recommendations or requests deemed appropriate to further the purposes of the Trust.

[(b) Except as otherwise provided in this subtitle, the Trust may not solicit or accept any gift, bequest, or lease of real or personal property.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 130 – *Motor Vehicle Insurance – Task Force to Study Methods to Reduce the Rate of Uninsured Drivers*.

The bill establishes the Task Force to Study Methods to Reduce the Rate of Uninsured Drivers; provides for the composition, cochairs, and staffing of the Task Force, and requires the Task Force to study and make recommendations, including those regarding the rate of uninsured drivers in the State and in other states and the ways in which the rate is calculated in Maryland.

Senate Bill 153, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 130.

Sincerely,

Governor Martin O'Malley

House Bill 130

AN ACT concerning

Motor Vehicle Insurance – Task Force to Study Methods to Reduce the Rate of Uninsured Drivers

FOR the purpose of establishing the Task Force to Study Methods to Reduce the Rate of Uninsured Drivers; providing for the composition, cochairs, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its preliminary and final findings and recommendations to certain committees of the General Assembly on or before certain dates; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the Task Force to Study Methods to Reduce the Rate of Uninsured Drivers.

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

(a) There is a Task Force to Study Methods to Reduce the Rate of Uninsured Drivers.

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

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Maryland Insurance Commissioner, or the Commissioner's designee;

(4) the Motor Vehicle Administrator, or the Administrator's designee;

(5) the Secretary of State Police, or the Secretary's designee;

(6) the Executive Director of the Maryland Automobile Insurance Fund, or the Executive Director's designee;

(7) the Executive Director of the Job Opportunities Task Force, or the Executive Director's designee; and

(8) the following members, appointed by the Governor:

(i) three representatives of ~~the~~ companies that write private passenger motor vehicle insurance industry;

(ii) a representative of a consumer advocacy organization;

(iii) two representatives of motor vehicle insurance producers; ~~and~~

(iv) a member of a nonprofit national motor club member organization; and

(v) one member of the Bar of the Court of Appeals of Maryland who represents plaintiffs in private passenger motor vehicle insurance cases.

(c) (1) The President of the Senate shall designate the Senate cochair of the Task Force.

(2) The Speaker of the House of Delegates shall designate the House cochair of the Task Force.

(d) (1) The Department of Legislative Services shall provide staff for the Task Force.

(2) The Motor Vehicle Administration and the Maryland Insurance Administration shall provide staff assistance.

(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 study and make recommendations regarding:

(1) (i) the rate of uninsured drivers in the State and other states and the ways in which the rate is calculated by the Motor Vehicle Administration and other entities; and

(ii) the impact on calculating the rate of uninsured drivers in the State of insurers reinstating the insurance coverage of a driver, from the inception of the policy term, after the driver pays any delinquent insurance premiums and applicable fines, although the Motor Vehicle Administration considers the driver to be uninsured during the period of lapsed coverage;

(2) the deterrents and incentives that are used in the State and in other states, or that could be used in the State, to reduce the rate of uninsured drivers, including:

(i) the imposition of, or an increase in, fines and penalties on uninsured drivers and how money from the fines and penalties collected is used, or could be used, to reduce the rate of uninsured drivers;

(ii) a requirement that a minimum fine or penalty, and reimbursement to the State for towing expenses, not be waived;

(iii) the implementation of an insurance verification system that verifies the purchase of insurance on a motor vehicle at the time the motor vehicle is registered with the Motor Vehicle Administration;

(iv) a requirement that a driver carry a card that shows evidence of insurance on the motor vehicle the driver is driving;

(v) the implementation of a police insurance verification system that links a license plate database to motor vehicle insurers databases;

(vi) the education of drivers, at the time of initial drivers' licensure, about the legal requirement to purchase insurance; and

(vii) making the act of knowingly presenting a false or otherwise invalid evidence of insurance an offense under the Maryland Vehicle Law;

(3) methods to ~~reduce~~ lower the cost of insurance, as a way to reduce the rate of uninsured drivers and promote economic and job opportunities associated with vehicle ownership, including:

(i) the implementation of an insurance plan with lower required coverages for specified low-income individuals;

(ii) the expansion of the personal injury protection waiver; ~~and~~

(iii) the implementation of a pay-as-you-drive insurance plan; and

(iv) the use of safe driving and other discounts that private passenger motor vehicle insurers may offer to their policyholders; and

(4) any other relevant issue identified by the Task Force.

(g) (1) On or before December 31, 2014, the Task Force shall report its preliminary findings and recommendations, including any proposed legislation, to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2-1246 of the State Government Article.

(2) On or before December 31, 2015, the Task Force shall report its final findings and recommendations, including any proposed legislation, to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2-1246 of the State Government Article.

SECTION 2. BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective through December 31, 2015, and, at the end of December 31, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 131 – *Montgomery County – City of Takoma Park – Alcoholic Beverages – Class B On- and Off-Sale License MC 18-14*.

The bill continues the off-sale privilege for Class B beer and light wine licenses issued for hotels and restaurants in the City of Takoma Park.

Senate Bill 302, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 131.

Sincerely,

Governor Martin O'Malley

House Bill 131

AN ACT concerning

Montgomery County – City of Takoma Park – Alcoholic Beverages – Class B On- and Off-Sale License

MC 18-14

FOR the purpose of continuing an off-sale privilege to the Class B beer and light wine license issued for hotels and restaurants in the City of Takoma Park; and generally relating to Class B beer and light wine, hotel and restaurant licenses in the City of Takoma Park.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 8-216(d)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Chapter 390 of the Acts of the General Assembly of 2012
Section 2

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

Article 2B – Alcoholic Beverages

8–216.

(d) (1) The Montgomery County Board of License Commissioners may issue, renew, and transfer and otherwise provide for 8 classes of alcoholic beverages licenses in the City of Takoma Park as follows:

(i) Class B (on– and off–sale) beer and light wine, hotel and restaurant licenses;

(ii) Class H (on–sale) beer and light wine, hotel and restaurant licenses;

(iii) Class B (on–sale) beer, wine and liquor, hotel and restaurant licenses;

(iv) Class H–TP (on–sale) beer license;

(v) Class D–TP (on– and off–sale) beer and light wine license;

(vi) Class A–TP (off–sale) beer, wine and liquor license;

(vii) Class C–TP (on–sale) beer, wine and liquor license; and

(viii) Beer and wine sampling or tasting (BWST) licenses issued under § 8–408.2 of this title.

(2) (i) The provisions of this paragraph apply only to Class –TP type licenses.

(ii) The Prince George’s County Board of License Commissioners shall certify a list to the Montgomery County Board of License Commissioners of the alcoholic beverages licenses as of June 30, 1997, in that portion of the City of Takoma Park that became part of Montgomery County on July 1, 1997.

(iii) On July 1, 1997, the Montgomery County Board shall issue Class –TP type licenses to those licensees who were certified by the Prince George’s County Board. License fees may not be charged until May 1, 1998.

(iv) Unless revoked or not renewed for good cause, the certified licenses shall continue in existence and be renewed, subject to payment of the annual license fee.

(v) The Class –TP type licenses are not transferable to other locations but are transferable to other persons, subject to the restrictions on similar transfers for other alcoholic beverages licenses in Montgomery County.

(vi) Class –TP licenses are subject to the same conditions and restrictions specified by law or by the Montgomery County Board of License Commissioners as are other licenses issued by the Board. However, the Board may waive whatever statutory and regulatory provisions it so chooses for the affected licenses so that equity, fairness, and reasonableness are achieved.

(vii) The Montgomery County Department of Health and Human Services may not charge an annual fee to the Class –TP licensees until January 1, 1998.

(3) (i) Notwithstanding that Class –TP licensees as of July 1, 1997 are subject to Montgomery County laws and regulations, those same licensees may retain the particular Prince George's County alcoholic beverages license they possessed prior to unification.

(ii) The Prince George's County license shall remain valid in every sense except that it does not apply to the licensed premises to which the Class –TP license applies, but is an open–location license. The Prince George's County licensee may transfer, to another person or to a new location with the same licensee, the license into Prince George's County without statutory or regulatory restriction.

(iii) While the Class –TP licensee remains in the same location where it was located on July 1, 1997, another license issued by Prince George's County may not be granted or transferred to another Prince George's licensee if the premises for which that license was issued is located within 300 feet of the premises licensed under the Class –TP license.

Chapter 390 of the Acts of 2012

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012. [It shall remain effective for a period of 2 years and, at the end of June 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 138 – *Montgomery County – Archery Hunting – Safety Zone MC 5-14*.

The bill establishes for archery hunters in Montgomery County a safety zone of 100 yards within which archery hunting may not take place except under specified circumstances.

Senate Bill 309, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 138.

Sincerely,

Governor Martin O'Malley

House Bill 138

AN ACT concerning

Montgomery County – Archery Hunting – Safety Zone

MC 5-14

FOR the purpose of establishing for archery hunters in Montgomery County a safety zone of a certain size within which archery hunting may not take place except under certain circumstances; and generally relating to archery hunting in Montgomery County.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10-410(g)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 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.

(g) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person, other than the owner or occupant, while hunting for any wild bird or mammal may not shoot or discharge any firearm or other deadly weapon within 150 yards, known as the “safety zone”, of a dwelling house, residence, church, or other building or camp occupied by human beings, or shoot at any wild bird or mammal while it is within this area, without the specific advance permission of the owner or occupant.

(2) A person, while hunting for any wild bird or mammal, may not shoot or discharge any firearm within 300 yards of a public or nonpublic school during school hours or at a time when a school-approved activity is taking place.

(3) (i) For archery hunters in Carroll County ~~for~~, Frederick County, ~~OR MONTGOMERY COUNTY~~, the safety zone described in paragraph (1) of this subsection extends for 50 yards from a dwelling house, residence, church, or any other building or camp occupied by human beings.

(ii) For archery hunters in Harford County OR MONTGOMERY COUNTY, the safety zone described in paragraph (1) of this subsection extends for 100 yards from a dwelling house, residence, church, or any other building or camp occupied by human beings.

(4) During any open hunting season, a person, other than the owner or occupant, may not hunt or chase willfully any wild bird or mammal within the safety zone without the specific advance permission of the owner or occupant.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 140 – *Montgomery County – Micro-Brewery Licenses and Class D Beer and Light Wine Licenses MC 3-14*.

The bill authorizes the Comptroller to issue a Class 7 micro–brewery license in Montgomery County to a holder of a Class D beer and light wine license.

Senate Bill 310, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 140.

Sincerely,

Governor Martin O'Malley

House Bill 140

AN ACT concerning

Montgomery County – Micro–Brewery Licenses and Class D Beer and Light Wine Licenses

MC 3–14

FOR the purpose of authorizing the Comptroller to issue a Class 7 micro–brewery license in Montgomery County to a holder of a Class D beer and light wine license; and generally relating to alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 2–208(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–208(b)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

Article 2B – Alcoholic Beverages

2–208.

- (a) There is a Class 7 micro–brewery (on– and off–sale) license.
- (b) The license shall be issued:

- (1) By the State Comptroller;
- (2) Only in the following jurisdictions:
 - (i) Allegany County;
 - (ii) Baltimore City;
 - (iii) Baltimore County;
 - (iv) The City of Annapolis;
 - (v) Anne Arundel County;
 - (vi) Calvert County;
 - (vii) Caroline County;
 - (viii) Carroll County;
 - (ix) Charles County;
 - (x) Dorchester County;
 - (xi) Frederick County;
 - (xii) Garrett County;
 - (xiii) Harford County;
 - (xiv) Howard County;
 - (xv) Kent County;
 - (xvi) Montgomery County;
 - (xvii) Prince George's County;
 - (xviii) Queen Anne's County;
 - (xix) St. Mary's County;
 - (xx) Talbot County;
 - (xxi) Washington County;

(xxii) Wicomico County; and

(xxiii) Worcester County;

(3) (i) Only to a holder of a Class B beer, wine and liquor (on-sale) license that is issued for use on the premises of a restaurant located in a jurisdiction listed in paragraph (2) of this subsection;

(ii) To a holder of a Class D beer (off-sale) license that is issued for use on the premises of the existing Class D license if the premises are located in Kent County or the Town of Berlin in Worcester County; or

(iii) To a holder of a Class D alcoholic beverages license that is issued for use on the premises of the existing Class D license if the premises are located in:

1. The 22nd Alcoholic Beverages District of Prince George's County;

2. Washington County; or

3. Dorchester County; and

(4) In addition to item (3) of this subsection, in Montgomery County only to a holder of a Class H beer and light wine license ~~that is issued for use on the premises of a restaurant located in the County~~ **OR A CLASS D BEER AND LIGHT WINE LICENSE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 141 – *Montgomery County – Barbershops – Restriction on Operation Repealed MC 1-14.*

The bill repeals a specified restriction prohibiting a barbershop in Montgomery County from being open for business more than 6 days per week.

Senate Bill 306, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 141.

Sincerely,

Governor Martin O'Malley

House Bill 141

AN ACT concerning

Montgomery County – Barbershops – Restriction on Operation Repealed

MC 1–14

FOR the purpose of repealing a certain restriction prohibiting a barbershop in Montgomery County from being open for business more than a certain number of days per week; and generally relating to barbershops in Montgomery County.

BY repealing

Article – Business Occupations and Professions

Section 4–606

Annotated Code of Maryland

(2010 Replacement Volume and 2013 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

[4–606.

A barbershop in Montgomery County may not open for business more than 6 days a week.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 142 – *Montgomery County – Proportion of Food and Alcoholic Beverages Sales – Class B Licenses and Class B-BWL (H-M) Licenses MC 14-14*.

The bill decreases, from 50% to 40%, the minimum ration of food sales to food and alcohol sales that restaurants and hotels must maintain to obtain or renew a Class B beer, wine, and liquor license in Montgomery County.

Senate Bill 300, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 142.

Sincerely,

Governor Martin O'Malley

House Bill 142

AN ACT concerning

Montgomery County – Proportion of Food and Alcoholic Beverages Sales – Class B Licenses and Class B-BWL (H-M) Licenses

MC 14-14

FOR the purpose of altering the proportion of future food and alcoholic beverages sales to which an applicant for a Class B beer, wine and liquor license in Montgomery County is required to attest, based on gross receipts, as a prerequisite to obtaining the license; altering the proportion of ~~future~~ food and alcoholic beverages sales to which an applicant for a Class B beer, wine and liquor license in the county is required to attest, based on gross receipts from sales during a certain period of time, as a prerequisite to renewing the license; altering a requirement regarding the proportion of food and alcoholic beverages sales, based on gross receipts, for a Class B-BWL (H-M) establishment in the county; making a stylistic change; and generally relating to alcoholic beverages in Montgomery County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages

Section 6–201(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(q)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

Article 2B – Alcoholic Beverages

6–201.

(a) (1) A Class B beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located, and the license authorizes its holder to keep for sale and sell all alcoholic beverages at retail at any hotel or restaurant at the place described, for consumption on the premises or elsewhere, or as provided in this section.

(2) The annual fee for this license is payable to the local collecting agent before any license is issued, for distribution as provided in this article.

(3) (i) Except in Montgomery County or in the case of a contrary provision in this subtitle, this license shall be issued, on approval of the application by the board of license commissioners in any county in which a license may be issued for the sale of beer, wine, and liquor, to the owner of any hotel which meets the following minimum provisions:

1. The hotel building shall be originally constructed for hotel purposes; be at least three stories in height; and contain at least one passenger elevator;

2. The hotel shall contain no less than 100 rooms for the accommodation of the public;

3. The hotel shall contain a dining room with facilities for preparing and serving regular meals for at least 125 persons at one seating; and

4. The capital investment in the hotel facility may not be less than \$500,000.

(ii) The annual fee for this license is \$2,000.

- (q) (1) (i) This subsection applies only in Montgomery County.
- (ii) 1. In this subsection the following words have the meanings indicated.
2. “Board” means the Board of License Commissioners.
3. “Dining area” means the area occupied by patrons for the consumption of food and includes a cocktail area where food need not be served if there is no separate outdoor entrance to the cocktail area.
- (2) (i) 1. The Board may issue this license only to the owner of any restaurant or hotel.
2. The restaurant shall be located in the second, third, fourth, sixth, seventh, eighth, ninth, tenth, or thirteenth election districts.
3. The licensee may not be located in the Towns of Poolesville, Takoma Park, and Kensington.
- (ii) 1. As a prerequisite for the initial issuance of a license under this subsection, the owner shall attest in a sworn statement that gross receipts from food sales in the restaurant or hotel will be at least equal to **40% OF** the gross receipts from the sale of **FOOD AND** alcoholic beverages.
2. As a prerequisite for each renewal of a license issued under this subsection, the owner shall attest in a sworn statement that the gross receipts from food sales in the restaurant or hotel for the 12-month period immediately preceding the application for renewal have been at least equal to **40% OF** the gross receipts from the sale of **FOOD AND** alcoholic beverages.
3. The Board by regulation shall provide for periodic inspection of the premises and for audits to determine the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages.
4. Any regulations adopted by the Board shall include a requirement of at least monthly physical inspections of the premises during the initial license year of any licensee and the submission by the licensee to the Board, during the initial license year, of monthly statements showing gross receipts from the sale of food and gross receipts from the sale of alcoholic beverages for the immediately preceding month.
5. In the event that a licensee, during the initial license year, fails to maintain the sales ratio requirement provided in this paragraph for a period of three consecutive months or after the initial license year for each license or calendar year, the Board, in its discretion, may revoke the license. The Board may require any licensee to provide supporting data as it, in its discretion, deems

necessary, in order to establish that the requirements of this section relating to the ratio of gross receipts from the sale of food to those from the sale of alcoholic beverages have been met.

(iii) A license issued under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only, and alcoholic beverages may not be served to patrons or consumed at any bar, counter without seats, or other room but in the dining area. However, the seats in the cocktail area may not exceed [25 percent] **25%** of the seats normally available for the general public in the dining area, including the cocktail area portion, but excluding special banquet and private party facilities.

(iv) Signs visible from the exterior of the building, advertising the sale of alcoholic beverages, are not permitted in connection with any restaurant or hotel holding a license issued under the provisions of this section except for the display of the menu then in use by the licensee.

(v) 1. The annual license fee is \$2,500.

2. For the third license that is not restricted by location and is obtained by a licensee under § 9–102.1 of this article, the annual fee is \$5,000.

(3) (i) There is a special Class B license known as Class B–BWL (H–M) which shall be issued only for hotels and motels that meet the minimum requirements set forth in subsection (a)(3) of this section. All of the privileges and restrictions provided for in paragraph (2) of this subsection are applicable to this special Class B license except that [the gross receipts from the sale of alcoholic beverages may not exceed the gross receipts from the sale of food, and] registered guests may be served in their rooms. In any instance where there is more than one licensed establishment within the hotel or motel, the foregoing sales ratio shall be applicable only to one license and that shall be the one that provides the food and beverage service to the conventions, banquets and other groups that utilize facilities within the hotel or motel.

(ii) The annual license fee is \$2,500.

(4) (i) In this paragraph, “performing arts facility” means a facility that is used for artistic, corporate, and community related activities.

(ii) There is a special Class B–BWL (performing arts facility) license.

(iii) The Board of License Commissioners may issue a special Class B–BWL (performing arts facility) license to apply only to a performing arts facility that has:

1. A minimum capital investment, not including real property, of \$1,000,000;
2. A minimum capacity of 1,500 persons; and
3. A food service facility permit and 40 seats in a food service area.

(iv) The Board may issue a special Class B–BWL (performing arts facility) license for use by a not–for–profit partnership, limited liability company, corporation, or other entity that leases the performing arts facility to host artistic, corporate, and community related activities.

(v) 1. A special Class B–BWL (performing arts facility) license authorizes the holder to sell beer, wine, and liquor by the drink from one or more outlets on the licensed premises for consumption on the licensed premises.

2. A holder of a special Class B–BWL (performing arts facility) license may only exercise the privileges under the license from 10:00 a.m. on any day until 2:00 a.m. the following day.

3. A holder of a special Class B–BWL (performing arts facility) license may not sell alcoholic beverages at:

A. A high school graduation held on the licensed premises; or

B. A community meeting held, without food service, on the licensed premises.

(vi) The Board may impose conditions on the issuance or renewal of a special Class B–BWL (performing arts facility) license that establish the areas in the performing arts facility where beer, wine, and liquor may be sold, served, possessed, or consumed.

(vii) The Board may not approve the transfer of a special Class B–BWL (performing arts facility) license to another location.

(viii) The annual license fee for a special Class B–BWL (performing arts facility) license is \$1,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 147 – *Montgomery County – Maryland Tort Claims Act – Human Services Torts MC 13-14*.

The bill clarifies, for purposes of the Maryland Tort Claims Act, that (1) Montgomery County acts as a unit of the State when the county administers a human services program under Title 3, Subtitle 4 of the Human Services Article, and (2) for a tort claim filed in State court arising out of Montgomery County's administration of a State human services program, the plaintiff must name the State as the proper defendant.

Senate Bill 299, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 147.

Sincerely,

Governor Martin O'Malley

House Bill 147

AN ACT concerning

Montgomery County – Maryland Tort Claims Act – Human Services Torts

MC 13-14

FOR the purpose of clarifying that, under certain circumstances, Montgomery County acts as a unit of the State and, for the purposes of certain tort claims, the State shall be named as the proper defendant and damages shall be limited in a certain manner; ~~altering certain procedures~~; altering a certain definition; ~~providing for the application of this Act~~; and generally relating to the Maryland Tort Claims Act and claims arising out of human services administered by Montgomery County.

BY repealing and reenacting, with amendments,
Article – State Government
Section 12-103.2 ~~and 12-106~~
Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

~~BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–304
Annotated Code of Maryland
(2013 Replacement Volume and 2013 Supplement)~~

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

Article – State Government

12–103.2.

(a) In this section, “tort claim” means a tort claim, ~~INCLUDING STATE AND CONSTITUTIONAL TORTS,~~ filed in ~~[State court against the Montgomery County government relating to]~~ ~~COURT ARISING OUT OF~~ the administration of a State program under Title 3, Subtitle 4 of the Human Services Article **BY THE MONTGOMERY COUNTY GOVERNMENT.**

(b) **(1)** A tort claim shall be considered, defended, settled, and paid in the same manner as any other claim covered by the Montgomery County Self–Insurance Fund.

(2) UNDER THIS SECTION, WHENEVER MONTGOMERY COUNTY ADMINISTERS A STATE PROGRAM UNDER TITLE 3, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE, MONTGOMERY COUNTY ACTS AS A UNIT OF THE STATE, AND ANY TORT CLAIM SHALL NAME THE STATE OF MARYLAND AS THE PROPER DEFENDANT.

(c) Liability for a tort claim may not exceed the insurance coverage granted to units of State government under Title 9 of the State Finance and Procurement Article.

(d) **(1)** The State Treasurer is not liable under § 9–107(c) of the State Finance and Procurement Article for a tort claim.

(2) For tort claims, the duties, responsibilities, and liabilities of the Treasurer under this subtitle shall be assumed by the Montgomery County Self–Insurance Fund **WITH DAMAGES LIMITED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.**

~~**(E) THE NOTICE REQUIREMENTS UNDER § 12–106 OF THIS SUBTITLE SHALL APPLY TO ALL TORT CLAIMS MADE UNDER THIS SECTION.**~~

~~12-106.~~

~~(a) This section does not apply to a claim that is asserted by cross claim, counterclaim, or third party claim.~~

~~(b) A claimant may not institute an action under this subtitle unless:~~

~~(1) the claimant submits a written claim to the Treasurer or a designee of the Treasurer AND, IN THE CASE OF A TORT CLAIM UNDER § 12-103.2 OF THIS SUBTITLE, THE COUNTY EXECUTIVE OF MONTGOMERY COUNTY within 1 year after the injury to person or property that is the basis of the claim;~~

~~(2) the Treasurer or designee AND, IN THE CASE OF A TORT CLAIM UNDER § 12-103.2 OF THIS SUBTITLE, THE COUNTY EXECUTIVE OF MONTGOMERY COUNTY denies the claim finally; and~~

~~(3) the action is filed within 3 years after the cause of action arises.~~

~~Article Courts and Judicial Proceedings~~

~~5-304.~~

~~(a) This section does not apply to an action against a nonprofit corporation described in § 5-301(d)(23), (24), (25), (26), or (28) of this subtitle or its employees.~~

~~(b) (1) Except as provided in subsections (a) and (d) of this section AND AS OTHERWISE PROVIDED IN §§ 12-103.2 AND 12-106 OF THE STATE GOVERNMENT ARTICLE, an action for unliquidated damages may not be brought against a local government or its employees unless the notice of the claim required by this section is given within 180 days after the injury.~~

~~(2) The notice shall be in writing and shall state the time, place, and cause of the injury.~~

~~(c) (1) The notice required under this section shall be given in person or by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, by the claimant or the representative of the claimant.~~

~~(2) Except as otherwise provided, if the defendant local government is a county, the notice required under this section shall be given to the county commissioners or county council of the defendant local government.~~

~~(3) If the defendant local government is:~~

~~(i) Baltimore City, the notice shall be given to the City Solicitor;~~

~~(ii) Howard County or Montgomery County, the notice shall be given to the County Executive; and~~

~~(iii) Anne Arundel County, Baltimore County, Harford County, or Prince George's County, the notice shall be given to the county solicitor or county attorney.~~

~~(4) For any other local government, the notice shall be given to the corporate authorities of the defendant local government.~~

~~(d) Notwithstanding the other provisions of this section, unless the defendant can affirmatively show that its defense has been prejudiced by lack of required notice, upon motion and for good cause shown the court may entertain the suit even though the required notice was not given.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.~~

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 150 – *Health Occupations – Maryland Behavior Analysts Act*.

The bill establishes the Behavior Analyst Advisory Committee within the State Board of Professional Counselors and Therapists; requires the Board to adopt regulations and a code of ethics; requires the Board to set fees for services provided by the Board to behavior analysts; provides for the composition, appointment, and terms of the Committee members and establishing powers and duties of the Committee; and requires specified persons to be licensed by the Board before performing specified work in the State except under specified circumstances.

Senate Bill 694, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 150.

Sincerely,

Governor Martin O'Malley

House Bill 150

AN ACT concerning

Health Occupations – Maryland Behavior Analysts Act

FOR the purpose of establishing the Behavior Analyst Advisory Committee within the State Board of Professional Counselors and Therapists; requiring the ~~Board Committee~~ Board to adopt certain regulations and a certain code of ethics; requiring the ~~Board Committee~~ Board to set certain fees for services provided by the ~~Board Committee~~ Board to behavior analysts; requiring the Board to pay the fees to the Comptroller; requiring the Comptroller to distribute the fees to the Board; requiring the fees to be used to cover certain costs; providing for the composition, appointment, and terms of the Committee members; establishing certain powers and duties of the Committee; requiring certain persons to be licensed by the ~~Board Committee~~ Board as behavior analysts before performing certain work in the State except under certain circumstances; establishing certain education and experience requirements to qualify for a license; establishing certain application fees and requirements for obtaining a license; establishing certain terms and procedures for the renewal and reinstatement of a license; requiring the ~~Board Committee~~ Board to issue a license to certain applicants; specifying the contents of a license; prohibiting the ~~Board Committee~~ Board from issuing a license if certain information has not been received; ~~requiring the Board to maintain a certain roster;~~ requiring the ~~Board Committee~~ Board to place a licensee on inactive status under certain circumstances; prohibiting a licensee from surrendering a license under certain circumstances; requiring a licensee to notify the ~~Board Committee~~ Board of a change of name or address in a certain manner and within a certain time period; authorizing the Board to deny a license to an applicant, reprimand a licensee, place a licensee on probation, or suspend or revoke a license under certain circumstances; establishing certain requirements for reinstatement of a revoked license; providing for certain criminal, civil, and administrative penalties; establishing certain hearing and appeal procedures for behavior analysts; authorizing the Board to issue a cease and desist order under certain circumstances; authorizing a certain action to be maintained to enjoin the unauthorized practice of behavior analysis or certain conduct; providing for a certain behavior analyst rehabilitation ~~committee~~ subcommittee; specifying the functions of the behavior analyst rehabilitation ~~committee~~ subcommittee;

providing that the proceedings, records, and files of the behavior analyst rehabilitation ~~committee~~ subcommittee are not discoverable or admissible in evidence in certain actions under certain circumstances; providing that a certain person is not civilly liable for certain action as a member of a behavior analyst rehabilitation ~~committee~~ subcommittee; prohibiting a person from practicing, attempting to practice, or offering to practice behavior analysis in the State unless licensed by the ~~Board~~ Committee ~~Board~~ except under certain circumstances; prohibiting a person from representing to the public that the person is a licensed behavior analyst or using certain titles, abbreviations, signs, cards, or other representations except under certain circumstances; requiring the Board to pay certain penalties into the State Board of Professional Counselors and Therapists Fund; establishing a certain short title; providing that the Committee is subject to the provisions of the Maryland Program Evaluation Act; requiring that an evaluation of the Committee and statutes and regulations that relate to the Committee be performed on or before a certain date; defining certain terms; specifying the terms of the initial members of the ~~Board~~ Committee; providing for the termination of certain provisions of this Act; and generally relating to the licensing and regulation of behavior analysts and the Behavior Analyst Advisory Committee.

BY renumbering

Article – State Government
 Section 8–403(b)(8) through (56), respectively
 to be Section 8–403(b)(9) through (57), respectively
 Annotated Code of Maryland
 (2009 Replacement Volume and 2013 Supplement)

BY adding to

Article – Health Occupations
 Section 17–6A–01 through ~~17–6A–33~~ 17–6A–31 to be under the new subtitle
 “Subtitle 6A. Behavior Analysts”
 Annotated Code of Maryland
 (2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government
 Section 8–403(a)
 Annotated Code of Maryland
 (2009 Replacement Volume and 2013 Supplement)

BY adding to

Article – State Government
 Section 8–403(b)(8)
 Annotated Code of Maryland
 (2009 Replacement Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8-403(b)(8) through (56), respectively, of Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 8-403(b)(9) through (57), respectively.

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

Article – Health Occupations

SUBTITLE 6A. BEHAVIOR ANALYSTS.

17-6A-01.

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

(B) “COMMITTEE” MEANS THE BEHAVIOR ANALYST ADVISORY COMMITTEE ESTABLISHED UNDER § 17-6A-05 OF THIS SUBTITLE.

(C) “LICENSE” MEANS A LICENSE ISSUED BY THE ~~BOARD COMMITTEE~~ BOARD TO PRACTICE BEHAVIOR ANALYSIS.

(D) “LICENSED BEHAVIOR ANALYST” MEANS AN INDIVIDUAL WHO IS LICENSED BY THE ~~BOARD COMMITTEE~~ BOARD TO PRACTICE BEHAVIOR ANALYSIS.

(E) “LICENSEE” MEANS A LICENSED BEHAVIOR ANALYST.

(F) (1) “PRACTICE OF BEHAVIOR ANALYSIS” MEANS THE DESIGN, IMPLEMENTATION, AND EVALUATION OF SYSTEMATIC INSTRUCTIONAL AND ENVIRONMENTAL MODIFICATIONS TO PRODUCE SOCIALLY SIGNIFICANT IMPROVEMENTS IN HUMAN BEHAVIOR.

(2) “PRACTICE OF BEHAVIOR ANALYSIS” INCLUDES:

(I) THE EMPIRICAL IDENTIFICATION OF FUNCTIONAL RELATIONS BETWEEN BEHAVIOR AND ENVIRONMENTAL FACTORS, KNOWN AS FUNCTIONAL ASSESSMENT AND ANALYSIS; AND

(II) INTERVENTIONS BASED ON SCIENTIFIC RESEARCH AND THE DIRECT OBSERVATION AND MEASUREMENT OF BEHAVIOR AND ENVIRONMENT.

(3) “PRACTICE OF BEHAVIOR ANALYSIS” DOES NOT INCLUDE PSYCHOLOGICAL TESTING, DIAGNOSIS OF A MENTAL OR PHYSICAL DISORDER, NEUROPSYCHOLOGY, PSYCHOTHERAPY, COGNITIVE THERAPY, SEX THERAPY, PSYCHOANALYSIS ~~OR, HYPNOTHERAPY, OR LONG-TERM COUNSELING, OR ANY~~ SUBDISCIPLINE OF PSYCHOLOGY AS TREATMENT MODALITIES.

17-6A-02.

~~UNLESS THE INDIVIDUAL USES AS A TITLE OR DESCRIBES THE SERVICES THE INDIVIDUAL PROVIDES BY USE OF THE WORDS “BEHAVIOR ANALYSIS” OR “BEHAVIOR ANALYST”, THIS~~

(A) THIS SUBTITLE DOES NOT LIMIT THE USE OF THE TERMS “BEHAVIOR ANALYSIS” OR “BEHAVIORAL ANALYSIS” BY AN INDIVIDUAL AUTHORIZED TO PRACTICE UNDER THIS ARTICLE WHO IS PRACTICING WITHIN THE INDIVIDUAL’S SCOPE OF PRACTICE.

(B) THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE A HEALTH OCCUPATION THAT THE INDIVIDUAL IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED TO PRACTICE UNDER THIS ARTICLE.

17-6A-03.

~~THE BOARD COMMITTEE~~ BOARD SHALL ADOPT:

(1) REGULATIONS FOR THE LICENSURE AND PRACTICE OF BEHAVIOR ANALYSIS; AND

(2) A CODE OF ETHICS FOR THE PRACTICE OF BEHAVIOR ANALYSIS.

17-6A-04.

(A) (1) ~~THE BOARD COMMITTEE~~ BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES AND THE OTHER SERVICES IT PROVIDES TO BEHAVIOR ANALYSTS.

(2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND THE OTHER SERVICES PROVIDED TO BEHAVIOR ANALYSTS.

(B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.

(2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE BOARD.

(C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS SUBTITLE.

17-6A-05.

THERE IS A BEHAVIOR ANALYST ADVISORY COMMITTEE WITHIN THE BOARD.

17-6A-06.

(A) THE COMMITTEE CONSISTS OF FIVE MEMBERS APPOINTED BY THE BOARD AS FOLLOWS:

(1) (I) ON OR BEFORE ~~SEPTEMBER 30~~ DECEMBER 31, 2014, FOUR BEHAVIOR ANALYSTS WHO:

1. ARE CERTIFIED BY THE BEHAVIOR ANALYST CERTIFICATION BOARD; AND

2. HAVE A MINIMUM OF 5 YEARS OF CLINICAL EXPERIENCE; AND

(II) ON OR AFTER ~~OCTOBER 1, 2014~~ JANUARY 1, 2015, FOUR LICENSED BEHAVIOR ANALYSTS WHO:

1. ARE CERTIFIED BY THE BEHAVIOR ANALYST CERTIFICATION BOARD; AND

2. HAVE A MINIMUM OF 5 YEARS OF CLINICAL EXPERIENCE; AND

(2) ONE CONSUMER MEMBER WHO IS RECEIVING SERVICES, HAS RECEIVED SERVICES, OR HAS A CHILD WHO IS RECEIVING SERVICES FOR A BEHAVIORAL DISORDER, INCLUDING AN AUTISM SPECTRUM DISORDER.

(B) THE CONSUMER MEMBER OF THE COMMITTEE:

(1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

(2) MAY NOT BE OR EVER HAVE BEEN A BEHAVIOR ANALYST OR IN TRAINING TO BECOME A BEHAVIOR ANALYST;

(3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A BEHAVIOR ANALYST OR IN TRAINING TO BECOME A BEHAVIOR ANALYST;

(4) MAY NOT PARTICIPATE OR EVER HAVE PARTICIPATED IN A COMMERCIAL OR PROFESSIONAL FIELD RELATED TO BEHAVIOR ANALYSIS;

(5) MAY NOT HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A COMMERCIAL OR PROFESSIONAL FIELD RELATED TO BEHAVIOR ANALYSIS;
AND

(6) MAY NOT HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A SUBSTANTIAL FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD.

(C) (1) THE TERM OF A MEMBER IS 4 YEARS.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON OCTOBER 1, 2014.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) A MEMBER MAY NOT SERVE MORE THAN 2 CONSECUTIVE FULL TERMS.

(D) THE BOARD MAY REMOVE A MEMBER FOR INCOMPETENCE OR MISCONDUCT.

17-6A-07.

(A) FROM AMONG ITS MEMBERS, THE COMMITTEE ANNUALLY SHALL ELECT A CHAIR AND A VICE CHAIR.

(B) THE COMMITTEE SHALL DETERMINE:

(1) THE MANNER OF ELECTION OF OFFICERS; AND

(2) THE DUTIES OF EACH OFFICER.

17-6A-08.

(A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE COMMITTEE IS A QUORUM.

(B) (1) THE COMMITTEE SHALL MEET AT LEAST ONCE A YEAR, AT THE TIMES AND PLACES THAT IT DETERMINES.

(2) THE COMMITTEE MAY HOLD SPECIAL MEETINGS IF:

(I) REQUESTED BY THE BOARD; OR

(II) THE CHAIR OR A MAJORITY OF THE MEMBERS THEN SERVING ON THE COMMITTEE CONSIDER A MEETING TO BE NECESSARY OR ADVISABLE.

(3) REASONABLE NOTICE OF ALL COMMITTEE MEETINGS SHALL BE GIVEN IN THE MANNER DETERMINED BY THE COMMITTEE.

(C) A MEMBER OF THE COMMITTEE:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMITTEE; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

17-6A-09.

IN ADDITION TO THE POWERS AND DUTIES SET FORTH ELSEWHERE IN THIS SUBTITLE, THE COMMITTEE SHALL:

(1) DEVELOP AND RECOMMEND TO THE BOARD, ~~FOR THE APPROVAL OF THE BOARD,~~ REGULATIONS TO CARRY OUT THIS SUBTITLE;

(2) DEVELOP AND RECOMMEND TO THE BOARD, ~~FOR THE APPROVAL OF THE BOARD,~~ A CODE OF ETHICS FOR THE PRACTICE OF BEHAVIOR ANALYSIS;

(3) DEVELOP AND RECOMMEND TO THE BOARD, ~~FOR THE APPROVAL OF THE BOARD,~~ THE REQUIREMENTS FOR LICENSURE AS A BEHAVIOR ANALYST, INCLUDING:

(I) CRITERIA FOR THE EDUCATIONAL AND CLINICAL TRAINING OF LICENSED BEHAVIOR ANALYSTS; AND

(II) CRITERIA FOR A PROFESSIONAL COMPETENCY EXAMINATION AND TESTING OF APPLICANTS FOR A LICENSE TO PRACTICE BEHAVIOR ANALYSIS;

(4) DEVELOP AND RECOMMEND TO THE BOARD CONTINUING EDUCATION REQUIREMENTS FOR LICENSE RENEWAL;

(5) PROVIDE THE BOARD WITH RECOMMENDATIONS CONCERNING THE PRACTICE OF BEHAVIOR ANALYSIS;

(6) KEEP A RECORD OF ITS PROCEEDINGS; AND

(7) ~~SUBMIT AN ANNUAL REPORT~~ REPORT TO THE BOARD AS REQUIRED IN REGULATIONS ADOPTED BY THE BOARD.

17-6A-10.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEGINNING ~~OCTOBER 1, 2014 ON OR BEFORE~~ JANUARY 1, 2015, AN INDIVIDUAL SHALL BE LICENSED BY THE ~~BOARD COMMITTEE~~ BOARD BEFORE THE INDIVIDUAL MAY PRACTICE BEHAVIOR ANALYSIS IN THE STATE.

(B) THIS SECTION DOES NOT APPLY TO A STUDENT ENROLLED IN AN EDUCATIONAL PROGRAM THAT MEETS THE CRITERIA OF § 17-6A-11(C)(2) OF THIS SUBTITLE WHILE ENGAGED IN AN UNPAID, CLINICAL EDUCATIONAL EXPERIENCE OF BEHAVIOR ANALYSIS.

17-6A-11.

(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

(B) THE APPLICANT SHALL:

(1) BE OF GOOD MORAL CHARACTER; AND

(2) BE AT LEAST 18 YEARS OLD.

(C) THE APPLICANT SHALL:

(1) HAVE A CURRENT CERTIFICATION BY THE BEHAVIOR ANALYST CERTIFICATION BOARD OR ITS SUCCESSOR ORGANIZATION;

(2) HAVE RECEIVED A ~~BACHELOR'S OR~~ MASTER'S DEGREE OR HIGHER FROM A BEHAVIOR ANALYSIS EDUCATIONAL PROGRAM THAT IS ACCREDITED BY THE BEHAVIOR ANALYST CERTIFICATION BOARD OR ITS SUCCESSOR ORGANIZATION;

(3) DEMONSTRATE ORAL AND WRITTEN COMPETENCY IN ENGLISH AS REQUIRED BY THE ~~BOARD COMMITTEE~~ BOARD; AND

(4) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE ~~BOARD COMMITTEE~~ BOARD.

(D) THE ~~BOARD COMMITTEE~~ BOARD SHALL WAIVE THE EDUCATION REQUIREMENTS UNDER SUBSECTION (C)(2) OF THIS SECTION IF AN INDIVIDUAL WAS CERTIFIED BY THE BEHAVIOR ANALYST CERTIFICATION BOARD ON OR BEFORE ~~SEPTEMBER~~ DECEMBER 30 31, 2014, AND IS CURRENTLY IN GOOD STANDING.

17-6A-12.

TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

(1) SUBMIT AN APPLICATION TO THE ~~BOARD COMMITTEE~~ BOARD ON THE FORM THAT THE ~~BOARD COMMITTEE~~ BOARD REQUIRES;

(2) PAY TO THE ~~BOARD COMMITTEE~~ BOARD THE APPLICATION FEE SET BY THE ~~BOARD COMMITTEE~~ BOARD; AND

(3) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 17-501.1 OF THIS TITLE.

17-6A-13.

(A) THE ~~BOARD COMMITTEE~~ BOARD SHALL ISSUE A LICENSE TO ANY APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

(B) THE ~~BOARD COMMITTEE~~ BOARD SHALL INCLUDE ON EACH LICENSE THAT THE ~~BOARD COMMITTEE~~ BOARD ISSUES:

- (1) THE FULL NAME OF THE LICENSED BEHAVIOR ANALYST;
- (2) THE DATES OF ISSUANCE AND EXPIRATION;
- (3) A SERIAL NUMBER;
- (4) THE SIGNATURES OF THE CHAIR AND THE VICE CHAIR OF THE ~~BOARD COMMITTEE~~ BOARD; AND
- (5) THE SEAL OF THE BOARD.

(c) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE ~~BOARD COMMITTEE~~ BOARD IN ACCORDANCE WITH § 17-501.1 OF THIS TITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE ~~BOARD COMMITTEE~~ BOARD SHALL CONSIDER:

- (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;
- (II) THE CIRCUMSTANCES SURROUNDING THE CRIME;
- (III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;
- (IV) SUBSEQUENT WORK HISTORY;
- (V) EMPLOYMENT AND CHARACTER REFERENCES; AND
- (VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(2) THE ~~BOARD COMMITTEE~~ BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 17-501.1 OF THIS TITLE HAS NOT BEEN RECEIVED.

~~17-6A-14.~~

A BEHAVIOR ANALYST LICENSE AUTHORIZES THE LICENSEE TO PRACTICE BEHAVIOR ANALYSIS WHILE THE LICENSE IS EFFECTIVE.

~~17-6A-15.~~

~~(A) THE BOARD SHALL MAINTAIN A ROSTER THAT CONTAINS THE NAME AND ADDRESS OF EACH BEHAVIOR ANALYST CURRENTLY LICENSED, LISTED ALPHABETICALLY BY NAME AND GEOGRAPHICALLY BY ADDRESS.~~

~~(B) THE BOARD SHALL:~~

~~(1) RESPOND TO INQUIRIES FROM THE PUBLIC REGARDING INFORMATION CONTAINED IN THE ROSTER; AND~~

~~(2) ON REQUEST, PROVIDE COPIES OF THE ROSTER BY MAIL TO THE PUBLIC.~~

~~17-6A-16. 17-6A-15.~~

(A) A LICENSE EXPIRES ON A DATE SET BY THE ~~BOARD COMMITTEE~~ BOARD UNLESS THE LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION.

(B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE ~~BOARD COMMITTEE~~ BOARD SHALL SEND TO THE LICENSEE, BY FIRST-CLASS MAIL OR ELECTRONIC MAIL TO THE LAST KNOWN ADDRESS OF THE LICENSEE, A RENEWAL NOTICE THAT STATES:

(1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

(2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE RECEIVED BY THE ~~BOARD COMMITTEE~~ BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE LICENSE EXPIRES; AND

(3) THE AMOUNT OF THE RENEWAL FEE.

(C) BEFORE A LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW THE LICENSE FOR AN ADDITIONAL TERM IF THE LICENSEE:

(1) OTHERWISE IS ENTITLED TO BE LICENSED;

(2) PAYS TO THE ~~BOARD COMMITTEE~~ BOARD A RENEWAL FEE SET BY THE ~~BOARD COMMITTEE~~ BOARD; AND

(3) SUBMITS TO THE ~~BOARD COMMITTEE~~ BOARD:

(I) A RENEWAL APPLICATION ON THE FORM THAT THE ~~BOARD COMMITTEE~~ BOARD REQUIRES; AND

(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY CONTINUING EDUCATION REQUIREMENTS ESTABLISHED BY THE ~~BOARD COMMITTEE~~ BOARD UNDER SUBSECTION (D) OF THIS SECTION.

(D) THE ~~BOARD COMMITTEE~~ BOARD MAY ESTABLISH CONTINUING EDUCATION REQUIREMENTS AS A CONDITION OF THE RENEWAL OF LICENSES UNDER THIS SECTION.

(E) THE ~~BOARD COMMITTEE~~ BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS SECTION.

~~17-6A-17.~~ 17-6A-16.

(A) (1) THE ~~BOARD COMMITTEE~~ BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS IF THE LICENSEE SUBMITS TO THE ~~BOARD COMMITTEE~~ BOARD:

(I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM REQUIRED BY THE ~~BOARD COMMITTEE~~ BOARD; AND

(II) THE INACTIVE STATUS FEE SET BY THE ~~BOARD COMMITTEE~~ BOARD.

(2) (I) THE ~~BOARD COMMITTEE~~ BOARD SHALL LICENSE AN INDIVIDUAL ON INACTIVE STATUS WHO APPLIES FOR A LICENSE IF THE INDIVIDUAL:

1. COMPLIES WITH THE RENEWAL REQUIREMENTS THAT EXIST AT THE TIME THE INDIVIDUAL CHANGES FROM INACTIVE STATUS TO ACTIVE STATUS; AND

2. MEETS ANY CONTINUING EDUCATION REQUIREMENTS ESTABLISHED BY THE ~~BOARD COMMITTEE~~ BOARD.

(II) THE ~~BOARD COMMITTEE~~ BOARD MAY NOT REQUIRE PAYMENT OF A LATE FEE BY AN INDIVIDUAL AS A CONDITION TO LICENSING UNDER THIS PARAGRAPH.

(B) THE ~~BOARD COMMITTEE~~ BOARD SHALL REINSTATE THE LICENSE OF A BEHAVIOR ANALYST WHO HAS NOT BEEN PUT ON INACTIVE STATUS AND WHO HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE BEHAVIOR ANALYST:

(1) MEETS THE RENEWAL REQUIREMENTS OF ~~§ 17-6A-16~~ § 17-6A-15 OF THIS SUBTITLE;

(2) PAYS TO THE ~~BOARD COMMITTEE~~ BOARD A REINSTATEMENT FEE SET BY THE BOARD; AND

(3) APPLIES TO THE ~~BOARD COMMITTEE~~ BOARD FOR REINSTATEMENT OF THE LICENSE WITHIN 5 YEARS AFTER THE LICENSE EXPIRES.

(C) (1) THE ~~BOARD COMMITTEE~~ BOARD MAY NOT REINSTATE THE LICENSE OF A BEHAVIOR ANALYST WHO FAILS TO APPLY FOR REINSTATEMENT OF THE LICENSE WITHIN 5 YEARS AFTER THE LICENSE EXPIRES.

(2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, A BEHAVIOR ANALYST MAY BECOME LICENSED BY MEETING THE CURRENT REQUIREMENTS FOR OBTAINING A NEW LICENSE UNDER THIS SUBTITLE.

~~17-6A-18.~~ 17-6A-17.

(A) A LICENSEE SHALL NOTIFY THE ~~BOARD COMMITTEE~~ BOARD IN WRITING OF A CHANGE IN NAME OR ADDRESS WITHIN 60 DAYS AFTER THE CHANGE.

(B) A LICENSEE WHO FAILS TO COMPLY WITH SUBSECTION (A) OF THIS SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.

~~17-6A-19.~~ 17-6A-18.

UNLESS THE ~~BOARD COMMITTEE~~ BOARD ACCEPTS THE SURRENDER OF A LICENSE, THE LICENSE MAY NOT LAPSE BY OPERATION OF LAW WHILE THE LICENSEE IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE LICENSEE.

~~17-6A-20.~~ 17-6A-19.

SUBJECT TO THE HEARING PROVISIONS OF ~~§ 17-6A-23~~ § 17-6A-21 OF THIS SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY LICENSEE, PLACE ANY LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE OF ANY LICENSEE IF THE APPLICANT OR LICENSEE:

(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

(3) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A FELONY OR A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE;

~~(4) IS OR HAS BEEN ADDICTED TO ANY NARCOTIC OR HABITUALLY INTOXICATED;~~

~~(5)~~ (4) AIDS OR ABETS AN UNAUTHORIZED PERSON IN PRACTICING BEHAVIOR ANALYSIS OR REPRESENTING ONESELF TO BE A BEHAVIOR ANALYST;

~~(6)~~ (5) PRACTICES BEHAVIOR ANALYSIS FRAUDULENTLY OR DECEITFULLY;

~~(7)~~ (6) VIOLATES THE CODE OF ETHICS ADOPTED BY THE ~~BOARD COMMITTEE~~ BOARD UNDER § 17-6A-03 OF THIS SUBTITLE;

~~(8)~~ (7) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF THE REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD THE REPORT;

~~(9)~~ (8) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

~~(10)~~ (9) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE PRACTICE OF BEHAVIOR ANALYSIS;

~~(11)~~ (10) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OF ANY STATE OR COUNTRY OR CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY OR DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR THE UNITED STATES VETERANS ADMINISTRATION FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;

~~(12)~~ (11) VIOLATES ANY PROVISION OF THIS SUBTITLE OR ANY REGULATION ADOPTED BY THE ~~BOARD COMMITTEE~~ BOARD;

~~(13)~~ (12) USES OR PROMOTES OR CAUSES THE USE OF ANY MISLEADING, DECEIVING, OR UNTRUTHFUL ADVERTISING MATTER, PROMOTIONAL LITERATURE, OR TESTIMONIAL;

~~(14)~~ (13) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;

~~(15)~~ (14) PROMOTES THE SALE OF DEVICES, APPLIANCES, OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;

~~(16)~~ (15) BEHAVES IMMORALLY IN THE PRACTICE OF BEHAVIOR ANALYSIS;

~~(17)~~ (16) COMMITS AN ACT OF UNPROFESSIONAL CONDUCT IN THE PRACTICE OF BEHAVIOR ANALYSIS;

~~(18)~~ (17) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE;

~~(19)~~ (18) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD;

~~(20)~~ (19) COMMITS AN ACT THAT IS INCONSISTENT WITH GENERALLY ACCEPTED PROFESSIONAL STANDARDS IN THE PRACTICE OF BEHAVIOR ANALYSIS; ~~OR~~

~~(21)~~ (20) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 17-501.1 OF THIS TITLE;

(21) HABITUALLY IS INTOXICATED;

(22) PROVIDES PROFESSIONAL SERVICES WHILE UNDER THE INFLUENCE OF ALCOHOL OR WHILE USING ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION; OR

(23) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE.

(A) IF, AFTER A HEARING UNDER ~~§ 17-6A-23~~ § 17-6A-21 OF THIS SUBTITLE, THE BOARD FINDS THAT THERE ARE GROUNDS UNDER ~~§ 17-6A-20~~ § 17-6A-19 OF THIS SUBTITLE TO SUSPEND OR REVOKE A LICENSE OR TO REPRIMAND A LICENSEE, THE BOARD MAY IMPOSE A MONETARY PENALTY NOT EXCEEDING \$10,000:

- (1) INSTEAD OF SUSPENDING THE LICENSE; OR
- (2) IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE.

(B) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR THE IMPOSITION OF MONETARY PENALTIES UNDER THIS SECTION.

(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

~~17-6A-22.~~

~~(A) IF, IN INVESTIGATING AN ALLEGATION BROUGHT AGAINST A LICENSEE UNDER THIS SUBTITLE, THE BOARD HAS REASON TO BELIEVE THAT THE LICENSEE MAY CAUSE HARM TO PERSONS AFFECTED BY THE LICENSEE'S PRACTICE OF BEHAVIOR ANALYSIS, THE BOARD, ON ITS OWN INITIATIVE, MAY DIRECT THE LICENSEE TO SUBMIT TO AN APPROPRIATE EXAMINATION BY A PSYCHOLOGIST OR PHYSICIAN DESIGNATED BY THE BOARD.~~

~~(B) IN RETURN FOR THE PRIVILEGE GIVEN TO A LICENSEE TO PRACTICE BEHAVIOR ANALYSIS IN THE STATE, THE LICENSEE IS DEEMED TO HAVE:~~

~~(1) CONSENTED TO SUBMIT TO AN EXAMINATION UNDER THIS SECTION IF REQUESTED BY THE BOARD IN WRITING; AND~~

~~(2) WAIVED ANY CLAIM OF PRIVILEGE AS TO THE TESTIMONY OR EXAMINATION REPORTS OF THE EXAMINING PSYCHOLOGIST OR PHYSICIAN.~~

~~(C) THE FAILURE OR REFUSAL OF THE LICENSEE TO SUBMIT TO AN EXAMINATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION IS PRIMA FACIE EVIDENCE OF THE LICENSEE'S INABILITY TO PRACTICE BEHAVIOR ANALYSIS COMPETENTLY UNLESS THE BOARD FINDS THAT THE FAILURE OR REFUSAL WAS BEYOND THE CONTROL OF THE LICENSEE.~~

~~(D) THE BOARD SHALL PAY THE COST OF ANY EXAMINATION MADE UNDER THIS SECTION.~~

~~17-6A-23.~~ 17-6A-21.

(A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER ~~§ 17-6A-20~~ § 17-6A-19 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

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

(C) THE HEARING NOTICE TO BE GIVEN TO THE INDIVIDUAL SHALL BE SERVED PERSONALLY OR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE, TO THE LAST KNOWN ADDRESS OF THE INDIVIDUAL AT LEAST ~~10~~ 30 DAYS BEFORE THE HEARING.

(D) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

(E) (1) OVER THE SIGNATURE OF AN OFFICER OR THE ADMINISTRATOR OF THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS IN CONNECTION WITH ANY INVESTIGATION UNDER THIS SUBTITLE AND ANY HEARINGS OR PROCEEDINGS BEFORE THE BOARD.

(2) THE BOARD SHALL ISSUE SUBPOENAS ON BEHALF OF THE INDIVIDUAL IF THE INDIVIDUAL:

(I) REQUESTS THAT THE BOARD DO SO; AND

(II) STATES UNDER OATH THAT THE TESTIMONY OR EVIDENCE SOUGHT IS NECESSARY TO THE INDIVIDUAL'S DEFENSE.

(3) IF, WITHOUT LAWFUL EXCUSE, AN INDIVIDUAL DISOBEYS A SUBPOENA FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH, TESTIFY, OR ANSWER A QUESTION, ON PETITION OF THE BOARD, A COURT OF COMPETENT JURISDICTION MAY COMPEL COMPLIANCE WITH THE SUBPOENA.

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

(G) THE HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED BY ANY PROCEDURAL DEFECTS ALLEGED TO HAVE OCCURRED BEFORE THE FILING OF CHARGES.

~~17-6A-24.~~ 17-6A-22.

(A) EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER ~~§ 17-6A-20~~ § 17-6A-19 OF THIS SUBTITLE, ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY:

(1) APPEAL THAT DECISION TO THE BOARD OF REVIEW; AND

(2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY THE ADMINISTRATIVE PROCEDURE ACT.

(B) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER ~~§ 17-6A-20~~ § 17-6A-19 OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY OR THE BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.

(2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

(C) A DECISION OF THE BOARD TO DENY A LICENSE, ENFORCE A SUSPENSION OF A LICENSE FOR MORE THAN 1 YEAR, OR REVOKE A LICENSE MAY NOT BE STAYED PENDING JUDICIAL REVIEW.

~~17-6A-25.~~ 17-6A-23.

FOR REASONS THE BOARD CONSIDERS SUFFICIENT, AND ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, THE BOARD MAY:

(1) REINSTATE A LICENSE THAT HAS BEEN REVOKED;

(2) REDUCE THE PERIOD OF A SUSPENSION; OR

(3) WITHDRAW A REPRIMAND.

~~17-6A-26.~~ 17-6A-24.

THE BOARD MAY ISSUE A CEASE AND DESIST ORDER FOR A VIOLATION OF THIS SUBTITLE.

~~17-6A-27.~~ 17-6A-25.

(A) AN ACTION MAY BE MAINTAINED IN THE NAME OF THE STATE OR THE BOARD TO ENJOIN:

- (1) THE UNAUTHORIZED PRACTICE OF BEHAVIOR ANALYSIS; OR
- (2) CONDUCT THAT IS A GROUND FOR DISCIPLINARY ACTION UNDER ~~§ 17-6A-20~~ § 17-6A-19 OF THIS SUBTITLE.

(B) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY:

- (1) THE BOARD, IN ITS OWN NAME;
- (2) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR
- (3) A STATE'S ATTORNEY, IN THE NAME OF THE STATE.

(C) AN ACTION UNDER THIS SECTION SHALL BE BROUGHT IN THE COUNTY WHERE THE DEFENDANT:

- (1) RESIDES; OR
- (2) ENGAGES IN THE ACTS SOUGHT TO BE ENJOINED.

(D) PROOF OF ACTUAL DAMAGE OR THAT ANY PERSON WILL SUSTAIN ANY DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION UNDER THIS SECTION.

(E) AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT INSTEAD OF CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF BEHAVIOR ANALYSIS UNDER ~~§ 17-6A-29~~ § 17-6A-27 OF THIS SUBTITLE OR DISCIPLINARY ACTION UNDER ~~§ 17-6A-20~~ § 17-6A-19 OF THIS SUBTITLE.

~~17-6A-28.~~ 17-6A-26.

(A) IN THIS SECTION, "BEHAVIOR ANALYST REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE" MEANS A ~~COMMITTEE~~ SUBCOMMITTEE THAT:

- (1) IS DEFINED IN SUBSECTION (B) OF THIS SECTION; AND
- (2) PERFORMS ANY OF THE FUNCTIONS LISTED IN SUBSECTION (D) OF THIS SECTION.

(B) FOR PURPOSES OF THIS SECTION, A BEHAVIOR ANALYST REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE IS A ~~COMMITTEE~~ SUBCOMMITTEE OF THE ~~BOARD~~ COMMITTEE THAT:

- (1) IS RECOGNIZED BY THE ~~BOARD~~ COMMITTEE; AND
- (2) INCLUDES BUT IS NOT LIMITED TO BEHAVIOR ANALYSTS.

(C) A REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE OF THE ~~BOARD~~ COMMITTEE OR RECOGNIZED BY THE ~~BOARD~~ COMMITTEE MAY FUNCTION:

- (1) SOLELY FOR THE ~~BOARD~~ COMMITTEE; OR
- (2) JOINTLY WITH A REHABILITATION COMMITTEE REPRESENTING ANOTHER BOARD OR BOARDS.

(D) FOR PURPOSES OF THIS SECTION, A BEHAVIOR ANALYST REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE EVALUATES AND PROVIDES ASSISTANCE TO ANY BEHAVIOR ANALYST IN NEED OF TREATMENT AND REHABILITATION FOR ALCOHOLISM, DRUG ABUSE, CHEMICAL DEPENDENCY, OR OTHER PHYSICAL, EMOTIONAL, OR MENTAL CONDITION.

(E) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE PROCEEDINGS, RECORDS, AND FILES OF THE BEHAVIOR ANALYST REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE ARE NOT DISCOVERABLE AND ARE NOT ADMISSIBLE IN EVIDENCE IN ANY CIVIL ACTION ARISING OUT OF THE MATTERS THAT ARE BEING OR HAVE BEEN REVIEWED AND EVALUATED BY THE BEHAVIOR ANALYST REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO ANY RECORD OR DOCUMENT THAT IS CONSIDERED BY THE BEHAVIOR ANALYST REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE AND THAT OTHERWISE WOULD BE SUBJECT TO DISCOVERY OR INTRODUCTION INTO EVIDENCE IN A CIVIL ACTION.

(3) FOR PURPOSES OF THIS SUBSECTION, CIVIL ACTION DOES NOT INCLUDE A PROCEEDING BEFORE THE BOARD OR JUDICIAL REVIEW OF A PROCEEDING BEFORE THE BOARD.

(F) A PERSON WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF JURISDICTION OF THE BEHAVIOR ANALYST REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE IS NOT CIVILLY LIABLE FOR ANY ACTION AS A MEMBER OF THE BEHAVIOR ANALYST REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE OR FOR GIVING INFORMATION TO, PARTICIPATING IN, OR CONTRIBUTING TO THE

**FUNCTION OF THE BEHAVIOR ANALYST REHABILITATION ~~COMMITTEE~~
SUBCOMMITTEE.**

~~17-6A-29.~~ 17-6A-27.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE BEHAVIOR ANALYSIS IN THIS STATE UNLESS LICENSED BY THE BOARD.

(B) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.

~~17-6A-30.~~ 17-6A-28.

UNLESS AUTHORIZED TO PRACTICE BEHAVIOR ANALYSIS UNDER THIS SUBTITLE, A PERSON MAY NOT:

(1) REPRESENT TO THE PUBLIC THAT THE PERSON IS A LICENSED BEHAVIOR ANALYST; OR

(2) USE ANY TITLE, ABBREVIATION, SIGN, CARD, OR OTHER REPRESENTATION THAT THE PERSON IS A LICENSED BEHAVIOR ANALYST.

~~17-6A-31.~~ 17-6A-29.

(A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(B) ~~(1)~~ A PERSON WHO VIOLATES ~~§ 17-6A-29~~ § 17-6A-27 OF THIS SUBTITLE IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO BE ASSESSED BY THE BOARD IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.

~~(2) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE STATE BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS FUND.~~

~~17-6A-32.~~ 17-6A-30.

THIS SUBTITLE MAY BE CITED AS THE MARYLAND BEHAVIOR ANALYSTS ACT.

~~17-6A-33.~~ 17-6A-31.

SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE PROGRAM EVALUATION ACT, THIS SUBTITLE AND ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY 1, 2024.

Article – State Government

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(8) BEHAVIOR ANALYST ADVISORY COMMITTEE (§ 17–6A–05 OF THE HEALTH OCCUPATIONS ARTICLE: 2021);

SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Behavior Analyst Advisory Committee shall expire as follows:

(1) two behavior analyst members in 2015;

(2) one behavior analyst member and the consumer member in 2016;

and

(3) one behavior analyst member in 2017.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

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

Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 173 – *Public Safety – Prohibition of Polygraph Examinations by Employers – Exemption*.

This bill allows the use of polygraph tests as a condition of employment for a correctional officer applicant, and the use of a polygraph test for an individual who is already employed as a correctional officer or other employee in a State correctional facility or in any other capacity that involves direct personal contact with an inmate in a State correctional facility.

Senate Bill 126, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 173.

Sincerely,

Governor Martin O'Malley

House Bill 173

AN ACT concerning

Public Safety – Prohibition of Polygraph Examinations by Employers – Exemption

FOR the purpose of exempting from the prohibition against an employer requiring or demanding, as a condition of employment, that an individual submit to or take a polygraph examination or other similar test ~~individuals who are employed as correctional officers in a State correctional facility and individuals who apply for employment or are employed in any capacity that involves direct personal~~ an individual who applies for employment or is employed as a correctional officer of a State correctional facility and an individual who applies for employment with or is employed by a State correctional facility in any capacity that involves direct contact with an inmate in a State correctional facility; making certain conforming changes; requiring the Department of Public Safety and Correctional Services to submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to polygraph examinations for ~~correctional officers~~ individuals employed in a State correctional facility.

BY repealing and reenacting, without amendments,
Article – Labor and Employment

Section 3–702(a) and (c)
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–702(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

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

Article – Labor and Employment

3–702.

(a) In this section, “employer” means:

(1) a person engaged in a business, industry, profession, trade, or other enterprise in the State;

(2) the State;

(3) a county; and

(4) a municipal corporation in the State.

(b) (1) This section does not apply to the federal government or any of its units.

(2) This section does not apply to an individual who is an employee of or applies for assignment to the Internal Investigative Unit of the Department of Public Safety and Correctional Services.

(3) This section does not apply to an individual who applies for employment or is employed:

(i) as a law enforcement officer, as defined in § 3–101 of the Public Safety Article;

(ii) as an employee of a law enforcement agency of the State, a county, or a municipal corporation;

(iii) as a communications officer of the Calvert County Control Center;

(iv) AS A CORRECTIONAL OFFICER OF A STATE CORRECTIONAL FACILITY ~~OR IN ANY OTHER CAPACITY THAT INVOLVES DIRECT PERSONAL CONTACT WITH AN INMATE IN A STATE CORRECTIONAL FACILITY;~~

(v) AS AN EMPLOYEE OF A STATE CORRECTIONAL FACILITY IN ANY CAPACITY THAT INVOLVES DIRECT CONTACT WITH AN INMATE IN A STATE CORRECTIONAL FACILITY;

~~(v)~~ (vi) as a correctional officer of the Calvert County Detention Center or in any other capacity that involves direct personal contact with an inmate in the Detention Center;

[(v)] ~~(v)~~ (vii) as a correctional officer of the Washington County Detention Center or in any other capacity that involves direct personal contact with an inmate in the Center; or

[(vi)] ~~(vii)~~ (viii) as a correctional officer of:

1. [the Baltimore City Jail;
- 2.] the Baltimore County Detention Center;
- [3.] 2. the Cecil County Detention Center;
- [4.] 3. the Charles County Detention Center;
- [5.] 4. the Frederick County Adult Detention Center;
- [6.] 5. the Harford County Detention Center; or
- [7.] 6. the St. Mary's County Detention Center.

(4) This section does not apply to an applicant for employment as a correctional officer of a [State or] local correctional facility.

(5) This section does not apply to an applicant for employment with either the Anne Arundel County Department of Detention Facilities or the Caroline County Department of Corrections in any capacity that involves direct contact with an inmate in either the Anne Arundel County Department of Detention Facilities or the Caroline County Department of Corrections.

(6) This section does not apply to an applicant for employment with the Washington County Emergency Communications Center.

(c) An employer may not require or demand, as a condition of employment, prospective employment, or continued employment, that an individual submit to or take a polygraph examination or similar test.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September 30, 2016, the Department of Public Safety and Correctional Services shall report to the Senate Finance Committee and the House Judiciary Committee, in accordance with § 2–1246 of the State Government Article, on the number of polygraph examinations submitted to or taken by correctional officers and employees of a State correctional facility, and the number of grievances filed or complaints made in response to polygraph examinations submitted to or taken by correctional officers and employees of a State correctional facility.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 181 – *Courts and Judicial Proceedings – Circuit Court for Carroll County – Fees for Appearance of Counsel*.

The bill increases specified appearance of counsel fees collected or charged by the Clerk of the Circuit Court for Carroll County to \$20 from \$10.

Senate Bill 40, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 181.

Sincerely,

Governor Martin O'Malley

House Bill 181

AN ACT concerning

**Courts and Judicial Proceedings – Circuit Court for Carroll County – Fees
for Appearance of Counsel**

FOR the purpose of altering certain appearance of counsel fees collected or charged by the Clerk of the Circuit Court for Carroll County; authorizing the Clerk of the Circuit Court for Carroll County to collect certain appearance of counsel fees; and generally relating to certain appearance of counsel fees.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–204(a)
Annotated Code of Maryland
(2013 Replacement Volume and 2013 Supplement)

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

Article – Courts and Judicial Proceedings

7–204.

(a) (1) Except in Montgomery County and except as provided in paragraph (2) of this subsection for Baltimore County, in paragraph (3) of this subsection for St. Mary's County, in paragraph (4) of this subsection for Baltimore City, [and] in paragraph (5) of this subsection for Harford County, **AND IN PARAGRAPH (6) OF THIS SUBSECTION FOR CARROLL COUNTY**, the clerk of each circuit court shall:

(i) Collect, in advance, a \$10 fee for docketing the appearance of counsel when bringing or defending a civil action in the court;

(ii) Charge as costs a \$10 fee for docketing the appearance of counsel when prosecuting or defending a criminal action in the court; and

(iii) Collect, in advance, a \$10 fee for docketing the appearance of counsel when bringing or defending a case in the Court of Appeals.

(2) The Clerk of the Circuit Court for Baltimore County shall:

(i) Collect, in advance, the following fee for docketing the appearance of counsel when bringing or defending a civil action:

1. A \$20 fee for an action, including the collection of money due on mortgage, in a court of equity; and

2. A \$10 fee for an action at law in a court of original jurisdiction;

(ii) Charge as costs the following fee for docketing the appearance of counsel when bringing or defending a criminal action:

1. If the punishment for the offense charged is death or confinement in the State penitentiary, a \$20 fee; and

2. For any other criminal action, a \$10 fee; and

(iii) Collect, in advance, a \$20 fee for docketing the appearance of counsel when bringing or defending a case in the Court of Appeals.

(3) The Clerk of the Circuit Court for St. Mary's County shall collect, in advance, a \$10 fee for docketing the appearance of counsel when bringing or defending a civil action in the court.

(4) The Clerk of the Circuit Court for Baltimore City shall:

(i) Collect, in advance, a \$20 fee for docketing the appearance of counsel when bringing or defending a civil action in the court;

(ii) Charge as costs the following fee for docketing the appearance of counsel when bringing or defending a criminal action:

1. If the punishment for the offense charged is death or confinement in the State penitentiary, a \$20 fee; and

2. For any other criminal action, a \$10 fee; and

(iii) Collect, in advance, a \$20 fee for docketing the appearance of counsel when bringing or defending a case in the Court of Appeals.

(5) The Clerk of the Circuit Court for Harford County shall:

(i) Collect, in advance, a \$20 fee for docketing the appearance of counsel when bringing or defending a civil action in the court;

(ii) Charge as costs a \$20 fee for docketing the appearance of counsel when prosecuting or defending a criminal action in the court; and

(iii) Collect, in advance, a \$20 fee for docketing the appearance of counsel when bringing or defending a case in the Court of Appeals.

(6) THE CLERK OF THE CIRCUIT COURT FOR CARROLL COUNTY SHALL:

(I) COLLECT, IN ADVANCE, A \$20 FEE FOR DOCKETING THE APPEARANCE OF COUNSEL WHEN BRINGING OR DEFENDING A CIVIL ACTION IN THE COURT;

(II) CHARGE AS COSTS A \$20 FEE FOR DOCKETING THE APPEARANCE OF COUNSEL WHEN PROSECUTING OR DEFENDING A CRIMINAL ACTION IN THE COURT; AND

(III) COLLECT, IN ADVANCE, A \$20 FEE FOR DOCKETING THE APPEARANCE OF COUNSEL WHEN BRINGING OR DEFENDING A CASE IN THE COURT OF APPEALS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 182 – *Carroll County – Sheriff – Salary*.

This bill increases the annual salary of the Carroll County Sheriff from \$75,910 to \$90,000, beginning on December 1, 2014.

Senate Bill 557, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 182.

Sincerely,

Governor Martin O'Malley

House Bill 182

AN ACT concerning

Carroll County – Sheriff – Salary

FOR the purpose of requiring that the Sheriff of Carroll County receive a certain annual salary beginning on a certain date and thereafter; providing that this Act does not apply to the salary or compensation of the Sheriff of Carroll County while serving in a certain term of office; providing that a certain limitation does not apply to a certain individual; and generally relating to the salary of the Sheriff of Carroll County.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–309(h)(1)
Annotated Code of Maryland
(2013 Replacement Volume and 2013 Supplement)

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

Article – Courts and Judicial Proceedings

2–309.

(h) (1) The Sheriff of Carroll County shall receive an annual salary [as follows:

(i) \$71,532 beginning December 5, 2006;

(ii) \$72,963 beginning December 4, 2007;

(iii) \$74,422 beginning December 9, 2008; and

(iv) \$75,910 beginning December 8, 2009, and] **OF \$90,000 BEGINNING ON DECEMBER 1, 2014, AND** thereafter.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the Sheriff of Carroll County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the Sheriff of Carroll County shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 205 – *Vehicle Laws – Electric Bicycle – Definition*.

The bill alters the definition of “bicycle” for purposes of the Maryland Vehicle Law to include an electric bicycle and defining the term “electric bicycle” as a vehicle designed to be operated by human power with the assistance of an electric motor, has a motor with a rating of 500 watts or less and other specified characteristics and establishes that the definitions of “moped”, “motorized minibike”, and “motor vehicle” do not include an electric bicycle and specifying an exception for Ocean City, Maryland.

Senate Bill 378, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 205.

Sincerely,

Governor Martin O'Malley

House Bill 205

AN ACT concerning

Vehicle Laws – Electric Bicycle – Definition

FOR the purpose of altering the definition of “bicycle” for the purposes of the Maryland Vehicle Law to include an electric bicycle; defining the term “electric bicycle”; establishing that the definitions of “moped”, “motorized minibike”, and “motor vehicle”, ~~and “dirt bike” do~~ do not include an electric bicycle; and generally relating to electric bicycles.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 11-104, 11-134.1, 11-134.4, ~~11-135, and 21-1128(a)~~ and 11-135

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY adding to

Article – Transportation
 Section ~~11-118.1~~ 11-117.1
 Annotated Code of Maryland
 (2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation
 Section ~~21-1202~~ 13-102(7), 13-104(a), 16-101(a), 17-104.1, and 21-1207.1
 Annotated Code of Maryland
 (2012 Replacement Volume and 2013 Supplement)

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

Article – Transportation

11-104.

~~(A)~~ “Bicycle” means ~~a~~:

(1) A vehicle that:

~~(1)~~ **(I)** Is designed to be operated by human power;

~~(2)~~ **(II)** Has two or three wheels, of which one is more than 14 inches in diameter; and

~~(3)~~ **(III)** Has a drive mechanism other than by pedals directly attached to a drive wheel; **OR**

(2) AN ELECTRIC BICYCLE.

~~(B)~~ ~~“BICYCLE” INCLUDES AN ELECTRIC BICYCLE.~~

~~11-118.1.~~ 11-117.1.

“ELECTRIC BICYCLE” MEANS A ~~BICYCLE~~ VEHICLE THAT:

(1) IS DESIGNED TO BE OPERATED BY HUMAN POWER WITH THE ASSISTANCE OF AN ELECTRIC MOTOR;

(2) IS EQUIPPED WITH FULLY OPERABLE PEDALS ~~THAT MECHANICALLY DRIVE THE REAR WHEEL;~~

(3) ~~HAS TWO OR THREE WHEELS, EACH OF WHICH IS MORE THAN 11 INCHES IN DIAMETER;~~

(4) HAS A MOTOR WITH A RATING OF ~~750~~ 500 WATTS OR LESS;
AND

(5) IS CAPABLE OF A MAXIMUM SPEED OF 20 MILES PER HOUR ON A LEVEL SURFACE WHEN POWERED BY THE MOTOR;~~AND~~

~~(6) WEIGHS 100 POUNDS OR LESS.~~

11-134.1.

(A) "Moped" means a bicycle that:

(1) Is designed to be operated by human power with the assistance of a motor;

(2) Is equipped with pedals that mechanically drive the rear wheel or wheels;

(3) Has two or three wheels, of which one is more than 14 inches in diameter; and

(4) Has a motor with a rating of 1.5 brake horsepower or less and, if the motor is an internal combustion engine, a capacity of 50 cubic centimeters piston displacement or less.

(B) **"MOPED" DOES NOT INCLUDE AN ELECTRIC BICYCLE.**

11-134.4.

(a) "Motorized minibike" means a motor vehicle that:

(1) Has two or three wheels; and

(2) Is not subject to registration under Title 13 of this article.

(b) "Motorized minibike" does not include:

(1) A motor scooter;

(2) A moped; [or]

(3) A farm tractor; **OR**

(4) AN ELECTRIC BICYCLE.

11-135.

(a) (1) “Motor vehicle” means, except as provided in subsection (b) of this section, a vehicle that:

(i) Is self-propelled or propelled by electric power obtained from overhead electrical wires; and

(ii) Is not operated on rails.

(2) “Motor vehicle” includes a low speed vehicle.

(b) “Motor vehicle” does not include:

(1) A moped, as defined in § 11-134.1 of this subtitle; [or]

(2) A motor scooter, as defined in § 11-134.5 of this subtitle; **OR**

(3) AN ELECTRIC BICYCLE, AS DEFINED IN § 11-117.1 OF THIS SUBTITLE.

~~21-1128.~~

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

~~(2) (i) “Dirt bike” means any motorcycle or similar vehicle that is not required to be registered under Title 13 of this article.~~

~~(ii) “Dirt bike” includes:~~

~~1. A motorized minibike, as defined in § 11-134.4 of this article; and~~

~~2. An all-terrain vehicle with either 3 or 4 wheels.~~

~~(iii) “Dirt bike” does not include:~~

~~1. A moped, as defined in § 11-134.1 of this article; [or]~~

~~2. A motor scooter, as defined in § 11-134.5 of this article; **OR**~~

~~3. **AN ELECTRIC BICYCLE.**~~

~~(3) "Service station" means a place of business where motor fuel is sold and delivered into the fuel supply tanks of motor vehicles.~~

~~21-1202.~~

~~Every person operating a bicycle or a motor scooter in a public bicycle area has all the rights granted to and is subject to all the duties required of the driver of a vehicle by this title, including the duties set forth in § 21-504 of this title, except:~~

~~(1) As otherwise provided in this subtitle; and~~

~~(2) For those provisions of this title that by their very nature cannot apply.~~

13-102.

A certificate of title is not required for:

(7) A bicycle, except for a moped;

13-104.

(a) (1) The application for a certificate of title of a vehicle shall be made by the owner of the vehicle on the form that the Administration requires.

(2) Notwithstanding any other provision of this title, an application for a certificate of title of an off-highway recreational vehicle, a motor scooter, or a moped shall be made by electronic transmission under § 13-610 of this title.

(3) The owner of a motor scooter or moped shall certify at the time of titling that the motor scooter or moped is covered by the required security described in § 17-103 of this article.

16-101.

(a) An individual may not drive or attempt to drive a motor vehicle on any highway in this State unless:

(1) The individual holds a driver's license issued under this title;

(2) The individual is expressly exempt from the licensing requirements of this title; or

(3) The individual otherwise is specifically authorized by this title to drive vehicles of the class that the individual is driving or attempting to drive.

17-104.1.

The operator of a moped or motor scooter shall carry evidence of the required security when operating the moped or motor scooter.

21-1207.1.

(a) (1) The provisions of this section apply:

(i) At all times while a bicycle is being operated on any highway, bicycle way, or other property open to the public or used by the public for pedestrian or vehicular traffic; and

(ii) To a person under the age of 16 who is riding on a bicycle, including a person under the age of 16 who is a passenger on a bicycle:

1. In a restraining seat attached to the bicycle; or

2. In a trailer being towed by the bicycle.

(2) The provisions of this section do not apply to passengers in commercial bicycle rickshaws.

(b) This section does not apply in the town of Ocean City, Maryland, on the boardwalk between the Ocean City inlet and 27th Street, during the hours in which bicycles are permitted by local ordinance to be operated on the boardwalk.

(c) A person to whom this section applies may not operate or ride as a passenger on a bicycle unless the person is wearing a helmet that meets or exceeds the standards of the American National Standards Institute, the Snell Memorial Foundation, or the American Society for Testing and Materials for protective headgear for use in bicycling.

(d) This section shall be enforced by the issuance of a warning that informs the offender of the requirements of this section and provides educational materials about bicycle helmet use.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

The Honorable Michael E. Busch
Speaker of the House

H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 209 – *Charles County – Board of Education – Salaries and Expenses*.

The bill increases the salaries of the members of the Charles County Board of Education beginning January 1, 2015. The salary of the Board's chair increases from \$5,000 to \$7,000 annually, and the salaries of the nonstudent members, including the vice chair, increase from \$4,000 to \$6,000 annually.

Senate Bill 203, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 209.

Sincerely,

Governor Martin O'Malley

House Bill 209

AN ACT concerning

Charles County – Board of Education – Salaries and Expenses

FOR the purpose of altering the compensation received by the chair, vice chair, and other nonstudent members of the Charles County Board of Education; providing that the chair, vice chair, and other nonstudent members of the county board may be reimbursed for certain expenses under certain circumstances; altering the requirements for reimbursement of certain expenses incurred by a student member of the county board; establishing a certain scholarship for a student member of the county board who fulfills a certain requirement; providing that this Act does not apply to the salary or compensation of the chair and members of the county board during a certain term of office; making stylistic changes; and generally relating to the Charles County Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 3-501(g), 3-502, and 3-503
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

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

Article – Education

3–501.

(g) (1) The student member of the Charles County Board shall be an 11th or 12th grade student in the Charles County Public School System.

(2) The student member, and an alternate, shall be selected in accordance with procedures approved by the board. These procedures shall reflect recommendations by and involvement of the Charles County Association of Student Councils.

(3) The term of the student member shall be 1 year.

(4) The student member may not vote, but may indicate a preference for or against any question before the board.

(5) Unless invited to attend by an affirmative vote of a majority of the county board, the student member may not attend an executive session that relates to special education placements, collective bargaining, or hearings held under § 6–202 of this article.

[(6) The student member may not receive compensation but, after submitting expense vouchers, may be reimbursed for out-of-pocket expenses incurred in connection with official duties approved by the board.]

3–502.

(a) The county board shall elect a [chairman] **CHAIR** and a vice [chairman] **CHAIR** from among its members at an annual meeting to be held on the second Tuesday in January.

(b) If there is a vacancy in the office of [chairman] **CHAIR** or vice [chairman] **CHAIR**, the county board shall elect a replacement within 30 days after the vacancy occurs.

3–503.

(a) (1) The salary of the [chairman] **CHAIR** of the county board is:

(i) [\$3,820] **\$5,000** for calendar [years 1999 through 2002] **YEAR 2014**; and

(ii) [\$5,000] **\$7,000** per year beginning January 1, [2003] **2015**, and for each subsequent year.

(2) The [chairman] CHAIR is entitled[, for travel and other expenses,] to:

(I) \$1,500 [in calendar year 1999 and] each [subsequent] CALENDAR year FOR TRAVEL AND OTHER EXPENSES; AND

(II) AFTER SUBMITTING EXPENSE VOUCHERS AND SUPPORTING RECEIPTS, REIMBURSEMENT FOR A MAXIMUM OF \$1,000 PER YEAR OF OUT-OF-POCKET EXPENSES INCURRED IN CONNECTION WITH ATTENDANCE AT OUT-OF-COUNTY MEETINGS AND CONFERENCES RELATED TO OFFICIAL DUTIES.

(b) (1) The salary of the vice [chairman] CHAIR AND EACH NONSTUDENT MEMBER of the county board is:

(i) [\$3,500] \$4,000 for [the] calendar [years 1999 through 2002] YEAR 2014; and

(ii) [\$4,000] \$6,000 per year beginning January 1, [2003] 2015, and FOR each subsequent year.

(2) The vice [chairman is] CHAIR AND EACH NONSTUDENT MEMBER ARE entitled to:

(I) \$600 [each year] for travel and other expenses FOR CALENDAR YEAR 2014;

(II) \$800 PER YEAR FOR TRAVEL AND OTHER EXPENSES BEGINNING JANUARY 1, 2015, AND FOR EACH SUBSEQUENT YEAR; AND

(III) AFTER SUBMITTING EXPENSE VOUCHERS AND SUPPORTING RECEIPTS, REIMBURSEMENT FOR A MAXIMUM OF \$1,000 PER YEAR OF OUT-OF-POCKET EXPENSES INCURRED IN CONNECTION WITH ATTENDANCE AT OUT-OF-COUNTY MEETINGS AND CONFERENCES RELATED TO OFFICIAL DUTIES.

[(c) (1) The salary of a member of the county board is:

(i) \$3,185 for the calendar years 1998 through 2002; and

(ii) \$4,000 per year beginning January 1, 2003 and each subsequent year.

(2) Each member is entitled to \$600 each year for travel and other expenses.]

[(d)] (C) Each salary provided under this section shall be paid on a quarterly basis.

(D) (1) THE STUDENT MEMBER MAY NOT RECEIVE COMPENSATION BUT, AFTER SUBMITTING EXPENSE VOUCHERS AND SUPPORTING RECEIPTS, MAY BE REIMBURSED FOR OUT-OF-POCKET EXPENSES INCURRED IN CONNECTION WITH OFFICIAL DUTIES APPROVED BY THE BOARD.

(2) A STUDENT MEMBER WHO COMPLETES A FULL TERM ON THE BOARD SHALL BE GRANTED A SCHOLARSHIP OF \$1,000 TO BE APPLIED TOWARD THE STUDENT’S HIGHER EDUCATION COSTS.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the chair and members of the Charles County Board of Education while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the chair and members of the Charles County Board of Education shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

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

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 211 – *Carroll County – Orphans’ Court Judges – Salary*.

This bill increases the salaries of the orphans’ court associate judges for Carroll County from \$10,000 to \$15,000 and, for the Chief Judge, from \$10,000 to \$16,500.

The bill also clarifies that the Chief Judge is allowed \$200 annually for traveling expenses.

Senate Bill 556, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 211.

Sincerely,

Governor Martin O'Malley

House Bill 211

AN ACT concerning

Carroll County – Orphans' Court Judges – Salary

FOR the purpose of altering the salary of each judge of the Orphans' Court for Carroll County and the annual salary of the Chief Judge of the Orphans' Court for Carroll County, to be paid in equal monthly installments; specifying that the Chief Judge shall be allowed a certain amount of money annually for traveling expenses; providing that this Act does not apply to the salary or compensation of a judge or the Chief Judge of the Orphans' Court for Carroll County while serving in a certain term of office; and generally relating to the compensation of judges of the Orphans' Court for Carroll County.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 2–108(h)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

Article – Estates and Trusts

2–108.

(h) (1) Each of the judges of the Court for Carroll County shall receive an annual compensation of [\$10,000] **\$15,000**, to be paid monthly.

(2) **THE ANNUAL SALARY OF THE CHIEF JUDGE IS \$16,500, TO BE PAID IN EQUAL MONTHLY INSTALLMENTS.**

(3) Each judge **AND THE CHIEF JUDGE** shall also be allowed \$200 annually for traveling expenses, payable quarterly.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of a judge or the Chief Judge of the Orphans' Court for Carroll County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of a judge or the Chief Judge of the Orphans' Court for Carroll County shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 220 – *Injured Workers' Insurance Fund Employees – Registration as Registered Lobbyists*.

The bill authorizes an employee of the Injured Workers' Insurance Fund to register and maintain registration as a lobbyist under specified circumstances, and makes the Act an emergency measure.

Senate Bill 480, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 220.

Sincerely,

Governor Martin O'Malley

AN ACT concerning

Injured Workers' Insurance Fund Employees – Registration as Registered Lobbyists

FOR the purpose of authorizing an employee of the Injured Workers' Insurance Fund to register and maintain registration as a registered lobbyist under certain circumstances; making this Act an emergency measure; and generally relating to the registration of Injured Workers' Insurance Fund employees as registered lobbyists.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 10–102(f)
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

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

Article – Labor and Employment

10–102.

(f) (1) Employees of the Fund may be assigned to perform functions of the Company under a contract between the Fund and the Company.

(2) The Company and the Fund shall annually execute an agreement that lists the employees of the Fund who have been assigned to perform duties on behalf of the Company.

(3) The agreement shall:

(i) specify the employees who will be utilized by the Company and the Fund;

(ii) provide that, except with respect to assets necessary for the Fund to perform its duties under this subtitle, all assets and liabilities of the Fund are the assets and liabilities of the Company; and

(iii) be filed with the Administration.

(4) NOTWITHSTANDING § 15–703(F)(3)(I) OF THE STATE GOVERNMENT ARTICLE, AN EMPLOYEE OF THE FUND MAY REGISTER AND MAINTAIN REGISTRATION AS A REGULATED LOBBYIST IF THE EMPLOYEE:

(I) IS ASSIGNED TO PERFORM FUNCTIONS OF THE COMPANY UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR WHICH AN EMPLOYEE OF THE COMPANY WOULD BE REQUIRED TO REGISTER; AND

(II) REGISTERS ON BEHALF OF THE COMPANY.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.~~

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

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 221 – *Limited Lines – Travel Insurance*.

The bill alters specified provisions of law relating to limited lines insurance for transportation tickets to relate instead to limited lines travel insurance; authorizes the Maryland Insurance Commissioner to issue a limited lines license to an individual or a business entity to sell travel insurance; and authorizes a travel retailer to offer and disseminate travel insurance under specified circumstances under the direction of a limited lines travel insurance producer.

Senate Bill 79, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 221.

Sincerely,

Governor Martin O'Malley

House Bill 221

AN ACT concerning

Limited Lines – Travel Insurance

FOR the purpose of altering certain provisions of law on limited lines insurance for transportation tickets to relate instead to limited lines travel insurance; authorizing the Maryland Insurance Commissioner to issue a limited lines license to an individual or a business entity to sell travel insurance; authorizing a travel retailer to offer and disseminate travel insurance under certain circumstances under the direction of a limited lines travel insurance producer; requiring a limited lines travel insurance producer or travel retailer to provide certain information to purchasers of travel insurance in a certain manner; requiring a limited lines travel insurance producer to establish and maintain a certain register containing certain information subject to inspection by the Commissioner; requiring a limited lines travel insurance producer to designate a certain employee as a responsible person for certain purposes; requiring certain persons to comply with certain requirements of State insurance law; requiring a limited lines travel insurance producer to be in good standing; requiring a limited lines travel insurance producer to require certain travel retailer employees or authorized representatives to receive certain instruction or training with certain required content; requiring a travel retailer to make available to prospective purchasers certain information concerning travel insurance and producers; prohibiting certain unlicensed employees or authorized representatives of a travel retailer from evaluating or providing certain advice concerning travel insurance or holding themselves out as ~~qualified in certain manners~~ a certain producer or expert; authorizing certain travel retailers to be compensated in a certain manner ~~notwithstanding any other law; authorizing certain persons to compensate certain employees of a travel retailer or authorized representative in a certain manner~~; prohibiting a travel retailer from compensating certain travel retailer employees or authorized representatives for certain activities in a certain manner; providing for the construction of certain provisions of this Act; providing that a limited lines travel insurance producer is responsible for the acts of a travel retailer; requiring a limited lines travel insurance producer to use reasonable means to ensure certain compliance with this Act; altering a prohibition on payment of certain commissions or other consideration with respect to limited lines insurance; requiring the Commissioner to collect certain information, make certain determinations, and report certain findings and recommendations to certain committees of the General Assembly on or before a certain date; defining certain terms; and generally relating to travel and limited lines insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 10–101, 10–122, and 10–130
Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

Article – Insurance

10–101.

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

(B) “AUTHORIZED REPRESENTATIVE” MEANS AN INDEPENDENT CONTRACTOR OF A TRAVEL RETAILER.

~~(C)~~ **(C)** “Business entity” means a corporation, professional association, partnership, limited liability company, limited liability partnership, or other legal entity.

~~(D)~~ **(D)** “Home state” means any state in which an insurance producer:

- (1) maintains the insurance producer’s principal place of residence or principal place of business; and
- (2) is licensed to act as a resident insurance producer.

~~(E)~~ **(E)** (1) “License” means a document issued by the Commissioner to act as an insurance producer for the kind or subdivision of insurance or combination of kinds or subdivisions of insurance specified in the document.

(2) “License” includes a limited lines license.

~~(F)~~ **(F)** “Limited line credit insurance” includes:

- (1) credit life insurance;
- (2) credit health insurance;
- (3) credit property insurance;
- (4) credit unemployment insurance;
- (5) credit involuntary unemployment benefit insurance;
- (6) mortgage life insurance;
- (7) mortgage guaranty insurance;

- (8) mortgage disability insurance;
- (9) guaranteed automobile protection (GAP) insurance; and
- (10) any other form of insurance that:
 - (i) is offered in connection with an extension of credit;
 - (ii) is limited to partially or wholly extinguishing that credit obligation; and
 - (iii) the Commissioner determines should be designated a form of limited line credit insurance.

~~(G)~~ **(G)** “Limited line credit insurance producer” means a person who sells, solicits, or negotiates one or more forms of limited line credit insurance coverage to individuals through a master, corporate, group, or individual policy.

~~(H)~~ **(H)** “Limited lines insurance” means:

- (1) limited line credit insurance;
- (2) the lines of insurance described in §§ 10–122 through 10–125 of this subtitle;
- (3) insurance sold in connection with, and incidental to, the rental of a motor vehicle under Subtitle 6 of this title; or
- (4) any other line of insurance that the Commissioner considers necessary to recognize for the purpose of complying with § 10–119(d) of this subtitle.

~~(I)~~ **(I)** “Limited lines insurance producer” means a person authorized by the Commissioner to sell, solicit, or negotiate limited lines insurance.

~~(J)~~ **(J)** “**LIMITED LINES TRAVEL INSURANCE PRODUCER**” MEANS, WITH RESPECT TO ~~LIMITED LINES~~ TRAVEL INSURANCE:

(1) A LICENSED MANAGING GENERAL AGENT OR THIRD PARTY ADMINISTRATOR; OR

(2) A LICENSED INSURANCE PRODUCER OR LIMITED LINES INSURANCE PRODUCER.

~~(K)~~ **(K)** ~~(L)~~ “**OFFER AND DISSEMINATE**” MEANS, WITH RESPECT TO LIMITED LINES TRAVEL INSURANCE, TO:

(1) PROVIDE GENERAL INFORMATION, INCLUDING A DESCRIPTION OF COVERAGE AND PRICE;

(2) PROCESS APPLICATIONS; AND

(3) COLLECT PREMIUMS.

~~**(2) “OFFER AND DISSEMINATE” INCLUDES PROCESSING AN APPLICATION, COLLECTING PREMIUMS, AND PERFORMING OTHER ACTIVITIES THAT:**~~

~~**(I) ARE ALLOWED IN THE STATE WITH RESPECT TO A POLICY OF LIMITED LINES TRAVEL INSURANCE; AND**~~

~~**(II) DO NOT REQUIRE A LICENSE IN THE STATE.**~~

[(i)] ~~(K)~~ (L) (1) “Title insurance producer” means a person that, for compensation, solicits, procures, or negotiates title insurance contracts.

(2) “Title insurance producer” includes a person that provides escrow, closing, or settlement services that may result in the issuance of a title insurance contract.

(3) “Title insurance producer” does not include:

(i) individuals employed and used by title insurance producers for the performance of clerical and similar office duties;

(ii) a financial institution as defined in § 1-101(i) of the Financial Institutions Article that does not solicit, procure, or negotiate title insurance contracts for compensation; or

(iii) a title insurance insurer that is licensed under this article.

[(j)] ~~(H)~~ (M) “Title insurance producer independent contractor” means a person that:

(1) is licensed to act as a title insurance producer;

(2) provides escrow, closing, or settlement services that may result in the issuance of a title insurance contract as an independent contractor for, or on behalf of, a licensed and appointed title insurance producer; and

(3) is not an employee of the licensed and appointed title insurance producer.

~~[(k)]~~ ~~(M)~~ **(N)** “Trade name” means a name, symbol, or word, or combination of two or more of these that a person uses to:

- (1) identify its business, occupation, or self in a business capacity; and
- (2) be distinguished from another business, occupation, or person.

~~(N)~~ **(O)** **(1) “TRAVEL INSURANCE” MEANS INSURANCE COVERAGE FOR PERSONAL RISK INCIDENT TO PLANNED TRAVEL, INCLUDING:**

(I) INTERRUPTION OR CANCELLATION OF A TRIP OR AN EVENT;

(II) LOSS OF BAGGAGE OR PERSONAL EFFECTS;

(III) DAMAGE TO ACCOMMODATIONS OR A RENTAL VEHICLE;

OR

(IV) SICKNESS, ACCIDENT, DISABILITY, OR DEATH OCCURRING DURING TRAVEL, IF ISSUED AS INCIDENTAL TO THE COVERAGE PROVIDED BY ITEM (I), (II), OR (III) OF THIS PARAGRAPH.

(2) “TRAVEL INSURANCE” DOES NOT INCLUDE A MAJOR MEDICAL PLAN THAT PROVIDES COMPREHENSIVE MEDICAL PROTECTION FOR A TRAVELER ON A TRIP LASTING 6 MONTHS OR LONGER, SUCH AS AN INDIVIDUAL WORKING OUTSIDE THE UNITED STATES OR MILITARY PERSONNEL BEING DEPLOYED.

~~(O)~~ **(P)** **“TRAVEL RETAILER” MEANS A BUSINESS ENTITY THAT MAKES, ARRANGES, OR OFFERS TRAVEL SERVICES.**

[(l)] ~~(P)~~ **(Q)** “Uniform application” means the current version of the NAIC uniform application for resident and nonresident insurance producer licensing.

[(m)] ~~(Q)~~ **(R)** “Uniform business entity application” means the current version of the NAIC uniform business entity application for resident and nonresident business entities.

10–122.

(a) Without regard to the education, experience, or examination requirements of this subtitle, the Commissioner may issue a limited lines license to an individual who **OR A BUSINESS ENTITY THAT** sells [transportation tickets of a common carrier of persons and property] **TRAVEL INSURANCE.**

(b) A limited lines license issued under this section authorizes the holder to act as an insurance producer only as to travel [ticket policies of life insurance, accident insurance, or baggage] insurance [on personal effects].

(c) The Commissioner may require and provide special forms requiring information the Commissioner considers proper in connection with the application for or renewal of limited lines licenses issued under this section.

(D) (1) (I) NOTWITHSTANDING ANY OTHER LAW, A TRAVEL RETAILER MAY OFFER AND DISSEMINATE TRAVEL INSURANCE ON BEHALF OF AND UNDER THE LICENSE OF A LIMITED LINES TRAVEL INSURANCE PRODUCER ONLY IF THE PROVISIONS OF THIS PARAGRAPH ARE MET.

(II) THE LIMITED LINES TRAVEL INSURANCE PRODUCER OR TRAVEL RETAILER SHALL PROVIDE IN WRITING TO A PURCHASER OF TRAVEL INSURANCE:

1. A DESCRIPTION OF THE MATERIAL TERMS OR THE ACTUAL TERMS OF THE INSURANCE COVERAGE;

2. A DESCRIPTION OF THE PROCESS FOR FILING A CLAIM;

3. A DESCRIPTION OF THE REVIEW OR CANCELLATION PROCESS FOR THE TRAVEL INSURANCE POLICY;

4. A DISCLOSURE THAT:

A. THE OFFERED INSURANCE COVERAGE MAY DUPLICATE CERTAIN PROVISIONS OF INSURANCE COVERAGE ALREADY PROVIDED BY THE PURCHASER'S HOMEOWNER'S INSURANCE, RENTER'S INSURANCE, HEALTH INSURANCE, OR SIMILAR INSURANCE COVERAGE; AND

B. THE PURCHASE OF TRAVEL INSURANCE WOULD MAKE THE TRAVEL INSURANCE COVERAGE PRIMARY TO ANY OTHER DUPLICATE OR SIMILAR COVERAGE; ~~AND~~

5. THE IDENTITY AND CONTACT INFORMATION OF THE INSURER AND LIMITED LINES TRAVEL INSURANCE PRODUCER; AND

6. CONTACT INFORMATION FOR FILING A COMPLAINT WITH THE COMMISSIONER.

(III) 1. AT THE TIME OF LICENSURE, THE LIMITED LINES TRAVEL INSURANCE PRODUCER SHALL ESTABLISH AND MAINTAIN A REGISTER, ON A FORM THE COMMISSIONER REQUIRES, OF EACH TRAVEL RETAILER THAT OFFERS AND DISSEMINATES TRAVEL INSURANCE ON BEHALF OF THE LIMITED LINES TRAVEL INSURANCE PRODUCER.

2. THE LIMITED LINES TRAVEL INSURANCE PRODUCER SHALL:

A. SUBMIT THE REGISTER FOR INSPECTION BY THE COMMISSIONER AS THE COMMISSIONER REQUIRES; AND

B. INCLUDE IN THE REGISTER THE NAME, ADDRESS, AND CONTACT INFORMATION OF THE TRAVEL RETAILER AND AN OFFICER OR A PERSON WHO DIRECTS OR CONTROLS THE TRAVEL RETAILER'S OPERATIONS, AND THE TRAVEL RETAILER'S FEDERAL TAX IDENTIFICATION NUMBER.

3. THE LIMITED LINES TRAVEL INSURANCE PRODUCER SHALL ALSO CERTIFY THAT EACH TRAVEL RETAILER ON THE REGISTER MAINTAINED BY THE LIMITED LINES TRAVEL INSURANCE PRODUCER COMPLIES WITH 18 U.S.C. § 1033.

(IV) 1. THE LIMITED LINES TRAVEL INSURANCE PRODUCER SHALL DESIGNATE ONE OF ITS EMPLOYEES WHO HOLDS A LIMITED LINES LICENSE UNDER THIS SECTION AS A DESIGNATED RESPONSIBLE PERSON TO ENSURE THE LIMITED LINES TRAVEL INSURANCE PRODUCER'S COMPLIANCE WITH THE LAWS AND REGULATIONS FOR TRAVEL INSURANCE IN THE STATE.

2. THE DESIGNATED RESPONSIBLE PERSON DESCRIBED IN SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH OR THE PRESIDENT, SECRETARY, TREASURER, AND ANY OTHER OFFICER OR PERSON OF THE LIMITED LINES TRAVEL INSURANCE PRODUCER WHO DIRECTS OR CONTROLS THE OPERATIONS OF THE LIMITED LINES TRAVEL INSURANCE PRODUCER SHALL COMPLY WITH FINGERPRINTING REQUIREMENTS APPLICABLE TO INSURANCE PRODUCERS IN THE STATE.

(V) THE LIMITED LINES TRAVEL INSURANCE PRODUCER SHALL BE IN GOOD STANDING WITH THE COMMISSIONER WITH RESPECT TO ITS LICENSE.

(VI) 1. THE LIMITED LINES TRAVEL INSURANCE PRODUCER SHALL REQUIRE EACH EMPLOYEE OR AUTHORIZED REPRESENTATIVE OF THE TRAVEL RETAILER WHOSE DUTIES INCLUDE OFFERING AND DISSEMINATING TRAVEL INSURANCE TO RECEIVE A PROGRAM

OF INSTRUCTION OR TRAINING, WHICH ~~MAY~~ SHALL BE SUBJECT TO REVIEW BY THE COMMISSIONER.

2. THE TRAINING MATERIAL SHALL CONTAIN, AT A MINIMUM, INSTRUCTION ON THE TYPES OF INSURANCE OFFERED, ETHICAL SALES PRACTICES, AND REQUIRED DISCLOSURES TO PROSPECTIVE CUSTOMERS.

(2) A TRAVEL RETAILER OFFERING OR DISSEMINATING TRAVEL INSURANCE ON BEHALF OF A LIMITED LINES TRAVEL INSURANCE PRODUCER SHALL MAKE AVAILABLE TO A PROSPECTIVE PURCHASER BROCHURES OR OTHER WRITTEN MATERIALS THAT:

(I) PROVIDE THE IDENTITY AND CONTACT INFORMATION OF THE LIMITED LINES TRAVEL INSURANCE PRODUCER OVERSEEING THE ACTIVITIES OF THE TRAVEL RETAILER;

(II) EXPLAIN THAT THE PURCHASE OF TRAVEL INSURANCE IS NOT REQUIRED IN ORDER TO PURCHASE ANY OTHER PRODUCT OR SERVICE FROM THE TRAVEL RETAILER; AND

(III) EXPLAIN THAT A TRAVEL RETAILER:

1. IS ALLOWED TO PROVIDE GENERAL INFORMATION ABOUT THE INSURANCE OFFERED AND DISSEMINATED BY THE TRAVEL RETAILER, INCLUDING A DESCRIPTION OF THE COVERAGE AND PRICE; BUT

2. IS NOT QUALIFIED OR AUTHORIZED TO ANSWER TECHNICAL QUESTIONS ABOUT THE TERMS AND CONDITIONS OF THE INSURANCE OFFERED BY THE TRAVEL RETAILER OR TO EVALUATE THE ADEQUACY OF THE CUSTOMER'S EXISTING INSURANCE COVERAGE.

(3) A TRAVEL RETAILER'S EMPLOYEE OR AUTHORIZED REPRESENTATIVE WHO IS NOT LICENSED AS A LIMITED LINES TRAVEL INSURANCE PRODUCER UNDER THIS SECTION MAY NOT:

(I) EVALUATE OR INTERPRET THE TECHNICAL TERMS, BENEFITS, AND CONDITIONS OF THE OFFERED TRAVEL INSURANCE COVERAGE;

(II) EVALUATE OR PROVIDE ADVICE CONCERNING A PROSPECTIVE PURCHASER'S EXISTING INSURANCE COVERAGE; OR

(III) HOLD HIMSELF OR HERSELF OUT AS A LIMITED LINES TRAVEL INSURANCE PRODUCER, ANY OTHER INSURANCE PRODUCER, OR AN INSURANCE EXPERT.

~~(4) (I) NOTWITHSTANDING ANY OTHER LAW, A TRAVEL RETAILER WHOSE INSURANCE RELATED ACTIVITIES ARE LIMITED TO OFFERING AND DISSEMINATING TRAVEL INSURANCE ON BEHALF OF AND UNDER THE DIRECTION OF A LIMITED LINES TRAVEL INSURANCE PRODUCER UNDER THIS SECTION MAY RECEIVE COMPENSATION WHEN LISTED ON A REGISTER MAINTAINED BY THE LIMITED LINES TRAVEL INSURANCE PRODUCER IN ACCORDANCE WITH PARAGRAPH (1)(II) OF THIS SUBSECTION.~~

~~(II) A TRAVEL RETAILER OR AN AUTHORIZED REPRESENTATIVE OF THE TRAVEL RETAILER MAY COMPENSATE THE EMPLOYEES OF THE TRAVEL RETAILER OR OF THE AUTHORIZED REPRESENTATIVE IN A MANNER THAT DOES NOT DEPEND ON THE SALE OF THE TRAVEL INSURANCE.~~

(4) (I) A TRAVEL RETAILER WHOSE INSURANCE RELATED ACTIVITIES, AND THOSE OF ITS EMPLOYEES OR AUTHORIZED REPRESENTATIVES, ARE LIMITED TO OFFERING AND DISSEMINATING TRAVEL INSURANCE ON BEHALF OF AND UNDER THE DIRECTION OF A LIMITED LINES TRAVEL INSURANCE PRODUCER UNDER THIS SECTION MAY RECEIVE COMPENSATION WHEN LISTED ON A REGISTER MAINTAINED BY THE LIMITED LINES TRAVEL INSURANCE PRODUCER IN ACCORDANCE WITH PARAGRAPH (1)(II) OF THIS SUBSECTION.

(II) A TRAVEL RETAILER MAY NOT COMPENSATE AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE FOR INSURANCE RELATED ACTIVITIES IN A MANNER THAT IS BASED PRIMARILY ON THE NUMBER OF CUSTOMERS WHO PURCHASE TRAVEL INSURANCE COVERAGE.

(III) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT PAYMENT OF COMPENSATION TO A TRAVEL RETAILER OR ITS EMPLOYEES OR AUTHORIZED REPRESENTATIVES FOR ACTIVITIES UNDER THE LIMITED LINES TRAVEL INSURANCE PRODUCER'S LICENSE THAT ARE INCIDENTAL TO THE TRAVEL RETAILER'S OR ITS EMPLOYEE'S OR AUTHORIZED REPRESENTATIVE'S OVERALL COMPENSATION.

(5) THE LIMITED LINES TRAVEL INSURANCE PRODUCER:

(I) IS RESPONSIBLE FOR THE ACTS OF THE TRAVEL RETAILER; AND

(II) SHALL USE REASONABLE MEANS TO ENSURE COMPLIANCE BY THE TRAVEL RETAILER WITH THIS SECTION.

10–130.

(a) Except as otherwise provided in §§ [10–102 and] **10–102**, 10–119, AND **10–122** of this subtitle, a commission, fee, reward, rebate, or other consideration for selling, soliciting, or negotiating insurance may not be paid, directly or indirectly, to a person other than a licensed insurance producer.

(b) Except as otherwise provided in this article, for life insurance or health insurance this section does not prohibit payment to or receipt by a person who formerly held a license and, if the person acted on behalf of an insurer, an appointment of:

- (1) commissions on renewal premiums on existing policies; or
- (2) other deferred commissions.

(c) Unless the payment would violate § 27–209 or § 27–212 of this article, an insurer or insurance producer may pay or assign commissions, service fees, or other valuable consideration to an insurance agency or to persons who do not sell, solicit, or negotiate insurance in the State.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Insurance Commissioner shall:

(1) keep track of complaints from consumers regarding the offering and dissemination of travel insurance by travel retailers and employees and authorized representatives of travel retailers, including:

- (i) the number of complaints;
- (ii) a summary of the allegations contained in the complaints;

and

- (iii) the disposition of the complaints;

(2) based on the complaints under paragraph (1) of this section and any other information the Commissioner determines necessary, determine whether and how travel retailers and employees and authorized representatives of travel retailers should be compensated for offering and disseminating travel insurance; and

(3) on or before January 1, 2017, report the Commissioner’s findings and recommendations, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 226 – *Kent County – Alcoholic Beverages Act of 2014*.

The bill authorizes the Board of License Commissioners for Kent County to issue a beer or wine tasting (BWT) license to the holder of specified alcoholic beverages licenses. The bill also authorizes the inspector employed by the Board to serve summonses and issue citations for certain alcohol-related crimes in Kent County.

Senate Bill 49, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 226.

Sincerely,

Governor Martin O'Malley

House Bill 226

AN ACT concerning

Kent County – Alcoholic Beverages Act of 2014

FOR the purpose of authorizing the Board of License Commissioners for Kent County to issue a beer or wine tasting (BWT) license to the holder of certain alcoholic beverages licenses; providing that a BWT license authorizes, for tasting purposes only, the on-premises consumption of certain wine or beer; limiting the amount of beer or wine that the holder of a BWT license may allow to be consumed by a single individual in a single day; prohibiting a BWT license holder from conducting a wine tasting and a beer tasting in a single day; providing for an annual license fee; specifying that the selection of wine or beer offered at a tasting is not limited to wine or beer produced in the State;

authorizing a holder of a BWT license to offer for sale certain beer under certain circumstances; permitting summonses in Kent County to be served by the inspector employed by the Board of License Commissioners; providing that certain penalties imposed for violation of the alcoholic beverages laws do not limit, but are in addition to, other penalties for the same violation and are independent of any related court action based on the same violation; authorizing a certain alcoholic beverages inspector to issue a citation in the County; requiring the inspector to complete a training program in the use of arrest authority and pertinent police procedures; prohibiting an inspector in the County from carrying a firearm in the performance of the inspector's duties; and generally relating to alcoholic beverages in Kent County.

BY renumbering

Article 2B – Alcoholic Beverages

Section 8–408.2

to be Section 8–408.3

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 8–408.2

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 16–410(b) and 16–507(p)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 10–119(b)

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–408.2 of Article 2B – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 8–408.3.

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

Article 2B – Alcoholic Beverages

8–408.2.

- (A) THIS SECTION APPLIES ONLY IN KENT COUNTY.
- (B) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A BEER OR WINE TASTING (BWT) LICENSE TO THE HOLDER OF A CLASS A BEER AND WINE LICENSE OR A CLASS A BEER, WINE AND LIQUOR LICENSE.
- (C) A BWT LICENSE AUTHORIZES, FOR TASTING PURPOSES ONLY, THE ON-PREMISES CONSUMPTION OF:
- (1) WINE THAT CONTAINS NOT MORE THAN 22% ALCOHOL BY VOLUME; OR
 - (2) BEER ~~BREWED BY A HOLDER OF A MICRO-BREWERY LICENSE ISSUED UNDER § 2-208 OF THIS ARTICLE OR AN EQUIVALENT OUT OF STATE LICENSE.~~
- (D) A HOLDER OF A BWT LICENSE MAY ALLOW CONSUMPTION BY A SINGLE INDIVIDUAL IN A SINGLE DAY OF:
- (1) NOT MORE THAN 2 OUNCES OF A GIVEN BRAND AND NOT MORE THAN 4 OUNCES FROM ALL BRANDS OF WINE; OR
 - (2) NOT MORE THAN 2 OUNCES OF BEER FROM ANY GIVEN BRAND AND NOT MORE THAN 6 OUNCES FROM ALL BRANDS OF BEER.
- (E) A BWT LICENSE HOLDER MAY NOT CONDUCT A WINE TASTING AND A BEER TASTING ON THE SAME DAY.
- (F) THE ANNUAL BWT LICENSE FEE IS \$200.
- (G) THE SELECTION OF WINE OR BEER OFFERED AT A TASTING IS NOT LIMITED TO WINE OR BEER PRODUCED IN THE STATE.
- (H) THE HOLDER OF A BWT LICENSE MAY OFFER FOR SALE BEER PERMITTED FOR TASTING IF:
- (1) THE BEER IS SOLD IN REFILLABLE CONTAINERS THAT ARE SEALED BY THE HOLDER OF THE BWT LICENSE; AND
 - (2) UNSOLD BEER IS RETURNED TO THE PROVIDER.

(b) (1) For the purpose of all hearings and inquiries which the board is authorized to hold and make, the board may issue summonses for witnesses, and administer to them oaths or affirmations.

(2) (i) All summonses shall be served by the sheriff, except that:

1. In the City of Annapolis, summonses may also be served by the Annapolis Police Department;

2. In Anne Arundel County, summonses may also be served by inspectors employed by the Board and by the Anne Arundel County Police Department;

3. In Baltimore City, summonses may also be served by inspectors employed by the Board of Liquor License Commissioners for Baltimore City;

4. In Cecil County, summonses may also be served by inspectors employed by the Cecil County Board of License Commissioners;

5. In Dorchester County, summonses may also be served by the inspector employed by Dorchester County and assigned to the Board of License Commissioners; [and]

6. In Harford County, summonses may also be served by inspectors employed by the Harford County Liquor Control Board; AND

7. IN KENT COUNTY, SUMMONSES MAY ALSO BE SERVED BY THE INSPECTOR EMPLOYED BY THE KENT COUNTY BOARD OF LICENSE COMMISSIONERS.

(ii) If any witness summoned refuses or neglects to attend, or if attending, refuses to testify, the official issuing the summons shall report the facts to the circuit court for the county. The court shall proceed by attachment against the witness in all respects as if the witness summoned to appear in the court in a case pending before it had neglected or refused to do so.

16–507.

(p) (1) This subsection applies only in Kent County.

(2) Except as provided otherwise, the Board of License Commissioners may impose the following penalties for a violation of any provision of this article:

(i) For the first offense:

1. Suspension of the license;

- days; and
2. Closure of the place of business for not more than 15
 3. A fine not exceeding \$1,000;
- (ii) For the second offense:
1. Suspension of the license;
 2. Closure of the place of business for not more than 30
 3. A fine not exceeding \$2,000;
- days; and
- (iii) For the third or subsequent offense:
1. Suspension of the license;
 2. Closure of the place of business for not more than 90
 3. A fine not exceeding \$2,500; and
- days; and
- (iv) For a third offense that is the same as either of the 2 previous offenses:
1. Revocation of the license;
 2. Prohibition of licensure of the violator; and
 3. Prohibition of licensure of the premises for a period of not more than 1 year from the date of the revocation of the license.

(3) THE PENALTIES PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION:

(I) DO NOT LIMIT, BUT ARE IN ADDITION TO, OTHER SPECIFIC OR GENERAL PENALTIES FOR THE SAME VIOLATION UNDER THIS ARTICLE; AND

(II) ARE INDEPENDENT OF ANY RELATED COURT ACTION BASED ON THE SAME VIOLATION.

[(3)] (4) The Board of License Commissioners shall hear and determine a case within 30 days from the date the violation is reported by an inspector

or law enforcement officer. The Board shall make a determination of the case within 15 days after the conclusion of the hearing.

[(4)](5) An appeal from the Board's decision may not stay an order of the Board to suspend a license or close a place of business.

Article – Criminal Law

10–119.

(b) (1) A citation for a violation of §§ 10–113 through 10–115 or a violation of § 10–118 of this part may be issued by:

(i) a police officer authorized to make arrests;

(ii) in State forestry reservations, State parks, historic monuments, and recreation areas, a forest or park warden under § 5–206(a) or (b) of the Natural Resources Article; and

(iii) subject to paragraphs (2) and (3) of this subsection, in Anne Arundel County, Frederick County, Harford County, **KENT COUNTY**, Montgomery County, Prince George's County, and Talbot County, and only in the inspector's jurisdiction, an alcoholic beverages inspector who investigates license violations under Article 2B of the Code.

(2) In Anne Arundel County, Frederick County, Harford County, **KENT COUNTY**, Montgomery County, Prince George's County, and Talbot County, the inspector shall successfully complete an appropriate program of training in the proper use of arrest authority and pertinent police procedures as required by the board of license commissioners.

(3) In Anne Arundel County, Harford County, **KENT COUNTY**, Montgomery County, Prince George's County, and Talbot County, the inspector may not carry a firearm in the performance of the inspector's duties.

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

May 15, 2014

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

Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 242 – *Juvenile Law – Truancy Reduction Pilot Program – Kent County*.

The bill authorizes the Circuit Administrative Judge of the Second Circuit to establish a Truancy Reduction Pilot Program in the juvenile court in Kent County, and makes specified provisions relating to a Truancy Reduction Pilot Program in specified counties applicable to Kent County.

Senate Bill 282, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 242.

Sincerely,

Governor Martin O'Malley

House Bill 242

AN ACT concerning

Juvenile Law – Truancy Reduction Pilot Program – Kent County

FOR the purpose of authorizing the Circuit Administrative Judge of the Second Circuit to establish a Truancy Reduction Pilot Program in the juvenile court in Kent County; making certain provisions relating to a Truancy Reduction Pilot Program in certain counties applicable to Kent County; and generally relating to a Truancy Reduction Pilot Program in Kent County.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–8C–01
Annotated Code of Maryland
(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8C–02
Annotated Code of Maryland
(2013 Replacement Volume and 2013 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

3–8C–01.

This subtitle applies only:

(1) In a county in which the circuit administrative judge has established a Truancy Reduction Pilot Program under § 3–8C–02 of this subtitle; and

(2) To the extent that funds are provided in an annual State budget for a Truancy Reduction Pilot Program.

3–8C–02.

(a) (1) The Circuit Administrative Judge of the First Circuit may establish a Truancy Reduction Pilot Program in one or more of the juvenile courts in Dorchester County, Somerset County, Wicomico County, and Worcester County.

(2) The Circuit Administrative Judge of the Second Circuit may establish a Truancy Reduction Pilot Program in the juvenile [court] **COURTS** in **KENT COUNTY AND** Talbot County.

(3) The Circuit Administrative Judge of the Third Circuit may establish a Truancy Reduction Pilot Program in the juvenile court in Harford County.

(4) The Circuit Administrative Judge of the Seventh Circuit may establish a Truancy Reduction Pilot Program in the juvenile court in Prince George's County.

(b) After consultation with the administrative judges of the first, second, third, and seventh circuits, the Chief Judge of the Court of Appeals may accept a gift or grant to implement the pilot programs in each respective circuit.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

May 15, 2014

The Honorable Michael E. Busch
Speaker of the House

H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 253 – *State Board of Stationary Engineers – Sunset Extension and Program Evaluation*.

The bill continues the State Board of Stationary Engineers in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending the Board's termination date by 10 years, to July 1, 2024, and requiring a preliminary evaluation of the Board by December 15, 2021.

Senate Bill 292, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 253.

Sincerely,

Governor Martin O'Malley

House Bill 253

AN ACT concerning

State Board of Stationary Engineers – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Stationary Engineers in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that a preliminary evaluation of the Board and the statutes and regulations that relate to the Board be conducted on or before a certain date; and generally relating to the State Board of Stationary Engineers.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 6.5–502
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 8–403(b)(18)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 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

6.5–502.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all regulations adopted under this title shall terminate and be of no effect after July 1, [2014] **2024**.

Article – State Government

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(18) Engineers, State Board of Stationary (§ 6.5–201 of the Business Occupations and Professions Article: [2011] **2021**);

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 254 – *State Board of Individual Tax Preparers – Sunset Extension and Program Evaluation*.

The bill continues the State Board of Individual Tax Preparers in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending the Board's termination date by 10 years, to July 1, 2026, and requiring an evaluation of the Board by December 15, 2023.

Senate Bill 297, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 254.

Sincerely,

Governor Martin O'Malley

House Bill 254

AN ACT concerning

State Board of Individual Tax Preparers – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Individual Tax Preparers in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; requiring the Board to submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to the State Board of Individual Tax Preparers.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 21-502
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(27)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 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

21–502.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all regulations adopted under this title shall terminate and be of no effect after July 1, [2016] **2026**.

Article – State Government

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(27) Individual Tax Preparers, State Board of (§ 21–201 of the Business Occupations and Professions Article: [2013] **2023**);

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2015, the State Board of Individual Tax Preparers shall submit a report 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, that:

(1) provides an update on the Board's expenditures and special fund balance; and

(2) includes any recommendations for legislative changes necessary to provide any additional authority the Board needs to address complaints alleging the unregistered provision of individual tax preparation services.

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

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 256 – *Maryland Horse Industry Board – Sunset Extension and Program Evaluation*.

The bill continues the Maryland Horse Industry Board in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to July 1, 2026, the termination provisions relating to the statutory and regulatory authority of the Board and requiring that an evaluation of the Board be performed on or before December 15, 2023.

Senate Bill 294, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 256.

Sincerely,

Governor Martin O'Malley

House Bill 256

AN ACT concerning

Maryland Horse Industry Board – Sunset Extension and Program Evaluation

FOR the purpose of continuing the Maryland Horse Industry Board in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; ~~repealing a certain restriction on the use of certain funds generated by commercial equine feed assessments~~; requiring that an evaluation of the Board be performed on or before a certain date; requiring the Board to submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to the Maryland Horse Industry Board.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–719 ~~and 6–107.2~~
Annotated Code of Maryland
(2007 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 6–107.2
Annotated Code of Maryland
(2007 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(26)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – Agriculture

2–719.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, the provisions of this subtitle and of any rule or regulation adopted under this subtitle shall terminate and be of no effect after July 1, [2016] **2026**.

6–107.2.

(a) The Secretary may establish an assessment of up to \$6 per ton on commercial equine feed that is sold in Maryland.

(b) The assessment shall be paid by the person registering the feed according to the collection and reporting guidelines established by the Secretary by regulation.

(c) Any assessments collected shall be paid into the Maryland Horse Industry Fund as provided in § 2-708.2 of this article.

(d) The Secretary shall adopt regulations to:

(1) Allow a person who purchases commercial equine feed in the State to request reimbursement of any assessment that was paid on the feed; and

(2) Require that a purchaser of feed be notified, at the point of sale, of the possibility of reimbursement.

~~¶~~(e) Notwithstanding any other provision of this subtitle, any funds collected under this section may be used only for education, research, and promotional materials and activities intended to benefit the Maryland equine industry.~~¶~~

Article – State Government

8-403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(26) Horse Industry Board, Maryland (§ 2-701 of the Agriculture Article: [2013] **2023**);

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2015, the Maryland Horse Industry Board shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee, in accordance with § 2-1246 of the State Government Article, on the Board's use of its civil enforcement authority and the Board's progress in balancing its revenues and expenditures once contractual expenses for the Maryland horse park study end.

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

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 257 – *Elevator Safety Review Board and Division of Labor and Industry – Sunset Extension and Program Evaluation*.

The bill continues the Elevator Safety Review Board in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending the Board's termination date by five years, to July 1, 2019, and requiring that an evaluation of the Board be performed on or before December 15, 2016. The bill also repeals a termination provision regarding the mediation or arbitration of labor disputes by the Division of Labor and Industry within the Department of Labor, Licensing and Regulation.

Senate Bill 293, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 257.

Sincerely,

Governor Martin O'Malley

House Bill 257

AN ACT concerning

Elevator Safety Review Board and Division of Labor and Industry – Sunset Extension and Program Evaluation

FOR the purpose of continuing the Elevator Safety Review Board in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory

and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that govern the Board be performed on or before a certain date; repealing certain termination provisions that apply to the regulation of mediation or arbitration of labor disputes, choice of bargaining representative, and strikebreakers; providing for the effective date of this Act; and generally relating to the Elevator Safety Review Board and the Division of Labor and Industry.

BY repealing

Article – Labor and Employment

Section 4–405

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 12–842

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 8–403(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 8–403(b)(16)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

Article – Labor and Employment

[4–405.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, Subtitles 1 and 2 of this title and § 4–403 of this subtitle shall terminate and be of no effect after July 1, 2014.]

Article – Public Safety

12–842.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, the provisions of this title that create or relate to the Board and any regulations adopted by the Board shall terminate and be of no effect after July 1, [2014] **2019**.

Article – State Government

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(16) Elevator Safety Review Board (§§ 12–819 through 12–841 of the Public Safety Article: [2011] **2016**);

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 30, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 261 – *Alcoholic Beverages – Hard Cider – Definition*.

The bill alters the definition of “hard cider” to include beverages derived primarily from pears, or pear concentrate and water, and containing at least one–half of 1% and less than 7% of alcohol by volume.

Senate Bill 161, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 261.

Sincerely,

Governor Martin O'Malley

House Bill 261

AN ACT concerning

Alcoholic Beverages – Hard Cider – Definition

FOR the purpose of altering the definition of hard cider to include certain beverages derived primarily from pears or pear concentrate and water; and generally relating to the definition of hard cider.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 1–102(a)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 1–102(a)(9–1)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

Article 2B – Alcoholic Beverages

1–102.

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

(9–1) “Hard cider” means a beverage derived primarily from [apples or] **APPLES**, apple concentrate and water, **PEARS, OR PEAR CONCENTRATE AND WATER**, containing no other fruit product, and containing at least one-half of 1% and less than 7% of alcohol by volume.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 269 – *Montgomery County – Alcoholic Beverages – Class B Beer, Wine and Liquor (Clubhouse/Lodge) License MC 20-14*.

The bill establishes in Montgomery County a special Class B beer, wine and liquor (BWL) (clubhouse/lodge) license and authorizes the Montgomery County Board of License Commissioners to issue the license for use by specified facilities.

Senate Bill 459, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 269.

Sincerely,

Governor Martin O'Malley

House Bill 269

AN ACT concerning

Montgomery County – Alcoholic Beverages – Class B Beer, Wine and Liquor (Clubhouse/Lodge) License

MC 20-14

FOR the purpose of establishing in Montgomery County a special Class B beer, wine and liquor (BWL) (clubhouse/lodge) license; specifying ~~the type of facility to which~~ that the Board of License Commissioners may issue a Class B-BWL (clubhouse/lodge) license only to a certain person for use by a certain facility; specifying that a Class B-BWL (clubhouse/lodge) license authorizes a holder to serve certain alcoholic beverages on the licensed premises, off the licensed premises, or for tasting purposes at no charge or for a fee; specifying that certain restrictions do not apply to the issuance of a Class B-BWL (clubhouse/lodge) license; specifying an annual license fee; authorizing the Executive Director of the Montgomery County Revenue Authority to hold more

than one Class B–BWL (clubhouse/lodge) license for the use of certain public golf courses; and generally relating to alcoholic beverages in Montgomery County.

BY repealing and reenacting, without amendments,
 Article 2B – Alcoholic Beverages
 Section 6–201(q)(1) and (2)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2013 Supplement)

BY adding to
 Article 2B – Alcoholic Beverages
 Section 6–201(q)(5)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
 Article 2B – Alcoholic Beverages
 Section 9–102.2
 Annotated Code of Maryland
 (2011 Replacement Volume and 2013 Supplement)

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

Article 2B – Alcoholic Beverages

6–201.

- (q) (1) (i) This subsection applies only in Montgomery County.
- (ii) 1. In this subsection the following words have the meanings indicated.
2. “Board” means the Board of License Commissioners.
3. “Dining area” means the area occupied by patrons for the consumption of food and includes a cocktail area where food need not be served if there is no separate outdoor entrance to the cocktail area.
- (2) (i) 1. The Board may issue this license only to the owner of any restaurant or hotel.
2. The restaurant shall be located in the second, third, fourth, sixth, seventh, eighth, ninth, tenth, or thirteenth election districts.

3. The licensee may not be located in the Towns of Poolesville, Takoma Park, and Kensington.

(ii) 1. As a prerequisite for the initial issuance of a license under this subsection, the owner shall attest in a sworn statement that gross receipts from food sales in the restaurant or hotel will be at least equal to the gross receipts from the sale of alcoholic beverages.

2. As a prerequisite for each renewal of a license issued under this subsection, the owner shall attest in a sworn statement that the gross receipts from food sales in the restaurant or hotel for the 12-month period immediately preceding the application for renewal have been at least equal to the gross receipts from the sale of alcoholic beverages.

3. The Board by regulation shall provide for periodic inspection of the premises and for audits to determine the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages.

4. Any regulations adopted by the Board shall include a requirement of at least monthly physical inspections of the premises during the initial license year of any licensee and the submission by the licensee to the Board, during the initial license year, of monthly statements showing gross receipts from the sale of food and gross receipts from the sale of alcoholic beverages for the immediately preceding month.

5. In the event that a licensee, during the initial license year, fails to maintain the sales ratio requirement provided in this paragraph for a period of three consecutive months or after the initial license year for each license or calendar year, the Board, in its discretion, may revoke the license. The Board may require any licensee to provide supporting data as it, in its discretion, deems necessary, in order to establish that the requirements of this section relating to the ratio of gross receipts from the sale of food to those from the sale of alcoholic beverages have been met.

(iii) A license issued under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only, and alcoholic beverages may not be served to patrons or consumed at any bar, counter without seats, or other room but in the dining area. However, the seats in the cocktail area may not exceed 25 percent of the seats normally available for the general public in the dining area, including the cocktail area portion, but excluding special banquet and private party facilities.

(iv) Signs visible from the exterior of the building, advertising the sale of alcoholic beverages, are not permitted in connection with any restaurant or hotel holding a license issued under the provisions of this section except for the display of the menu then in use by the licensee.

(v) 1. The annual license fee is \$2,500.

2. For the third license that is not restricted by location and is obtained by a licensee under § 9–102.1 of this article, the annual fee is \$5,000.

(5) (I) THERE IS A SPECIAL CLASS B LICENSE KNOWN AS A CLASS B–BWL (CLUBHOUSE/LODGE) LICENSE.

(II) THE BOARD MAY ISSUE A CLASS B–BWL (CLUBHOUSE/LODGE) LICENSE ONLY TO THE EXECUTIVE DIRECTOR OF THE MONTGOMERY COUNTY REVENUE AUTHORITY, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, FOR USE BY A MULTI-USE FACILITY THAT ACCOMMODATES A GOLF COURSE, A RESTAURANT, A CLUBHOUSE, A TASTING BAR, AND THE CATERING OF EVENTS ANYWHERE ON THE PROPERTY.

(III) A CLASS B–BWL (CLUBHOUSE/LODGE) LICENSE AUTHORIZES THE HOLDER TO:

1. **SELL BEER AND WINE FOR CONSUMPTION OFF THE LICENSED PREMISES;**

2. **SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION ON THE LICENSED PREMISES; AND**

3. **OFFER SAMPLES OF ALCOHOLIC BEVERAGES AT NO CHARGE OR FOR A FEE.**

(IV) THE RESTRICTIONS CONTAINED IN PARAGRAPH (2) OF THIS SUBSECTION DO NOT APPLY TO THE ISSUANCE OF A CLASS B–BWL (CLUBHOUSE/LODGE) LICENSE.

(V) THE ANNUAL LICENSE FEE FOR A CLASS B–BWL (CLUBHOUSE/LODGE) LICENSE IS \$1,000.

9–102.2.

(a) (1) The Director or Deputy Director of the Montgomery County Parks Department of the Maryland–National Capital Park and Planning Commission may hold more than one of the following alcoholic beverages licenses for the limited use of public golf courses that are under the Commission's jurisdiction in Montgomery County:

(i) A Class H beer (on–sale) license; or

(ii) A Class H beer and light wine (on–sale) license.

(2) The Executive Director of the Montgomery County Revenue Authority or the Executive Director's designee may hold more than one of the following alcoholic beverages licenses for the limited use of public golf courses that are under the jurisdiction of the Revenue Authority:

- (i) A Class H beer (on-sale) license; [or]
- (ii) A Class H beer and light wine (on-sale) license; **OR**

(III) A CLASS B-BWL (CLUBHOUSE/LODGE) (BEER AND WINE OFF-SALE; BEER, WINE, AND LIQUOR ON-SALE) LICENSE.

(3) A license issued under paragraph (2) of this subsection shall be signed by the Revenue Authority's Executive Director or the Executive Director's designee.

(b) (1) As a condition to holding any license under this section, the Director or Deputy Director of the Montgomery County Parks Department of the Maryland-National Capital Park and Planning Commission or the Executive Director of the Montgomery County Revenue Authority or the Executive Director's designee, respectively, shall designate an individual with respect to each golf course to complete training in an alcohol awareness program approved under § 13-101 of this article.

(2) The individual designated to complete training in an alcohol awareness program under paragraph (1) of this subsection shall:

- (i) Represent the concessionaire; and
- (ii) Be involved with the management of the sale of beer or light wine by the concessionaire at the golf course.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 272 – *Health Occupations – Licensed Podiatrists – Scope of Practice and Hospital Privileges*.

The bill alters the definition of “practice podiatry” to include the surgical treatment of acute ankle fracture in the scope of practice of licensed podiatrists and requires qualifications that a hospital or related institution sets for granting specified privileges for specified services to include consideration of specified training, education, and experience.

Senate Bill 162, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 272.

Sincerely,

Governor Martin O'Malley

House Bill 272

AN ACT concerning

Health Occupations – Licensed Podiatrists – Scope of Practice and Hospital Privileges

FOR the purpose of altering the definition of “practice podiatry” to include the surgical treatment of acute ankle fracture in the scope of practice of licensed podiatrists; requiring qualifications that a hospital or related institution sets for granting certain privileges for certain services to include consideration of certain training, education, and experience; and generally relating to licensed podiatrists.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–351(b)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 16–101

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 16–103
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – Health – General

19–351.

(b) (1) A hospital or related institution that provides services that licensed podiatrists are authorized to perform under Title 16 of the Health Occupations Article, other than incidental care, shall include, in its bylaws, rules, or regulations, provisions for use of facilities by and staff privileges for qualified podiatrists.

(2) The hospital or related institution may restrict use of facilities and staff privileges by podiatrists to those podiatrists who meet the qualifications that the hospital or related institution sets for granting those privileges.

(3) THE QUALIFICATIONS THAT THE HOSPITAL OR RELATED INSTITUTION SETS FOR GRANTING PRIVILEGES FOR SERVICES THAT LICENSED PODIATRISTS ARE AUTHORIZED TO PERFORM UNDER TITLE 16 OF THE HEALTH OCCUPATIONS ARTICLE SHALL INCLUDE CONSIDERATION OF THE TRAINING, EDUCATION, AND EXPERIENCE OF THE PODIATRIST.

Article – Health Occupations

16–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Board” means the State Board of Podiatric Medical Examiners.
- (c) “License” means, unless the context requires otherwise, a license issued by the Board to practice podiatry.
- (d) “Licensed podiatrist” means, unless the context requires otherwise, a podiatrist who is licensed by the Board to practice podiatry.
- (e) “Podiatrist” means an individual who practices podiatry.
- (f) (1) “Practice podiatry” means to diagnose or surgically, medically, or mechanically treat the human foot or ankle, the anatomical structures that attach to the human foot, or the soft tissue below the mid–calf.

- (2) "Practice podiatry" does not include[:
- (i) Surgical treatment of acute ankle fracture; or
 - (ii) Administration] **ADMINISTRATION** of an anesthetic, other than a local anesthetic.

16-103.

(a) All osseous surgical procedures of the ankle, arthrodeses of 2 or more tarsal bones, and complete tarsal osteotomies that are performed by a licensed podiatrist shall be performed in a licensed hospital or ambulatory surgical center, subject to the provisions of § 19-351 of the Health – General Article.

(b) A licensed podiatrist who performs an osseous surgical procedure of the ankle, arthrodesis of 2 or more tarsal bones, or a complete tarsal osteotomy in a licensed ambulatory surgical center must:

- (1) Have current surgical privileges at a licensed hospital for the same procedure; and
- (2) Meet the requirements of the ambulatory surgical center.

(c) Nothing in this title shall prohibit a licensed hospital or ambulatory surgical center from establishing qualifications or delineating privileges for the performance of surgical procedures of the human foot or ankle, the anatomical structures that attach to the human foot, or the soft tissue below the mid-calf by a licensed podiatrist in the hospital or ambulatory surgical center.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 275 – *Criminal Law – Table Games and Video Lottery Terminals – Individual Under the Age of 21 Years*.

The bill prohibits an individual under the age of 21 years old from playing a table game or video lottery terminal in a video lottery facility, or from entering or remaining in an area within a video lottery facility that is designated for table game or video lottery terminal activities.

Senate Bill 481, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 275.

Sincerely,

Governor Martin O'Malley

House Bill 275

AN ACT concerning

Criminal Law – Table Games and Video Lottery Terminals – Individual Under the Age of 21 Years

FOR the purpose of prohibiting an individual under the age of 21 years from playing a table game or video lottery terminal in a video lottery facility; prohibiting an individual under the age of 21 years from entering or remaining in an area within a video lottery facility that is designated ~~solely~~ for table game or video lottery terminal activities; establishing penalties for a certain violation of this Act; establishing that a person who violates this Act shall be issued a certain citation; authorizing certain individuals to issue certain citations under certain circumstances; requiring the District Court to prescribe a certain form of citation; requiring that the citation contain certain information; requiring the jurisdiction that issues a certain citation to forward a copy of the citation and a request for trial to the District Court having a certain venue; requiring the District Court to schedule a certain trial and summon a certain defendant to appear; providing that a willful failure to respond to a certain summons is contempt of court; establishing that a violation of a certain provision of this Act is a Code violation and a civil offense; providing that a minor is subject to certain procedures and dispositions; providing that an individual who is under the age of 21 years but not a minor is subject to certain provisions of this Act; establishing that an adjudication of a certain Code violation is not a criminal conviction for any purpose and does not impose certain disabilities; establishing certain procedures for a certain Code violation proceeding; establishing certain penalties for a certain violation of this Act; ~~prohibiting~~ authorizing the Chief Judge of the District Court ~~from establishing~~ to establish a certain schedule for the prepayment of fines; authorizing a court to direct that the payment of a

certain fine be suspended or deferred; establishing that the willful failure to pay a certain fine is criminal contempt of court; providing that a certain defendant is liable for certain costs; establishing that a certain defendant has certain rights to appeal or file certain motions; authorizing the State's Attorney to prosecute a certain violation in a certain manner; establishing that a violation of a certain provision of this Act is a violation for certain purposes; authorizing a certain law enforcement officer to issue a citation to a child for a violation of a certain provision of this Act under certain circumstances; defining certain terms; making conforming changes; and generally relating to table game and video lottery terminal violations.

BY adding to

Article – Criminal Law

Section 10–136 and 10–137 to be under the new part “Part V. Table Game and Video Lottery Terminal Violations”

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 3–8A–01(dd) and 3–8A–33(a)

Annotated Code of Maryland

(2013 Replacement Volume and 2013 Supplement)

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

Article – Criminal Law

10–134. RESERVED.

10–135. RESERVED.

PART V. TABLE GAME AND VIDEO LOTTERY TERMINAL VIOLATIONS.

10–136.

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

(2) “TABLE GAMES” HAS THE MEANING STATED IN § 9–1A–01 OF THE STATE GOVERNMENT ARTICLE.

(3) “VIDEO LOTTERY FACILITY” HAS THE MEANING STATED IN § 9–1A–01 OF THE STATE GOVERNMENT ARTICLE.

(4) “VIDEO LOTTERY TERMINAL” HAS THE MEANING STATED IN § 9–1A–01 OF THE STATE GOVERNMENT ARTICLE.

(B) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT:

(1) PLAY A TABLE GAME OR VIDEO LOTTERY TERMINAL IN A VIDEO LOTTERY FACILITY; OR

(2) ENTER OR REMAIN IN AN AREA WITHIN A VIDEO LOTTERY FACILITY THAT IS DESIGNATED ~~SOLELY~~ FOR TABLE GAME OR VIDEO LOTTERY TERMINAL ACTIVITIES.

10–137.

(A) A PERSON WHO VIOLATES § 10–136 OF THIS PART SHALL BE ISSUED A CITATION UNDER THIS SECTION.

(B) A CITATION FOR A VIOLATION OF § 10–136 OF THIS PART MAY BE ISSUED BY:

(1) A POLICE OFFICER AUTHORIZED TO MAKE ARRESTS; AND

(2) IN STATE FORESTRY RESERVATIONS, STATE PARKS, HISTORIC MONUMENTS, AND RECREATION AREAS, A FOREST OR PARK WARDEN UNDER § 5–206(A) OF THE NATURAL RESOURCES ARTICLE.

(C) A PERSON AUTHORIZED UNDER THIS SECTION TO ISSUE A CITATION SHALL ISSUE THE CITATION IF THE PERSON HAS PROBABLE CAUSE TO BELIEVE THAT THE PERSON CHARGED IS COMMITTING OR HAS COMMITTED A VIOLATION OF § 10–136 OF THIS PART.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE FORM OF CITATION ISSUED TO AN ADULT FOR A VIOLATION OF § 10–136 OF THIS PART SHALL BE AS PRESCRIBED BY THE DISTRICT COURT AND SHALL BE UNIFORM THROUGHOUT THE STATE.

(2) THE CITATION ISSUED TO AN ADULT SHALL CONTAIN:

(I) THE NAME AND ADDRESS OF THE PERSON CHARGED;

(II) THE STATUTE ALLEGEDLY VIOLATED;

(III) THE LOCATION, DATE, AND TIME THAT THE ALLEGED VIOLATION OCCURRED;

(IV) THE FINE THAT MAY BE IMPOSED;

~~(V) A NOTICE THAT PREPAYMENT OF THE FINE IS NOT ALLOWED;~~

~~(VI)~~ (V) A NOTICE THAT THE DISTRICT COURT PROMPTLY SHALL SEND TO THE PERSON CHARGED A SUMMONS TO APPEAR FOR TRIAL;

~~(VII)~~ (VI) THE SIGNATURE OF THE PERSON ISSUING THE CITATION; AND

~~(VIII)~~ (VII) A SPACE FOR THE PERSON CHARGED TO SIGN THE CITATION.

(3) THE FORM OF CITATION ISSUED TO A MINOR SHALL:

(I) BE PRESCRIBED BY THE STATE COURT ADMINISTRATOR;

(II) BE UNIFORM THROUGHOUT THE STATE; AND

(III) CONTAIN THE INFORMATION LISTED IN § 3-8A-33(B) OF THE COURTS ARTICLE.

(E) (1) THE ISSUING JURISDICTION SHALL FORWARD A COPY OF THE CITATION AND A REQUEST FOR TRIAL TO THE DISTRICT COURT IN THE DISTRICT HAVING VENUE.

(2) THE DISTRICT COURT PROMPTLY SHALL SCHEDULE THE CASE FOR TRIAL AND SUMMON THE DEFENDANT TO APPEAR.

(3) WILLFUL FAILURE OF THE DEFENDANT TO RESPOND TO A SUMMONS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION IS CONTEMPT OF COURT.

(F) (1) FOR PURPOSES OF THIS SECTION, A VIOLATION OF § 10-136 OF THIS PART IS A CODE VIOLATION AND IS A CIVIL OFFENSE.

(2) A PERSON CHARGED WHO IS UNDER THE AGE OF 18 YEARS SHALL BE SUBJECT TO THE PROCEDURES AND DISPOSITIONS PROVIDED IN TITLE 3, SUBTITLE 8A OF THE COURTS ARTICLE.

(3) A PERSON CHARGED WHO IS AT LEAST 18 YEARS OLD SHALL BE SUBJECT TO THE PROVISIONS OF THIS SECTION.

(4) ADJUDICATION OF A CODE VIOLATION UNDER § 10-136 OF THIS PART IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE AND DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES ORDINARILY IMPOSED BY A CRIMINAL CONVICTION.

(G) IN ANY PROCEEDING FOR A CODE VIOLATION UNDER § 10-136 OF THIS PART:

(1) THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE DEFENDANT TO THE SAME EXTENT AS IS REQUIRED BY LAW IN THE TRIAL OF CRIMINAL CASES;

(2) THE COURT SHALL APPLY THE EVIDENTIARY STANDARDS AS PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF CRIMINAL CASES;

(3) THE COURT SHALL ENSURE THAT THE DEFENDANT HAS RECEIVED A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE DEFENDANT UNDERSTANDS THOSE CHARGES;

(4) THE DEFENDANT IS ENTITLED TO CROSS-EXAMINE ALL WITNESSES WHO APPEAR AGAINST THE DEFENDANT, TO PRODUCE EVIDENCE OR WITNESSES ON BEHALF OF THE DEFENDANT, AND TO TESTIFY ON THE DEFENDANT'S OWN BEHALF, IF THE DEFENDANT CHOOSES TO DO SO;

(5) THE DEFENDANT IS ENTITLED TO BE REPRESENTED BY COUNSEL OF THE DEFENDANT'S CHOICE AND AT THE EXPENSE OF THE DEFENDANT; AND

(6) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT GUILTY, AND THE VERDICT OF THE COURT IN THE CASE SHALL BE:

(I) GUILTY OF A CODE VIOLATION;

(II) NOT GUILTY OF A CODE VIOLATION; OR

(III) PROBATION BEFORE JUDGMENT, IMPOSED BY THE COURT IN THE SAME MANNER AND TO THE SAME EXTENT AS IS ALLOWED BY LAW IN THE TRIAL OF A CRIMINAL CASE.

(H) (1) IF THE DISTRICT COURT FINDS THAT A PERSON HAS COMMITTED A CODE VIOLATION, THE COURT SHALL REQUIRE THE PERSON:

(I) FOR A FIRST VIOLATION, TO PAY A FINE NOT EXCEEDING \$100;

(II) FOR A SECOND VIOLATION, TO PAY A FINE NOT EXCEEDING \$500; OR

(III) FOR A THIRD OR SUBSEQUENT VIOLATION, TO PAY A FINE NOT EXCEEDING \$1,000 AND TO PARTICIPATE IN GAMBLING ADDICTION TREATMENT.

(2) THE CHIEF JUDGE OF THE DISTRICT COURT MAY ~~NOT~~ ESTABLISH A SCHEDULE FOR THE PREPAYMENT OF FINES FOR A VIOLATION UNDER § 10-136 OF THIS PART.

(I) WHEN A DEFENDANT HAS BEEN FOUND GUILTY OF A CODE VIOLATION AND A FINE HAS BEEN IMPOSED BY THE COURT:

(1) THE COURT MAY DIRECT THAT THE PAYMENT OF THE FINE BE SUSPENDED OR DEFERRED UNDER CONDITIONS THAT THE COURT MAY ESTABLISH; AND

(2) IF THE DEFENDANT WILLFULLY FAILS TO PAY THE FINE IMPOSED BY THE COURT, THAT WILLFUL FAILURE MAY BE TREATED AS A CRIMINAL CONTEMPT OF COURT, FOR WHICH THE DEFENDANT MAY BE PUNISHED BY THE COURT AS PROVIDED BY LAW.

(J) (1) THE DEFENDANT IS LIABLE FOR THE COSTS OF THE PROCEEDINGS IN THE DISTRICT COURT AND FOR PAYMENT TO THE CRIMINAL INJURIES COMPENSATION FUND.

(2) THE COURT COSTS IN A CODE VIOLATION CASE UNDER § 10-136 OF THIS PART IN WHICH COSTS ARE IMPOSED ARE \$5.

(K) (1) A DEFENDANT WHO HAS BEEN FOUND GUILTY OF A CODE VIOLATION UNDER § 10-136 OF THIS PART HAS THE RIGHT TO APPEAL OR TO FILE A MOTION FOR A NEW TRIAL OR A MOTION FOR A REVISION OF A JUDGMENT PROVIDED BY LAW IN THE TRIAL OF A CRIMINAL CASE.

(2) A MOTION SHALL BE MADE IN THE SAME MANNER AS PROVIDED IN THE TRIAL OF CRIMINAL CASES, AND THE COURT, IN RULING ON THE MOTION, HAS THE SAME AUTHORITY PROVIDED IN THE TRIAL OF CRIMINAL CASES.

(L) (1) **THE STATE’S ATTORNEY FOR ANY COUNTY MAY PROSECUTE A CODE VIOLATION UNDER § 10–136 OF THIS PART IN THE SAME MANNER AS PROSECUTION OF A VIOLATION OF THE CRIMINAL LAWS OF THE STATE.**

(2) **IN A CODE VIOLATION CASE UNDER § 10–136 OF THIS PART, THE STATE’S ATTORNEY MAY:**

(I) **ENTER A NOLLE PROSEQUI OR PLACE THE CASE ON THE STET DOCKET; AND**

(II) **EXERCISE AUTHORITY IN THE SAME MANNER AS PRESCRIBED BY LAW FOR VIOLATION OF THE CRIMINAL LAWS OF THE STATE.**

Article – Courts and Judicial Proceedings

3–8A–01.

(dd) “Violation” means a violation for which a citation is issued under:

(1) § 10–113, § 10–114, § 10–115, or § 10–116 of the Criminal Law Article;

(2) § 10–108 of the Criminal Law Article;

(3) § 10–132 of the Criminal Law Article; [or]

(4) § 10–136 OF THE CRIMINAL LAW ARTICLE; OR

[(4)] (5) § 26–103 of the Education Article.

3–8A–33.

(a) A law enforcement officer authorized to make arrests shall issue a citation to a child if the officer has probable cause to believe that the child is violating:

(1) § 10–113, § 10–114, § 10–115, or § 10–116 of the Criminal Law Article;

(2) § 10–108 of the Criminal Law Article;

(3) § 10–132 of the Criminal Law Article; [or]

(4) § 10–136 OF THE CRIMINAL LAW ARTICLE; OR

[(4)] (5) § 26–103 of the Education Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 286 – *Criminal Law – Use of Handgun in Crime of Violence or Felony – Statute of Limitations*.

The bill extends the statute of limitations for a violation of a specified provision of law prohibiting the use of a firearm in the commission of a crime of violence or a felony.

Senate Bill 248, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 286.

Sincerely,

Governor Martin O'Malley

House Bill 286

AN ACT concerning

Criminal Law – Use of Handgun in Crime of Violence or Felony – Statute of Limitations

FOR the purpose of ~~providing that a person who violates~~ extending the statute of limitations for a violation of a certain provision of law prohibiting using a firearm in the commission of a crime of violence or felony ~~is not covered by the 1-year statute of limitations for a misdemeanor;~~ and generally relating to prohibitions on the use of a firearm in the commission of a crime of violence or felony and statutes of limitations.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings

Section 5–106(a)
Annotated Code of Maryland
(2013 Replacement Volume and 2013 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 5–106(dd)
Annotated Code of Maryland
(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, ~~with~~ without amendments,
Article – Criminal Law
Section 4–204
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Courts and Judicial Proceedings

5–106.

(a) Except as provided by this section and § 1–303 of the Environment Article, a prosecution for a misdemeanor shall be instituted within 1 year after the offense was committed.

(DD) THE STATUTE OF LIMITATIONS FOR THE PROSECUTION OF AN OFFENSE UNDER § 4–204 OF THE CRIMINAL LAW ARTICLE RELATING TO THE USE OF A FIREARM IN THE COMMISSION OF A CRIME OF VIOLENCE OR FELONY IS THE SAME AS THE STATUTE OF LIMITATIONS FOR THE UNDERLYING CRIME.

Article – Criminal Law

4–204.

- (a) (1) In this section, “firearm” means:
- (i) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or
 - (ii) the frame or receiver of such a weapon.
- (2) “Firearm” includes an antique firearm, handgun, rifle, shotgun, short-barreled rifle, short-barreled shotgun, starter gun, or any other firearm, whether loaded or unloaded.

(b) A person may not use a firearm in the commission of a crime of violence, as defined in § 5–101 of the Public Safety Article, or any felony, whether the firearm is operable or inoperable at the time of the crime.

(c) (1) (i) A person who violates this section is guilty of a misdemeanor and, in addition to any other penalty imposed for the crime of violence or felony, shall be sentenced to imprisonment for not less than 5 years and not exceeding 20 years.

(ii) The court may not impose less than the minimum sentence of 5 years and, except as otherwise provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole in less than 5 years.

(2) For each subsequent violation, the sentence shall be consecutive to and not concurrent with any other sentence imposed for the crime of violence or felony.

~~(D) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO § 5–106(B) OF THE COURTS ARTICLE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 287 – *Somerset County – Alcoholic Beverages – Micro-Brewery Licenses*.

The bill adds Somerset County to the list of jurisdictions in which a Class 7 micro-brewery license may be issued and adds Somerset County to the list of jurisdictions in which a holder of a Class 7 micro-brewery license may sell, in refillable containers, beer brewed under the license for consumption off the licensed premises.

Senate Bill 250, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 287.

Sincerely,

Governor Martin O'Malley

House Bill 287

AN ACT concerning

Somerset County – Alcoholic Beverages – Micro-Brewery License Licenses

FOR the purpose of adding Somerset County to the list of jurisdictions in which a Class 7 micro-brewery license may be issued; adding Somerset County to the list of jurisdictions in which the holder of a Class 7 micro-brewery license may sell at retail beer brewed under the license to customers for consumption off the licensed premises in certain refillable containers; and generally relating to the issuance of Class 7 micro-brewery licenses in Somerset County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 2–208(a), (c), (e), and (f)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–208(b) and (d)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

Article 2B – Alcoholic Beverages

2–208.

- (a) There is a Class 7 micro-brewery (on- and off-sale) license.
- (b) The license shall be issued:
 - (1) By the State Comptroller;
 - (2) Only in the following jurisdictions:
 - (i) Allegany County;

- (ii) Baltimore City;
- (iii) Baltimore County;
- (iv) The City of Annapolis;
- (v) Anne Arundel County;
- (vi) Calvert County;
- (vii) Caroline County;
- (viii) Carroll County;
- (ix) Charles County;
- (x) Dorchester County;
- (xi) Frederick County;
- (xii) Garrett County;
- (xiii) Harford County;
- (xiv) Howard County;
- (xv) Kent County;
- (xvi) Montgomery County;
- (xvii) Prince George's County;
- (xviii) Queen Anne's County;
- (xix) St. Mary's County;
- (xx) SOMERSET COUNTY;**
- [(xx)] (XXI) Talbot County;**
- [(xxi)] (XXII) Washington County;**
- [(xxii)] (XXIII) Wicomico County; and**
- [(xxiii)] (XXIV) Worcester County;**

(3) (i) Only to a holder of a Class B beer, wine and liquor (on-sale) license that is issued for use on the premises of a restaurant located in a jurisdiction listed in paragraph (2) of this subsection;

(ii) To a holder of a Class D beer (off-sale) license that is issued for use on the premises of the existing Class D license if the premises are located in Kent County or the Town of Berlin in Worcester County; or

(iii) To a holder of a Class D alcoholic beverages license that is issued for use on the premises of the existing Class D license if the premises are located in:

1. The 22nd Alcoholic Beverages District of Prince George's County;

2. Washington County; or

3. Dorchester County; and

(4) In addition to item (3) of this subsection, in Montgomery County only to a holder of a Class H beer and light wine license that is issued for use on the premises of a restaurant located in the County.

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

(i) May brew and bottle malt beverages at the license location;

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

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

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

(v) May not collectively brew, bottle, or contract for more than 22,500 barrels of malt beverages each calendar year; and

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

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

2. The temporary delivery agreement is in writing.

(2) A Class 7 licensee who wishes to produce more than the barrelage authorized under paragraph (1)(v) of this subsection shall divest of any Class B, D, or any other retail license and obtain a Class 5 manufacturer's license.

(3) For the purposes of determining the barrelage limitation under paragraph (1)(v) of this subsection, any salable beer produced under contractual arrangements accrues only to the Class 7 micro-brewery licensee who is the brand owner.

(4) In Allegany County only, the holder of a Class 7 license:

(i) May brew in one location and may contract for the bottling of the malt beverage in another location; and

(ii) Need not meet the hotel/motel requirements for a Class B beer, wine and liquor licensee but shall meet the requirements for those Class B restaurants.

(d) (1) The on-sale privilege authorizes the holder, each calendar year, to sell at retail up to 4,000 barrels of beer brewed under this license to customers for consumption on the licensed premises.

(2) The off-sale privilege authorizes the holder to sell and deliver beer brewed under this license to:

(i) Any wholesaler licensed under this article to sell beer in this State; or

(ii) Any person who is located in a state other than Maryland who is authorized under the laws of that state to receive brewed beverages.

(3) (i) This paragraph applies only in:

1. Allegany County;

2. The City of Annapolis;

3. Anne Arundel County;

4. Baltimore City;

5. Baltimore County;
6. Calvert County;
7. Caroline County;
8. Carroll County;
9. Charles County;
10. Dorchester County;
11. Frederick County;
12. Garrett County;
13. Harford County;
14. Howard County;
15. Kent County;
16. Montgomery County;
17. Prince George’s County;
18. Queen Anne’s County;
19. St. Mary’s County;
- 20. SOMERSET COUNTY;**
- [20.] **21.** Talbot County;
- [21.] **22.** Washington County;
- [22.] **23.** Wicomico County; and
- [23.] **24.** Worcester County.

(ii) The holder may sell at retail beer brewed under this license to customers for consumption off the licensed premises in refillable containers that are sealed by the micro–brewery licensee at the time of each refill.

(e) A holder of a Class 7 micro–brewery license:

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

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

(f) (1) Except as provided in paragraph (2) of this subsection, the hours and days for consumer sales under a Class 7 micro-brewery license are as established for:

(i) A Class B license in the respective jurisdictions listed in subsection (b)(2) of this section, for a holder of a Class B beer, wine and liquor license;

(ii) A Class D beer license in Worcester County, for a holder of a Class D beer license in the Town of Berlin in Worcester County;

(iii) A Class D license in Kent County; or

(iv) A Class D beer license in Dorchester County.

(2) For Class D licensees in the 22nd Alcoholic Beverages District in Prince George's County only, the hours and days for consumer sales under this license are as established for a Class D license in Prince George's County.

(3) For Class D licensees in Washington County, the hours and days for consumer sales under this license are as established for a Class D license in Washington County.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 297 – *Prekindergarten Expansion Act of 2014*.

The bill expands prekindergarten services to four-year-old children from families whose income is no more than 300 percent of the federal poverty guidelines by establishing a competitive grant program to provide funding to qualified public and private prekindergarten providers.

Senate Bill 332, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 297.

Sincerely,

Governor Martin O'Malley

House Bill 297

AN ACT concerning

Prekindergarten Expansion Act of 2014

FOR the purpose of expanding prekindergarten services to certain 4-year-old children; altering the name of the Judith P. Hoyer Early Child Care and Childhood Education Enhancement Program; changing the name of a certain grant; establishing a Preschool Services Grant; authorizing the Department of Education to distribute a certain grant to be used for a certain purpose; requiring certain providers to obtain accreditation by a certain date; requiring the Department to establish certain procedures for certain grants; requiring certain recipients of certain grants to perform certain duties; requiring the Department to conduct a certain evaluation; requiring a certain report by a certain date; establishing the Prekindergarten Expansion Grant Program; identifying the purpose of the Program; requiring the Department to administer the Program; requiring the Program to be a competitive grant program for certain providers; requiring the Department to take measures to achieve geographic diversity among certain vendors; establishing certain criteria for priority consideration to participate in the Program; establishing certain uses for grant funds; authorizing the Department to establish certain policies and procedures and additional eligibility criteria for certain purposes; requiring a certain qualified vendor to receive a grant in a certain year under certain circumstances; requiring funds for the Program to be as provided in a certain budget; requiring certain vendors to certify certain information prior to receiving a certain grant; authorizing the Governor to provide funds for certain purposes; requiring a certain funding level to be maintained if funds are provided in the budget; prohibiting certain uses of funds; requiring the Department to perform certain functions; establishing the Prekindergarten Expansion Fund as a special, nonlapsing fund; specifying the purpose of the

Fund; requiring the Department to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring the Department to make a certain report to the General Assembly on or before a certain date annually; exempting a certain fund from a certain provision of law; defining certain terms; requiring a certain study to include certain information and certain findings; requiring a certain study and a certain plan to be submitted by a certain date; and generally relating to the Prekindergarten Expansion Grant Program.

BY repealing and reenacting, with amendments,

Article – Education

Section 5–217

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Education

Section 7–101.1

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY adding to

Article – Education

Section 7–101.2

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 6–226(a)(1) and (2)(i)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)76. and 77.

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY adding to

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)78.

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

Article – Education

5–217.

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

(2) “Accreditation” means the determination that a program meets quality standards defined by the accrediting agency beyond State child care regulations.

(3) “Accrediting agency” means a State agency or national organization that has developed a recognized accrediting process.

(4) “Credentialing” means the process through which an individual is awarded a professional certificate based on education and experience.

(5) “Early [Child Care and] **CHILDHOOD** Education Enhancement Grant” means a grant that is distributed under subsection [(e)] (**E–1**) of this section.

(6) “Full day” means a period of time during the day that:

(i) Meets the needs of families; and

(ii) Is not less than 7 hours or more than 12 hours per day.

(7) “Judy Center” means a site where comprehensive early [child care and] **CHILDHOOD** education services are provided to young children and their families for the purpose of promoting school readiness through collaboration with participating agencies and programs.

(8) “Judy Center Grant” means a grant that is distributed under subsection (d) of this section.

(9) “Local management board” means a local management board as defined under § 8–101(l) of the Human Services Article.

(10) “Participating agencies and programs” includes:

(i) Public prekindergarten and kindergarten programs;

(ii) Head Start programs;

(iii) Family literacy programs and services;

- (iv) Local infants and toddlers programs;
- (v) Child care centers and family child care homes;
- (vi) Family support centers;
- (vii) Healthy family sites;
- (viii) Parent involvement programs;
- (ix) Early childhood programs affiliated with institutions of higher education; and
- (x) Other home visiting, community health, family support services, and child care resource and referral agencies.

(11) "PRESCHOOL SERVICES GRANT" MEANS A GRANT THAT IS DISTRIBUTED UNDER SUBSECTION (E) OF THIS SECTION.

[(11)] (12) "Program" means the Judith P. Hoyer Early [Child Care and] CHILDHOOD Education Enhancement Program established under this section.

(b) (1) There is a Judith P. Hoyer Early [Child Care and] **CHILDHOOD** Education Enhancement Program in the Department.

(2) The purpose of the Program is to promote school readiness through the development and expansion of collaborative approaches to the delivery of high quality, comprehensive, full-day early [child care and] **CHILDHOOD** education programs and family support services.

(c) (1) The Program shall be funded as provided in the State budget.

(2) Funds that are allocated to the Program in the State budget may be used:

(i) To cover the costs incurred by the Department in implementing and administering the Program;

(ii) For Judy Center Grants, as provided under subsection (d) of this section;

(III) FOR PRESCHOOL SERVICES GRANTS, AS PROVIDED UNDER SUBSECTION (E) OF THIS SECTION;

[(iii)] (IV) For Early [Child Care and] CHILDHOOD Education Enhancement Grants, as provided under subsection [(e)] (E-1) of this section; and

~~[(iv)]~~ **(V)** To fund the statewide implementation of the Department's Early Childhood Assessment System, as provided under subsection (f) of this section.

(d) The Department may distribute a Judy Center Grant to a county board if the county board submits an application to the Department that includes:

(1) A memorandum of understanding between the county board, the participating agencies and programs, and, in the discretion of the county board, the local management board that includes:

(i) The terms of the collaboration to be undertaken by the county board, the participating agencies and programs, and, if applicable, the local management board, including the roles and responsibilities of each of these entities; and

(ii) A plan for establishing ongoing communication between private service providers and public school early education programs; and

(2) Documentation that shows that:

(i) The Department's Early Childhood Assessment System will be implemented at the Center;

(ii) All participating agencies and programs that provide early [child care and] **CHILDHOOD** education services through the Center have voluntarily obtained accreditation or, by the date of the Grant application, have voluntarily initiated and are actively pursuing the process of obtaining accreditation; and

(iii) The Center will provide comprehensive, full-day early [child care and] **CHILDHOOD** education services and family support services.

(e) (1) The Department may distribute [an Early Child Care and Education Enhancement] **A PRESCHOOL SERVICES** Grant [to a county board] to be used to [purchase early child care and education services and family support services from providers] **PROVIDE PREKINDERGARTEN SERVICES FOR 4-YEAR-OLD CHILDREN WHOSE BIRTHDAYS FALL ON OR BEFORE SEPTEMBER 1 OF THE SCHOOL YEAR DURING WHICH SERVICES WILL BE PROVIDED AND WHOSE FAMILY INCOME IS BELOW A LEVEL SET BY THE DEPARTMENT.**

(2) PRIVATE PROVIDERS that have voluntarily obtained accreditation or have voluntarily initiated and are actively pursuing accreditation **BY THE DATE OF THE GRANT APPLICATION MUST OBTAIN ACCREDITATION BEFORE RECEIVING A GRANT AWARD.**

[(2)] (E-1) The Department may distribute an Early [Child Care and] **CHILDHOOD** Education Enhancement Grant to a private provider of early [child care and] **CHILDHOOD** education services to be used:

[i] (1) To assist the provider in voluntarily obtaining accreditation; or

[ii] (2) For professional development activities leading to increased competency and appropriate credentialing that is related to early [child care and] **CHILDHOOD** education services.

(f) The Department may distribute funds to a county board for the purpose of implementing the Department's Early Childhood Assessment System in the county's public schools.

(g) (1) The Department shall:

(i) Establish application procedures for obtaining Judy Center **GRANTS, PRESCHOOL SERVICES GRANTS**, and Early [Child Care and] **CHILDHOOD** Education Enhancement Grants as provided under this section;

(ii) Supervise and monitor the use of Grant funds distributed under this section; and

(iii) Evaluate whether Grant recipients are meeting annual benchmarks established by the Department.

(2) For Judy Center Grants, the Department may award multiyear funding.

(h) A county board that is selected to receive a Judy Center Grant or [an Early Child Care and Education Enhancement Grant for the purpose of purchasing early child care and education services] **A PRIVATE PROVIDER THAT HAS BEEN SELECTED FOR A PRESCHOOL SERVICES GRANT OR AN EARLY CHILDHOOD EDUCATION ENHANCEMENT GRANT** shall:

(1) Administer the Grant award;

(2) Submit fiscal and program reports as required by the Department;
and

(3) Coordinate the involvement of participating agencies and programs in any evaluation process conducted by the Department.

(i) Grants awarded under this section may not be used:

(1) To supplant existing funding for any services provided by participating agencies and programs; or

(2) For capital improvements.

(j) The Department shall [select through a competitive bidding process and supervise an evaluator who shall design and implement] **CONDUCT** an evaluation process to measure the effectiveness of:

(1) The Judy Centers; and

(2) Early [child care and] **CHILDHOOD** education services and family support services that are purchased with funds from **PRESCHOOL SERVICES GRANTS AND** Early [Child Care and] **CHILDHOOD** Education Enhancement Grants.

(k) The Department shall submit to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly:

(1) On or before November 1 of each year, a report on the implementation of the Program and the participating agencies and programs, including a description of the Program’s and the participating agencies’ and programs’ expenditures, enrollment, and statewide performance data, including school readiness data disaggregated by program and by jurisdiction; and

(2) On or before January 1, [2004] **2016**, a separate report that includes an evaluation, based on objective performance criteria established by the Department, of the effectiveness of:

(i) The Judy Centers; and

(ii) Early [child care and] **CHILDHOOD** education services and family support services that are purchased with funds from **PRESCHOOL SERVICES GRANTS AND** Early [Child Care and] **CHILDHOOD** Education Enhancement Grants.

(l) The Department may adopt regulations as necessary to implement the Program.

7–101.1.

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

(2) “Economically disadvantaged background” means a family whose income would make a child eligible for free or reduced price meals if the child were in kindergarten.

(3) “Eligible child” means a child:

- (i) Who is from an economically disadvantaged background;
- (ii) Whose parent or guardian seeks to enroll the child in a public prekindergarten program; and
- (iii) Who is 4 years old on September 1 of the school year in which the parent or legal guardian seeks to enroll the child in a public prekindergarten program.

(4) "Eligible for free or reduced price meals" means eligible for free or reduced price meals based on eligibility requirements established by the United States Department of Agriculture.

(b) By the 2007–2008 school year, all eligible children shall be admitted free of charge to publicly funded prekindergarten programs established by each of the county boards.

(c) The requirements set forth in § 7–101(b) of this subtitle regarding the domicile of a child and the residency of the child's parent or guardian shall apply to prekindergarten programs established by county boards as required by this section.

(d) In the comprehensive master plan that is submitted under § 5–401 of this article, a county board shall identify the strategies that will be used in that county to ensure that publicly funded prekindergarten programs are available to all eligible children in that county by the 2007–2008 school year.

7–101.2.

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

(2) "ADDITIONAL ELIGIBLE CHILD" MEANS A CHILD:

(I) WHO IS FROM AN ECONOMICALLY DISADVANTAGED BACKGROUND;

(II) WHOSE PARENT OR LEGAL GUARDIAN SEEKS TO ENROLL THE CHILD IN A PUBLICLY FUNDED PREKINDERGARTEN PROGRAM ESTABLISHED UNDER THIS SECTION; AND

(III) WHO IS 4 YEARS OLD ON SEPTEMBER 1 OF THE SCHOOL YEAR IN WHICH THE PARENT OR LEGAL GUARDIAN SEEKS TO ENROLL THE CHILD IN A PUBLICLY FUNDED PREKINDERGARTEN PROGRAM ESTABLISHED UNDER THIS SECTION.

(3) “ECONOMICALLY DISADVANTAGED BACKGROUND” MEANS A FAMILY WHOSE INCOME IS NO MORE THAN 300% OF THE FEDERAL POVERTY GUIDELINES.

(4) “FUND” MEANS THE PREKINDERGARTEN EXPANSION FUND.

(5) “JUDY CENTER” HAS THE SAME MEANING AS PROVIDED IN § 5–217 OF THIS ARTICLE.

(6) “PROGRAM” MEANS THE PREKINDERGARTEN EXPANSION GRANT PROGRAM.

(7) “QUALIFIED VENDOR” MEANS:

(I) IF PARTNERING WITH A COUNTY BOARD UNDER A MEMORANDUM OF UNDERSTANDING, A STATE ACCREDITED OR NATIONALLY ACCREDITED CHILD CARE CENTER OR A NONPUBLIC SCHOOL APPROVED BY THE DEPARTMENT TO PROVIDE PREKINDERGARTEN SERVICES;

(II) A COUNTY BOARD THAT PROVIDES PREKINDERGARTEN SERVICES UNDER § 7–101.1 OF THIS SUBTITLE; AND

(III) A JUDY CENTER OR PRIVATE PROVIDER OF PRESCHOOL SERVICES THAT MEETS THE GRANT REQUIREMENTS UNDER § 5–217 OF THIS ARTICLE.

(B) (1) THERE IS A GRANT PROGRAM KNOWN AS THE PREKINDERGARTEN EXPANSION GRANT PROGRAM IN THE STATE.

(2) THE PURPOSE OF THE PROGRAM IS TO BROADEN THE AVAILABILITY OF PREKINDERGARTEN AND SCHOOL READINESS SERVICES THROUGHOUT THE STATE FOR CHILDREN AND THEIR FAMILIES IN COORDINATION WITH THE FOLLOWING PROGRAMS:

(I) THE PUBLICLY FUNDED PREKINDERGARTEN PROGRAM ESTABLISHED UNDER § 7–101.1 OF THIS ARTICLE; AND

(II) THE JUDITH P. HOYER EARLY CHILDHOOD EDUCATION ENHANCEMENT PROGRAM ESTABLISHED UNDER § 5–217 OF THIS SUBTITLE.

(3) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.

(4) (I) THE PROGRAM SHALL BE A COMPETITIVE GRANT PROGRAM TO PROVIDE FUNDS TO QUALIFIED VENDORS.

(II) THE DEPARTMENT SHALL TAKE MEASURES TO ACHIEVE GEOGRAPHIC DIVERSITY AMONG PARTICIPATING QUALIFIED VENDORS.

(III) PRIORITY FOR PARTICIPATION IN THE PROGRAM SHALL BE GIVEN TO QUALIFIED VENDORS:

1. THAT ARE LOCATED IN AREAS OF THE STATE THAT HAVE AN UNMET NEED FOR PREKINDERGARTEN OR COMPREHENSIVE EARLY CHILDHOOD EDUCATION SERVICES;

2. THAT INCLUDE A PLAN FOR LONG-TERM SUSTAINABILITY, INCLUDING COMMUNITY AND BUSINESS PARTNERSHIPS AND MATCHING FUNDS TO THE EXTENT POSSIBLE; AND

3. THAT INCORPORATE PARENTAL ENGAGEMENT AND THE BENEFITS OF EDUCATIONAL ACTIVITIES BEYOND THE CLASSROOM INTO THE VENDORS' PROGRAMS.

(IV) PREKINDERGARTEN EXPANSION GRANTS MAY BE USED TO EXPAND PREKINDERGARTEN SERVICES, INCLUDING:

1. ~~HALF-DAY~~ ESTABLISHING OR EXPANDING EXISTING HALF-DAY PREKINDERGARTEN FOR ADDITIONAL ELIGIBLE CHILDREN AS DEFINED IN THIS SECTION;

2. ~~FULL-DAY~~ ESTABLISHING OR EXPANDING FULL-DAY PREKINDERGARTEN FOR ELIGIBLE CHILDREN AS DEFINED IN § 7-101.1 OF THIS SUBTITLE OR ADDITIONAL ELIGIBLE CHILDREN AS DEFINED IN THIS SECTION; AND

3. ESTABLISHING OR EXPANDING EXISTING JUDY CENTERS FOR THE FAMILIES OF ELIGIBLE CHILDREN AS DEFINED IN § 7-101.1 OF THIS SUBTITLE OR ADDITIONAL ELIGIBLE CHILDREN AS DEFINED IN THIS SECTION WHO ARE LOCATED IN TITLE I SCHOOL ATTENDANCE AREAS; AND

4. EXPANDING EXISTING HALF-DAY PREKINDERGARTEN PROGRAMS INTO FULL-DAY PREKINDERGARTEN PROGRAMS FOR ELIGIBLE CHILDREN AS DEFINED IN § 7-101.1 OF THIS SUBTITLE OR ADDITIONAL ELIGIBLE CHILDREN AS DEFINED IN THIS SECTION.

(V) THE DEPARTMENT MAY ESTABLISH:

1. ADDITIONAL ELIGIBILITY CRITERIA FOR THE SELECTION OF QUALIFIED VENDORS;

2. APPLICATION AND AWARD PROCESSES INCLUDING THE SUBMISSION DATE FOR APPLICATIONS, RENEWAL PROCEDURES, AND APPLICATION REVIEW PROCESSES FOR MAKING AWARDS UNDER THE PROGRAM; AND

3. ANY OTHER POLICIES AND PROCEDURES NECESSARY TO IMPLEMENT THE PROGRAM.

(5) A QUALIFIED VENDOR THAT HAS RECEIVED A PREKINDERGARTEN EXPANSION GRANT IN THE CURRENT YEAR SHALL BE AWARDED A GRANT IN THE NEXT YEAR IF THE QUALIFIED VENDOR CONTINUES TO SATISFY THE REQUIREMENTS ESTABLISHED UNDER THIS SECTION.

(C) BEFORE APPROVING QUALIFIED VENDORS FOR PREKINDERGARTEN SERVICES TO RECEIVE A GRANT UNDER THIS SECTION, A QUALIFIED VENDOR SHALL CERTIFY TO THE DEPARTMENT THAT FOR EACH CLASSROOM FUNDED UNDER THIS SECTION THE VENDOR WILL:

(1) MAINTAIN A STUDENT-TO-TEACHER RATIO OF NO MORE THAN 10 TO 1 WITH AN AVERAGE OF 20 CHILDREN PER CLASSROOM;

(2) PROVIDE IN EACH CLASSROOM AT LEAST ONE TEACHER CERTIFIED IN EARLY CHILDHOOD EDUCATION BY THE STATE AND AT LEAST ONE TEACHER'S AIDE WHO HAS AT LEAST A HIGH SCHOOL DEGREE; AND

(3) OPERATE AN EDUCATIONAL PROGRAM FOR:

(I) 5 DAYS PER WEEK;

(II) 180 DAYS PER YEAR, IN ACCORDANCE WITH THE PUBLIC SCHOOL CALENDAR ESTABLISHED BY THE LOCAL SCHOOL BOARD; AND

(III) 1. FOR HALF-DAY PROGRAMS, AT LEAST 2.5 HOURS PER DAY; OR

2. FOR FULL-DAY PROGRAMS, AT LEAST 6.5 HOURS PER DAY.

(D) (1) FUNDS FOR THE PROGRAM SHALL BE AS PROVIDED IN THE STATE BUDGET.

(2) THE AMOUNT OF STATE FUNDS PROVIDED FOR THE PROGRAM EACH FISCAL YEAR SHALL BE AT LEAST AS MUCH AS WAS APPROPRIATED IN THE PRIOR FISCAL YEAR.

(3) THE GOVERNOR MAY PROVIDE FUNDS TO THE DEPARTMENT TO ADMINISTER THE PROGRAM.

(E) GRANTS AWARDED UNDER THIS SECTION MAY NOT BE USED:

(1) TO SUPPLANT EXISTING FUNDING FOR PREKINDERGARTEN SERVICES; OR

(2) FOR CAPITAL IMPROVEMENTS.

(F) THE DEPARTMENT SHALL:

(1) LEVERAGE CHILD CARE SUBSIDY PROGRAM FUNDS WHEN MAKING GRANT AWARDS TO PRIVATE PROVIDERS THAT PARTICIPATE IN THE CHILD CARE SUBSIDY PROGRAM;

(2) ENCOURAGE PRIVATE PROVIDERS THAT RECEIVE GRANTS TO PURSUE LEVEL 5 IN THE DEPARTMENT'S VOLUNTARY QUALITY RATING AND IMPROVEMENT SYSTEM KNOWN AS "MARYLAND EXCELS";

(3) SUPERVISE AND MONITOR THE USE OF GRANT FUNDS DISTRIBUTED UNDER THIS SECTION; AND

(4) EVALUATE WHETHER GRANT RECIPIENTS ARE MEETING ANNUAL BENCHMARKS ESTABLISHED BY THE DEPARTMENT.

(G) (1) THERE IS A PREKINDERGARTEN EXPANSION FUND.

(2) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDS TO THE PROGRAM.

(3) THE DEPARTMENT SHALL ADMINISTER THE FUND.

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

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

(5) THE FUND CONSISTS OF:

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

(II) INVESTMENT EARNINGS OF THE FUND; AND

(III) ANY OTHER MONEY FROM ANY OTHER SOURCE, INCLUDING DONATIONS, ACCEPTED FOR THE BENEFIT OF THE FUND.

(6) THE FUND MAY BE USED ONLY FOR GRANTS MADE BY THE DEPARTMENT FOR THE PROGRAM.

(7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

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

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

(H) IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY BY NOVEMBER 1 OF EACH YEAR ON THE IMPLEMENTATION OF THE PROGRAM.

Article – State Finance and Procurement

6-226.

(a) (1) Except as otherwise specifically provided by law or by regulation of the Treasurer, the Treasurer shall credit to the General Fund any interest on or other income from State money that the Treasurer invests.

(2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

76. the Baltimore City Public School Construction Financing Fund; [and]

77. the Spay/Neuter Fund; AND

78. THE PREKINDERGARTEN EXPANSION FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That, when the Maryland State Department of Education issues a contract to conduct a study of the adequacy of education funding in the State, as required by Chapter 288 of the Acts of the General Assembly of 2002, the study shall include providing universal access to prekindergarten services for Maryland children from families at different income levels. The study shall also examine removing funding of prekindergarten services for economically disadvantaged 4-year-old children from the compensatory education funding formula and instead incorporating prekindergarten students into the enrollment-based education funding formulas originally enacted by Chapter 288 of the Acts of the General Assembly of 2002 that may be revised based on the findings of the adequacy study.

SECTION 3. AND BE IT FURTHER ENACTED, That, the Maryland State Department of Education, the Maryland Department of Health and Mental Hygiene, and the Maryland Department of Planning shall report jointly on the aggregate estimated number of 3-year-old and 4-year-old children and the subcategory that includes the estimated number of economically disadvantaged 3-year-old and 4-year-old children from an economically disadvantaged background as defined in §§ 7-101.1 and 7-101.2 of the Education Article, as enacted by Section 1 of this Act, in each county (including Baltimore City) in Maryland for the current school year and the next 5 school years. The report shall be submitted to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Budget and Taxation Committee, the Senate Education, Health, and Environmental Affairs Committee, the House Ways and Means Committee, and the House Appropriations Committee by September 1, 2014.

SECTION 4. AND BE IT FURTHER ENACTED, That, the Maryland State Department of Education shall conduct a study on the best practices to engage parents and guardians in early education programs and services. The Department shall develop an outreach plan based on best practices identified by the study, in collaboration with existing programs for working families, that promotes the benefits of early education programs and services, particularly in communities with low participation rates in early education. The Department shall report on the study and outreach plan to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Budget and Taxation Committee, the Senate Education, Health, and Environmental Affairs Committee, the House Ways and Means Committee, and the House Appropriations Committee on or before December 1, 2014.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 301 – *Health Occupations – Dentists With Permits to Dispense Dental Products – Exclusion From Maryland Pharmacy Act*.

The bill provides that the Maryland Pharmacy Act does not apply, under specified circumstances, to a licensed dentist who obtains a permit from the State Board of Dental Examiners and who dispenses specified products or rinses and provides that specified provisions of law do not apply to a licensed dentist who obtains a specified permit under a specified provision of the Act.

Senate Bill 413, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 301.

Sincerely,

Governor Martin O'Malley

House Bill 301

AN ACT concerning

Health Occupations – Dentists With Permits to ~~Prepare and~~ Dispense Dental Products – Exclusion From Maryland Pharmacy Act

FOR the purpose of providing that the Maryland Pharmacy Act does not apply, under certain circumstances, to a licensed dentist who obtains a certain permit from the State Board of Dental Examiners and who ~~personally prepares and~~ dispenses certain products or rinses; providing that certain provisions of law do not apply to a licensed dentist who obtains a certain permit under a certain

provision of this Act; and generally relating to the exclusion of licensed dentists from the Maryland Pharmacy Act.

BY repealing and reenacting, without amendments,
 Article – Health Occupations
 Section 12–102(a)(1) and (3)
 Annotated Code of Maryland
 (2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
 Article – Health Occupations
 Section ~~12–102(h)~~, 12–102(c), (h), (i), and (j), 12–102.1, 12–102.2, and 12–403
 Annotated Code of Maryland
 (2009 Replacement Volume and 2013 Supplement)

BY adding to
 Article – Health Occupations
 Section 12–102(h)
 Annotated Code of Maryland
 (2009 Replacement Volume and 2013 Supplement)

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

Article – Health Occupations

12–102.

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

(3) “Personally preparing and dispensing” means that the licensed dentist, physician, or podiatrist:

(i) Is physically present on the premises where the prescription is filled; and

(ii) Performs a final check of the prescription before it is provided to the patient.

(c) (1) THIS SUBSECTION DOES NOT APPLY TO A LICENSED DENTIST WHO OBTAINS A PERMIT FROM THE STATE BOARD OF DENTAL EXAMINERS UNDER SUBSECTION (H) OF THIS SECTION.

(2) This title does not prohibit:

[(1)] (I) A licensed veterinarian from personally preparing and dispensing the veterinarian's prescriptions;

[(2)] (II) A licensed dentist, physician, or podiatrist from personally preparing and dispensing the dentist's, physician's, or podiatrist's prescriptions when:

[(i)] 1. The dentist, physician, or podiatrist:

[1.] A. Has applied to the board of licensure in this State which licensed the dentist, physician, or podiatrist;

[2.] B. Has demonstrated to the satisfaction of that board that the dispensing of prescription drugs or devices by the dentist, physician, or podiatrist is in the public interest;

[3.] C. Has received a written permit from that board to dispense prescription drugs or devices except that a written permit is not required in order to dispense starter dosages or samples without charge; and

[4.] D. Posts a sign conspicuously positioned and readable regarding the process for resolving incorrectly filled prescriptions or includes written information regarding the process with each prescription dispensed;

[(ii)] 2. The person for whom the drugs or devices are prescribed is a patient of the prescribing dentist, physician, or podiatrist;

[(iii)] 3. The dentist, physician, or podiatrist does not have a substantial financial interest in a pharmacy; and

[(iv)] 4. The dentist, physician, or podiatrist:

[1.] A. Complies with the dispensing and labeling requirements of this title;

[2.] B. Records the dispensing of the prescription drug or device on the patient's chart;

[3.] C. Allows the Division of Drug Control to enter and inspect the dentist's, physician's, or podiatrist's office at all reasonable hours and in accordance with § 12-102.1 of this subtitle;

[4.] D. On inspection by the Division of Drug Control, signs and dates an acknowledgment form provided by the Division of Drug Control relating to the requirements of this section;

[5.] E. Except for starter dosages or samples without charge, provides the patient with a written prescription, maintains prescription files in accordance with § 12-403(b)(13) of this title, and maintains a separate file for Schedule II prescriptions;

[6.] F. Does not direct patients to a single pharmacist or pharmacy in accordance with § 12-403(b)(8) of this title;

[7.] G. Does not receive remuneration for referring patients to a pharmacist or pharmacy;

[8.] H. Complies with the child resistant packaging requirements regarding prescription drugs under Title 22, Subtitle 3 of the Health – General Article;

[9.] I. Complies with drug recalls;

[10.] J. Maintains biennial inventories and complies with any other federal and State record-keeping requirements relating to controlled dangerous substances;

[11.] K. Purchases prescription drugs from a pharmacy or wholesale distributor who holds a permit issued by the Board of Pharmacy, as verified by the Board of Pharmacy;

[12.] L. Annually reports to the respective board of licensure whether the dentist, physician, or podiatrist has personally prepared and dispensed prescription drugs within the previous year; and

[13.] M. Completes ten continuing education credits over a 5-year period relating to the preparing and dispensing of prescription drugs, offered by the Accreditation Council for Pharmacy Education (ACPE) or as approved by the Secretary, in consultation with each respective board of licensure, as a condition of permit renewal; or

[(3)] (III) A hospital-based clinic from dispensing prescriptions to its patients.

(H) THIS TITLE DOES NOT PROHIBIT A LICENSED DENTIST WHO OBTAINS A PERMIT FROM THE STATE BOARD OF DENTAL EXAMINERS THAT ALLOWS THE LICENSED DENTIST TO DISPENSE ONLY PRESCRIPTION STRENGTH HOME FLUORIDE PRODUCTS, DENTIN/ENAMEL REMINERALIZING PRODUCTS, AND ANTIMICROBIAL RINSE FROM ~~PERSONALLY PREPARING AND~~ DISPENSING THE PRODUCT OR RINSE WHEN:

(1) **THE PRODUCT OR RINSE IS DISPENSED TO A PATIENT OF THE LICENSED DENTIST; ~~AND~~**

(2) **THE LICENSED DENTIST ENTERS AN APPROPRIATE RECORD IN THE PATIENT'S CHART THAT THE PRODUCT OR RINSE WAS DISPENSED TO THE PATIENT; AND**

(3) **THE LICENSED DENTIST AFFIXES A LABEL ON THE PRODUCT OR RINSE CONTAINER THAT INCLUDES:**

(I) THE NAME OF THE PATIENT; AND

(II) UNLESS ALREADY PRINTED ON THE CONTAINER:

1. THE EXPIRATION DATE OF THE PRODUCT OR RINSE; AND

2. THE INSTRUCTIONS FOR USING THE PRODUCT OR RINSE.

[(h)] (I) This title does not limit the right of a general merchant to sell:

- (1) Any nonprescription drug or device;
- (2) Any commonly used household or domestic remedy; or
- (3) Any farm remedy or ingredient for a spraying solution, in bulk or otherwise.

[(i)] (J) The Board of Pharmacy, the Board of Dental Examiners, the Board of Physicians, and the Board of Podiatric Medical Examiners annually shall report to the Division of Drug Control:

(1) The names and addresses of its licensees who are authorized to personally prepare and dispense prescription drugs; and

(2) The names and addresses of its licensees who have reported, in accordance with subsection (c)(2)(iv)12 of this section, that they have personally prepared and dispensed prescription drugs within the previous year.

[(j)] (K) A dentist, physician, or podiatrist who fails to comply with the provisions of this section governing the dispensing of prescription drugs or devices shall:

- (1) Have the dispensing permit revoked; and

(2) Be subject to disciplinary actions by the appropriate licensing board.

12-102.1.

(a) **THIS SECTION DOES NOT APPLY TO A LICENSED DENTIST WHO OBTAINS A PERMIT FROM THE STATE BOARD OF DENTAL EXAMINERS UNDER § 12-102(H) OF THIS SUBTITLE.**

(B) The Division of Drug Control shall enter and inspect the office of a dentist, physician, or podiatrist who holds:

(1) An initial dispensing permit:

(i) Within 6 months after receiving the report required under § 12-102(i)(1) of this subtitle; and

(ii) At least one more time during the duration of the permit;
and

(2) A renewed dispensing permit at least two times during the duration of the permit.

[(b)] (C) The Division of Drug Control promptly shall report the results of the inspections required under subsection **[(a)] (B)** of this section to the respective board of licensure.

12-102.2.

(a) **THIS SECTION DOES NOT APPLY TO A LICENSED DENTIST WHO OBTAINS A PERMIT FROM THE STATE BOARD OF DENTAL EXAMINERS UNDER § 12-102(H) OF THIS SUBTITLE.**

(B) The Board of Dental Examiners, the Board of Physicians, and the Board of Podiatric Medical Examiners shall charge a fee to a dentist, physician, or podiatrist who holds a dispensing permit in an amount that will produce funds to approximate but not exceed the documented costs to the Division of Drug Control for inspections of dispensing permit holders.

[(b)] (C) Revenues collected by the Board of Dental Examiners, the Board of Physicians, and the Board of Podiatric Medical Examiners under this section shall be paid into the General Fund of the State.

12-403.

(a) **THIS SECTION DOES NOT APPLY TO A LICENSED DENTIST WHO OBTAINS A PERMIT FROM THE STATE BOARD OF DENTAL EXAMINERS UNDER § 12-102(H) OF THIS TITLE.**

(B) This section does not require a nonresident pharmacy to violate the laws or regulations of the state in which it is located.

[(b)] (C) Except as otherwise provided in this section, a pharmacy for which a pharmacy permit has been issued under this title:

(1) Shall be operated in compliance with the law and with the rules and regulations of the Board;

(2) Shall be located and equipped so that the pharmacy may be operated without endangering the public health or safety;

(3) Shall ensure that a licensed pharmacist be immediately available on the premises to provide pharmacy services at all times the pharmacy is in operation;

(4) Shall be supervised by a licensed pharmacist who is responsible for the operations of the pharmacy at all times the pharmacy is in operation;

(5) Shall provide complete pharmaceutical service by preparing and dispensing all prescriptions that reasonably may be expected of a pharmacist;

(6) Shall provide services to the general public and may not restrict or limit its services to any group of individuals unless granted a waiver from this requirement by the Board;

(7) May not offer pharmaceutical services under any term or condition that tends to interfere with or impair the free and complete exercise of professional pharmaceutical judgment or skill;

(8) May not make any agreement that denies a patient a free choice of pharmacist or pharmacy services;

(9) May not participate in any activity that is a ground for Board action against a licensed pharmacist under § 12-313 of this title or a registered pharmacy technician under § 12-6B-09 of this title;

(10) (i) Shall maintain at all times a current reference library that is appropriate to meet the needs of:

1. The practice specialty of that pharmacy; and

2. The consumers the pharmacy serves; and

(ii) Shall comply with any regulations adopted by the Board establishing the types of texts required to be included in the reference libraries in each of the various practice specialty pharmacies;

(11) (i) Shall maintain at all times the minimum professional and technical equipment and sanitary appliances that are necessary in a pharmacy:

1. To prepare and dispense prescriptions properly; and

2. To otherwise operate a pharmacy; and

(ii) Shall:

1. Be equipped with the minimum equipment and appliances specified by the Board under this section; and

2. Be kept in a clean and orderly manner;

(12) Shall store all prescription or nonprescription drugs or devices properly and safely subject to the rules and regulations adopted by the Board;

(13) Shall:

(i) Make and keep on file for at least 5 years a record of each prescription prepared or dispensed in the pharmacy;

(ii) Disclose the records and files maintained of prescriptions for drugs or devices that identify or may be readily associated with the identity of a patient only in accordance with the provisions of Title 4, Subtitle 3 of the Health – General Article; and

(iii) Keep additional records as required by the rules and regulations adopted by the Board;

(14) Except as otherwise provided under federal law, shall establish and maintain mechanisms to ensure that all prescription drugs or devices used within institutions that provide acute, subacute, or long-term care, or within their related corporate subsidiaries, but stored outside a pharmacy, are stored properly and safely, subject to rules and regulations adopted by the Board and policies established by the institution;

(15) Shall provide such personnel, automation, and technology as are necessary to allow the licensed pharmacist employee sufficient time to utilize the pharmacist's knowledge and training and to perform competently the functions of a licensed pharmacist as required by law;

(16) Shall provide such personnel, automation, and technology as are necessary to comply with the labeling requirements specified in § 12–505 of this title;

(17) With regard to a prescription drug that is delivered in this State by the United States mail, a common carrier, or a delivery service and is not personally hand delivered directly to a patient or to the agent of the patient at the residence of the patient or at another location designated by the patient, shall:

(i) Provide a general written notice in each shipment of a prescription drug that alerts a consumer that, under certain circumstances, a medication's effectiveness may be affected by exposure to extremes of heat, cold, or humidity; and

(ii) Provide a specific written notice in each shipment of a prescription drug that provides a consumer with a toll-free or local consumer access telephone number accessible during regular hours of operation, which is designed to respond to consumer questions pertaining to medications;

(18) (i) May maintain a record log of any prescription that is requested to be filled or refilled by a patient in accordance with the provisions of Title 4, Subtitle 3 of the Health – General Article;

(ii) If the prescription record of a patient includes the patient's Social Security number, shall keep the Social Security number confidential;

(iii) May not list in the record log the type of illness, disability, or condition that is the basis of any dispensing or distribution of a drug by a pharmacist; and

(iv) May not list a patient's Social Security number, illness, disability, or condition, or the name and type of drug received in the record log if the log is available to other pharmacy customers;

(19) May not allow an unauthorized individual to represent that the individual is a pharmacist or registered pharmacy technician;

(20) Shall provide information regarding the process for resolving incorrectly filled prescriptions in accordance with existing regulations by:

(i) Posting a sign that is conspicuously positioned and readable by consumers at the point where prescription drugs are dispensed to consumers; or

(ii) Including written information regarding the process with each prescription dispensed; and

(21) Shall dispense or dispose of prescription drugs or medical supplies in accordance with Title 15, Subtitle 6 of the Health – General Article.

[(c)] (D) (1) The Board may waive any of the requirements of this section for the University of Maryland School of Pharmacy, for nuclear pharmacy and dental pharmacy experimental and teaching programs.

(2) The Board may waive the requirements of subsection **[(b)(5) and (6)] (C)(5) AND (6)** of this section for pharmacies that are engaged in pharmaceutical specialties which are recognized by the Board under rules and regulations adopted by the Board.

(3) The Board may waive the requirements of subsection **[(b)(3) through (6) and (15)] (C)(3) THROUGH (6) AND (15)** of this section for pharmacies that only dispense devices in accordance with rules and regulations adopted by the Board.

(4) The Board shall waive the requirements of subsection **[(b)(20)] (C)(20)** of this section for a pharmacy owned and operated by a hospital, nursing facility, or clinic to which the public does not have access to purchase pharmaceuticals on a retail basis.

[(d)] (E) A nonresident pharmacy shall:

(1) Hold a pharmacy permit issued by the Board; and

(2) Have a pharmacist on staff who is:

(i) Licensed by the Board; and

(ii) Designated as the pharmacist responsible for providing pharmaceutical services to patients in the State.

[(e)] (F) (1) In order to obtain a pharmacy permit from the Board, a nonresident pharmacy shall:

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

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

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

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

(2) A nonresident pharmacy shall report a change in the name or address of the resident agent in writing to the Board 30 days prior to the change.

[(f)] (G) Notwithstanding subsection **[(a)] (B)** of this section, a nonresident pharmacy shall:

(1) Comply with the requirements of subsection **[(b)(2), (7) through (12), and (19)] (C)(2), (7) THROUGH (12), AND (19)** of this section when:

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

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

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

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

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

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

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

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

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

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

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

(9) Comply with the requirements of subsection [(b)(17) and (20)] **(C)(17) AND (20)** of this section.

[(g)] **(H)** Subject to the hearing provisions of § 12–411 of this subtitle, if a pharmacy or a nonresident pharmacy is operated in violation of this section, the Board may suspend the applicable pharmacy permit until the pharmacy complies with this section.

[(h)] **(I)** The Board may waive the following requirements for nonresident pharmacies that only dispense devices in accordance with rules and regulations adopted by the Board:

(1) Subsections [(d)(2) and (f)(6)(ii)] **(E)(2) AND (G)(6)(II)** of this section; and

(2) If not applicable, subsections [(e)(1)(iii) and (f)(4)] **(F)(1)(III) AND (G)(4)** of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 302 – *State Board of Podiatric Medical Examiners – Cease and Desist Orders and Fines*.

The bill authorizes the State Board of Podiatric Medical Examiners to issue cease and desist orders or obtain injunctive relief for a violation of specified provisions of law and requires the Board to assess specified fines in accordance with regulations.

Senate Bill 380, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 302.

Sincerely,

Governor Martin O'Malley

House Bill 302

AN ACT concerning

State Board of Podiatric Medical Examiners – Cease and Desist Orders and Fines

FOR the purpose of authorizing the State Board of Podiatric Medical Examiners to issue cease and desist orders or obtain injunctive relief for a violation of certain provisions of law; requiring the Board, to assess certain fines in accordance with certain regulations, ~~to levy and pay certain fines into the State Board of Podiatric Medical Examiners Fund~~; and generally relating to the State Board of Podiatric Medical Examiners and cease and desist orders and fines for practicing without a license.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 16–101(a) and (b) and 16–501
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY adding to
Article – Health Occupations
Section 16–319.1
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 16–505
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – Health Occupations

16–101.

- (a) In this title the following words have the meanings indicated.
- (b) "Board" means the State Board of Podiatric Medical Examiners.

16-319.1.

THE BOARD MAY ISSUE A CEASE AND DESIST ORDER OR OBTAIN INJUNCTIVE RELIEF FOR A VIOLATION OF § 16-501 OF THIS TITLE.

16-501.

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice podiatry in this State unless licensed by the Board.

16-505.

(a) Any person who practices, attempts to practice, or offers to practice podiatry in this State without complying with the provisions of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 90 days.

(b) Any person who violates § 16-501 of this subtitle is subject to a civil fine of not more than \$50,000 to be ~~IN ASSESSED BY THE BOARD IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD;~~

~~(1) [levied] LEVIED by the Board; AND~~

~~(2) PAID INTO THE STATE BOARD OF PODIATRIC MEDICAL EXAMINERS FUND.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 304 – *State Acupuncture Board and State Board of Dietetic Practice – Action and Penalties for Violations of Practice Acts and Supervisory Authority of Acupuncturists*.

The bill authorizes the State Acupuncture Board to impose a penalty if the Board finds there are grounds to take disciplinary action against a specified licensee; authorizes the State Acupuncture Board and the State Board of Dietetic Practice to issue cease and desist orders or obtain injunctive relief for violations of specified provisions of law; and authorizes a specified acupuncturist to provide supervision to an individual performing auricular detoxification if the individual is licensed to practice clinical professional counseling.

Senate Bill 379, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 304.

Sincerely,

Governor Martin O'Malley

House Bill 304

AN ACT concerning

State Acupuncture Board and State Board of Dietetic Practice – Action and Penalties for Violations of Practice Acts and Supervisory Authority of Acupuncturists

FOR the purpose of authorizing the State Acupuncture Board to impose a penalty, not exceeding a certain amount, if the Board finds that there are grounds to take certain disciplinary actions against a licensee; providing that the penalty may be imposed instead of or in addition to taking the disciplinary actions; requiring the Board to adopt regulations to set standards for the imposition of the penalties and pay any money collected from the imposition of penalties into the General Fund of the State; authorizing the State Acupuncture Board and the State Board of Dietetic Practice to issue cease and desist orders or obtain injunctive relief for violations of certain provisions of law; authorizing a certain acupuncturist to provide supervision to an individual performing auricular detoxification, if the individual is licensed to practice clinical professional counseling; authorizing an action to be maintained in the name of the State or the State Board of Dietetic Practice to enjoin the unauthorized practice of dietetics or conduct that is a ground for certain disciplinary action; authorizing the action to be brought by certain persons; requiring the action to be brought in certain locations; providing that certain damage is not required for the action; providing that the action is in addition to and not instead of certain criminal

prosecution or disciplinary action; providing that a person who violates certain provisions of law is subject to a civil fine not exceeding a certain amount to be assessed by the State Acupuncture Board or the State Board of Dietetic Practice in accordance with certain regulations; ~~requiring the State Acupuncture Board and the State Board of Dietetic Practice to pay certain penalties into the Acupuncture Board Fund and the State Board of Dietetic Practice Fund~~ correcting an obsolete cross-reference; and generally relating to the State Acupuncture Board and the State Board of Dietetic Practice ~~and action and penalties for violations of the Maryland Acupuncture Act and the Maryland Licensed Dietitian-Nutritionists Act.~~

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 1A–101(a) and (d), 1A–401, 1A–402, 5–101(a) and (b), 5–401, and 5–402

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY adding to

Article – Health Occupations

Section 1A–310.1, 1A–314.1, 5–404, and 5–405

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section ~~1A–316(a)(1)(i)~~, 1A–403, and 5–403

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

Article – Health Occupations

1A–101.

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

(d) “Board” means the State Acupuncture Board.

1A–310.1.

(A) IF AFTER A HEARING UNDER § 1A–310 OF THIS SUBTITLE THE BOARD FINDS THAT THERE ARE GROUNDS UNDER § 1A–309 OF THIS SUBTITLE TO PLACE ANY LICENSEE ON PROBATION, REPRIMAND ANY LICENSEE, OR

SUSPEND OR REVOKE A LICENSE, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000:

(1) INSTEAD OF PLACING THE LICENSEE ON PROBATION, REPRIMANDING THE LICENSEE, OR SUSPENDING OR REVOKING THE LICENSE; OR

(2) IN ADDITION TO PLACING THE LICENSEE ON PROBATION, REPRIMANDING THE LICENSEE, OR SUSPENDING OR REVOKING THE LICENSE.

(B) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR THE IMPOSITION OF PENALTIES UNDER THIS SECTION.

(C) THE BOARD SHALL PAY ANY MONEY COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

1A-314.1.

THE BOARD MAY ISSUE A CEASE AND DESIST ORDER OR OBTAIN INJUNCTIVE RELIEF FOR A VIOLATION OF ANY PROVISION OF § 1A-401 OR § 1A-402 OF THIS TITLE.

1A-316.

(a) An acupuncturist licensed by the Board may provide supervision to as many individuals performing auricular detoxification as permitted by Board regulations, if each individual:

(1) Is:

(i) An alcohol, substance abuse, or chemical dependency counselor who is:

1. Certified under Title 17, Subtitle 3 of this article to practice as a certified professional counselor–alcohol and drug, certified associate counselor–alcohol and drug, or certified supervised counselor–alcohol and drug; or

2. Licensed to practice clinical alcohol and drug counseling OR CLINICAL PROFESSIONAL COUNSELING under Title 17, Subtitle [3A] 3 of this article;

1A-401.

Except as provided in this title, a person may not practice, attempt to practice, or offer to practice acupuncture in this State unless licensed by the Board.

1A-402.

(a) Unless authorized to practice acupuncture under this title, a person may not represent to the public, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice acupuncture in this State.

(b) Unless authorized to practice acupuncture under this title, a person may not use the words or terms “acupuncturist”, “licensed acupuncturist”, “L.Ac.”, or any other words, letters, or symbols with the intent to represent that the person is authorized to practice acupuncture.

1A-403.

(A) A person who violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 3 years or both.

(B) ~~(1)~~ A PERSON WHO VIOLATES § 1A-401 OR § 1A-402 OF THIS SUBTITLE IS SUBJECT TO A CIVIL FINE NOT TO EXCEED \$50,000 TO BE ASSESSED BY THE BOARD IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.

~~(2) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE ACUPUNCTURE BOARD FUND.~~

5-101.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Board” means the State Board of Dietetic Practice.

5-401.

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice dietetics in the State unless licensed by the Board.

5-402.

(a) Except as otherwise provided under this title, a person may not represent or imply to the public by use of the title “licensed dietitian–nutritionist”, by other title, by description of services, methods, or procedures that the person is authorized to practice dietetics in the State.

(b) Unless authorized to practice dietetics under this title, a person may not use the words or terms “dietitian–nutritionist”, “licensed dietitian–nutritionist”,

“LDN”, “dietitian”, “licensed dietitian”, “D”, “LD”, “nutritionist”, “licensed nutritionist”, or “LN”.

5-403.

(A) A person who violates § 5-401 or § 5-402 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(B) ~~(1)~~ A PERSON WHO VIOLATES § 5-401 OR § 5-402 OF THIS SUBTITLE IS SUBJECT TO A CIVIL FINE NOT TO EXCEED \$50,000 TO BE ASSESSED BY THE BOARD IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.

~~(2) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE STATE BOARD OF DIETETIC PRACTICE FUND.~~

5-404.

THE BOARD MAY ISSUE A CEASE AND DESIST ORDER OR OBTAIN INJUNCTIVE RELIEF FOR A VIOLATION OF ANY PROVISION OF § 5-401 OR § 5-402 OF THIS SUBTITLE.

5-405.

(A) AN ACTION MAY BE MAINTAINED IN THE NAME OF THE STATE OR THE BOARD TO ENJOIN:

(1) THE UNAUTHORIZED PRACTICE OF DIETETICS; OR

(2) CONDUCT THAT IS A GROUND FOR DISCIPLINARY ACTION UNDER § 5-311 OF THIS TITLE.

(B) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY:

(1) THE BOARD, IN ITS OWN NAME;

(2) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR

(3) A STATE’S ATTORNEY, IN THE NAME OF THE STATE.

(C) AN ACTION UNDER THIS SECTION SHALL BE BROUGHT IN THE COUNTY WHERE THE DEFENDANT:

(1) RESIDES; OR

(2) ENGAGES IN THE ACT SOUGHT TO BE ENJOINED.

(D) PROOF OF ACTUAL DAMAGE OR THAT ANY PERSON WILL SUSTAIN ANY DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION UNDER THIS SECTION.

(E) AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT INSTEAD OF CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF DIETETICS UNDER § 5-401 OF THIS SUBTITLE OR DISCIPLINARY ACTION UNDER § 5-311 OF THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 308 – *Public Safety – Statewide Interoperability Radio Control Board – Established*.

This bill establishes the Statewide Interoperability Radio Control Board in the Department of Information Technology (DoIT) to coordinate the operation and maintenance of the Statewide Public Safety Interoperability Radio System (Maryland FiRST).

Senate Bill 338, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 308.

Sincerely,

Governor Martin O'Malley

AN ACT concerning

Public Safety – Statewide Interoperability Radio Control Board – Established

FOR the purpose of establishing the Statewide Interoperability Radio Control Board in the Department of Information Technology; providing for the membership, appointment, terms, staggering of terms, chair, meetings, and staffing of the Board; establishing that members of the Board may not receive a certain compensation but are entitled to a certain reimbursement; establishing certain duties and responsibilities of the Board; defining certain terms; specifying the terms of the initial members of the Board; specifying the intent of the General Assembly; and generally relating to the Statewide Public Safety Interoperability Radio System and the Statewide Interoperability Radio Control Board.

BY adding to

Article – Public Safety

Section 1–501 through 1–503 to be under the new subtitle “Subtitle 5. Statewide Interoperability Radio Control Board”

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

Article – Public Safety

SUBTITLE 5. STATEWIDE INTEROPERABILITY RADIO CONTROL BOARD.

1–501.

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

(B) “BOARD” MEANS THE STATEWIDE INTEROPERABILITY RADIO CONTROL BOARD.

(C) “SYSTEM” MEANS THE STATEWIDE PUBLIC SAFETY INTEROPERABILITY RADIO SYSTEM, ALSO KNOWN AS MARYLAND FIRST (FIRST RESPONDER INTEROPERABLE RADIO SYSTEM TEAM), THAT PROVIDES INTEROPERABLE RADIO COMMUNICATIONS TO FIRST RESPONDERS IN THE STATE.

(D) “USER” MEANS A STATE, FEDERAL, COUNTY, OR MUNICIPAL AGENCY THAT HAS ESTABLISHED INTEROPERABILITY WITH THE SYSTEM AND

OPERATES ON THE SYSTEM AS ITS PRIMARY MEANS OF DAILY RADIO COMMUNICATION.

1-502.

(A) THERE IS A STATEWIDE INTEROPERABILITY RADIO CONTROL BOARD IN THE DEPARTMENT OF INFORMATION TECHNOLOGY.

(B) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

(1) THE SECRETARY OF INFORMATION TECHNOLOGY, OR THE SECRETARY'S DESIGNEE;

(2) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S DESIGNEE;

(3) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S DESIGNEE;

(4) THE DIRECTOR OF THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS, OR THE DIRECTOR'S DESIGNEE;

(5) THE STATE INTEROPERABILITY DIRECTOR;

(6) THE DIRECTOR OF THE GOVERNOR'S OFFICE OF HOMELAND SECURITY, OR THE DIRECTOR'S DESIGNEE; AND

(7) FIVE MEMBERS APPOINTED BY THE GOVERNOR WHO REPRESENT LOCAL GOVERNMENTAL ENTITIES THAT ARE EITHER USERS OF OR CONTRIBUTORS TO THE SYSTEM.

(C) IN SELECTING REPRESENTATIVES OF LOCAL GOVERNMENTAL ENTITIES UNDER SUBSECTION (B)(7) OF THIS SECTION, THE GOVERNOR SHALL:

(1) APPOINT MEMBERS WHO REPRESENT THE INTEROPERABILITY REGIONS OF THE STATE WITH EXPERTISE IN PUBLIC SAFETY AND COMMUNICATIONS ISSUES RELEVANT TO VARIED LOCATIONS;

(2) CONSULT WITH THE MARYLAND ASSOCIATION OF COUNTIES, THE MARYLAND MUNICIPAL LEAGUE, AND APPROPRIATE LOCAL PUBLIC SAFETY ORGANIZATIONS AND PROFESSIONALS; AND

(3) GIVE PRIMARY CONSIDERATION TO STATE AGENCIES AND LOCAL GOVERNMENTS THAT HAVE ADOPTED THE SYSTEM AS A PRIMARY PLATFORM FOR THEIR PUBLIC SAFETY COMMUNICATIONS NEEDS.

(D) (1) THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 4 YEARS AND SHALL BEGIN ON JUNE 1.

(2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JUNE 1, 2014.

(3) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) IF A VACANCY OCCURS AFTER A TERM HAS BEGUN, THE GOVERNOR SHALL APPOINT A SUCCESSOR TO REPRESENT THE ORGANIZATION OR GROUP IN WHICH THE VACANCY OCCURS.

(5) 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.

(6) A MEMBER MAY BE REAPPOINTED FOR A SECOND 4-YEAR TERM AT THE REQUEST OF THE GOVERNOR.

(E) THE SECRETARY OF INFORMATION TECHNOLOGY OR THE SECRETARY'S DESIGNEE SHALL SERVE AS THE CHAIR OF THE BOARD.

(F) THE BOARD SHALL MEET AS NECESSARY, BUT AT LEAST ONCE EACH QUARTER.

(G) A MEMBER OF THE BOARD:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(H) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL PROVIDE STAFF TO THE BOARD, INCLUDING:

(1) A DIRECTOR OF THE BOARD WHO IS RESPONSIBLE FOR THE DAILY OPERATION OF THE BOARD; AND

(2) STAFF TO HANDLE THE INCREASED DUTIES RELATED TO COMPLETION AND MAINTENANCE OF THE SYSTEM.

1-503.

(A) THE BOARD SHALL COORDINATE THE OPERATION AND MAINTENANCE OF A STATEWIDE PUBLIC SAFETY INTEROPERABILITY RADIO SYSTEM.

(B) THE BOARD'S RESPONSIBILITIES INCLUDE:

(1) ESTABLISHING STANDARD OPERATING PROCEDURES, QUALITY OF SERVICE STANDARDS, AND MAINTENANCE GUIDELINES FOR THE SYSTEM;

(2) ESTABLISHING WORKING GROUPS OF THE SYSTEM'S USERS, INCLUDING:

(I) A SYSTEM MANAGERS COMMITTEE TO ADVISE ON TECHNICAL SYSTEM ISSUES, SUCH AS UPGRADES, SECURITY, AND ENHANCEMENTS; AND

(II) A SYSTEM USERS COMMITTEE TO ADVISE ON OPERATIONAL ISSUES, SUCH AS STANDARD OPERATING PROCEDURES, PERFORMANCE, AND USAGE OF RESOURCES;

(3) APPROVING THE ADDITION OF NEW SYSTEM USERS AND THE REMOVAL OF EXISTING USERS;

(4) COORDINATING PARTICIPATORY, COLLABORATIVE, OR RECIPROCAL RELATIONSHIPS WITH LOCAL GOVERNMENTS, INCLUDING ESTABLISHING PROCEDURES FOR:

(I) REQUESTS TO BECOME PART OF THE SYSTEM BY LOCAL GOVERNMENTAL ENTITIES;

(II) COLLABORATION OR SHARING IN THE PURCHASE, OPERATION, OR USE OF EQUIPMENT OR BY THE SYSTEM INFRASTRUCTURE CURRENTLY USED BY LOCAL GOVERNMENTAL ENTITIES; AND

(III) REVIEW AND APPROVAL OF ANY REQUESTS OR ARRANGEMENTS SOUGHT UNDER THIS ITEM;

(5) RESOLVING ANY CONFLICTS AMONG SYSTEM USERS RELATING TO THE OPERATION, MAINTENANCE, OR IMPROVEMENT OF THE SYSTEM THAT CANNOT BE RESOLVED UNDER THE STANDARD OPERATING PROCEDURES;

(6) REVIEWING THE ANNUAL COST ESTIMATION PROVIDED BY THE DIRECTOR OF THE BOARD;

(7) RECOMMENDING TO THE GOVERNOR AND THE GENERAL ASSEMBLY FUNDING AND RESOURCE LEVELS FOR SYSTEM OPERATION AND MAINTENANCE;

(8) ADVISING THE GOVERNOR AND GENERAL ASSEMBLY ON RESOURCES NEEDED FOR APPROPRIATE OPERATION AND EXPANSION TO MEET SERVICE NEEDS FOR PUBLIC SAFETY COMMUNICATIONS STATEWIDE; AND

(9) NEGOTIATING AGREEMENTS WITH FEDERAL AGENCIES, SURROUNDING STATES, OR THE DISTRICT OF COLUMBIA FOR THE USE OF THE SYSTEM.

(C) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE BOARD SHALL CONTINUE TO RECEIVE GUIDANCE AND INPUT FROM THE BODIES CURRENTLY CONSTITUTED UNDER EXECUTIVE ORDER 01.01.2008.07, INCLUDING THE STATEWIDE INTEROPERABILITY EXECUTIVE COMMITTEE (SIEC) FOR AS LONG AS THE EXECUTIVE ORDER IS IN EFFECT.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Statewide Interoperability Radio Control Board who are subject to appointment shall expire as follows:

- (1) two appointed members in 2016;
- (2) two appointed members in 2017; and
- (3) one appointed member in 2018.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 322 – *Washington County – Alcoholic Beverages – Restaurant Seating Capacity and License Quota*.

The bill sets the seating capacity for a restaurant in Washington County for a Class B alcoholic beverages (on-sale) license and a Class P alcoholic beverages (on-sale) license. The bill also excludes Class P licenses issued to restaurants, rather than Class B licenses issued to restaurants, from the county's population ratio quota.

Senate Bill 692, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 322.

Sincerely,

Governor Martin O'Malley

House Bill 322

AN ACT concerning

Washington County – Alcoholic Beverages – Restaurant Seating Capacity and License Quota

FOR the purpose of ~~reducing~~ setting the seating capacity requirement for Class B alcoholic beverages (on-sale) restaurants and Class P alcoholic beverages (on-sale) restaurants in Washington County; excepting Class P licenses rather than Class B licenses from calculations in determining whether the number of licenses within an election district exceeds the population ratio quota; and generally relating to alcoholic beverages licenses in Washington County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9-222(b)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

Article 2B – Alcoholic Beverages

9–222.

(b) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Population ratio quota” means 1 license for each 1,000 individuals, excluding individuals detained or confined in a correctional facility as defined under § 1–101(d) of the Correctional Services Article, who reside in the election district where the license will be issued as determined by the last federal population census.

(iii) “Restaurant” means an establishment that:

1. Is located in a permanent building;
2. Regularly sells and serves food to the general public;
3. Has a seating capacity of at least ~~[75] 50 persons; and~~

:

A. 75 PERSONS FOR A CLASS B ALCOHOLIC BEVERAGES (ON-SALE) LICENSE; OR

B. 50 PERSONS FOR A CLASS P ALCOHOLIC BEVERAGES (ON-SALE) LICENSE; AND

4. Has on an annual basis, gross sales of food and nonalcoholic beverages that exceed its annual gross sales of alcoholic beverages.

(2) In Washington County, except for a Class ~~B~~ **P** alcoholic beverages (on-sale) license issued to a restaurant and any class of alcoholic beverages license renewed or transferred for the same premises, an alcoholic beverages license may not be issued within an election district if the number of alcoholic beverages licenses exceeds the population ratio quota.

(3) (i) If the Washington County Board of License Commissioners determines that there is a public need including governmentally sanctioned economic revitalization for the issuance of a license notwithstanding the population ratio quota, the license may be issued by the Board.

(ii) The Board shall state in the order granting the issuance of the license the reasons for its decision to exceed the population ratio quota.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 335 – *Residential Cliffside Elevators – Registration and Inspection (The Jock Menzies Act)*.

This bill requires “cliffside elevators” located on the property of a privately owned single-family residence to be registered with the Commissioner of Labor and Industry, inspected every two years by a third-party qualified inspector, and generally be subject to the laws related to registration and inspection requirements for most commercial elevators.

Senate Bill 329, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 335.

Sincerely,

Governor Martin O'Malley

House Bill 335

AN ACT concerning

**Residential Cliffside Elevators – Registration and Inspection
(The Jock Menzies Act)**

FOR the purpose of adding a certain residential cliffside elevator to the elevators that require certain registration and inspection; requiring a cliffside elevator located on certain residential property to have a certain inspection on a certain periodic

basis; altering the term “elevator unit” to include a “cliffside elevator” for purposes of provisions of law relating to elevator safety; defining a certain term; making stylistic and conforming changes; and generally relating to elevators.

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 12–801(a) and 12–806(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY adding to
Article – Public Safety
Section 12–801(f)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–801(f) through (t), 12–804, 12–809(d), and 12–812(b)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

Article – Public Safety

12–801.

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

(F) “CLIFFSIDE ELEVATOR” MEANS AN ELEVATOR LOCATED AT, ON, OR ADJACENT TO THE SIDE OF A CLIFF OR A NATURAL INCLINE THAT IS INTENDED FOR USE BY INDIVIDUALS.

[(f)] (G) “Commissioner” means the Commissioner of Labor and Industry or an authorized representative of the Commissioner of Labor and Industry.

[(g)] (H) “Dumbwaiter” means a hoisting and lowering machine equipped with a car of limited capacity and size that moves in guides in a substantially vertical direction and is used exclusively for carrying material.

[(h)] (I) “Elevator” means a hoisting and lowering machine equipped with a car or platform that moves in guides in a substantially vertical direction and serves two or more floors of a building or structure.

[(i)] (J) “Elevator contractor” means a person who is engaged in the business of erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevator or accessibility lift units.

[(j)] (K) “Elevator mechanic” means a person who is engaged in erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevator or accessibility lift units.

[(k)] (L) “Elevator refinisher” means a person who is engaged in the refinishing of existing metal and wood elements in elevator cabs, including the stripping of old lacquer on wood and bronze items, staining wood to match existing finishes, cleaning, polishing, oxidizing, painting, lacquering, and the removing of scratches to maintain existing finishes.

[(l)] (M) “Elevator renovator contractor” means a person who is engaged in the business of performing work:

(1) on the interior of an elevator involving the removal or installation of the nonstructural surface of the elevator’s wall, ceiling, floor, rail, or handle; and

(2) that does not affect the elevator’s moving operation.

[(m)] (N) “Elevator renovator mechanic” means a person who performs work:

(1) on the interior of an elevator involving the removal or installation of the nonstructural surface of the elevator’s wall, ceiling, floor, rail, or handle; and

(2) that does not affect the elevator’s moving operation.

[(n)] (O) “Elevator unit” includes **A CLIFFSIDE ELEVATOR**, an elevator, **AN** escalator, **A** dumbwaiter, and **A** moving walk.

[(o)] (P) “Escalator” means a power driven, inclined, continuous stairway used for raising and lowering passengers.

[(p)] (Q) “License” includes:

(1) an accessibility lift mechanic license;

(2) an elevator contractor license;

(3) an elevator mechanic license;

(4) an elevator renovator contractor license; and

(5) an elevator renovator mechanic license.

[(q)] (R) “Moving walk” means a type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to its direction of motion and is uninterrupted.

[(r)] (S) “Safety Code” means the American National Standard/American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, known as ANSI A17.1–1971, and all subsequent amendments and revisions to it, as adopted by the Commissioner.

[(s)] (T) “Secretary” means the Secretary of Labor, Licensing, and Regulation.

[(t)] (U) “Third-party qualified elevator inspector” means an inspector who:

(1) meets the qualifications, insurance requirements, and procedures established by the Commissioner; and

(2) is certified by a nationally recognized safety organization accredited by the National Commission for Certifying Agencies or the American National Standards Institute that ensures that:

(i) the certification requires testing and grading consistent with industry recognized criteria and any related consensus standards; and

(ii) any renewal of certification requires continuing education.

12–804.

(a) **(1)** Part II of this subtitle does not apply to an elevator unit that is:

[(1)] (I) EXCEPT AS PROVIDED IN PARAGRAPH **(2)** OF THIS SUBSECTION, installed in a privately owned single-family residential dwelling; or

[(2)] (II) installed in a building or structure under federal control or regulation.

(2) PART II OF THIS SUBTITLE APPLIES TO A CLIFFSIDE ELEVATOR LOCATED ON THE PROPERTY OF A PRIVATELY OWNED SINGLE-FAMILY RESIDENTIAL DWELLING.

(b) Sections 5–205(j), 5–207, 5–214, 5–215, and 5–216 and Title 5, Subtitle 8 of the Labor and Employment Article apply to Part II of this subtitle.

12–806.

(a) Except as otherwise provided in this section, each elevator unit shall be inspected, tested, and maintained in a safe operating condition in accordance with:

- (1) the Safety Code; and
- (2) any other regulations adopted by the Commissioner.

12-809.

(d) (1) An owner shall hire a third-party qualified elevator inspector to conduct all periodic [annual] inspections that are required by the Safety Code.

(2) An inspection by a third-party qualified elevator inspector shall ensure that the elevator unit complies with the Safety Code and other regulations adopted by the Commissioner under Part II of this subtitle.

(3) The Commissioner shall establish qualifications, insurance requirements, and procedures based on nationally accepted standards that the Commissioner considers necessary to register third-party qualified elevator inspectors under Part II of this subtitle.

(4) Any fees collected by the Commissioner to register third-party qualified elevator inspectors shall be paid into the Elevator Safety Review Board Fund established under this subtitle.

12-812.

(b) (1) [Each] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH** elevator unit in the State shall have a periodic annual inspection by a State inspector as provided for in § 12-809(a)(6) of this subtitle or by a third-party qualified elevator inspector as provided for in § 12-809(d) of this subtitle.

(2) **EACH CLIFFSIDE ELEVATOR ON THE PROPERTY OF A PRIVATELY OWNED SINGLE-FAMILY RESIDENTIAL DWELLING SHALL HAVE A PERIODIC INSPECTION ONCE EVERY 2 YEARS BY A THIRD-PARTY QUALIFIED INSPECTOR AS PROVIDED FOR IN § 12-809(D) OF THIS SUBTITLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 341 – *Chesapeake Employers' Insurance Company – Board Structure*.

The bill requires, to the extent practicable, that the Board for the Chesapeake Employers' Insurance Company reflect the geographic and demographic, including race and gender, diversity of the State and specifies qualifications for members of the Board.

Senate Bill 479, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 341.

Sincerely,

Governor Martin O'Malley

House Bill 341

AN ACT concerning

Chesapeake Employers' Insurance Company – ~~Rates and~~ Board Structure

FOR the purpose of ~~authorizing the Chesapeake Employers' Insurance Company to take certain actions relating to a subsidiary for certain purposes; altering the selection and appointment process for the members of the Board~~ requiring, to the extent practicable, that the Board for the Chesapeake Employers' Insurance Company reflect a certain diversity of the State; specifying the qualifications for the members of the Board; ~~repealing a requirement that certain appointees take a certain oath before taking office as members of the Board; altering the means for staggering the terms of members of the Board; authorizing the Governor to remove only certain members for incompetence or misconduct; requiring a certain designated rating organization to create a certain exception in its classification system for certain authorized insurers; authorizing the Company to remain exempt from certain insurance rate making requirements until a certain date; repealing certain provisions of law that exempt the Company from certain aspects of the insurance rate making process; repealing a provision of law that requires the Board to set rates in a certain manner; declaring the intent of the General Assembly that a rating organization, in consultation with the Company, shall create a certain exception in its classification system for~~

~~authorized insurers; requiring the terms of certain members to be extended until a certain date; specifying the process for appointing or selecting a certain member of the Board; renumbering certain provisions; making other conforming changes; providing for delayed effective dates for certain provisions of this Act; providing for the application of certain provisions of this Act that establish qualifications for members of the Board; and generally relating to the Chesapeake Employers' Insurance Company.~~

BY repealing and reenacting, with amendments,
 Article – Insurance
 Section ~~11-202, 11-303, 24-306, and 24-307~~
 Annotated Code of Maryland
 (2011 Replacement Volume and 2013 Supplement)

~~BY adding to~~
~~Article – Insurance~~
~~Section 11-331 and 11-332~~
~~Annotated Code of Maryland~~
~~(2011 Replacement Volume and 2013 Supplement)~~

~~BY repealing~~
~~Article – Insurance~~
~~Section 24-305~~
~~Annotated Code of Maryland~~
~~(2011 Replacement Volume and 2013 Supplement)~~

~~BY renumbering~~
~~Article – Insurance~~
~~Section 24-306 through 24-312, respectively~~
~~to be Section 24-305 through 24-311, respectively~~
~~Annotated Code of Maryland~~
~~(2011 Replacement Volume and 2013 Supplement)~~

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

Article – Insurance

~~24-306:~~

- ~~(a) The Company:~~
- ~~(1) shall be an authorized insurer; and~~
 - ~~(2) on and after October 1, 2013, shall be the workers' compensation insurer of last resort for employers covered under Title 9 of the Labor and Employment Article.~~

~~(b) Before October 1, 2013, the Fund shall serve as the workers' compensation insurer of last resort for workers' compensation insurance and as a competitive workers' compensation insurer under the same terms and conditions as the Fund served before October 1, 2012.~~

~~(c) The Company may not cancel or refuse to renew or issue a policy except for:~~

~~(1) nonpayment of a premium for current or prior policies issued by the Fund or the Company;~~

~~(2) failure to provide payroll information to the Fund or the Company;~~
or

~~(3) failure to cooperate in any payroll audit conducted by the Fund or the Company.~~

~~(d) The Company may engage only in the business of workers' compensation insurance in accordance with State law.~~

~~(e) THE COMPANY MAY ESTABLISH, OWN, OR CONTROL A SUBSIDIARY FOR ANY LAWFUL PURPOSE.~~

24-307.

(a) (1) There is a Board for the Chesapeake Employers' Insurance Company.

(2) The Board shall manage the business and affairs of the Company as a private, nonprofit corporation in accordance with State law.

(b) (1) The Board shall consist of nine members [appointed by the Governor with the advice and consent of the Senate].

(2) TO THE EXTENT PRACTICABLE, THE BOARD SHALL REFLECT THE GEOGRAPHIC AND DEMOGRAPHIC, INCLUDING RACE AND GENDER, DIVERSITY OF THE STATE.

(3) OF THE NINE MEMBERS:

~~(i) TWO PUBLIC MEMBERS SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; AND~~

~~(II) SEVEN MEMBERS SHALL BE SELECTED BY THE POLICYHOLDERS UNDER PROCEDURES PROVIDED IN THE BYLAWS OF THE BOARD.~~

~~(3) THE BYLAWS OF THE BOARD SHALL PROVIDE THAT:~~

(I) AT LEAST TWO MEMBERS SHALL HAVE SUBSTANTIAL EXPERIENCE AS OFFICERS OR EMPLOYEES OF AN INSURER, BUT MAY NOT BE EMPLOYED BY AN INSURER THAT IS IN DIRECT COMPETITION WITH THE COMPANY WHILE SERVING ON THE BOARD;

(II) AT LEAST TWO MEMBERS SHALL BE POLICYHOLDERS OF THE COMPANY;

(III) AT LEAST ONE MEMBER SHALL HAVE SIGNIFICANT EXPERIENCE IN THE INVESTMENT BUSINESS; ~~AND~~

(IV) AT LEAST ONE MEMBER SHALL HAVE SIGNIFICANT EXPERIENCE IN THE ACCOUNTING OR AUDITING FIELD; AND

~~(IV)~~ (V) AT LEAST ONE MEMBER SHALL HAVE SIGNIFICANT EXPERIENCE AS A REPRESENTATIVE, EMPLOYEE, OR MEMBER OF A LABOR UNION.

(c) Each member shall be a resident of the State.

~~[(d)]~~ Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.~~]~~

~~[(e)]~~ ~~(D)~~ (1) The term of a member is 5 years.

(2) The terms of members are staggered as ~~[(required by the terms provided for members of the Board for the Fund on October 1, 1991)]~~ ~~PROVIDED IN THE BYLAWS ADOPTED BY THE BOARD.~~

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member may not serve for more than:

(i) two full terms; or

(ii) a total of 10 years.

~~{(f)} (F)~~ The Governor may remove a member ~~WHO HAS BEEN APPOINTED BY THE GOVERNOR~~ for incompetence or misconduct.

~~{(g)} (F)~~ The Board shall adopt rules, bylaws, and procedures.

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

~~Article Insurance~~

~~11-331.~~

~~ON OR BEFORE OCTOBER 1, 2015, AND EACH YEAR THEREAFTER UNTIL OCTOBER 1, 2019, THE RATING ORGANIZATION THAT THE MARYLAND INSURANCE COMMISSIONER DESIGNATES UNDER § 11-329 OF THIS SUBTITLE, IN CONSULTATION WITH THE CHESAPEAKE EMPLOYERS' INSURANCE COMPANY, SHALL SUBMIT A REPORT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE ECONOMIC MATTERS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE PROGRESS THAT THE CHESAPEAKE EMPLOYERS' INSURANCE COMPANY HAS MADE IN PREPARING TO BECOME A MEMBER OF THE RATING ORGANIZATION.~~

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

~~Article Insurance~~

~~11-332.~~

~~THE RATING ORGANIZATION THAT THE COMMISSIONER DESIGNATES UNDER § 11-329 OF THIS SUBTITLE SHALL CREATE AND MAINTAIN AN EXCEPTION IN ITS CLASSIFICATION SYSTEM TO ALLOW ANY AUTHORIZED INSURER IN THE STATE TO USE A SINGLE CLASSIFICATION CODE FOR GOVERNMENTAL OCCUPATIONS THAT ARE NOT INCLUDED IN POLICE, FIREFIGHTER, AND CLERICAL CLASSIFICATIONS.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article Insurance~~

~~11-202.~~

- (a) ~~(1) This subtitle applies to all types of insurers.~~
- ~~(2) Except as provided in subsection (b) of this section, this subtitle applies to:~~
- ~~(i) property insurance;~~
 - ~~(ii) casualty insurance;~~
 - ~~(iii) surety insurance;~~
 - ~~(iv) marine insurance; and~~
 - ~~(v) wet marine and transportation insurance.~~

- (b) ~~This subtitle does not apply to:~~
- ~~(1) reinsurance, except as provided in § 11-222 of this subtitle;~~
 - ~~(2) insurance of vessels or craft or their cargoes, marine protection and indemnity insurance, or insurance of other risks commonly insured under policies of marine insurance, as distinguished from inland marine insurance;~~
 - ~~(3) insurance against loss of or damage to aircraft including their accessories and equipment, or insurance against liability, other than workers' compensation insurance or employer's liability insurance, arising out of the ownership, maintenance, or use of aircraft; OR~~
 - ~~(4) title insurance; or~~
 - ~~(5) the Chesapeake Employers' Insurance Company].~~

~~(e) If a kind of insurance, subdivision or combination of kinds of insurance, or type of coverage is subject to this subtitle and is also subject to regulation by another rate regulatory provision of the statutes of the State, an insurer to which both provisions are otherwise applicable shall file with the Commissioner a designation as to which rate regulatory provision is applicable to it with respect to that kind of insurance, subdivision or combination of kinds of insurance, or type of coverage.~~

~~11-303.~~

- (a) ~~Notwithstanding Subtitle 2 of this title, this subtitle applies to the establishment of rates for all types of insurance except:~~
- ~~(1) life insurance;~~
 - ~~(2) annuities;~~

- ~~(3) health insurance;~~
- ~~(4) marine insurance described in § 11-202(b)(2) of this title;~~
- ~~(5) aircraft insurance described in § 11-202(b)(3) of this title;~~
- ~~(6) reinsurance;~~
- ~~(7) insurance provided under the Maryland Automobile Insurance~~

~~Fund;~~

~~[(8) insurance provided under the Chesapeake Employers' Insurance Company;]~~

~~[(9)](8) title insurance;~~

~~[(10)](9) medical malpractice insurance;~~

~~[(11)](10) any form or plan of insurance regulated under § 27-217 of this article; and~~

~~[(12)](11) surety insurance.~~

~~(b) If and to the extent that the Commissioner finds that the application of any or all of the provisions of this subtitle is unnecessary to achieve the purposes of this subtitle, the Commissioner by rule may exempt a person or class of persons or a line or lines of insurance from any or all of those provisions.~~

~~[24-305.~~

~~(a) The Company is not subject to Title 11 of this article.~~

~~(b) The Board shall:~~

~~(1) adopt a schedule of premium rates in accordance with sound actuarial practices; and~~

~~(2) ensure that the rates are not excessive, inadequate, or unfairly discriminatory.~~

~~(c) (1) The Board shall determine the schedule of premium rates by:~~

~~(i) classifying all of the policyholders of the Company on the basis of the respective level of hazard of their enterprises; and~~

- ~~(ii) setting a premium rate for each class on the basis of:~~
 - ~~1. its level of hazard; and~~
 - ~~2. incentives to prevent injuries to employees.~~

~~(2) To determine the schedule of premium rates, the Board shall use the rating system that, in the opinion of the Board:~~

- ~~(i) most accurately measures the level of hazard for each policyholder on the basis of the number of injuries that occur in the enterprises of the policyholder;~~
- ~~(ii) encourages the prevention of injuries; and~~
- ~~(iii) ensures the solvency of the Company from year to year.~~

~~(3) The Board may set minimum premium rates for policies issued by the Company.~~

~~(d) The Commissioner shall review the Company's rates as part of an examination under § 2-205 of this article to determine whether the Company's rate making practices produce actuarially sound rates.~~

~~SECTION 5. AND BE IT FURTHER ENACTED, That Section(c) 24-306 through 24-312, respectively, of Article — Insurance of the Annotated Code of Maryland be renumbered to be Section(c) 24-305 through 24-311, respectively.~~

~~SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, it is the intent of the General Assembly that on or before January 1, 2019, the rating organization that the Maryland Insurance Commissioner designates under § 11-329 of the Insurance Article, in consultation with the Chesapeake Employers' Insurance Company, shall create an exception in its classification system, as required under § 11-332 as enacted by Section 3 of this Act, to allow any authorized insurer in Maryland to use a single classification code for governmental occupations that are not included in police, firefighter, and clerical classifications.~~

~~SECTION 7. AND BE IT FURTHER ENACTED, That:~~

~~(a) Notwithstanding § 24-307 of the Insurance Article as enacted by Section 1 of this Act, the term of any member who is on the Board of the Chesapeake Employers' Insurance Company on the effective date of this Act, shall be extended until September 30, 2019.~~

~~(b) (1) Except as provided in paragraph (2) of this subsection, policyholders shall select a successor to fill a vacancy that occurs on the Board before~~

~~October 1, 2019, as provided in § 24-307(b)(2) of the Insurance Article as enacted by Section 1 of this Act.~~

~~(2) If a vacancy occurs on the Board before October 1, 2019, and the Board includes seven members selected by the policyholders, the Governor shall appoint a successor to fill the vacancy as provided in § 24-307(b)(2) of the Insurance Article as enacted by Section 1 of this Act.~~

~~SECTION 8. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2014. It shall remain effective for a period of 6 years and, at the end of October 1, 2020, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.~~

~~SECTION 9. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect January 1, 2019.~~

~~SECTION 10. AND BE IT FURTHER ENACTED, That Sections 4 and 5 of this Act shall take effect January 1, 2020.~~

~~SECTION 11. AND BE IT FURTHER ENACTED, That, except as provided in Sections 9 and 10 of this Act, this Act shall take effect October 1, 2014.~~

SECTION 2. AND BE IT FURTHER ENACTED, That § 24-307(b)(3) of the Insurance Article, as enacted by Section 1 of this Act, which establishes qualifications for members of the Board for the Chesapeake Employers' Insurance Company:

(1) shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any member of the Board appointed to serve on the Board before the effective date of this Act; and

(2) shall apply only to appointments made by the Governor to fill vacancies on the Board occurring on or after the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 343 – *Allegany County and Garrett County – Boards of Education – Removal of Ex Officio Member*.

The bill repeals the requirement that the Chair of the Allegany County Commissioners, or the Chair's designee, serve as a nonvoting *ex officio* member of the Allegany County Board of Education. The bill also repeals the requirement that the Chair or Vice Chair of the Garrett County Commissioners serve as a nonvoting *ex officio* member of the Garrett County Board of Education.

Senate Bill 383, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 343.

Sincerely,

Governor Martin O'Malley

House Bill 343

AN ACT concerning

Allegany County and Garrett County – Boards of Education – Removal of Ex Officio Member

FOR the purpose of repealing the requirement that the Chair of the Board of County Commissioners of Allegany County or any county commissioner serve as an *ex officio* member of the Allegany County Board of Education; repealing the requirement that the Chair or Vice Chair of the Board of County Commissioners of Garrett County serve as an *ex officio* member of the Garrett County Board of Education; making conforming changes; making stylistic changes; and generally relating to membership of the Allegany County and Garrett County Boards of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–201(a) and (b), 3–203, and 3–601(a) and (b)
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

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

Article – Education

3–201.

(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 county board under subsection (e)(3) of this section.

(2) “Elected member” does not include [a:

(i) County Commissioner serving as an ex officio member of the county board; or

(ii) Nonvoting] **THE NONVOTING** student member selected under subsection (f) of this section.

(b) The Allegany County Board consists of:

(1) Five elected members; **AND**

(2) [The Chairman of the Board of County Commissioners, or any County Commissioner so designated by the Chairman, who is an ex officio nonvoting member; and

(3)] One nonvoting student member, who is to advise the other members of the county board on the viewpoint of students who attend Allegany County public schools.

3–203.

(a) [(1) Except for the ex officio member, each] **EACH** elected county board member is entitled to:

[(i)] (1) An annual salary set by the Allegany County Commissioners in accordance with Title 28, Subtitle 1 of the Local Government Article; and

[(ii)] (2) Reimbursement, after submitting vouchers, for travel and other expenses.

(B) [(2) Except for the ex officio member, each] **EACH** elected member of the county board shall be paid in 12 equal monthly installments.

[(b) The Chairman of the Board of County Commissioners serves on the county board without additional compensation. However, after submitting vouchers, the Chairman or the Chairman’s designee is entitled to reimbursement for travel and other expenses incurred as a result of meetings of the board.]

3-601.

(a) (1) In this subtitle, "elected member" means a member of the county board elected under subsection (b)(1) or (2) of this section or appointed to fill a vacancy under subsection (e)(3) of this section.

(2) "Elected member" does not include[:

(i) The Chairman or Vice Chairman of the Board of County Commissioners; or

(ii) **A] THE** student member selected under subsection (f) of this section.

(b) The Garrett County Board consists of:

(1) One elected member from each county commissioner district;

(2) Two elected members from the county at large; **AND**

(3) **[**The Chairman or Vice Chairman of the Board of County Commissioners, who shall be a nonvoting, ex officio member; and

(4)] One nonvoting student member.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 352 – *Peace Orders and Protective Orders – Penalties – Second or Subsequent Offenses*.

The bill makes specified violations for failing to comply with an interim, a temporary, or a final protective order a prior offense for the purposes of determining penalties for a second or subsequent offense for failing to comply with an interim, a temporary, or a final peace order.

Senate Bill 369, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 352.

Sincerely,

Governor Martin O'Malley

House Bill 352

AN ACT concerning

Peace Orders and Protective Orders – Penalties – Second or Subsequent Offenses

FOR the purpose of making certain violations for failing to comply with an interim, a temporary, or a final protective order a prior offense for the purposes of determining penalties for a second or subsequent offense for failing to comply with an interim, a temporary, or a final peace order; making certain violations for failing to comply with an interim, a temporary, or a final peace order a prior offense for the purposes of determining penalties for a second or subsequent offense for failing to comply with an interim, a temporary, or a final protective order; and generally relating to the penalties for second or subsequent offenses for violating peace orders and protective orders.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–1508
Annotated Code of Maryland
(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–509
Annotated Code of Maryland
(2012 Replacement Volume and 2013 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

3-1508.

(a) An individual who fails to comply with the relief granted in an interim peace order under § 3-1503.1 of this subtitle, a temporary peace order under § 3-1504(a)(2) of this subtitle, or a final peace order under § 3-1505(d)(1)(i), (ii), (iii), or (iv) of this subtitle is guilty of a misdemeanor and on conviction is subject 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.

(B) FOR THE PURPOSE OF SECOND OR SUBSEQUENT OFFENDER PENALTIES PROVIDED UNDER SUBSECTION (A)(2) OF THIS SECTION, A PRIOR CONVICTION UNDER § 4-509 OF THE FAMILY LAW ARTICLE SHALL BE CONSIDERED A CONVICTION UNDER THIS SECTION.

[(b)] (C) A law enforcement officer shall arrest with or without a warrant and take into custody an individual who the officer has probable cause to believe is in violation of an interim peace order, temporary peace order, or final peace order in effect at the time of the violation.

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 (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.

(B) FOR THE PURPOSE OF SECOND OR SUBSEQUENT OFFENDER PENALTIES PROVIDED UNDER SUBSECTION (A)(2) OF THIS SECTION, A PRIOR CONVICTION UNDER § 3-1508 OF THE COURTS ARTICLE SHALL BE CONSIDERED A CONVICTION UNDER THIS SECTION.

[(b)] (C) An officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of an interim, temporary, or final protective order in effect at the time of the violation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 367 – *Worcester County – Bingo Board – Repeal*.

The bill abolishes the Worcester County Bingo Board and provides that the Worcester County Department of Development Review and Permitting take the place of the Bingo Board. The County will adopt regulations to administer and enforce the bingo laws in the county and require the Department to exercise control and supervision over all games of bingo.

Senate Bill 441, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 367.

Sincerely,

Governor Martin O'Malley

House Bill 367

AN ACT concerning

Worcester County – Bingo Board – Repeal

FOR the purpose of abolishing the Worcester County Bingo Board; repealing the provisions describing the composition, qualifications of members, salaries, expenses, tenure, filling of vacancies, and all other elements pertaining to the Bingo Board; providing that the Worcester County Department of Development

Review and Permitting take the place of the Bingo Board and that the Department adopt reasonable regulations to administer and enforce the bingo laws in the county; requiring the Department to exercise control and supervision over all games of bingo and to prevent bingo from being conducted in a certain manner; authorizing the Department and its inspectors to enter certain places at any time; requiring an applicant for a bingo license to submit to the Department a certain application; requiring an applicant to pay to the Department a certain license fee; requiring the Department to pay license fees to the county commissioners, issue licenses, and approve certain lease agreements; authorizing the Department to deny or revoke a license under certain circumstances; requiring that a licensee's employees and terms of employment be approved by the Department; requiring licensees to submit certain statements at certain times to the Department; requiring the Department to submit certain reports to the county commissioners; requiring a certain representative to consult with the Department and to send certain materials to the Department by a certain date; defining a certain term; and generally relating to bingo in Worcester County.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 13–2601 and 13–2602
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–2605, 13–2606, and 13–2608 through 13–2615
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing
Article – Criminal Law
Section 13–2607
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Criminal Law

13–2601.

In this subtitle, “county commissioners” means the Board of County Commissioners of Worcester County.

13–2602.

This subtitle applies only in Worcester County.

13–2605.

In this part, [“board” means the Worcester County Bingo Board] **“DEPARTMENT” MEANS THE WORCESTER COUNTY DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING.**

13–2606.

The following organizations may conduct bingo in accordance with this part:

(1) a bona fide religious organization that has conducted religious services at a fixed location in the county for at least 6 years before applying for a license under this part;

(2) a municipal corporation in the county;

(3) a volunteer fire company in the county;

(4) a local unit of a nationwide bona fide nonprofit organization or club that consists solely of members who served in the armed forces of the United States; or

(5) a nonprofit organization that:

(i) intends to raise money for an exclusively charitable or educational purpose that is specifically described in the license application filed with the [board] DEPARTMENT; and

(ii) has operated as a nonprofit organization in the county for at least 5 years before applying for a license under this part.

[13–2607.

(a) There is a Worcester County Bingo Board.

(b) The board consists of three members appointed by the Governor with the advice and consent of the Senate.

(c) Each member of the board shall:

(1) be a registered voter of the county; and

(2) be an owner of real property according to the assessment records of the county.

- (d) (1) Each member of the board is entitled to:
- (i) an annual salary of at least \$1,000 as determined by the county commissioners; and
 - (ii) a reasonable travel and expense allowance.
- (2) The county commissioners shall pay the cost of the payments made under paragraph (1) of this subsection and all administrative expenses of the board from the proceeds paid to the county commissioners under this part.
- (e) (1) The term of a member is 6 years and begins on June 1.
- (2) The terms of members are staggered as required by the terms provided for members of the board on October 1, 2002.
- (3) The Governor shall fill any vacancy on the board occurring during the term of an appointed member for the unexpired term with the advice and consent of the Senate.]

[13-2608.] 13-2607.

- (a) The [board] DEPARTMENT may adopt reasonable regulations to administer and enforce this part.
- (b) A copy of the regulations adopted by the [board] DEPARTMENT shall be made available at a reasonable cost.

[13-2609.] 13-2608.

- (a) (1) The [board] DEPARTMENT shall exercise control and supervision over all games of bingo to ensure that the games are conducted fairly in accordance with the provisions of the licenses issued under § [13-2610] **13-2609** of this subtitle, the regulations adopted by the [board] DEPARTMENT, and this part.
- (2) The [board] DEPARTMENT shall prevent bingo from being conducted for a commercial purpose, for private profit, or in any manner other than as provided in this part.
- (b) For purposes of inspection, the [board, its officers, and its agents] DEPARTMENT AND ITS INSPECTORS may enter at any time any place where:
- (1) bingo is being or will be conducted; or

(2) any equipment that is being or will be used to conduct bingo is located.

[13–2610.] 13–2609.

(a) An organization or municipal corporation described in § 13–2606 of this subtitle that intends to conduct bingo under this part must obtain:

(1) an annual license to conduct bingo for more than 15 days in a year;
or

(2) a temporary license to conduct bingo for 15 days or fewer in a year.

(b) (1) An applicant for a license shall submit to the [board] DEPARTMENT an application on the form that the [board] DEPARTMENT by regulation requires.

(2) The application form shall require:

(i) the name of the applicant;

(ii) the name of each principal officer of the applicant; and

(iii) a certification that no person will conduct bingo except a person who:

1. is a salaried employee or bona fide member of the applicant; and

2. shall not receive any form of commission or bonus.

(c) (1) An applicant shall pay to the [board] DEPARTMENT a license fee of:

(i) \$100 for an annual license; or

(ii) \$25 in addition to \$5 for each day bingo is conducted for a temporary license.

(2) The [board] DEPARTMENT shall pay to the county commissioners all license fees collected under this part.

(d) The [board] DEPARTMENT shall issue a license to each applicant who meets the requirements of this part and the regulations adopted under this part.

(e) If an applicant conducts bingo on premises that are leased by the applicant, the lease agreement must be approved by the [board] DEPARTMENT before a license may be issued.

(f) The [board] DEPARTMENT may deny a license to an applicant or suspend or revoke a license if the applicant or licensee has violated this part or any regulation adopted under this part.

[13-2611.] 13-2610.

(a) The charge for admission to a place in order to participate in bingo conducted under this part may not exceed \$5.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, the value of a prize in money, merchandise, or services for any one game of bingo conducted under this part may not exceed \$200.

(2) Jackpot prizes may be offered in a maximum amount of \$5,000.

(3) "Winner Take All" games may be offered without a prize limit.

(c) A licensee's employees and the terms of their employment must be approved by the [board] DEPARTMENT before they may conduct bingo under this part.

(d) A minor may not be allowed to participate in bingo conducted under this part.

(e) Bingo may not be conducted under this part in a room or area where alcoholic beverages are sold or served during the game.

(f) A licensee under this part may not conduct bingo on more than 125 days in a year.

[13-2612.] 13-2611.

Unless otherwise prohibited by county or municipal law, all forms of advertising for bingo are allowed.

[13-2613.] 13-2612.

(a) Each licensee under this part shall submit to the [board] DEPARTMENT, at monthly intervals or at any other interval that the [board] DEPARTMENT sets, a statement of its gross receipts and expenses.

(b) For each game of bingo conducted by the licensee, the statement shall include:

- (1) the amount of gross receipts derived from the game;
- (2) each item of expense incurred in the conduct of the game;
- (3) each item of expenditure made in connection with the game; and
- (4) the net profit derived from the conduct of the game.

[13–2614.] 13–2613.

(a) (1) Each licensee shall pay to the county commissioners 3% of the gross receipts derived from bingo for each day that bingo is conducted by the licensee under this part.

(2) The licensee shall pay the money at the time the licensee submits to the [board] DEPARTMENT the statement required under § [13–2613] 13–2612 of this subtitle.

(b) (1) An organization described in § 13–2606(5) of this subtitle may retain up to one-half of the proceeds derived from bingo conducted under this part for the benefit of the organization.

(2) The organization shall distribute any remaining proceeds for educational or charitable purposes.

(c) If bingo is conducted in a municipal corporation in the county, the county commissioners shall pay one-third of the 3% of the gross receipts received under subsection (a) of this section to the municipal corporation, to be used for its general purposes.

(d) (1) From the percentage of the gross receipts retained by the county commissioners, the county commissioners shall first pay the expenses necessary to administer this part.

(2) All additional funds shall be credited by the county commissioners to the general funds of the county.

[13–2615.] 13–2614.

(a) Each licensee under this part shall maintain the books and reports that the [board] DEPARTMENT requires for the purposes of this part.

(b) The [board] DEPARTMENT shall submit to the county commissioners a detailed annual report of all statements submitted to the [board] DEPARTMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That a representative of the members of the Worcester County Bingo Board who were in office on September 30, 2014, shall:

(1) consult with the Worcester County Department of Development Review and Permitting on what materials from the Bingo Board should be stored permanently; and

(2) send those materials to the Department of Development Review and Permitting no later than November 1, 2014.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 378 – *Somerset County – Service Award Program for Emergency Medical Services and Fire and Rescue Personnel*.

The bill authorizes the Board of County Commissioners for Somerset County to establish and fund a volunteer service award program for qualified members of volunteer fire departments, ambulance companies, and rescue squads.

Senate Bill 440, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 378.

Sincerely,

Governor Martin O'Malley

AN ACT concerning

**Somerset County – Service Award Program for Emergency Medical Services
and Fire and Rescue Personnel**

FOR the purpose of authorizing the Board of County Commissioners for Somerset County to establish a volunteer service award program for qualified members of volunteer fire departments, ambulance companies, and rescue squads; providing for a delayed effective date; and generally relating to benefits for Somerset County emergency medical services and fire and rescue personnel.

BY adding to

Article – Public Safety

Section 7–212.1

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

Article – Public Safety

7–212.1.

BY RESOLUTION OR ORDINANCE, THE BOARD OF COUNTY COMMISSIONERS FOR SOMERSET COUNTY MAY ESTABLISH AND FUND A VOLUNTEER SERVICE AWARD PROGRAM FOR QUALIFIED MEMBERS OF VOLUNTEER FIRE DEPARTMENTS, AMBULANCE COMPANIES, AND RESCUE SQUADS.

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

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 386 – *Criminal Law – Illegal Dumping and Litter Control Law – Driver's License – Points*.

The bill requires a court to notify the Motor Vehicle Administration of a specified violation of the Illegal Dumping and Litter Control Law and requiring the Chief Judge of the District Court and the Administrative Office of the Courts, in conjunction with the Administration, to establish specified procedures and requiring that a specified number of driver's license points be assessed for violations of the Illegal Dumping and Litter Control Law under specified circumstances.

Senate Bill 390, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 386.

Sincerely,

Governor Martin O'Malley

House Bill 386

AN ACT concerning

Criminal Law – Illegal Dumping and Litter Control Law – Driver's License – Penalty and Points

FOR the purpose of ~~increasing the penalty for a certain violation of the Illegal Dumping and Litter Control Law;~~ requiring a court to notify the Motor Vehicle Administration of a certain violation of the Illegal Dumping and Litter Control Law; requiring the Chief Judge of the District Court and the Administrative Office of the Courts, in conjunction with the Administration, to establish certain procedures; requiring a certain number of driver's license points to be assessed against an individual who is convicted of ~~a violation~~ certain violations of the Illegal Dumping and Litter Control Law under certain circumstances; making a certain conforming change; and generally relating to illegal dumping and litter control.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–110(f)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–402(a) and 26–305(a)
Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

Article – Criminal Law

10–110.

(f) (1) A person who violates this section is subject to the penalties provided in this subsection.

(2) (i) A person who disposes of litter in violation of this section in an amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding \$1,500 or both.

(ii) A person who disposes of litter in violation of this section in an amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216 cubic feet, and not for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding ~~1 year~~ **3 YEARS** 1 year or a fine not exceeding \$12,500 or both.

(iii) A person who disposes of litter in violation of this section in an amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$30,000 or both.

(3) In addition to the penalties provided under paragraph (2) of this subsection, a court may order the violator to:

(i) remove or render harmless the litter disposed of in violation of this section;

(ii) repair or restore any property damaged by, or pay damages for, the disposal of the litter in violation of this section;

(iii) perform public service relating to the removal of litter disposed of in violation of this section or to the restoration of an area polluted by litter disposed of in violation of this section; or

(iv) reimburse the State, county, municipal corporation, or bi-county unit for its costs incurred in removing the litter disposed of in violation of this section.

(4) **(I)** [In addition to, or instead of, the penalties provided in paragraphs (2) and (3) of this subsection,] **IF A PERSON IS CONVICTED OF A**

VIOLATION UNDER THIS SECTION AND THE PERSON USED A MOTOR VEHICLE IN THE COMMISSION OF THE VIOLATION, the court [may suspend for up to 7 days the license of the person to operate the type of conveyance used in the violation who is presumed to be responsible for the violation under subsection (d) of this section] SHALL NOTIFY THE MOTOR VEHICLE ADMINISTRATION OF THE VIOLATION.

(II) THE CHIEF JUDGE OF THE DISTRICT COURT AND THE ADMINISTRATIVE OFFICE OF THE COURTS, IN CONJUNCTION WITH THE MOTOR VEHICLE ADMINISTRATION, SHALL ESTABLISH UNIFORM PROCEDURES FOR REPORTING A VIOLATION UNDER THIS PARAGRAPH.

Article – Transportation

16–402.

(a) After the conviction of an individual for a violation of Title 2, Subtitle 5, § 2–209, [or] § 3–211, **OR § 10–110** of the Criminal Law Article, or of the vehicle laws or regulations of this State or of any local authority, points shall be assessed against the individual as of the date of violation and as follows:

- (1) Any moving violation not listed below and not contributing to an accident.....1 point
- (2) Following another vehicle too closely 2 points
- (3) Speeding in excess of the posted speed limit by 10 miles an hour or more.....2 points
- (4) Driving with an improper class of license 2 points
- (5) Failing to stop for a school vehicle with activated alternately flashing red lights.....3 points
- (6) Any violation of § 21–1111 of this article 2 points
- (7) Passing an emergency or police vehicle under the provisions of § 21–405(d) of this article 2 points
- (8) A violation of § 21–511(a) of this article 2 points
- (9) Failure to stop a vehicle for a steady red traffic signal in violation of § 21–202 of this article or a nonfunctioning traffic control signal in violation of § 21–209 of this article.....2 points
- (10) Operating a limousine in violation of § 21–1127(a) of this article..... 2 points

(11) USE OF A MOTOR VEHICLE IN VIOLATION OF THE ILLEGAL DUMPING AND LITTER CONTROL LAW UNDER § 10-110(F)(2)(I) OF THE CRIMINAL LAW ARTICLE..... 2 POINTS

(12) USE OF A MOTOR VEHICLE IN VIOLATION OF THE ILLEGAL DUMPING AND LITTER CONTROL LAW UNDER § 10-110(F)(2)(II) OF THE CRIMINAL LAW ARTICLE..... 3 POINTS

- ~~(11)~~ **(13)** Any moving violation contributing to an accident..... 3 points
- ~~(12)~~ **(14)** Any violation of § 16-303(h) or (i) of this title 3 points
- ~~(13)~~ **(15)** Any violation, except violations committed on the John F. Kennedy Memorial Highway, of § 21-1411 of this article 3 points
- ~~(14)~~ **(16)** Speeding in excess of the posted speed limit by 30 miles an hour or more..... 5 points
- ~~(15)~~ **(17)** Driving while not licensed 5 points
- ~~(16)~~ **(18)** Failure to report an accident 5 points
- ~~(17)~~ **(19)** Driving on a learner’s permit unaccompanied..... 5 points
- ~~(18)~~ **(20)** Any violation of § 17-107 of this article..... 5 points
- ~~(19)~~ **(21)** Participating in a race or speed contest on a highway.....5 points
- ~~(20)~~ **(22)** Any violation of § 16-304 or § 16-305 of this title 5 points
- ~~(21)~~ **(23)** Any violation of § 22-404.5 of this article..... 5 points
- ~~(22)~~ **(24)** Speeding in excess of a posted speed limit of 65 miles an hour by 20 miles an hour or more 5 points
- ~~(23)~~ **(25)** Aggressive driving in violation of § 21-901.2 of this article..... 5 points

(26) USE OF A MOTOR VEHICLE IN VIOLATION OF THE ILLEGAL DUMPING AND LITTER CONTROL LAW UNDER § 10-110(F)(2)(III) OF THE CRIMINAL LAW ARTICLE.....5 POINTS

- ~~(24)~~ **(27)** Reckless driving 6 points

~~**(25) USE OF A MOTOR VEHICLE IN VIOLATION OF THE ILLEGAL DUMPING AND LITTER CONTROL LAW UNDER § 10-110 OF THE CRIMINAL LAW ARTICLE.....8 POINTS**~~

[(25)] ~~(26)~~ **(28)** Driving while impaired by alcohol or while impaired by a drug, combination of drugs, or a combination of one or more drugs and alcohol, or driving within 12 hours after arrest under § 21-902.1 of this article.....8 points

[(26)] ~~(27)~~ **(29)** Turning off lights of a vehicle to avoid identification.....8 points

[(27)] ~~(28)~~ **(30)** Failing to stop after accident resulting in damage to attended vehicle or property.....8 points

[(28)] ~~(29)~~ **(31)** Failing to stop after accident resulting in damage to unattended vehicle or property.....8 points

[(29)] ~~(30)~~ **(32)** Any violation of § 16-815 or § 16-816 of this title.....8 points

[(30)] ~~(31)~~ **(33)** Failing to stop after an accident resulting in bodily injury or death.....12 points

[(31)] ~~(32)~~ **(34)** Any violation of § 16-303 of this title, excluding § 16-303(h) or (i).....12 points

[(32)] ~~(33)~~ **(35)** Any violation of § 16-301, § 16-302, § 16-804, or § 16-808(a)(1) through (9) or (b) of this title 12 points

[(33)] ~~(34)~~ **(36)** Homicide, life threatening injury under § 3-211 of the Criminal Law Article, or assault committed by means of a vehicle 12 points

[(34)] ~~(35)~~ **(37)** Driving while under the influence of alcohol, while under the influence of alcohol per se, or while impaired by an illegally used controlled dangerous substance.....12 points

[(35)] ~~(36)~~ **(38)** Any felony involving use of a vehicle..... 12 points

[(36)] ~~(37)~~ **(39)** Fleeing or attempting to elude a police officer.....12 points

[(37)] ~~(38)~~ **(40)** The making of a false affidavit or statement under oath, or falsely certifying to the truth of any fact or information to the Administration under the Maryland Vehicle Law or under any law relating to the ownership or operation of motor vehicles.....12 points

~~[(38)]~~ ~~(39)~~ **(41)** Any violation involving an unlawful taking or unauthorized use of a motor vehicle under § 7–105 or § 7–203 of the Criminal Law Article, or § 14–102 of this article 12 points

26–305.

(a) The Administration may not register or transfer the registration of any vehicle involved in a parking violation under this subtitle, a violation under any federal parking regulation that applies to property in this State under the jurisdiction of the U.S. government, a violation of § 21–202(h) of this article as determined under § 21–202.1 of this article or Title 21, Subtitle 8 of this article as determined under § 21–809 or § 21–810 of this article, or a violation of the [State litter control law] **ILLEGAL DUMPING AND LITTER CONTROL LAW UNDER § 10–110 OF THE CRIMINAL LAW ARTICLE** or a local law or ordinance adopted by Baltimore City relating to the unlawful disposal of litter as determined under § 10–112 of the Criminal Law Article, if:

(1) It is notified by a political subdivision or authorized State agency that the person cited for the violation under this subtitle, § 21–202.1, § 21–809, or § 21–810 of this article, or § 10–112 of the Criminal Law Article has failed to either:

(i) Pay the fine for the violation by the date specified in the citation; or

(ii) File a notice of his intention to stand trial for the violation;

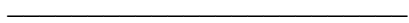
(2) It is notified by the District Court that a person who has elected to stand trial for the violation under this subtitle, under § 21–202.1, § 21–809, or § 21–810 of this article, or under § 10–112 of the Criminal Law Article has failed to appear for trial; or

(3) It is notified by a U.S. District Court that a person cited for a violation under a federal parking regulation:

(i) Has failed to pay the fine for the violation by the date specified in the federal citation; or

(ii) Either has failed to file a notice of the person’s intention to stand trial for the violation, or, if electing to stand trial, has failed to appear for trial.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.



May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 390 – *Office of the State's Attorney – Dorchester County – Authority to Appoint Criminal Investigators*.

This bill authorizes the State's Attorney for Dorchester County to appoint criminal investigators subject to the approval of the county council, and to assign ranks and titles to the criminal investigators.

Senate Bill 57, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 390.

Sincerely,

Governor Martin O'Malley

House Bill 390

AN ACT concerning

Office of the State's Attorney – Dorchester County – Authority to Appoint Criminal Investigators

FOR the purpose of authorizing the State's Attorney for Dorchester County to appoint certain criminal investigators, subject to the approval of the Dorchester County Council; authorizing the State's Attorney for Dorchester County to designate a chief investigator and assign other ranks and titles to certain criminal investigators under certain circumstances; providing that a criminal investigator who is appointed under this Act shall serve at the pleasure of the State's Attorney for Dorchester County, is subject to the regulations of the State's Attorney for Dorchester County, shall perform the duties that the State's Attorney for Dorchester County designates, shall take a certain oath of office, shall meet certain criteria regarding training and experience, may serve a certain summons or subpoena, may wear or display certain badges, and is not subject to the Law Enforcement Officers' Bill of Rights; authorizing the State's Attorney for Dorchester County to designate a criminal investigator as a peace officer under certain circumstances; providing that a criminal investigator

designated as a peace officer may not be subject to the Law Enforcement Officers' Bill of Rights; authorizing a criminal investigator designated as a peace officer to arrest a certain person, serve a certain warrant, summons, or subpoena, and possess and carry a certain firearm; and generally relating to the Office of the State's Attorney for Dorchester County.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 15–410
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

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

Article – Criminal Procedure

15–410.

(a) This section applies only in Dorchester County.

(b) (1) The State's Attorney's salary is 80% of the salary of a judge of the District Court of Maryland.

(2) Subject to the approval of the County Council, the State's Attorney is entitled to an allowance for the expenses of operating the office, including the costs of telephone charges, office supplies and equipment, postage, travel, training, conferences, books and publications, and premiums on office bonds.

(c) (1) The State's Attorney may appoint the number of full-time or part-time deputy State's Attorneys and assistant State's Attorneys that the County Council approves.

(2) The deputy and assistant State's Attorneys shall:

(i) serve at the pleasure of the State's Attorney;

(ii) receive compensation as approved by the County Council;

and

(iii) have the same legal powers as the State's Attorney to present cases to the grand jury and perform all other necessary duties in relation to the grand jury and the operation of the office.

(d) Subject to the approval of the County Council, the State's Attorney may employ administrative and clerical employees who shall:

- (1) receive salaries in accordance with the county pay scale; and
- (2) be considered county employees and members of the pension system in which a county employee is eligible for membership.

(E) (1) SUBJECT TO THE APPROVAL OF THE COUNTY COUNCIL, THE STATE'S ATTORNEY MAY APPOINT FULL-TIME OR PART-TIME CRIMINAL INVESTIGATORS.

(2) IF THE STATE'S ATTORNEY APPOINTS MORE THAN ONE CRIMINAL INVESTIGATOR, THE STATE'S ATTORNEY MAY DESIGNATE ONE AS CHIEF INVESTIGATOR AND ASSIGN OTHER RANKS AND TITLES TO THE OTHER CRIMINAL INVESTIGATORS.

(3) A CRIMINAL INVESTIGATOR WHO IS APPOINTED UNDER THIS SUBSECTION:

(I) SHALL SERVE AT THE PLEASURE OF THE STATE'S ATTORNEY;

(II) IS SUBJECT TO THE REGULATIONS OF THE STATE'S ATTORNEY;

(III) SHALL PERFORM THE DUTIES THAT THE STATE'S ATTORNEY DESIGNATES;

(IV) SHALL TAKE AN OATH OF OFFICE THAT THE CLERK OF THE CIRCUIT COURT ADMINISTERS;

(V) SHALL MEET THE CRITERIA REGARDING TRAINING AND EXPERIENCE THAT THE STATE'S ATTORNEY REQUIRES;

(VI) MAY SERVE A SUMMONS OR SUBPOENA THAT THE STATE'S ATTORNEY ISSUES;

(VII) MAY WEAR OR DISPLAY APPROPRIATE METALLIC BADGES THAT THE STATE'S ATTORNEY AUTHORIZES; AND

(VIII) IS NOT SUBJECT TO TITLE 3, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE.

(4) THE STATE'S ATTORNEY MAY DESIGNATE A CRIMINAL INVESTIGATOR AS A PEACE OFFICER IF THE CRIMINAL INVESTIGATOR MEETS THE SELECTION AND TRAINING STANDARDS OF THE POLICE TRAINING

COMMISSION AS SET FORTH IN TITLE 3, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE.

(5) A CRIMINAL INVESTIGATOR DESIGNATED AS A PEACE OFFICER MAY NOT BE SUBJECT TO TITLE 3, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE.

(6) IN ADDITION TO THE AUTHORITY, DUTIES, AND LIMITATIONS DESCRIBED UNDER PARAGRAPH (3) OF THIS SUBSECTION, A CRIMINAL INVESTIGATOR DESIGNATED AS A PEACE OFFICER MAY:

(I) ARREST A PERSON WHO COMMITS A CRIME IN THE COUNTY OR IN A MUNICIPAL CORPORATION IN THE COUNTY;

(II) SERVE A WARRANT, SUMMONS, OR SUBPOENA THAT THE DISTRICT COURT OF MARYLAND IN THE COUNTY OR A CIRCUIT COURT ISSUES; AND

(III) POSSESS AND CARRY A FIREARM, INCLUDING A HANDGUN, OR ANY OTHER WEAPON THAT THE STATE'S ATTORNEY REQUIRES.

[(e)] (F) The State's Attorney:

(1) shall serve full time;

(2) may not engage in the private practice of law; and

(3) except in connection with performing the duties of the office, may not appear professionally in a criminal proceeding in the State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 398 – *State Board of Pharmacy – Election of Officers*.

The bill repeals the requirement that the election of a president, secretary, and treasurer of the State Board of Pharmacy be from among the pharmacist members of the Board.

Senate Bill 228, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 398.

Sincerely,

Governor Martin O'Malley

House Bill 398

AN ACT concerning

State Board of Pharmacy – Election of Officers

FOR the purpose of repealing the requirement that the election of certain officers of the State Board of Pharmacy be from among the pharmacist members of the Board; and generally relating to the election of officers of the State Board of Pharmacy.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–203
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – Health Occupations

12–203.

(a) From among its [pharmacist] members, the Board annually shall elect a president, a secretary, and a treasurer.

(b) The Board shall determine:

(1) The manner of election of officers; and

(2) The duties of each officer.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 403 – *State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists – Cease and Desist Orders and Injunctive Relief*.

The bill authorizes the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists to issue cease and desist orders or obtain injunctive relief for violations of specified provisions of law and authorizes an action to be maintained in the name of the State or the Board to enjoin specified unauthorized practice or conduct that is a ground for specified disciplinary action.

Senate Bill 453, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 403.

Sincerely,

Governor Martin O'Malley

House Bill 403

AN ACT concerning

**State Board of Examiners for Audiologists, Hearing Aid Dispensers, and
Speech–Language Pathologists – Cease and Desist Orders and Injunctive
Relief**

FOR the purpose of authorizing the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists to issue cease and

desist orders or obtain injunctive relief for violations of certain provisions of law; authorizing an action to be maintained in the name of the State or the Board to enjoin certain unauthorized practice or conduct that is a ground for certain disciplinary action; authorizing a certain action to be brought by certain persons and in certain locations; providing that proof of certain damages is not required for a certain action; providing that a certain action is in addition to and not instead of certain criminal prosecution or disciplinary action; repealing authorization for the Board to sue to enforce certain provisions of law; and generally relating to the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists and cease and desist orders and injunctive relief.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 2–312

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

Article – Health Occupations

2–312.

(a) (1) The Board shall investigate any alleged violation of this title.

(2) The Board may issue subpoenas, administer oaths, and examine witnesses.

[(b) (1) The Board may sue to enforce any provision of this title by injunction or other appropriate proceeding.

(2) An action under this subsection is in addition to and not instead of criminal prosecution under § 2–408 of this title.]

(B) THE BOARD MAY ISSUE A CEASE AND DESIST ORDER OR OBTAIN INJUNCTIVE RELIEF FOR A VIOLATION OF ANY PROVISION OF § 2–314 OF THIS SUBTITLE OR §§ 2–401 THROUGH 2–402.3 OF THIS TITLE.

(C) (1) AN ACTION MAY BE MAINTAINED IN THE NAME OF THE STATE OR THE BOARD TO ENJOIN:

(I) CONDUCT THAT IS A GROUND FOR DISCIPLINARY ACTION UNDER § 2–314 OF THIS SUBTITLE;

(II) THE UNAUTHORIZED PRACTICE OF AUDIOLOGY, HEARING AID DISPENSING, OR SPEECH–LANGUAGE PATHOLOGY; OR

(III) AIDING AND ABETTING IN THE UNAUTHORIZED PRACTICE OF AUDIOLOGY, HEARING AID DISPENSING, OR SPEECH–LANGUAGE PATHOLOGY.

(2) AN ACTION UNDER THIS SUBSECTION MAY BE BROUGHT BY:

(I) THE BOARD, IN ITS OWN NAME;

(II) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE;

OR

(III) A STATE’S ATTORNEY, IN THE NAME OF THE STATE.

(3) AN ACTION UNDER THIS SUBSECTION SHALL BE BROUGHT IN THE COUNTY WHERE THE DEFENDANT:

(I) RESIDES; OR

(II) ENGAGES IN THE ACT SOUGHT TO BE ENJOINED.

(4) PROOF OF ACTUAL DAMAGES OR THAT ANY PERSON IS LIKELY TO SUSTAIN ANY DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION UNDER THIS SUBSECTION.

(5) AN ACTION UNDER THIS SUBSECTION IS IN ADDITION TO AND NOT INSTEAD OF DISCIPLINARY ACTION UNDER § 2–314 OF THIS SUBTITLE OR CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF AUDIOLOGY, HEARING AID DISPENSING, OR SPEECH–LANGUAGE PATHOLOGY UNDER §§ 2–401 THROUGH 2–402.3 OF THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

The Honorable Michael E. Busch
Speaker of the House

H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 404 – *Department of Health and Mental Hygiene – State Facilities – Cemeteries*.

The bill requires that a cemetery owned by the State and located on the grounds of a State facility be provided perpetual care; requires specified activities or projects to be undertaken in consultation with the Maryland Historical Trust in accordance with specified provisions of law; and requires the Department of Health and Mental Hygiene, beginning January 1, 2015, and annually thereafter, to report on the implementation of specified provisions to specified legislative committees.

Senate Bill 577, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 404.

Sincerely,

Governor Martin O'Malley

House Bill 404

AN ACT concerning

Department of Health and Mental Hygiene – State Facilities – Cemeteries

FOR the purpose of requiring ~~the State to maintain certain cemeteries in accordance with a certain definition~~ certain cemeteries to be provided perpetual care; requiring certain activities or projects to be undertaken in consultation with the Maryland Historical Trust in accordance with certain provisions of law; making certain provisions of State law that apply to property of cemeteries also apply to a cemetery owned by the State and located on the grounds of a State facility; requiring the Department of Health and Mental Hygiene, beginning on a certain date and annually thereafter, to report on the implementation of certain provisions to certain legislative committees; defining a certain term; altering a certain definition; making a conforming change; and generally relating to cemeteries owned by the State and located on the grounds of a State facility.

BY repealing and reenacting, without amendments,

Article – Business Regulation

Section ~~5-502 and 5-601~~

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
 Article – State Finance and Procurement
 Section 10–309
 Annotated Code of Maryland
 (2009 Replacement Volume and 2013 Supplement)

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

Article – Business Regulation

5–502.

(a) An alley, canal, road, or other public thoroughfare may not be opened through property of a cemetery if that property is used or to be used for burial.

(b) This section does not authorize a registered cemeterian, permit holder, or other person to obstruct:

(1) a public road in use when the cemetery is formed; or

(2) the site of a future public road that, when the cemetery is formed, is shown on a plat made by authority of the State, a county, or a municipal corporation.

~~5–601.~~

~~In this subtitle, “perpetual care”:~~

~~(1) means the maintenance, including the cutting of grass abutting memorials or monuments, administration, supervision, and embellishment of a cemetery and its grounds, roads, and paths; and~~

~~(2) includes the repair and renewal of buildings, including columbaria and mausoleums, and the property of the cemetery.~~

Article – State Finance and Procurement

10–309.

(a) **(1)** In this section, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (1) “PERPETUAL CARE” MEANS THE MAINTENANCE, INCLUDING THE CUTTING OF GRASS ABUTTING MEMORIALS OR MONUMENTS,

ADMINISTRATION, SUPERVISION, AND EMBELLISHMENTS OF A CEMETERY AND ITS GROUNDS, ROADS, AND PATHS.

(II) "PERPETUAL CARE" INCLUDES THE REPAIR AND RENEWAL OF BUILDINGS, INCLUDING COLUMBARIA AND MAUSOLEUMS, AND THE PROPERTY OF THE CEMETERY.

(3) "State facility" means:

~~(1)~~ (I) a facility maintained by the Mental Hygiene Administration of the Department of Health and Mental Hygiene and listed in § 10-406 of the Health – General Article; [or]

~~(2)~~ (II) a State residential center for individuals with an intellectual disability in the Developmental Disabilities Administration of the Department of Health and Mental Hygiene; AND

~~(3)~~ (III) A FACILITY THAT FORMERLY MET THE DEFINITION OF "STATE FACILITY" UNDER ITEM (I) OR (II) OF THIS SUBSECTION, INCLUDING:

1. THE FORMER ROSEWOOD CENTER; AND

2. THE FORMER CROWNSVILLE HOSPITAL CENTER.

(b) A cemetery owned by the State and located on the grounds of a State facility may not be sold by the State if the State facility is downsized, consolidated, closed, or sold.

(c) A cemetery owned by the State AND LOCATED ON THE GROUNDS OF A STATE FACILITY shall be ~~maintained by the State, IN ACCORDANCE WITH THE DEFINITION OF PERPETUAL CARE UNDER § 5-601 OF THE BUSINESS REGULATION ARTICLE,~~ PROVIDED PERPETUAL CARE and marked with a monument commemorating the individuals interred in the cemetery.

(D) ACTIVITIES OR PROJECTS UNDERTAKEN UNDER SUBSECTION (C) OF THIS SECTION SHALL BE UNDERTAKEN IN CONSULTATION WITH THE MARYLAND HISTORICAL TRUST, IN ACCORDANCE WITH THE CONSULTATION PROVISIONS:

(1) FOR CAPITAL PROJECTS UNDER § 5A-325 OF THIS ARTICLE;
AND

(2) FOR ISSUANCE OF PERMITS OR LICENSES OR PROVISION OF FINANCIAL ASSISTANCE UNDER § 5A-326(D)(2) OF THIS ARTICLE.

~~(d)~~ **(E)** Any easement or right of entry to a cemetery owned by the State and located on the grounds of a State facility that has been recorded among the land records of the county where the cemetery is located on or before October 1, 2004 may not be transferred or sold.

~~(e)~~ **(F)** Notwithstanding subsections (b) and ~~(d)~~ **(E)** of this section, a cemetery or an easement or right of entry to a cemetery owned by the State and located on the grounds of a State facility may be sold by the State if the deed for the property includes a restrictive covenant requiring the owner and any future owner to maintain the cemetery as provided under subsection (c) of this section.

~~(F)~~ **(G)** **THE PROVISIONS OF § 5-502 OF THE BUSINESS REGULATION ARTICLE APPLY TO A CEMETERY OWNED BY THE STATE AND LOCATED ON THE GROUNDS OF A STATE FACILITY.**

~~(G)~~ **(H)** **BEGINNING JANUARY 1, 2015, AND ON OR BEFORE JANUARY 1 OF EACH SUCCEEDING YEAR, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE 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 IMPLEMENTATION OF THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 406 – *Allegany County, Garrett County, and Washington County – Sunday Hunting*.

The bill authorizes the Department of Natural Resources to allow a person in Allegany County, Garrett County, or Washington County to hunt any game bird or game mammal, except migratory game birds and wetland game birds, on a Sunday on

specified public and private land during the open season for game bird or game mammal.

Senate Bill 472, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 406.

Sincerely,

Governor Martin O'Malley

House Bill 406

AN ACT concerning

Allegany County, Garrett County, and Washington County – Sunday Hunting

FOR the purpose of authorizing the Department of Natural Resources to allow a person in Allegany County, Garrett County, or Washington County to hunt any game bird or game mammal, except migratory game birds and wetland game birds, on a Sunday on certain land during the open season for that game bird or game mammal; making certain conforming changes; and generally relating to Sunday hunting in Allegany County, ~~and~~ Garrett County, and Washington County.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 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), (6), [and] (7), **AND (8)** 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, Caroline, Carroll, Charles, Dorchester, Frederick, ~~Garrett~~, Harford, Queen Anne's, 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;

(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;~~

~~(vi)~~ In Calvert County, Caroline County, Charles County, Dorchester County, and St. Mary's County, a person hunting turkey on private property on any Sunday during the spring turkey hunting season; and

~~(vii)~~ **(VI)** In Dorchester County, a person hunting turkey on public land that is designated for hunting by the Department on any Sunday during the spring turkey hunting season.

(3) Subject to the provisions of § 10–415 of this subtitle, in Calvert County, Caroline County, Charles County, Harford County, Queen Anne's County, St.

Mary's County, Somerset County, and Worcester 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) (i) This paragraph applies only in Carroll County.

(ii) Subject to §§ 10–411 and 10–415 of this subtitle, the Department may allow a person to hunt deer on a Sunday on private property from the first Sunday in October through the second Sunday in January of the following year, inclusive.

(7) 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.

(8) (I) THIS PARAGRAPH APPLIES ONLY IN ALLEGANY COUNTY, GARRETT COUNTY, AND WASHINGTON COUNTY.

(II) THE DEPARTMENT MAY ALLOW A PERSON TO HUNT ANY GAME BIRD OR GAME MAMMAL, EXCEPT MIGRATORY GAME BIRDS AND WETLAND GAME BIRDS, ON A SUNDAY DURING THE OPEN SEASON FOR THAT GAME BIRD OR GAME MAMMAL ON:

1. PRIVATE PROPERTY, SUBJECT TO § 10–411 OF THIS SUBTITLE; AND

**2. PUBLIC LAND THAT IS DESIGNATED FOR SUNDAY
HUNTING BY THE DEPARTMENT.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 420 – *Washington County – Off-Road Vehicle Trails – Prohibition of Establishment on Sideling Hill*.

The bill prohibits the Department of Natural Resources from establishing an off-road vehicle trail on State-owned property located in Sideling Hill in Washington County, including the Sideling Hill Wildlife Management Area and specified other areas. In addition, the legislation requires the Department to review and evaluate the suitability for preservation of the Sideling Hill Wildlife Management Area and State-owned property in the areas of Sideling Hill.

Senate Bill 471, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 420.

Sincerely,

Governor Martin O'Malley

House Bill 420

AN ACT concerning

~~**Sideling Hill and Sideling Hill Wildlife Management Area Washington
County – Off-Road and Off-Highway Recreational Vehicles Vehicle Trails –
Prohibition of Establishment on Sideling Hill**~~

FOR the purpose of ~~prohibiting an off-road vehicle from being used in the Sideling Hill Wildlife Management Area;~~ prohibiting the Department of Natural Resources from establishing an off-highway recreational off-road vehicle from being used trail on State-owned property located in Sideling Hill in Washington County, including the Sideling Hill Wildlife Management Area and certain other areas; requiring the Department to review and evaluate, as to its suitability for certain preservation, the Sideling Hill Wildlife Management Area and State-owned property in the areas of Sideling Hill; making stylistic changes; and generally relating to off-road vehicles.

BY repealing and reenacting, with amendments,
 Article – Natural Resources
 Section 5–209(b)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
 Article – Natural Resources
 Section 10–410(d)(1)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2013 Supplement)

~~BY repealing and reenacting, without amendments,
 Article – Transportation
 Section 11–101 and 11–140.1
 Annotated Code of Maryland
 (2012 Replacement Volume and 2013 Supplement)~~

~~BY adding to
 Article – Transportation
 Section 21–104.2
 Annotated Code of Maryland
 (2012 Replacement Volume and 2013 Supplement)~~

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

Article – Natural Resources

5–209.

(b) (1) The Secretary shall promulgate rules and regulations regarding equipment standards and the operation of off-road vehicles by type, as defined in § 10–410(d) of this article, on property owned or controlled by the Department.

(2) (1) ~~The~~ SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, THE Secretary shall conduct appropriate studies and, by January 1,

1975, designate and identify areas for use by the general public for operation of motorcycles, snowmobiles and other off-road vehicles on that property exclusive of wildlife management areas or State fisheries management areas to the extent such use is compatible with the character and established uses of property controlled by the Department.

(II) AN OFF-ROAD VEHICLE MAY NOT BE USED:

1. WHERE ITS OPERATION WILL DAMAGE THE WILDLAND CHARACTER OF THE PROPERTY; OR

2. WHERE THE NOISE FROM ITS OPERATION WILL BE AUDIBLE AT OR INTERFERE WITH THE USE OF A PICNIC OR CAMPING AREA OPEN TO PUBLIC USE; ~~OR~~

~~3. IN THE SIDELING HILL WILDLIFE MANAGEMENT AREA.~~

(III) THE DEPARTMENT MAY NOT ESTABLISH AN OFF-ROAD VEHICLE TRAIL ON STATE-OWNED PROPERTY LOCATED IN SIDELING HILL IN WASHINGTON COUNTY, INCLUDING:

1. THE SIDELING HILL WILDLIFE MANAGEMENT AREA; AND

2. THE AREAS OF SIDELING HILL THAT ARE LOCATED TO THE NORTH AND SOUTH OF INTERSTATE 68.

(3) (I) Prior to March 31, 1976, every off-road vehicle to be used on Department lands shall be registered and provided suitable identification by the Department, which shall charge an annual uniform fee for all registrants, revenues derived from which shall be used to acquire and maintain areas for off-road vehicle use by the general public.

(II) Any investment earnings derived from the revenues shall be credited to the General Fund of the State. Revenues from the fee are not subject to § 7-302 of the State Finance and Procurement Article.

(III) Revenues may be used for administrative costs calculated in accordance with § 1-103(b)(2) of this article.

(4) Any property to be acquired or designated for off-road vehicle use shall be subject to a public hearing held in the county or counties wherein the property is situated. [However, no off-road vehicle may be permitted where its operation will damage the wildland character of the property or where the noise from its operation

will be audible at or interfere with the use of a picnic or camping area open to public use.]

10-410.

(d) (1) (i) For the purposes of this subsection, "off-road vehicle" means a motorized vehicle designed for or capable of cross-country travel on land, water, snow, ice, marsh, swampland, or other natural terrain.

(ii) "Off-road vehicle" includes four-wheel drive or low-pressure tire vehicles, automobiles, trucks, motorcycles and related two-wheel vehicles, amphibious machines, ground-effect or air-cushion vehicles, snowmobiles, boats, farm-type tractors, earth-moving or construction equipment, lawn mowers, snowblowers, garden or lawn tractors, or golf carts.

~~Article Transportation~~

~~11-101.~~

~~In the Maryland Vehicle Law, the following words have the meanings indicated, unless the context requires otherwise:~~

~~11-140.1.~~

~~(a) "Off-highway recreational vehicle" means a vehicle that is:~~

~~(1) A motor-assisted or motor-driven vehicle that:~~

~~(i) Is designed to carry only the operator of the vehicle on a seat or saddle designed to be straddled by the operator or is designed to carry only the operator of the vehicle and one passenger; and~~

~~(ii) Is commonly known as an all-terrain vehicle;~~

~~(2) A motorcycle that is designed for off-highway operation and is not eligible for registration as a Class D (motorcycle) vehicle under this article, commonly known as a dirt bike; or~~

~~(3) A snowmobile.~~

~~(b) "Off-highway recreational vehicle" does not include:~~

~~(1) A farm vehicle as defined in § 13-911 of this article when used exclusively on farm property by a farmer; or~~

~~(2) Any vehicle when used on residential property for the purpose of landscaping, gardening, or lawn care.~~

~~(e) The Administration may establish by regulation other requirements for or limitations on the definition of “off-highway recreational vehicle”.~~

~~21-104.2.~~

~~A PERSON MAY NOT OPERATE AN OFF-HIGHWAY RECREATIONAL VEHICLE ON STATE-OWNED PROPERTY LOCATED IN SIDELING HILL IN WASHINGTON COUNTY, INCLUDING:~~

~~(1) THE SIDELING HILL WILDLIFE MANAGEMENT AREA; AND~~

~~(2) THE AREAS OF SIDELING HILL THAT ARE LOCATED TO THE NORTH AND SOUTH OF INTERSTATE 68.~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Natural Resources shall review and evaluate as to its suitability for preservation as State wildlands under Title 5, Subtitle 2 of the Natural Resources Article the Sideling Hill Wildlife Management Area and State-owned property in the areas of Sideling Hill that are located to the north and south of Interstate 68.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 430 – *Commercial Law – Patent Infringement – Assertions Made in Bad Faith*.

The bill prohibits a person from making specified assertions of patent infringement in bad faith and authorizing a court to consider specified factors as evidence of whether a person has made an assertion of patent infringement in bad faith or in good faith and authorizing specified individuals to bring an action in a specified court to recover for

injuries or losses sustained as a result of a violation of the Act and authorizing a court to award damages and remedies under specified circumstances.

Senate Bill 585, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 430.

Sincerely,

Governor Martin O'Malley

House Bill 430

AN ACT concerning

Commercial Law – Patent Infringement – Assertions Made in Bad Faith

FOR the purpose of prohibiting a person from making certain assertions of patent infringement in bad faith; authorizing a court to consider certain factors as evidence of whether a person has made an assertion of patent infringement in bad faith or in good faith; providing that the Attorney General and the Division of Consumer Protection of the Office of the Attorney General have the same authority to take certain actions as the Attorney General and the Division have under the Maryland Consumer Protection Act; authorizing certain individuals to bring a civil action in a certain court to recover for certain injuries or losses sustained as a result of a violation of this Act; authorizing a court to award certain damages and remedies under certain circumstances; *providing for the application of this Act*; defining certain terms; and generally relating to bad faith assertions of patent infringement.

BY adding to

Article – Commercial Law

Section 11-1601 through ~~11-1604~~ 11-1605 to be under the new subtitle
“Subtitle 16. Bad Faith Assertions of Patent Infringement”

Annotated Code of Maryland
(2013 Replacement Volume)

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

Article – Commercial Law

SUBTITLE 16. BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT.

11-1601.

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

(B) “CLAIM” MEANS THE SCOPE OF THE PATENT OWNER’S EXCLUSIVE RIGHTS TO THE USE AND CONTROL OF THE PATENT OWNER’S INVENTION.

(C) “DEMAND LETTER” MEANS A LETTER, AN ELECTRONIC MAIL, OR ANY OTHER WRITTEN COMMUNICATION ASSERTING THAT A PERSON HAS ENGAGED IN PATENT INFRINGEMENT.

(D) “DIVISION” MEANS THE DIVISION OF CONSUMER PROTECTION OF THE OFFICE OF THE ATTORNEY GENERAL.

(E) “TARGET” MEANS A PERSON:

(1) WHO HAS RECEIVED A DEMAND LETTER OR AGAINST WHOM AN ASSERTION OF PATENT INFRINGEMENT HAS BEEN MADE;

(2) WHO HAS BEEN THREATENED WITH LITIGATION OR AGAINST WHOM A LAWSUIT HAS BEEN FILED ALLEGING PATENT INFRINGEMENT; OR

(3) WHO HAS AT LEAST ONE CUSTOMER WHO HAS RECEIVED A DEMAND LETTER ASSERTING THAT THE PERSON’S PRODUCT, SERVICE, OR TECHNOLOGY HAS INFRINGED A PATENT.

11-1602.

THIS SUBTITLE DOES NOT APPLY TO AN ASSERTION OF PATENT INFRINGEMENT THAT INCLUDES A CLAIM FOR RELIEF ARISING UNDER 35 U.S.C. § 271(E)(2) OR 42 U.S.C. § 262.

11-1603.

(A) A PERSON MAY NOT MAKE AN ASSERTION OF PATENT INFRINGEMENT AGAINST ANOTHER IN BAD FAITH.

(B) (1) A COURT MAY CONSIDER THE FOLLOWING FACTORS AS EVIDENCE THAT A PERSON HAS MADE AN ASSERTION OF PATENT INFRINGEMENT IN BAD FAITH:

(I) THE DEMAND LETTER SENT BY THE PERSON DOES NOT CONTAIN:

1. THE ALLEGED PATENT NUMBER;

2. THE NAME AND ADDRESS OF THE PATENT OWNER OR ASSIGNEE, IF ANY; OR

3. FACTS RELATING TO THE SPECIFIC AREAS IN WHICH THE TARGET'S PRODUCT, SERVICE, OR TECHNOLOGY INFRINGES THE PATENT OR IS COVERED BY THE CLAIMS IN THE PATENT;

(II) THE TARGET REQUESTED THE INFORMATION DESCRIBED IN ITEM (I) OF THIS PARAGRAPH, AND THE PERSON FAILED TO PROVIDE THE INFORMATION WITHIN A REASONABLE PERIOD OF TIME;

(III) BEFORE SENDING THE DEMAND LETTER, THE PERSON DID NOT CONDUCT AN ANALYSIS COMPARING THE CLAIMS IN THE PATENT TO THE TARGET'S PRODUCT, SERVICE, OR TECHNOLOGY, OR THE ANALYSIS WAS CONDUCTED BUT DOES NOT IDENTIFY SPECIFIC AREAS IN WHICH THE PRODUCT, SERVICE, OR TECHNOLOGY IS COVERED BY THE CLAIMS IN THE PATENT;

(IV) THE DEMAND LETTER DEMANDED A RESPONSE OR PAYMENT OF A LICENSING FEE WITHIN AN UNREASONABLY SHORT PERIOD OF TIME;

(V) THE PERSON OFFERED TO LICENSE THE PATENT FOR AN AMOUNT THAT IS NOT BASED ON A REASONABLE ESTIMATE OF THE VALUE OF THE LICENSE;

(VI) THE ASSERTION OF PATENT INFRINGEMENT IS WITHOUT MERIT, AND THE PERSON KNEW, OR SHOULD HAVE KNOWN, THAT THE ASSERTION IS WITHOUT MERIT;

(VII) THE ASSERTION OF PATENT INFRINGEMENT IS DECEPTIVE;

(VIII) 1. THE PERSON, OR A SUBSIDIARY OR AN AFFILIATE OF THE PERSON, PREVIOUSLY HAS FILED OR THREATENED TO FILE ONE OR MORE LAWSUITS BASED ON THE SAME OR A SIMILAR ASSERTION OF PATENT INFRINGEMENT; AND

2. A. THE THREATS OR LAWSUITS DID NOT PROVIDE THE INFORMATION DESCRIBED IN ITEM (I) OF THIS PARAGRAPH; AND

B. A COURT FOUND THE PERSON'S ASSERTION TO BE WITHOUT MERIT; AND

(IX) ANY OTHER FACTOR THE COURT DETERMINES TO BE RELEVANT.

(2) THE COURT MAY CONSIDER THE FOLLOWING FACTORS AS EVIDENCE THAT A PERSON HAS MADE AN ASSERTION OF PATENT INFRINGEMENT IN GOOD FAITH:

(I) IF THE DEMAND LETTER SENT BY THE PERSON DOES NOT CONTAIN THE INFORMATION DESCRIBED IN PARAGRAPH (1)(I) OF THIS SUBSECTION, THE PERSON PROVIDES THE INFORMATION TO THE TARGET WITHIN A REASONABLE PERIOD OF TIME;

(II) THE PERSON HAS:

1. ENGAGED IN A GOOD FAITH EFFORT TO ESTABLISH THAT THE TARGET HAS INFRINGED THE PATENT; AND

2. ATTEMPTED TO NEGOTIATE AN APPROPRIATE REMEDY;

(III) THE PERSON HAS:

1. DEMONSTRATED GOOD FAITH BUSINESS PRACTICES IN PREVIOUS EFFORTS TO ENFORCE A PATENT; OR

2. SUCCESSFULLY ENFORCED A PATENT THROUGH LITIGATION;

(IV) THE PERSON HAS MADE A SUBSTANTIAL INVESTMENT IN THE USE OF THE PATENT OR IN THE PRODUCTION OR SALE OF A PRODUCT COVERED BY THE PATENT;

(V) THE PERSON IS:

1. AN INVENTOR OF THE PATENT OR AN ORIGINAL ASSIGNEE; OR

2. A REPRESENTATIVE OF AN INSTITUTION OF HIGHER EDUCATION OR A TECHNOLOGY TRANSFER ORGANIZATION AFFILIATED WITH AN INSTITUTION OF HIGHER EDUCATION; AND

(VI) ANY OTHER FACTOR THE COURT DETERMINES TO BE RELEVANT.

~~11-1603.~~ 11-1604.

THE ATTORNEY GENERAL AND THE DIVISION SHALL HAVE THE SAME AUTHORITY UNDER THIS SUBTITLE TO ADOPT REGULATIONS, CONDUCT INVESTIGATIONS, AND BRING CIVIL AND CRIMINAL ACTIONS AS PROVIDED IN TITLE 13 OF THIS ARTICLE.

~~11-1604.~~ 11-1605.

(A) IN ADDITION TO ANY ACTION BY THE DIVISION OR ATTORNEY GENERAL AUTHORIZED BY TITLE 13 OF THIS ARTICLE, A TARGET MAY BRING AN ACTION IN AN APPROPRIATE COURT TO RECOVER FOR INJURY OR LOSS SUSTAINED AS A RESULT OF A VIOLATION OF THIS SUBTITLE.

(B) IF A TARGET PREVAILS IN AN ACTION BROUGHT UNDER THIS SUBTITLE AND IS AWARDED DAMAGES, THE COURT ALSO MAY AWARD:

(1) COURT COSTS AND FEES, INCLUDING REASONABLE ATTORNEY'S FEES;

(2) EXEMPLARY DAMAGES IN AN AMOUNT NOT TO EXCEED THE GREATER OF:

(I) \$50,000; OR

(II) THREE TIMES THE TOTAL OF DAMAGES, COSTS, AND FEES; AND

(3) ANY EQUITABLE RELIEF THAT THE COURT CONSIDERS APPROPRIATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 432 – *Frederick County – Deer Hunting – Sundays*.

The bill authorizes the Department of Natural Resources to allow a person to hunt deer on a Sunday on specified property from the first Sunday in October through the second Sunday in January of the following year, inclusive, in Frederick County, subject to specified provisions of law.

Senate Bill 473, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 432.

Sincerely,

Governor Martin O'Malley

House Bill 432

AN ACT concerning

~~Allegheny County, Frederick County, Garrett County, and Washington County~~ – Deer Hunting – Sundays

FOR the purpose of authorizing the Department of Natural Resources to allow a person to hunt deer on certain property on certain Sundays in ~~Allegheny County, Frederick County, Garrett County, and Washington County~~, subject to certain provisions of law; *making conforming changes*; and generally relating to the regulation of deer hunting by the Department of Natural Resources.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 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), (6), [and] (7), AND (8) 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, Caroline, Carroll, Charles, Dorchester, ~~Frederick~~, Garrett, Harford, Queen Anne's, 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;

(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;

(vi) In Calvert County, Caroline County, Charles County, Dorchester County, and St. Mary's County, a person hunting turkey on private property on any Sunday during the spring turkey hunting season; and

(vii) In Dorchester County, a person hunting turkey on public land that is designated for hunting by the Department on any Sunday during the spring turkey hunting season.

(3) Subject to the provisions of § 10–415 of this subtitle, in Calvert County, Caroline County, Charles County, Harford County, Queen Anne’s County, St. Mary’s County, Somerset County, and Worcester 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) (i) This paragraph applies only in Carroll County.

(ii) Subject to §§ 10–411 and 10–415 of this subtitle, the Department may allow a person to hunt deer on a Sunday on private property from the first Sunday in October through the second Sunday in January of the following year, inclusive.

(7) 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.

(8) (I) THIS PARAGRAPH APPLIES ONLY IN ~~ALLEGANY COUNTY, FREDERICK COUNTY, GARRETT COUNTY, AND WASHINGTON COUNTY.~~

(II) SUBJECT TO § 10-415 OF THIS SUBTITLE, THE DEPARTMENT MAY ALLOW A PERSON TO HUNT DEER ON A SUNDAY FROM THE FIRST SUNDAY IN OCTOBER THROUGH THE SECOND SUNDAY IN JANUARY OF THE FOLLOWING YEAR, INCLUSIVE, ON:

1. PRIVATE PROPERTY, SUBJECT TO § 10-411 OF THIS SUBTITLE; AND
2. PUBLIC LAND THAT IS DESIGNATED FOR SUNDAY HUNTING BY THE DEPARTMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 437 – *Health Maintenance Organizations – Payments to Nonparticipating Providers – Repeal of Termination Date*.

The bill repeals the termination date of specified provisions of law requiring health maintenance organizations to pay nonparticipating providers for specified services at specified rates.

Senate Bill 416, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 437.

Sincerely,

Governor Martin O'Malley

House Bill 437

AN ACT concerning

**Health Maintenance Organizations – Payments to Nonparticipating
Providers – Repeal of Termination Date**

FOR the purpose of repealing the termination date of certain provisions of law requiring health maintenance organizations to pay certain providers for certain services at certain rates; and generally relating to payments by health maintenance organizations to nonparticipating providers.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–710.1
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Chapter 664 of the Acts of the General Assembly of 2009
Section 2

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

Article – Health – General

19–710.1.

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

(2) “Adjunct claims documentation” means an abstract of an enrollee’s medical record which describes and summarizes the diagnosis and treatment of, and services rendered to, the enrollee, including, in the case of trauma rendered in a trauma center, an operative report, a discharge summary, a Maryland Ambulance Information Systems form, or a medical record.

(3) “Berenson–Eggers Type of Service Code” means a code in a classification system developed by the Centers for Medicare and Medicaid Services that groups Current Procedural Terminology codes together based on clinical consistency.

(4) “Enrollee” means a subscriber or member of a health maintenance organization.

(5) “Evaluation and management service” means any service with a Berenson–Eggers Type of Service Code in the category of evaluation and management.

(6) “Institute” means the Maryland Institute for Emergency Medical Services Systems.

(7) “Medicare Economic Index” means the fixed-weight input price index that:

(i) Measures the weighted average annual price change for various inputs needed to produce physician services; and

(ii) Is used by the Centers for Medicare and Medicaid Services in the calculation of reimbursement of physician services under Title XVIII of the federal Social Security Act.

(8) “Similarly licensed provider” means:

(i) For a physician:

1. A physician who is board certified or eligible in the same practice specialty; or

2. A group physician practice that contains board certified or eligible physicians in the same practice specialty;

(ii) For a health care provider that is not a physician, a health care provider that holds the same type of license.

(9) (i) “Trauma center” means a primary adult resource center, level I trauma center, level II trauma center, level III trauma center, or pediatric trauma center that has been designated by the institute to provide care to trauma patients.

(ii) “Trauma center” includes an out-of-state pediatric facility that has entered into an agreement with the institute to provide care to trauma patients.

(10) “Trauma patient” means a patient that is evaluated or treated in a trauma center and is entered into the State trauma registry as a trauma patient.

(11) “Trauma physician” means a licensed physician who has been credentialed or designated by a trauma center to provide care to a trauma patient at a trauma center.

(b) In addition to any other provisions of this subtitle, for a covered service rendered to an enrollee of a health maintenance organization by a health care provider not under written contract with the health maintenance organization, the health maintenance organization or its agent:

(1) Shall pay the health care provider within 30 days after the receipt of a claim in accordance with the applicable provisions of this subtitle; and

(2) Shall pay the claim submitted by:

(i) A hospital at the rate approved by the Health Services Cost Review Commission;

(ii) A trauma physician for trauma care rendered to a trauma patient in a trauma center, at the greater of:

1. 140% of the rate paid by the Medicare program, as published by the Centers for Medicare and Medicaid Services, for the same covered service, to a similarly licensed provider; or

2. The rate as of January 1, 2001 that the health maintenance organization paid in the same geographic area, as published by the Centers for Medicare and Medicaid Services, for the same covered service, to a similarly licensed provider; and

(iii) Any other health care provider:

1. For an evaluation and management service, no less than the greater of:

A. 125% of the average rate the health maintenance organization paid as of January 1 of the previous calendar year in the same geographic area, as defined by the Centers for Medicare and Medicaid Services, for the same covered service, to similarly licensed providers under written contract with the health maintenance organization; or

B. 140% of the rate paid by Medicare, as published by the Centers for Medicare and Medicaid Services, for the same covered service to a similarly licensed provider in the same geographic area as of August 1, 2008, inflated by the change in the Medicare Economic Index from 2008 to the current year; and

2. For a service that is not an evaluation and management service, no less than 125% of the average rate the health maintenance organization paid as of January 1 of the previous calendar year in the same geographic area, as defined by the Centers for Medicare and Medicaid Services, to a similarly licensed provider under written contract with the health maintenance organization for the same covered service.

(c) For the purposes of subsection (b)(2)(iii) of this section, a health maintenance organization shall calculate the average rate paid to similarly licensed providers under written contract with the health maintenance organization for the same covered service by summing the contracted rate for all occurrences of the Current Procedural Terminology Code for that service and then dividing by the total number of occurrences of the Current Procedural Terminology Code.

(d) A health maintenance organization shall disclose, on request of a health care provider not under written contract with the health maintenance organization, the reimbursement rate required under subsection (b)(2)(ii) and (iii) of this section.

(e) (1) Subject to paragraph (2) of this subsection, a health maintenance organization may require a trauma physician not under contract with the health maintenance organization to submit appropriate adjunct claims documentation and to include on the uniform claim form a provider number assigned to the trauma physician by the health maintenance organization.

(2) If a health maintenance organization requires a trauma physician to include a provider number on the uniform claim form in accordance with paragraph (1) of this subsection, the health maintenance organization shall assign a provider number to a trauma physician not under contract with the health maintenance organization at the request of the physician.

(3) A trauma center, on request from a health maintenance organization, shall verify that a licensed physician is credentialed or otherwise designated by the trauma center to provide trauma care.

(4) Notwithstanding the provisions of § 19-701(d) of this subtitle, for trauma care rendered to a trauma patient in a trauma center by a trauma physician, a health maintenance organization may not require a referral or preauthorization for a service to be covered.

(f) (1) A health maintenance organization may seek reimbursement from an enrollee for any payment under subsection (b) of this section for a claim or portion of a claim submitted by a health care provider and paid by the health maintenance organization that the health maintenance organization determines is the responsibility of the enrollee.

(2) The health maintenance organization may request and the health care provider shall provide adjunct claims documentation to assist in making the determination under paragraph (1) of this subsection or under subsection (b) of this section.

(g) (1) A health care provider may enforce the provisions of this section by filing a complaint against a health maintenance organization with the Maryland Insurance Administration or by filing a civil action in a court of competent jurisdiction under § 1-501 or § 4-201 of the Courts Article.

(2) The Maryland Insurance Administration or a court shall award reasonable attorney fees if the complaint of the health care provider is sustained.

(h) The Maryland Health Care Commission annually shall review payments to health care providers to determine the compliance of health maintenance

organizations with the requirements of this section and report its findings to the Maryland Insurance Administration.

(i) The Maryland Insurance Administration may take any action authorized under this subtitle or the Insurance Article, including conducting an examination under Title 2, Subtitle 2 of the Insurance Article, to investigate and enforce a violation of the provisions of this section.

(j) In addition to any other penalties under this subtitle, the Commissioner may impose a penalty not to exceed \$5,000 on any health maintenance organization which violates the provisions of this section if the violation is committed with such frequency as to indicate a general business practice of the health maintenance organization.

(k) The Maryland Insurance Administration, in consultation with the Maryland Health Care Commission, shall adopt regulations to implement this section.

Chapter 664 of the Acts of 2009

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2010. [It shall remain in effect for a period of 5 years and, at the end of December 31, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 463 – *Montgomery County – Alcoholic Beverages – Beer, Wine and Liquor Licenses MC 16-14*.

The bill establishes in Montgomery County a Class D beer, wine and liquor (on-sale) license and extends the hours during which holders of Class B-BWL and Class B-BWL (H-M) licenses may sell or provide alcoholic beverages.

Senate Bill 657, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 463.

Sincerely,

Governor Martin O'Malley

House Bill 463

AN ACT concerning

Montgomery County – Alcoholic Beverages – Beer, Wine and Liquor Licenses

MC 16-14

FOR the purpose of establishing in Montgomery County a Class D beer, wine and liquor (on-sale) license; requiring an applicant for a Class D beer, wine and liquor (on-sale) license to attest to a certain proportion of future food and alcoholic beverages sales during certain hours, based on gross receipts, as a prerequisite to obtaining the license; requiring an applicant for a Class D beer, wine and liquor (on-sale) license to attest to a certain proportion of ~~future~~ food and alcoholic beverages sales during certain hours, based on gross receipts from sales during a certain time, as a prerequisite to renewing the license; requiring the Board of License Commissioners to adopt certain regulations providing for the inspection of certain premises; authorizing the Board to revoke a Class D beer, wine and liquor (on-sale) license under certain circumstances; requiring an applicant to pay a certain fee in order to obtain a Class D beer, wine and liquor (on-sale) license; altering the hours that a holder of a Class B-BWL or Class B-BWL (H-M) license may sell alcoholic beverages on a Sunday; authorizing a holder of a Class D beer, wine and liquor license to sell alcoholic beverages during certain hours on a Sunday; altering the hours that a holder of a Class B-BWL or Class B-BWL (H-M) license may sell alcoholic beverages on Monday, Tuesday, Wednesday, Thursday, and certain Sundays; altering the hours that a holder of a Class B-BWL or Class B-BWL (H-M) license may sell alcoholic beverages on Friday, Saturday, and certain Sundays; authorizing a holder of a Class D beer, wine and liquor license to sell alcoholic beverages during certain hours on ~~Friday, Saturday, and certain Sundays~~ certain days; making stylistic changes; and generally relating to alcoholic beverages in Montgomery County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 6-401(a)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–401(q) and 11–516(a) and (c)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 11–303(b)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)
(As enacted by Chapters 302 and 303 of the Acts of the General Assembly of
2010)

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

Article 2B – Alcoholic Beverages

6–401.

(a) (1) A Class D beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. It authorizes the holder to keep for sale and sell all alcoholic beverages at retail at the place described in it, for consumption on the premises or elsewhere. A license may not be issued for any drugstore.

(2) The annual license fee shall be paid to the local collecting agent before any license is issued, for distribution as provided.

(3) In this section, “Board” means the Board of License Commissioners for the jurisdiction to which the subsection applies.

(q) (1) This [section does not apply in] **SUBSECTION APPLIES ONLY IN** Montgomery County.

(2) **A CLASS D BEER, WINE AND LIQUOR (ON–SALE) LICENSE MAY BE ISSUED FOR ON–PREMISES CONSUMPTION.**

(3) (1) **AS A PREREQUISITE FOR THE INITIAL ISSUANCE OF A LICENSE UNDER THIS SUBSECTION, THE OWNER SHALL ATTEST IN A SWORN STATEMENT THAT GROSS RECEIPTS FROM FOOD SALES WILL BE AT LEAST EQUAL TO 40% OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES:**

1. FROM 9 A.M. TO 9 P.M. ON MONDAY, TUESDAY, WEDNESDAY, THURSDAY, FRIDAY, AND SATURDAY; AND

2. FROM 10 A.M. TO 9 P.M. ON SUNDAY.

(II) AS A PREREQUISITE FOR EACH RENEWAL OF A LICENSE ISSUED UNDER THIS SUBSECTION, THE OWNER SHALL ATTEST IN A SWORN STATEMENT THAT THE GROSS RECEIPTS FROM FOOD SALES FOR THE 12-MONTH PERIOD IMMEDIATELY PRECEDING THE APPLICATION FOR RENEWAL HAVE BEEN AT LEAST EQUAL TO 40% OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES:

1. FROM 9 A.M. TO 9 P.M. ON MONDAY, TUESDAY, WEDNESDAY, THURSDAY, FRIDAY, AND SATURDAY; AND

2. FROM 10 A.M. TO 9 P.M. ON SUNDAY.

(III) THE BOARD BY REGULATION SHALL PROVIDE FOR PERIODIC INSPECTION OF THE PREMISES AND FOR AUDITS TO DETERMINE THE RATIO OF GROSS RECEIPTS FROM THE SALE OF FOOD TO GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.

(IV) REGULATIONS ADOPTED BY THE BOARD SHALL INCLUDE A REQUIREMENT OF:

1. AT LEAST MONTHLY PHYSICAL INSPECTIONS OF THE PREMISES DURING THE INITIAL LICENSE YEAR OF ANY LICENSEE; AND

2. THE SUBMISSION BY THE LICENSEE TO THE BOARD, DURING THE INITIAL LICENSE YEAR, OF MONTHLY STATEMENTS SHOWING GROSS RECEIPTS FROM THE SALE OF FOOD AND GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES FOR THE IMMEDIATELY PRECEDING MONTH.

(V) 1. IF A LICENSEE DURING THE INITIAL LICENSE YEAR FAILS TO MAINTAIN THE SALES RATIO REQUIREMENT PROVIDED IN THIS PARAGRAPH FOR 3 CONSECUTIVE MONTHS OR AFTER THE INITIAL LICENSE YEAR FOR EACH LICENSE OR CALENDAR YEAR, THE BOARD MAY REVOKE THE LICENSE.

2. THE BOARD MAY REQUIRE A LICENSEE TO PROVIDE SUPPORTING DATA AS THE BOARD CONSIDERS NECESSARY TO ESTABLISH THAT THE REQUIREMENTS OF THIS SECTION RELATING TO THE

RATIO OF GROSS RECEIPTS FROM THE SALE OF FOOD TO THOSE FROM THE SALE OF ALCOHOLIC BEVERAGES HAVE BEEN MET.

(4) THE ANNUAL LICENSE FEE IS \$3,000.

11-303.

(b) (1) The hours during which the privileges conferred by a Class B beer, wine and liquor license may be exercised are from 6 a.m. to 2 a.m. on the following day.

(2) In Annapolis, the hours shall be as fixed by the Mayor, Counselor, and Aldermen of the City of Annapolis.

(3) In Montgomery County, except as provided in § 11-516 of this article, the hours are from 9 a.m. on any day to 1 a.m. on the following day.

(4) In the 47th alcoholic beverages district in Baltimore City, the hours for off-sales under a Class B beer, wine and liquor license for use in a restaurant are as provided for in § 6-201(d) of this article.

(5) In the Park Heights Redevelopment Area that is specified in the Park Heights Master Plan adopted by Baltimore City in 2006, the hours of sale begin at 9 a.m. each day.

11-516.

(a) In Montgomery County, notwithstanding any other provisions of this subtitle, a holder of an alcoholic beverage license may not sell any alcoholic beverages [between]:

(1) BETWEEN the hours of 1 a.m. and 10 a.m. on Sunday, except holders of Class A (off-sale) beer licenses and Class A (off-sale) beer and light wine licenses and [Class B-BWL, Class B-BWL (H-M) and] Class C, beer, wine and liquor licenses; Class B and Class D beer licenses and Class B and Class D beer and light wine licenses; **AND**

(2) BETWEEN THE HOURS OF 3 A.M. AND 10 A.M. ON SUNDAY, EXCEPT HOLDERS OF CLASS B-BWL, CLASS B-BWL (H-M), AND CLASS D BEER, WINE AND LIQUOR LICENSES.

(c) The privileges conferred by a Class B beer, wine and liquor license (on-sale generally), [and] a Class B beer, wine and liquor (H-M) license, **AND A CLASS D BEER, WINE AND LIQUOR (ON-SALE) LICENSE** may be exercised during the following hours, provided that the licensed establishment sells or makes available

food for consumption on the premises during the hours that alcoholic beverages are permitted to be served:

(1) [On Monday, Tuesday, Wednesday, and Thursday sales are permitted from 9 a.m. to 1 a.m. on the following day] **FROM 9 A.M. TO ~~1 A.M.~~ 2 A.M. THE FOLLOWING DAY, ON MONDAY, TUESDAY, WEDNESDAY, AND THURSDAY;**

(2) [On Friday and Saturday, sales are permitted from 9 a.m. to 2 a.m. on the following day] **FROM 9 A.M. TO 3 A.M. THE FOLLOWING DAY, ON FRIDAY AND SATURDAY;**

(3) [On Sunday, sales are permitted from 10 a.m. to 1 a.m. on the following day; provided, however, that sales are permitted until 2 a.m. on the following day when the following day (Monday) has been designated by the federal government as one of the following holidays: Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day and Christmas] **FROM 10 A.M. TO 3 A.M. THE FOLLOWING DAY, ON SUNDAY WHEN THE FOLLOWING DAY HAS BEEN DESIGNATED BY THE FEDERAL GOVERNMENT AS ONE OF THE FOLLOWING HOLIDAYS:**

(I) WASHINGTON'S BIRTHDAY;

(II) MEMORIAL DAY;

(III) INDEPENDENCE DAY;

(IV) LABOR DAY;

(V) VETERANS DAY; OR

(VI) CHRISTMAS; OR

(4) FROM 10 A.M. TO ~~1 A.M.~~ 2 A.M. THE FOLLOWING DAY, ON A SUNDAY THAT IS NOT REFERENCED IN ITEM (3) OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

The Honorable Michael E. Busch
Speaker of the House

H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 472 – *Frederick County – Alcoholic Beverages – Country Inn Licenses*.

The bill authorizes the Board of License Commissioners of Frederick County to issue a Class B–CI (country inn) on–sale beer, wine and liquor license for certain establishments in the Burkittsville (twenty–second) election district.

Senate Bill 618, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 472.

Sincerely,

Governor Martin O'Malley

House Bill 472

AN ACT concerning

Frederick County – Alcoholic Beverages – Country Inn Licenses

FOR the purpose of authorizing the Board of License Commissioners of Frederick County to issue a Class B–CI (country inn) on–sale beer, wine and liquor license for the use of an establishment that meets certain requirements in a certain election district; and generally relating to alcoholic beverages licenses in Frederick County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 8–211(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–211(c)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

Article 2B – Alcoholic Beverages

8–211.

(a) The provisions of this section apply only in Frederick County.

(c) **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**, Class A, B, and C licenses for the sale of beer only, as authorized by this article, shall be issued for places of business located in any of the following election districts:

[(1)] (I) Jefferson (14th);

[(2)] (II) Johnsville (17th); and

[(3)] (III) Burkittsville (22nd).

(2) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A CLASS B–CI (COUNTRY INN) ON–SALE BEER, WINE AND LIQUOR LICENSE FOR THE USE OF AN ESTABLISHMENT THAT MEETS THE REQUIREMENTS OF § 6–201(L)(7)(I) OF THIS ARTICLE IN THE BURKITTSVILLE (22ND) ELECTION DISTRICT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 478 – *Maryland Automobile Insurance Fund – Installment Payment Plan – Clarification*.

The bill clarifies that the Maryland Automobile Insurance Fund may not discriminate among insured's by charging different premiums to insured's who select, as a payment

option, the Fund’s installment payment plan instead of a premium finance agreement, and makes the Act an emergency measure.

Senate Bill 53, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 478.

Sincerely,

Governor Martin O’Malley

House Bill 478

AN ACT concerning

Maryland Automobile Insurance Fund – Installment Payment Plan – Clarification

FOR the purpose of clarifying that the Maryland Automobile Insurance Fund may not discriminate among certain insureds by charging different premiums to insureds who select, as a payment option, the Fund’s installment payment plan instead of a premium finance agreement; making this Act an emergency measure; and generally relating to the Maryland Automobile Insurance Fund’s installment payment plan.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 20–507(g)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

Article – Insurance

20–507.

(g) (1) (i) Subject to the approval of the Commissioner and in accordance with this subsection, the Fund may accept premiums on an installment payment basis only on 12–month personal lines policies.

(ii) In approving the Fund’s plan for accepting premiums on an installment payment basis, the Commissioner shall ensure that the Fund’s installment payment plan:

- no less than:
1. requires an insured's initial premium payment to be
 - A. for a total annual premium of less than \$3,000, 25% of the total annual premium; and
 - B. for a total annual premium of \$3,000 or more, 20% of the total annual premium;
 2. adjusts the amount of the total annual premium used to determine the initial premium payment under item 1 of this subparagraph on October 1 of each year using data from the U.S. Government Bureau of Labor Statistics motor vehicle insurance expenditure category of the Consumer Price Index for all urban consumers;
 3. is structured and administered to ensure that the Fund at no time provides insurance coverage to an insured for a period during which the Fund has not received the actuarially justified premium payment;
 4. offers no more than:
 - A. for a policy under item 1A of this subparagraph, six installment payments on the 12-month policy; and
 - B. for a policy under item 1B of this subparagraph, eight installment payments on the 12-month policy;
 5. allows insureds to make an initial premium payment and installment payments in any commercially acceptable form; and
 6. allows the Fund to impose an administrative processing fee on insureds participating in the installment plan of no more than \$8 per installment payment.

(2) The Fund may not discriminate among insureds by charging different premiums [based on the payment option selected by an insured] **TO INSUREDS WHO SELECT, AS A PAYMENT OPTION, THE FUND'S INSTALLMENT PAYMENT PLAN INSTEAD OF A PREMIUM FINANCE AGREEMENT.**

(3) In determining commissions paid to a fund producer, the Fund may not consider whether the fund producer placed an insured in an installment payment plan.

(4) (i) In accordance with this paragraph, written and electronic communications, including the Fund's Web site, affecting the placement of coverage by the Fund or a fund producer shall include a statement, on a form approved by the

Commissioner, advising an applicant or an insured of the payment options available to the applicant or insured.

(ii) The statement shall state that the applicant or insured has the following payment options:

1. the Fund's installment payment plan;
2. a premium finance agreement; or
3. payment of the policy in full.

(iii) The statement shall be included on written or electronic communications at the time the applicant or insured:

1. is issued a new policy; or
2. is issued a reissuance, rewrite, or renewal of an existing policy.

(iv) The statement shall state that the applicant or insured should consult a fund producer who will fully describe the terms of each payment option.

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

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 485 – *Frederick County – Sheriff – Salary*.

This bill increases the annual salary of the Frederick County Sheriff from \$100,000 to \$125,000, beginning with the next term of office.

Senate Bill 617, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 485.

Sincerely,

Governor Martin O'Malley

House Bill 485

AN ACT concerning

Frederick County – Sheriff – Salary

FOR the purpose of altering the salary of the Sheriff of Frederick County; providing that this Act does not apply to the salary or compensation of the incumbent Sheriff during a certain term of office; making stylistic changes; and generally relating to the salary of the Sheriff of Frederick County.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–309(l)(1)
Annotated Code of Maryland
(2013 Replacement Volume and 2013 Supplement)

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

Article – Courts and Judicial Proceedings

2–309.

(l) (1) **(I)** The Sheriff of Frederick County shall receive a salary of ~~[\$100,000]~~ **\$125,000**.

(II) The Sheriff shall appoint deputies as necessary, at salaries of at least \$2,400, and jail wardens as necessary, at salaries of at least \$1,320 each.

(III) 1. The Sheriff also may appoint additional temporary deputy sheriffs as the Sheriff considers necessary for the public safety, with the approval of the Board of County Commissioners.

2. The County Commissioners shall allow reasonable compensation for the temporary additional deputy sheriffs and the temporary deputies may not serve longer than the occasion requires.

(IV) The Sheriff may appoint a chief deputy who shall serve at the pleasure of the Sheriff.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the Sheriff of Frederick County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the Sheriff of Frederick County shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 487 – *Small Business Reserve Program – Definition of Small Business – Repeal of Sunset Provision*.

The bill repeals the termination provision of a specified provision of law relating to the definition of “small business” as used for the purposes of the Small Business Reserve Program.

Senate Bill 975, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 487.

Sincerely,

Governor Martin O'Malley

AN ACT concerning

Small Business Reserve Program – Definition of Small Business – Repeal of Sunset Provision

FOR the purpose of repealing the termination provision of a certain provision of law relating to the definition of “small business” as used for the purposes of the Small Business Reserve Program; and generally relating to the Small Business Reserve Program.

BY repealing and reenacting, with amendments,
Chapter 539 of the Acts of the General Assembly of 2012
Section 2

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

Chapter 539 of the Acts of 2012

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, at the end of September 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 488 – *Joint Committee on Access to Mental Health Services – Name Change*.

The bill changes the name of the Joint Committee on Access to Mental Health Services to the Joint Committee on Access to Behavioral Health Services and alters the duties of the Committee by requiring it to monitor access to specified behavioral health

services and specified medically necessary services and alters the information that must be included in a specified report to the Governor and the General Assembly.

Senate Bill 84, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 488.

Sincerely,

Governor Martin O'Malley

House Bill 488

AN ACT concerning

Joint Committee on Access to Mental Health Services – Name Change

FOR the purpose of changing the name of the Joint Committee on Access to Mental Health Services to the Joint Committee on Access to Behavioral Health Services; altering the duties of the Committee by requiring it to monitor access to certain behavioral health services and certain medically necessary services; altering the information that must be included in a certain report to the Governor and the General Assembly; and generally relating to changing the name of the Joint Committee on Access to Mental Health Services.

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–10A–05
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – State Government

2–10A–05.

(a) In this section, “Committee” means the Joint Committee on Access to [Mental] **BEHAVIORAL** Health Services.

(b) There is a Joint Committee on Access to [Mental] **BEHAVIORAL** Health Services.

(c) (1) The Committee consists of ten members.

(2) Of the ten members:

- (i) five shall be Senators, appointed by the President; and
 - (ii) five shall be Delegates, appointed by the Speaker.
- (3) Of the five Senators:
 - (i) two shall be members of the Finance Committee;
 - (ii) one shall be a member of the Budget and Taxation Committee;
 - (iii) one shall be a member of the Education, Health, and Environmental Affairs Committee; and
 - (iv) one shall be a member of the Judicial Proceedings Committee.
- (4) Of the five Delegates:
 - (i) two shall be members of the Health and Government Operations Committee;
 - (ii) one shall be a member of the Appropriations Committee;
 - (iii) one shall be a member of the Economic Matters Committee; and
 - (iv) one shall be a member of the Judiciary Committee.
- (d) The members of the Committee serve at the pleasure of the presiding officer who appointed them.
- (e) (1) From among the membership of the Committee, the President shall appoint a Senator to serve as the Senate Chair of the Committee, and the Speaker shall appoint a Delegate to serve as the House Chair of the Committee.
 - (2) The Senate Chair and the House Chair shall alternate annually as presiding chairs and cochairs of the Committee.
- (f) The Department of Legislative Services shall provide staff assistance to the Committee.
- (g) The Committee shall monitor access to:
 - (1) public [mental] **BEHAVIORAL** health services for eligible individuals; and

(2) medically necessary [mental] **BEHAVIORAL** health services for individuals covered by private insurance.

(h) The Committee shall submit an annual report to the Governor and, in accordance with § 2–1246 of this title, to the General Assembly, regarding:

(1) systemic barriers to access to [mental] **BEHAVIORAL** health services; and

(2) recommendations to mitigate these barriers.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 529 – *Motor Vehicle Administration – Drivers’ Licenses and Identification Cards – Organ Donor Designation*.

The bill requires, rather than authorizes, the Motor Vehicle Administration to make a notation on a driver’s license or identification card of an applicant who selects designation as an organ donor; requires the Administration to notify specified applicants that a donor designation will remain effective until the applicant requests that the designation be removed; and alters the manner in which a donor designation may be removed from a driver’s license or identification card.

Senate Bill 813, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 529.

Sincerely,

Governor Martin O’Malley

House Bill 529

AN ACT concerning

**Motor Vehicle Administration – Drivers' Licenses and Identification Cards –
Organ Donor Designation**

FOR the purpose of requiring, rather than authorizing, the Motor Vehicle Administration to make a certain notation on a driver's license or identification card of an applicant who selects designation as an organ donor; requiring the Administration to notify applicants who select designation as a donor that the designation will remain effective until the applicant requests that the designation be removed and that the designation may be removed by the applicant through specified means; altering the manner in which a donor designation may be removed from a driver's license or identification card; requiring the Administration to note an applicant's designation as a donor on certain subsequently issued documents under certain circumstances; making certain stylistic and conforming changes; and generally relating to the designation of organ donor status on drivers' licenses and identification cards.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–303
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Transportation

12–303.

(a) The Administration shall provide for a method by which an applicant for a driver's license or identification card can designate that the applicant consents to the gift of all body organs or parts for the purposes of transplantation, therapy, or medical research and education.

(b) If an applicant [designates that he is such donor] **SELECTS DESIGNATION AS A DONOR UNDER SUBSECTION (A) OF THIS SECTION**, the Administration [may] **SHALL** make a notation of this fact on the driver's license or identification card issued to the applicant.

(c) **THE ADMINISTRATION SHALL NOTIFY AN APPLICANT WHO SELECTS DESIGNATION AS A DONOR THAT THE DESIGNATION:**

(1) WILL REMAIN EFFECTIVE UNTIL THE APPLICANT REQUESTS THAT THE DESIGNATION BE REMOVED; AND

(2) MAY BE REMOVED BY THE APPLICANT:

(i) BY REQUESTING A REPLACEMENT DRIVER'S LICENSE OR IDENTIFICATION CARD:

1. THROUGH THE ADMINISTRATION'S WEB SITE; OR

2. IN PERSON AT ANY FULL-SERVICE ADMINISTRATION OFFICE; OR

(ii) THROUGH THE STATE DONOR REGISTRY ESTABLISHED UNDER § 4-516 OF THE ESTATES AND TRUSTS ARTICLE.

(D) UNLESS REMOVED AS PROVIDED IN SUBSECTION (C)(2) OF THIS SECTION, THE ADMINISTRATION SHALL NOTE AN APPLICANT'S DESIGNATION AS A DONOR ON ALL SUBSEQUENTLY ISSUED DRIVERS' LICENSES OR IDENTIFICATION CARDS.

(E) The donor designation noted on the driver's license or identification card:

(1) Is sufficient legal authority for the removal of a body organ or part on the death of the donor; and

(2) [May be removed only on written notice to the Administration by the donor.

(d)] Notwithstanding any other provision of law, [the donor designation noted on the driver's license or identification card] is valid and effective for all purposes under Title 4, Subtitle 5 of the Estates and Trusts Article, including the immunity from civil or criminal liability set forth in § 4-514 of the Estates and Trusts Article.

[(e) At the time the donor authorizes the donor designation to appear on his driver's license or identification card, the Administration shall notify the donor that the designation can be removed only on written notice to the Administration.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 545 – *Carroll County – Public Facilities Bonds*.

The bill authorizes and empowers the County Commissioners of Carroll County, from time to time, to borrow not more than \$20,000,000 in order to finance the construction, improvement, or development of specified public facilities in Carroll County and to effect such borrowing by issuance and sale at public or private sale of its general obligation bonds.

Senate Bill 555, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 545.

Sincerely,

Governor Martin O'Malley

House Bill 545

AN ACT concerning

Carroll County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Carroll County, from time to time, to borrow not more than \$20,000,000 in order to finance the construction, improvement, or development of certain public facilities in Carroll County, including water and sewer projects, to finance loans for fire or emergency-related equipment, buildings, and other facilities of volunteer fire departments in the County, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; providing that such borrowing may be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring agricultural land and woodland preservation easements; empowering and directing the

County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, County, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and relating generally to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term “County” means the body politic and corporate of the State of Maryland known as the County Commissioners of Carroll County, and the term “construction, improvement, or development of public facilities” means the acquisition, alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings and facilities and public works projects, including, but not limited to, public works projects such as roads, bridges and storm drains, public school buildings and facilities, landfills, Carroll Community College buildings and facilities, public operational buildings and facilities such as buildings and facilities for County administrative use, public safety, health and social services, libraries, refuse disposal buildings and facilities, water and sewer infrastructure facilities, easements or similar or related rights in land that restrict the use of agricultural land or woodland to maintain the character of the land as agricultural land or woodland, and parks and recreation buildings and facilities, together with the costs of acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the construction, improvements or development of public facilities described in Section 1 of this Act, to make loans to each and every volunteer fire department in the County upon such terms and conditions as may be determined by the County for the purpose of financing certain fire or emergency–related equipment, buildings, or other facilities of volunteer fire departments, and to borrow money and incur indebtedness for those purposes, at one time or from time to time, in an amount not exceeding, in the aggregate, \$20,000,000 and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities, including water and sewer projects, the fire or emergency–related equipment, buildings, or other facilities of volunteer fire departments in the County for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and

determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of § 19–204 of the Local Government Article, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be for the best interests of Carroll County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions of any loans made to volunteer fire departments; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or State securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in subsequent resolutions. The bonds may be issued in registered form, and provision may be made for the registration of the principal only. In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if the officer had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of §§ 19–205 and 19–206 of the Local Government Article, as amended.

The borrowing authorized by this Act may also be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring easements or similar or related rights in land that restrict the use of agricultural land or woodland to maintain the character of the land as agricultural or woodland. The form of installment purchase obligations, the manner of accomplishing the acquisition of easements, which may be the direct exchange of installment purchase obligations for easement, and all matters incident to the execution and delivery of the installment purchase obligations and acquisition of the easements by the County shall be determined in the resolution. Except where the provisions of this Act would be inapplicable to installment purchase obligations, the term “bonds” used in this Act shall include installment purchase obligations and matters pertaining to the bonds under this Act, such as the security for the payment of the bonds, the exemption of the bonds from State, County, municipal, or other taxation, and authorization to issue refunding bonds and the limitation on the

aggregate principal amount of bonds authorized for issuance, shall be applicable to installment purchase obligations.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds.

If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which shall be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Comptroller of Carroll County or such other official of Carroll County as may be designated to receive such payment in a resolution passed by the County before such delivery.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the acquisition, construction, improvement, or development of public facilities, including water and sewer projects, to make loans to volunteer fire departments for the financing of fire or emergency-related equipment, buildings, or other facilities of volunteer fire departments in the County for which the bonds are sold. If the amounts borrowed shall prove inadequate to finance the projects described in the resolution, the County may issue additional bonds with the limitations hereof for the purpose of evidencing the borrowing of additional funds for such financing, provided the resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of the sale of any issue of bonds exceed the amount needed to finance the projects described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, unless the County shall adopt a resolution allocating the excess funds to the acquisition, construction, improvement, or development of other public facilities, including water and sewer projects, or to the making of loans for fire or emergency-related equipment, buildings, or other facilities of volunteer fire departments in the County, as defined and within the limits set forth in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it as loan repayments from volunteer fire departments and any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act, including the water and sewer projects or the making of loans for the aforementioned fire or emergency-related equipment, buildings, or other facilities for volunteer fire departments in the County and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied may be reduced accordingly.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the manner herein above described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or

temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, County, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of Carroll County, shall be liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 552 – *Public Safety – Anne Arundel Community College Police Force*.

This bill establishes a police force for Anne Arundel County Community College, makes the police officers subject to the Law Enforcement Officers' Bill of Rights, and makes it eligible for certification by the Maryland Police Training Commission.

Senate Bill 246, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 552.

Sincerely,

Governor Martin O'Malley

House Bill 552

AN ACT concerning

Public Safety – Anne Arundel Community College Police Force

FOR the purpose of establishing a police force for the Anne Arundel Community College; specifying the powers of an Anne Arundel Community College police officer; requiring the Board of Trustees of the Anne Arundel Community College to adopt certain standards and regulations; including a member of the police force of the Anne Arundel Community College in the defined term “police officer” in connection with provisions of law relating to the authority to make arrests; including a member of the police force of the Anne Arundel Community College in the defined term “law enforcement officer” in connection with provisions of law relating to the Maryland Police Training Commission and the Law Enforcement Officers' Bill of Rights; and generally relating to the police force of the Anne Arundel Community College.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 2–101(c)(24) and (25)
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY adding to
Article – Criminal Procedure
Section 2–101(c)(26)
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY adding to
Article – Education

Section 16–407.2
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 3–101(e)(1)(ii)23.
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–101(e)(1)(ii)24. and 25. and 3–201(e)(1)(ii)20. and 21.
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY adding to
Article – Public Safety
Section 3–101(e)(1)(ii)26. and 3–201(e)(1)(ii)22.
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

Article – Criminal Procedure

2–101.

(c) “Police officer” means a person who in an official capacity is authorized by law to make arrests and is:

(24) a member of the police force of the Hagerstown Community College; [or]

(25) an employee of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department; **OR**

(26) A MEMBER OF THE POLICE FORCE OF THE ANNE ARUNDEL COMMUNITY COLLEGE.

Article – Education

16–407.2.

(A) THERE IS AN ANNE ARUNDEL COMMUNITY COLLEGE POLICE FORCE.

(B) (1) AN ANNE ARUNDEL COMMUNITY COLLEGE POLICE OFFICER HAS THE POWERS GRANTED TO A PEACE AND POLICE OFFICER.

(2) (I) AN ANNE ARUNDEL COMMUNITY COLLEGE POLICE OFFICER MAY EXERCISE THESE POWERS ONLY ON PROPERTY THAT IS OWNED, LEASED, OR OPERATED BY OR UNDER THE CONTROL OF ANNE ARUNDEL COMMUNITY COLLEGE.

(II) THE POLICE OFFICER MAY NOT EXERCISE THESE POWERS ON ANY OTHER PROPERTY UNLESS:

1. ENGAGED IN FRESH PURSUIT OF A SUSPECTED OFFENDER;

2. NECESSARY TO FACILITATE THE ORDERLY FLOW OF TRAFFIC TO AND FROM PROPERTY OWNED, LEASED, OR OPERATED BY OR UNDER THE CONTROL OF ANNE ARUNDEL COMMUNITY COLLEGE; OR

3. ORDERED TO DO SO BY THE GOVERNOR.

(C) (1) IN CONSULTATION WITH THE SECRETARY OF STATE POLICE AND THE MARYLAND POLICE TRAINING COMMISSION, THE ANNE ARUNDEL COMMUNITY COLLEGE BOARD OF TRUSTEES SHALL ADOPT STANDARDS, QUALIFICATIONS, AND PREREQUISITES OF CHARACTER, TRAINING, EDUCATION, HUMAN AND PUBLIC RELATIONS, AND EXPERIENCE FOR ANNE ARUNDEL COMMUNITY COLLEGE POLICE OFFICERS, INCLUDING STANDARDS FOR THE PERFORMANCE OF THEIR DUTIES.

(2) TO THE EXTENT PRACTICABLE, THE BOARD SHALL ADOPT STANDARDS THAT ARE SIMILAR TO THE STANDARDS ADOPTED FOR THE DEPARTMENT OF STATE POLICE.

(D) THE ANNE ARUNDEL COMMUNITY COLLEGE BOARD OF TRUSTEES SHALL ADOPT REGULATIONS GOVERNING THE OPERATION AND CONDUCT OF THE ANNE ARUNDEL COMMUNITY COLLEGE POLICE FORCE AND OF ANNE ARUNDEL COMMUNITY COLLEGE POLICE OFFICERS.

Article – Public Safety

- (e) (1) “Law enforcement officer” means an individual who:
- (ii) is a member of one of the following law enforcement agencies:
 - 23. the police force of the Hagerstown Community College;
 - 24. the Internal Investigation Unit of the Department of Public Safety and Correctional Services; [or]
 - 25. the Warrant Apprehension Unit of the Division of Parole and Probation in the Department of Public Safety and Correctional Services; **OR**
 - 26. THE POLICE FORCE OF THE ANNE ARUNDEL COMMUNITY COLLEGE.**

3–201.

- (e) (1) “Police officer” means an individual who:
- (ii) is a member of one of the following law enforcement agencies:
 - 20. the police force of the Hagerstown Community College; [or]
 - 21. the parole and probation employees of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department who are authorized to make arrests; **OR**
 - 22. THE POLICE FORCE OF THE ANNE ARUNDEL COMMUNITY COLLEGE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 556 – *Developmental Disabilities Administration – Low Intensity Support Services – Funding*.

The bill lowers the funding cap on low intensity support services provided to specified individuals each fiscal year through the Low Intensity Support Services Program in the Developmental Disabilities Administration.

Senate Bill 418, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 556.

Sincerely,

Governor Martin O'Malley

House Bill 556

AN ACT concerning

Developmental Disabilities Administration – Low Intensity Support Services – Funding

FOR the purpose of lowering the funding cap on low intensity support services provided to certain individuals each fiscal year through the Low Intensity Support Services Program in the Developmental Disabilities Administration; and generally relating to the funding cap on low intensity support services.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 7–717
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – Health – General

7–717.

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

(i) Enable a family to provide for the needs of a child or an adult with developmental disability living in the home; or

(ii) Support an adult with developmental disability living in the community.

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

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

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

(d) (1) The Administration shall establish a cap of no less than ~~[\$3,000]~~ **\$2,000** of low intensity support services per individual per fiscal year to a qualifying individual.

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

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2014.

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 564 – *Commercial Law – Maryland Uniform Commercial Code – Funds Transfers*.

The bill alters the applicability of provisions of the Maryland Uniform Commercial Code governing funds transfers; provides that the provisions apply to a specified remittance transfer except under specified circumstances; and establishes that, in the event of an inconsistency between an applicable provision of the Maryland Uniform Commercial Code governing funds transfers and an applicable provision of the federal Electronic Fund Transfer Act, the federal law governs to the extent of the inconsistency.

Senate Bill 522, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 564.

Sincerely,

Governor Martin O'Malley

House Bill 564

AN ACT concerning

Commercial Law – Maryland Uniform Commercial Code – Funds Transfers

FOR the purpose of altering the applicability of provisions of the Maryland Uniform Commercial Code governing funds transfers; providing that the provisions apply to a certain remittance transfer except under certain circumstances; establishing that, in the event of an inconsistency between an applicable provision of the Maryland Uniform Commercial Code governing funds transfers and an applicable provision of the federal Electronic Fund Transfer Act, the federal law governs to the extent of the inconsistency; and generally relating to funds transfers under the Maryland Uniform Commercial Code.

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 4A-101, 4A-102, and 4A-104
Annotated Code of Maryland

(2013 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 4A–108

Annotated Code of Maryland

(2013 Replacement Volume)

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

Article – Commercial Law

4A–101.

This title may be cited as Maryland Uniform Commercial Code – Funds Transfers.

4A–102.

Except as otherwise provided in § 4A–108 of this subtitle, this title applies to funds transfers defined in § 4A–104 of this subtitle.

4A–104.

In this title:

(1) “Funds transfer” means the series of transactions, beginning with the originator’s payment order, made for the purpose of making payment to the beneficiary of the order. The term includes any payment order issued by the originator’s bank or by an intermediary bank intended to carry out the originator’s payment order. A funds transfer is completed by acceptance by the beneficiary’s bank of a payment order for the benefit of the beneficiary of the originator’s payment order.

(2) “Intermediary bank” means a receiving bank other than:

(i) The originator’s bank; or

(ii) The beneficiary’s bank.

(3) “Originator” means the sender of the first payment order in a funds transfer.

(4) “Originator’s bank” means:

(i) The receiving bank to which the payment order of the originator is issued if the originator is not a bank; or

- (ii) The originator if the originator is a bank.

4A-108.

(A) [This] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THIS title does not apply to a funds transfer any part of which is governed by the Electronic Fund Transfer Act of 1978 (Title XX, Public Law 95-630, 92 Stat. 3728, 15 U.S.C. § 1693 et seq.) as amended from time to time.

(B) THIS TITLE APPLIES TO A FUNDS TRANSFER THAT IS A REMITTANCE TRANSFER AS DEFINED IN THE ELECTRONIC FUND TRANSFER ACT (15 U.S.C. § 1693O-1) AS AMENDED FROM TIME TO TIME, UNLESS THE REMITTANCE TRANSFER IS AN ELECTRONIC FUND TRANSFER AS DEFINED IN THE ELECTRONIC FUND TRANSFER ACT (15 U.S.C. § 1693A) AS AMENDED FROM TIME TO TIME.

(C) IN A FUNDS TRANSFER TO WHICH THIS TITLE APPLIES, IN THE EVENT OF AN INCONSISTENCY BETWEEN AN APPLICABLE PROVISION OF THIS TITLE AND AN APPLICABLE PROVISION OF THE ELECTRONIC FUND TRANSFER ACT, THE PROVISION OF THE ELECTRONIC FUND TRANSFER ACT GOVERNS TO THE EXTENT OF THE INCONSISTENCY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 575 – *Farm Area Motor Vehicles – Registration and Authorized Use*.

The bill increases from 10 to 25 miles the distance from a farm within which a person may operate a farm area motor vehicle and requires an applicant for registration of a farm area motor vehicle to submit with the application specified federal tax documentation of active farming status.

Senate Bill 221, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 575.

Sincerely,

Governor Martin O'Malley

House Bill 575

AN ACT concerning

Farm Area Motor Vehicles – Registration and Authorized Use

FOR the purpose of increasing the radius from a farm within which a person may operate on a highway a motor vehicle registered as a farm area motor vehicle; requiring an applicant for registration of a farm area motor vehicle to submit with the application certain documentation of active farming status; altering a certain definition; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the registration and authorized use of farm area motor vehicles.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–935
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Transportation

13–935.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Farm area motor vehicle” means a motor vehicle owned by a farmer and operated only on a farm or on a highway within a [10–mile] **25–MILE** radius of the farm.
- (3) “Island vehicle” means a motor vehicle, other than a golf cart, operated exclusively on an island that:
- (i) Is not accessible by a highway;

- (ii) Does not have State maintained highways; and
- (iii) Contains less than 20 miles of highways.

(b) If registered with the Administration under this section, every farm area motor vehicle, every island vehicle, and every vehicle that meets the requirements of subsection (d)(1) of this section is a Class K (farm area/island) vehicle.

(c) Except as provided in subsection (d) of this section, for each Class K (farm area/island) vehicle, the annual registration fee is \$2.50.

(d) (1) The Administration may issue a temporary registration under this section to a vehicle, other than an island vehicle, that:

(i) Is owned by a resident of another state, or a company operating out of another state, if the individual or company is under contract with a Maryland farmer to conduct seasonal harvesting operations in this State;

(ii) Is used to transport perishable commodities directly between a farm and a packing plant for sorting and processing;

(iii) Passes a level 1 safety inspection conducted by the Department of State Police; and

(iv) Is only operated within a 35-mile radius of the location where the seasonal harvesting operations will occur.

(2) A temporary registration issued under this subsection may not be in effect for more than 90 days.

(3) The Department of State Police shall establish a weight limitation for vehicles registered under this subsection.

(4) A vehicle issued temporary registration under this subsection shall meet the mandatory minimum security requirements of Title 17, Subtitle 1 of this article.

(5) A person may not operate a vehicle registered under this subsection unless the person holds a driver's license issued under Title 16 of this article, or a license to drive issued by the state of the person's residence.

(6) The Administration may establish a fee for a temporary registration issued under this subsection.

(e) An island vehicle registered under this section may not be operated on a highway in the State that is not on an island described in subsection (a)(3) of this section.

(F) IN APPLYING FOR REGISTRATION OF A FARM AREA MOTOR VEHICLE UNDER THIS SECTION, THE OWNER OF THE VEHICLE SHALL SUBMIT WITH THE APPLICATION, FROM THE MOST RECENT FEDERAL TAX FILING OF THE OWNER, A COPY OF:

(1) INTERNAL REVENUE SERVICE FORM 1040, SCHEDULE F; OR

(2) ANY OTHER FEDERAL TAX FORM SHOWING ACTIVE FARMING STATUS, AS DETERMINED BY THE ADMINISTRATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective for a period of 5 years from the date it is enacted and, at the end of the 5-year period, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 591 – *Anne Arundel County – Alcoholic Beverages – Tasting Licenses*.

The bill creates in Anne Arundel County a BWLT beer, wine and liquor (on-premises) tasting license.

Senate Bill 1015, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 591.

Sincerely,

Governor Martin O'Malley

House Bill 591

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Tasting Licenses

FOR the purpose of creating in Anne Arundel County a ~~BWST~~ BWLT beer, wine and ~~spirits~~ liquor tasting (on-premises) license; specifying that the ~~BWST~~ BWLT ~~license~~ and BWT licenses may be issued to certain persons; creating a license fee schedule for a ~~BWST~~ BWLT license and altering the fee schedule for a BWT beer and wine (on-premises) tasting license; specifying certain limitations on the amount of alcoholic beverages that may be offered for on-premises consumption; and generally relating to alcoholic beverages licenses in Anne Arundel County.

BY repealing and reenacting, with amendments,
 Article 2B – Alcoholic Beverages
 Section 8-402
 Annotated Code of Maryland
 (2011 Replacement Volume and 2013 Supplement)

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

Article 2B – Alcoholic Beverages

8-402.

- (a) This section applies only in Anne Arundel County.
- (b) In this section, “Board” means the Anne Arundel County Board of License Commissioners.
- (c) There is a Class ~~BWST~~ BWLT ~~CORDIAL, BEER, AND WINE AND LIQUOR (ON-PREMISES)~~ TASTING LICENSE, A BWT beer and wine (on-premises) tasting license, a WS wine sampling (on-premises) license, and a Class WT wine tasting (on-premises) license.
- (d) (1) (I) A CLASS ~~BWST~~ BWLT LICENSE MAY BE ISSUED ONLY TO A HOLDER OF A CLASS ~~BWL~~ A BEER, WINE AND LIQUOR ~~(ON-PREMISES)~~ (OFF-PREMISES) LICENSE.

(II) A Class BWT license may only be issued to a holder of a Class ~~BWL~~ A beer, wine and liquor (~~on-premises~~) **(OFF-PREMISES)** license or a Class ~~BW~~ A beer and wine (~~on-sale~~) **(OFF-PREMISES)** license.

(2) The annual fee for a Class BWT license is[:

(i) \$50 for a holder of a Class BWL license; and

(ii) \$50 for a holder of a Class BW license] **\$150.**

(3) THE ANNUAL FEE FOR A CLASS ~~BWST~~ BWLT LICENSE IS \$500.

[[3]] (4) The annual fee for a Class ~~BWST~~ BWLT OR BWT license is in addition to the Class ~~BWL~~ or ~~BW~~ A annual fee.

(5) A CLASS ~~BWST~~ BWLT LICENSE AUTHORIZES A HOLDER TO PERMIT THE ON-PREMISES CONSUMPTION OF THE FOLLOWING ALCOHOLIC BEVERAGES FOR TASTING OR SAMPLING PURPOSES ONLY:

(I) LIQUOR TO BE SERVED IN A QUANTITY OF NOT MORE THAN ONE-HALF OUNCE FROM EACH OF ANY OF FIVE BRANDS TO ANY ONE PERSON PER DAY;

(II) LIGHT WINE TO BE SERVED IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM EACH GIVEN BRAND TO ANY ONE PERSON; AND

(III) BEER TO BE SERVED IN A QUANTITY OF NOT MORE THAN 3 OUNCES TO ANY ONE PERSON.

[[4]] (6) The Class BWT license authorizes a holder to permit the on-premises consumption of the following alcoholic beverages for tasting or sampling purposes only:

(i) Light wine to be served in a quantity of not more than 1 ounce from each given brand to any one person; and

(ii) Beer to be served in a quantity of not more than 3 ounces to any one person.

(e) (1) The Board may issue a WS (wine sampling) license to bona fide nonprofit organizations.

(2) The WS license authorizes the consumption of wine for tasting or sampling purposes:

(i) On Class B beer and wine or beer, wine and liquor licensed premises with the consent of the licensee; or

(ii) On premises without a permanent alcoholic beverages license.

(3) The licensee may not serve more than 2 ounces from each brand to any 1 person.

(4) The bona fide nonprofit organization:

(i) Shall apply for a WS license at least 15 days prior to the day of issuance; and

(ii) May not be issued more than 12 WS licenses in any given license year.

(5) The daily license fee is \$15.

(6) The WS licensee may bring wine onto Class B licensed premises for sampling or tasting purposes only.

(f) (1) A Class WT wine tasting (on-premises) license may only be issued to a holder of a Class BWL license or a holder of a Class BW license.

(2) A Class WT wine tasting (on-premises) license authorizes a holder to permit the on-premises consumption for tasting or sampling purposes only of light wine to be served in a quantity of not more than 1 ounce from each given brand to any one person.

(3) The annual license fee is:

(i) \$150 for a holder of a Class BWL license; and

(ii) \$50 for a holder of a Class BW license.

(g) The provisions of this section are not restricted by:

(1) The provisions in subsection (b) of § 12-107 of this article; and

(2) The provisions of law under § 9-102 of this article prohibiting the issuance of 2 licenses for the same premises.

(h) In the City of Annapolis, the Mayor and City Council may approve the issuance of a BWT license or a WS license. The fees for the licenses shall be set by the Mayor and City Council.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 593 – *Morticians and Funeral Directors – Pre-Need Contracts*.

The bill requires that specified disclosure statements in pre-need contracts inform a buyer whether the contract is a guaranteed contract, guaranteed in part contract, or nonguaranteed contract; provides that if specified disclosures are made, pre-need contracts may be guaranteed contracts, guaranteed in part contracts, or nonguaranteed contracts and may include cash advance items or goods and services that are not guaranteed; and provides that a pre-need escrow or trust account may not be deemed an asset of specified licensees.

Senate Bill 415, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 593.

Sincerely,

Governor Martin O'Malley

House Bill 593

AN ACT concerning

Morticians and Funeral Directors – Pre-Need Contracts

FOR the purpose of requiring that certain disclosure statements in pre-need contracts inform a buyer of whether the contract is a guaranteed contract, guaranteed in part contract, or nonguaranteed contract and, under certain circumstances, list the funeral goods and services or cash advance items that are not guaranteed; requiring certain disclosure statements to contain a certain statement and

certain amounts paid under certain contracts; repealing a requirement that the disclosure statements contain a certain price; providing that if certain disclosures are made, pre-need contracts may be guaranteed contracts, guaranteed in part contracts, or nonguaranteed contracts and may include cash advance items or goods and services that are not guaranteed; providing that a pre-need escrow or trust account may not be deemed an asset of certain licensees; requiring certain escrow and trust accounts to be established and held in a certain manner; requiring certain buyers to receive certain statements; altering the circumstances under which a pre-need contract may be funded by a life insurance policy or an annuity contract; repealing a certain provision of law requiring morticians, funeral directors, or surviving spouses to agree to accept certain benefits as certain payment for certain services and merchandise; defining certain terms; making a conforming change; and generally relating to morticians and funeral directors and pre-need contracts.

BY repealing and reenacting, without amendments,
 Article – Health Occupations
 Section 7-101(v)
 Annotated Code of Maryland
 (2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
 Article – Health Occupations
 Section 7-405
 Annotated Code of Maryland
 (2009 Replacement Volume and 2013 Supplement)

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

Article – Health Occupations

7-101.

(v) “Pre-need contract” means an agreement between a consumer and a licensed funeral director, licensed mortician, or surviving spouse to provide any goods and services purchased prior to the time of death. Goods and services shall include:

(1) A service, including any form of preservation and disposition or cremation, that a mortician normally provides in the ordinary course of business; or

(2) Merchandise, including a casket, vault, or clothing, that a mortician normally provides in the ordinary course of business.

7-405.

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

(2) “Beneficiary” means a person for whose benefit a pre-need contract is purchased and who will receive the merchandise or services offered under the contract.

(3) “Buyer” means a person that purchases a pre-need contract.

(4) “GUARANTEED CONTRACT” MEANS A WRITTEN PRE-NEED CONTRACT THAT:

(I) IS SIGNED BY THE CONSUMER AND A LICENSEE OF A LICENSED FUNERAL ESTABLISHMENT; AND

(II) ~~GUARANTEES~~ GUARANTEES IN WHOLE ~~OR IN PART~~ THE PRICE OF GOODS AND SERVICES AND CASH ADVANCE ITEMS SPECIFIED IN THE CONTRACT.

(5) “GUARANTEED IN PART CONTRACT” MEANS A WRITTEN PRE-NEED CONTRACT THAT:

(I) IS SIGNED BY THE CONSUMER AND A LICENSEE OF A LICENSED FUNERAL ESTABLISHMENT; AND

(II) GUARANTEES IN PART THE PRICE OF GOODS AND SERVICES AND CASH ADVANCE ITEMS SPECIFIED IN THE CONTRACT.

~~(5)~~ (6) “NONGUARANTEED CONTRACT” MEANS A WRITTEN PRE-NEED CONTRACT:

(I) THAT IS SIGNED BY THE CONSUMER AND A LICENSEE OF A LICENSED FUNERAL ESTABLISHMENT;

~~(II)~~ (II) THAT DOES NOT GUARANTEE THE PRICE OF ANY SPECIFIC GOODS AND SERVICES OR CASH ADVANCE ITEMS; AND

~~(III)~~ (III) FOR WHICH ANY FUNDS OR BENEFITS PAID UNDER THE CONTRACT ARE ONLY A DEPOSIT OR PARTIAL PAYMENT TO BE APPLIED TOWARD THE FINAL COST, DETERMINED AT THE TIME OF DEATH, OF THE GOODS, ~~MERCHANDISE~~ SERVICES, OR CASH ADVANCE ITEMS.

[(4)] ~~(6)~~ (7) “Seller” means a person who agrees to provide services or merchandise, directly or indirectly, under a pre-need contract.

~~[(5)]~~ ~~(7)~~ **(8)** “Trustee” means a person that has responsibility for making pre-need arrangements in a manner that entitles the beneficiary to be eligible for benefits that restrict assets.

(b) (1) Only a licensed mortician, a licensed funeral director, or a holder of a surviving spouse license may offer or agree, directly or indirectly, to provide services or merchandise under a pre-need contract.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, a licensed mortician or a licensed funeral director who is employed by a funeral establishment may execute pre-need contracts on behalf of the funeral establishment with which the mortician or funeral director is employed.

(3) Any funeral establishment on whose behalf pre-need contracts are executed under this subsection must comply with the requirements of this section.

(c) (1) A pre-need contract shall contain:

(i) The name of each party to the contract and, if the beneficiary is an individual other than the buyer, the name of the beneficiary of the contract;

(ii) A description of any service or merchandise to be provided under the pre-need contract;

(iii) A disclosure statement that clearly:

1. States that all funeral costs may not be covered under the pre-need contract; [and]

2. ~~Lists all funeral goods and services that are reasonably expected to be required at the time of need, but are not included in the contract~~ **STATES THAT “NOT ALL CHARGES THAT MAY BE REQUIRED TO BE PAID AT THE TIME OF NEED ARE LISTED IN THIS CONTRACT”;**

3. **INFORMS A BUYER OF WHETHER THE CONTRACT IS A GUARANTEED CONTRACT, A GUARANTEED IN PART CONTRACT, OR A NONGUARANTEED CONTRACT; AND**

4. ~~IF A GUARANTEED CONTRACT IS GUARANTEED ONLY IN PART, LISTS~~ **THE CONTRACT IS A GUARANTEED IN PART CONTRACT:**

A. LISTS THE FUNERAL GOODS AND SERVICES OR CASH ADVANCE ITEMS INCLUDED IN THE GUARANTEE; AND

B. IDENTIFIES IN AT LEAST 14 POINT BOLD FACE TYPE ABOVE EACH SECTION OF THE CONTRACT WHETHER THE SECTION IS FULLY GUARANTEED OR NOT GUARANTEED; AND

and] (iv) The total price of the services and merchandise agreed on;

(IV) A LINE TOTALING:

1. THE GUARANTEED AMOUNT PAID; AND

2. THE AMOUNT FOR NONGUARANTEED ITEMS THAT ARE CONSIDERED TO BE ONLY A DOWN PAYMENT TOWARD FUTURE TOTAL COST; AND

[(v)] ~~(iv)~~ (v) The method of payment.

(2) IF DISCLOSURE IS MADE IN ACCORDANCE WITH ~~ITEMS PARAGRAPH (1)(III)3~~ AND 4 OF THIS SUBSECTION, A PRE-NEED CONTRACT MAY:

(I) BE A GUARANTEED CONTRACT, A GUARANTEED IN PART CONTRACT, OR A NONGUARANTEED CONTRACT; AND

(II) INCLUDE CASH ADVANCE ITEMS OR GOODS AND SERVICES THAT ARE NOT GUARANTEED.

[(2)] (3) A pre-need contract shall be executed in duplicate and be signed by each party.

[(3)] (4) The seller shall give one of the duplicate originals of the pre-need contract to the buyer.

(d) (1) Within 10 days after receiving a payment under a pre-need contract, the seller shall deposit into an interest bearing, escrow or trust account:

(i) For services, 100% of the payment under the pre-need contract; and

(ii) For goods:

1. An amount from the payment that is equal to 80% of the selling price of a casket or casket vault under the pre-need contract; and

2. 100% of the payment that is for all other goods under the pre-need contract.

(2) The interest bearing, escrow or trust account shall be with:

(i) A banking institution that is insured by an agency of the federal government; or

(ii) A savings and loan association that is insured by an agency of the federal government.

(3) ~~A seller need not have a separate escrow or trust account for each pre-need contract~~ **(I) A PRE-NEED ESCROW OR TRUST ACCOUNT MAY NOT BE DEEMED AN ASSET OF:**

1. THE INDIVIDUAL LICENSEE; OR

2. THE LICENSED FUNERAL ESTABLISHMENT.

(II) A PRE-NEED ESCROW OR TRUST ACCOUNT WITH A BANKING INSTITUTION OR SAVINGS AND LOAN ASSOCIATION DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION SHALL BE:

1. ESTABLISHED USING THE NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF THE BUYER; AND

2. HELD IN TRUST FOR THE LICENSED FUNERAL ESTABLISHMENT.

(III) 1. A BUYER FOR WHOM A MONETARY PRE-NEED ESCROW OR TRUST ACCOUNT IS ESTABLISHED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL RECEIVE A STATEMENT REGARDING THE ESCROW OR TRUST ACCOUNT AT LEAST ANNUALLY.

2. THE REQUIREMENT UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY BE SATISFIED BY A STATEMENT THAT IS:

A. ISSUED BY THE BANKING INSTITUTION OR SAVINGS AND LOAN ASSOCIATION AT WHICH THE ESCROW OR TRUST ACCOUNT IS ESTABLISHED; AND

B. SENT TO THE BUYER.

(4) (i) Any interest or dividends earned by the escrow or trust account prior to service being rendered belong to the buyers of the pre-need contracts.

(ii) Upon performance of the contract, any interest or dividends earned by the escrow or trust account belong to the seller.

(e) (1) (i) Except as may be provided in an irrevocable trust established under paragraph (4) of this subsection and in subparagraph (ii) of this paragraph, the banking institution or savings and loan association with which funds are deposited under this section is not responsible for the application of pre-need contract escrow or trust funds.

(ii) Except as otherwise provided in this section, the banking institution or savings and loan association with which funds are deposited under this section may not release the funds to the seller unless the seller provides to the banking institution or savings and loan association:

1. A copy of the death certificate of the beneficiary; or
2. A notarized statement and withdrawal request from the buyer or the buyer's legal representative.

(2) (i) Except as otherwise provided in this subsection, a seller may not withdraw from the account any money received from a buyer unless the services and merchandise have been provided as agreed in the contract.

(ii) 1. Except as otherwise provided in this subsection, a seller may not withdraw from the account any money received from a buyer unless the seller provides to the banking institution or savings and loan association with which funds are deposited a copy of the beneficiary's death certificate.

2. A violation of subparagraph 1 of this subparagraph is an unfair or deceptive trade practice under Title 13 of the Commercial Law Article.

(3) A pre-need contract is ended and a seller shall refund to a buyer all payments and interest held for the buyer if:

(i) The buyer or the legal representative of the buyer demands in writing a refund of all payments made;

(ii) The business of the seller is discontinued or sold;

(iii) The seller is unable to perform under the terms and conditions of the pre-need contract; or

(iv) The buyer fails to pay the entire contract price before the death of the beneficiary, and the seller considers the pre-need contract void.

(4) (i) Notwithstanding the provisions of paragraph (3) of this subsection, the buyer of a pre-need contract has the option, at any time, to establish, under paragraph (5) of this subsection, an irrevocable trust with respect to all or any portion of the payment made under the contract in the escrow or trust account held by the seller, but only for the purpose of entitling the buyer to be eligible for any current Social Security benefits or for any benefits under any other plan that restricts eligibility to those with limited assets.

(ii) The trust document establishing a trust under this paragraph shall contain the following notice, conspicuously displayed in 10-point boldface type:

“This document creates an irrevocable trust. Under the terms of this document, a buyer may not receive a refund of any payments made for the pre-need burial contract”.

(5) The trust document establishing a trust under paragraph (4) of this subsection shall provide for:

(i) The disposition of the income earned by the trust which shall inure to the benefit of the buyer;

(ii) The transfer of the trust funds if required by a trustee substituted under paragraph (6) of this subsection; and

(iii) The disposition of the trust funds if:

1. The business of the seller is discontinued or sold;
2. The seller is unable to perform under the terms and conditions of the pre-need contract; and
3. The buyer fails to pay the entire contract price before the death of the beneficiary and the seller considers the pre-need contract void.

(6) If the buyer exercises the option described in paragraph (4) of this subsection, the buyer, a relative of the buyer, or legal representative of the buyer shall retain the right to appoint, as trustee of the irrevocable trust, a trustee other than the one originally designated in the contract.

(7) If a contract is voided under paragraph (3) of this subsection and the option to establish an irrevocable trust has been exercised under paragraph (4) of this subsection, the buyer, a relative of the buyer, or a legal representative of the buyer shall retain the right to appoint, as trustee of the irrevocable trust, a trustee other than the one originally designated in the contract.

(f) (1) A pre-need contract is not subject to the Retail Installment Sales Act.

(2) The making of a pre-need contract by a licensed mortician, a licensed funeral director, or a holder of a surviving spouse license is not the practice of insurance business.

(3) (i) A pre-need contract **THAT IS A GUARANTEED CONTRACT, A GUARANTEED IN PART CONTRACT, OR A NONGUARANTEED CONTRACT** may be funded by a life insurance policy or an annuity contract if:

1. The mortician, funeral director, **LICENSED FUNERAL ESTABLISHMENT**, or surviving spouse is not the owner of or beneficiary under the life insurance policy or annuity contract;

2. An **IRREVOCABLE** assignment of benefits to the ~~mortician, funeral director, or surviving spouse~~ **LICENSED FUNERAL ESTABLISHMENT**:

A. ~~may~~ **MAY** be ~~revoked~~ **TRANSFERRED** at any time by the owner of the life insurance policy or annuity contract **TO ANY OTHER LICENSED FUNERAL ESTABLISHMENT; AND**

B. **MAY NOT BE TRANSFERRED TO THE CONSUMER;**
AND

[3. Subject to item 4 of this subparagraph, the mortician, funeral director, or surviving spouse agrees to accept the benefits payable under the life insurance policy or annuity contract as payment in full for the services and merchandise agreed on in the pre-need contract; and]

[4.] **3.** Any benefits payable under the life insurance policy or annuity contract in excess of the amount necessary to pay the total price, as determined at the time of death of the insured, of the services and merchandise agreed on in the pre-need contract are paid to the beneficiary under the life insurance policy or annuity contract.

(ii) A pre-need contract that is funded by a life insurance policy or an annuity contract shall terminate if the assignment of benefits to the mortician, funeral director, or surviving spouse is revoked by the owner of the life insurance policy or annuity contract.

(iii) 1. The offer, sale, or assignment of a life insurance policy or annuity contract to fund a pre-need contract is not subject to this section.

2. A pre-need contract funded by a life insurance policy or an annuity contract is not subject to subsection (d) or (e) of this section.

(g) A seller of a pre-need contract shall provide the buyer with a general price list for the buyer to keep of the goods and services offered by the seller.

(h) A seller of a pre-need contract shall disclose to the consumer the buyer's cancellation and refund rights under subsection (d) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 599 – *Law Enforcement Officers' Bill of Rights – Show Cause Order – Appropriate Relief*.

This bill requires a court to grant appropriate relief upon a finding that a law enforcement agency obtained evidence against a law enforcement officer in violation of Law Enforcement Officers' Bill of Rights (LEOBR) provisions.

Senate Bill 436, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 599.

Sincerely,

Governor Martin O'Malley

House Bill 599

AN ACT concerning

**Law Enforcement ~~Officer~~ Officers' Bill of Rights – ~~Hearing Board~~ Exclusion
of Evidence Show Cause Order – Appropriate Relief**

FOR the purpose of ~~requiring a certain hearing board to exclude certain evidence obtained during an investigation or interrogation by~~ requiring a certain court to grant appropriate relief on a finding that a law enforcement agency ~~of a law enforcement officer~~ obtained evidence in violation of a certain right or law under certain circumstances; and generally relating to the Law Enforcement ~~Officer~~ Officers' Bill of Rights.

~~BY repealing and reenacting, without amendments,
Article – Public Safety
Section ~~3~~ 107(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Public Safety
Section ~~3~~ 107(f) 3-105
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

Article – Public Safety

~~3~~ 107.

~~(a) (1) Except as provided in paragraph (2) of this subsection and § 3-111 of this subtitle, if the investigation or interrogation of a law enforcement officer results in a recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or similar action that is considered punitive, the law enforcement officer is entitled to a hearing on the issues by a hearing board before the law enforcement agency takes that action.~~

~~(2) A law enforcement officer who has been convicted of a felony is not entitled to a hearing under this section.~~

~~(f) (1) Evidence with probative value that is commonly accepted by reasonable and prudent individuals in the conduct of their affairs is admissible and shall be given probative effect.~~

~~(2) The hearing board shall give effect to the rules of privilege recognized by law and shall exclude:~~

~~(I) incompetent, irrelevant, immaterial, and unduly repetitious evidence; AND~~

~~(H) EVIDENCE OBTAINED IN VIOLATION OF § 3-104 OF THIS SUBTITLE.~~

~~(3) Each record or document that a party desires to use shall be offered and made a part of the record.~~

~~(4) Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.~~

3-105.

(a) A law enforcement officer who is denied a right granted by this subtitle may apply to the circuit court of the county where the law enforcement officer is regularly employed for an order that directs the law enforcement agency to show cause why the right should not be granted.

(b) The law enforcement officer may apply for the show cause order:

(1) either individually or through the law enforcement officer's certified or recognized employee organization; and

(2) at any time prior to the beginning of a hearing by the hearing board.

(C) ON A FINDING THAT A LAW ENFORCEMENT AGENCY OBTAINED EVIDENCE AGAINST A LAW ENFORCEMENT OFFICER IN VIOLATION OF A RIGHT GRANTED BY THIS SUBTITLE, THE COURT SHALL GRANT APPROPRIATE RELIEF.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 603 – *Limited Lines Insurance Licenses – Self-Service Storage Producers*.

The bill requires the Maryland Insurance Commissioner to issue a limited lines license as a self-service storage producer to an owner or operator of a self-service storage facility and certain individuals who meet specified requirements; provides for the scope of the license; provides that an owner is not required to be licensed under specified circumstances; and requires an applicant for a license to file a specified application with the Commissioner.

Senate Bill 490, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 603.

Sincerely,

Governor Martin O'Malley

House Bill 603

AN ACT concerning

Limited Lines Insurance Licenses – Self-Service Storage ~~Agents~~ Producers

FOR the purpose of requiring the Maryland Insurance Commissioner to issue a limited lines license as a self-service storage ~~agent~~ producer to an owner ~~or operator~~ of a self-service storage facility ~~who meets~~ and certain individuals who meet certain requirements; providing for the scope of the license; prohibiting an owner from offering or selling certain insurance unless the owner holds a certain license and makes a certain designation; providing that an owner ~~or operator~~ is not required to be licensed under certain circumstances; requiring an applicant for a license to file a certain application with the Commissioner; providing that a self-service storage ~~agent~~ producer is not required to have a separate license for each self-service storage facility where insurance is offered or sold; requiring a self-service storage ~~agent~~ producer to provide certain notice to the Commissioner under certain circumstances; providing that a self-service storage ~~agent~~ producer is not required to meet certain continuing education requirements; prohibiting a self-service storage ~~agent~~ producer from offering or selling insurance unless the ~~agent~~ producer makes certain brochures or other written materials available to prospective occupants, certain costs related to the insurance are stated in writing, certain evidence of coverage is provided to occupants, ~~and~~ the insurance is provided by certain entities, and the producer advises an occupant of certain information and requires an occupant to take certain actions under certain circumstances; authorizing employees or ~~agents~~

authorized representatives of a self-service storage agent producer to act in a certain manner regarding certain matters under certain circumstances; establishing a certain responsibility of and requiring certain actions by designated responsible producers; requiring each self-service storage agent producer to provide a certain training program for employees and agents authorized representatives; establishing certain prohibited acts; authorizing the Commissioner to suspend, revoke, or renew a certain license under certain circumstances; requiring the Commissioner to collect certain information, make certain determinations, and report certain findings and recommendations to certain committees of the General Assembly on or before a certain date; authorizing the Commissioner to adopt certain regulations; providing for the construction of this Act; defining certain terms; and generally relating to licensing of self-service storage agents producers.

BY adding to

Article – Insurance

Section 10-801 through ~~10-810~~ 10-812 to be under the new subtitle “Subtitle 8. Self-Service Storage ~~Agents~~ Producers”

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

Article – Insurance

SUBTITLE 8. SELF-SERVICE STORAGE ~~AGENTS~~ PRODUCERS.

10-801.

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

(B) “AUTHORIZED REPRESENTATIVE” MEANS AN INDEPENDENT CONTRACTOR OF AN OWNER OF A SELF-SERVICE STORAGE FACILITY.

(C) “BUSINESS ENTITY” HAS THE MEANING STATED IN § 5-511 OF THIS ARTICLE.

(D) “DESIGNATED RESPONSIBLE PRODUCER” MEANS AN INDIVIDUAL WHO:

(1) HOLDS A LIMITED LINES LICENSE UNDER THIS SUBTITLE; AND

(2) IS DESIGNATED BY THE OWNER AS RESPONSIBLE FOR THE OWNER'S COMPLIANCE WITH INSURANCE LAWS, RULES, AND REGULATIONS OF THE STATE.

~~(B)~~ **(E) “OCCUPANT” MEANS A PERSON OR THE PERSON’S SUBLESSEE, SUCCESSOR, OR ASSIGNEE WHO IS ENTITLED TO THE USE OF A LEASED SPACE AT A SELF-SERVICE STORAGE FACILITY.**

~~(C)~~ **(F) “OWNER” MEANS THE OWNER OF A SELF-SERVICE STORAGE FACILITY.**

~~(D)~~ **(G) (1) “PERSONAL PROPERTY” MEANS MOVABLE PROPERTY THAT IS NOT AFFIXED TO LAND.**

(2) “PERSONAL PROPERTY” INCLUDES:

(I) GOODS, WARES, MERCHANDISE, HOUSEHOLD ITEMS, AND FURNISHINGS;

(II) A VEHICLE, AS DEFINED IN § 11-176 OF THE TRANSPORTATION ARTICLE; AND

(III) WATERCRAFT AND MOTORIZED WATERCRAFT.

~~(E) “SELF-SERVICE STORAGE AGENT” MEANS AN OWNER OR OPERATOR OF A SELF-SERVICE STORAGE FACILITY WHO HOLDS A LIMITED LINES LICENSE UNDER THIS SUBTITLE.~~

~~(F)~~ **(H) “SELF-SERVICE STORAGE FACILITY” MEANS ANY REAL PROPERTY THAT IS USED FOR RENTING OR LEASING STORAGE SPACE IN WHICH THE OCCUPANTS THEMSELVES CUSTOMARILY STORE AND REMOVE PERSONAL PROPERTY ON A SELF-SERVICE BASIS.**

(I) “SELF-SERVICE STORAGE PRODUCER” MEANS:

(1) AN OWNER OF A SELF-STORAGE FACILITY WHO HOLDS A LIMITED LINES LICENSE UNDER THIS SUBTITLE; OR

(2) A DESIGNATED RESPONSIBLE PRODUCER.

10-802.

(A) THE COMMISSIONER SHALL ISSUE A LIMITED LINES LICENSE AS A SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER TO:

(1) AN OWNER ~~OR OPERATOR~~ OF A SELF-SERVICE STORAGE FACILITY WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE; AND

(2) AN INDIVIDUAL WHO:

(I) IS DESIGNATED BY THE OWNER AS RESPONSIBLE FOR THE OWNER'S COMPLIANCE WITH INSURANCE LAWS, RULES, AND REGULATIONS OF THE STATE; AND

(II) MEETS THE REQUIREMENTS OF THIS SUBTITLE.

(B) A LIMITED LINES LICENSE AS A SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER AUTHORIZES THE LICENSEE TO OFFER OR SELL INSURANCE ONLY:

(1) IN CONNECTION WITH AND INCIDENTAL TO THE RENTAL OF STORAGE SPACE AT A SELF-SERVICE STORAGE FACILITY ON A MASTER, A CORPORATE, A COMMERCIAL, A GROUP, OR AN INDIVIDUAL POLICY BASIS; AND

(2) WITH RESPECT TO PERSONAL PROPERTY INSURANCE THAT PROVIDES COVERAGE TO OCCUPANTS AT THE SELF-SERVICE STORAGE FACILITY, FOR THE LOSS OF OR DAMAGE TO STORED PERSONAL PROPERTY THAT OCCURS AT THE SELF-SERVICE STORAGE FACILITY.

(C) AN OWNER OF A SELF-SERVICE STORAGE FACILITY MAY NOT OFFER OR SELL INSURANCE UNDER THIS SUBTITLE UNLESS THE OWNER, AS A BUSINESS ENTITY:

(1) HOLDS A LIMITED LINES LICENSE UNDER THIS SUBTITLE; AND

(2) HAS A DESIGNATED RESPONSIBLE PRODUCER.

~~(C)~~ (D) AN OWNER ~~OR OPERATOR~~ OF A SELF-SERVICE STORAGE FACILITY IS NOT REQUIRED TO BE LICENSED UNDER THIS SUBTITLE MERELY TO DISPLAY AND MAKE AVAILABLE TO PROSPECTIVE OCCUPANTS BROCHURES AND OTHER PROMOTIONAL MATERIALS CREATED BY OR ON BEHALF OF AN AUTHORIZED INSURER ~~OR A SURPLUS LINES INSURER~~ PROVIDED THAT THE OWNER DOES NOT ENGAGE IN THE SALE, SOLICITATION, OR NEGOTIATION OF INSURANCE ADVERTISED IN THE BROCHURES AND PROMOTIONAL MATERIALS.

(A) AN APPLICANT FOR A LIMITED LINES LICENSE AS A SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER SHALL FILE A WRITTEN APPLICATION WITH THE COMMISSIONER IN THE FORM THE COMMISSIONER REQUIRES.

(B) THE APPLICATION SHALL INCLUDE:

(1) THE PHYSICAL ADDRESS OF THE COMPANY HEADQUARTERS OF THE SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER; AND

(2) A LIST OF ALL SELF-SERVICE STORAGE FACILITIES WHERE THE SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER WILL CONDUCT BUSINESS UNDER THE LIMITED LINES LICENSE.

10-804.

(A) A SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER IS NOT REQUIRED TO HAVE A SEPARATE LIMITED LINES LICENSE FOR EACH SELF-SERVICE STORAGE FACILITY WHERE INSURANCE IS OFFERED OR SOLD.

(B) A SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER SHALL NOTIFY THE COMMISSIONER OF:

(1) ANY ADDITIONAL LOCATIONS OF SELF-SERVICE STORAGE FACILITIES IN THE STATE WHERE THE SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER WILL DO BUSINESS UNDER THE LIMITED LINES LICENSE WITHIN 30 DAYS AFTER COMMENCING BUSINESS AT THOSE LOCATIONS; AND

(2) THOSE LOCATIONS OF SELF-SERVICE STORAGE FACILITIES IN THE STATE WHERE THE SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER WILL CEASE TO DO BUSINESS UNDER THE LIMITED LINES LICENSE WITHIN 30 DAYS AFTER CEASING BUSINESS AT THOSE LOCATIONS.

10-805.

A SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER IS NOT REQUIRED TO MEET THE CONTINUING EDUCATION REQUIREMENTS FOR INSURANCE PRODUCERS UNDER SUBTITLE 1 OF THIS TITLE.

10-806.

A SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER MAY NOT OFFER OR SELL INSURANCE UNDER THIS SUBTITLE UNLESS:

(1) THE SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER MAKES READILY AVAILABLE TO PROSPECTIVE OCCUPANTS BROCHURES OR OTHER WRITTEN MATERIALS THAT:

(I) SUMMARIZE THE MATERIAL TERMS OF INSURANCE COVERAGE OFFERED TO OCCUPANTS, INCLUDING THE IDENTITY OF THE INSURER AND THE PRICE, BENEFITS, DEDUCTIBLES, EXCLUSIONS, AND CONDITIONS OF THE INSURANCE;

(II) DISCLOSE THAT THE POLICIES OFFERED BY THE SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER MAY ~~DUPLICATE~~ PROVIDE COVERAGE THAT IS COMPARABLE TO COVERAGE ALREADY PROVIDED BY AN OCCUPANT'S HOMEOWNER'S INSURANCE POLICY, RENTER'S INSURANCE POLICY, VEHICLE INSURANCE POLICY, WATERCRAFT INSURANCE POLICY, OR OTHER TYPE OF PROPERTY INSURANCE COVERAGE;

(III) STATE WHETHER THE PURCHASE OF COVERAGE UNDER A POLICY OFFERED UNDER THIS SUBTITLE WOULD MAKE THE COVERAGE PRIMARY TO ANY OTHER COVERAGE, INCLUDING DUPLICATE COVERAGE;

~~(III) (IV) STATE THAT IF INSURANCE IS REQUIRED AS A CONDITION OF RENTAL AT A SELF-SERVICE STORAGE FACILITY, THE REQUIREMENT MAY BE SATISFIED IF THE OCCUPANT:~~

~~1. PURCHASES THE INSURANCE DESCRIBED IN THIS SUBTITLE; OR~~

~~2. THE PURCHASE OF INSURANCE COVERAGE IS NOT REQUIRED AS A CONDITION OF RENTAL AT A SELF-SERVICE STORAGE FACILITY IF THE OCCUPANT PRESENTS EVIDENCE OF OTHER APPLICABLE INSURANCE COVERAGE; AND~~

~~(IV) (V) DESCRIBE THE PROCESS FOR FILING A CLAIM;~~
AND

(VI) INCLUDE CONTACT INFORMATION FOR FILING A COMPLAINT WITH THE COMMISSIONER;

(2) ALL COSTS RELATED TO THE INSURANCE ARE STATED IN WRITING;

(3) EVIDENCE OF COVERAGE IN A FORM APPROVED BY THE COMMISSIONER IS PROVIDED TO EACH OCCUPANT WHO PURCHASES THE COVERAGE; ~~AND~~

(4) THE INSURANCE IS PROVIDED BY:

~~(I) AN INSURER AUTHORIZED TO TRANACT THE APPLICABLE KINDS OF INSURANCE IN THE STATE; OR~~

~~(II) A SURPLUS LINES INSURER AND~~

(5) AS A CONDITION OF THE SALE OF INSURANCE, THE SELF-SERVICE STORAGE PRODUCER:

(I) REQUIRES THE OCCUPANT TO EXECUTE A DOCUMENT ACKNOWLEDGING THE AMOUNT OF COVERAGE UNDER THE POLICY PURCHASED; AND

(II) IF THE OCCUPANT HAS CONTENTS IN THE LEASED SPACE OF A VALUE GREATER THAN THE COVERAGE UNDER THE POLICY:

1. ADVISES THE OCCUPANT IN WRITING TO CONTACT A PROPERTY AND CASUALTY INSURANCE PRODUCER LICENSED UNDER SUBTITLE 1 OF THIS TITLE TO OBTAIN ADDITIONAL COVERAGE TO REFLECT THE VALUE OF THE CONTENTS IN THE LEASED SPACE; AND

2. REQUIRES THE OCCUPANT TO ACKNOWLEDGE RECEIPT OF THE NOTICE UNDER ITEM 1 OF THIS ITEM.

10-807.

(A) AN EMPLOYEE OR ~~AGENT~~ AUTHORIZED REPRESENTATIVE OF A SELF-SERVICE ~~STORAGE-AGENT~~ STORAGE PRODUCER MAY ACT ON BEHALF OF AND UNDER THE SUPERVISION OF THE SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER IN MATTERS RELATING TO THE CONDUCT OF BUSINESS UNDER A LIMITED LINES LICENSE ISSUED UNDER THIS SUBTITLE IF THE EMPLOYEE OR AUTHORIZED REPRESENTATIVE RECEIVES THE TRAINING UNDER § 10-808 OF THIS SUBTITLE.

(B) THE CONDUCT OF AN EMPLOYEE OR ~~AGENT~~ AUTHORIZED REPRESENTATIVE OF A SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER ACTING WITHIN THE SCOPE OF EMPLOYMENT OR AGENCY IS CONSIDERED TO BE THE CONDUCT OF THE SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER FOR PURPOSES OF THIS SUBTITLE.

(C) THE DESIGNATED RESPONSIBLE PRODUCER:

(1) IS RESPONSIBLE FOR THE ACTS OF THE EMPLOYEES OR AUTHORIZED REPRESENTATIVES OF THE OWNER WHO OFFER OR SELL LIMITED LINES INSURANCE, AS AUTHORIZED UNDER THIS SUBTITLE, ON BEHALF OF THE OWNER;

(2) SHALL USE REASONABLE MEANS TO ENSURE COMPLIANCE BY THE EMPLOYEES OR AUTHORIZED REPRESENTATIVES WITH THIS SUBTITLE;

(3) SHALL MAINTAIN A REGISTER, ON A FORM THE COMMISSIONER REQUIRES, OF EACH EMPLOYEE OR AUTHORIZED REPRESENTATIVE OF THE OWNER WHO OFFERS LIMITED LINES INSURANCE ON BEHALF OF THE OWNER; AND

(4) SHALL SUBMIT THE REGISTER FOR INSPECTION BY THE COMMISSIONER WITHIN 30 DAYS AFTER RECEIVING A REQUEST BY THE COMMISSIONER FOR INSPECTION.

10-808.

(A) EACH SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER SHALL PROVIDE A TRAINING PROGRAM APPROVED BY THE COMMISSIONER FOR EMPLOYEES AND ~~AGENTS~~ AUTHORIZED REPRESENTATIVES OF THE SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER.

(B) THE TRAINING PROGRAM REQUIRED BY SUBSECTION (A) OF THIS SECTION SHALL:

(1) INCLUDE GENERAL INFORMATION ABOUT HOMEOWNERS, RENTERS, BUSINESS, AND SIMILAR INSURANCE THAT AN OCCUPANT MAY HAVE THAT MAY PROVIDE COVERAGE FOR PROPERTY LOCATED IN A SELF-STORAGE FACILITY;

(2) INCLUDE INFORMATION ABOUT THE MATERIAL TERMS OF INSURANCE COVERAGE OFFERED TO OCCUPANTS UNDER THIS SUBTITLE, INCLUDING THE PRICE, BENEFITS, DEDUCTIBLES, EXCLUSIONS, AND CONDITIONS OF THE INSURANCE;

~~(1)~~ (3) PROVIDE BASIC INSTRUCTION ABOUT THE PROVISIONS OF THIS SUBTITLE; AND

~~(2)~~ (4) INCLUDE ANY OTHER INFORMATION ~~ABOUT THE KIND OF INSURANCE COVERAGE THAT MAY BE OFFERED OR SOLD UNDER THIS SUBTITLE~~ THE COMMISSIONER MAY REQUIRE.

10-809.

A SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER OR ANY OF ITS EMPLOYEES OR ~~AGENTS~~ AUTHORIZED REPRESENTATIVES MAY NOT:

(1) OFFER OR SELL INSURANCE EXCEPT IN CONNECTION WITH AND INCIDENTAL TO THE RENTAL OF SPACE AT A SELF-SERVICE STORAGE FACILITY; OR

(2) ADVERTISE, REPRESENT, OR OTHERWISE HOLD THEMSELVES OUT AS AUTHORIZED INSURERS OR LICENSED INSURANCE PRODUCERS.

10-810.

(A) THE COMMISSIONER MAY SUSPEND, REVOKE, OR REFUSE TO RENEW A LIMITED LINES LICENSE ISSUED UNDER THIS SUBTITLE AFTER NOTICE AND OPPORTUNITY FOR A HEARING UNDER TITLE 2, SUBTITLE 2 OF THIS ARTICLE IF THE SELF-SERVICE STORAGE PRODUCER OR AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE OF THE SELF-SERVICE STORAGE PRODUCER WHO OFFERS OR SELLS LIMITED LINES INSURANCE ON BEHALF OF THE SELF-SERVICE STORAGE PRODUCER HAS:

(1) WILLFULLY VIOLATED THIS ARTICLE OR ANOTHER LAW OF THE STATE THAT RELATES TO INSURANCE;

(2) OPERATED WITHOUT A LIMITED LINES LICENSE AS REQUIRED UNDER THIS SUBTITLE;

(3) FAILED TO PROVIDE THE DISCLOSURES REQUIRED UNDER § 10-806 OF THIS SUBTITLE;

(4) OFFERED OR SOLD UNAPPROVED INSURANCE PRODUCTS;

(5) FAILED TO TRAIN EMPLOYEES OR AUTHORIZED REPRESENTATIVES AS REQUIRED UNDER § 10-808 OF THIS SUBTITLE; OR

(6) MISREPRESENTED PERTINENT FACTS OR POLICY PROVISIONS CONCERNING A POLICY FOR A SELF-SERVICE STORAGE FACILITY.

(B) INSTEAD OF, OR IN ADDITION TO, SUSPENDING OR REVOKING A LIMITED LINES LICENSE ISSUED UNDER THIS SUBTITLE, THE COMMISSIONER MAY:

(1) IMPOSE ON THE SELF-SERVICE STORAGE PRODUCER A PENALTY OF NOT MORE THAN \$2,500 FOR EACH VIOLATION OF THIS SUBTITLE; AND

(2) REQUIRE THAT RESTITUTION BE MADE TO ANY PERSON WHO HAS SUFFERED FINANCIAL INJURY BECAUSE OF A VIOLATION OF THIS SUBTITLE.

10-811.

THIS SUBTITLE MAY NOT BE CONSTRUED TO PROHIBIT:

(1) AN INSURER FROM PAYING AND A SELF-SERVICE STORAGE ~~AGENT~~ PRODUCER FROM RECEIVING A COMMISSION, SERVICE FEE, OR ANY OTHER VALUABLE CONSIDERATION DEPENDENT ON THE SALE OF INSURANCE; OR

~~(2) A SELF-SERVICE STORAGE AGENT FROM PAYING AND ITS EMPLOYEES OR AGENTS FROM RECEIVING COMPENSATION IN A MANNER THAT IS~~ THE PAYMENT OF COMPENSATION BY THE SELF-SERVICE STORAGE PRODUCER TO AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE WHO OFFERS OR SELLS LIMITED LINES INSURANCE THAT IS INCIDENTAL TO THE EMPLOYEE'S OR AUTHORIZED REPRESENTATIVE'S OVERALL COMPENSATION AND NOT DEPENDENT ON THE SALE OF INSURANCE.

10-812.

THE COMMISSIONER MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE, INCLUDING REGULATIONS CONCERNING:

(1) THE FORM AND CONTENT OF REQUIRED DISCLOSURES TO CUSTOMERS;

(2) THE TRAINING REQUIREMENTS FOR EMPLOYEES OR AUTHORIZED REPRESENTATIVES WHO OFFER OR SELL LIMITED LINES INSURANCE UNDER THIS SUBTITLE; AND

(3) THE QUALIFICATIONS OF THE INDIVIDUALS WHO PROVIDE THE TRAINING REQUIRED UNDER § 10-808 OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Insurance Commissioner:

(1) shall keep track of complaints from consumers regarding the offering and sale of self-service storage insurance by self-service storage producers and employees and authorized representatives who offer and sell self-service storage insurance on behalf of an owner of a self-service storage facility, including:

(i) the number of complaints;

(ii) a summary of the allegations contained in the complaints;

and

(iii) the disposition of the complaints;

(2) based on the complaints under paragraph (1) of this section and any other information the Commissioner determines necessary, shall determine whether and how self-service storage producers and employees and authorized representatives who offer and sell self-service storage insurance on behalf of an owner of a self-service storage facility should be compensated for offering and selling self-service storage insurance; and

(3) on or before January 1, 2017, shall report the Commissioner's findings and recommendations, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 612 – *State Retirement and Pension System – Code Simplification and Clarification*.

The bill clarifies and corrects various sections of State law governing the State Retirement Pension System.

Senate Bill 575, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 612.

Sincerely,

Governor Martin O'Malley

House Bill 612

AN ACT concerning

State Retirement and Pension System – Code Simplification and Clarification

FOR the purpose of making clarifying changes to a certain definition of “eligible retirement plan” and a certain definition of “eligible rollover distribution” as they relate to provisions on rollover distributions under the State pension laws; clarifying the manner in which a certain transfer of funds from the State Retirement Agency to an eligible rollover plan shall be made; clarifying that certain distributions of funds to a designated spouse beneficiary may be paid to an eligible retirement plan in a direct rollover; clarifying that certain references to individual retirement accounts include traditional and Roth individual retirement accounts; clarifying that a member of the Employees’ Pension System who resumes employment before a certain date may resume participation in the Alternate Contributory Pension Selection if the employer participates in the Alternate Contributory Pension Selection; clarifying that the Reformed Contributory Pension Benefit does not apply to employees of certain participating governmental units; repealing an option to continue participation in the Deferred Retirement Option Program in the State Police Retirement System if a member is granted a special disability retirement allowance; repealing an option to continue participation in the Deferred Retirement Option Program in the Law Enforcement Officers’ Pension System if a member is granted ~~a special~~ an accidental disability retirement allowance; increasing the maximum average final compensation that retirees of the Local Fire and Police System must have at the time of retirement in order to be exempt from a certain reemployment earnings limitation; altering the number of years required after retirement for certain retirees of the Local Fire and Police System to be exempt from a certain reemployment earnings limitation; clarifying that certain former members of the State Retirement and Pension System shall have their accumulated contributions returned upon making a certain request; clarifying that certain former members of the State Retirement and Pension System who have their accumulated contributions returned are not entitled to further benefits; clarifying that regular interest may not be paid on certain member contributions after a certain time period under certain circumstances; altering the methods that certain members of the Teachers’ Pension System may use to purchase certain service credit; providing for a delayed effective date for a

certain provision of this Act; and generally relating to clarifying provisions that apply to the State Retirement and Pension System.

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 21–601, 21–602, 22–215, 23–213, 23–215.1, 23–225, 23–308(c), 24–206, 24–401.1(k), 25–204, 26–205, 26–401.1(k), 28–205, and 28–402(b)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – State Personnel and Pensions

Section 22–217, 24–401.1(a) and (g), 26–401.1(a) and (g), 29–302(a) and (f), and 29–303(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY adding to

Article – State Personnel and Pensions

Section 29–303(h)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 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

21–601.

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

(b) “Direct rollover” means a payment by the State Retirement Agency directly to the eligible retirement plan specified by the participant, the surviving spouse of a participant, or the designated beneficiary of the participant.

(c) “Eligible retirement plan” means:

(1) an individual retirement account described in § 408(a) of the Internal Revenue Code;

(2) an individual retirement annuity, other than an endowment contract, described in § 408(b) of the Internal Revenue Code;

(3) a qualified trust described in § 401(a) of the Internal Revenue Code that is exempt from tax under § 501(a) of the Internal Revenue Code;

(4) an annuity plan described in § 403(a) of the Internal Revenue Code;

(5) an annuity plan described in § 403(b) of the Internal Revenue Code;

(6) a deferred compensation plan **DESCRIBED IN § 457(B) OF THE INTERNAL REVENUE CODE, OR ANY SUCCESSOR PROVISIONS**, that is maintained by [an eligible employer described in § 457 of the Internal Revenue Code or any successor provisions] **A STATE, POLITICAL SUBDIVISION OF A STATE, OR ANY AGENCY OR INSTRUMENTALITY OF A STATE OR A POLITICAL SUBDIVISION OF A STATE THAT AGREES TO ACCOUNT SEPARATELY FOR AMOUNTS TRANSFERRED INTO THAT PLAN**; or

(7) effective January 1, 2008, a Roth Individual Retirement Account described in § 408A of the Internal Revenue Code.

(d) (1) “Eligible rollover distribution” means a distribution:

(i) on or after January 1, 1993, to a participant of all or any part of the balance to the credit of the participant in any State system;

(ii) on or after January 1, 2002, to the surviving spouse of a member, former member, or retiree, or to a spouse or former spouse who is an alternate payee under an eligible domestic relations order, as defined in § 414(p) of the Internal Revenue Code, of all or any part of the balance to the credit of the member, former member, retiree, or surviving spouse in any State system; or

(iii) on or after January 1, 2007, to the designated **NONSPOUSE** beneficiary of a member, former member, or retiree of all or any part of the balance to the credit of the member, former member, retiree, or designated **NONSPOUSE** beneficiary in any State system.

(2) “Eligible rollover distribution” does not include:

(i) any distribution that is one of a series of substantially equal periodic payments that are made at least annually for the life or life expectancy of the participant or the joint lives or joint life expectancies of the participant and the participant’s beneficiary;

(ii) any distribution that is one of a series of substantially equal periodic payments made for a specified period of at least 10 years;

(iii) any distribution that is required under § 401(a)(9) of the Internal Revenue Code; [or]

(iv) any distribution that is reasonably expected to total less than \$200 during the calendar year; **OR**

(V) ANY OTHER DISTRIBUTION THAT THE INTERNAL REVENUE SERVICE DOES NOT CONSIDER ELIGIBLE FOR ROLLOVER TREATMENT, INCLUDING CORRECTIVE DISTRIBUTIONS NECESSARY TO COMPLY WITH THE PROVISIONS OF § 415 OF THE INTERNAL REVENUE CODE.

(3) (i) Effective January 1, 2002, a portion of a distribution will not fail to be an eligible rollover distribution merely because that portion consists of after-tax employee contributions that are not includible in gross income.

(ii) A portion of a distribution described in subparagraph (i) of this paragraph may be transferred only to:

1. an individual retirement account or annuity described in § 408(a) or (b) of the Internal Revenue Code;

2. a qualified defined contribution plan described in § 401(a) of the Internal Revenue Code **THAT AGREES TO ACCOUNT SEPARATELY FOR AMOUNTS TRANSFERRED TO THE ACCOUNT AND EARNING RECEIVED AS A RESULT OF THE TRANSFERRED AMOUNTS; [or]**

3. on or after January 1, 2007, to a qualified defined benefit plan described in § 401(a) of the Internal Revenue Code or to an annuity contract described in § 403(b) of the Internal Revenue Code, that agrees to account separately for amounts transferred to the account and earnings received as a result of the transferred amounts; **OR**

4. ON OR AFTER JANUARY 1, 2008, TO A ROTH IRA DESCRIBED IN § 408 OF THE INTERNAL REVENUE CODE.

(III) A TRANSFER TO AN ELIGIBLE ~~ROLLOVER~~ RETIREMENT PLAN DESCRIBED IN SUBPARAGRAPH (II)2, 3, OR 4 MAY BE MADE ONLY THROUGH A DIRECT ROLLOVER.

(e) “Supplemental plan” means the Board of Trustees of the Maryland Teachers and State Employees Supplemental Retirement Plans.

21-602.

(a) [Except as provided in subsections (b) and (c) of this section, a] **A** participant may elect on the form the Board of Trustees requires to have all or any part of an eligible rollover distribution paid to [the] **AN** eligible retirement plan in a direct rollover.

(b) (1) [Except as provided in paragraph (2) of this subsection, if] **IF** an eligible rollover distribution is payable to the designated **SPOUSE** beneficiary of a member, former member, or retiree, the designated **SPOUSE** beneficiary may [only] elect to have all or any part of the eligible rollover distribution paid [in a direct rollover] to an [individual] **ELIGIBLE** retirement [account or individual retirement annuity] **PLAN IN A DIRECT ROLLOVER**.

(2) (i) A nonspouse designated beneficiary may roll over an eligible rollover distribution only to [an] **A TRADITIONAL OR ROTH** individual retirement account or individual retirement annuity established for the purpose of receiving the distribution.

(ii) [An] **A TRADITIONAL OR ROTH** individual retirement account or individual retirement annuity established under this paragraph shall be treated as an inherited individual retirement account or annuity within the meaning of § 408(d)(3)(C) of the Internal Revenue Code.

(c) A member who is eligible to participate in the plan administered by the supplemental plan under Title 35, Subtitle 5 of this article may elect to have all or any part of the eligible rollover distribution paid in a direct rollover to the plan in accordance with the regulations adopted by the supplemental plan.

23-215.1.

(a) This section applies to a member who:

(1) on or before June 30, 2011, is subject to the Alternate Contributory Pension Selection;

(2) (i) is separated from employment for 4 years or less; or

(ii) 1. is separated from employment for more than 4 years for military service that meets the requirements of the federal Uniformed Services Employment and Reemployment Rights Act; and

2. resumes employment within 1 year of leaving military service in a position that is included in the Employees' Pension System or Teachers' Pension System;

(3) does not withdraw the member's accumulated contributions; and

(4) does not become a retiree.

(b) A member described in subsection (a) of this section who on or before June 30, 2016, resumes employment ~~and is rehired into~~ **IN** a position that is included in the Employees' Pension System or Teachers' Pension System, shall resume

participation in the Alternate Contributory Pension Selection **IF THE ~~REHIRING~~ EMPLOYER PARTICIPATES IN THE ALTERNATE CONTRIBUTORY PENSION SELECTION.**

(c) On or before October 1, 2012, and each October 1 through October 1, 2016, the Board of Trustees shall submit a report in accordance with § 2–1246 of the State Government Article to the Joint Committee on Pensions that provides the number of members described under subsection (a) of this section who were:

(1) rehired in the preceding fiscal year into a position included in the Employees' Pension System or Teachers' Pension System; and

(2) participating in the Alternate Contributory Pension Selection.

23–225.

(a) This Part IV of this subtitle (Reformed Contributory Pension Benefit) applies to:

(1) an individual who becomes a member of the Employees' Pension System or the Teachers' Pension System on or after July 1, 2011; and

(2) except as provided in § 23–215.1 of this subtitle, a member of the Employees' Pension System or Teachers' Pension System who separated from employment on or before June 30, 2011, and subsequently becomes employed in a position eligible for membership in the Employees' Pension System or the Teachers' Pension System on or after July 1, 2011.

(b) This Part IV does not apply to an employee of:

(1) a participating governmental unit **THAT WAS** participating in the Employees' Pension System **PRIOR TO JULY 1, 2011, AND** that has not elected to participate in the Alternate Contributory Pension Selection under § 31–116.1 of this article; or

(2) a former participating governmental unit, other than Frederick County, that has withdrawn from the Employees' Pension System.

24–401.1.

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

(2) "DROP" means the Deferred Retirement Option Program established under this section.

(3) "DROP member" means a member of the State Police Retirement System who:

(i) is eligible to participate in the DROP as provided in subsection (c) of this section; and

(ii) elects to participate in the DROP as provided in subsection (e) of this section.

(g) Participation in the DROP ends if the DROP participant:

(1) separates from employment in accordance with the binding letter of resignation submitted with the member's election form;

(2) except for the Secretary of State Police, attains age 60;

(3) dies;

(4) is terminated from employment by the Maryland State Police at any time before the date specified on the member's election form;

(5) shortens the time period for participation in the DROP by delivering to the Maryland State Police and the Board of Trustees written notice of the intent of the DROP member to terminate employment; or

(6) accepts a special disability retirement allowance as provided in subsection (k) of this section.

(k) (1) A DROP member is eligible to apply for a special disability retirement allowance under § 29-111 of this article if after the DROP member commences participation in the DROP:

(i) the member is totally and permanently incapacitated for duty arising out of or in the course of the actual performance of duty that occurs while participating in DROP, and without willful negligence of the member; and

(ii) the medical board certifies that:

1. the member is totally incapacitated, either mentally or physically, for the further performance of duty by the occurrence described under item (i) of this paragraph;

2. the incapacity is likely to be permanent; and

3. the member should be retired.

(2) [If the Board of Trustees grants a DROP member a special disability retirement allowance, the DROP member may elect to receive the special disability retirement allowance or continue to participate in the DROP.

(3) (i) If a DROP member ~~elects to receive~~ **IS GRANTED** a special disability retirement allowance [instead of continuing to participate in the DROP], the DROP member shall:

1. submit an application to the Board of Trustees, on the form the Board of Trustees provides, to receive payment of the amount accrued in the DROP in accordance with subsection (i) of this section;

2. execute a written waiver of any benefits to which the DROP member may be entitled under the DROP; and

3. submit an application to retire with a special disability retirement allowance, on the form the Board of Trustees provides, stating the effective date of the DROP member's retirement as a special disability retiree.

(ii) On acceptance of the application for payment and application to retire, the Board of Trustees shall commence payment of a special disability allowance to the DROP member as provided in § 29–111(c) of this article, except that the DROP member's average final compensation shall be computed as of the effective date of the DROP member's application for a special disability retirement allowance.

26–401.1.

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

(2) “DROP” means the Deferred Retirement Option Program established under this section.

(3) “DROP member” means a member of the Law Enforcement Officers' Pension System who:

(i) is eligible to participate in the DROP as provided in subsection (c) of this section; and

(ii) elects to participate in the DROP as provided in subsection (e) of this section.

(g) Participation in the DROP ends if the DROP participant:

(1) separates from employment in accordance with the binding letter of resignation submitted with the member's election form;

(2) dies;

(3) is terminated from employment by the DROP member's participating employer at any time before the date specified on the member's election form;

(4) shortens the time period for participation in the DROP by delivering to the DROP member's participating employer and the Board of Trustees written notice of the intent of the DROP member to terminate employment; or

(5) accepts an accidental disability retirement allowance as provided in subsection (k) of this section.

(k) (1) A DROP member is eligible to apply for an accidental disability retirement allowance under § 29–109 of this article if after the DROP member commences participation in the DROP:

(i) the member is totally and permanently incapacitated for duty arising out of or in the course of the actual performance of duty that occurs while participating in DROP, and without willful negligence of the member; and

(ii) the medical board certifies that:

1. the member is totally incapacitated, either mentally or physically, for the further performance of duty by the occurrence described under item (i) of this paragraph;

2. the incapacity is likely to be permanent; and

3. the member should be retired.

(2) [If the Board of Trustees grants a DROP member an accidental disability retirement allowance, the DROP member may elect to receive the accidental disability retirement allowance or continue to participate in the DROP.

(3) (i) If a DROP member ~~elects to receive a~~ **IS GRANTED AN ACCIDENTAL** disability retirement allowance [instead of continuing to participate in the DROP], the DROP member shall:

1. submit an application to the Board of Trustees, on the form the Board of Trustees provides, to receive payment of the amount accrued in the DROP in accordance with subsection (i) of this section;

2. execute a written waiver of any benefits to which the DROP member may be entitled under the DROP; and

3. submit an application to retire with an accidental disability retirement allowance, on the form the Board of Trustees provides, stating the effective date of the DROP member's retirement as an accidental disability retiree.

(ii) On acceptance of the application for payment and application to retire, the Board of Trustees shall commence payment of an accidental disability allowance to the DROP member as provided in § 29–110 of this article, except that the DROP member's average final compensation shall be computed as of the effective date of the DROP member's application for an accidental disability retirement allowance.

28–402.

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

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

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

(i) an individual whose average final compensation was less than ~~[\$10,000]~~ **\$25,000** and who is reemployed on a temporary or contractual basis;

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

(iii) an individual who has been retired for ~~[9]~~ **5** years, beginning on January 1 after the date the individual retires.

29–302.

(a) This section applies only to members of:

(1) the Correctional Officers' Retirement System;

(2) the Employees' Retirement System;

- (3) the State Police Retirement System; and
- (4) the Teachers' Retirement System.

(f) (1) If a former member who elected a vested allowance requests the return of accumulated contributions before payment of the vested allowance begins, the Board of Trustees shall return the accumulated contributions to the former member.

(2) When accumulated contributions are returned to a former member, the former member is not entitled to further benefits on account of the former member's previous membership.

29-303.

- (a) This section applies only to members of:
 - (1) the Employees' Pension System;
 - (2) the Local Fire and Police System;
 - (3) the Law Enforcement Officers' Pension System; or
 - (4) the Teachers' Pension System.

(H) (1) IF A FORMER MEMBER WHO ELECTED A VESTED ALLOWANCE REQUESTS THE RETURN OF ACCUMULATED CONTRIBUTIONS BEFORE PAYMENT OF THE VESTED ALLOWANCE BEGINS, THE BOARD OF TRUSTEES SHALL RETURN THE ACCUMULATED CONTRIBUTIONS TO THE FORMER MEMBER.

(2) WHEN ACCUMULATED CONTRIBUTIONS ARE RETURNED TO A FORMER MEMBER, THE FORMER MEMBER IS NOT ENTITLED TO FURTHER BENEFITS ON ACCOUNT OF THE FORMER MEMBER'S PREVIOUS MEMBERSHIP.

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

Article – State Personnel and Pensions

22-215.

(A) ~~Regular~~ EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, REGULAR interest is payable on member contributions at the rate of 4% a year compounded annually, until retirement or withdrawal of the accumulated contributions.

~~(B) (1) REGULAR INTEREST MAY NOT BE PAID ON MEMBER CONTRIBUTIONS AFTER 4 YEARS FROM THE DATE A FORMER MEMBER OF THE EMPLOYEES' RETIREMENT SYSTEM CEASES TO BE EMPLOYED BY A PARTICIPATING EMPLOYER IF THE FORMER MEMBER DOES NOT HAVE THE MINIMUM ELIGIBILITY SERVICE NEEDED TO QUALIFY FOR A VESTED BENEFIT UNDER TITLE 29, SUBTITLE 3 OF THIS ARTICLE.~~

~~(2) REGULAR INTEREST MAY NOT BE PAID ON MEMBER CONTRIBUTIONS AFTER 5 YEARS FROM THE DATE A FORMER MEMBER OF THE TEACHERS' RETIREMENT SYSTEM CEASES TO BE EMPLOYED BY A PARTICIPATING EMPLOYER IF THE FORMER MEMBER DOES NOT HAVE THE MINIMUM ELIGIBILITY SERVICE NEEDED TO QUALIFY FOR A VESTED BENEFIT UNDER TITLE 29, SUBTITLE 3 OF THIS ARTICLE.~~

(B) NO FURTHER INTEREST SHALL BE PAID ON MEMBER CONTRIBUTIONS AFTER MEMBERSHIP ENDS IF THE FORMER MEMBER IS NOT ELIGIBLE TO RECEIVE A VESTED ALLOWANCE UNDER TITLE 29, SUBTITLE 3 OF THIS ARTICLE.

22-217.

Membership ends if the member:

- (1) is separated from employment for more than:
 - (i) 4 years, if a member of the Employees' Retirement System;
 - or
 - (ii) 5 years, if a member of the Teachers' Retirement System;
- (2) withdraws the member's accumulated contributions;
- (3) transfers to the Employees' Pension System or Teachers' Pension System;
- (4) becomes a retiree; or
- (5) dies.

23-213.

(A) Regular EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, REGULAR interest is payable on member contributions at the rate of 5% per year compounded annually until retirement or withdrawal of contributions and interest.

~~(B) REGULAR INTEREST MAY NOT BE PAID ON MEMBER CONTRIBUTIONS AFTER 4 YEARS FROM THE DATE A FORMER MEMBER CEASES TO BE EMPLOYED BY A PARTICIPATING EMPLOYER IF THE FORMER MEMBER DOES NOT HAVE THE MINIMUM ELIGIBILITY SERVICE NEEDED TO QUALIFY FOR A VESTED BENEFIT UNDER TITLE 29, SUBTITLE 3 OF THIS ARTICLE.~~

(B) NO FURTHER INTEREST SHALL BE PAID ON MEMBER CONTRIBUTIONS AFTER MEMBERSHIP ENDS IF THE FORMER MEMBER IS NOT ELIGIBLE TO RECEIVE A VESTED ALLOWANCE UNDER TITLE 29, SUBTITLE 3 OF THIS ARTICLE.

24-206.

(A) ~~Regular~~ EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, REGULAR interest is payable on member contributions at the rate of 4% a year, compounded annually, until retirement or withdrawal of the accumulated contributions.

~~(B) REGULAR INTEREST MAY NOT BE PAID ON MEMBER CONTRIBUTIONS AFTER 4 YEARS FROM THE DATE A FORMER MEMBER CEASES TO BE EMPLOYED BY A PARTICIPATING EMPLOYER IF THE FORMER MEMBER DOES NOT HAVE THE MINIMUM ELIGIBILITY SERVICE NEEDED TO QUALIFY FOR A VESTED BENEFIT UNDER TITLE 29, SUBTITLE 3 OF THIS ARTICLE.~~

(B) NO FURTHER INTEREST SHALL BE PAID ON MEMBER CONTRIBUTIONS AFTER MEMBERSHIP ENDS IF THE FORMER MEMBER IS NOT ELIGIBLE TO RECEIVE A VESTED ALLOWANCE UNDER TITLE 29, SUBTITLE 3 OF THIS ARTICLE.

25-204.

(A) ~~Regular~~ EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, REGULAR interest is payable on member contributions at the rate of 4% a year, compounded annually, until retirement or withdrawal of the accumulated contributions.

~~(B) REGULAR INTEREST MAY NOT BE PAID ON MEMBER CONTRIBUTIONS AFTER 4 YEARS FROM THE DATE A FORMER MEMBER CEASES TO BE EMPLOYED BY A PARTICIPATING EMPLOYER IF THE FORMER MEMBER DOES NOT HAVE THE MINIMUM ELIGIBILITY SERVICE NEEDED TO QUALIFY FOR A VESTED BENEFIT UNDER TITLE 29, SUBTITLE 3 OF THIS ARTICLE.~~

(B) NO FURTHER INTEREST SHALL BE PAID ON MEMBER CONTRIBUTIONS AFTER MEMBERSHIP ENDS IF THE FORMER MEMBER IS NOT

ELIGIBLE TO RECEIVE A VESTED ALLOWANCE UNDER TITLE 29, SUBTITLE 3 OF THIS ARTICLE.

26–205.

(A) ~~Regular~~ EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, REGULAR interest is payable on member contributions until retirement or withdrawal of accumulated contributions at the rate of:

(1) 4% a year, compounded annually, for a member who has transferred from the Employees' Retirement System on or before December 31, 2004; or

(2) 5% a year, compounded annually, for each other member.

~~(B) REGULAR INTEREST MAY NOT BE PAID ON MEMBER CONTRIBUTIONS AFTER 4 YEARS FROM THE DATE A FORMER MEMBER CEASES TO BE EMPLOYED BY A PARTICIPATING EMPLOYER IF THE FORMER MEMBER DOES NOT HAVE THE MINIMUM ELIGIBILITY SERVICE NEEDED TO QUALIFY FOR A VESTED BENEFIT UNDER TITLE 29, SUBTITLE 3 OF THIS ARTICLE.~~

(B) NO FURTHER INTEREST SHALL BE PAID ON MEMBER CONTRIBUTIONS AFTER MEMBERSHIP ENDS IF THE FORMER MEMBER IS NOT ELIGIBLE TO RECEIVE A VESTED ALLOWANCE UNDER TITLE 29, SUBTITLE 3 OF THIS ARTICLE.

28–205.

(A) ~~Regular~~ EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, REGULAR interest is payable on member contributions until retirement or withdrawal of accumulated contributions at the rate of:

(1) 4% a year, compounded annually, for a member who has transferred from the Employees' Retirement System; or

(2) 5% a year, compounded annually, for each other member.

~~(B) REGULAR INTEREST MAY NOT BE PAID ON MEMBER CONTRIBUTIONS AFTER 4 YEARS FROM THE DATE A FORMER MEMBER CEASES TO BE EMPLOYED BY A PARTICIPATING EMPLOYER IF THE FORMER MEMBER DOES NOT HAVE THE MINIMUM ELIGIBILITY SERVICE NEEDED TO QUALIFY FOR A VESTED BENEFIT UNDER TITLE 29, SUBTITLE 3 OF THIS ARTICLE.~~

(B) NO FURTHER INTEREST SHALL BE PAID ON MEMBER CONTRIBUTIONS AFTER MEMBERSHIP ENDS IF THE FORMER MEMBER IS NOT

ELIGIBLE TO RECEIVE A VESTED ALLOWANCE UNDER TITLE 29, SUBTITLE 3 OF THIS ARTICLE.

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

Article – State Personnel and Pensions

23–308.

(c) A member may pay the amount required by subsection (b) of this section[:

(1) on an installment basis by contributing at least 2% of earnable compensation per year; or

(2)] by transferring, on written request to the Board of Trustees, any prior contributions to a voluntary retirement benefit, less any costs of administering that benefit.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect January 1, 2015.

SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 630 – *Teachers' Retirement and Pension Systems – Reemployment of Retirees – Penalty for Failure to Submit Certification.*

The bill alters the penalty a local school system or the Maryland School for the Deaf must pay to the State Retirement and Pension System if they fail to report within 30 days that they hired a teacher or principal who is exempt from a benefit offset.

Senate Bill 576, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 630.

Sincerely,

Governor Martin O'Malley

House Bill 630

AN ACT concerning

**Teachers' Retirement and Pension Systems – Reemployment of Retirees –
Penalty for Failure to Submit Certification**

FOR the purpose of altering the amount a local school system or the Maryland School for the Deaf must pay as a penalty for failing to submit to the Board of Trustees for the State Retirement and Pension System and the State Department of Education within a certain period of time a certain certification regarding certain retirees of the Teachers' Retirement System or the Teachers' Pension System who are employed by a local school system or the Maryland School for the Deaf and are exempt from a certain retirement allowance offset; and generally relating to the penalty for the failure to submit a certain certification regarding certain reemployed retirees in the teachers' retirement and pension systems.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 22–406(c)(9) and 23–407(c)(9)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 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

22–406.

(c) (9) (i) The superintendent of the local school system or the superintendent of the Maryland School for the Deaf rehiring an individual under paragraph (4)(v) or (vi) of this subsection shall:

1. approve the rehiring of that individual; and

2. determine the school where the individual is to be reemployed.

(ii) Within 30 days after rehiring an individual, the superintendent of a local school system or the superintendent of the Maryland School for the Deaf shall complete and file with the Board of Trustees and the State Department of Education a form provided by the Board of Trustees that certifies that the individual rehired by the local school system or the Maryland School for the Deaf under paragraph (4)(v) or (vi) of this subsection:

1. satisfied the criteria provided in paragraph (4)(v) or (vi) of this subsection;

2. was reemployed at a school described under paragraph (5)(i) or (6) of this subsection; and

3. if rehired under paragraph (4)(v) of this subsection, was:

A. teaching in an area specified in paragraph (5)(ii) of this subsection; or

B. teaching in any class or subject or providing educational services as provided under paragraph (8) of this subsection.

(iii) 1. On or before April 1 of each year, the Board of Trustees and the State Department of Education shall jointly review any forms filed by a superintendent of a local school system or the superintendent of the Maryland School for the Deaf under subparagraph (ii) of this paragraph during the previous calendar year.

2. If the Board of Trustees and the State Department of Education agree that a superintendent of a local school system or the Maryland School for the Deaf has rehired an individual that does not satisfy the criteria provided in 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 or the Maryland School for the Deaf of this individual; and

B. the local school system or the Maryland School for the Deaf 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.

(iv) If a superintendent of a local school system or the superintendent of the Maryland School for the Deaf rehires an individual that satisfies the criteria provided in paragraphs (4)(v) or (vi) and (5), (6), or (8) of this subsection and the Board of Trustees and the State Department of Education do not receive certification from the superintendent in the time required under subparagraph (ii) of this paragraph:

1. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system or the superintendent of the Maryland School for the Deaf of this individual; and

2. the local school system or the Maryland School for the Deaf shall [reimburse the Board of Trustees the amount equal to any reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection as a result of the superintendent's failure] **PAY THE BOARD OF TRUSTEES \$50 FOR EACH MONTH THE SUPERINTENDENT FAILS to submit THE certification under subparagraph (ii) of this paragraph IN THE TIME REQUIRED, NOT TO EXCEED A TOTAL OF \$1,000 FOR EACH INDIVIDUAL WHOSE CERTIFICATION IS NOT SUBMITTED IN THE TIME REQUIRED.**

(v) The local school system or the Maryland School for the Deaf shall make the reimbursement on or before December 31 of the year the local school system or the Maryland School for the Deaf receives notice from the Board of Trustees under subparagraph (iii)2A of this paragraph.

23-407.

(c) (9) (i) The superintendent of the local school system or the superintendent of the Maryland School for the Deaf rehiring an individual under paragraph (4)(iv) or (v) of this subsection shall:

1. approve the rehiring of that individual; and

2. determine the school where the individual is to be reemployed.

(ii) Within 30 days after rehiring an individual, the superintendent of a local school system or the superintendent of the Maryland School for the Deaf shall complete and file with the Board of Trustees and the State Department of Education a form provided by the Board of Trustees that certifies that the individual rehired by the local school system or the Maryland School for the Deaf under paragraph (4)(iv) or (v) of this subsection:

1. satisfied the criteria provided in paragraph (4)(iv) or (v) of this subsection;

2. was reemployed at a school described under paragraph (5)(i) or (6) of this subsection; and

3. if rehired under paragraph (4)(iv) of this subsection, was:

A. teaching in an area specified in paragraph (5)(ii) of this subsection; or

B. teaching in any class or subject or providing educational services as provided under paragraph (8) of this subsection.

(iii) 1. On or before April 1 of each year, the Board of Trustees and the State Department of Education shall jointly review any forms filed by a superintendent of a local school system or the superintendent of the Maryland School for the Deaf under subparagraph (ii) of this paragraph.

2. If the Board of Trustees and the State Department of Education agree that a superintendent of a local school system or the Maryland School for the Deaf has rehired an individual that does not satisfy the criteria provided in 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 or the Maryland School for the Deaf of this individual; and

B. the local school system or the Maryland School for the Deaf 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.

(iv) If a superintendent of a local school system or the superintendent of the Maryland School for the Deaf rehires an individual that satisfies the criteria provided in paragraphs (4)(iv) or (v) and (5), (6), or (8) of this subsection and the Board of Trustees and the State Department of Education do not receive certification from the superintendent in the time required under subparagraph (ii) of this paragraph:

1. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system or the superintendent of the Maryland School for the Deaf of this individual; and

2. the local school system or the Maryland School for the Deaf shall [reimburse the Board of Trustees the amount equal to any reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection as a result of the superintendent's failure] **PAY THE BOARD OF**

TRUSTEES \$50 FOR EACH MONTH THE SUPERINTENDENT FAILS to submit THE certification under subparagraph (ii) of this paragraph IN THE TIME REQUIRED, NOT TO EXCEED A TOTAL OF \$1,000 FOR EACH INDIVIDUAL WHOSE CERTIFICATION IS NOT SUBMITTED IN THE TIME REQUIRED.

(v) The local school system or the Maryland School for the Deaf shall make the reimbursement on or before December 31 of the year the local school system or the Maryland School for the Deaf receives notice from the Board of Trustees under subparagraph (iii)2A of this paragraph.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 638 – *Criminal Law – Telecommunication Devices in Place of Confinement – Montgomery County Work Release and Prerelease Programs MC 21-14*.

This bill exempts the work release and prerelease programs under the jurisdiction of the Montgomery County Department of Correction and Rehabilitation from prohibitions regarding telecommunications devices in a place of confinement.

Senate Bill 815, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 638.

Sincerely,

Governor Martin O'Malley

House Bill 638

AN ACT concerning

**Criminal Law – Telecommunication Devices in Place of Confinement –
Montgomery County Work Release and Prerelease Programs**

MC 21–14

FOR the purpose of exempting certain work release and prerelease programs in Montgomery County from certain prohibitions relating to telecommunication devices in a place of confinement; and generally relating to Montgomery County work release and prerelease programs and telecommunication devices.

BY repealing and reenacting, without amendments,
Article – Correctional Services
Section 11–717
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 9–417
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Correctional Services

11–717.

(a) In this section, “Director” means the Director of the Montgomery County Department of Correction and Rehabilitation.

(b) This section applies only in Montgomery County.

(c) (1) The County Council shall establish work release and prerelease programs in accordance with this section.

(2) A work release or prerelease program shall provide that an inmate of the County Department of Correction and Rehabilitation, on approval of the Director, may leave confinement during necessary and reasonable hours to seek or work at gainful employment and to participate in other rehabilitative activities, including:

(i) intensive counseling;

(ii) academic education;

- (iii) home visitation;
- (iv) transitional phased release programs; and
- (v) maximum use of other community resources or other similar rehabilitative activities.

(d) (1) At any time during the confinement of an inmate of the County Department of Correction and Rehabilitation, the judge who ordered the confinement or, if that judge is unable to act, another judge of the committing court, may approve the transfer of the inmate to the work release/prerelease center to participate in a work release or prerelease program:

(i) in accordance with the selection requirements and programs established by the County Council; and

(ii) after a recommendation by the Director or the Director's designee.

(2) After the inmate enters the work release or prerelease program, the judge who ordered confinement or, if that judge is unable to act, another judge of the committing court, may order the release of the inmate from custody based on:

(i) the recommendation of the Director or Director's designee; and

(ii) the report of the inmate's performance in the work release or prerelease program.

(3) When not employed or otherwise participating in a work release program, the inmate shall be confined in the prerelease center unless the committing court directs otherwise.

(e) (1) The Director or the Director's designee shall collect the earnings of an inmate participating in a work release or prerelease program under this section, less any payroll deduction required by law.

(2) From the earnings of the inmate, the Director may deduct:

(i) the amount determined to be the cost to the county of providing food, lodging, and clothing for the inmate;

(ii) actual and necessary food, travel, and other expenses incidental to the inmate's participation in the program;

(iii) an amount the inmate is legally obligated or desires to pay for the support of a dependent;

(iv) if applicable, a reasonable amount to repay the State or the county for an attorney appointed by the court; and

(v) court-ordered payments for restitution.

(3) The Director shall:

(i) credit to the inmate's account any remaining balance; and

(ii) dispose of the balance in the inmate's account as the inmate requests and the Director approves.

(f) (1) If an inmate violates a trust or a condition that the County Council establishes for conduct or employment, the inmate is subject to:

(i) removal from the program; and

(ii) cancellation of any earned diminution of the inmate's term of confinement.

(2) If an inmate violates a condition or a term of the program and the Director or the Director's designee removes the inmate from the program because of the violation, a judge of the committing court may redesignate the Division of Correction as the agency of custody for the remaining term of the inmate's confinement.

(g) (1) The County Department of Correction and Rehabilitation shall provide all work release, prerelease, and similar services to county residents who are sentenced to the jurisdiction of the Division of Correction.

(2) The Commissioner of Correction may transfer to the County Department of Correction and Rehabilitation only those eligible individuals who are screened and recommended for approval for the work release or prerelease program, or both programs, by both correctional agencies.

(3) The county facilities shall operate in accordance with general operational standards that the Commissioner of Correction approves.

(4) The County Department of Correction and Rehabilitation and the Division of Correction shall negotiate a contract each year that provides for State reimbursement on a per diem basis for operational costs to the county for providing the community correctional services described in this section to inmates sentenced to the Division of Correction and confined in the County Department of Correction and Rehabilitation.

9-417.

(A) THIS SECTION DOES NOT APPLY TO A WORK RELEASE OR PRERELEASE PROGRAM IN MONTGOMERY COUNTY ESTABLISHED UNDER § 11-717 OF THE CORRECTIONAL SERVICES ARTICLE.

[(a)] (B) (1) A person may not deliver a telecommunication device to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited.

(2) A person may not possess a telecommunication device with the intent to deliver it to a person detained or confined in a place of confinement with signs posted indicating that such conduct is prohibited.

(3) A person may not deposit or conceal a telecommunication device in or about a place of confinement with signs posted indicating that such conduct is prohibited or on any land appurtenant to the place of confinement with the intent that it be obtained by a person detained or confined in the place of confinement.

(4) A person detained or confined in a place of confinement may not knowingly possess or receive a telecommunication device.

[(b)] (C) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 647 – *Peace Orders and Protective Orders – Extensions*.

The bill requires that the court, if a motion to extend the term of a final peace order or a final protective order is filed during the term of the order, to hold a hearing within 30 days after the motion is filed. The bill also requires the court, if the hearing is scheduled after the original expiration date of the order, to extend the order and keep the terms of the order in full force and effect until the hearing.

Senate Bill 434, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 647.

Sincerely,

Governor Martin O'Malley

House Bill 647

AN ACT concerning

Peace Orders and Protective Orders – Extensions

FOR the purpose of requiring the court, under certain circumstances, to hold a hearing on a certain motion to extend the term of a final peace order or a final protective order within a certain period of time after the motion is filed; requiring the court, under certain circumstances, to extend the order and keep the terms of the order in full force and effect until the hearing; and generally relating to peace orders and protective orders.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–1506(a)
Annotated Code of Maryland
(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–507(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 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

3–1506.

(a) (1) A peace order may be modified or rescinded during the term of the peace order after:

- (i) Giving notice to the petitioner and the respondent; and
- (ii) A hearing.

(2) For good cause shown, a judge may extend the term of the peace order for 6 months beyond the period specified in § 3–1505(f) of this subtitle, after:

- (i) Giving notice to the petitioner and the respondent; and
- (ii) A hearing.

(3) (I) IF, DURING THE TERM OF A FINAL PEACE ORDER, A PETITIONER FILES A MOTION TO EXTEND THE TERM OF THE ORDER UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COURT SHALL HOLD A HEARING ON THE MOTION WITHIN 30 DAYS AFTER THE MOTION IS FILED.

(II) IF THE HEARING ON THE MOTION IS SCHEDULED AFTER THE ORIGINAL EXPIRATION DATE OF THE FINAL PEACE ORDER, THE COURT SHALL EXTEND THE ORDER AND KEEP THE TERMS OF THE ORDER IN FULL FORCE AND EFFECT UNTIL THE HEARING ON THE MOTION.

Article – Family Law

4–507.

(a) (1) A protective order may be modified or rescinded during the term of the protective order after:

- (i) giving notice to all affected persons eligible for relief and the respondent; and
- (ii) a hearing.

(2) For good cause shown, a judge may extend the term of the protective order for 6 months beyond the period specified in § 4–506(j) of this subtitle, after:

- (i) giving notice to all affected persons eligible for relief and the respondent; and
- (ii) a hearing.

(3) (i) If, during the term of a protective order, a judge finds by clear and convincing evidence that the respondent named in the protective order has committed a subsequent act of abuse against a person eligible for relief named in the protective order, the judge may extend the term of the protective order for a period not to exceed 2 years from the date the extension is granted, after:

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

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

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

(4) (I) IF, DURING THE TERM OF A FINAL PROTECTIVE ORDER, A PETITIONER OR PERSON ELIGIBLE FOR RELIEF FILES A MOTION TO EXTEND THE TERM OF THE ORDER UNDER PARAGRAPH (2) OR (3) OF THIS SUBSECTION, THE COURT SHALL HOLD A HEARING ON THE MOTION WITHIN 30 DAYS AFTER THE MOTION IS FILED.

(II) IF THE HEARING ON THE MOTION IS SCHEDULED AFTER THE ORIGINAL EXPIRATION DATE OF THE FINAL PROTECTIVE ORDER, THE COURT SHALL EXTEND THE ORDER AND KEEP THE TERMS OF THE ORDER IN FULL FORCE AND EFFECT UNTIL THE HEARING ON THE MOTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 656 – *Estates and Trusts – Personal Representatives and Guardians – Standards*.

The bill defines “serious crime” with regard to a prohibition against letters of administration being granted to a person convicted of a serious crime.

Senate Bill 321, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 656.

Sincerely,

Governor Martin O’Malley

House Bill 656

AN ACT concerning

Estates and Trusts – Personal Representatives and Guardians – Standards

FOR the purpose of defining “serious crime” for purposes of a certain prohibition against a register of wills or court granting letters of administration to a person convicted of a serious crime; providing a certain exception to the prohibition; prohibiting a court, unless good cause is shown, from appointing, as a guardian of the person of a minor or disabled person, a person who has been convicted of a certain crime; prohibiting a court, unless good cause is shown, from appointing, as a guardian of the property of a minor or disabled person, a person who has been convicted of a certain crime; providing for the application of this Act; and generally relating to personal representatives or guardians of persons or property.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 5–105
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY adding to

Article – Estates and Trusts
Section 11–114
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

Article – Estates and Trusts

5–105.

(a) **(1) IN THIS SECTION, “SERIOUS CRIME” MEANS A CRIME THAT REFLECTS ADVERSELY ON AN INDIVIDUAL’S HONESTY, TRUSTWORTHINESS, OR FITNESS TO PERFORM THE DUTIES OF A PERSONAL REPRESENTATIVE.**

(2) “SERIOUS CRIME” INCLUDES FRAUD, EXTORTION, EMBEZZLEMENT, FORGERY, PERJURY, AND THEFT.

(B) Subject to § 5–104 of this subtitle, the register or court may grant letters to:

(1) A trust company;

(2) Any other corporation authorized by law to be a personal representative; or

(3) Subject to subsection **[(b)] (C)** of this section, any individual.

[(b)] (C) Letters may not be granted to a person who, at the time a determination of priority is made, has filed with the register a declaration in writing that the person renounces the right to administer or is:

(1) Under the age of 18 years;

(2) Mentally incompetent;

(3) Convicted of a serious crime, **UNLESS THE PERSON SHOWS GOOD CAUSE FOR THE GRANTING OF LETTERS;**

(4) Not a citizen of the United States unless the person is a permanent resident of the United States and is:

(i) The spouse of the decedent;

(ii) An ancestor of the decedent;

(iii) A descendant of the decedent; or

(iv) A sibling of the decedent;

(5) A full-time judge of a court established under the laws of Maryland or the United States including, a judge of an orphans' or probate court, or a clerk of court, or a register, unless the person is the surviving spouse or is related to the decedent within the third degree; or

(6) A nonresident of the State, unless there shall be on file with the register an irrevocable designation by the nonresident of an appropriate person who resides in the State on whom service of process may be made in the same manner and with the effect as if it were served personally in the State on the nonresident.

11-114.

(A) UNLESS GOOD CAUSE IS SHOWN FOR THE APPOINTMENT, A COURT MAY NOT APPOINT, AS A GUARDIAN OF THE PERSON OF A MINOR OR DISABLED PERSON, A PERSON WHO HAS BEEN CONVICTED OF:

(1) A FELONY;

(2) A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE;

(3) ASSAULT IN THE SECOND DEGREE; OR

(4) A SEXUAL OFFENSE IN THE THIRD OR FOURTH DEGREE OR ATTEMPTED RAPE OR SEXUAL OFFENSE IN THE THIRD OR FOURTH DEGREE.

(B) UNLESS GOOD CAUSE IS SHOWN FOR THE APPOINTMENT, A COURT MAY NOT APPOINT, AS A GUARDIAN OF THE PROPERTY OF A MINOR OR DISABLED PERSON, A PERSON WHO HAS BEEN CONVICTED OF A CRIME THAT REFLECTS ADVERSELY ON AN INDIVIDUAL'S HONESTY, TRUSTWORTHINESS, OR FITNESS TO PERFORM THE DUTIES OF A GUARDIAN OF THE PROPERTY OF A MINOR OR DISABLED PERSON, INCLUDING FRAUD, EXTORTION, EMBEZZLEMENT, FORGERY, PERJURY, AND THEFT.

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 letters of administration granted before the effective date of this Act.

SECTION 3. 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 guardian of the person or property of a minor or disabled person appointed before the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 665 – *Crimes Relating to Animals – Surgery on Dogs – Penalties*.

The bill prohibits a person, other than a licensed veterinarian using anesthesia when appropriate, from performing specified procedures on a dog and establishing penalties for a violation of the Act.

Senate Bill 659, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 665.

Sincerely,

Governor Martin O'Malley

House Bill 665

AN ACT concerning

Crimes Relating to Animals – Surgery on Dogs – Penalties

FOR the purpose of prohibiting a person, other than a licensed veterinarian using anesthesia when appropriate, from performing certain procedures on a dog; establishing penalties for a violation of this Act; and generally relating to crimes relating to animals.

BY adding to

Article – Criminal Law
Section 10–624
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Criminal Law

10–624.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON MAY NOT:

- (1) CROP OR CUT OFF THE EAR OF A DOG;**
- (2) DOCK OR CUT OFF THE TAIL OF A DOG;**
- (3) CUT OFF THE DEWCLAW OF A DOG; OR**
- (4) SURGICALLY BIRTH A DOG.**

(B) A PROCEDURE DESCRIBED IN SUBSECTION (A) OF THIS SECTION MAY BE PERFORMED BY A LICENSED VETERINARIAN USING ANESTHESIA WHEN APPROPRIATE ON THE ANIMAL.

(C) 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 90 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND**
- (2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 180 DAYS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

The Honorable Michael E. Busch

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 705 – *Victims of Crime – Legal Representatives of Minors and Disabled and Elderly Persons*.

This bill authorizes a legal representative to request criminal injuries compensation, restitution, or any other financial property interest on behalf of a decedent or a beneficiary who is or was a victim of a crime. In addition, the bill authorizes a court to order a legal representative to serve as a victim's representative to assert the victim's interests under specified circumstances.

Senate Bill 940, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 705.

Sincerely,

Governor Martin O'Malley

House Bill 705

AN ACT concerning

Victims of Crime – Legal Representatives of Minors and Disabled and Elderly Persons

FOR the purpose of authorizing a certain personal representative to request certain compensation, restitution, or financial property interest for a certain decedent; providing that certain rights, duties, and powers of a certain guardian of the person of a certain minor shall include serving as a victim's representative under certain circumstances; authorizing a court to order a certain guardian of the person of a certain person with a disability to serve as a victim's representative under certain circumstances; authorizing a certain fiduciary to request certain compensation, restitution, or financial property interest of a certain beneficiary; authorizing a certain social services administration to notify a certain court of certain matters under certain circumstances; altering the requirements of a certain adult protective services program to include notification of certain matters to a certain court under certain circumstances; making stylistic changes; and generally relating to legal representation of minors and disabled and elderly persons who are victims of crimes.

BY repealing and reenacting, without amendments,

Article – Estates and Trusts
Section 7–401(a), 13–213, 13–708(a), and 15–102(b)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 7–401(y), 13–702, and 15–102(p)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY adding to
Article – Estates and Trusts
Section 13–708(e)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–532 and 14–202
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Estates and Trusts

7–401.

(a) (1) In the performance of a personal representative’s duties pursuant to § 7–101 of this title, a personal representative may exercise all of the power or authority conferred upon the personal representative by statute or in the will, without application to, the approval of, or ratification by the court.

(2) Except as validly limited by the will or by an order of court, a personal representative may, in addition to the power or authority contained in the will and to other common-law or statutory powers, exercise the powers enumerated in this section.

(y) (1) [He] **A PERSONAL REPRESENTATIVE** may prosecute, defend, or submit to arbitration actions, claims, or proceedings in any appropriate jurisdiction for the protection or benefit of the estate, including the commencement of a personal action which the decedent might have commenced or prosecuted, except that:

[(1)] (I) A personal representative may not institute an action against a defendant for slander against the decedent during the lifetime of the decedent.

[(2)] (II) In an action instituted by the personal representative against a tort-feasor for a wrong which resulted in the death of the decedent, the personal representative may recover the funeral expenses of the decedent up to the amount allowed under § 8-106(c) of this article in addition to other damages recoverable in the action.

(2) A PERSONAL REPRESENTATIVE MAY REQUEST CRIMINAL INJURIES COMPENSATION, RESTITUTION, OR ANY OTHER FINANCIAL PROPERTY INTEREST FOR A DECEDENT WHO WAS A VICTIM OF A CRIME.

13-213.

All the provisions of § 15-102 of this article with respect to the powers of a fiduciary and the manner of exercise of those powers are applicable to a guardian.

13-702.

(a) (1) If neither parent is serving as guardian of the person and no testamentary appointment has been made, on petition by any person interested in the welfare of the minor, and after notice and hearing, the court may appoint a guardian of the person of an unmarried minor.

(2) If the minor has attained his 14th birthday, and if the person otherwise is qualified, the court shall appoint a person designated by the minor, unless the decision is not in the best interests of the minor.

(3) This section may not be construed to require court appointment of a guardian of the person of a minor if there is no good reason, such as a dispute, for a court appointment.

(b) (1) Venue in proceedings under this subtitle shall be as prescribed by the Maryland Rules.

(2) The contents of the petition and the manner of giving notice of the hearing on the petition shall be as prescribed by Maryland Rules.

(C) IF THERE IS NO VICTIM'S REPRESENTATIVE WHO CAN ADEQUATELY ASSERT THE MINOR'S RIGHTS AS A VICTIM OF A CRIME OR A DELINQUENT ACT AND NO COURT HAS APPOINTED A GUARDIAN AD LITEM TO PROTECT THE MINOR'S INTERESTS, THE RIGHTS, DUTIES, AND POWERS THAT THE COURT MAY

ORDER THE GUARDIAN TO EXERCISE SHALL INCLUDE SERVING AS A VICTIM'S REPRESENTATIVE TO ASSERT THE MINOR'S INTERESTS.

13-708.

(a) (1) The court may grant to a guardian of a person only those powers necessary to provide for the demonstrated need of the disabled person.

(2) The court may appoint a guardian of the person of a disabled person for the limited purpose of making one or more decisions related to the health care of that person.

(E) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, AND IN ADDITION TO THE RIGHTS, DUTIES, AND POWERS THAT THE COURT MAY ORDER UNDER SUBSECTION (B) OF THIS SECTION, THE COURT MAY ORDER THE GUARDIAN OF A PERSON WITH A DISABILITY TO SERVE AS A VICTIM'S REPRESENTATIVE TO ASSERT THE PERSON'S INTERESTS IF:

(1) THERE IS NO VICTIM'S REPRESENTATIVE WHO CAN ADEQUATELY ASSERT THE PERSON'S RIGHTS AS A VICTIM OF A CRIME OR A DELINQUENT ACT; AND

(2) NO COURT HAS APPOINTED A GUARDIAN AD LITEM TO PROTECT THE PERSON'S INTERESTS.

15-102.

(b) (1) A fiduciary may perform the functions and duties enumerated in this section without application to, approval of, or ratification by a court.

(2) Except as expressly limited in the governing instrument, the powers of a fiduciary under this section are in addition to those derived from common law, statute, or the governing instrument.

(3) The powers listed in this section may be extended or limited by the appropriate court, and the court may also eliminate any limitation imposed by a court on a fiduciary.

(p) (1) Except as provided in the Maryland Rules, [he] **A FIDUCIARY** may prosecute, defend, or submit to arbitration any actions, claims, or proceedings in any jurisdiction for the protection of the fiduciary estate.

(2) THE FIDUCIARY MAY REQUEST CRIMINAL INJURIES COMPENSATION, RESTITUTION, OR ANY OTHER FINANCIAL PROPERTY INTEREST OF A BENEFICIARY WHO IS A VICTIM OF A CRIME.

Article – Family Law

5–532.

(a) The Administration shall adopt rules and regulations to carry out the child welfare services and foster care programs under this subtitle.

(b) The regulations shall authorize the Administration to:

(1) conduct a background check of child support arrearages on an applicant for foster home approval who is also a biological or adoptive parent; [and]

(2) consider any child support arrearage in determining whether to approve or disapprove the application; **AND**

(3) NOTIFY THE APPROPRIATE CRIMINAL OR JUVENILE DELINQUENCY COURT IF THE ADMINISTRATION HAS INFORMATION INDICATING THAT THE CHILD'S INTERESTS AS A VICTIM ARE NOT ADEQUATELY PROTECTED IN A CASE BEFORE THE COURT.

14–202.

(a) The adult protective services program shall include:

(1) intake and investigative services including, if appropriate, medical, social, and psychiatric evaluation;

(2) planning for the needs of the recipient of services;

(3) assistance to locate, apply for, and effectively use home care, day care, chore services, transportation, counseling, emergency arrangements, and other health and social services;

(4) cooperation with the courts, including provision of any necessary recommendations, reports, or petitions;

(5) counsel to represent any indigent recipient of services in any protective proceeding or any review board hearing conducted under Subtitle 3 or Subtitle 4 of this title, and assistance to locate, apply for, and effectively use other legal assistance; [and]

(6) notification of and participation by the Secretary of Aging or the director of the local office on aging, as appropriate, as a party in any protective proceeding or review board hearing relating to an individual who is 65 years old or older; **AND**

(7) NOTIFICATION OF THE APPROPRIATE CRIMINAL OR JUVENILE DELINQUENCY COURT IF THE PROGRAM HAS INFORMATION INDICATING THAT THE INTERESTS OF THE PERSON WITH A DISABILITY AS A VICTIM ARE NOT ADEQUATELY PROTECTED IN A CASE BEFORE THE COURT.

(b) For adults 65 years old and over, the services of the protective services program shall be coordinated with the Department of Aging or the local office on aging as appropriate.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 708 – *Correctional Officers’ Retirement System – Membership*.

The bill alters the positions eligible for membership in the Correctional Officers’ Retirement System to include security chief, facility administrator, assistant warden, and warden, authorizes specified individuals to cease membership in the Employees’ Pension System and enroll in the Correctional Officers’ Retirement System, and authorizes specified individuals to transfer service credit from the Employees’ Pension System to the Correctional Officers’ Retirement System.

Senate Bill 665, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 708.

Sincerely,

Governor Martin O’Malley

AN ACT concerning

Correctional Officers' Retirement System – Membership

FOR the purpose of altering the positions eligible for membership in the Correctional Officers' Retirement System; clarifying that certain individuals who do not elect to transfer are not members of the Correctional Officers' Retirement System; authorizing certain individuals to cease membership in the Employees' Pension System and enroll in the Correctional Officers' Retirement System; authorizing certain individuals to transfer service credit from the Employees' Pension System to the Correctional Officers' Retirement System; requiring an individual who elects to transfer membership and service credit to the Correctional Officers' Retirement System to make that election on a form provided by the Board of Trustees for the State Retirement and Pension System; requiring service credit transferred to the Correctional Officers' Retirement System under this Act to be transferred in accordance with certain provisions of law; requiring the Executive Director of the State Retirement Agency to grant a certain waiver if it is necessary to implement a certain transfer of service credit; providing for the termination of certain provisions of this Act; and generally relating to membership in the Correctional Officers' Retirement System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 25–201 and 25–401
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – State Personnel and Pensions

25–201.

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

- (1) correctional officers serving in any of the first six job classifications;
- (2) security attendants at Clifton T. Perkins Hospital Center;
- (3) a detention center officer employed by a participating governmental unit that on or after July 1, 2006, has elected to participate in the Correctional Officers' Retirement System;

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

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

(6) A CORRECTIONAL OFFICER SERVING AS A SECURITY CHIEF, A FACILITY ADMINISTRATOR, AN ASSISTANT WARDEN, OR A WARDEN WHO:

(I) BEGINS EMPLOYMENT IN THAT POSITION ON OR AFTER JULY 1, 2014; OR

(II) IS SERVING IN THAT POSITION ON JUNE 30, 2014, AND ELECTS TO TRANSFER TO THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM ON OR BEFORE DECEMBER 31, 2014.

(b) This subtitle does not apply to:

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

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

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

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

(3) A CORRECTIONAL OFFICER SERVING AS A SECURITY CHIEF, A FACILITY ADMINISTRATOR, AN ASSISTANT WARDEN, OR A WARDEN WHO IS IN THAT POSITION ON JUNE 30, 2014, AND DOES NOT ELECT TO TRANSFER MEMBERSHIP TO THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM ON OR BEFORE DECEMBER 31, 2014.

25-401.

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

(1) on or before the date of retirement, the member has at least 20 years of eligibility service;

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

- (i) a security attendant at Clifton T. Perkins Hospital Center;
- (ii) a correctional officer in any of the first six job classifications;
- (iii) a detention center officer employed by a participating governmental unit that has elected to participate in the Correctional Officers' Retirement System;
- (iv) an individual serving as a correctional dietary, maintenance, laundry, or supply officer;
- (v) an individual serving as a Maryland Correctional Enterprises officer, officer trainee, plant supervisor, plant manager, or regional manager; [or]

(VI) A CORRECTIONAL OFFICER SERVING AS A SECURITY CHIEF, A FACILITY ADMINISTRATOR, AN ASSISTANT WARDEN, OR A WARDEN; OR

[(vi)] (VII) in a combination of these positions; and

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) This section applies to an individual who:

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

(2) on July 1, 2014, continues employment as a correctional officer serving as a security chief, a facility administrator, an assistant warden, or a warden.

(b) (1) On or after July 1, 2014, but on or before December 31, 2014, an individual described in subsection (a) of this section may cease membership in the Employees' Pension System and be enrolled as a member of the Correctional Officers' Retirement System.

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

(3) (i) An individual who chooses to enroll in the Correctional Officers' Retirement System under paragraph (1) of this subsection shall do so by filing an application provided by the Board of Trustees for the State Retirement and Pension System.

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

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

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

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014. Section 2 of this Act shall remain effective for a period of 6 months and, at the end of December 31, 2014, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 710 – *Labor and Employment – Nursing Homes and Health Care Facilities – Workplace Safety Assessment and Safety Program*.

The bill requires specified nursing homes to assign to an appropriate committee the task of conducting an annual assessment of workplace safety issues and making recommendations; requires the committee to consult specified employees of the nursing home; requires a specified health care facility to establish a workplace safety

committee; and requires a workplace safety committee to establish a workplace safety program including specified components.

Senate Bill 483, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 710.

Sincerely,

Governor Martin O'Malley

House Bill 710

AN ACT concerning

Labor and Employment – Nursing Homes and Health Care Facilities – Workplace ~~Violence Prevention~~ Safety Assessment and Safety Program

FOR the purpose of requiring certain nursing homes to assign to a certain committee the task of conducting an annual assessment of workplace safety issues and making certain recommendations; requiring, in conducting a certain annual assessment, a certain committee to consult certain employees of the nursing home; requiring a certain health care facility to establish a certain workplace ~~violence prevention~~ safety committee; requiring the workplace ~~violence prevention~~ safety committee to establish a certain workplace ~~violence prevention~~ safety program; requiring a workplace ~~violence prevention~~ safety program to include certain components; providing for the application of certain provisions of this Act; defining certain terms; and generally relating to the workplace ~~violence prevention~~ safety assessments and safety programs of nursing homes and health care facilities.

BY adding to

Article – Health – General
Section 19-1410.2
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY adding to

Article – Labor and Employment
Section 5-1101 through 5-1103 to be under the new subtitle “Subtitle 11.
Health Care Facilities – Workplace ~~Violence Prevention~~ Safety Program”
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

Preamble

WHEREAS, ~~Violence~~ Risk of injury is a problem in many health care settings in the State and across the nation ~~and, although violence is an increasing problem for many workers, health care workers are at particularly high risk;~~ and

~~WHEREAS, According to a 2010 study by the U.S. Bureau of Labor Statistics, violence in the Maryland health care and social assistance industry accounts for 72% of workplace assaults; and~~

WHEREAS, The actual incidence of ~~violence~~ injury is likely higher than reported for several reasons, including inadequate reporting mechanisms and because victims underreport incidents out of fear of reprisal, isolation, and shame; and

WHEREAS, ~~Violence against health~~ Health care workers being injured on the job exacts a significant toll on victims, their co-workers, patients, families, health care facilities, and visitors to health care facilities; and

WHEREAS, Workers' compensation and insurance claims, lost productivity, disruptions to operations, legal expenses, and property damage are only a few of the negative effects that workplace ~~violence has~~ injuries have on health care facilities; and

WHEREAS, Health care professionals who leave their occupations because of ~~assaults~~ injury or ~~threats of assault~~ risk of injury contribute to the significant problems of recruitment, retention, and shortage of health care workers; and

WHEREAS, It is possible to reduce and mitigate the ~~effects of violence~~ risk of injury in health care facilities through employer-based ~~violence prevention~~ workplace safety programs; now, therefore,

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

Article – Health – General

19-1410.2.

(A) IN THIS SECTION, “WORKPLACE SAFETY” MEANS THE PREVENTION OF ANY PHYSICAL ASSAULT OR THREATENING BEHAVIOR AGAINST AN EMPLOYEE IN A NURSING HOME.

(B) THIS SECTION APPLIES TO NURSING HOMES THAT ARE LICENSED FOR 45 BEDS OR MORE.

(C) EACH NURSING HOME SHALL ASSIGN TO AN APPROPRIATE COMMITTEE THE TASK OF:

(1) CONDUCTING AN ANNUAL ASSESSMENT OF WORKPLACE SAFETY ISSUES; AND

(2) MAKING RECOMMENDATIONS TO THE NURSING HOME FOR REDUCING WORKPLACE INJURIES.

(D) IN CONDUCTING AN ANNUAL ASSESSMENT OF WORKPLACE SAFETY ISSUES, THE COMMITTEE ASSIGNED TO CONDUCT THE ASSESSMENT UNDER SUBSECTION (C)(1) OF THIS SECTION SHALL CONSULT WITH GERIATRIC NURSING ASSISTANTS AND OTHER EMPLOYEES OF THE NURSING HOME WHO ARE INVOLVED IN ASSISTING RESIDENTS WITH ACTIVITIES OF DAILY LIVING.

Article – Labor and Employment

SUBTITLE 11. HEALTH CARE FACILITIES – ~~WORKPLACE VIOLENCE~~ PREVENTION SAFETY PROGRAM.

5-1101.

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

(B) (1) “HEALTH CARE FACILITY” MEANS ~~A:~~

(I) A HOSPITAL OR RELATED INSTITUTION; OR

(II) A STATE RESIDENTIAL CENTER.

(2) “HEALTH CARE FACILITY” INCLUDES:

(I) A SUBACUTE CARE UNIT OF A HOSPITAL; AND

(II) A STATE-OPERATED HOSPITAL.

(C) “HEALTH CARE WORKER” MEANS AN INDIVIDUAL EMPLOYED BY A HEALTH CARE FACILITY.

(D) “HOSPITAL” HAS THE MEANING STATED IN § 19-301 OF THE HEALTH – GENERAL ARTICLE.

~~(E) “RELATED INSTITUTION” HAS THE MEANING STATED IN § 19-301 OF THE HEALTH – GENERAL ARTICLE.~~

(E) “STATE RESIDENTIAL CENTER” HAS THE MEANING STATED IN § 7-101 OF THE HEALTH – GENERAL ARTICLE.

(F) “~~WORKPLACE VIOLENCE SAFETY~~” MEANS THE PREVENTION OF ANY PHYSICAL ASSAULT, OR THREATENING BEHAVIOR, OR VERBAL ABUSE COMMITTED BY A PATIENT IN A HEALTH CARE FACILITY AGAINST A HEALTH CARE WORKER IN A HEALTH CARE FACILITY.

5-1102.

(A) A HEALTH CARE FACILITY SHALL ESTABLISH A ~~WORKPLACE VIOLENCE PREVENTION SAFETY~~ COMMITTEE TO ESTABLISH AND ADMINISTER A ~~WORKPLACE VIOLENCE PREVENTION SAFETY~~ PROGRAM.

(B) THE ~~WORKPLACE VIOLENCE PREVENTION SAFETY~~ COMMITTEE ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE COMPOSED OF AN EQUAL NUMBER OF EMPLOYEES WHO WORK IN MANAGEMENT AND EMPLOYEES WHO DO NOT WORK IN MANAGEMENT.

5-1103.

(A) THE ~~WORKPLACE VIOLENCE PREVENTION SAFETY~~ COMMITTEE SHALL ESTABLISH A ~~WORKPLACE VIOLENCE PREVENTION SAFETY~~ PROGRAM THAT IS APPROPRIATE FOR THE SIZE AND COMPLEXITY OF THE HEALTH CARE FACILITY.

(B) THE ~~WORKPLACE VIOLENCE PREVENTION SAFETY~~ PROGRAM ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) A WRITTEN POLICY DESCRIBING HOW THE HEALTH CARE FACILITY PROVIDES FOR THE ~~SECURITY~~ SAFETY OF HEALTH CARE WORKERS;

(2) AN ANNUAL ASSESSMENT TO:

(I) IDENTIFY HAZARDS, CONDITIONS, OPERATIONS, AND SITUATIONS THAT COULD LEAD TO ~~WORKPLACE VIOLENCE~~ INJURIES; AND

(II) BE USED TO DEVELOP RECOMMENDATIONS TO REDUCE THE RISK OF ~~WORKPLACE VIOLENCE~~ INJURIES;

(3) A PROCESS FOR REPORTING, RESPONDING TO, AND TRACKING INCIDENCES OF ~~WORKPLACE VIOLENCE~~ INJURIES; AND

(4) REGULAR ~~WORKPLACE VIOLENCE PREVENTION SAFETY~~ TRAINING FOR HEALTH CARE WORKERS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 735 – *Financial Institutions – Interest Payable on Escrow Accounts and Specific Purpose Savings Accounts*.

The bill alters the interest rate payable by specified lending institutions on escrow accounts created in connection with loans secured by a first mortgage or first deed of trust on residential real property and alters the interest rate payable by specified banking institutions on interest bearing accounts instituted for a specific purpose and applying the Act retroactively to escrow accounts and savings accounts in existence on or after January 1, 2014.

Senate Bill 583, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 735.

Sincerely,

Governor Martin O'Malley

House Bill 735

AN ACT concerning

Financial Institutions – Interest Payable on Escrow Accounts and Specific Purpose Savings Accounts

FOR the purpose of altering the interest rate payable by certain lending institutions on escrow accounts created in connection with loans secured by a first mortgage or first deed of trust on residential real property; altering the interest rate payable by certain banking institutions on interest bearing accounts instituted

for a specific purpose; providing for the application of this Act; and generally relating to rates of interest payable on escrow accounts and savings accounts.

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 12–109(a) and 12–1026(a)
Annotated Code of Maryland
(2013 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 12–109(b) and 12–1026(b)
Annotated Code of Maryland
(2013 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 1–101(a) and (d)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 5–302(b)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

Article – Commercial Law

12–109.

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

(2) “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.

(b) (1) A lending institution which lends money secured by a first mortgage or first deed of trust on any interest in residential real property and creates or is the assignee of an escrow account in connection with that loan shall pay interest to the borrower on the funds in the escrow account at an annual rate not less than the

[6-month average dealer bid rate on nationally traded certificates of deposit] **WEEKLY AVERAGE YIELD ON UNITED STATES TREASURY SECURITIES ADJUSTED TO A CONSTANT MATURITY OF 1 YEAR**, as published by the Federal Reserve in "Selected Interest Rates (Daily) – H.15", as of the first business day of the calendar year.

(2) Interest on these funds shall be:

(i) Adjusted, if applicable, as of the first day of each calendar year to reflect the rate to be paid during that year, as determined under paragraph (1) of this subsection;

(ii) Computed on the average monthly balance in the escrow account; and

(iii) Paid annually to the borrower by crediting the escrow account with the amount of interest due.

(3) The lending institution shall annually provide the borrower with a statement of the escrow balance.

12-1026.

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

(2) "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.

(b) (1) A lending institution that makes a loan to a consumer borrower secured by a first mortgage or first deed of trust on residential real property and creates or is the assignee of an escrow account in connection with that loan shall pay interest to the consumer borrower on the funds in the escrow account at an annual rate not less than the [6-month average dealer bid rate on nationally traded certificates of deposit] **WEEKLY AVERAGE YIELD ON UNITED STATES TREASURY SECURITIES ADJUSTED TO A CONSTANT MATURITY OF 1 YEAR**, as published by the Federal Reserve in "Selected Interest Rates (Daily) – H.15", as of the first business day of the calendar year.

(2) Interest on these funds shall be:

(i) Adjusted, if applicable, as of the first day of each calendar year to reflect the rate to be paid during that year, as determined under paragraph (1) of this subsection;

(ii) Computed on the average monthly balance in the escrow account; and

(iii) Paid annually to the borrower by crediting the escrow account with the amount of interest due.

(3) The lending institution shall annually provide the consumer borrower with a statement of the escrow balance.

(4) The provisions of this subsection do not apply to a lending institution that provides for the payment of taxes, insurance, or other expenses under the direct reduction method by which these expenses, when paid by the lending institution, are added to the outstanding principal balance of the loan.

(5) (i) This subsection does not apply if the loan:

1. Is purchased by an out-of-state lender through the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation; and

2. The out-of-state lender elects to service the loan as a condition of purchase.

(ii) Notwithstanding subparagraph (i) of this paragraph, this subsection shall apply if the out-of-state lender:

1. Sells the loan to a Maryland lender; or

2. Places the loan with a Maryland lender for servicing.

Article – Financial Institutions

1–101.

(a) In this article, unless the context clearly requires otherwise, the following words have the meanings indicated.

(d) “Banking institution” means an institution that is incorporated under the laws of this State as a State bank, trust company, or savings bank.

5–302.

(b) A banking institution shall pay interest on each interest bearing account that is instituted for a specific purpose, including “Christmas” or “vacation” accounts, for a period of 1 year or less at an annual rate not less than the [6-month average dealer bid rate on nationally traded certificates of deposit] **WEEKLY AVERAGE YIELD**

ON UNITED STATES TREASURY SECURITIES ADJUSTED TO A CONSTANT MATURITY OF 1 YEAR, as published by the Federal Reserve in "Selected Interest Rates (Daily) – H.15", as of the first business day of the calendar year.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively to escrow accounts and savings accounts in existence on or after January 1, 2014.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 791 – *State Board of Examiners in Optometry – Cease and Desist Orders, Injunctive Relief, and Penalties*.

The bill authorizes the State Board of Examiners in Optometry to issue a cease and desist order or obtain injunctive relief for a violation of specified provisions of law; provides that specified actions may be brought by specified persons in specified counties; provides that proof of specified damages is not required for specified actions; provides that a person who violates specified provisions of law is subject to a civil fine not exceeding \$50,000; and provides for the application of specified provisions of the Act.

Senate Bill 587, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 791.

Sincerely,

Governor Martin O'Malley

House Bill 791

AN ACT concerning

**State Board of Examiners in Optometry – Cease and Desist Orders,
Injunctive Relief, and Penalties**

FOR the purpose of authorizing the State Board of Examiners in Optometry to issue a cease and desist order or obtain injunctive relief for a violation of certain provisions of law; providing that certain actions may be brought by certain persons in certain counties; providing that proof of certain damages is not required for certain actions; providing that a person who violates certain provisions of law is subject to a civil fine not exceeding a certain amount to be assessed by the Board in accordance with certain regulations; ~~requiring the Board to pay certain penalties into the State Board of Examiners in Optometry Fund;~~ providing for the application of certain provisions of this Act; and generally relating to the State Board of Examiners in Optometry, cease and desist orders, injunctive relief, and penalties.

BY adding to

Article – Health Occupations
Section 11–320
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations
Section 11–501, 11–502, and 11–504
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations
Section 11–505
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – Health Occupations

11–320.

(A) THIS SECTION DOES NOT APPLY TO ~~AN~~:

(1) AN INDIVIDUAL LICENSED UNDER TITLE 14, SUBTITLE 3 OF THIS ARTICLE; OR

(2) AN INDIVIDUAL SUPERVISED BY AN INDIVIDUAL LICENSED UNDER TITLE 14, SUBTITLE 3 OF THIS ARTICLE.

(B) THE BOARD MAY ISSUE A CEASE AND DESIST ORDER OR OBTAIN INJUNCTIVE RELIEF FOR A VIOLATION OF ANY PROVISION OF § 11-313 OF THIS SUBTITLE OR § 11-501, § 11-502, OR § 11-504 OF THIS TITLE.

(C) (1) AN ACTION MAY BE MAINTAINED IN THE NAME OF THE STATE OR THE BOARD TO ENJOIN:

(I) THE UNAUTHORIZED PRACTICE OF OPTOMETRY;

(II) THE MISREPRESENTATION OF THE PRACTICE OF OPTOMETRY;

(III) THE ACT OF KNOWINGLY DISPENSING CONTACT LENSES OR REPLACEMENT CONTACT LENSES WITHOUT A VALID AND UNEXPIRED PRESCRIPTION OR A REPLACEMENT CONTACT LENS PRESCRIPTION; OR

(IV) CONDUCT THAT IS GROUNDS FOR DISCIPLINARY ACTION UNDER § 11-313 OF THIS SUBTITLE.

(2) AN ACTION UNDER THIS SUBSECTION MAY BE BROUGHT BY:

(I) THE BOARD, IN ITS OWN NAME;

(II) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE;

OR

(III) A STATE'S ATTORNEY, IN THE NAME OF THE STATE.

(3) AN ACTION UNDER THIS SUBSECTION SHALL BE BROUGHT IN THE COUNTY WHERE THE DEFENDANT:

(I) RESIDES; OR

(II) ENGAGES IN THE ACT SOUGHT TO BE ENJOINED.

(4) PROOF OF ACTUAL DAMAGE OR THAT ANY PERSON WILL SUSTAIN ANY DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION UNDER THIS SUBSECTION.

(5) AN ACTION UNDER THIS SUBSECTION IS IN ADDITION TO AND NOT INSTEAD OF CRIMINAL PROSECUTION FOR DISCIPLINARY ACTION UNDER §

11-313 OF THIS SUBTITLE OR THE UNAUTHORIZED PRACTICE OF OPTOMETRY UNDER §§ 11-501, 11-502, AND 11-504 OF THIS TITLE.

11-501.

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice optometry in this State unless licensed by the Board.

11-502.

Unless licensed to practice optometry under this title, a person may not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the person practices optometry.

11-504.

(a) Knowingly selling or dispensing contact lenses or replacement contact lenses without a valid and unexpired prescription or replacement contact lens prescription shall be considered a violation of this title.

(b) The Board shall investigate any alleged violation of this section or § 11-404.4 of this title and may, notwithstanding § 11-205 of this title:

(1) Issue subpoenas, administer oaths, and examine witnesses; and

(2) Enforce any provision of this title by injunction or other appropriate proceedings.

(c) An action under this section is in addition to and not instead of criminal prosecution under § 11-505 of this subtitle.

11-505.

(A) A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 6 months or both.

(B) (1) THIS SUBSECTION DOES NOT APPLY TO ~~AN~~:

(I) AN INDIVIDUAL LICENSED UNDER TITLE 14, SUBTITLE 3 OF THIS ARTICLE; OR

(II) AN INDIVIDUAL SUPERVISED BY AN INDIVIDUAL LICENSED UNDER TITLE 14, SUBTITLE 3 OF THIS ARTICLE.

(2) A PERSON WHO VIOLATES § 11-501, § 11-502, OR § 11-504 OF THIS SUBTITLE IS SUBJECT TO A CIVIL FINE NOT EXCEEDING \$50,000 TO BE ASSESSED BY THE BOARD IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.

~~(3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE STATE BOARD OF EXAMINERS IN OPTOMETRY FUND.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 793 – *Pharmacy Benefits Managers – Pharmacy Contracts – Maximum Allowable Cost Pricing*.

The bill requires a pharmacy benefits manager to include, in each contract with a contracted pharmacy, the sources used to determine maximum allowable cost pricing; requires the pharmacy benefits manager to update its pricing information with a specified frequency; and provides a means by which contracted pharmacies may review pricing updates in a specified format.

Senate Bill 952, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 793.

Sincerely,

Governor Martin O'Malley

House Bill 793

AN ACT concerning

Pharmacy Benefits Managers – Pharmacy Contracts – ~~Payments~~ Maximum Allowable Cost Pricing

FOR the purpose of requiring a pharmacy benefits manager to include in ~~its contract with a pharmacy, a pharmacy services administration organization, or a group purchasing organization the methodology used by the pharmacy benefits manager to calculate a certain reimbursement paid for each drug, medical product, and device that is a covered pharmacy benefit administered by the pharmacy benefits manager; requiring a pharmacy benefits manager to include in its contract with a pharmacy, a pharmacy services administration organization, or a group purchasing organization certain information and a certain methodology, make available to a contracted pharmacy a certain list and a certain maximum allowable cost, review and make certain adjustments to the maximum allowable cost, make available to a contracted pharmacy certain updates, allow a contracted pharmacy to resubmit a claim for payment under certain circumstances, and provide a process for a contracted pharmacy to appeal the maximum allowable cost; establishing certain requirements for the appeal process; requiring a pharmacy benefits manager, if it denies an appeal, to provide the reason for the denial and identify a certain national drug code product; requiring a pharmacy benefits manager to adjust the maximum allowable cost in a certain manner and provide a certain notice under certain circumstances; prohibiting a pharmacy benefits manager from requiring a pharmacy to dispense a prescription for a certain contractual reimbursement amount; defining certain terms; providing for the application of this Act; and generally relating to pharmacy benefits managers and payments to pharmacies for covered drugs, medical products, and devices~~ each contract with a contracted pharmacy, the sources used to determine maximum allowable cost pricing; requiring the pharmacy benefits manager to update its pricing information with a certain frequency and provide a means by which contracted pharmacies may review pricing updates in a certain format; requiring a pharmacy benefits manager to maintain a procedure to eliminate products from a certain list for a certain purpose; requiring a pharmacy benefits manager to ensure that certain conditions are met before placing a prescription drug on a maximum allowable cost list; requiring each contract between a pharmacy benefits manager and a contracted pharmacy to include a certain process for appealing, investigating, and resolving disputes regarding maximum allowable cost pricing; defining certain terms; providing for a delayed effective date; and generally relating to contracts between pharmacy benefits managers and contracted pharmacies and maximum allowable cost pricing.

BY adding to

Article – Insurance

Section 15-1628.1 ~~and 15-1628.2~~

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

Article – Insurance

15-1628.1.

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

(2) “CONTRACTED PHARMACY” MEANS A PHARMACY THAT PARTICIPATES IN THE NETWORK OF A PHARMACY BENEFITS MANAGER THROUGH A CONTRACT WITH:

(I) THE PHARMACY BENEFITS MANAGER; OR

(II) A PHARMACY SERVICES ADMINISTRATION ORGANIZATION OR A GROUP PURCHASING ORGANIZATION.

~~(3) (I) “DRUG PRODUCT REIMBURSEMENT” MEANS THE AMOUNT PAID BY A PHARMACY BENEFITS MANAGER TO A CONTRACTED PHARMACY FOR THE COST OF A DRUG, A MEDICAL PRODUCT, OR A DEVICE DISPENSED TO A BENEFICIARY.~~

~~(II) “DRUG PRODUCT REIMBURSEMENT” DOES NOT INCLUDE A DISPENSING FEE OR A PROFESSIONAL FEE.~~

(4) (3) “MAXIMUM ALLOWABLE COST” MEANS THE MAXIMUM AMOUNT THAT A PHARMACY BENEFITS MANAGER OR A PURCHASER WILL REIMBURSE A CONTRACTED PHARMACY FOR THE COST OF A MULTISOURCE GENERIC DRUG, A MEDICAL PRODUCT, OR A DEVICE.

(5) (4) “MAXIMUM ALLOWABLE COST LIST” MEANS A LIST OF MULTISOURCE GENERIC DRUGS, MEDICAL PRODUCTS, AND DEVICES FOR WHICH A MAXIMUM ALLOWABLE COST HAS BEEN ESTABLISHED BY A PHARMACY BENEFITS MANAGER OR A PURCHASER.

~~(B) A PHARMACY BENEFITS MANAGER SHALL INCLUDE IN ITS CONTRACT WITH A PHARMACY, A PHARMACY SERVICES ADMINISTRATION ORGANIZATION, OR A GROUP PURCHASING ORGANIZATION THE METHODOLOGY USED BY THE PHARMACY BENEFITS MANAGER TO CALCULATE THE DRUG PRODUCT REIMBURSEMENT PAID FOR EACH DRUG, MEDICAL PRODUCT, AND DEVICE THAT IS A COVERED PHARMACY BENEFIT ADMINISTERED BY THE PHARMACY BENEFITS MANAGER.~~

~~(C) A PHARMACY BENEFITS MANAGER SHALL:~~

~~(1) INCLUDE IN ITS CONTRACT WITH A PHARMACY, A PHARMACY SERVICES ADMINISTRATION ORGANIZATION, OR A GROUP PURCHASING ORGANIZATION, FOR EVERY DRUG, MEDICAL PRODUCT, AND DEVICE FOR WHICH THE PHARMACY BENEFITS MANAGER ESTABLISHES A MAXIMUM ALLOWABLE COST TO DETERMINE THE DRUG PRODUCT REIMBURSEMENT:~~

~~(I) INFORMATION IDENTIFYING THE NATIONAL DRUG PRICING COMPENDIA OR OTHER SOURCE USED TO OBTAIN THE DRUG, MEDICAL PRODUCT, AND DEVICE PRICE DATA; AND~~

~~(II) THE METHODOLOGY USED TO CALCULATE THE MAXIMUM ALLOWABLE COST;~~

~~(2) MAKE AVAILABLE TO A CONTRACTED PHARMACY:~~

~~(I) THE MAXIMUM ALLOWABLE COST LIST OF THE PHARMACY BENEFITS MANAGER; AND~~

~~(II) THE MAXIMUM ALLOWABLE COST FOR EACH DRUG, MEDICAL PRODUCT, AND DEVICE ON THE MAXIMUM ALLOWABLE COST LIST;~~

~~(3) AT LEAST EVERY 7 DAYS, REVIEW AND MAKE ANY NECESSARY ADJUSTMENTS TO:~~

~~(I) THE DRUGS, MEDICAL PRODUCTS, AND DEVICES ON THE MAXIMUM ALLOWABLE COST LIST; AND~~

~~(II) THE MAXIMUM ALLOWABLE COST OF EACH DRUG, MEDICAL PRODUCT, AND DEVICE ON THE MAXIMUM ALLOWABLE COST LIST TO REFLECT THE CURRENT MANUFACTURER PRICE FOR THE DRUG, MEDICAL PRODUCT, AND DEVICE;~~

~~(4) AFTER REVIEWING AND MAKING NECESSARY ADJUSTMENTS, MAKE AVAILABLE TO A CONTRACTED PHARMACY WEEKLY UPDATES OF:~~

~~(I) THE MAXIMUM ALLOWABLE COST LIST; AND~~

~~(II) THE MAXIMUM ALLOWABLE COST FOR EACH DRUG, MEDICAL PRODUCT, AND DEVICE ON THE MAXIMUM ALLOWABLE COST LIST;~~

~~(5) ALLOW A CONTRACTED PHARMACY TO RESUBMIT A CLAIM FOR PAYMENT AT THE MAXIMUM ALLOWABLE COST IN EFFECT ON THE DATE OF THE ORIGINAL CLAIM SUBMISSION IF THE PHARMACY'S CLAIM WAS ORIGINALLY SUBMITTED AT A MAXIMUM ALLOWABLE COST THAT CHANGED ON OR BEFORE THE ORIGINAL CLAIM SUBMISSION DATE; AND~~

~~(6) PROVIDE A PROCESS FOR A CONTRACTED PHARMACY TO APPEAL A MAXIMUM ALLOWABLE COST.~~

~~(D) THE APPEAL PROCESS REQUIRED UNDER SUBSECTION (C)(6) OF THIS SECTION SHALL:~~

~~(1) ALLOW A CONTRACTED PHARMACY TO APPEAL A MAXIMUM ALLOWABLE COST WITHIN 60 DAYS AFTER THE DATE OF THE ORIGINAL CLAIM SUBMISSION; AND~~

~~(2) REQUIRE A PHARMACY BENEFITS MANAGER TO INVESTIGATE AND MAKE A DECISION ON AN APPEAL WITHIN 7 BUSINESS DAYS AFTER RECEIVING THE APPEAL.~~

~~(E) IF A PHARMACY BENEFITS MANAGER DENIES AN APPEAL, THE PHARMACY BENEFITS MANAGER SHALL:~~

~~(1) PROVIDE THE REASON FOR THE DENIAL; AND~~

~~(2) IDENTIFY THE NATIONAL DRUG CODE PRODUCT AVAILABLE TO PHARMACIES IN THE STATE THAT MAY BE PURCHASED AT A PRICE AT OR BELOW THE MAXIMUM ALLOWABLE COST.~~

~~(F) IF, AS A RESULT OF AN APPEAL, A PHARMACY BENEFITS MANAGER DETERMINES THAT THE MAXIMUM ALLOWABLE COST HAS BEEN APPLIED INCORRECTLY, THE PHARMACY BENEFITS MANAGER SHALL:~~

~~(1) ADJUST THE MAXIMUM ALLOWABLE COST RETROACTIVE TO THE DATE OF THE ORIGINAL CLAIM; AND~~

~~(2) NOTIFY THE CONTRACTED PHARMACY THAT ALL PAYMENT CLAIMS SUBMITTED AFTER THE EFFECTIVE DATE OF THE MAXIMUM ALLOWABLE COST ADJUSTMENT MAY BE RESUBMITTED, AT NO ADDITIONAL COST TO THE CONTRACTED PHARMACY, FOR PAYMENT AT THE ADJUSTED MAXIMUM ALLOWABLE COST.~~

~~A PHARMACY BENEFITS MANAGER MAY NOT REQUIRE A PHARMACY TO DISPENSE A PRESCRIPTION FOR A CONTRACTUAL REIMBURSEMENT AMOUNT THAT IS BELOW THE PHARMACY'S ACQUISITION COST.~~

(B) IN EACH CONTRACT BETWEEN A PHARMACY BENEFITS MANAGER AND A CONTRACTED PHARMACY, THE PHARMACY BENEFITS MANAGER SHALL INCLUDE THE SOURCES USED TO DETERMINE MAXIMUM ALLOWABLE COST PRICING.

(C) A PHARMACY BENEFITS MANAGER SHALL UPDATE ITS PRICING INFORMATION AT LEAST EVERY 7 DAYS AND PROVIDE A MEANS BY WHICH CONTRACTED PHARMACIES MAY PROMPTLY REVIEW PRICING UPDATES IN A FORMAT THAT IS READILY AVAILABLE AND ACCESSIBLE.

(D) A PHARMACY BENEFITS MANAGER SHALL MAINTAIN A PROCEDURE TO ELIMINATE PRODUCTS FROM THE LIST OF DRUGS SUBJECT TO MAXIMUM ALLOWABLE COST PRICING IN A TIMELY MANNER TO REMAIN CONSISTENT WITH PRICING CHANGES IN THE MARKETPLACE.

(E) BEFORE PLACING A PRESCRIPTION DRUG ON A MAXIMUM ALLOWABLE COST LIST, A PHARMACY BENEFITS MANAGER SHALL ENSURE THAT:

(1) THE DRUG IS LISTED AS "A" OR "B" RATED IN THE MOST RECENT VERSION OF THE U.S. FOOD AND DRUG ADMINISTRATION'S APPROVED DRUG PRODUCTS WITH THERAPEUTIC EQUIVALENCE EVALUATIONS, ALSO KNOWN AS THE ORANGE BOOK, OR HAS AN "NR" OR "NA" RATING OR SIMILAR RATING BY A NATIONALLY RECOGNIZED REFERENCE; AND

(2) THE DRUG IS GENERALLY AVAILABLE FOR PURCHASE BY CONTRACTED PHARMACIES IN THE STATE FROM A NATIONAL OR REGIONAL WHOLESALE DISTRIBUTOR AND IS NOT OBSOLETE.

(F) EACH CONTRACT BETWEEN A PHARMACY BENEFITS MANAGER AND A CONTRACTED PHARMACY MUST INCLUDE A PROCESS TO APPEAL, INVESTIGATE, AND RESOLVE DISPUTES REGARDING MAXIMUM ALLOWABLE COST PRICING THAT INCLUDES:

(1) A REQUIREMENT THAT AN APPEAL BE FILED NO LATER THAN 21 DAYS AFTER THE DATE OF THE INITIAL CLAIM;

(2) A REQUIREMENT THAT AN APPEAL BE INVESTIGATED AND RESOLVED WITHIN 21 DAYS AFTER THE DATE THE APPEAL IS FILED;

(3) A TELEPHONE NUMBER AT WHICH THE CONTRACTED PHARMACY MAY CONTACT THE PHARMACY BENEFITS MANAGER TO SPEAK TO AN INDIVIDUAL RESPONSIBLE FOR PROCESSING APPEALS;

(4) A REQUIREMENT THAT A PHARMACY BENEFITS MANAGER PROVIDE:

(I) A REASON FOR ANY APPEAL DENIAL; AND

(II) THE NATIONAL DRUG CODE OF A DRUG THAT MAY BE PURCHASED BY THE CONTRACTED PHARMACY AT A PRICE AT OR BELOW THE BENCHMARK PRICE DETERMINED BY THE PHARMACY BENEFITS MANAGER; AND

(5) IF AN APPEAL IS UPHELD, A REQUIREMENT THAT A PHARMACY BENEFITS MANAGER:

(I) MAKE THE CHANGE IN THE MAXIMUM ALLOWABLE COST NO LATER THAN 1 BUSINESS DAY AFTER THE DATE OF DETERMINATION ON THE APPEAL; AND

(II) PERMIT THE APPEALING CONTRACTING PHARMACY TO REVERSE AND REBILL THE CLAIM, AND ANY SUBSEQUENT SIMILAR CLAIMS.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all contracts between a pharmacy benefits manager and a pharmacy, a pharmacy services administration organization, or a group purchasing organization entered into or renewed on or after July 1, 2014.~~

~~SECTION 2.~~ SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July 1, 2014~~ January 1, 2015.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 796 – *Procurement – Debarment – Violations of Law*.

This bill expands the reasons for which a person may be debarred from entering into a contract with the State.

Senate Bill 669, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 796.

Sincerely,

Governor Martin O'Malley

House Bill 796

AN ACT concerning

Procurement – Debarment – Violations of Law

FOR the purpose of providing that a person may be debarred from entering into a contract with the State if the person, or a certain other person connected to the person, has been convicted of a violation of certain provisions of federal law or State law or, under certain circumstances, has been found to have willfully or knowingly violated certain provisions of State law; and generally relating to debarment from State contracts.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 16–203
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – State Finance and Procurement

16–203.

(a) A person may be debarred from entering into a contract with the State if the person, an officer, partner, controlling stockholder or principal of that person, or any other person substantially involved in that person's contracting activities has:

(1) been convicted under the laws of the State, another state or the United States of:

(i) a criminal offense incident to obtaining, attempting to obtain, or performing a public or private contract, except as provided in § 16–202 of this subtitle; or

(ii) fraud, embezzlement, theft, forgery, falsification or destruction of records, or receiving stolen property;

(2) been convicted of a criminal violation of an antitrust statute of the State, another state, or the United States;

(3) been convicted of a violation of the Racketeer Influenced and Corrupt Organization Act, or the Mail Fraud Act, for acts in connection with the submission of bids or proposals for a public or private contract;

(4) been convicted of a violation of § 14–308 of this article;

(5) been convicted of conspiracy to commit any act or omission that would constitute grounds for conviction under any of the laws or statutes described in items (1), (2), (3), or (4) of this subsection;

(6) BEEN CONVICTED OF A VIOLATION OF § 7201, § 7203, § 7205, § 7206, OR § 7207 OF THE INTERNAL REVENUE CODE;

(7) BEEN CONVICTED OF A VIOLATION OF 18 U.S.C. § 286, § 287, OR § 371;

(8) BEEN CONVICTED OF A VIOLATION OF TITLE 13, SUBTITLE 7 OR SUBTITLE 10 OF THE TAX – GENERAL ARTICLE;

(9) BEEN FOUND TO HAVE WILLFULLY OR KNOWINGLY VIOLATED TITLE 17, SUBTITLE 2 OR TITLE 18 OF THIS ARTICLE IF:

(I) 1. THE FINDING WAS MADE BY A COURT; AND

**2. ~~THE CONVICTION BECAME A FINAL CONVICTION~~
DECISION OF THE COURT BECAME FINAL; OR**

(II) 1. THE FINDING WAS MADE IN A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT; AND

2. THE FINDING WAS NOT OVERTURNED ON JUDICIAL REVIEW;

(10) BEEN FOUND TO HAVE WILLFULLY OR KNOWINGLY VIOLATED TITLE 3, SUBTITLE 3, SUBTITLE 4, OR SUBTITLE 5 OR TITLE 5 OF THE LABOR AND EMPLOYMENT ARTICLE IF:

(I) 1. THE FINDING WAS MADE BY A COURT; AND

**2. ~~THE CONVICTION BECAME A FINAL CONVICTION~~
DECISION OF THE COURT BECAME FINAL; OR**

(II) 1. THE FINDING WAS MADE IN A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT; AND

2. THE FINDING WAS NOT OVERTURNED ON JUDICIAL REVIEW;

[(6)] (11) been found civilly liable under an antitrust statute of the State, another state, or the United States for acts or omissions in connection with the submission of bids or proposals for a public or private contract; or

[(7)] (12) been found in a final adjudicated decision to have violated the Commercial Nondiscrimination Policy under Title 19 of this article with regard to a public or private contract.

(b) A person may be debarred from entering into a contract with the State if, during the course of an official investigation or other proceedings, the person, an officer, partner, controlling stockholder or principal of that person, or any other person substantially involved in that person's contracting activities has admitted, in writing or under oath, an act or omission that constitutes grounds for conviction or liability under any law or statute described in subsection (a) of this section.

(c) A person may be debarred from entering into a contract with the State if the person, an officer, partner, controlling stockholder or principal of that person, or any other person substantially involved in that person's contracting activities has been debarred from federal contracts under the Federal Acquisition Regulations, as provided in 48 C.F.R. Chapter 1.

(d) A person may be debarred from entering into a contract with the State:

(1) if the Board finds that the person was established or operates in a manner designed to evade the application of this title or to defeat the purpose of this title;

(2) if the person is a successor, assignee, subsidiary, or affiliate of a person who is debarred or suspended;

(3) for one of the following violations of a contract provision if the Board believes it to be serious enough to justify debarment:

(i) the deliberate failure, without good cause, to perform in accordance with the specifications, or within the time limit, provided in a contract; or

(ii) within the preceding 5 years, the failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, unless the failure to perform or unsatisfactory performance was caused by acts beyond the control of the person;

(4) if the person is a competing contractor, or any officer, employee, representative, agent, or consultant of any competing contractor who violates § 13–211 of this article; or

(5) for any other cause that the Board determines to be so serious as to affect the integrity of the procurement process.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 823 – *Health Insurance – Insurance Laws That Apply to Health Maintenance Organizations – Consolidation and Clarification*.

The bill consolidates the insurance laws of the State that apply to health maintenance organizations; clarifies the application of the insurance laws of the State to health maintenance organizations; and declaring the intent of the General Assembly.

Senate Bill 893, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 823.

Sincerely,

Governor Martin O'Malley

House Bill 823

AN ACT concerning

Health Insurance – Insurance Laws That Apply to Health Maintenance Organizations – Consolidation and Clarification

FOR the purpose of consolidating the insurance laws of the State that apply to health maintenance organizations; clarifying the application of the insurance laws of the State to health maintenance organizations; repealing certain obsolete provisions of law; declaring the intent of the General Assembly; making conforming changes; and generally relating to health maintenance organizations and the insurance laws of the State.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–706
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 2–112, 5–608(t), 15–118, 15–401 through 15–403.1, 15–803, 15–818,
15–823, 15–903, 15–1501, 27–209, 27–302 through 27–304, 27–305(c),
27–504, and 27–606
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

Article – Health – General

19–706.

(a) Each health maintenance organization that is issued a certificate of authority by the Commissioner shall be regulated under this subtitle.

(b) (1) Any health maintenance organization that is regulated by Title 14, Subtitle 1 of the Insurance Article is subject also to this subtitle.

(2) This subsection applies to a corporation described in Title 14, Subtitle 1 of the Insurance Article, but only if it is a health maintenance organization.

(c) Except as otherwise provided in this subtitle **OR EXPRESSLY PROVIDED IN THE INSURANCE ARTICLE**, a health maintenance organization is not subject to the insurance laws of this State.

DRAFTER'S NOTE:

HG, § 19-706(c) is revised to expand the applicability of the insurance laws of the State to provisions in the Insurance Article that expressly apply to health maintenance organizations (HMOs). The revision is necessary in light of the repeal, as enacted by this Act, of cross-references in HG, § 19-706 to provisions of the Insurance Article.

[(d) (1) The provisions of § 9-231 and Title 9, Subtitle 1 and Title 10, Subtitle 1 of the Insurance Article shall apply to health maintenance organizations.

(2) The provisions of § 15-815 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19-706(d)(1) is repealed in light of IN, § 9-231(b)(4), which provides that the provisions of § 9-231 that apply to insurers also apply to HMOs; IN, § 9-101, which provides that the provisions of Title 9, Subtitle 1 that apply to authorized insurers also apply to HMOs; and IN, § 10-102(a)(3), which provides that Title 10, Subtitle 1 applies to all types of insurers, including HMOs.

HG, § 19-706(d)(2) is repealed in light of IN, § 15-815(b)(2), which provides that § 15-815 applies to contracts issued by HMOs.

[(e) A health maintenance organization which enrolls members eligible for Medicare benefits under Title XVIII of the Social Security Act shall be subject to the requirements of Title 15, Subtitle 9 of the Insurance Article, to the extent any of the provisions of Title 15, Subtitle 9 of the Insurance Article are applicable to the Medicare eligible members.]

DRAFTER'S NOTE:

HG, § 19-706(e) is repealed in light of IN, § 15-903(c) which, as enacted by Section 2 of this Act, is substantively identical to § 19-706(e).

[(f) (D) Only the Commissioner may issue, suspend, or revoke a certificate of authority of a health maintenance organization.

[(g) The provisions of § 27-504 and Title 27, Subtitle 3 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(g) is repealed in light of the inclusion of HMOs in the substantive provisions of IN, § 27–504(b) and, as enacted by Section 2 of this Act, IN, § 27–504(e); IN, § 27–302(a), which, as enacted by Section 2 of this Act, provides that Title 27, Subtitle 3 applies to each individual or group contract or certificate of an HMO; and the inclusion of HMOs in the substantive provisions of IN, §§ 27–303, 27–304, and 27–305(c)(1), as enacted by Section 2 of this Act.

Note that the application of all provisions of IN, § 27–504 to HMOs under HG, § 19–706(g) is overly broad in that § 27–504(c) and (d) apply only to the issuance of life and disability insurance.

[(h) The provisions of §§ 15–401, 15–402, 15–403, 15–403.1, and 15–405 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(h) is repealed in light of IN, § 15–401(b)(1)(iv) and (v), which, as enacted by Section 2 of this Act, provides that § 15–401(b) applies to each individual and group contract that provides certain coverage and is delivered, issued for delivery, or renewed in the State by an HMO; the inclusion of HMOs in the substantive provisions of IN, § 15–401(c), (d), (g), and (h), as enacted by Section 2 of this Act; IN, § 15–402(a)(2), which, as enacted by Section 2 of this Act, provides that IN, § 15–402 applies to each contract that is issued in the State by an HMO; IN, § 15–403(a)(4) and (5), which, as enacted by Section 2 of this Act, provides that § 15–403 applies to each individual and group contract that provides certain coverage and is issued by an HMO; the inclusion of HMOs in the substantive provisions of IN, § 15–403(c) and (d), as enacted by Section 2 of this Act; IN, § 15–403.1(a)(4) and (5), which, as enacted by Section 2 of this Act, provides that § 15–403.1 applies to each individual and group contract that provides certain coverage and is issued by an HMO; the inclusion of HMOs in the substantive provisions of IN, § 15–403.1(c) and (d), as enacted by Section 2 of this Act; IN, § 15–405(a)(2), which includes an HMO in the defined term “carrier” for purposes of § 15–405; and IN, § 15–405(b)(1), which provides that § 15–405 applies to HMOs.

[(i) The provisions of §§ 12–203(g), 15–105, 15–112, 15–112.2, 15–113, 15–804, 15–812, 15–826, 15–828, and 15–836 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(i) is repealed in light of the inclusion of HMOs in the substantive provisions of IN, § 12–203(g); IN, § 15–105(b)(2), which provides that § 15–105 applies to HMOs; IN, §§ 15–112(a)(4)(i), 15–112.2(a)(3), and 15–113(a)(2), which include an HMO in the defined term “carrier” for purposes of §§ 15–112, 15–112.2, and 15–113;

IN, § 15–804(c)(1), which provides that § 15–804(c) applies to a contract issued by an HMO; the inclusion of HMOs in the substantive provisions of IN, § 15–804(d); and IN, §§ 15–812(b)(2), 15–826(a)(2), 15–828(a)(2), and 15–836(a)(2), which provide that §§ 15–812, 15–826, 15–828, and 15–836 apply to HMOs.

[(j) The provisions of Title 15, Subtitle 12 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(j) is repealed in light of IN, § 15–1201(c), which includes an HMO in the defined term “carrier” for purposes of Title 15, Subtitle 12; IN, § 15–1201(i)(1), which includes an HMO subscriber or group master contract in the defined term “health benefit plan” for purposes of Title 15, Subtitle 12; and the inclusion of HMOs in the substantive provisions of IN, §§ 15–1204(f), 15–1205(e)(2), 15–1210(b), 15–1212(b)(5), 15–1216(c)(2), 15–1217(b), and 15–1221(c)(6).

[(k) The provisions of § 27–909 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(k) is repealed in light of the inclusion of HMOs in the substantive provisions of IN, § 27–909(c) and (f).

[(l) (1) A health maintenance organization shall:

(i) Classify an obstetrician/gynecologist as a primary care physician; or

(ii) If the obstetrician/gynecologist chooses not to be a primary care physician, permit a woman to receive gynecological care from an in-network obstetrician/gynecologist without requiring the woman to first visit a primary care provider, provided that:

1. The care is medically necessary, including, but not limited to, care that is routine;

2. Following each visit for gynecological care, the obstetrician/gynecologist communicates with the woman's primary care physician concerning any diagnosis or treatment rendered; and

3. The obstetrician/gynecologist confers with the primary care physician before performing any diagnostic procedure that is not routine gynecological care rendered during an annual visit.

(2) If a health maintenance organization classifies an obstetrician/gynecologist as a primary care physician as provided under paragraph (1) of this subsection, and a woman does not choose an obstetrician/gynecologist as her primary care provider, the health maintenance organization shall permit the woman to receive an annual visit to an in-network obstetrician/gynecologist for routine gynecological care without requiring the woman to first visit her primary care provider, whether or not the primary care provider is qualified to and regularly provides routine gynecological care.

(3) (i) A health maintenance organization shall allow a woman to receive medically necessary, routine obstetric and gynecological care from an in-network, certified nurse midwife or any other in-network provider authorized under the Health Occupations Article to provide obstetric and gynecological services without first requiring the woman to visit a primary care provider.

(ii) A certified nurse midwife or other nonphysician provider authorized under the Health Occupations Article to provide obstetric and gynecological services shall consult with an obstetrician/gynecologist with whom the certified nurse midwife or other provider has a collaborative agreement, in accordance with the collaborative agreement, regarding any care rendered under this paragraph.]

DRAFTER'S NOTE:

HG, § 19-706(l) is repealed in light of IN, § 15-816, which is substantively identical to § 19-706(l) and that provides in § 15-816(a)(2) that § 15-816 applies to HMOs.

[(m) The provisions of § 15-116 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19-706(m) is repealed in light of IN, § 15-116(a)(2), which includes an HMO in the defined term "carrier" for purposes of § 15-116.

[(n) The provisions of § 15-121 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19-706(n) is repealed in light of IN, § 15-121(a)(2), which includes an HMO in the defined term "carrier" for purposes of § 15-121.

[(o) The provisions of §§ 15-1008 and 15-1009 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19-706(o) is repealed in light of IN, §§ 15-1008(a)(2) and 15-1009(a), which include an HMO in the defined term "carrier" for purposes of §§ 15-1008 and 15-1009.

[(p) The provisions of § 15-823 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19-706(p) is repealed in light of IN, § 15-823(b)(4) which, as enacted by Section 2 of this Act, provides that § 15-823 applies to each individual or group contract of an HMO that is issued or delivered in the State.

[(q) The provisions of § 15-824 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19-706(q) is repealed in light of IN, § 15-824(b)(2), which provides that § 15-824 applies to HMOs.

[(r) The provisions of § 15-803 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19-706(r) is repealed in light of IN, § 15-803(a) which, as enacted by Section 2 of this Act, includes HMOs that issue or deliver individual or group contracts in the State in the substantive provisions of § 15-803(a).

[(s) The provisions of Title 15, Subtitles 13, 14, and 15 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19-706(s) is repealed in light of IN, § 15-1301(e), which includes an HMO in the defined term "carrier" for purposes of Title 15, Subtitle 13; IN, § 15-1301(l)(1), which includes an HMO subscriber or group master contract in the defined term "health benefit plan" for purposes of Title 15, Subtitle 13; the inclusion of HMOs in the substantive provisions of IN, §§ 15-1308(g) and 15-1316(g); IN, § 15-1401(d), which includes an HMO in the defined term "carrier" for purposes of Title 15, Subtitle 14; IN, § 15-1401(j)(1), which includes an HMO subscriber or group master contract in the defined term "health benefit plan" for purposes of Title 15, Subtitle 14; the inclusion of HMOs in the substantive provisions of IN, §§ 15-1408(6) and 15-1409(d); IN, §

15–1501(a)(3)(i) which, as enacted by Section 2 of this Act, includes in the defined term “mandated health insurance service” a legislative proposal or statute that would require a particular health care service to be provided or offered in a health benefit plan by an HMO; and the inclusion of HMOs in the substantive provisions of IN, § 15–1501(c)(2)(iii)4, as enacted by Section 2 of this Act.

[(t) The provisions of § 15–123 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(t) is repealed in light of IN, § 15–123(a)(2), which includes an HMO in the defined term “carrier” for purposes of § 15–123.

[(u) The provisions of § 15–825 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(u) is repealed in light of IN, § 15–825(a)(2), which provides that § 15–825 applies to HMOs.

[(v) (E) The provisions of [Title 6, Subtitle 2 and] Title 27, Subtitle 8 of the Insurance Article shall apply to health maintenance organizations.

DRAFTER’S NOTE:

The reference to IN, Title 6, Subtitle 2 in HG, § 19–706(v) is repealed in light of IN, § 6–203(a), which establishes the fraud prevention fee the Maryland Insurance Commissioner must collect from an HMO under Title 6, Subtitle 2.

The cross-reference to IN, Title 27, Subtitle 8 is retained in HG, § 19–706. Title 27, Subtitle 8 requires certain persons to report insurance fraud and an authorized insurer and a viatical settlement provider to have an insurance antifraud plan. There is no express reference to an HMO in Title 27, Subtitle 8, and it is unclear which provisions apply to HMOs, including whether an HMO’s insurance antifraud plan would need to comply with the requirements applicable to authorized insurers, which differ from those applicable to viatical settlement providers. Since the application of the provisions of Title 27, Subtitle 8 to HMOs is unclear, the cross-reference is retained to avoid any inadvertent substantive change in the application of State insurance laws to HMOs.

[(w) The provisions of § 15–118 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(w) is repealed in light of IN, § 15–118(b), which, as enacted by Section 2 of this Act, provides that § 15–118 applies to HMOs.

[(x) The provisions of § 15–822 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(x) is repealed in light of IN, § 15–822(a)(2), which provides that § 15–822 applies to HMOs.

[(y) (F) The provisions of Title 15, [Subtitles 10A, 10B, 10C, and 10D] **SUBTITLE 10B** of the Insurance Article shall apply to health maintenance organizations.

DRAFTER'S NOTE:

The reference to IN, Title 15, Subtitles 10A, 10C, and 10D in HG, § 19–706(y) is repealed in light of IN, § 15–10A–01(c), which includes an HMO in the defined term “carrier” for purposes of Title 15, Subtitle 10A; the inclusion of HMOs in the substantive provisions of IN, § 15–10A–04(c)(2) and (3); IN, § 15–10C–01(f)(1), which defines a “medical director” to mean a physician employed by or under contract with an HMO to perform specified duties related to quality assurance and utilization management; the inclusion of HMOs in the substantive provisions of IN, §§ 15–10C–03(b)(2) and 15–10C–04(a); IN, § 15–10D–01(d), which includes an HMO in the defined term “carrier” and § 15–10D–01(h)(i)(iii), which includes an HMO contract in the defined term “health benefit plan”, for purposes of Title 15, Subtitle 10D; and the inclusion of HMOs in the substantive provisions of IN, §§ 15–10D–02(e)(1) and 15–10D–03(b)(2)(ii).

The cross-reference to IN, Title 15, Subtitle 10B is retained in HG, § 19–706. While IN, §§ 15–10B–09(b) through (e) and 15–10B–17(a)(1)(i) specifically refer to HMOs, Subtitle 10B generally does not apply directly to any particular insurance carriers, but rather regulates the conduct of utilization review by private review agents. Since the extent to which other provisions of Title 15, Subtitle 10B apply to HMOs is unclear, the cross-reference is retained to avoid any inadvertent substantive change in the application of State insurance laws to HMOs.

[(z) The provisions of § 2–112.2 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(z) is repealed in light of IN, § 2–112.2(a)(2), which includes an HMO in the defined term “carrier”, and IN, § 2–112.2(a)(3)(i), which includes an HMO contract in the defined term “health benefit plan”, for purposes of § 2–112.2.

[(aa) The provisions of § 15–827 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(aa) is repealed in light of IN, § 15–827(b)(2), which provides that § 15–827 applies to HMOs.

[(bb) The provisions of § 15–818 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(bb) is repealed in light of IN, § 15–818(a)(3), which, as enacted by Section 2 of this Act, provides that § 15–818 applies to each contract that provides specified benefits and is issued or delivered in the State by an HMO.

[(cc)] **(G)** The provisions of Title 6.5 of the State Government Article shall apply to the acquisition of a health maintenance organization owned by a nonprofit entity.

[(dd) The provisions of § 15–125 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(dd) is repealed in light of IN, § 15–125(a)(2)(i), which includes an HMO in the defined term “carrier” for purposes of § 15–125.

[(ee) The provisions of Title 2, Subtitle 5 and § 2–112 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(ee) is repealed in light of IN, § 2–501(d)(2), which includes an HMO in the defined term “health insurer” and IN, § 2–501(f)(2), which includes an HMO in the defined term “insurer”, for purposes of Title 2, Subtitle 5; IN, § 2–112(a), which, as enacted by Section 2 of this Act, provides that the “appropriate persons” that must pay the fees collected by the Maryland Insurance Commissioner under § 2–112(a) includes an HMO; IN, § 2–112(a)(10), which, as enacted by Section 2 of this Act, includes a cross-reference to § 19–708(b)(12) of the Health – General Article, the legal service of process provision applicable to HMOs; and the inclusion of HMOs in

the substantive provisions of IN, § 2–112(b), as enacted by Section 2 of this Act. According to the Maryland Insurance Administration, the changes made to IN, § 2–112(a)(10) and (b) clarify current practice and are not substantive.

[(ff) The provisions of § 15–829 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(ff) is repealed in light of IN, § 15–829(b)(2), which provides that § 15–829 applies to HMOs.

[(gg) The provisions of §§ 15–830, 15–831, and 15–832 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(gg) is repealed in light of IN, § 15–830(a)(2), which includes an HMO in the defined term “carrier” for purposes of § 15–830; IN, § 15–831(b)(1)(ii) and (2), which provide that § 15–831 applies to HMOs and that HMOs are subject to the requirements of § 15–831; and IN, § 15–832(a)(2), which provides that § 15–832 applies to HMOs.

[(hh) The provisions of § 15–833 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(hh) is repealed in light of IN, § 15–833(b), which provides that § 15–833 applies to health benefit plans issued under IN, Title 15, Subtitle 12 (IN, § 15–1201(f)(1) includes an HMO subscriber or group master contract in the defined term “health benefit plan”), and IN, § 15–833(e)(1)(ii), (f)(1)(ii), (h)(1), and (j)(1), which provide that subsections (e), (f), (h), and (j) apply to HMOs.

Note that the application of all provisions of IN, § 15–833 to HMOs under HG, § 19–706(hh) is overly broad in that § 15–833(g) applies to policies that limit coverage to hospital or surgical benefits and hospital indemnity policies, and § 15–833(i) applies to insurers that provide accidental death or dismemberment benefits.

[(ii) The provisions of § 15–834 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(ii) is repealed in light of IN, § 15–834(a)(2), which provides that § 15–834 applies to HMOs.

[(jj) The provisions of § 15–126 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(jj) is repealed in light of IN, § 15–126(b)(2), which provides that § 15–126 applies to HMOs.

[(kk) The provisions of §§ 15–1003, 15–1004, and 15–1005 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(kk) is repealed in light of the inclusion of HMOs in the substantive provisions of IN, §§ 15–1003(d)(2)(ii), 15–1004(a) and (c) through (f), and 15–1005(b) through (f); and IN, § 15–1004(a)(1), which requires an HMO to accept the uniform claims form adopted by the Maryland Insurance Commissioner under IN, § 15–1003.

[(ll) The provisions of § 15–303(f) of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(ll) is repealed in light of Chapter 602 of the Acts of 1999, which repealed IN, § 15–303.

[(mm) The provisions of § 15–127 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(mm) is repealed in light of IN, § 15–127(a)(4), which includes an HMO in the defined term “carrier” for purposes of § 15–127.

[(nn) The provisions of § 15–835 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(nn) is repealed in light of IN, § 15–835(b)(2), which provides that § 15–835 applies to HMOs.

[(oo) The provisions of § 15–810 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(oo) is repealed in light of IN, § 15–810(a)(2), which provides that § 15–810 applies to HMOs, and the inclusion of HMOs in the substantive provisions of IN, § 15–810(b)(2)(ii).

[(pp) The provisions of § 27–913 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(pp) is repealed in light of IN, § 27–913(a)(2), which provides that § 27–913 applies to HMOs.

[(qq) The provisions of §§ 2–205, 2–207, 2–208, and 2–209 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(qq) is repealed in light of the inclusion of HMOs in the substantive provisions of IN, §§ 2–205(b), (c), and (f) and 2–207(a); IN, § 2–208, which requires the expense incurred in an examination made under IN, § 2–205 to be paid by the person examined in the manner specified in § 2–208; and IN, § 2–209(a), which requires a complete report of each examination made under IN, § 2–205.

[(rr) The provisions of § 15–837 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(rr) is repealed in light of IN, § 15–837(a)(2), which provides that § 15–837 applies to HMOs.

[(ss) The provisions of § 15–130 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(ss) is repealed in light of IN, § 15–130(a)(1)(ii), which provides that § 15–130 applies to HMOs, except the HMOs described in § 15–130(a)(2)(iii).

[(tt) The requirements of § 15–838 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(tt) is repealed in light of IN, § 15–838(a)(2), which provides that § 15–838 applies to HMOs.

[(uu) The provisions of § 15–839 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(uu) is repealed in light of IN, § 15–839(b)(2), which provides that § 15–839 applies to HMOs.

[(vv) The provisions of § 15–1001 of the Insurance Article shall apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(vv) is repealed in light of IN, § 15–1001(a)(3), which provides that § 15–1001 applies to HMOs.

[(ww) The provisions of § 27–606 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(ww) is repealed in light of the inclusion of HMOs in the substantive provisions of IN, § 27–606(g) and IN, § 27–606(h) which, as enacted by Section 2 of this Act, provides that the provisions of § 27–606(a)(3) and (b) through (f) that apply to insurers also apply to HMOs.

[(xx) The requirements of Title 27, Subtitle 4 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(xx) is repealed in light of IN, § 27–402(3), which provides that the provisions of Title 27, Subtitle 4 that apply to insurers also apply to HMOs.

[(yy) The provisions of § 15–840 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19-706(yy) is repealed in light of IN, § 15-840(b)(2), which provides that § 15-840 applies to HMOs.

[(zz) The provisions of § 15-416 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19-706(zz) is repealed in light of IN, § 15-416(a), which provides that § 15-416 applies to HMOs.

[(aaa) The provisions of § 27-501(h) of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19-706(aaa) is repealed in light of the inclusion of HMOs in the substantive provisions of IN, § 27-501(h)(2) and (4).

[(bbb) The provisions of § 27-209 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19-706(bbb) is repealed in light of IN, § 27-209, which, as enacted by Section 2 of this Act, provides that a "person" that is prohibited from taking the actions described in § 27-209 includes an HMO.

[(ccc) The provisions of § 15-713 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19-706(ccc) is repealed in light of IN, § 15-713(a), which provides that § 15-713 applies to specified contracts delivered or issued for delivery in the State by HMOs.

[(ddd) The provisions of § 27-221 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(ddd) is repealed in light of IN, § 27–221(a)(2) and (4), which include an HMO in the defined term “carrier” and a contract issued or delivered in the State by an HMO in the defined term “health coverage”, for purposes of § 27–221.

[(eee) The provisions of § 15–841 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(eee) is repealed in light of IN, § 15–841(b)(1)(ii), which provides that § 15–841(b) applies to HMOs.

[(fff) The provisions of § 15–131 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(fff) is repealed in light of IN, § 15–131(a)(2), which provides that § 15–131 applies to HMOs.

[(ggg) The provisions of § 15–417 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(ggg) is repealed in light of IN, § 15–417(a)(2), which provides that § 15–417 applies to HMOs.

[(hhh) The provisions of § 27–222 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(hhh) applies the provisions of IN, § 27–222 to HMOs. IN, § 27–222 prohibits a person from violating IN, § 15–112(l). HG, § 19–706(hhh) is repealed in light of IN, § 15–112(a)(4)(i), which includes an HMO in the definition of “carrier” for purposes of § 15–112.

[(iii) The provisions of § 27–914 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(iii) is repealed in light of the inclusion of HMOs in the substantive provisions of IN, § 27–914(b).

[(jjj)] (H) The provisions of § 27–210 of the Insurance Article apply to health maintenance organizations.

DRAFTER'S NOTE:

The cross-reference to IN, § 27–210 is retained in HG, § 19–706. Section 27–210 establishes certain practices that may not be construed to be discriminatory under IN, § 27–208 or a rebate under § 27–209. The application of § 27–210 to HMOs is unclear since IN, § 27–208 does not apply to HMOs, either by its terms or by a cross-reference in HG, § 19–706 or elsewhere in Title 19, Subtitle 7, and § 27–210 does not contain any explicit references to HMOs. Section 27–210 does apply to HMOs to the extent that the section provides for the construction of IN, § 27–209 (which is revised in Section 2 of this Act to apply to HMOs), and in that § 27–210(h) establishes that it is not a rebate for a carrier to provide certain incentives for participation in a bona fide wellness program under IN, § 15–509, and that section defines a “carrier” to include an HMO. However, since the application of the other provisions of § 27–210 is unclear, the cross-reference is retained to avoid any inadvertent substantive change in the application of State insurance laws to HMOs.

[(kkk)] The provisions of Title 14, Subtitle 6 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(kkk) is repealed in light of IN, § 14–602(b), which requires an HMO to take several actions, including complying with specified sections of Title 14, Subtitle 6, and the inclusion of HMOs in the substantive provisions of IN, §§ 14–602(c) and 14–606(1)(i).

[(lll)] The provisions of § 15–842 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(lll) is repealed in light of IN, § 15–842(a)(1)(ii) and (2), which provide that § 15–842 applies to HMOs and that HMOs are subject to the requirements of § 15–842.

[(mmm)] The provisions of §§ 15–403.2 and 15–418 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(mmm) is repealed in light of IN, § 15–403.2(b)(2)(ii), which provides that § 14–403.2 applies to each individual or group contract issued by an HMO; the inclusion of HMOs in the substantive provisions of IN, § 15–403.2(d); IN, §

15–418(a)(2), which includes an HMO in the defined term “carrier” for purposes of § 15–418; and § 15–418(b)(1)(iii), which provides that § 15–418 applies to each contract that is issued in the State by an HMO.

[(nnn)] **(I)** The provisions of § 15–145 of this article apply to health maintenance organizations.

[(ooo) The provisions of § 2–115 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(ooo) is repealed in light of IN, § 2–115(b)(1), which provides that the regulations the Maryland Insurance Commissioner is required to adopt under § 2–115 may apply to any person regulated by the Commissioner under Title 19, Subtitle 7 of the Health – General Article.

[(ppp)] **(J)** The provisions of Title 15, Subtitle 16 of the Insurance Article apply to health maintenance organizations.

DRAFTER’S NOTE:

The cross–reference to IN, Title 15, Subtitle 16 is retained in HG, § 19–706. Subtitle 16 governs pharmacy benefits managers and the provision of pharmacy benefits management services to purchasers. While an HMO is included in the defined term “purchaser”, and certain services of a nonprofit HMO are excluded from the definition of “pharmacy benefits management services”, the extent to which other provisions of Title 15, Subtitle 16 apply to HMOs is unclear. The cross–reference is retained to avoid any inadvertent substantive change in the application of State insurance laws to HMOs.

[(qqq)] **(K)** The provisions of § 2–517 of the State Personnel and Pensions Article apply to health maintenance organizations.

[(rrr) The provisions of § 15–843 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(rrr) is repealed in light of IN, § 15–843(a)(2), which provides that § 15–843 applies to HMOs, and the inclusion of HMOs in the substantive provisions of IN, § 15–843(b)(3).

[(sss) The provisions of § 15–409.1 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19-706(sss) is repealed in light of IN, § 15-409.1(a)(3), which includes an HMO in the defined term "carrier" for purposes of § 15-409.1, and IN, § 15-409.1(b), which provides that § 15-409.1 applies to carriers that issue health benefit plans to small employers under Title 15, Subtitle 12 of the Insurance Article.

[(ttt) The provisions of § 15-844 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19-706(ttt) is repealed in light of IN, § 15-844(b)(2), which provides that § 15-844 applies to HMOs.

[(uuu) The provisions of § 15-1106 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19-706(uuu) is repealed in light of IN, § 15-1106(a)(2), which includes an HMO in the defined term "carrier" for purposes of § 15-1106.

[(vvv) The provisions of § 15-832.1 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19-706(vvv) is repealed in light of IN, § 15-832.1(b)(2), which provides that § 15-832.1 applies to HMOs.

[(www) The provisions of § 15-1105 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19-706(www) is repealed in light of Chapter 368 of the Acts of 2013, which repealed IN, § 15-1105.

[(xxx) The provisions of § 15-814 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19-706(xxx) is repealed in light of IN, § 15-814(a)(2), which provides that § 15-814 applies to HMOs.

[(yyy) The provisions of § 15–509 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(yyy) is repealed in light of IN, § 15–509(a)(3), which includes an HMO in the defined term “carrier” for purposes of § 15–509.

[(zzz) The provisions of § 15–132 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(zzz) is repealed in light of IN, § 15–132(a), which defines a “carrier” to have the meaning stated in § 19–142 of the Health – General Article for purposes of § 15–132. A “carrier” is defined in HG, § 19–142(b) to include an HMO.

[(aaaa) The provisions of Title 15, Subtitle 17 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(aaaa) is repealed in light of IN, § 15–1701(b), which defines a “carrier” to have the meaning stated in § 15–1301 of the Insurance Article for purposes of Title 15, Subtitle 17. A “carrier” is defined in IN, § 15–1301(e) to include an HMO.

[(bbbb)] **(L)** The provisions of § 15–134 of the Insurance Article apply to health maintenance organizations.

DRAFTER’S NOTE:

The cross–reference to IN, § 15–134 is retained in HG, § 19–706. Section 15–134 governs the application of IN, Titles 14 and 15 to a group health plan or health insurance coverage that is a “grandfathered health plan”, as defined in the federal Patient Protection and Affordable Care Act, as amended by the federal Health Care and Education Reconciliation Act of 2010. This section does not by its terms apply to any particular insurance carriers, but rather to certain group health plans and health insurance coverage. Since the application of § 15–134 to HMOs is unclear, the cross–reference is retained to avoid any inadvertent substantive change in the application of State insurance laws to HMOs.

[(ccc) The provisions of § 5–608(t) of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(cccc) is repealed in light of IN, § 5–608(t)(10), which, as enacted by Section 2 of this Act, provides that the provisions of § 5–608(t) that apply to insurers also apply to HMOs.

[(dddd) The requirements of § 15–135 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(dddd) is repealed in light of IN, § 15–135(b)(2), which provides that § 15–135 applies to HMOs.

[(eeee) The provisions of Title 15, Subtitle 19 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(eeee) is repealed in light of IN, § 15–1901(b), which includes an HMO in the defined term “carrier” for purposes of Title 15, Subtitle 19.

[(ffff) The provisions of § 15–136 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(ffff) is repealed in light of IN, § 15–136(a)(2), which includes an HMO in the defined term “carrier” for purposes of § 15–136.

[(gggg) The provisions of § 15–1314 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(gggg) is repealed in light of IN, § 15–1301(e), which includes an HMO in the defined term “carrier” for purposes of Title 15, Subtitle 13. Note that HG, § 19–706(s) provided that IN, Title 15, Subtitle 13 applies to HMOs, so that § 19–706(gggg) is unnecessary.

[(hhhh) The provisions of Title 15, Subtitle 18 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(hhhh) is repealed in light of IN, § 15–1801(b), which includes an HMO in the defined term “carrier” for purposes of Title 15, Subtitle 18, and the inclusion of HMOs in the substantive provisions of IN, § 15–1802(b)(2).

[(iii) The provisions of § 15–137.1 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(iiii) is repealed in light of the inclusion of HMOs in the substantive provisions of IN, § 15–137.1(a) and (b).

[(jjj) The provisions of § 15–845 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(jjjj) is repealed in light of IN, § 15–845(a)(2), which provides that § 18–845 applies to HMOs.

[(kkkk) The provisions of § 15–138 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(kkkk) is repealed in light of IN, § 15–138(a)(5), which includes an HMO in the defined term “carrier” for purposes of § 15–138, and the inclusion of HMOs in the substantive provisions of § 15–138(c) and (e)(1).

[(lll) The provisions of § 15–846 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(llll) is repealed in light of IN, § 15–846(b)(2), which provides that § 15–846 applies to HMOs.

[(mmm) The provisions of § 15–139 of the Insurance Article apply to health maintenance organizations.]

DRAFTER’S NOTE:

HG, § 19–706(mmmm) is repealed in light of IN, § 15–139(b)(2), which provides that § 15–139 applies to HMOs.

[(nnnn) The provisions of § 15–135.1 of the Insurance Article apply to health maintenance organizations.]

DRAFTER'S NOTE:

HG, § 19–706(nnnn) is repealed in light of IN, § 15–135.1(a)(2), which includes an HMO in the defined term “carrier” for purposes of § 15–135.1.

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

Article – Insurance

2–112.

(a) Fees for the following certificates, licenses, and services shall be collected in advance by the Commissioner, and shall be paid by the appropriate persons, INCLUDING HEALTH MAINTENANCE ORGANIZATIONS, to the Commissioner:

(1) fees for certificates of authority:

(i) application fee for initial certificate of authority, including filing the application, articles of incorporation and other charter documents, except as provided in item (2) of this subsection, bylaws, financial statement, examination report, power of attorney to the Commissioner, and all other documents and filings in connection with the application \$1,000

(ii) fee for initial certificate of authority \$200

(iii) fee for annual renewal of certificate of authority for all foreign insurers and for domestic insurers with their home or executive office in the State\$500

(iv) fee for annual renewal of certificate of authority for domestic insurers with their home or executive office outside the State, except those domestic insurers that had their home or executive office outside the State before January 1, 1929:

1. with premiums written in the most recent calendar year not exceeding \$500,000.....\$2,500

2. with premiums written in the most recent calendar year not exceeding \$1,000,000.....\$5,000

3. with premiums written in the most recent calendar year not exceeding \$2,000,000.....\$7,000

4. with premiums written in the most recent calendar year not exceeding \$5,000,000.....\$9,000

5. with premiums written in the most recent calendar year of more than \$5,000,000.....\$11,000

(v) reinstatement of certificate of authority..... \$500

(2) fees for articles of incorporation of a domestic insurer or foreign insurer, exclusive of fees required to be paid to the Department of Assessments and Taxation:

(i) fee for filing the articles of incorporation with the Commissioner for approval \$25

(ii) fee for amendment of the articles of incorporation..... \$10

(3) fees for filing bylaws or amendments to bylaws with the Commissioner.....\$10

(4) fees for certificates of qualification:

(i) application fee \$25

(ii) managing general agent certificate of qualification:

1. fee for initial certificate..... \$30

2. annual renewal fee..... \$30

(iii) surplus lines broker certificate of qualification:

1. fee for initial certificate within 1 year of renewal.....\$100

2. fee for initial certificate over 1 year from renewal.....\$100

3. biennial renewal fee \$200

(5) fee for temporary insurance producer licenses and appointments.....\$27

(6) fees for licenses:

(i) public adjuster license:

1. fee for initial license within 1 year of renewal..... \$25
 2. fee for initial license over 1 year from renewal..... \$50
 3. biennial renewal fee \$50
- (ii) adviser license:
1. fee for initial license within 1 year of renewal..... \$100
 2. fee for initial license over 1 year from renewal..... \$200
 3. biennial renewal fee \$200
- (iii) insurance producer license:
1. fee for initial license \$54
 2. biennial renewal fee \$54
- (iv) SHOP Exchange navigator license:
1. fee for initial license \$54
 2. biennial renewal fee \$54
 3. fee for reinstatement of license..... \$100
- (v) application fee \$25
- (7) fee for each insurance vending machine license, for each machine, every second year.....\$50
- (8) fees for filing the annual statement by an unauthorized insurer applying for approval to become an accepted insurer or applying for approval to become an accepted reinsurer or surplus lines carrier or both..... \$1,000
- (9) fees for required filings, including form and rate filings, under Title 11, Subtitles 2 through 4, Title 26, and §§ 12–203, 13–110, 14–126, and 27–613 of this article.....\$125
- (10) service of legal process fee under §§ 3–318(d), 3–319(d), and 4–107 of this article **AND § 19–708(B)(12) OF THE HEALTH – GENERAL ARTICLE**.....\$15

(b) A court may award reimbursement of a service of process fee imposed under subsection (a)(10) of this section to a prevailing plaintiff in any proceeding against an insurer [or], surplus lines broker, **OR HEALTH MAINTENANCE ORGANIZATION**.

5–608.

(t) (1) The reserve investments of an insurer may include securities lending, repurchase, reverse repurchase, and dollar roll transactions with business entities, subject to the requirements of paragraphs (2) through (9) of this subsection.

(2) (i) The insurer's board of directors shall adopt a written plan that specifies guidelines and objectives to be followed, such as:

1. a description of how cash received will be invested or used for general corporate purposes of the insurer;

2. operational procedures to manage interest rate risk, counterparty default risk, the conditions under which proceeds from reverse repurchase transactions may be used in the ordinary course of business, and the use of acceptable collateral in a manner that reflects the liquidity needs of the transaction; and

3. the extent to which the insurer may engage in these transactions.

(ii) The insurer shall file with the Commissioner the written plan including all changes and amendments to the written plan for use in the State on or before the date the plan becomes effective.

(3) (i) The insurer shall enter into a written agreement for all transactions authorized under this subsection other than dollar roll transactions.

(ii) The written agreement shall require that each transaction terminate no more than 1 year from its inception or on the earlier demand of the insurer.

(iii) The agreement shall be with the business entity counterparty, but for securities lending transactions, the agreement may be with an agent acting on behalf of the insurer, if the agent is a qualified business entity, and if the agreement:

1. requires the agent to enter into separate agreements with each counterparty that are consistent with the requirements of this section; and

2. prohibits securities lending transactions under the agreement with the agent or its affiliates.

(4) (i) Cash received in a transaction under this subsection shall be invested in accordance with this subtitle and in a manner that recognizes the liquidity needs of the transaction or used by the insurer for its general corporate purposes.

(ii) For so long as the transaction remains outstanding, the insurer, its agent, or its custodian shall maintain, as to acceptable collateral received in a transaction under this subsection, either physically or through the book entry systems of the Federal Reserve, Depository Trust Company, Participants Trust Company, or other securities depositories approved by the Commissioner:

1. possession of the acceptable collateral;
2. a perfected security interest in the acceptable collateral; or
3. in the case of a jurisdiction outside the United States, title to, or rights of a secured creditor to, the acceptable collateral.

(5) (i) The limitations of § 5-606(a) of this subtitle do not apply to the business entity counterparty exposure created by transactions under this subsection.

(ii) For purposes of calculations made to determine compliance with this subsection, no effect will be given to the insurer's future obligation to resell securities, in the case of a repurchase transaction, or to repurchase securities, in the case of a reverse repurchase transaction.

(iii) An insurer may not enter into a transaction under this subsection if, as a result of and after giving effect to the transaction:

1. A. the aggregate amount of securities then loaned, sold to, or purchased from any one business entity counterparty under this subsection would exceed 5% of its admitted assets; and
B. in calculating the amount sold to or purchased from a business entity counterparty under repurchase or reverse repurchase transactions, effect may be given to netting provisions under a master written agreement; or
2. the aggregate amount of all securities then loaned, sold to, or purchased from all business entities under this subsection would exceed 40% of its admitted assets.

(6) (i) In a securities lending transaction, the insurer shall receive acceptable collateral having a market value as of the transaction date at least equal to 102% of the market value of the securities loaned by the insurer in the transaction as of that date.

(ii) If at any time the market value of the acceptable collateral is less than the market value of the loaned securities, the business entity counterparty shall be obligated to deliver additional acceptable collateral, the market value of which, together with the market value of all acceptable collateral then held in connection with the transaction, at least equals 102% of the market value of the loaned securities.

(7) (i) In a reverse repurchase transaction, other than a dollar roll transaction, the insurer shall receive acceptable collateral having a market value as of the transaction date at least equal to 95% of the market value of the securities transferred by the insurer in the transaction as of that date.

(ii) If at any time the market value of the acceptable collateral is less than 95% of the market value of the securities so transferred, the business entity counterparty shall be obligated to deliver additional acceptable collateral, the market value of which, together with the market value of all acceptable collateral then held in connection with the transaction, at least equals 95% of the market value of the transferred securities.

(8) In a dollar roll transaction, the insurer shall receive cash in an amount at least equal to the market value of the securities transferred by the insurer in the transaction as of the transaction date.

(9) (i) In a repurchase transaction, the insurer shall receive as acceptable collateral transferred securities having a market value at least equal to 102% of the purchase price paid by the insurer for the securities.

(ii) If at any time the market value of the acceptable collateral is less than 100% of the purchase price paid by the insurer, the business entity counterparty shall be obligated to provide additional acceptable collateral, the market value of which, together with the market value of all acceptable collateral then held in connection with the transaction, at least equals 102% of the purchase price.

(iii) Securities acquired by an insurer in a repurchase transaction may not be sold in a reverse repurchase transaction, loaned in a securities lending transaction, or otherwise pledged.

(10) THE PROVISIONS OF THIS SUBSECTION THAT APPLY TO INSURERS ALSO APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

15–118.

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

(2) “Health care service” means a health or medical care procedure or service rendered by a provider that:

(i) provides testing, diagnosis, or treatment of human disease or dysfunction; or

(ii) dispenses drugs, medical devices, medical appliances, or medical goods for the treatment of human disease or dysfunction.

(3) "Provider" means a physician, hospital, or other person that is licensed or otherwise authorized to provide health care services.

(b) This section applies to:

(1) insurers and nonprofit health service plans that provide coverage for health care services to individuals or groups on an expense-incurred basis under health insurance policies or contracts that are issued or delivered in the State; **AND**

(2) **HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR HEALTH CARE SERVICES TO INDIVIDUALS OR GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.**

(c) If an entity subject to this section negotiates and enters into a contract with providers to render health care services to insureds, **SUBSCRIBERS, OR MEMBERS** at alternative rates of payment, and coinsurance payments are to be based on a percentage of the fee for health care services rendered by a provider, the entity shall calculate the amount of the coinsurance payment to be paid by the insured, **SUBSCRIBER, OR MEMBER** exclusively from the negotiated alternative rate for the health care service rendered.

(d) An entity subject to this section may not charge or collect from an insured, **A SUBSCRIBER, OR A MEMBER** a coinsurance payment amount that is greater than the amount calculated under subsection (c) of this section.

15-401.

(a) In this section, "date of adoption" means the earlier of:

(1) a judicial decree of adoption; or

(2) the assumption of custody, pending adoption, of a prospective adoptive child by a prospective adoptive parent.

(b) (1) This subsection applies to:

(i) each individual health insurance policy that:

State;

1. is delivered, issued for delivery, or renewed in the

2. provides coverage on an expense–incurred basis; and

3. provides coverage for a family member of the insured;

(ii) each group health insurance policy, including a contract issued by a nonprofit health service plan, that:

State;

1. is delivered, issued for delivery, or renewed in the

2. provides coverage on an expense–incurred basis for employees of an employer or employers or members of a union or unions; and

3. provides coverage for a family member of a covered employee or member; [and]

(iii) each individual service or indemnity contract that:

1. is delivered, issued for delivery, or renewed in the State by a nonprofit health service plan; and

2. provides coverage for a family member of the subscriber;

(IV) EACH INDIVIDUAL CONTRACT THAT:

- 1. IS DELIVERED, ISSUED FOR DELIVERY, OR RENEWED IN THE STATE BY A HEALTH MAINTENANCE ORGANIZATION; AND**

- 2. PROVIDES COVERAGE FOR A FAMILY MEMBER OF THE SUBSCRIBER; AND**

(V) EACH GROUP CONTRACT THAT:

- 1. IS DELIVERED, ISSUED FOR DELIVERY, OR RENEWED IN THE STATE BY A HEALTH MAINTENANCE ORGANIZATION;**

- 2. PROVIDES COVERAGE FOR EMPLOYEES OF AN EMPLOYER OR EMPLOYERS OR MEMBERS OF A UNION OR UNIONS; AND**

- 3. PROVIDES COVERAGE FOR A FAMILY MEMBER OF THE COVERED EMPLOYEE OR MEMBER.**

(2) Each policy or contract subject to this subsection shall provide that the health insurance benefits applicable:

(i) for children or grandchildren shall be payable for a newly born or newly adopted dependent child or grandchild from the moment of birth or date of adoption of the child or grandchild; and

(ii) for a minor for whom guardianship is granted by court or testamentary appointment shall be payable from the date of appointment.

(c) On request, an insurer or nonprofit health service plan that issues an individual or group health insurance policy that provides coverage on an expense-incurred basis, **OR A HEALTH MAINTENANCE ORGANIZATION THAT ISSUES AN INDIVIDUAL OR GROUP CONTRACT**, shall offer family members' coverage to an insured [or], subscriber, **OR MEMBER** regardless of the marital status of the insured [or], subscriber, **OR MEMBER**.

(d) Each insurer [or], nonprofit health service plan, **OR HEALTH MAINTENANCE ORGANIZATION** that issues a policy **OR CONTRACT** that does not provide family members' coverage shall:

(1) provide notice to the policyholder **OR CONTRACT HOLDER** that coverage for a newly born or newly adopted child or grandchild or a minor for whom guardianship is granted by court or testamentary appointment is not provided under the policy **OR CONTRACT**; and

(2) inform the insured, **SUBSCRIBER, OR MEMBER** of the right and conditions to purchase family members' coverage under this section.

(e) To be eligible for coverage under this section:

(1) a grandchild must be a dependent, and in the court-ordered custody, of the insured, **SUBSCRIBER, OR MEMBER**; and

(2) a minor must be a dependent and in the custody of the insured, **SUBSCRIBER, OR MEMBER** as a result of a guardianship, other than a temporary guardianship of less than 12 months duration, granted by court or testamentary appointment.

(f) Coverage for a newly born or newly adopted child or grandchild or a minor for whom guardianship is granted by court or testamentary appointment shall consist of coverage for injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities.

(g) If payment of a specific premium or subscription fee is required to provide coverage for a child or grandchild or a minor for whom guardianship is granted by court or testamentary appointment, the policy or contract may require notification of a birth, adoption, or appointment and payment of the required premium or fee to the insurer [or], nonprofit health service plan, **OR HEALTH MAINTENANCE ORGANIZATION** within 31 days after the date of birth, date of adoption, or date of court or testamentary appointment in order to continue coverage beyond the 31-day period.

(h) (1) An insurer [or], nonprofit health service plan, **OR HEALTH MAINTENANCE ORGANIZATION** may require proof that the insured [or], subscriber, **OR MEMBER** is the parent or grandparent of a newly born or newly adopted child or grandchild or guardian of a minor under court or testamentary appointment.

(2) If the insurer [or], nonprofit health service plan, **OR HEALTH MAINTENANCE ORGANIZATION** requires proof under this subsection, the insurer [or], nonprofit health service plan, **OR HEALTH MAINTENANCE ORGANIZATION** shall pay the cost of the proof.

15-402.

(a) This section applies to:

(1) each individual or group health insurance policy that is issued in the State; and

(2) each contract that is issued in the State by a nonprofit health service plan **OR A HEALTH MAINTENANCE ORGANIZATION**.

(b) (1) Notwithstanding any limiting age stated in a policy or contract subject to this section, a child, grandchild, or individual for whom guardianship is granted by court or testamentary appointment shall continue to be covered under the policy or contract as a dependent of an employee, member, or other covered individual if the child, grandchild, or individual under guardianship:

(i) is unmarried;

(ii) is chiefly dependent for support on the employee, member, or other covered individual; and

(iii) at the time of reaching the limiting age, is incapable of self-support because of mental or physical incapacity that started before the child, grandchild, or individual under guardianship attained the limiting age.

(2) A child, grandchild, or individual under guardianship who is covered under this section shall continue to be covered while remaining unmarried,

dependent, and mentally or physically incapacitated until the coverage on the employee, member, or other covered individual on whom the child, grandchild, or individual under guardianship is dependent terminates.

(c) To be eligible for coverage under this section:

(1) a grandchild must be a dependent, and in the court-ordered custody, of the employee, member, or other covered individual; and

(2) an individual must be a dependent and in the custody of the employee, member, or other covered individual as a result of a guardianship, other than a temporary guardianship of less than 12 months duration, granted by court or testamentary appointment.

15-403.

(a) This section applies to:

(1) each individual health insurance policy that:

(i) provides coverage on an expense-incurred basis; and

(ii) provides coverage for a family member of the insured;

(2) each group health insurance policy that:

(i) provides coverage on an expense-incurred basis for employees of an employer or employers or members of a union or unions; and

(ii) provides coverage for a family member of a covered employee or member; [and]

(3) each individual service or indemnity contract that:

(i) is issued by a nonprofit health service plan; and

(ii) provides coverage for a family member of the subscriber;

(4) EACH INDIVIDUAL CONTRACT THAT:

(I) IS ISSUED BY A HEALTH MAINTENANCE ORGANIZATION;

AND

(II) PROVIDES COVERAGE FOR A FAMILY MEMBER OF THE SUBSCRIBER; AND

(5) EACH GROUP CONTRACT THAT:

(I) IS ISSUED BY A HEALTH MAINTENANCE ORGANIZATION;

(II) PROVIDES COVERAGE FOR EMPLOYEES OF AN EMPLOYER OR EMPLOYERS OR MEMBERS OF A UNION OR UNIONS; AND

(III) PROVIDES COVERAGE FOR A FAMILY MEMBER OF THE COVERED EMPLOYEE OR MEMBER.

(b) Each policy or contract subject to this section shall provide that the same health insurance benefits and eligibility guidelines that apply to any covered dependent are available, on request of the insured, subscriber, employee, or member, to a grandchild who:

(1) is unmarried;

(2) is in the court-ordered custody of the insured, subscriber, employee, or member;

(3) resides with the insured, subscriber, employee, or member;

(4) is the dependent of the insured, subscriber, employee, or member;
and

(5) has not attained the limiting age under the terms of the policy or contract.

(c) On request, an insurer that issues an individual or group health insurance policy that provides coverage on an expense-incurred basis [or], a nonprofit health service plan, **OR A HEALTH MAINTENANCE ORGANIZATION** shall offer family members' coverage to an insured or subscriber regardless of the marital status of the insured or subscriber.

(d) (1) An insurer [or], nonprofit health service plan, **OR HEALTH MAINTENANCE ORGANIZATION** may require proof that the insured or subscriber is the grandparent of the grandchild.

(2) If the insurer [or], nonprofit health service plan, **OR HEALTH MAINTENANCE ORGANIZATION** requires proof under this subsection, the insurer [or], nonprofit health service plan, **OR HEALTH MAINTENANCE ORGANIZATION** shall pay the cost of the proof.

15-403.1.

(a) This section applies to:

- (1) each individual health insurance policy that:
 - (i) provides coverage on an expense-incurred basis; and
 - (ii) provides coverage for a family member of the insured;
- (2) each group health insurance policy that:
 - (i) provides coverage on an expense-incurred basis for employees of an employer or employers or members of a union or unions; and
 - (ii) provides coverage for a family member of a covered employee or member; [and]
- (3) each individual service or indemnity contract that:
 - (i) is issued by a nonprofit health service plan; and
 - (ii) provides coverage for a family member of the subscriber;
- (4) EACH INDIVIDUAL CONTRACT THAT:**
 - (I) IS ISSUED BY A HEALTH MAINTENANCE ORGANIZATION;**

AND

 - (II) PROVIDES COVERAGE FOR A FAMILY MEMBER OF THE SUBSCRIBER; AND**
- (5) EACH GROUP CONTRACT THAT:**
 - (I) IS ISSUED BY A HEALTH MAINTENANCE ORGANIZATION;**
 - (II) PROVIDES COVERAGE FOR EMPLOYEES OF AN EMPLOYER OR EMPLOYERS OR MEMBERS OF A UNION OR UNIONS; AND**
 - (III) PROVIDES COVERAGE FOR A FAMILY MEMBER OF THE COVERED EMPLOYEE OR MEMBER.**

(b) Each policy or contract subject to this section shall provide that the same health insurance benefits and eligibility guidelines that apply to any covered dependent are available, on request of the insured, subscriber, employee, or member, to an individual who:

- (1) is unmarried;

(2) is under testamentary or court appointed guardianship, other than temporary guardianship of less than 12 months duration, of the insured, subscriber, employee, or member;

(3) resides with the insured, subscriber, employee, or member;

(4) is the dependent of the insured, subscriber, employee, or member;
and

(5) has not attained the limiting age under the terms of the policy or contract.

(c) On request, an insurer that issues an individual or group health insurance policy that provides coverage on an expense-incurred basis [or], a nonprofit health service plan, **OR A HEALTH MAINTENANCE ORGANIZATION** shall offer family members' coverage to an insured or subscriber regardless of the marital status of the insured or subscriber.

(d) (1) An insurer [or], nonprofit health service plan, **OR HEALTH MAINTENANCE ORGANIZATION** may require proof that the insured or subscriber is a guardian under court or testamentary appointment.

(2) If the insurer [or], nonprofit health service plan, **OR HEALTH MAINTENANCE ORGANIZATION** requires proof under this subsection, the insurer [or], nonprofit health service plan, **OR HEALTH MAINTENANCE ORGANIZATION** shall pay the cost of the proof.

15-803.

(a) An insurer or nonprofit health service plan that issues or delivers an individual, group, or blanket health insurance policy or contract in the State, **OR A HEALTH MAINTENANCE ORGANIZATION THAT ISSUES OR DELIVERS AN INDIVIDUAL OR GROUP CONTRACT IN THE STATE**, may not exclude payments for blood products, both derivatives and components, that otherwise would be covered under the health insurance contract.

(b) This section does not apply to whole blood or concentrated red blood cells.

15-818.

(a) This section applies to:

(1) each individual or group hospital or major medical insurance policy or certificate that is delivered or issued for delivery in the State by an insurer and is written on an expense-incurred basis;

(2) each individual or group medical or major medical contract, policy, or certificate that is delivered or issued for delivery in the State by a nonprofit health service plan; and

(3) [health maintenance organizations] **EACH CONTRACT** that [provide] **PROVIDES** hospital, medical, or surgical benefits to individuals or groups [under contracts that are] **AND IS** issued or delivered in the State **BY A HEALTH MAINTENANCE ORGANIZATION**.

(b) A policy, contract, or certificate subject to this section shall include benefits for inpatient or outpatient expenses arising from orthodontics, oral surgery, and otologic, audiological, and speech/language treatment involved in the management of the birth defect known as cleft lip or cleft palate or both.

15-823.

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

(2) "Bone mass measurement" means a radiologic or radioisotopic procedure or other scientifically proven technology performed on a qualified individual for the purpose of identifying bone mass or detecting bone loss.

(3) "Qualified individual" means:

(i) an estrogen deficient individual at clinical risk for osteoporosis;

(ii) an individual with a specific sign suggestive of spinal osteoporosis, including roentgenographic osteopenia or roentgenographic evidence suggestive of collapse, wedging, or ballooning of one or more thoracic or lumbar vertebral bodies, who is a candidate for therapeutic intervention or for an extensive diagnostic evaluation for metabolic bone disease;

(iii) an individual receiving long-term glucocorticoid (steroid) therapy;

(iv) an individual with primary hyperparathyroidism; or

(v) an individual being monitored to assess the response to or efficacy of an approved osteoporosis drug therapy.

(b) This section applies to:

(1) each individual hospital or major medical insurance policy of an insurer that is delivered or issued for delivery in the State and is written on an expense-incurred basis;

(2) each group or blanket health insurance policy of an insurer that is issued or delivered in the State and is written on an expense–incurred basis; **[and]**

(3) each individual or group medical or major medical contract or certificate of a nonprofit health service plan that is issued or delivered in the State and is written on an expense–incurred basis; **AND**

(4) EACH INDIVIDUAL OR GROUP CONTRACT OF A HEALTH MAINTENANCE ORGANIZATION THAT IS ISSUED OR DELIVERED IN THE STATE.

(c) A policy, contract, or certificate subject to this section shall include coverage for qualified individuals for reimbursement for bone mass measurement for the prevention, diagnosis, and treatment of osteoporosis when the bone mass measurement is requested by a health care provider for the qualified individual.

15–903.

(a) Notwithstanding any other provision to the contrary, this subtitle applies to:

(1) Medicare supplement policies and subscriber contracts that are delivered or issued for delivery in the State after July 1, 1992;

(2) certificates that are issued under group Medicare supplement policies or subscriber contracts, which certificates have been delivered or issued for delivery in the State;

(3) individual or group Medicare supplement policies and certificates that are issued by nonprofit health service plans under Title 14, Subtitle 1 of this article;

(4) Medicare supplement policies and certificates that are issued by fraternal benefit societies under Title 8, Subtitle 4 of this article; and

(5) Medicare supplement group or blanket policies and certificates that are issued by insurers subject to Subtitle 3 of this title.

(b) This subtitle does not apply to a policy of:

(1) one or more employers or labor organizations; or

(2) the trustees of a fund established by one or more employers or labor organizations for employees, members, former employees, or former members.

(C) A HEALTH MAINTENANCE ORGANIZATION THAT ENROLLS MEMBERS ELIGIBLE FOR MEDICARE BENEFITS UNDER TITLE XVIII OF THE SOCIAL SECURITY ACT IS SUBJECT TO THE REQUIREMENTS OF THIS SUBTITLE TO THE EXTENT ANY OF THE PROVISIONS OF THIS SUBTITLE APPLY TO THE MEDICARE ELIGIBLE MEMBERS.

15-1501.

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

(2) "Commission" means the Maryland Health Care Commission.

(3) (i) "Mandated health insurance service" means a legislative proposal or statute that would require a particular health care service to be provided or offered in a health benefit plan, by a carrier, **INCLUDING A HEALTH MAINTENANCE ORGANIZATION**, or other organization authorized to provide health benefit plans in the State.

(ii) "Mandated health insurance service", as applicable to all carriers, does not include services enumerated to describe a health maintenance organization under § 19-701(g)(2) of the Health – General Article.

(b) This subtitle does not affect the ability of the General Assembly to enact legislation on mandated health insurance services.

(c) (1) The Commission shall assess the social, medical, and financial impacts of a proposed mandated health insurance service.

(2) In assessing a proposed mandated health insurance service and to the extent that information is available, the Commission shall consider:

(i) social impacts, including:

1. the extent to which the service is generally utilized by a significant portion of the population;

2. the extent to which the insurance coverage is already generally available;

3. if coverage is not generally available, the extent to which the lack of coverage results in individuals avoiding necessary health care treatments;

4. if coverage is not generally available, the extent to which the lack of coverage results in unreasonable financial hardship;

5. the level of public demand for the service;
6. the level of public demand for insurance coverage of the service;
7. the level of interest of collective bargaining agents in negotiating privately for inclusion of this coverage in group contracts; and
8. the extent to which the mandated health insurance service is covered by self-funded employer groups of employers in the State who employ at least 500 employees;

(ii) medical impacts, including:

1. the extent to which the service is generally recognized by the medical community as being effective and efficacious in the treatment of patients;
2. the extent to which the service is generally recognized by the medical community as demonstrated by a review of scientific and peer review literature; and
3. the extent to which the service is generally available and utilized by treating physicians; and

(iii) financial impacts, including:

1. the extent to which the coverage will increase or decrease the cost of the service;
2. the extent to which the coverage will increase the appropriate use of the service;
3. the extent to which the mandated service will be a substitute for a more expensive service;
4. the extent to which the coverage will increase or decrease the administrative expenses of **[insurers] CARRIERS, INCLUDING HEALTH MAINTENANCE ORGANIZATIONS, OR OTHER ORGANIZATIONS AUTHORIZED TO PROVIDE HEALTH BENEFIT PLANS IN THE STATE,** and the premium and administrative expenses of policy holders **AND CONTRACT HOLDERS;**
5. the impact of this coverage on the total cost of health care; and

6. the impact of all mandated health insurance services on employers' ability to purchase health benefits policies meeting their employees' needs.

(d) Subject to the limitations of the State budget, the Commission may contract for actuarial services and other professional services to carry out the provisions of this section.

(e) (1) On or before December 31, 1998, and each December 31 thereafter, the Commission shall submit a report on its findings, including any recommendations, to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly.

(2) The annual report prepared by the Commission shall include an evaluation of any mandated health insurance service legislatively proposed or otherwise submitted to the Commission by a member of the General Assembly prior to July 1 of that year.

27-209.

Except as otherwise expressly provided by law, a person, **INCLUDING A HEALTH MAINTENANCE ORGANIZATION**, may not knowingly:

(1) allow, make, or offer to make a contract of life insurance or health insurance or an annuity contract or an agreement as to the contract other than as plainly expressed in the contract;

(2) pay, allow, give, or offer to pay, allow, or give directly or indirectly as an inducement to the insurance or annuity:

(i) a rebate of premiums payable on the contract;

(ii) a special favor or advantage in the dividends or other benefits under the contract;

(iii) paid employment or a contract for services of any kind; or

(iv) any valuable consideration or other inducement not specified in the contract;

(3) directly or indirectly give, sell, purchase, offer or agree to give, sell, or purchase, or allow as inducement to the insurance or annuity or in connection with the insurance or annuity, regardless of whether specified in the policy or contract, an agreement that promises returns and profits, or stocks, bonds, or other securities, or a present or contingent interest in or measured by stocks, bonds, or other securities, of an insurer or other corporation, association, or partnership, or dividends or profits accrued or to accrue on stocks, bonds, or other securities; or

(4) offer, promise, or give any valuable consideration not specified in the contract, except for educational materials, promotional materials, or articles of merchandise that cost no more than \$25, regardless of whether a policy is purchased.

27–302.

(a) This subtitle applies to each individual or group policy, contract, or certificate of an insurer [or], nonprofit health service plan, **OR HEALTH MAINTENANCE ORGANIZATION** that:

- (1) is delivered or issued in the State;
- (2) is issued to a group that has a main office in the State; or
- (3) covers individuals who reside or work in the State.

(b) This subtitle does not apply to:

- (1) reinsurance;
- (2) workers' compensation insurance; or
- (3) surety insurance.

27–303.

It is an unfair claim settlement practice and a violation of this subtitle for an insurer [or], nonprofit health service plan, **OR HEALTH MAINTENANCE ORGANIZATION** to:

- (1) misrepresent pertinent facts or policy provisions that relate to the claim or coverage at issue;
- (2) refuse to pay a claim for an arbitrary or capricious reason based on all available information;
- (3) attempt to settle a claim based on an application that is altered without notice to, or the knowledge or consent of, the insured;
- (4) fail to include with each claim paid to an insured or beneficiary a statement of the coverage under which payment is being made;
- (5) fail to settle a claim promptly whenever liability is reasonably clear under one part of a policy, in order to influence settlements under other parts of the policy;

(6) fail to provide promptly on request a reasonable explanation of the basis for a denial of a claim;

(7) fail to meet the requirements of Title 15, Subtitle 10B of this article for preauthorization for a health care service;

(8) fail to comply with the provisions of Title 15, Subtitle 10A of this article;

(9) fail to act in good faith, as defined under § 27–1001 of this title, in settling a first-party claim under a policy of property and casualty insurance; or

(10) fail to comply with the provisions of § 16–118 of this article.

27–304.

It is an unfair claim settlement practice and a violation of this subtitle for an insurer [or], nonprofit health service plan, **OR HEALTH MAINTENANCE ORGANIZATION**, when committed with the frequency to indicate a general business practice, to:

(1) misrepresent pertinent facts or policy provisions that relate to the claim or coverage at issue;

(2) fail to acknowledge and act with reasonable promptness on communications about claims that arise under policies;

(3) fail to adopt and implement reasonable standards for the prompt investigation of claims that arise under policies;

(4) refuse to pay a claim without conducting a reasonable investigation based on all available information;

(5) fail to affirm or deny coverage of claims within a reasonable time after proof of loss statements have been completed;

(6) fail to make a prompt, fair, and equitable good faith attempt, to settle claims for which liability has become reasonably clear;

(7) compel insureds to institute litigation to recover amounts due under policies by offering substantially less than the amounts ultimately recovered in actions brought by the insureds;

(8) attempt to settle a claim for less than the amount to which a reasonable person would expect to be entitled after studying written or printed advertising material accompanying, or made part of, an application;

(9) attempt to settle a claim based on an application that is altered without notice to, or the knowledge or consent of, the insured;

(10) fail to include with each claim paid to an insured or beneficiary a statement of the coverage under which the payment is being made;

(11) make known to insureds or claimants a policy of appealing from arbitration awards in order to compel insureds or claimants to accept a settlement or compromise less than the amount awarded in arbitration;

(12) delay an investigation or payment of a claim by requiring a claimant or a claimant's licensed health care provider to submit a preliminary claim report and subsequently to submit formal proof of loss forms that contain substantially the same information;

(13) fail to settle a claim promptly whenever liability is reasonably clear under one part of a policy, in order to influence settlements under other parts of the policy;

(14) fail to provide promptly a reasonable explanation of the basis for denial of a claim or the offer of a compromise settlement;

(15) refuse to pay a claim for an arbitrary or capricious reason based on all available information;

(16) fail to meet the requirements of Title 15, Subtitle 10B of this article for preauthorization for a health care service;

(17) fail to comply with the provisions of Title 15, Subtitle 10A of this article; or

(18) fail to act in good faith, as defined under § 27–1001 of this title, in settling a first-party claim under a policy of property and casualty insurance.

27–305.

(c) (1) On finding a violation of this subtitle, the Commissioner may require an insurer [or], nonprofit health service plan, **OR HEALTH MAINTENANCE ORGANIZATION** to make restitution to each claimant who has suffered actual economic damage because of the violation.

(2) Subject to paragraph (3) of this subsection, restitution may not exceed the amount of actual economic damage sustained, subject to the limits of any applicable policy.

(3) For a violation of § 27–303(9) of this subtitle, the Commissioner may require restitution to an insured for the following:

(i) actual damages, which actual damages may not exceed the limits of any applicable policy;

(ii) expenses and litigation costs incurred by the insured in pursuing an administrative complaint under § 27–303(9) of this subtitle, including reasonable attorney's fees; and

(iii) interest on all actual damages, expenses, and litigation costs incurred by the insured computed:

1. at the rate allowed under § 11–107(a) of the Courts Article; and

2. from the date on which the insured's claim would have been paid if the insurer acted in good faith.

(4) The amount of attorney's fees recovered from an insurer under paragraph (3) of this subsection may not exceed one-third of the actual damages recovered.

27–504.

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

(2) “Abuse” has the meaning stated in § 4–501 of the Family Law Article.

(3) “Cohabitant” means an individual who has had a sexual relationship with another individual with whom the individual has resided for a period of at least 90 days.

(4) “Victim of domestic violence” means an individual who:

(i) has received deliberate, severe, and demonstrable physical injury from a current or former spouse or current or former cohabitant; or

(ii) is in fear of imminent deliberate, severe, and demonstrable physical injury from a current or former spouse or current or former cohabitant.

(b) Except as otherwise provided in this article, if an individual is a victim of domestic violence or subject to abuse, an insurer, nonprofit health service plan, or health maintenance organization may not use information about abuse or the individual's status as a victim of domestic violence to:

(1) cancel, refuse to underwrite or renew, or refuse to issue a policy of life insurance or health insurance or a health benefits plan;

(2) refuse to pay a claim, cancel, or otherwise terminate a policy of life insurance or health insurance or a health benefits plan;

(3) increase rates for life insurance, health insurance, or a health benefits plan; or

(4) for policies of life insurance or health benefits plans, add a surcharge, apply a rating factor, or use any other underwriting practice that adversely takes the information into account.

(c) If an insurer acts in good faith, the insurer is not subject to tort liability for a cause of action arising from the insurer's lawful issuance of and lawful compliance with a policy of life insurance on an insured who subsequently suffers abuse or is a victim of domestic violence.

(d) This section does not require an insurer:

(1) to make a payment to an individual who willfully caused an injury that gave rise to a loss under a policy of life insurance; or

(2) to issue, without the consent of the proposed insured, life insurance or disability income insurance to an applicant known to have abused the proposed insured.

(e) This section may not be interpreted to preclude an insurer **OR A HEALTH MAINTENANCE ORGANIZATION** from using mental or physical medical conditions, regardless of cause, in determining the eligibility, rate, or underwriting classification of the applicant [or], insured, **MEMBER, OR SUBSCRIBER**.

27-606.

(a) (1) Except for life insurance, health insurance, and annuities, an insurer that intends to cancel or not renew a line of business shall file a plan of withdrawal with the Commissioner at least 180 days before the date of the proposed withdrawal.

(2) Notwithstanding paragraph (1) of this subsection, the Commissioner may allow an insurer to file a plan of withdrawal at least 60 days before the date of proposed withdrawal if the Commissioner determines that compliance by the insurer with paragraph (1) of this subsection may result in:

(i) the impairment of the insurer;

(ii) the loss of or substantial changes in applicable reinsurance;

or

(iii) significant financial losses to the insurer.

(3) For health insurance:

(i) an insurer that intends to cancel or not renew a health insurance product, as defined by the Commissioner, for all of its covered insureds in the State shall file a plan of withdrawal with the Commissioner at least 90 days before the date of the proposed cancellation or nonrenewal; and

(ii) an insurer that intends to withdraw completely from the health insurance market in the State by canceling or not renewing all of its health insurance products in the State shall file a plan of withdrawal with the Commissioner at least 180 days before the date of the proposed withdrawal.

(b) The plan of withdrawal shall contain:

(1) a statement by an elected officer of the insurer that the cancellation or nonrenewal action is necessary as a result of:

(i) the loss of or substantial changes in applicable reinsurance;

(ii) financial losses of the insurer; or

(iii) another business or economic reason of the insurer;

(2) if the reason for cancellation or nonrenewal is loss of or substantial changes in reinsurance, a statement that explains:

(i) that the insurer made a good faith effort to obtain replacement reinsurance, but was unable to do so due to either the unavailability or unaffordability of replacement reinsurance;

(ii) how the loss of or reduction in reinsurance affects the insurer's risks throughout the entire line or category of insurance proposed for cancellation or nonrenewal; and

(iii) why cancellation or nonrenewal is necessary to cure the loss of or reduction in available reinsurance; and

(3) notwithstanding the reason for cancellation or nonrenewal, a statement that:

(i) identifies the category of risk, the total number of risks written by the insurer in that line of business, and the number of risks intended to be canceled or not renewed;

(ii) explains how the cancellation or nonrenewals, if approved, will be implemented with respect to individual risks and the steps that will be taken to ensure that the cancellation or nonrenewal decisions will not be applied in an arbitrary, capricious, or unfairly discriminatory manner or in violation of § 27–501 of this title; and

(iii) includes any other information that the Commissioner reasonably requires.

(c) If a plan of withdrawal filed with the Commissioner is not accompanied by the information required by this section, the Commissioner may so inform the insurer and the plan of withdrawal will be deemed filed when the information is provided to the Commissioner.

(d) After an insurer has filed a plan of withdrawal with the Commissioner, the insurer shall notify in writing each of its insurance producers in the State that the insurer has filed a plan of withdrawal.

(e) The Commissioner shall review each plan of withdrawal to determine its compliance with this section and § 27–501 of this title.

(f) (1) (i) The Commissioner shall disapprove each plan of withdrawal that does not comply with this section.

(ii) If the Commissioner disapproves a plan, the Commissioner shall issue an order of disapproval that includes specific reasons for the disapproval.

(2) (i) Subject to paragraph (3) of this subsection, a plan filed under this section is deemed approved if the Commissioner fails to approve or disapprove the plan within 60 days after the date of filing by the insurer.

(ii) If a filing is deemed approved under this paragraph, the filing becomes effective on the 60th day after the date of filing.

(3) If the Commissioner does not have sufficient information to determine whether a filing or amended filing meets the requirements of this section, the Commissioner:

(i) shall require the insurer to provide the necessary information; and

(ii) may extend the period for approval until the information is provided.

(4) A plan may be withdrawn or amended by the insurer at any time before approval.

(5) After approval or disapproval of a plan, the withdrawal or amendment of the plan is subject to the approval of the Commissioner.

(g) The Commissioner may disapprove a plan of withdrawal for health insurance if an insurer, nonprofit health service plan, or health maintenance organization has failed to demonstrate compliance with § 15–1212 or § 15–1308 of this article.

(H) THE PROVISIONS OF SUBSECTIONS (A)(3) AND (B) THROUGH (F) OF THIS SECTION THAT APPLY TO INSURERS ALSO APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that this Act shall be construed as a nonsubstantive revision to consolidate and clarify provisions of the insurance laws of the State that apply to health maintenance organizations, and this Act may not be construed to make any substantive change in the laws of the State.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 861 – *Agriculture – Easements – Renewable Energy Generation Facilities*.

The bill requires an easement, approved for a specified purchase after a specified date, to authorize the landowner to request approval to use the land subject to the easement for renewable energy generation under specified circumstances. In addition, it prohibits the installation of specified wind turbines exceeding specified heights in specified areas of the State and requiring a specified lease executed by a landowner and a specified facility owner to include provisions related to the removal of a specified facility under specified circumstances.

Senate Bill 259, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 861.

Sincerely,

Governor Martin O'Malley

House Bill 861

AN ACT concerning

Agriculture – Easements – Renewable Energy Generation Facilities

FOR the purpose of requiring, ~~on written request of a landowner in an application to purchase an easement,~~ an easement *approved for a certain purchase after a certain date* to authorize the landowner *to request approval* to use the land subject to the easement for renewable energy generation under certain circumstances; ~~requiring, on written request of a landowner,~~ *authorizing a written request of a landowner to be approved by* the Maryland Agricultural Land Preservation Foundation to amend an easement to authorize the landowner to use the land subject to the easement for renewable energy generation under certain circumstances; ~~altering the composition of the Maryland Agricultural Land Preservation Fund; prohibiting the Foundation from approving the use of land subject to an easement for renewable energy generation after a certain date; prohibiting the installation of certain wind turbines exceeding certain heights in certain areas of the State; requiring a facility owner to remit a certain percentage of a certain lease payment to the Maryland Agricultural Land Preservation Fund; requiring a certain lease executed by a landowner and a certain facility owner to include provisions related to the removal of a certain facility under certain circumstances;~~ authorizing the Foundation to charge certain costs to cover certain expenses; requiring the Foundation to adopt certain regulations; providing for the application of this Act; declaring the intent of the General Assembly; ~~requiring the Foundation to make a certain report to certain committees of the General Assembly by a certain date; defining a certain term~~ *certain terms*; and generally relating to use of land under an easement held by the Maryland Agricultural Land Preservation Foundation.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 2–505(b) and 2–513(c)

Annotated Code of Maryland

(2007 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Agriculture

Section 2-509
 Annotated Code of Maryland
 (2007 Replacement Volume and 2013 Supplement)

BY adding to
 Article – Agriculture
 Section 2-513(c)
 Annotated Code of Maryland
 (2007 Replacement Volume and 2013 Supplement)

~~BY repealing and reenacting, with amendments,
 Article – Agriculture
 Section 2-513(e)
 Annotated Code of Maryland
 (2007 Replacement Volume and 2013 Supplement)~~

~~BY repealing and reenacting, without amendments,
 Article – Public Utilities
 Section 7-701(r)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2013 Supplement)~~

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

Article – Agriculture

2-505.

(b) The Maryland Agricultural Land Preservation Fund shall comprise:

(1) Any money made available to the Fund by general or special fund appropriations; [and]

(2) Any money made available to the Fund by grants or transfers from governmental or private sources; AND

(3) ANY MONEY RECEIVED UNDER § 2-513(C) OF THIS SUBTITLE.

2-509.

(a) (1) The Foundation shall follow the provisions under this section for the easement application process.

(2) The Foundation shall adopt regulations and procedures for:

(i) Evaluation of land for which application is made to sell an easement; and

(ii) Purchase of easements, including the purchase of easements under an installment purchase agreement.

(b) Regulations and procedures adopted by the Foundation for the purchase of easements shall provide that:

(1) One or more owners of land actively devoted to agricultural use may file an application with the county governing body requesting the purchase of an easement by the Foundation on the land owned by the applicants. The application shall include maps and descriptions of the current use of land for the proposed easement, and any other information required by the Foundation to evaluate the land for purchase of an easement.

(2) Upon receipt of an application to purchase an easement the local governing body shall refer the application and accompanying materials both to the agricultural preservation advisory board and to the county planning and zoning body.

(i) After the referral of an application, the agricultural preservation advisory board shall advise the county governing body as to whether or not the land for the proposed easement meets the qualifications established by the Foundation under subsection (d) of this section, and whether or not the advisory board recommends the purchase of the easement.

(ii) In making its recommendation, the county agricultural preservation advisory board shall:

1. Take into consideration criteria and standards established by the Foundation under this subtitle, current local regulations, local patterns of land development, the kinds of development pressures currently existing on the land for the proposed easement, State smart growth goals, and any locally established priorities for the preservation of agricultural land; and

2. Recommend for ranking any application that qualifies and meets the priorities established by the county governing body for the preservation of agricultural land.

(iii) After the referral of an application, the county planning and zoning body shall advise the local governing body as to whether or not the purchase of the easement is compatible with existing and approved county plans and overall county policy, and whether or not the planning and zoning body recommends the purchase of the easement.

(3) If either the agricultural preservation advisory board or the planning and zoning body recommends approval, the county governing body shall hold

a public hearing on the application for the proposed easement. Adequate notice of the hearing shall be given to all owners whose land would be encumbered by the proposed easement and all owners whose land is contiguous to the land for the proposed easement.

(4) In deciding whether to approve the application, the county governing body shall receive the recommendation of the county agricultural preservation advisory board established under § 2-504.1 of this subtitle.

(5) (i) After the receipt of the application and the recommendations of the agricultural preservation advisory board and the county planning and zoning body, the county governing body shall render a decision as to whether or not the application shall be recommended to the Foundation for approval.

(ii) If the county governing body decides to recommend approval of the application, it shall notify the Foundation and forward to the Foundation:

1. The application and all accompanying materials, including the recommendations of the advisory board and county planning and zoning body;

2. A ranking of all applications based on:

A. The county governing body's locally established priorities as approved by the Foundation, which for purposes of enhancing competitive bidding may include a system that ranks properties in ascending order with respect to the proportion obtained by dividing the asking price by the value of the easement; and

B. Guidelines adopted by the Foundation under subsection (d) of this section; and

3. A statement of the total current development rights on the land for the proposed easement, which shall include the total number of development rights that have been subdivided or transferred.

(iii) If the county governing body recommends denial of the application, it shall inform the Foundation and the applicants.

(c) Regulations and procedures adopted by the Foundation for the purchase and monitoring of easements may not require, in Garrett County or Allegany County, a natural gas rights owner or lessee to subordinate its interest to the Foundation's interest if the Foundation determines that exercise of the natural gas rights will not interfere with an agricultural operation conducted on land subject to an easement.

(d) Regulations and criteria developed by the Foundation relating to land which may be considered for purchase of an easement shall provide that:

(1) Subject to item (2) of this subsection, land shall meet productivity, acreage, and locational criteria determined by the Foundation to be necessary for the continuation of farming;

(2) As long as all other criteria are met, land that is at least 50 acres in size or is contiguous to other permanently preserved land shall qualify for purchase of an easement;

(3) The Foundation shall attempt to preserve the minimum number of acres which may reasonably be expected to promote the continued availability of agricultural suppliers and markets for agricultural goods;

(4) Land within the boundaries of a 10-year water and sewer service district may be considered for purchase of an easement only if that land is outstanding in productivity and is of significant size;

(5) Land may be considered for purchase of an easement only if the county regulations governing the land permit the activities listed under § 2–513(a) of this subtitle; and

(6) Land be evaluated for:

(i) Location in a priority preservation area of the county;

(ii) Soil and other land characteristics associated with agricultural and silvicultural productivity;

(iii) Agricultural and silvicultural production and contribution to the agricultural and silvicultural economy; and

(iv) Any other unique county considerations that support the goals of the program.

2–513.

(C) (1) (I) ~~IN THIS SUBSECTION, “TIER 1 RENEWABLE SOURCE” IS A SOURCE STATED IN § 7-701(R)(1), (2), (4), OR (9) OF THE PUBLIC UTILITIES ARTICLE. IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

(II) “AUTHORIZED RENEWABLE ENERGY SOURCE” MEANS THE FOLLOWING ENERGY SOURCES:

1. SOLAR;

2. WIND; AND

3. ANAEROBIC DIGESTION OF POULTRY LITTER IF PLACED ON FALLOW LAND; AND

4. ANAEROBIC DIGESTION OF LIVESTOCK MANURE IF PLACED ON FALLOW LAND.

(III) "REFERENCE POINT" MEANS A POINT ON THE PATUXENT NAVAL AIR STATION CENTERED AT 38.29667N AND 76.37668W.

(2) ~~ANY SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ANY EASEMENT ACQUIRED BY THE FOUNDATION AFTER SEPTEMBER 30, 2014, SHALL AUTHORIZE THE LANDOWNER TO USE THE LAND SUBJECT TO THE EASEMENT FOR THE GENERATION OF ELECTRICITY BY A FACILITY UTILIZING A TIER 1 RENEWABLE APPROVED FOR PURCHASE BY THE BOARD OF PUBLIC WORKS AFTER JUNE 30, 2014, SHALL AUTHORIZE THE LANDOWNER TO REQUEST APPROVAL, WITH A FAVORABLE RECOMMENDATION OF THE LOCAL AGRICULTURAL ADVISORY BOARD AND IF NOT PROHIBITED BY FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS, TO USE THE LAND SUBJECT TO THE EASEMENT FOR THE GENERATION OF ELECTRICITY BY A FACILITY UTILIZING AN AUTHORIZED RENEWABLE ENERGY SOURCE PROVIDED THAT:~~

(I) THE FACILITY OCCUPIES NO MORE THAN 5% OR 5 ACRES, WHICHEVER IS LESS ~~AND NOT INCLUDING ANY TEMPORARY IMPACTS NECESSARY FOR CONSTRUCTION OF THE FACILITY, OF EACH PARCEL~~ THE LAND SUBJECT TO THE EASEMENT;

1. INCLUDING PERMANENT ROADS OR STRUCTURES THAT ARE NECESSARY FOR ACCESS FOR OPERATION AND MAINTENANCE PURPOSES; AND

2. NOT INCLUDING ANY TEMPORARY IMPACTS NECESSARY FOR CONSTRUCTION OF THE FACILITY;

(II) THE FOUNDATION DETERMINES THAT AUTHORIZING THE LANDOWNER TO USE THE LAND SUBJECT TO THE EASEMENT FOR THE GENERATION OF ELECTRICITY BY A FACILITY UTILIZING ~~A TIER 1 RENEWABLE~~ AN AUTHORIZED RENEWABLE ENERGY SOURCE WILL NOT:

1. INTERFERE SIGNIFICANTLY WITH THE AGRICULTURAL USE OF THE LAND SUBJECT TO THE EASEMENT; AND

2. INTERFERE WITH STATE, LOCAL, OR FEDERAL RESTRICTIONS PLACED ON FUNDS USED BY THE FOUNDATION TO PURCHASE THE EASEMENT; AND

(III) FOR GENERATION OF ELECTRICITY FROM WIND, THE GENERATING STATION'S WIND TURBINES ~~ARE NOT LOCATED:~~

1. ~~IN ARE NOT LOCATED IN AN AREA WHERE THE WIND TURBINES COULD CREATE DOPPLER RADAR INTERFERENCE FOR MISSIONS AT THE PATUXENT RIVER NAVAL AIR STATION; AND~~

2. ~~WITHIN A 46 MILE RADIUS MEASURED FROM LOCATION 38.29667N, 76.37668W DO NOT EXCEED THE MAXIMUM HEIGHT ABOVE GROUND LEVEL WITHIN THE AREA SPECIFIED IN PARAGRAPH (5) OF THIS SUBSECTION.~~

~~(3) ON THE WRITTEN REQUEST OF A LANDOWNER, THE FOUNDATION SHALL AMEND AN EASEMENT TO AUTHORIZE THE LANDOWNER TO USE THE LAND SUBJECT TO THE EASEMENT FOR GENERATION OF ELECTRICITY BY A FACILITY UTILIZING A TIER 1 RENEWABLE SOURCE PROVIDED THAT:~~

(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A WRITTEN REQUEST OF A LANDOWNER, WITH A FAVORABLE RECOMMENDATION OF THE LOCAL AGRICULTURAL ADVISORY BOARD AND IF NOT PROHIBITED BY FEDERAL, STATE, AND LOCAL LAWS, MAY BE APPROVED BY THE FOUNDATION TO AMEND AN EXISTING EASEMENT TO AUTHORIZE THE LANDOWNER TO USE THE LAND SUBJECT TO THE EASEMENT FOR THE GENERATION OF ELECTRICITY BY A FACILITY UTILIZING AN AUTHORIZED RENEWABLE ENERGY SOURCE PROVIDED THAT:

(I) THE FACILITY OCCUPIES NO MORE THAN 5% OR 5 ACRES, WHICHEVER IS LESS AND NOT INCLUDING ANY TEMPORARY IMPACTS NECESSARY FOR CONSTRUCTION OF THE FACILITY, OF EACH PARCEL THE LAND SUBJECT TO THE EASEMENT;

1. INCLUDING PERMANENT ROADS OR STRUCTURES THAT ARE NECESSARY FOR ACCESS FOR OPERATION AND MAINTENANCE PURPOSES; AND

2. NOT INCLUDING ANY TEMPORARY IMPACTS NECESSARY FOR CONSTRUCTION OF THE FACILITY;

(II) THE FOUNDATION DETERMINES THAT AUTHORIZING THE LANDOWNER TO USE THE LAND SUBJECT TO THE EASEMENT FOR THE

GENERATION OF ELECTRICITY BY A FACILITY UTILIZING A ~~TIER 1 RENEWABLE~~
AN AUTHORIZED RENEWABLE ENERGY SOURCE WILL NOT:

1. INTERFERE SIGNIFICANTLY WITH THE
AGRICULTURAL USE OF THE LAND SUBJECT TO THE EASEMENT; AND

2. INTERFERE WITH STATE, LOCAL, OR FEDERAL
RESTRICTIONS PLACED ON FUNDS USED BY THE FOUNDATION TO PURCHASE
THE EASEMENT; AND

(III) FOR GENERATION OF ELECTRICITY FROM WIND, THE
GENERATING STATION'S WIND TURBINES ~~ARE NOT LOCATED:~~

1. ~~IN~~ ARE NOT LOCATED IN AN AREA WHERE THE
WIND TURBINES COULD CREATE DOPPLER RADAR INTERFERENCE FOR
MISSIONS AT THE PATUXENT RIVER NAVAL AIR STATION; AND

2. ~~WITHIN A 46 MILE RADIUS MEASURED FROM
LOCATION ~~38.29667N, 76.37668W~~ DO NOT EXCEED THE MAXIMUM HEIGHT
ABOVE GROUND LEVEL WITHIN THE AREA SPECIFIED IN PARAGRAPH (5) OF
THIS SUBSECTION.~~

(4) (I) THE FOUNDATION MAY NOT APPROVE THE USE OF
LAND SUBJECT TO AN EASEMENT FOR THE GENERATION OF ELECTRICITY BY A
FACILITY UTILIZING AN AUTHORIZED RENEWABLE ENERGY SOURCE AFTER
JUNE 30, 2019.

(II) THIS PARAGRAPH MAY NOT BE CONSTRUED TO
PROHIBIT THE USE OF LAND SUBJECT TO AN EASEMENT FOR THE GENERATION
OF ELECTRICITY IN ACCORDANCE WITH THIS SUBSECTION THAT WAS APPROVED
BY THE FOUNDATION BEFORE JULY 1, 2019.

(5) A WIND TURBINE LOCATED ON LAND SUBJECT TO AN
EASEMENT MAY NOT EXCEED THE SPECIFIED HEIGHT ABOVE GROUND LEVEL IN
THE AREA DESCRIBED AS FOLLOWS:

(I) EAST OF A LINE PASSING THROUGH THE REFERENCE
POINT AND ~~39.0986N AND 76.5284W~~ AND:

1. NOT MORE THAN 24 MILES FROM THE
REFERENCE POINT, 0 FEET;

2. MORE THAN 24 MILES AND NOT MORE THAN 30
MILES FROM THE REFERENCE POINT, 100 FEET;

3. MORE THAN 30 MILES AND NOT MORE THAN 35 MILES FROM THE REFERENCE POINT, 200 FEET;

4. MORE THAN 35 MILES AND NOT MORE THAN 39 MILES FROM THE REFERENCE POINT, 300 FEET;

5. MORE THAN 39 MILES AND NOT MORE THAN 43 MILES FROM THE REFERENCE POINT, 400 FEET;

6. MORE THAN 43 MILES AND NOT MORE THAN 46 MILES FROM THE REFERENCE POINT, 500 FEET;

7. MORE THAN 46 MILES AND NOT MORE THAN 49 MILES FROM THE REFERENCE POINT, 600 FEET; AND

8. MORE THAN 49 MILES AND NOT MORE THAN 56 MILES FROM THE REFERENCE POINT, 700 FEET; AND

(II) WEST OF A LINE PASSING THROUGH THE REFERENCE POINT AND 39.0986N AND 76.5284W AND:

1. SOUTH OF 38.4428N, 0 FEET;

2. NORTH OF 38.4428N AND NO FARTHER NORTH THAN 38.5711N, 100 FEET;

3. NORTH OF 38.5711N AND NO FARTHER NORTH THAN 38.5943N, 200 FEET;

4. NORTH OF 38.5943N AND NO FARTHER NORTH THAN 38.6366N, 300 FEET;

5. NORTH OF 38.6366N AND NO FARTHER NORTH THAN 38.6596N, 400 FEET;

6. NORTH OF 38.6596N AND NO FARTHER NORTH THAN 38.6873N, 500 FEET;

7. NORTH OF 38.6873N AND NO FARTHER NORTH THAN 38.7075N, 600 FEET; AND

8. NORTH OF 38.7075N AND NOT MORE THAN 56 MILES FROM THE REFERENCE POINT, 700 FEET.

(6) A FACILITY OWNER WHO USES LAND SUBJECT TO AN EASEMENT FOR THE GENERATION OF ELECTRICITY IN ACCORDANCE WITH THIS SUBSECTION SHALL, ON OPERATION OF THE FACILITY, REMIT AN ANNUAL PAYMENT OF 5% OF ANY LEASE PAYMENT PAID TO THE LANDOWNER TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FUND UNDER § 2-505 OF THIS ARTICLE.

(7) A LEASE EXECUTED BY A FACILITY OWNER AND A LANDOWNER FOR THE GENERATION OF ELECTRICITY IN ACCORDANCE WITH THIS SUBSECTION SHALL INCLUDE PROVISIONS TO REQUIRE A FACILITY OWNER TO REMOVE THE FACILITY IF THE FACILITY IS NO LONGER INTENDED TO BE USED TO GENERATE ELECTRICITY.

~~(7)~~ (8) A LANDOWNER WHO IS IN VIOLATION OF FEDERAL, STATE, OR LOCAL LAWS REGARDING THE OPERATION OF THE FACILITY IS IN VIOLATION OF THE EASEMENT AND IS SUBJECT TO A CIVIL PENALTY UNDER § 2-519 OF THIS SUBTITLE.

~~(4)~~ ~~(8)~~ (9) THE FOUNDATION MAY CHARGE REASONABLE COSTS TO COVER ANY EXPENSES RELATING TO THE FOUNDATION'S RESPONSIBILITY TO AMEND ANY EASEMENT, AS REQUIRED UNDER THIS SUBSECTION, AND TO MONITOR THE ENFORCEMENT AND COMPLIANCE OF THE EASEMENT.

~~(5)~~ ~~(9)~~ (10) THE FOUNDATION SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBSECTION.

[(c)] (D) Purchase of an easement by the Foundation does not grant the public any right of access or right of use of the subject property.

~~Article — Public Utilities~~

~~7-701.~~

~~(r) "Tier 1 renewable source" means one or more of the following types of energy sources:~~

~~(1) solar energy, including energy from photovoltaic technologies and solar water heating systems;~~

~~(2) wind;~~

~~(3) qualifying biomass;~~

- ~~(4) methane from the anaerobic decomposition of organic materials in a landfill or wastewater treatment plant;~~
- ~~(5) geothermal, including energy generated through geothermal exchange from or thermal energy avoided by, groundwater or a shallow ground source;~~
- ~~(6) ocean, including energy from waves, tides, currents, and thermal differences;~~
- ~~(7) a fuel cell that produces electricity from a Tier 1 renewable source under item (3) or (4) of this subsection;~~
- ~~(8) a small hydroelectric power plant of less than 30 megawatts in capacity that is licensed or exempt from licensing by the Federal Energy Regulatory Commission;~~
- ~~(9) poultry litter to energy;~~
- ~~(10) waste to energy;~~
- ~~(11) refuse derived fuel; and~~
- ~~(12) thermal energy from a thermal biomass system.~~

SECTION 2. AND BE IT FURTHER ENACTED, That § 2-513(c) of the Agriculture Article as enacted by Section 1 of this Act applies to any easement acquired by the Maryland Agricultural Land Preservation Foundation before, on, or after the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that if land subject to an easement is used for the generation of electricity in accordance with this Act, that the majority of raw materials used as ~~Tier 1 renewable sources~~ an authorized renewable energy source under § 7-701(r)(4) and (9) of the Public Utilities § 2-513(c)(1)(ii) of the Agriculture Article originate from the farm subject to the easement.

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December 1, 2018, the Maryland Agricultural Land Preservation Foundation shall report to the Senate Education, Health, and Environmental Affairs Committee, the Senate Finance Committee, the House Economic Matters Committee, and the House Environmental Matters Committee, in accordance with § 2-1246 of the State Government Article, on the implementation of this Act.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 918 – *Business Regulation – Automated Purchasing Machines – Licensing of Buyers and Required Records*.

The bill requires a person to have a specified license before doing business as a buyer of personal property by means of an automated purchasing machine in the State; requires applicants for a buyer's license and a resident agent of an applicant or a licensee to apply for a specified criminal history records check; requires a buyer to ensure that each automated purchasing machine that the buyer owns or operates in the State meets requirements; and requires a buyer to use an individual screen transaction under specified circumstances.

Senate Bill 382, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 918.

Sincerely,

Governor Martin O'Malley

House Bill 918

AN ACT concerning

Business Regulation – Automated Purchasing Machines – Licensing of Buyers and Required Records

FOR the purpose of requiring a person to have a license before doing business as a buyer of personal property by means of an automated purchasing machine in the State; establishing the application and renewal processes for a buyer's license; requiring applicants for a buyer's license and a certain resident agent of an applicant or a licensee to apply for a national and State criminal history records check; authorizing the Secretary of Labor, Licensing, and Regulation to issue a license under certain circumstances; authorizing the Secretary to deny, suspend, or revoke a license, reprimand a licensee, or impose a certain penalty

under certain circumstances; requiring the Secretary to provide certain hearing procedures before certain actions are taken; requiring the Secretary to inform each primary law enforcement unit of each license that is issued, renewed, changed to a new business location, denied, suspended, or revoked; requiring a buyer to ensure that each automated purchasing machine that the buyer owns or operates in the State meets certain requirements; requiring an automated purchasing machine to require a seller of certain personal property to provide certain information before the completion of a certain transaction; requiring an automated purchasing machine to verify certain information through certain documentation submitted by a seller; establishing certain record keeping and reporting requirements for a buyer; requiring a buyer to submit certain reports to the primary law enforcement unit if certain information cannot be determined at a certain time; providing that certain reporting requirements may not be construed to require a buyer to incur a certain financial burden; requiring a buyer to keep all personal property bought for a certain period of time; requiring a buyer to provide certain personal property to the primary law enforcement unit on request and at the cost of the buyer; requiring a buyer to make certain personal property available for inspection by the primary law enforcement unit at a certain time; requiring buyers to remove certain personal property from an automated purchasing machine in a certain manner and to provide a certain notice; authorizing the primary law enforcement unit to inspect personal property being removed from an automated purchasing machine at the time of removal; requiring a buyer to ~~have~~ use an individual screen ~~transactions~~ transaction under certain circumstances; requiring a buyer to keep certain records regarding screeners; requiring a buyer to contact the primary law enforcement unit if personal property is determined to be stolen and to return personal property to the primary law enforcement unit free of charge; prohibiting ~~an automated purchasing machine operator~~ a buyer from buying or offering to buy personal property from a minor; prohibiting a buyer from buying an electronic device under certain circumstances; establishing certain penalties for a violation of this Act; exempting certain automated purchasing machines from this Act; providing that this Act preempts the right of any county or municipality to regulate automated purchasing machines or operators of automated purchasing machines and supersedes any existing law of a county or municipality that regulates automated purchasing machines or operators of automated purchasing machines under certain circumstances; authorizing a county or municipality to license automated purchasing machines and operators of automated purchasing machines; requiring the Secretary to adopt certain regulations; providing for the designation of certain primary law enforcement units for a certain purpose; defining certain terms; and generally relating to automated purchasing machines.

BY adding to

Article – Business Regulation

Section 20–101 through 20–502 to be under the new title “Title 20. Automated Purchasing Machines”

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

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

Article – Business Regulation

TITLE 20. AUTOMATED PURCHASING MACHINES.

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

20–101.

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

(B) “AUTOMATED PURCHASING MACHINE” MEANS A SELF-SERVICE DEVICE THAT:

(1) IS DESIGNED TO DISPENSE MONEY IN EXCHANGE FOR PERSONAL PROPERTY; AND

(2) IS ALSO KNOWN AS A REVERSE VENDING MACHINE.

(C) “BUYER” MEANS A PERSON THAT BUYS OR OFFERS TO BUY PERSONAL PROPERTY BY MEANS OF AN AUTOMATED PURCHASING MACHINE.

(D) “ELECTRONIC DEVICE” MEANS A DEVICE CAPABLE OF FACILITATING COMMUNICATION THROUGH VOICE, DATA, TEXT, OR OTHER VISUAL OR AUDITORY FORMAT.

(E) “EMPLOYEE” MEANS AN INDIVIDUAL WHO IS EMPLOYED BY A BUYER TO BUY OR SUPERVISE DIRECTLY THE BUYING OF PERSONAL PROPERTY.

(F) “LICENSE” MEANS A LICENSE ISSUED BY THE SECRETARY TO DO BUSINESS AS A BUYER.

(G) (1) “PERSONAL PROPERTY” MEANS PRIVATE PROPERTY THAT IS MOVEABLE.

(2) “PERSONAL PROPERTY” INCLUDES:

(I) PROPERTY THAT IS SERIALIZED OR NORMALLY HAS A UNIQUE IDENTIFIER; AND

(II) GIFT CARDS OR VOUCHERS THAT HAVE MONETARY VALUE.

(H) “PRIMARY LAW ENFORCEMENT UNIT” MEANS THE DEPARTMENT OF STATE POLICE, A POLICE DEPARTMENT, OR SHERIFF, AS DESIGNATED BY A RESOLUTION OF THE COUNTY OR MUNICIPAL GOVERNING BODY IN THE COUNTY IN WHICH THE AUTOMATED PURCHASING MACHINE IS LOCATED.

(I) (1) “RECYCLABLE MATERIALS” MEANS MATERIAL THAT:

(I) IF NOT RECYCLED, WOULD BECOME SOLID WASTE FOR DISPOSAL IN A REFUSE DISPOSAL SYSTEM; AND

(II) MAY BE COLLECTED, SEPARATED, OR PROCESSED AND RETURNED TO THE MARKETPLACE IN THE FORM OF RAW MATERIALS OR PRODUCTS.

(2) “RECYCLABLE MATERIALS” INCLUDES PAPER, GLASS, METALS, PLASTICS, AND CARDBOARD.

(J) “RESIDENT AGENT” MEANS A PERSON REGISTERED IN THE STATE WHO:

(1) SERVES AS A PRIMARY POINT OF CONTACT ~~AND~~;

(2) REGULARLY CONDUCTS BUSINESS FOR THE LICENSEE; AND

(3) MAINTAINS A PHYSICAL LOCATION IN MARYLAND WHERE THE RESIDENT AGENT REGULARLY CONDUCTS BUSINESS AND AT WHICH THE RESIDENT AGENT OR AN EMPLOYEE OF THE RESIDENT AGENT IS PHYSICALLY PRESENT DURING NORMAL BUSINESS HOURS.

(K) “SELLER” MEANS A PERSON WHO SELLS OR OFFERS TO SELL PERSONAL PROPERTY TO AN AUTOMATED PURCHASING MACHINE.

20-102.

(A) THIS TITLE DOES NOT APPLY TO AN AUTOMATED PURCHASING MACHINE THAT IS USED EXCLUSIVELY FOR COLLECTING RECYCLABLE MATERIALS IN ACCORDANCE WITH A RECYCLING PROGRAM APPROVED BY THE DEPARTMENT OF THE ENVIRONMENT.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS TITLE:

(I) PREEMPTS THE RIGHT OF A COUNTY OR MUNICIPALITY TO REGULATE AUTOMATED PURCHASING MACHINES AND OPERATORS OF AUTOMATED PURCHASING MACHINES; AND

(II) SUPERSEDES ANY EXISTING LAW OF A COUNTY OR MUNICIPALITY THAT REGULATES AUTOMATED PURCHASING MACHINES AND OPERATORS OF AUTOMATED PURCHASING MACHINES.

(2) THIS TITLE DOES NOT LIMIT THE POWER OF A COUNTY OR MUNICIPALITY TO:

(I) LICENSE AUTOMATED PURCHASING MACHINES AND OPERATORS OF AUTOMATED PURCHASING MACHINES; OR

(II) PROHIBIT THE INSTALLATION OR OPERATION OF AUTOMATED PURCHASING MACHINES WITHIN THE COUNTY OR MUNICIPALITY.

20-103.

THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT AND ENFORCE THIS TITLE.

SUBTITLE 2. DESIGNATION OF PRIMARY LAW ENFORCEMENT UNIT.

20-201.

(A) A COUNTY OR MUNICIPAL GOVERNING BODY IN THE COUNTY IN WHICH AN AUTOMATED PURCHASING MACHINE IS LOCATED SHALL DESIGNATE BY RESOLUTION THE PRIMARY LAW ENFORCEMENT UNIT TO RECEIVE RECORDS IN ACCORDANCE WITH § 20-402(A)(1) OF THIS TITLE.

(B) IF A MUNICIPAL GOVERNING BODY DESIGNATES A COUNTY POLICE DEPARTMENT OR SHERIFF AS THE PRIMARY LAW ENFORCEMENT UNIT UNDER THIS SECTION, THE COUNTY MAY DESIGNATE THE DEPARTMENT OF STATE POLICE AS THE PRIMARY LAW ENFORCEMENT UNIT.

SUBTITLE 3. LICENSING.

20-301.

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON SHALL HAVE A LICENSE BEFORE THE PERSON DOES BUSINESS AS A BUYER IN THE STATE.

20-302.

(A) (1) AN APPLICANT FOR A LICENSE SHALL:

(I) SUBMIT TO THE SECRETARY AN APPLICATION ON THE FORM THAT THE SECRETARY PROVIDES; AND

(II) PAY TO THE SECRETARY AN APPLICATION FEE OF \$300.

(2) THE APPLICATION FEE IS NONREFUNDABLE.

(B) THE APPLICANT SHALL SIGN THE APPLICATION UNDER OATH.

(C) IN ADDITION TO ANY OTHER INFORMATION THAT THE SECRETARY REQUIRES, THE APPLICATION SHALL STATE:

(1) THE NAME, DATE OF BIRTH, AND RESIDENCE ADDRESS OF THE APPLICANT;

(2) THE BUSINESS ADDRESS OF THE APPLICANT;

(3) A TELEPHONE NUMBER AT WHICH THE APPLICANT CAN BE REACHED DURING NORMAL BUSINESS HOURS;

(4) EACH ADDRESS WHERE THE APPLICANT HAS CONDUCTED ANY BUSINESS DURING THE 3 YEARS BEFORE APPLICATION;

(5) THE DRIVER'S LICENSE NUMBER, IF ANY, OF THE APPLICANT;
AND

(6) THE NAME AND PERMANENT ADDRESS OF THE RESIDENT AGENT WHO WILL REPRESENT THE APPLICANT IN THE STATE.

(D) THE APPLICATION FORM SHALL CONTAIN IMMEDIATELY ABOVE THE SIGNATURE LINE THE FOLLOWING:

“IF ISSUED A LICENSE, I AGREE TO ALLOW A MUNICIPAL, COUNTY, OR STATE POLICE OFFICER OR AGENT ACTING IN THE COURSE OF A STOLEN PROPERTY INVESTIGATION OR AN INVESTIGATION OF A VIOLATION OF THIS TITLE TO INSPECT AND PHOTOGRAPH ALL PERSONAL PROPERTY AND RECORDS AT MY BUSINESS OR STORAGE LOCATIONS.”.

20-303.

BEFORE AN INDIVIDUAL MAY BEGIN WORK AS A RESIDENT AGENT FOR A BUYER:

(1) THE BUYER SHALL SUBMIT TO THE SECRETARY ON THE FORM THAT THE SECRETARY PROVIDES THE NAME OF THE INDIVIDUAL; AND

(2) THE INDIVIDUAL SHALL APPLY FOR A NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK REQUIRED UNDER § 20-304(B) OF THIS SUBTITLE.

20-304.

(A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) APPLICANTS FOR LICENSES UNDER § 20-301 OF THIS SUBTITLE AND INDIVIDUALS WHOSE NAMES MUST BE SUBMITTED TO THE SECRETARY UNDER § 20-303 OF THIS SUBTITLE SHALL APPLY TO THE CENTRAL REPOSITORY FOR A NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK ON A FORM APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY.

(C) THE CENTRAL REPOSITORY SHALL PROVIDE TO THE SECRETARY:

(1) THE NATIONAL AND STATE CRIMINAL HISTORY RECORDS OF EACH INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK UNDER SUBSECTION (B) OF THIS SECTION AND A PRINTED STATEMENT LISTING ANY CONVICTIONS AND PLEAS OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL CHARGE;

(2) AN UPDATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK FOR AN INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK AND A REVISED PRINTED STATEMENT LISTING ANY CONVICTIONS AND PLEAS OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL CHARGE OCCURRING IN THE STATE AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK; AND

(3) AN ACKNOWLEDGED RECEIPT OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK BY AN INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK.

(D) AN INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK SHALL SUBMIT A COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN AT ANY DESIGNATED STATE OR LOCAL LAW ENFORCEMENT OFFICE IN THE STATE OR

OTHER AGENCY OR LOCATION APPROVED BY THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES TO THE CENTRAL REPOSITORY.

(E) AN INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK UNDER SUBSECTION (B) OF THIS SECTION SHALL PAY:

(1) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK; AND

(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS.

(F) A BUYER OR AN APPLICANT MAY PAY FOR THE COSTS INCURRED BY THE RESIDENT AGENT OR OTHER INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK UNDER SUBSECTION (B) OF THIS SECTION.

(G) (1) INFORMATION OBTAINED BY THE SECRETARY FROM THE CENTRAL REPOSITORY UNDER THIS TITLE SHALL BE CONFIDENTIAL AND MAY BE DISSEMINATED ONLY TO THE INDIVIDUAL WHO IS THE SUBJECT OF THE CRIMINAL HISTORY RECORDS CHECK.

(2) NOTHING IN PARAGRAPH (1) OF THIS SUBSECTION SHALL PRECLUDE THE SECRETARY FROM NOTIFYING A BUYER OR AN APPLICANT OF THE APPROVAL OR DISQUALIFICATION OF THE RESIDENT AGENT FOR EMPLOYMENT BASED ON INFORMATION OBTAINED BY THE SECRETARY UNDER THIS SECTION.

(H) THE SECRETARY SHALL VERIFY PERIODICALLY THE CONTINUED EMPLOYMENT OR LICENSURE OF INDIVIDUALS REQUIRING CRIMINAL HISTORY RECORDS CHECKS IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

20-305.

(A) ON RECEIPT OF A COMPLETE NATIONAL AND STATE CRIMINAL RECORD REPORT FROM THE CENTRAL REPOSITORY IN ACCORDANCE WITH § 20-304 OF THIS SUBTITLE, THE SECRETARY SHALL ISSUE A LICENSE TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

(B) THE SECRETARY MAY NOT ISSUE A LICENSE FOR AN ADDRESS THAT IS:

- (1) A HOTEL OR MOTEL ROOM;
- (2) A MOTOR VEHICLE; OR
- (3) A POST OFFICE BOX.

(C) THE SECRETARY MAY NOT ISSUE MORE THAN ONE LICENSE FOR A SINGLE BUSINESS LOCATION.

(D) THE SECRETARY MAY NOT ISSUE A LICENSE TO A MINOR.

(E) WHENEVER A LICENSE IS SUSPENDED OR REVOKED, ANOTHER LICENSE MAY NOT BE ISSUED TO A BUYER FOR THE SAME BUSINESS LOCATION.

(F) A LICENSE AUTHORIZES THE LICENSEE TO DO BUSINESS AS A BUYER ONLY AT THE ADDRESS FOR WHICH THE LICENSE IS ISSUED.

20-306.

(A) UNLESS A LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED IN THIS SECTION, THE LICENSE EXPIRES ON THE FIRST APRIL 30 THAT COMES:

- (1) AFTER THE EFFECTIVE DATE OF THE LICENSE; AND
- (2) IN AN EVEN-NUMBERED YEAR.

(B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE SECRETARY SHALL MAIL TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE LICENSEE:

- (1) A RENEWAL APPLICATION FORM; AND
- (2) A NOTICE THAT STATES:
 - (I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;
 - (II) THE DATE BY WHICH THE SECRETARY MUST RECEIVE THE RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE LICENSE EXPIRES; AND
 - (III) THE AMOUNT OF THE RENEWAL FEE.

(C) BEFORE A LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL 2-YEAR TERM IF THE LICENSEE:

(1) SUBMITS TO THE SECRETARY A RENEWAL APPLICATION ON THE FORM THAT THE SECRETARY PROVIDES;

(2) SIGNS THE RENEWAL APPLICATION UNDER OATH;

(3) UPDATES THE INFORMATION SUBMITTED IN THE ORIGINAL APPLICATION AND STATES THAT THE INFORMATION IS CURRENT;

(4) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AGREES TO COMPLY WITH EACH REQUIREMENT APPLICABLE TO THE ORIGINAL APPLICATION;

(5) STATES THAT THE LICENSEE:

(I) HAS NOT VIOLATED THIS TITLE;

(II) HAS NOT BEEN CONVICTED OF AN OFFENSE SPECIFIED IN § 20–307 OF THIS SUBTITLE; AND

(III) HAS NOT HAD A SIMILAR LICENSE DENIED, SUSPENDED, OR REVOKED IN ANOTHER JURISDICTION;

(6) OTHERWISE IS ENTITLED TO BE LICENSED; AND

(7) PAYS TO THE SECRETARY A RENEWAL FEE OF \$265.

(D) THE SECRETARY MAY REQUIRE A LICENSEE TO SUBMIT A NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK WITH THE RENEWAL APPLICATION.

(E) THE SECRETARY SHALL RENEW THE LICENSE OF EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS SECTION.

(F) A LICENSE IS NOT TRANSFERABLE AND MAY BE USED ONLY TO BENEFIT THE LICENSEE.

(G) (1) A LICENSEE MAY CHANGE THE PLACE OF BUSINESS FOR WHICH A LICENSE IS ISSUED ONLY IF THE LICENSEE:

(I) SUBMITS TO THE SECRETARY AN APPLICATION TO TRANSFER THE LICENSE TO A NEW BUSINESS LOCATION ON A FORM THAT THE SECRETARY PROVIDES; AND

(II) RECEIVES THE WRITTEN APPROVAL OF THE SECRETARY.

(2) WITHIN 45 DAYS AFTER THE APPLICATION IS FILED WITH THE SECRETARY, THE SECRETARY SHALL APPROVE OR DISAPPROVE THE APPLICATION AND NOTIFY THE LICENSEE OF THE APPROVAL OR DISAPPROVAL IN WRITING.

(3) IF THE SECRETARY APPROVES A PROPOSED CHANGE OF PLACE OF BUSINESS, THE LICENSEE SHALL ATTACH THE WRITTEN APPROVAL OF THE SECRETARY TO THE LICENSE UNTIL AN AMENDED LICENSE IS RECEIVED BY THE LICENSEE.

(H) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER THIS SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.

20-307.

(A) (1) IN THIS SUBSECTION, A BUYER'S OR AN APPLICANT'S AGENTS, EMPLOYEES, MANAGEMENT PERSONNEL, OR PARTNERS INCLUDE ONLY THOSE INDIVIDUALS WHO ARE DIRECTLY INVOLVED IN TRANSACTIONS ON BEHALF OF THE BUYER OR APPLICANT.

(2) SUBJECT TO THE HEARING PROVISIONS OF § 20-308 OF THIS SUBTITLE, THE SECRETARY MAY DENY A LICENSE TO AN APPLICANT, REPRIMAND A LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF THE APPLICANT OR LICENSEE OR AN AGENT, AN EMPLOYEE, A MANAGER, OR A PARTNER OF THE APPLICANT OR LICENSEE:

(I) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER PERSON;

(II) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

(III) HAS A SIMILAR LICENSE DENIED, SUSPENDED, OR REVOKED IN ANOTHER JURISDICTION;

(IV) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, IS CONVICTED OF:

1. A FELONY; OR

2. A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO BE INVOLVED IN BUYING OR SELLING PERSONAL PROPERTY;

(V) KNOWINGLY EMPLOYS OR KNOWINGLY CONTINUES TO EMPLOY, AFTER BEING NOTIFIED BY THE SECRETARY, AN INDIVIDUAL WHO, UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, IS CONVICTED OF:

1. A FELONY; OR

2. A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE EMPLOYEE TO BE INVOLVED IN BUYING OR SELLING PERSONAL PROPERTY;

(VI) WILLFULLY FAILS TO PROVIDE OR WILLFULLY MISREPRESENTS ANY INFORMATION REQUIRED TO BE PROVIDED UNDER THIS TITLE;

(VII) VIOLATES THIS TITLE; OR

(VIII) VIOLATES A REGULATION ADOPTED UNDER THIS TITLE.

(3) (I) INSTEAD OF OR IN ADDITION TO REPRIMANDING A LICENSEE OR SUSPENDING OR REVOKING A LICENSE UNDER THIS SUBSECTION, THE SECRETARY MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000 FOR EACH VIOLATION.

(II) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER THIS SUBSECTION, THE SECRETARY SHALL CONSIDER:

1. THE SERIOUSNESS OF THE VIOLATION;

2. THE HARM CAUSED BY THE VIOLATION;

3. THE GOOD FAITH OF THE LICENSEE; AND

4. ANY HISTORY OF PREVIOUS VIOLATIONS BY THE LICENSEE.

(4) THE SECRETARY SHALL PAY ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.

(5) THE SECRETARY SHALL DISTRIBUTE PERIODICALLY TO ALL BUYERS A LIST OF INDIVIDUALS WHOSE LICENSES HAVE BEEN REVOKED IN THE STATE.

(B) (1) IF A LICENSEE IS CHARGED WITH A VIOLATION OF THIS TITLE THAT COULD RESULT IN SUSPENSION OR REVOCATION OF THE LICENSE, THE SECRETARY MAY SEEK FROM A CIRCUIT COURT AN IMMEDIATE RESTRAINING ORDER TO PROHIBIT THE LICENSEE FROM:

- (I) BUYING OR SELLING PERSONAL PROPERTY;**
- (II) DISPOSING OF PERSONAL PROPERTY; OR**
- (III) DISPOSING OF A RECORD ABOUT PERSONAL PROPERTY.**

(2) THE RESTRAINING ORDER IS IN EFFECT UNTIL:

- (I) THE COURT LIFTS THE ORDER; OR**
- (II) THE CHARGES ARE ADJUDICATED OR DISMISSED.**

(C) THE SECRETARY 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 A LICENSEE IS CONVICTED OF A FELONY OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(2) 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 QUALIFICATION OF THE APPLICANT OR LICENSEE TO ACT AS A BUYER;**
- (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND**
- (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE BEFORE AND AFTER THE CONVICTION.**

(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE SECRETARY TAKES ANY FINAL ACTION UNDER § 20-307 OF THIS SUBTITLE, THE SECRETARY SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE SECRETARY.

(B) THE SECRETARY SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(C) THE SECRETARY MAY ADMINISTER OATHS IN A PROCEEDING UNDER THIS SECTION.

(D) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED DOES NOT APPEAR, NEVERTHELESS THE SECRETARY MAY HEAR AND DETERMINE THE MATTER.

20-309.

A PARTY TO A PROCEEDING UNDER THIS TITLE WHO IS AGGRIEVED BY A FINAL DECISION OF THE SECRETARY IN A CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE, MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.

20-310.

THE SECRETARY SHALL INFORM EACH PRIMARY LAW ENFORCEMENT UNIT OF EACH LICENSE THAT IS ISSUED, RENEWED, CHANGED TO A NEW BUSINESS LOCATION, DENIED, SUSPENDED, OR REVOKED.

SUBTITLE 4. AUTOMATED PURCHASING MACHINE TRANSACTIONS.

20-401.

(A) A BUYER SHALL ENSURE THAT EACH AUTOMATED PURCHASING MACHINE THAT THE BUYER OWNS OR OPERATES IN THE STATE MEETS THE REQUIREMENTS OF THIS SECTION.

(B) (1) BEFORE THE COMPLETION OF A TRANSACTION IN WHICH AN AUTOMATED PURCHASING MACHINE BUYS PERSONAL PROPERTY, THE AUTOMATED PURCHASING MACHINE SHALL REQUIRE A SELLER TO PROVIDE THE FOLLOWING INFORMATION:

(I) THE FULL NAME OF THE SELLER;

- (II) THE DATE OF BIRTH OF THE SELLER;
- (III) THE COMPLETE HOME ADDRESS OF THE SELLER; AND
- (IV) A CONTACT TELEPHONE NUMBER FOR THE SELLER.

(2) AN AUTOMATED PURCHASING MACHINE RECEIVING PERSONAL PROPERTY FROM A SELLER SHALL VERIFY THE INFORMATION PROVIDED BY THE SELLER UNDER PARAGRAPH (1) OF THIS SUBSECTION BY REQUIRING THE SELLER TO SUBMIT:

(I) THE SELLER'S GOVERNMENT-ISSUED IDENTIFICATION CARD; OR

(II) ANY OTHER FORM OF PERSONAL IDENTIFYING INFORMATION REQUIRED BY THE SECRETARY.

~~(B)~~ (C) (1) ON COMPLETION OF A TRANSACTION IN WHICH AN AUTOMATED PURCHASING MACHINE BUYS PERSONAL PROPERTY, THE AUTOMATED PURCHASING MACHINE SHALL MAKE A RECORD OF THE TRANSACTION THAT INCLUDES:

(I) THE INFORMATION OBTAINED FROM THE SELLER UNDER SUBSECTION ~~(A)(1)~~ (B)(1) OF THIS SECTION;

(II) A PHOTOGRAPH OF THE SELLER;

(III) AN ELECTRONIC COPY OR A PHOTOCOPY OF THE IDENTIFYING INFORMATION SUBMITTED UNDER SUBSECTION ~~(A)(2)~~ (B)(2) OF THIS SECTION;

(IV) THE DATE, TIME, AND LOCATION OF THE TRANSACTION;

AND

(V) A DESCRIPTION OF THE PERSONAL PROPERTY, INCLUDING A STATEMENT WHETHER THE PERSONAL PROPERTY APPEARS TO HAVE BEEN ALTERED.

(2) (I) IN ADDITION TO THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, IF THE PERSONAL PROPERTY BOUGHT BY AN AUTOMATED PURCHASING MACHINE IS AN ELECTRONIC DEVICE, THE AUTOMATED PURCHASING MACHINE SHALL MAKE A RECORD OF:

1. THE MAKE AND MODEL OF THE ELECTRONIC DEVICE; AND

2. THE SERIAL NUMBER OF THE ELECTRONIC DEVICE IF IT CAN BE DETERMINED AT THE TIME OF PURCHASE.

(II) A SERIAL NUMBER THAT AN AUTOMATED PURCHASING MACHINE GENERATES TO RECORD A TRANSACTION DOES NOT QUALIFY AS A SERIAL NUMBER FOR PURPOSES OF THIS PARAGRAPH.

(3) A SEPARATE ENTRY SHALL BE MADE FOR EACH ITEM OF PERSONAL PROPERTY INVOLVED IN A TRANSACTION.

20-402.

(A) (1) (I) A SUBJECT TO ~~PARAGRAPH~~ SUBPARAGRAPH (III) OF THIS ~~SUBSECTION~~ PARAGRAPH, A BUYER SHALL SUBMIT A COPY OF THE RECORDS REQUIRED UNDER ~~§ 20-401(B)~~ § 20-401(C) OF THIS SUBTITLE TO THE PRIMARY LAW ENFORCEMENT UNIT WITHIN 48 HOURS AFTER A TRANSACTION IN A PAPER OR ELECTRONIC FORMAT ACCEPTABLE TO THE PRIMARY LAW ENFORCEMENT UNIT.

(II) IF A SERIAL NUMBER CANNOT BE DETERMINED AT THE TIME OF THE TRANSACTION, A BUYER SHALL SUBMIT TO THE PRIMARY LAW ENFORCEMENT UNIT:

1. A PRELIMINARY REPORT CONTAINING THE INFORMATION REQUIRED UNDER ~~§ 20-401(B)~~ § 20-401(C) OF THIS SUBTITLE, EXCEPT THE SERIAL NUMBER, WITHIN 48 HOURS AFTER THE TRANSACTION; AND

2. A FINAL REPORT CONTAINING THE INFORMATION REQUIRED UNDER ~~§ 20-401(B)~~ § 20-401(C) OF THIS SUBTITLE, INCLUDING THE SERIAL NUMBER, WITHIN ~~14~~ 17 DAYS AFTER THE TRANSACTION.

(III) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE CONSTRUED TO REQUIRE A BUYER TO INCUR A SUBSTANTIAL FINANCIAL BURDEN TO COMPLY WITH THE REQUIREMENTS OF THIS PARAGRAPH.

(2) A BUYER SHALL KEEP THE RECORDS REQUIRED UNDER ~~§ 20-401(B)~~ § 20-401(C) OF THIS SUBTITLE FOR AT LEAST 1 YEAR AFTER THE DATE OF THE TRANSACTION.

(3) A COPY OF A RECORD SUBMITTED UNDER ~~§ 20-401(B)~~ § 20-401(C) OF THIS SUBTITLE:

(I) SHALL BE KEPT CONFIDENTIAL;

(II) IS NOT A PUBLIC RECORD; AND

(III) IS NOT SUBJECT TO TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE.

(B) (1) A BUYER SHALL KEEP ALL PERSONAL PROPERTY BOUGHT FOR AT LEAST 30 DAYS AFTER THE BUYER SUBMITS THE INFORMATION REQUIRED UNDER ~~§ 20-401(B)~~ § 20-401(C) OF THIS SUBTITLE TO THE PRIMARY LAW ENFORCEMENT UNIT.

(2) ON THE REQUEST OF THE PRIMARY LAW ENFORCEMENT UNIT, A BUYER SHALL PROVIDE TO THE PRIMARY LAW ENFORCEMENT UNIT ANY PERSONAL PROPERTY PURCHASED BY AN AUTOMATED PURCHASING MACHINE AT THE COST OF THE BUYER.

(C) A BUYER SHALL MAKE ALL PERSONAL PROPERTY PURCHASED BY AN AUTOMATED PURCHASING MACHINE AVAILABLE FOR INSPECTION BY THE PRIMARY LAW ENFORCEMENT UNIT AT ANY TIME.

(D) (1) A BUYER SHALL REMOVE ALL ITEMS OF PERSONAL PROPERTY FROM AN AUTOMATED PURCHASING MACHINE IN INTERVALS OF NO LESS THAN 10 DAYS.

(2) A BUYER SHALL NOTIFY THE PRIMARY LAW ENFORCEMENT UNIT OF THE DATE AND TIME THE BUYER WILL REMOVE PERSONAL PROPERTY FROM AN AUTOMATED PURCHASING MACHINE AT LEAST 72 HOURS BEFORE REMOVING THE PERSONAL PROPERTY.

(3) THE PRIMARY LAW ENFORCEMENT UNIT MAY INSPECT THE PERSONAL PROPERTY BEING REMOVED FROM AN AUTOMATED PURCHASING MACHINE AT THE TIME OF THE REMOVAL.

20-403.

(A) (1) (I) A BUYER SHALL USE AN INDIVIDUAL TO SCREEN EACH TRANSACTION IN WHICH AN AUTOMATIC PURCHASING MACHINE BUYS PERSONAL PROPERTY.

(II) AN INDIVIDUAL WHO SCREENS A TRANSACTION MAY SCREEN THE TRANSACTION REMOTELY.

(2) A BUYER SHALL KEEP A RECORD OF THE SCREENER ASSIGNED TO SCREEN EACH TRANSACTION.

(B) IF A BUYER DETERMINES THAT PERSONAL PROPERTY SOLD TO AN AUTOMATED PURCHASING MACHINE IS STOLEN, THE BUYER SHALL:

(1) CONTACT THE PRIMARY LAW ENFORCEMENT UNIT AS SOON AS PRACTICABLE; AND

(2) RETURN THE PERSONAL PROPERTY TO THE PRIMARY LAW ENFORCEMENT UNIT FREE OF CHARGE.

SUBTITLE 5. PROHIBITED ACTS; PENALTIES.

20-501.

(A) A BUYER MAY NOT BUY OR OFFER TO BUY PERSONAL PROPERTY FROM A MINOR.

(B) IF AN AUTOMATED PURCHASING MACHINE CANNOT DETERMINE THE SERIAL NUMBER OF AN ELECTRONIC DEVICE AND THE DEVICE IS VALUED AT \$25 OR MORE, THE BUYER MAY NOT PURCHASE THE ELECTRONIC DEVICE.

20-502.

(A) A PERSON WHO KNOWINGLY OR WILLFULLY VIOLATES THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING ~~\$500;~~ \$1,000;
AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING ~~\$1,000;~~ \$5,000.

(B) EACH VIOLATION OF THIS TITLE IS A SEPARATE OFFENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 922 – *Physical Education and Athletic Programs for Students With Disabilities – Funding*.

The bill requires the State Board of Education and each local board of education to ensure that specified types of physical education and athletic programs are adequately funded by the local board of education.

Senate Bill 857, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 922.

Sincerely,

Governor Martin O'Malley

House Bill 922

AN ACT concerning

~~**Task Force to Study a Funding Formula for Corollary Athletic Programs**~~
~~**Physical Education and Athletic Programs for Students With Disabilities –**~~
~~**Funding**~~

FOR the purpose of ~~establishing the Task Force to Study a Funding Formula for Corollary Athletic Programs; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and certain legislative committees on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study a Funding Formula for Corollary Athletic Programs~~ requiring the State Board of Education and certain county boards of education to ensure that certain types of physical education and athletic programs are funded in a certain manner; and generally relating to the funding of certain physical education and athletic programs.

BY repealing and reenacting, with amendments,

Article – Education

Section 7-4B-02

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

Preamble

WHEREAS, In 2008 the General Assembly enacted the Fitness and Athletic Equity Law for Students with Disabilities Act; and

WHEREAS, Corollary Athletic Programs in the State are programs designed to combine groups of students with and without disabilities together in physical activity in accordance with the Fitness and Athletic Equity Law for Students with Disabilities Act; and

WHEREAS, Each local school system is required to develop a plan, policies, and procedures to promote and protect the inclusion of students with disabilities in school athletic programs; and

WHEREAS, Each local school system is required to provide students with disabilities equivalent opportunities for participation in either the Interscholastic Athletic Program or the Corollary Athletic Program; and

WHEREAS, Corollary Athletic Programs are required to provide for the diversity of abilities and interests of students with disabilities; and

WHEREAS, Each local school system is required to offer a Corollary Athletic Program in each of the fall, winter, and spring seasons; and

WHEREAS, Currently there is no funding for Corollary Athletic Programs in the State; and

WHEREAS, Certain organizations provide staffing and facilities for Corollary Athletic Program teams; and

WHEREAS, Certain organizations that provide staffing and facilities for the Corollary Athletic Programs are not reimbursed for their expenses; now, therefore,

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

~~(a) There is a Task Force to Study a Funding Formula for Corollary Athletic Programs.~~

~~(b) The Task Force consists of the following 14 members:~~

~~(1) two members of the Senate of Maryland, appointed by the President of the Senate;~~

~~(2) two members of the House of Delegates, appointed by the Speaker of the House;~~

~~(3) the Assistant Superintendent of the Division of Special Education/Early Intervention Services or the Assistant Superintendent's designee; and~~

~~(4) the following nine members, appointed by the Governor:~~

~~(i) one representative of the Maryland Association of Boards of Education;~~

~~(ii) one representative of the Public Schools Superintendents Association;~~

~~(iii) two representatives of the Special Olympics of Maryland, one of whom is a coach;~~

~~(iv) one representative of the ARC of Maryland;~~

~~(v) two local school system athletic directors;~~

~~(vi) one physical education teacher in a public school, recommended by the State Education Association; and~~

~~(vii) one adaptive physical education teacher in a public school, recommended by the State Department of Education.~~

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

~~(d) The State Department of Education 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 study and make recommendations regarding a funding formula for Corollary Athletic Programs and the organizations providing staffing and facilities for these programs.~~

~~(g) On or before December 1, 2014, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State~~

~~Government Article, the Senate Budget and Taxation Committee, the Senate Education, Health, and Environmental Affairs Committee, and the House Committee on Ways and Means.~~

Article – Education

7-4B-02.

(a) Subject to subsection (b) of this section, the State Board and each county board shall:

(1) Ensure that students with disabilities have an equal opportunity to:

(i) Participate in mainstream physical education programs; and
(ii) Try out for and, if selected, participate in mainstream athletic programs;

(2) Ensure the provision of reasonable accommodations necessary to provide students with disabilities equal opportunity to participate, to the fullest extent possible, in mainstream physical education and mainstream athletic programs; and

(3) Ensure that adapted, allied, or unified physical education and athletic programs are available **AND ADEQUATELY FUNDED BY THE COUNTY BOARD.**

(b) An exception to the requirements under subsection (a) of this section may be made when the inclusion of a student:

(1) Presents an objective safety risk to the student or to others, based on an individualized assessment of the student; or

(2) Fundamentally alters the nature of the school's mainstream physical education or mainstream athletic program.

(c) The provision of adapted, allied, or unified programs for students with disabilities does not mitigate the duty of a county board to provide an individual student with a disability an equal opportunity to be fully included in mainstream physical education and mainstream athletic programs.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014. ~~It shall remain effective for a period of 1 year 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.~~

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 939 – *Caroline County and Talbot County – Annual Financial Report – Filing Date*.

The bill alters the date by which Caroline County and Talbot County must submit the counties' annual financial reports to the Department of Legislative Services and annual audits to the State Legislative Auditor.

Senate Bill 83, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 939.

Sincerely,

Governor Martin O'Malley

House Bill 939

AN ACT concerning

Caroline County and Talbot County – Annual Financial Report – Filing Date

FOR the purpose of altering the date by which Caroline County ~~is~~ and Talbot County are required to file a certain financial report with the Department of Legislative Services; and generally relating to the date by which Caroline County ~~is~~ and Talbot County are required to file a financial report.

BY repealing and reenacting, with amendments,
Article – Local Government
Section 16-304
Annotated Code of Maryland
(2013 Volume)

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

Article – Local Government

16–304.

(a) (1) Except as provided in paragraph (2) of this subsection, on or before October 31 after the close of its fiscal year, each county, municipality, and special taxing district shall file with the Department of Legislative Services a financial report for that fiscal year.

(2) (i) A county, municipality, or special taxing district with a population of over 400,000 may file its financial report on or before December 31 after the close of its fiscal year.

(ii) Unless subparagraph (i) of this paragraph applies, Howard County may file its financial report on or before November 30 after the close of its fiscal year.

(iii) Calvert County, **CAROLINE COUNTY**, Frederick County, Queen Anne’s County, St. Mary’s County, **TALBOT COUNTY**, and Wicomico County may file the county’s financial report on or before December 31 after the close of the county’s fiscal year.

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

(1) prepared on the form established by the Department of Legislative Services; and

(2) verified by the chief executive officer of the county, municipality, or special taxing district.

(c) If a county, municipality, or special taxing district does not comply with subsection (a) of this section, the Comptroller, on notice from the Executive Director of the Department of Legislative Services, may order the discontinuance of all money, grants, or State aid that the county, municipality, or special taxing district is entitled to receive under State law, including money from:

- (1) the income tax;
- (2) the tax on racing;
- (3) the recordation tax;
- (4) the admissions and amusement tax; and
- (5) the license tax.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 955 – *Crimes – Use of Personal Identifying Information or the Identity of Another – Sexual Crimes*.

This bill prohibits a person from using the “personal identifying information” or the identity of an individual, without the person’s consent, to invite, encourage, or solicit another to commit a “sexual crime” against the individual.

Senate Bill 50, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 955.

Sincerely,

Governor Martin O'Malley

House Bill 955

AN ACT concerning

Crimes – Use of Personal Identifying Information or the Identity of Another – Sexual Crimes

FOR the purpose of prohibiting a person from using certain personal identifying information or the identity of an individual without consent to invite, encourage, or solicit another to commit a sexual crime against the individual; establishing certain penalties; authorizing a State’s Attorney or the Attorney General to investigate and prosecute a violation of this Act; providing that when the Attorney General exercises the authority to investigate and prosecute a violation of this Act, the Attorney General has certain powers and duties of a State’s Attorney; specifying venue for the prosecution of a violation of this Act;

defining certain terms; and generally relating to sexual crimes and the use of personal identifying information or the identity of another.

BY adding to

Article – Criminal Law

Section 3–325

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

Article – Criminal Law

3–325.

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

(2) “PERSONAL IDENTIFYING INFORMATION” HAS THE MEANING STATED IN § 8–301 OF THIS ARTICLE.

(3) “SEXUAL CRIME” MEANS AN ACT THAT WOULD CONSTITUTE A VIOLATION OF THIS SUBTITLE, § 3–602 OF THIS TITLE, § 3–902 OF THIS TITLE, OR TITLE 11 OF THIS ARTICLE.

(B) A PERSON MAY NOT USE THE PERSONAL IDENTIFYING INFORMATION OR IDENTITY OF AN INDIVIDUAL WITHOUT CONSENT TO INVITE, ENCOURAGE, OR SOLICIT ANOTHER TO COMMIT A SEXUAL CRIME AGAINST THE INDIVIDUAL.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.

(D) (1) A STATE’S ATTORNEY OR THE ATTORNEY GENERAL MAY INVESTIGATE AND PROSECUTE A VIOLATION OF THIS SECTION OR A VIOLATION OF ANY CRIME BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SECTION.

(2) IF THE ATTORNEY GENERAL EXERCISES AUTHORITY UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ATTORNEY GENERAL HAS ALL THE POWERS AND DUTIES OF A STATE’S ATTORNEY, INCLUDING THE USE OF A

GRAND JURY IN ANY COUNTY OR BALTIMORE CITY, TO INVESTIGATE AND PROSECUTE THE VIOLATION.

(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROSECUTION OF A VIOLATION OF THIS SECTION OR FOR A VIOLATION OF ANY CRIME BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SECTION MAY BE COMMENCED IN ANY COUNTY IN WHICH:

- (1) AN ELEMENT OF THE CRIME OCCURRED; OR
- (2) THE VICTIM RESIDES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1031 – *State Board of Morticians and Funeral Directors – Funeral Establishments – Unannounced Inspections*.

The bill authorizes an unannounced inspection of a licensed funeral establishment by the State Board of Morticians and Funeral Directors to include advance notice that an inspector may be in the region for the purpose of conducting the inspection under specified circumstances and authorizes a trained staff member of the Board to call the supervising mortician of a licensed funeral establishment and request immediate access to the preparation and body storage areas of the funeral establishment.

Senate Bill 586, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1031.

Sincerely,

Governor Martin O'Malley

House Bill 1031

AN ACT concerning

**State Board of Morticians and Funeral Directors – Funeral Establishments –
Unannounced Inspections**

FOR the purpose of authorizing certain inspections of licensed funeral establishments to include, under certain circumstances, advance notice that an inspector may be in a certain region for a certain purpose; ~~requiring a certain licensee or an employee of the licensee to give certain access to certain members or employees of the State Board of Morticians and Funeral Directors for the purpose of conducting certain inspections of certain funeral establishments, including access to certain areas of the funeral establishments;~~ authorizing certain staff members of the State Board of Morticians and Funeral Directors to call certain supervising morticians and request certain access to certain areas of a funeral establishment under certain circumstances; requiring certain supervising morticians to immediately provide certain staff members with the location of the key or access code to certain areas of a funeral establishment; providing that certain employees are not required to accompany certain staff while the staff conducts certain inspections; requiring certain inspections to be conducted during certain hours; providing for the application of certain provisions of this Act; requiring the Board to provide the results of certain inspections to certain licensees or supervising morticians within a certain period of time; and generally relating to the inspection of funeral establishments by the State Board of Morticians and Funeral Directors.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7–409
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – Health Occupations

7–409.

(a) **[All] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ALL** inspections of funeral establishments shall be unannounced and may take place at any time without notice from the Board.

(b) An unannounced inspection may include advance notice that an **[investigator] INSPECTOR** may be in the region of the funeral establishment~~[,]~~ **FOR THE PURPOSE OF CONDUCTING AN INSPECTION** if:

- (1) The advance notice is no more than 14 days prior to the inspection;
- (2) No specific date or time is provided for the inspection; and
- (3) The advance notice is provided solely to ensure that a licensed mortician or funeral director will be on-site for the inspection.

~~(C) A LICENSEE OR AN EMPLOYEE OF A LICENSEE SHALL GIVE IMMEDIATE ACCESS TO A MEMBER OR AN EMPLOYEE OF THE BOARD WHO ARRIVES AT A LICENSED FUNERAL ESTABLISHMENT FOR THE PURPOSE OF CONDUCTING AN UNANNOUNCED INSPECTION UNDER THIS SECTION OF A LICENSED FUNERAL ESTABLISHMENT, INCLUDING ACCESS TO THE PREPARATION AND BODY STORAGE AREAS OF THE LICENSED FUNERAL ESTABLISHMENT.~~

(C) (1) THIS SUBSECTION APPLIES TO INSPECTIONS CONDUCTED:

(I) IN RESPONSE TO VALID INFORMATION PROVIDED TO THE BOARD RESULTING IN A COMPLAINT BEING OPENED BY THE BOARD CONCERNING THE PREPARATION OR BODY STORAGE AREAS OF A LICENSED FUNERAL ESTABLISHMENT ONLY IF THE BOARD HAS PROVIDED A COPY OF THE COMPLAINT TO THE LICENSED FUNERAL ESTABLISHMENT; OR

(II) OF A FUNERAL ESTABLISHMENT THAT THE BOARD HAS PLACED ON PROBATIONARY STATUS IN ACCORDANCE WITH § 7-316(B) OF THIS TITLE.

(2) A TRAINED STAFF MEMBER OF THE BOARD WHO IS QUALIFIED TO DO INSPECTIONS MAY CALL THE SUPERVISING MORTICIAN OF A LICENSED FUNERAL ESTABLISHMENT, AS DESIGNATED UNDER § 7-310(E) OF THIS TITLE, AND REQUEST IMMEDIATE ACCESS TO THE PREPARATION AND BODY STORAGE AREAS OF THE FUNERAL ESTABLISHMENT.

(3) IF A REQUEST IS MADE UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE SUPERVISING MORTICIAN IMMEDIATELY SHALL PROVIDE THE STAFF MEMBER OF THE BOARD WITH THE LOCATION OF THE KEY OR ACCESS CODE TO THE PREPARATION OR BODY STORAGE AREAS OF THE FUNERAL ESTABLISHMENT.

(4) AN EMPLOYEE OF A LICENSED FUNERAL ESTABLISHMENT IS NOT REQUIRED TO ACCOMPANY A STAFF MEMBER OF THE BOARD WHILE THE STAFF MEMBER CONDUCTS AN INSPECTION OF A PREPARATION OR BODY STORAGE AREA IN ACCORDANCE WITH THIS SUBSECTION.

(D) AN UNANNOUNCED INSPECTION OF A LICENSED FUNERAL ESTABLISHMENT SHALL BE CONDUCTED DURING THE HOURS THAT THE BUSINESS OF MORTUARY SCIENCE IS BEING CONDUCTED AT THE LICENSED FUNERAL ESTABLISHMENT.

~~(D)~~ (E) WITHIN 24 HOURS AFTER THE COMPLETION OF AN UNANNOUNCED INSPECTION OF A LICENSED FUNERAL ESTABLISHMENT, THE BOARD SHALL PROVIDE THE RESULTS OF THE INSPECTION TO:

(1) THE HOLDER OF THE FUNERAL ESTABLISHMENT LICENSE; OR

(2) ~~A LICENSED MORTICIAN OR LICENSED FUNERAL DIRECTOR WHO DIRECTLY SUPERVISES THE LICENSED FUNERAL ESTABLISHMENT IN ACCORDANCE WITH § 7-308(E)(1) OR § 7-308.1(E)(1) OF THIS TITLE~~ THE SUPERVISING MORTICIAN FOR THE LICENSED FUNERAL ESTABLISHMENT, AS DESIGNATED UNDER § 7-310(E) OF THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1034 – *Kent County and Queen Anne’s County – School Buses – Length of Operation*.

The bill allows school buses in Kent and Queen Anne’s counties to operate for 15 years under specified circumstances.

Senate Bill 901, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1034.

Sincerely,

Governor Martin O'Malley

House Bill 1034

AN ACT concerning

Kent County and Queen Anne's County – School Buses – Length of Operation

FOR the purpose of altering the length of time a school bus may be operated in Kent County and Queen Anne's County; and generally relating to school bus operations in Kent County and Queen Anne's County.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–804
Annotated Code of Maryland
(2008 Replacement Volume and 2013 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 Calvert, Caroline, Cecil, Charles, Dorchester, **KENT, QUEEN ANNE'S**, 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 July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1042 – *State Board of Morticians and Funeral Directors – Funeral Establishments Owned by a Single Owner – Pre-Need Trustee Licenses and Public Notification of Death*.

The bill requires the State Board of Morticians and Funeral Directors to issue an executor license to an applicant if the applicant is the appointed personal representative of a deceased surviving spouse's estate under specified circumstances; requires an applicant for an executor license to submit to the Board within a specified time period the name of a licensed funeral director or mortician who has agreed to apply for a specified pre-need trustee license; and requires the Board to provide for the term of an executor license.

Senate Bill 648, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1042.

Sincerely,

Governor Martin O'Malley

House Bill 1042

AN ACT concerning

**State Board of Morticians and Funeral Directors – Funeral Establishments
Owned by a Single Owner – Pre-Need Trustee Licenses and Public
Notification of Death**

FOR the purpose of requiring the State Board of Morticians and Funeral Directors to issue an executor license to an applicant if the applicant is the appointed personal representative of a deceased surviving spouse's estate under certain circumstances; requiring a certain personal representative of a surviving spouse's estate to be licensed by the Board; ~~altering the number of days after the death of a licensed mortician, funeral director, or surviving spouse that certain documentation is required to be submitted to the Board by an applicant~~

~~for an executor license; requiring an applicant for an executor license to submit to the Board, within a certain time period, the name of a licensed funeral director or mortician who has agreed to apply for a certain pre-need trustee license; altering the number of months for which an executor license is valid; requiring the Board to provide for the term of an executor license, rather than specifying the term in a certain provision of law; providing that the term of an executor license may not exceed a certain number of months; authorizing the Board to renew an executor license for a certain time period under certain circumstances; establishing a pre-need trustee license; requiring the Board to issue a pre-need trustee license to an applicant under certain circumstances; providing that a pre-need trustee license authorizes the license holder to manage pre-need accounts held by a funeral establishment until the closing or sale of the funeral establishment; establishing the term of a pre-need trustee license; providing that a pre-need trustee license holder may be the supervising mortician in a funeral establishment; applying a certain section of law to a certain owner of a funeral establishment; requiring a certain mortician to post a certain notice and record a certain message within a certain period of time after the death of a certain owner; requiring a licensed pre-need trustee to send a letter to certain holders of certain pre-need contracts regarding certain options available under certain provisions of law; requiring a certain letter to be returned within a certain period of time after receipt and to include certain information; requiring that for any letter not returned within a certain period of time, certain pre-need funds be considered unclaimed property; requiring a licensed pre-need trustee, within a certain time period, to identify to the Board and the licensed executor certain pre-need bank trust money; requiring the licensed pre-need trustee to make a certain claim against a certain estate; requiring the licensed executor to transfer certain money to the abandoned property office in the Office of the Comptroller; requiring a licensed pre-need trustee to send a certain list to the Board containing certain information regarding pre-need accounts within a certain period of time after the death of a certain owner; requiring a licensed pre-need trustee to send a certain list to the Board containing certain information regarding unclaimed cremains within a certain period of time after the death of a certain owner; requiring the Board to work with the State Anatomy Board to ensure proper distribution of certain cremains; requiring a licensed pre-need trustee to send certain information to the Board in a certain format; and generally relating to the State Board of Morticians and Funeral Directors and the regulation of morticians, funeral directors, and funeral establishments.~~

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7-308.1(a), (b), and (f)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY adding to
Article – Health Occupations

Section 7-308.2 and 7-308.3
 Annotated Code of Maryland
 (2009 Replacement Volume and 2013 Supplement)

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

Article – Health Occupations

7-308.1.

(a) A personal representative of a deceased mortician's [or], funeral director's, **OR SURVIVING SPOUSE'S** estate shall be licensed by the Board before continuing operation of the mortuary science business.

(b) The Board shall issue an executor license to an applicant if the applicant:

(1) Is the appointed personal representative of a deceased mortician's [or], funeral director's, **OR SURVIVING SPOUSE'S** estate in accordance with the requirements established in Title 5 of the Estates and Trusts Article;

(2) Submits to the Board, within ~~{30}~~ **14** days of the death of the licensed mortician [or], funeral director, [written] **OR SURVIVING SPOUSE:**

(I) **WRITTEN** verification of the death of the licensee[, written];

(II) **WRITTEN** verification of appointment as a personal representative[, and the]; **AND**

(III) **THE** application required by the Board; ~~and~~

~~(IV)~~ **(3) THE WITHIN 14 DAYS AFTER THE DEATH OF THE LICENSED MORTICIAN, FUNERAL DIRECTOR, OR SURVIVING SPOUSE, SUBMITS TO THE BOARD THE NAME OF A LICENSED FUNERAL DIRECTOR OR MORTICIAN WHO HAS AGREED TO APPLY FOR A PRE-NEED TRUSTEE LICENSE ISSUED UNDER § 7-308.2 OF THIS SUBTITLE; AND**

~~(3)~~ **(4)** Pays a fee set by the Board.

(f) **(1) (I) Notwithstanding the provisions of § 7-314 of this subtitle, THE BOARD SHALL PROVIDE FOR THE TERM OF AN EXECUTOR LICENSE.**

(II) THE TERM OF an executor license ~~is valid for [six] 9 months from the date of issuance [and may not be renewed or reinstated after expiration]~~ **MAY NOT BE MORE THAN 12 MONTHS.**

(2) AN EXECUTOR LICENSE MAY BE RENEWED FOR ONE ADDITIONAL 3-MONTH PERIOD ~~PROVIDED IF~~:

(I) A BUYER OF THE FUNERAL ESTABLISHMENT HAS BEEN IDENTIFIED AND HAS ENTERED INTO A SALES CONTRACT, BUT THE SALE OF THE FUNERAL ESTABLISHMENT HAS NOT BEEN COMPLETED; ~~OR~~

(II) A PRE-NEED ACCOUNT AUDIT HAS NOT BEEN COMPLETED AND EVIDENCE IS PRESENTED TO THE BOARD THAT FAILURE TO COMPLETE THE AUDIT IS DUE TO CIRCUMSTANCES BEYOND THE CONTROL OF THE FUNERAL ESTABLISHMENT; OR

(III) THE BOARD DETERMINES THAT A RENEWAL IS NEEDED DUE TO UNFORESEEN CIRCUMSTANCES.

7-308.2.

(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD SHALL ISSUE A PRE-NEED TRUSTEE LICENSE TO AN APPLICANT IF THE APPLICANT:

(1) APPLIES TO THE BOARD ON AN APPLICATION PROVIDED BY THE BOARD;

(2) HAS BEEN ACTIVELY LICENSED IN GOOD STANDING BY THE BOARD FOR A MINIMUM OF 5 YEARS WHILE WORKING IN A FACILITY THAT HAS ACCEPTED PRE-NEED CONTRACTS AND WHO CAN PROVIDE PROOF TO THE BOARD THAT THESE SERVICES HAVE BEEN PROVIDED BY THE APPLICANT;

(3) HAS BEEN APPOINTED AS A PRE-NEED TRUSTEE BY THE HOLDER OF AN EXECUTOR LICENSE ISSUED UNDER § 7-308.1 OF THIS SUBTITLE;

(4) IS OF GOOD MORAL CHARACTER; AND

(5) PAYS THE REQUIRED FEE.

(B) (1) WHILE A PRE-NEED TRUSTEE LICENSE IS EFFECTIVE, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO MANAGE PRE-NEED ACCOUNTS HELD BY A FUNERAL ESTABLISHMENT UNTIL THE CLOSING OR SALE OF THE FUNERAL ESTABLISHMENT.

(2) NOTWITHSTANDING THE PROVISIONS OF § 7-314 OF THIS SUBTITLE, A PRE-NEED TRUSTEE LICENSE IS VALID FROM THE DATE OF

ISSUANCE UNTIL THE DATE OF EXPIRATION OF THE LICENSE OF THE EXECUTOR WHO APPOINTED THE LICENSE HOLDER AS A PRE-NEED TRUSTEE UNDER SUBSECTION (A)(3) OF THIS SECTION.

(C) THE HOLDER OF A PRE-NEED TRUSTEE LICENSE ISSUED UNDER THIS SECTION MAY BE THE SUPERVISING MORTICIAN IN A FUNERAL ESTABLISHMENT.

7-308.3.

(A) THIS SECTION APPLIES TO A FUNERAL ESTABLISHMENT OWNED BY A FUNERAL DIRECTOR, MORTICIAN, OR SURVIVING SPOUSE WHO WAS THE SINGLE OWNER AND SOLE LICENSEE OF A FUNERAL ESTABLISHMENT.

~~(B) WITHIN 24 HOURS AFTER THE DEATH OF A SINGLE OWNER OF A FUNERAL ESTABLISHMENT, A SIGN SHALL BE PROMINENTLY POSTED BY THE SUPERVISING MORTICIAN ON ALL PUBLIC ENTRANCES TO THE FUNERAL ESTABLISHMENT NOTIFYING THE PUBLIC OF THE DEATH OF THE SINGLE OWNER.~~

~~(C)~~ (B) WITHIN 7 DAYS AFTER THE DEATH OF THE SINGLE OWNER AND SOLE LICENSEE OF A FUNERAL ESTABLISHMENT, THE SUPERVISING MORTICIAN SHALL:

(1) PLACE AN OBITUARY FOR THE DECEASED SINGLE OWNER AND SOLE LICENSEE IN THE DEATH NOTICES SECTION OF A NEWSPAPER WITH GENERAL CIRCULATION IN THE AREA OF THE FUNERAL ESTABLISHMENT; AND

~~(2) RECORD A MESSAGE ON THE ANSWERING MACHINE NOTIFYING THE PUBLIC OF THE DEATH OF THE SINGLE OWNER; AND~~

~~(3)~~ (2) PLACE A NOTICE TO THE PUBLIC OF THE DEATH OF THE SINGLE OWNER AND SOLE LICENSEE ON ANY WEB SITE MAINTAINED BY THE FUNERAL ESTABLISHMENT.

~~(D)~~ (C) (1) WITHIN ~~30~~ 90 DAYS AFTER THE DEATH OF A SINGLE OWNER OF A FUNERAL ESTABLISHMENT, THE PRE-NEED TRUSTEE LICENSED UNDER § 7-308.2 OF THIS SUBTITLE SHALL SEND A LETTER TO ALL PRE-NEED CONTRACT HOLDERS WHO HAVE FUNDS IN TRUST WITH OR AN INSURANCE PRODUCT ASSIGNED TO THE FUNERAL ESTABLISHMENT STATING THE OPTIONS AVAILABLE UNDER § 7-405 OF THIS TITLE.

(2) THE LETTER REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION SHALL BE RETURNED WITHIN 5 DAYS AFTER RECEIPT AND SHALL

INCLUDE THE FULL SIGNATURE OF THE PRE-NEED CONTRACT HOLDER NEXT TO THE OPTION CHOSEN FROM THOSE AVAILABLE UNDER § 7-405 OF THIS TITLE.

~~(3) FOR ANY LETTER NOT RETURNED WITHIN 30 DAYS AFTER THE DAY THE LETTER IS DATED, THE PRE-NEED FUNDS OF THE BENEFICIARY OF THE PRE-NEED CONTRACT SHALL BE CONSIDERED UNCLAIMED PROPERTY AND THE LICENSED PRE-NEED TRUSTEE SHALL SEND THE FUNDS TO UNCLAIMED PROPERTY IN THE OFFICE OF THE COMPTROLLER.~~

(D) (1) WITHIN 90 DAYS AFTER THE DEATH OF A SINGLE OWNER AND SOLE LICENSEE OF A FUNERAL ESTABLISHMENT, THE PRE-NEED TRUSTEE LICENSED UNDER § 7-308.2 OF THIS SUBTITLE SHALL IDENTIFY TO THE BOARD AND THE EXECUTOR LICENSED UNDER § 7-308.1 OF THIS SUBTITLE ALL PRE-NEED BANK TRUST MONEY THAT ~~HAVE~~ HAS BEEN DEPOSITED UNDER THE FEDERAL IDENTIFICATION NUMBER OF THE FUNERAL ESTABLISHMENT OR THE SOCIAL SECURITY NUMBER OF THE DECEASED SINGLE OWNER AND SOLE LICENSEE, INSTEAD OF THE SOCIAL SECURITY NUMBER OF THE BENEFICIARY OR BUYER OF THE PRE-NEED CONTRACT.

(2) THE PRE-NEED TRUSTEE LICENSED UNDER § 7-308.2 OF THIS SUBTITLE SHALL MAKE A CLAIM AGAINST THE ESTATE OF THE DECEASED SINGLE OWNER AND SOLE LICENSEE OF THE ESTABLISHMENT WHICH THE LICENSEE PREVIOUSLY OWNED FOR THE MONEY IDENTIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) THE EXECUTOR LICENSED UNDER § 7-308.1 OF THIS SUBTITLE SHALL TRANSFER ALL MONEY IDENTIFIED IN PARAGRAPH (1) OF THIS SUBSECTION TO THE ABANDONED PROPERTY OFFICE IN THE OFFICE OF THE COMPTROLLER IN THE PROPER NAME OF THE BENEFICIARY OR BUYER OF THE PRE-NEED CONTRACT.

(E) WITHIN ~~45~~ 90 DAYS AFTER THE DEATH OF THE SINGLE OWNER OF A FUNERAL ESTABLISHMENT, THE PRE-NEED TRUSTEE LICENSED UNDER § 7-308.2 OF THIS SUBTITLE SHALL SEND TO THE BOARD A LIST THAT INCLUDES:

- (1) THE NAMES OF ALL FUNDED PRE-NEED CONTRACT HOLDERS;
- (2) THE AMOUNT OF THE FUNDS ENTRUSTED TO THE FUNERAL ESTABLISHMENT THROUGH A BANK ACCOUNT OR INSURANCE PRODUCT; AND
- (3) THE LOCATION WHERE THE FUNDS CURRENTLY ARE MAINTAINED.

(F) (1) WITHIN ~~60~~ 90 DAYS AFTER THE DEATH OF THE SINGLE OWNER OF A FUNERAL ESTABLISHMENT, THE PRE-NEED TRUSTEE LICENSED UNDER § 7-308.2 OF THIS SUBTITLE SHALL SEND TO THE BOARD A LIST OF ALL UNCLAIMED CREMAINS, INCLUDING:

(I) ~~THE DATE OF BIRTH AND DATE OF DEATH OF~~ A COPY OF THE FILED DEATH CERTIFICATE FOR EACH CREMATED DECEDENT; AND

(II) THE CREMATORY CERTIFICATE FOR EACH CREMAINS;
~~AND~~

~~(III) THE CONTACT INFORMATION FOR THE NEXT OF KIN FOR EACH CREMATED DECEDENT.~~

(2) THE BOARD SHALL WORK COLLABORATIVELY WITH THE STATE ANATOMY BOARD TO ENSURE PROPER DISPOSITION OF THE CREMAINS.

(G) THE PRE-NEED TRUSTEE LICENSED UNDER § 7-308.2 OF THIS SUBTITLE SHALL SUBMIT TO THE BOARD A DIGITAL IMAGE ON REMOVABLE MEDIA OR ON CLOUD-BASED STORAGE THAT INCLUDES:

(1) ALL SIGNED PRE-NEED CONTRACTS; AND

(2) ANY ASSOCIATED PAPERWORK DATING FROM THE SIGNING OF THE PRE-NEED CONTRACT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1127 – *Health Insurance – Incentives for Health Care Practitioners*.

The bill alters the circumstances under which a health insurance carrier is not prohibited from providing bonuses or other incentive–based compensation to a health care practitioner or a set of health care practitioners.

Senate Bill 884, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1127.

Sincerely,

Governor Martin O'Malley

House Bill 1127

AN ACT concerning

Health Insurance – Incentives for Health Care Practitioners

FOR the purpose of altering the circumstances under which a health insurance carrier is not prohibited from providing bonuses or other incentive–based compensation to a health care practitioner or a set of health care practitioners; defining a certain term; and generally relating to incentives for health care practitioners under health insurance.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–113(a) and (b)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–113(c)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

Article – Insurance

15–113.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Carrier” means:

- (i) an insurer;
- (ii) a nonprofit health service plan;
- (iii) a health maintenance organization;
- (iv) a dental plan organization; or
- (v) any other person that provides health benefit plans subject to regulation by the State.

(3) “Health care practitioner” means an individual who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide health care services.

(b) A carrier may not reimburse a health care practitioner in an amount less than the sum or rate negotiated in the carrier’s provider contract with the health care practitioner.

(c) **(1) IN THIS SUBSECTION, “SET OF HEALTH CARE PRACTITIONERS” MEANS:**

(I) A GROUP PRACTICE;

(II) A CLINICALLY INTEGRATED ORGANIZATION ESTABLISHED IN ACCORDANCE WITH SUBTITLE 19 OF THIS TITLE; OR

(III) AN ACCOUNTABLE CARE ORGANIZATION ESTABLISHED IN ACCORDANCE WITH 42 U.S.C. § 1899 AND ANY APPLICABLE FEDERAL REGULATIONS.

(2) This section does not prohibit a carrier from providing bonuses or other incentive-based compensation to a health care practitioner OR A SET OF HEALTH CARE PRACTITIONERS if the bonus or other incentive-based compensation:

~~(1)~~ (I) DOES NOT CREATE A DISINCENTIVE TO THE PROVISION OF MEDICALLY APPROPRIATE OR MEDICALLY NECESSARY HEALTH CARE SERVICES; AND

(II) IF THE CARRIER IS A HEALTH MAINTENANCE ORGANIZATION, complies with the provisions of § 19-705.1 of the Health – General Article~~;~~

~~(2) promotes the delivery of medically appropriate care to an enrollee;~~

~~[and]~~

~~(3) [except for the provision of preventive health care services, is not based on the cost, or number of medical services provided, proposed, or recommended by the health care practitioner without reference to the medical appropriateness or necessity of the services] PROMOTES THE PROVISION OF PREVENTIVE HEALTH CARE SERVICES; AND~~

~~(4) (I) PROMOTES THE PROVISION OF QUALITY HEALTH CARE SERVICES DELIVERED IN AN EFFICIENT MANNER; OR~~

~~(II) REWARDS A HEALTH CARE PRACTITIONER BASED ON SATISFACTION OF PERFORMANCE MEASUREMENTS AGREED ON IN WRITING BY THE CARRIER AND HEALTH CARE PRACTITIONER.~~

(3) A BONUS OR OTHER INCENTIVE-BASED COMPENSATION UNDER THIS SUBSECTION:

(I) IF APPLICABLE, SHALL PROMOTE THE PROVISION OF PREVENTIVE HEALTH CARE SERVICES; OR

(II) MAY REWARD A HEALTH CARE PRACTITIONER OR A SET OF HEALTH CARE PRACTITIONERS, BASED ON SATISFACTION OF PERFORMANCE MEASURES, IF THE FOLLOWING IS AGREED ON IN WRITING BY THE CARRIER AND THE HEALTH CARE PRACTITIONER OR SET OF HEALTH CARE PRACTITIONERS:

1. THE PERFORMANCE MEASURES;

2. THE METHOD FOR CALCULATING WHETHER THE PERFORMANCE MEASURES HAVE BEEN SATISFIED; AND

3. THE METHOD BY WHICH THE HEALTH CARE PRACTITIONER OR SET OF HEALTH CARE PRACTITIONERS MAY REQUEST RECONSIDERATION OF THE CALCULATIONS BY THE CARRIER.

(4) ACCEPTANCE OF A BONUS OR OTHER INCENTIVE-BASED COMPENSATION UNDER THIS SUBSECTION SHALL BE VOLUNTARY.

(5) A CARRIER MAY NOT REQUIRE A HEALTH CARE PRACTITIONER OR A SET OF HEALTH CARE PRACTITIONERS TO PARTICIPATE IN THE CARRIER'S BONUS OR INCENTIVE-BASED COMPENSATION PROGRAM AS A CONDITION OF PARTICIPATION IN THE CARRIER'S PROVIDER NETWORK.

(6) A HEALTH CARE PRACTITIONER, A SET OF HEALTH CARE PRACTITIONERS, A HEALTH CARE PRACTITIONER'S DESIGNEE, OR A DESIGNEE

OF A SET OF HEALTH CARE PRACTITIONERS MAY FILE A COMPLAINT WITH THE ADMINISTRATION REGARDING A VIOLATION OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1141 – *Correctional Services – Revocation of Parole – Repeal of Sunset*.

The bill repeals the termination date for a provision of law authorizing the parole commissioner who conducted the hearing on the revocation of an inmate's order of parole to require the inmate to serve any unserved portion of the sentence originally imposed on the inmate.

Senate Bill 867, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1141.

Sincerely,

Governor Martin O'Malley

House Bill 1141

AN ACT concerning

Correctional Services – Revocation of Parole – Repeal of Sunset

FOR the purpose of repealing the termination date for a certain provision of law authorizing the parole commissioner who conducted the hearing on the revocation of an inmate's order of parole to require the inmate to serve any unserved portion of the sentence originally imposed on the inmate; and generally relating to the revocation of parole.

BY repealing and reenacting, with amendments,
Chapter 381 of the Acts of the General Assembly of 2011
Section 3

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

Chapter 381 of the Acts of 2011

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011. [It shall remain effective for a period of 2 years and 9 months and, at the end of June 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1161 – *Criminal Procedure – Electronic Device Location Information – Order*.

This bill authorizes a court to issue an order allowing or directing a law enforcement officer to obtain “location information” from an “electronic device.” “Location information” means real-time or present information concerning the geographic location of an electronic device that is generated by or derived from the operation of that device.

Senate Bill 698, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1161.

Sincerely,

Governor Martin O’Malley

House Bill 1161

AN ACT concerning

**Criminal Procedure – Electronic Device Location Information – ~~Warrant~~
Order**

FOR the purpose of ~~prohibiting an agent of the State or a political subdivision of the State from obtaining certain location information without a warrant issued under this Act;~~ authorizing a court to issue a certain ~~warrant~~ order authorizing and directing a law enforcement officer to obtain certain location information from a certain electronic device under certain circumstances; providing requirements for the ~~warrant~~ order; allowing extensions of the ~~warrant~~ order under certain circumstances; requiring a certain notification under certain circumstances; providing for the discovery and admissibility of certain evidence; providing certain exceptions to the ~~warrant~~ order requirement under certain circumstances; ~~requiring a certain court to make a certain report; requiring the Administrative Office of the Courts to make a certain annual report;~~ providing that a person may not be held civilly liable for complying with this Act by providing location information; defining certain terms; and generally relating to obtaining information concerning the location of electronic devices.

BY adding to

Article – Criminal Procedure

Section 1–203.1

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

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

Article – Criminal Procedure

1–203.1.

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

(2) “COURT” MEANS THE DISTRICT COURT OR A CIRCUIT COURT HAVING JURISDICTION OVER THE CRIME BEING INVESTIGATED, REGARDLESS OF THE LOCATION OF THE ELECTRONIC DEVICE FROM WHICH LOCATION INFORMATION IS SOUGHT.

~~(2)~~ (3) (I) “ELECTRONIC DEVICE” MEANS A DEVICE THAT ENABLES ACCESS TO OR USE OF AN ELECTRONIC COMMUNICATION SERVICE, AS DEFINED IN § 10-401 OF THE COURTS ARTICLE, A REMOTE COMPUTING SERVICE, AS DEFINED IN § 10-4A-01(C) OF THE COURTS ARTICLE, OR A GEOGRAPHIC LOCATION INFORMATION SERVICE.

(II) “ELECTRONIC DEVICE” DOES NOT INCLUDE:

1. AN AUTOMATIC IDENTIFICATION SYSTEM INSTALLED ON A VESSEL IN ACCORDANCE WITH TITLE 33, PART 164.46 OF THE CODE OF FEDERAL REGULATIONS; OR

2. A VESSEL MONITORING SYSTEM (VMS) OR A VMS UNIT INSTALLED ON BOARD A VESSEL FOR VESSEL MONITORING IN ACCORDANCE WITH TITLE 50, PART 648 OF THE CODE OF FEDERAL REGULATIONS.

(4) “EXIGENT CIRCUMSTANCES” MEANS AN EMERGENCY OR OTHER JUDICIALLY RECOGNIZED EXCEPTION TO CONSTITUTIONAL WARRANT REQUIREMENTS.

~~(3)~~ (5) “LOCATION INFORMATION” MEANS ~~PAST OR PRESENT INFORMATION CONCERNING THE LOCATION OF AN ELECTRONIC DEVICE THAT, IN WHOLE OR IN PART, IS GENERATED BY OR DERIVED FROM THE OPERATION OF THAT DEVICE~~ REAL-TIME OR PRESENT INFORMATION CONCERNING THE GEOGRAPHIC LOCATION OF AN ELECTRONIC DEVICE THAT IS GENERATED BY OR DERIVED FROM THE OPERATION OF THAT DEVICE.

~~(4)~~ (6) “LOCATION INFORMATION SERVICE” MEANS A GLOBAL POSITIONING SERVICE OR OTHER MAPPING, LOCATIONAL, OR DIRECTIONAL INFORMATION SERVICE.

~~(5)~~ (7) “OWNER” MEANS A PERSON OR AN ENTITY HAVING THE LEGAL TITLE, CLAIM, OR RIGHT TO AN ELECTRONIC DEVICE.

~~(6)~~ (8) “SERVICE PROVIDER” MEANS THE PROVIDER OF AN ELECTRONIC COMMUNICATION SERVICE, A REMOTE COMPUTING SERVICE, OR ANY LOCATION INFORMATION SERVICE.

~~(7)~~ (9) “USER” MEANS A PERSON THAT USES OR POSSESSES AN ELECTRONIC DEVICE.

~~(B) (1) AN AGENT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY NOT OBTAIN LOCATION INFORMATION WITHOUT A WARRANT ISSUED UNDER THIS SECTION.~~

~~(2) A COURT MAY ISSUE A LOCATION INFORMATION WARRANT BY APPLICATION AS DESCRIBED IN PARAGRAPH (3) OF THIS SUBSECTION ON A DETERMINATION THAT PROBABLE CAUSE EXISTS THAT:~~

~~(I) A MISDEMEANOR OR FELONY HAS BEEN OR IS BEING COMMITTED BY THE OWNER OR USER OF THE ELECTRONIC DEVICE OR THE INDIVIDUAL ABOUT WHOM LOCATION INFORMATION IS BEING SOUGHT; AND~~

~~(II) THE LOCATION INFORMATION BEING SOUGHT IS EVIDENCE OF THE MISDEMEANOR OR FELONY BEING OR HAVING BEEN COMMITTED~~ A COURT MAY ISSUE AN ORDER AUTHORIZING OR DIRECTING A LAW ENFORCEMENT OFFICER TO OBTAIN LOCATION INFORMATION FROM AN ELECTRONIC DEVICE AFTER DETERMINING FROM AN APPLICATION DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT:

(I) A MISDEMEANOR OR FELONY HAS BEEN, IS BEING, OR WILL BE COMMITTED BY THE OWNER OR USER OF THE ELECTRONIC DEVICE OR BY THE INDIVIDUAL ABOUT WHOM LOCATION INFORMATION IS BEING SOUGHT; AND

(II) THE LOCATION INFORMATION BEING SOUGHT:

1. IS EVIDENCE OF, OR WILL LEAD TO EVIDENCE OF, THE MISDEMEANOR OR FELONY BEING INVESTIGATED; OR

2. WILL LEAD TO THE APPREHENSION OF AN INDIVIDUAL FOR WHOM AN ARREST WARRANT HAS BEEN PREVIOUSLY ISSUED.

~~(3)~~ (2) AN APPLICATION FOR A WARRANT AN ORDER UNDER THIS SECTION SHALL BE:

(I) IN WRITING;

(II) SIGNED AND SWORN TO BY THE APPLICANT; AND

(III) ACCOMPANIED BY AN AFFIDAVIT THAT:

1. SETS FORTH THE BASIS FOR PROBABLE CAUSE AS DESCRIBED IN PARAGRAPH ~~(2)~~ (1) OF THIS SUBSECTION; AND

2. CONTAINS FACTS WITHIN THE PERSONAL KNOWLEDGE OF THE AFFIANT ~~EVIDENCING THAT PROBABLE CAUSE EXISTS.~~

~~(4)~~ (3) ~~THE WARRANT~~ AN ORDER ISSUED UNDER THIS SECTION SHALL:

(I) NAME OR DESCRIBE WITH REASONABLE PARTICULARITY:

1. ~~THE MEANS USED TO OBTAIN THE LOCATION INFORMATION, INCLUDING, IF APPLICABLE, THE~~ THE TYPE OF ELECTRONIC DEVICE ASSOCIATED WITH THE LOCATION INFORMATION BEING SOUGHT;

2. ~~THE USER OF THE ELECTRONIC DEVICE, IF APPLICABLE, OR THE INDIVIDUAL ABOUT WHOM LOCATION INFORMATION IS KNOWN, OR THE IDENTIFYING NUMBER OF THE ELECTRONIC DEVICE ABOUT WHICH LOCATION INFORMATION IS SOUGHT;~~

3. THE OWNER, IF ~~A~~ KNOWN AND IF THE OWNER IS A PERSON OR AN ENTITY OTHER THAN THE USER, OF THE ELECTRONIC DEVICE;

4. THE GROUNDS FOR OBTAINING THE LOCATION INFORMATION; AND

5. THE NAME OF THE APPLICANT ON WHOSE APPLICATION THE ~~WARRANT~~ ORDER WAS ISSUED;

(II) AUTHORIZE THE EXECUTING LAW ENFORCEMENT OFFICER TO OBTAIN THE LOCATION INFORMATION WITHOUT GIVING NOTICE TO THE OWNER OR USER OF THE ELECTRONIC DEVICE OR TO THE INDIVIDUAL ABOUT WHOM THE LOCATION INFORMATION IS BEING SOUGHT FOR THE DURATION OF THE ORDER;

~~(H)~~ (III) SPECIFY THE ~~FIRST AND LAST CALENDAR DAY FOR WHICH THE DISCLOSURE OF~~ PERIOD OF TIME FOR WHICH LOCATION INFORMATION IS AUTHORIZED TO BE OBTAINED; AND

~~(HH)~~ (IV) IF APPLICABLE, ORDER THE SERVICE PROVIDER TO:

1. DISCLOSE TO THE EXECUTING LAW ENFORCEMENT OFFICER THE LOCATION INFORMATION ASSOCIATED WITH THE

ELECTRONIC DEVICE FOR THOSE DAYS FOR WHICH THE DISCLOSURE IS THE PERIOD OF TIME AUTHORIZED; AND

2. REFRAIN FROM NOTIFYING THE USER, OWNER, OR ANY OTHER PERSON OF THE DISCLOSURE OF LOCATION INFORMATION FOR AS LONG AS THE NOTICE UNDER SUBSECTION (D) OF THIS SECTION IS DELAYED.

~~(C) (1) (I) A SEARCH UNDER THE AUTHORITY OF A WARRANT UNDER THIS SECTION SHALL BE INITIATED WITHIN 15 CALENDAR DAYS AFTER THE DAY THAT THE WARRANT IS ISSUED~~ THE PERIOD OF TIME DURING WHICH LOCATION INFORMATION MAY BE OBTAINED UNDER THE AUTHORITY OF AN ORDER UNDER SUBSECTION (B) OF THIS SECTION MAY NOT EXCEED 30 DAYS UNLESS EXTENDED AS PROVIDED IN SUBSECTION (C)(3) OF THIS SECTION.

~~(II) IF THE SEARCH IS NOT TIMELY INITIATED, THE WARRANT IS VOID~~ LOCATION INFORMATION SHALL BEGIN TO BE OBTAINED BY THE EXECUTING LAW ENFORCEMENT OFFICER WITHIN 10 CALENDAR DAYS AFTER THE ORDER IS ISSUED OR, IF APPLICABLE, THE ORDER SHALL BE DELIVERED TO THE SERVICE PROVIDER WITHIN 10 CALENDAR DAYS AFTER THE ORDER IS ISSUED.

~~(2) AFTER THE EXPIRATION OF THE 15 DAY PERIOD, THE SEARCH WARRANT IS VOID.~~

~~(3) THE SEARCH UNDER THE AUTHORITY OF THE WARRANT, ONCE TIMELY INITIATED, MAY CONTINUE FOR UP TO 15 CALENDAR DAYS.~~

~~(4) (I) THE SEARCH UNDER THE AUTHORITY OF THE WARRANT MAY BE EXTENDED PAST 15 CALENDAR DAYS ON A FINDING BY THE COURT OF CONTINUING PROBABLE CAUSE.~~

~~(II) AN EXTENSION UNDER THIS PARAGRAPH MAY NOT EXCEED 30 CALENDAR DAYS.~~

(2) IF NEITHER OF THE EVENTS DESCRIBED IN SUBSECTION (C)(1)(II) OF THIS SECTION OCCURS WITHIN 10 CALENDAR DAYS OF THE ISSUANCE OF THE ORDER, THE ORDER IS VOID.

(3) (I) THE AUTHORITY TO OBTAIN LOCATION INFORMATION UNDER THE ORDER MAY BE EXTENDED BEYOND 30 CALENDAR DAYS ON A FINDING OF CONTINUING PROBABLE CAUSE.

(II) AN EXTENSION UNDER THIS PARAGRAPH MAY NOT EXCEED AN ADDITIONAL 30 CALENDAR DAYS, UNLESS THE COURT FINDS

CONTINUING PROBABLE CAUSE AND DETERMINES THAT GOOD CAUSE EXISTS FOR A LONGER EXTENSION.

(D) (1) NOTICE OF THE LOCATION INFORMATION ~~WARRANT ORDER~~ SHALL BE DELIVERED TO THE USER AND, IF ~~A~~ KNOWN AND IF THE OWNER IS A PERSON OR AN ENTITY OTHER THAN THE USER, THE ~~OWNER~~ SUBSCRIBER OF THE ELECTRONIC DEVICE FROM WHICH THE LOCATION INFORMATION IS SOUGHT.

(2) ~~THE NOTICE MUST CONTAIN THE FOLLOWING:~~

~~(I) A COPY OF THE WARRANT;~~

~~(II) THE IDENTITY AND CONTACT INFORMATION OF THE SERVICE PROVIDER THAT DISCLOSED THE LOCATION INFORMATION;~~

~~(III) A DESCRIPTION OF THE MISDEMEANOR OR FELONY BEING ALLEGED;~~

~~(IV) THE DATES OF THE SEARCH; AND~~

~~(V) THE FACT OF WHETHER NOTICE WAS DELAYED SHALL:~~

(I) STATE THE GENERAL NATURE OF THE LAW ENFORCEMENT INQUIRY; AND

(II) INFORM THE USER OR OWNER:

1. IF APPLICABLE, THAT LOCATION INFORMATION MAINTAINED BY THE SERVICE PROVIDER WAS SUPPLIED TO A LAW ENFORCEMENT OFFICER;

2. IF APPLICABLE, THE IDENTIFYING NUMBER ASSOCIATED WITH THE ELECTRONIC DEVICE;

3. THE DATES FOR WHICH THE LOCATION INFORMATION WAS SUPPLIED;

4. WHETHER NOTIFICATION WAS DELAYED; AND

5. WHICH COURT AUTHORIZED THE ORDER.

(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ~~THE~~ NOTICE MUST BE DELIVERED WITHIN ~~7~~ 10 CALENDAR DAYS AFTER ~~FIRST OBTAINING ANY LOCATION INFORMATION~~ THE EXPIRATION OF THE ORDER.

(4) NOTWITHSTANDING ANY PROVISION OF THE MARYLAND RULES OR THIS SUBTITLE, THE COURT, ON A FINDING OF GOOD CAUSE, MAY ORDER THAT THE ~~NOTIFICATION REQUIRED UNDER THIS SECTION BE DELAYED FOR A PERIOD NOT EXCEEDING 15 CALENDAR DAYS AFTER THE LAST DAY THE SEARCH IS AUTHORIZED~~ APPLICATION, AFFIDAVIT, AND ORDER BE SEALED AND THAT THE NOTIFICATION REQUIRED UNDER THIS SECTION BE DELAYED FOR A PERIOD OF 30 CALENDAR DAYS.

(5) A FINDING OF GOOD CAUSE UNDER PARAGRAPH (4) OF THIS SUBSECTION MAY BE ESTABLISHED BY EVIDENCE THAT:

(I) THE CRIMINAL INVESTIGATION TO WHICH THE ~~SEARCH~~ AFFIDAVIT IS RELATED IS OF A CONTINUING NATURE AND LIKELY TO YIELD FURTHER INFORMATION THAT COULD BE OF USE IN PROSECUTING ALLEGED CRIMINAL ACTIVITIES; AND

(II) THE FAILURE TO MAINTAIN THE CONFIDENTIALITY OF THE INVESTIGATION WOULD:

1. JEOPARDIZE THE USE OF INFORMATION ALREADY OBTAINED IN THE INVESTIGATION;

2. IMPAIR THE CONTINUATION OF THE INVESTIGATION; OR

3. JEOPARDIZE THE SAFETY OF A SOURCE OF INFORMATION.

(6) A COURT MAY ~~GRANT ONE 15 CALENDAR DAY EXTENSION OF THE TIME THAT THE NOTIFICATION REQUIRED UNDER THIS SUBSECTION CAN BE DELAYED~~ ORDER THAT NOTIFICATION UNDER THIS SECTION BE DELAYED BEYOND 30 CALENDAR DAYS IF:

(I) ~~THERE IS~~ A LAW ENFORCEMENT OFFICER PROVIDES CONTINUED EVIDENCE OF A CIRCUMSTANCE DESCRIBED IN PARAGRAPH (5) OF THIS SUBSECTION; AND

(II) THE COURT MAKES A FINDING OF GOOD CAUSE BASED ON ~~THE~~ EVIDENCE THAT NOTICE SHOULD BE FURTHER DELAYED TO PRESERVE THE CONTINUATION OF THE INVESTIGATION.

(E) ~~(1)~~ DISCOVERY OF THE LOCATION INFORMATION APPLICATION, AFFIDAVIT, WARRANT ORDER, AND ~~ADDITIONAL~~ RELATED DOCUMENTS, IF ANY, ARE SUBJECT TO THE PROVISIONS OF MARYLAND RULES 4-262 AND 4-263.

~~(2) EXCEPT AS PROOF OF A VIOLATION OF THIS SECTION, NO EVIDENCE OBTAINED IN VIOLATION OF THIS SECTION SHALL BE ADMISSIBLE IN A CRIMINAL, CIVIL, ADMINISTRATIVE, OR OTHER PROCEEDING.~~

(F) ~~(1)~~ NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, ~~AN AGENT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE A LAW ENFORCEMENT OFFICER~~ MAY OBTAIN ~~PRESENT~~ LOCATION INFORMATION FOR A PERIOD NOT TO EXCEED 48 HOURS:

~~(i) (1) IN ORDER TO RESPOND TO THE USER'S CALL FOR EMERGENCY SERVICES; EXIGENT CIRCUMSTANCES; OR~~

~~(ii) (2) WITH THE EXPRESS CONSENT OF THE USER AND, IF A PERSON OR AN ENTITY OTHER THAN THE USER, THE OR OWNER OF THE ELECTRONIC DEVICE; OR~~

~~(iii) IF THE AGENT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE REASONABLY BELIEVES THAT:~~

~~1. AN EMERGENCY INVOLVING IMMEDIATE DANGER OF DEATH OR SERIOUS PHYSICAL INJURY TO A PERSON EXISTS; AND~~

~~2. OBTAINING WITHOUT DELAY LOCATION INFORMATION RELATING TO THE EMERGENCY WILL HELP TO REDUCE THE DANGER.~~

~~(2) (i) NO LATER THAN 48 HOURS AFTER THE DATE ON WHICH AN AGENT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE OBTAINS ACCESS TO RECORDS UNDER THIS SUBSECTION, THE AGENT SHALL FILE WITH THE APPROPRIATE COURT A SIGNED, SWORN STATEMENT SETTING FORTH THE GROUNDS FOR THE EMERGENCY ACCESS.~~

~~(ii) THE STATEMENT SHALL BE ACCOMPANIED BY THE NAME AND SIGNATURE OF THE AGENT'S SUPERVISOR.~~

~~(G) (1) BY JANUARY 31 OF EACH CALENDAR YEAR, A COURT ISSUING OR DENYING A WARRANT AN ORDER UNDER THIS SECTION DURING THE PRECEDING CALENDAR YEAR SHALL REPORT TO THE ADMINISTRATIVE OFFICE OF THE COURTS, FOR EACH WARRANT ORDER, THE:~~

~~(I) IDENTITY OF THE AGENCY MAKING THE APPLICATION;~~

~~(H) MISDEMEANOR OR FELONY SPECIFIED IN THE AFFIDAVIT;~~

~~(III) IDENTITY OF THE SERVICE PROVIDER FROM WHICH THE LOCATION INFORMATION WAS TO BE OBTAINED;~~

~~(IV) FACT OF WHETHER THE WARRANT ORDER WAS GRANTED AS APPLIED FOR, WAS MODIFIED, OR WAS DENIED; AND~~

~~(V) NUMBER AND DURATION OF ANY EXTENSIONS OF SEARCH OR DELAYS IN NOTIFICATION.~~

~~(2) (I) IN JUNE OF EACH YEAR, BEGINNING IN 2015, THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL TRANSMIT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, A FULL AND COMPLETE REPORT CONCERNING THE DATA REQUIRED TO BE FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(H) THE ADMINISTRATIVE OFFICE OF THE COURTS MAY ISSUE REGULATIONS DEALING WITH THE CONTENT AND FORM OF THE REPORTS REQUIRED TO BE FILED BY PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(3) IN JUNE OF EACH YEAR, BEGINNING IN 2015, A SUMMARY OF THE REPORT REQUIRED TO BE FILED BY PARAGRAPH (1) OF THIS SUBSECTION SHALL BE MADE PUBLICLY AVAILABLE ON THE WEB SITE OF THE ADMINISTRATIVE OFFICE OF THE COURTS.~~

(G) A PERSON MAY NOT BE HELD CIVILLY LIABLE FOR COMPLYING WITH THIS SECTION BY PROVIDING LOCATION INFORMATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 16, 2014

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

Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1168 – *Electricity – Certificate – Wind Turbines – Limitation*. House Bill 1168 prohibits the construction of a wind-powered generating station within a 56-mile radius from Patuxent River Naval Air Station (Pax River) before July 1, 2015, if the generating station includes wind turbines exceeding certain heights.

I am committed to protecting Pax River because I know how critically important it is to Maryland. After careful consideration, I am vetoing this bill because (1) there are meaningful safeguards in place that render the bill unnecessary;¹ (2) the real threat to Pax River is not an array of wind turbines on the lower Eastern Shore but rising sea levels caused by climate change; and (3) increasing renewable energy is a core strategic goal for the future security and prosperity of our State.

House Bill 1168 will have the practical effect of derailing the Great Bay Wind project, a 70 megawatt wind-powered generating system under development in Somerset County – a county that has one of the highest unemployment rates in the State. The bill would effectively kill a \$200 million investment in the county, along with much-needed jobs and local tax revenue, all because of the perceived inconvenience that wind turbines pose to operations at Pax River.

Ironically, the greater inconvenient truth threatening Pax River – and the billions of dollars of economic activity generated by that facility – is climate change. To address that threat, we must encourage the development of clean renewable energy.²

¹ There currently are processes in place to ensure that renewable generating stations, such as the proposed Great Bay Wind project, do not adversely affect Pax River. In 2011, the United States Congress passed the Ike Skelton Act, which created a clear process at the Department of Defense Siting Clearinghouse for resolving conflicts between military facilities and nearby renewable energy projects. No renewable energy project that creates an unacceptable risk to national security can emerge from this process.

Pursuant to the Clearinghouse process, the developers of the Great Bay Wind project have engaged in extensive negotiations with officials at Pax River on a curtailment agreement, which would require that wind turbines not operate during certain periods when radar testing at Pax River is ongoing. This type of agreement has been successfully utilized to protect operations at several other military facilities around the nation.

In addition, the Maryland General Assembly, in 2012, passed Senate Bill 1073 and House Bill 1427 (Chapters 643 and 644 of the Acts of the General Assembly of 2012), which addressed Pax River's concerns about wind energy projects. That legislation prevents wind energy projects within 46 miles of Pax River, including the Great Bay Wind Project, from taking advantage of streamlined siting and permitting processes available to projects in other areas of the State.

² The recent release of the Third National Climate Assessment highlights the costs that climate change is already imposing on Maryland and underscores the importance of doing everything we can to reduce the damage it will cause in the future. Our State in general, and Pax River in particular, are vulnerable to the very type of carbon pollution that renewable energy projects help reduce.

Moving ahead with renewable energy initiatives advances three of our State's 16 strategic goals. It will help us (1) create jobs; (2) increase Maryland's in-State renewable generation to 20% by 2022; and (3) reduce Maryland's greenhouse gas emissions by 25% by 2020. See <https://data.maryland.gov/goals>.

Reducing greenhouse gas emissions by shifting to clean energy will not always be easy or convenient in the short run, and it will challenge all of us to find new ways to coexist, but it is critical to sustaining the economy and living environment of our State.

House Bill 1168 would be detrimental to the development of the clean energy economy that Maryland seeks. The developers of the Great Bay Wind project have engaged in years of painstaking negotiations, played by the rules, and invested millions of dollars in good faith reliance on the policies established by our federal and State legislative bodies. If this moratorium were to take effect, it would send a chilling message to clean energy investors, developers, manufacturers, construction firms, engineers, and sustainable businesses that the State can change the rules at the eleventh hour. This would make it more difficult for the State to attract new clean energy investment just as Maryland is emerging as a renewable energy leader.

For these reasons, I have today vetoed House Bill 1168.

Sincerely,

Governor Martin O'Malley

House Bill 1168

AN ACT concerning

Electricity – Certificate – Wind Turbines – Limitation

FOR the purpose of prohibiting the Public Service Commission from granting final approval for, and a person from undertaking, construction of a certain wind-powered generating station above certain heights within ~~a certain area~~ areas before a certain date; requiring the Commission to consider certain information when evaluating a proposal for a certificate of public convenience and necessity for certain facilities; altering the scope of a certain exception to the requirement to obtain a certificate of public convenience and necessity under certain circumstances; providing for the termination of this Act; defining a certain term; providing for the application of this Act; and generally relating to wind turbines and certificates of public convenience and necessity.

BY repealing and reenacting, with amendments,
 Article – Public Utilities
 Section 7-207 and 7-207.1(a)(1)(ii)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2013 Supplement)

~~BY repealing and reenacting, without amendments,
 Article – Public Utilities
 Section 7-207.1(a)(1)(ii)~~

~~Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)~~

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

Article – Public Utilities

7–207.

(a) (1) (i) In this section and § 7–208 of this subtitle, “construction” means:

1. any physical change at a site, including fabrication, erection, installation, or demolition; or

2. the entry into a binding agreement or contractual obligation to purchase equipment exclusively for use in construction in the State or to undertake a program of actual construction in the State which cannot be canceled or modified without substantial loss to the owner or operator of the proposed generating station.

(ii) “Construction” does not include a change that is needed for the temporary use of a site or route for nonutility purposes or for use in securing geological data, including any boring that is necessary to ascertain foundation conditions.

(2) In this section, “qualified generator lead line” means an overhead transmission line that is designed to carry a voltage in excess of 69,000 volts and would allow an out-of-state Tier 1 or Tier 2 renewable source to interconnect with a portion of the electric system in Maryland that is owned by an electric company.

(b) (1) (i) Unless a certificate of public convenience and necessity for the construction is first obtained from the Commission, a person may not begin construction in the State of:

1. a generating station; or

2. a qualified generator lead line.

(ii) If a person obtains Commission approval for construction under § 7–207.1 of this subtitle, the Commission shall exempt a person from the requirement to obtain a certificate of public convenience and necessity under this section.

(iii) Notwithstanding subparagraph (i) of this paragraph, a person may not apply to obtain a certificate of public convenience and necessity for construction of a qualified generator lead line unless:

1. at least 90 days before the filing of an application for a certificate of public convenience and necessity, the person had in good faith offered the electric company that owns that portion of the electric grid in Maryland to which the qualified generator lead line would interconnect a full and fair opportunity for the electric company to construct the qualified generator lead line; and

2. at any time at least 10 days before the filing of an application for a certificate of public convenience and necessity, the electric company:

A. did not accept from the person a proposal or a negotiated version of the proposal under which the electric company would construct the qualified generator lead line; or

B. stated in writing that the electric company did not intend to construct the qualified generator lead line.

(2) Unless a certificate of public convenience and necessity for the construction is first obtained from the Commission, and the Commission has found that the capacity is necessary to ensure a sufficient supply of electricity to customers in the State, a person may not exercise a right of condemnation in connection with the construction of a generating station.

(3) (i) Except as provided in paragraph (4) of this subsection, unless a certificate of public convenience and necessity for the construction is first obtained from the Commission, an electric company may not begin construction of an overhead transmission line that is designed to carry a voltage in excess of 69,000 volts or exercise a right of condemnation with the construction.

(ii) For construction related to an existing overhead transmission line, the Commission may waive the requirement in subparagraph (i) of this paragraph for good cause.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, for construction related to an existing overhead transmission line designed to carry a voltage in excess of 69,000 volts, the Commission shall waive the requirement to obtain a certificate of public convenience and necessity if the Commission finds that the construction does not:

1. require the electric company to obtain new real property or additional rights-of-way through eminent domain; or

2. require larger or higher structures to accommodate:

- A. increased voltage; or
- B. larger conductors.

(ii) 1. For construction related to an existing overhead transmission line, including repairs, that is necessary to avoid an imminent safety hazard or reliability risk, an electric company may undertake the necessary construction.

2. Within 30 days after construction is completed under subparagraph 1 of this subparagraph, an electric company shall file a report with the Commission describing the work that was completed.

(c) (1) On receipt of an application for a certificate of public convenience and necessity under this section, the Commission shall provide notice immediately or require the applicant to provide notice immediately of the application to:

- (i) the Department of Planning;
- (ii) the governing body of each county or municipal corporation in which any portion of the generating station, overhead transmission line, or qualified generator lead line is proposed to be constructed;
- (iii) the governing body of each county or municipal corporation within 1 mile of the proposed location of the generating station, overhead transmission line, or qualified generator lead line;
- (iv) each member of the General Assembly representing any part of a county in which any portion of the generating station, overhead transmission line, or qualified generator lead line is proposed to be constructed;
- (v) each member of the General Assembly representing any part of each county within 1 mile of the proposed location of the generating station, overhead transmission line, or qualified generator lead line; and
- (vi) all other interested persons.

(2) The Department of Planning shall forward the application to each appropriate State unit and unit of local government for review, evaluation, and comment regarding the significance of the proposal to State, area-wide, and local plans or programs.

(d) (1) The Commission shall provide an opportunity for public comment and hold a public hearing on the application for a certificate of public convenience and necessity in each county and municipal corporation in which any portion of the construction of a generating station, an overhead transmission line designed to carry a

voltage in excess of 69,000 volts, or a qualified generator lead line is proposed to be located.

(2) The Commission shall hold the public hearing jointly with the governing body of the county or municipal corporation in which any portion of the construction of the generating station, overhead transmission line, or qualified generator lead line is proposed to be located, unless the governing body declines to participate in the hearing.

(3) Once in each of the 4 successive weeks immediately before the hearing date, the Commission shall provide weekly notice of the public hearing and an opportunity for public comment by advertisement in a newspaper of general circulation in the county or municipal corporation affected by the application.

(4) (i) The Commission shall ensure presentation and recommendations from each interested State unit, and shall allow representatives of each State unit to sit during hearing of all parties.

(ii) The Commission shall allow each State unit 15 days after the conclusion of the hearing to modify the State unit's initial recommendations.

(e) The Commission shall take final action on an application for a certificate of public convenience and necessity only after due consideration of:

(1) the recommendation of the governing body of each county or municipal corporation in which any portion of the construction of the generating station, overhead transmission line, or qualified generator lead line is proposed to be located; and

(2) the effect of the generating station, overhead transmission line, or qualified generator lead line on:

(i) the stability and reliability of the electric system;

(ii) economics;

(iii) esthetics;

(iv) historic sites;

(v) aviation safety as determined by the Maryland Aviation Administration and the administrator of the Federal Aviation Administration;

(vi) when applicable, air and water pollution; and

(vii) the availability of means for the required timely disposal of wastes produced by any generating station.

(f) For the construction of an overhead transmission line, in addition to the considerations listed in subsection (e) of this section, the Commission shall take final action on an application for a certificate of public convenience and necessity only after due consideration of the need to meet existing and future demand for electric service.

(g) (1) The Commission may not authorize, and an electric company may not undertake, the construction of an overhead transmission line that is aligned with and within 1 mile of either end of a public airport runway, unless:

(i) the Federal Aviation Administration determines that the construction of an overhead transmission line will not constitute a hazard to air navigation; and

(ii) the Maryland Aviation Administration concurs in that determination.

(2) A privately owned airport runway shall qualify as a public airport runway under this subsection only if the runway has been on file with the Federal Aviation Administration for at least 2 years as being open to the public without restriction.

(H) (1) IN THIS SUBSECTION, “REFERENCE POINT” MEANS A POINT ON THE PATUXENT NAVAL AIR STATION CENTERED AT 38.29667N AND 76.37668W.

(2) THE COMMISSION MAY NOT APPROVE A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR, AND A PERSON MAY NOT UNDERTAKE, CONSTRUCTION OF A WIND-POWERED GENERATING STATION THAT INCLUDES ANY WIND TURBINE EXCEEDING 50 FEET IN THE HEIGHT SPECIFIED WITHIN THE AREA DESCRIBED IN § 7-207.1(A)(1)(H)5 PARAGRAPH (3) OF THIS SUBTITLE SUBSECTION BEFORE JULY 1, 2015.

(3) A WIND TURBINE FOR A WIND-POWERED GENERATING STATION MAY NOT EXCEED THE HEIGHT ABOVE GROUND LEVEL SPECIFIED IN THIS PARAGRAPH IN THE AREA DESCRIBED AS FOLLOWS:

(I) EAST OF A LINE PASSING THROUGH THE REFERENCE POINT AND 39.0986N AND 76.5284W AND:

1. NOT MORE THAN 24 MILES FROM THE REFERENCE POINT, 0 FEET;

2. MORE THAN 24 MILES AND NOT MORE THAN 30 MILES FROM THE REFERENCE POINT, 100 FEET;

3. MORE THAN 30 MILES AND NOT MORE THAN 35 MILES FROM THE REFERENCE POINT, 200 FEET;

4. MORE THAN 35 MILES AND NOT MORE THAN 39 MILES FROM THE REFERENCE POINT, 300 FEET;

5. MORE THAN 39 MILES AND NOT MORE THAN 43 MILES FROM THE REFERENCE POINT, 400 FEET;

6. MORE THAN 43 MILES AND NOT MORE THAN 46 MILES FROM THE REFERENCE POINT, 500 FEET;

7. MORE THAN 46 MILES AND NOT MORE THAN 49 MILES FROM THE REFERENCE POINT, 600 FEET; AND

8. MORE THAN 49 MILES AND NOT MORE THAN 56 MILES FROM THE REFERENCE POINT, 700 FEET; AND

(II) WEST OF A LINE PASSING THROUGH THE REFERENCE POINT AND 39.0986N AND 76.5284W AND:

1. SOUTH OF 38.4428N, 0 FEET;

2. NORTH OF 38.4428N AND NO FARTHER NORTH THAN 38.5711N, 100 FEET;

3. NORTH OF 38.5711N AND NO FARTHER NORTH THAN 38.5943N, 200 FEET;

4. NORTH OF 38.5943N AND NO FARTHER NORTH THAN 38.6366N, 300 FEET;

5. NORTH OF 38.6366N AND NO FARTHER NORTH THAN 38.6596N, 400 FEET;

6. NORTH OF 38.6596N AND NO FARTHER NORTH THAN 38.6873N, 500 FEET;

7. NORTH OF 38.6873N AND NO FARTHER NORTH THAN 38.7075N, 600 FEET; AND

8. NORTH OF 38.7075N AND NOT MORE THAN 56 MILES FROM THE REFERENCE POINT, 700 FEET.

~~(2)~~ **(4)** IN EVALUATING ANY PROPOSAL FOR A WIND-POWERED GENERATING STATION WITHIN THE AREA DESCRIBED IN ~~§ 7-207.1(A)(1)(H)5~~ **PARAGRAPH (3) OF THIS SUBTITLE SUBSECTION**, THE COMMISSION SHALL REVIEW AND CONSIDER ALL AVAILABLE PERTINENT INFORMATION RELATING TO THE POTENTIAL FOR INTERFERENCE OF THE PROPOSED GENERATING STATION ON THE MAINTENANCE AND OPERATIONS OF THE ATLANTIC TEST RANGE UTILIZED BY THE PATUXENT RIVER NAVAL AIR STATION AND RELATED DEFENSE FACILITIES, BOTH AS A SPECIFIC PROPOSAL AND IN COMBINATION WITH OTHER EXISTING AND PROPOSED WIND-POWERED GENERATING STATIONS AFFECTING THE TEST RANGE.

7-207.1.

(a) This section applies to a person who:

(1) constructs a generating station:

(ii) that produces electricity from wind if:

1. the generating station is land-based;

2. the capacity of the generating station does not exceed

70 megawatts;

3. the electricity that may be exported for sale from the generating station to the electric system is sold only on the wholesale market pursuant to an interconnection, operation, and maintenance agreement with the local electric company;

4. the Commission provides an opportunity for public comment at a public hearing as provided in subsection (f) of this section; and

5. the generating station's wind turbines are not located within a distance from the Patuxent River Naval Air Station **AND AT A HEIGHT** that ~~is~~ **ARE** determined by regulations adopted by the Commission in coordination with the Commander, Naval Air Warfare Center Aircraft Division, provided that the distance requirement under the regulation is:

A. not greater than is necessary to encompass an area in which utility scale wind turbines could create Doppler radar interference for missions at the Patuxent River Naval Air Station;

B. **SUBJECT TO § 7-207(H) OF THIS SUBTITLE**, not greater than 46 miles, measured from location 38.29667N, 76.37668W; and

C. subject to modification if necessary to reflect changes in missions or technology at the Patuxent River Naval Air Station or changes in wind energy technology; or

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to affect any wind-powered generating station:

(1) on which ~~physical~~ construction has begun on or before March 10, 2014; and

(2) for which proceeds from a Maryland Water Quality Financing Administration loan have been paid to a manufacturer of wind-powered generating stations to initiate construction of the wind-powered generating station.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014. It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1184 – *Calvert County – Public Facilities Bonds*.

The bill authorizes and empowers the County Commissioners of Calvert County, from time to time, to borrow not more than \$12,650,000 to finance the construction, improvement, or development of specified public facilities in Calvert County, and to effect such borrowing by the issuance and sale of its general obligation bonds.

Senate Bill 168, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1184.

Sincerely,

Governor Martin O'Malley

House Bill 1184

AN ACT concerning

Calvert County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Calvert County, from time to time, to borrow not more than \$12,650,000 to finance the construction, improvement, or development of certain public facilities in Calvert County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term “County” means the body politic and corporate of the State of Maryland known as the County Commissioners of Calvert County, and the term “construction, improvement, or development of public facilities” means the acquisition, alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings and facilities, including but not limited to the Boyds Turn Road Project, Mount Harmony Road Safety Improvements, Pushaw Station Road Improvements, Barstow Convenience Center Upgrade, Chesapeake Heights/Dares Beach Water Treatment and System Improvements, Cove Point Water Expansion, District One Tank Replacements, Industrial Park Wastewater Treatment Plant Improvements, Prince Frederick Pump Station Improvements, and Prince Frederick Sewer Line Improvements, and issuance costs together with the costs of acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the public facilities described in

Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at one time or from time to time, in an amount not exceeding, in the aggregate, \$12,650,000 and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of § 19–204 of the Local Government Article of the Annotated Code of Maryland, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be for the best interests of Calvert County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or state securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in a bond order pursuant to the bond resolution. The bonds may be issued in registered form and provision may be made for the registration of the principal only. In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of §§ 19–205 and 19–206 of the Local Government Article of the Annotated Code of Maryland, as amended.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for

the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds.

If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which shall be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Treasurer of Calvert County or such other official of Calvert County as may be designated to receive such payment in a resolution passed by the County before such delivery.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the acquisition, construction, improvement, or development of public facilities for which the bonds are sold. If the amounts borrowed shall prove inadequate to finance the projects described in the resolution, the County may issue additional bonds with the limitations hereof for the purpose of evidencing the borrowing of additional funds for such financing, provided the resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of the sale of any issue of bonds exceed the amount needed to finance the projects described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, unless the County shall adopt a resolution allocating the excess funds to the acquisition, construction, improvement, or development of other public facilities, as defined and within the limits set forth in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be

levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied may be reduced accordingly.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the manner hereinabove described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County in such an amount as shall be necessary for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, county, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act

shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of Calvert County, shall be liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1225 – *Legal Mutual Liability Insurance Society of Maryland – Conservatorship and Transfer*.

The bill provides for the assumption and exercise of specified powers of the Legal Mutual Liability Insurance Society of Maryland by the Minnesota Lawyers Mutual Insurance Company (Minnesota Mutual) in a specified manner for specified purposes and appointing Minnesota Mutual as conservator of the Society for a specified period for specified purposes; provides powers to Minnesota Mutual for specified purposes; and requires Minnesota Mutual to provide specified public notice and authorizing transfer of specified assets and liabilities.

Senate Bill 886, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1225.

Sincerely,

Governor Martin O'Malley

House Bill 1225

AN ACT concerning

Legal Mutual Liability Insurance Society of Maryland – Conservatorship and Transfer

FOR the purpose of providing for the assumption and exercise of certain powers of the Legal Mutual Liability Insurance Society of Maryland by the Minnesota Lawyers Mutual Insurance Company (Minnesota Mutual) in a certain manner for certain purposes; stating certain findings of the General Assembly; appointing Minnesota Mutual as conservator of the Society for a certain period for certain purposes; providing certain powers to Minnesota Mutual for certain purposes; requiring Minnesota Mutual to provide public notice in certain manners of its appointment as conservator, of certain processes and the transfer of certain policies, assets, and liabilities of the Society to the Property and Casualty Insurance Guaranty Corporation, of a certain bar date, and of certain effects of the conservatorship and transfer; authorizing the referral of certain claims to the Guaranty Corporation under certain circumstances after the occurrence of a certain event; authorizing the transfer of certain assets *and certain liabilities* to the Guaranty Corporation in a certain manner as of a certain date; providing for the termination of the conservatorship; prohibiting Minnesota Mutual from receiving certain compensation for certain actions but authorizing the reimbursement of certain expenses; requiring Minnesota Mutual to report to the Maryland Insurance Commissioner on certain matters at a certain frequency; defining certain terms; providing for the construction of a portion of this Act; dissolving the Board of Directors of the Society and terminating the terms of the directors and officers of the Society as of a certain date; requiring the reimbursement of Minnesota Mutual for certain costs as of a certain date; requiring the transfer of certain assets and liabilities of the Society to the Guaranty Corporation on the earlier of certain dates; providing for the continuity of certain transactions, rights, duties, assets, liabilities, and causes of action; requiring Minnesota Mutual to study and report on certain matters to the Commissioner, the Guaranty Corporation, and certain committees of the General Assembly on or before a certain date; requiring Minnesota Mutual to consult with certain entities for a certain purpose; repealing provisions of law relating to the Society as of a certain date; providing that existing obligations or contract rights may not be impaired by this Act; providing for a delayed

effective date for certain provisions of this Act; and generally relating to the Legal Mutual Liability Insurance Society of Maryland and its conservatorship.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 24–101 and 24–104
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing
Article – Insurance
Section 24–102
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY adding to
Article – Insurance
Section 24–102 and 24–110
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing
Article – Insurance
Section 24–101 through 24–110, inclusive, and the subtitle “Subtitle 1. Legal Mutual Liability Insurance Society of Maryland”
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)
(As enacted by Section 1 of this Act)

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

Article – Insurance

24–101.

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

(b) **“GUARANTY CORPORATION” MEANS THE PROPERTY AND CASUALTY INSURANCE GUARANTY CORPORATION ESTABLISHED UNDER TITLE 9, SUBTITLE 3 OF THIS ARTICLE.**

(c) **“Lawyer”** means an individual who is admitted to the Bar of the Court of Appeals of Maryland.

[(c)] (D) "MINNESOTA MUTUAL" MEANS THE MINNESOTA LAWYERS MUTUAL INSURANCE COMPANY.

(E) (1) "Practice law" has the meaning stated by the Court of Appeals of Maryland.

(2) "Practice law" includes the meaning stated in § 10-101(h) of the Business Occupations and Professions Article.

[(d)] (F) "Society" means the Legal Mutual Liability Insurance Society of Maryland.

[24-102.

Subject to the limitations and immunities of this subtitle, the purpose of this subtitle is to provide:

(1) a means to pay indemnities to persons that suffer injuries arising out of the rendering of or failure to render professional services by lawyers;

(2) a means for lawyers to obtain insurance against liability for injuries arising out of the rendering of or failure to render professional services; and

(3) property insurance and casualty insurance related or incidental to practicing law.]

24-102.

THE GENERAL ASSEMBLY FINDS THAT:

(1) AT THE TIME THAT IT WAS ESTABLISHED IN 1986, THE LEGAL MUTUAL LIABILITY INSURANCE SOCIETY OF MARYLAND PROVIDED A VALUABLE SERVICE TO THE LEGAL COMMUNITY OF THE STATE BY PROVIDING OTHERWISE UNAVAILABLE AFFORDABLE LEGAL PROFESSIONAL LIABILITY INSURANCE;

(2) IN 2006, THE SOCIETY ENTERED INTO A MANAGEMENT AGREEMENT WITH MINNESOTA LAWYERS MUTUAL INSURANCE COMPANY, A "BAR-RELATED" INSURANCE COMPANY THAT IS DOMICILED IN MINNESOTA AND WRITES LEGAL PROFESSIONAL LIABILITY INSURANCE IN 14 ADDITIONAL STATES, UNDER WHICH MINNESOTA MUTUAL ASSUMED RESPONSIBILITY FOR THE DAY-TO-DAY OPERATIONS OF THE SOCIETY;

(3) IN THE INTERVENING YEARS, OTHER LIABILITY INSURERS HAVE ENTERED THE MARYLAND MARKET, MAKING AFFORDABLE LEGAL

PROFESSIONAL LIABILITY INSURANCE AVAILABLE TO LAWYERS IN THE STATE, AND AS A RESULT THE SOCIETY IS NO LONGER NEEDED FOR ITS ORIGINAL PURPOSE;

(4) THE SOCIETY IS A MEMBER OF THE PROPERTY AND CASUALTY INSURANCE GUARANTY CORPORATION, ~~THE INSURER OF LAST RESORT FOR PROPERTY AND CASUALTY INSURERS IN THE STATE;~~

(5) AT THIS TIME, THE SOCIETY HAS NO ACTIVE INSURANCE POLICIES IN FORCE; AND

(6) ALTHOUGH THE SOCIETY REMAINS ~~FULLY~~ SOLVENT AND IS NOT AN IMPAIRED INSURER IT IS DESIRABLE TO WIND UP THE AFFAIRS OF THE SOCIETY IN A REGULAR MANNER AND TO TRANSFER ITS REMAINING POLICIES AND ASSETS TO ANOTHER INSURER BY APPOINTING MINNESOTA MUTUAL IN THE MANNER OF A CONSERVATOR OF THE SOCIETY.

24-104.

(a) [There is a Board of Directors of the Society.

(b) (1) There shall be at least 11 directors on the Board.

(2) The directors shall be elected by the members of the Society in accordance with the articles of incorporation and bylaws of the Society.

(c) The Board of Directors] **DURING THE CONSERVATORSHIP AND TRANSFER UNDER § 24-110 OF THIS SUBTITLE, MINNESOTA LAWYERS MUTUAL INSURANCE COMPANY** governs the Society and exercises the powers of the Society **IN THE PLACE OF THE FORMER BOARD OF DIRECTORS OF THE SOCIETY.**

(B) (1) MINNESOTA MUTUAL SHALL EXERCISE THE POWERS OF THE SOCIETY IN THE MANNER OF A CONSERVATOR TO WIND UP THE AFFAIRS OF THE SOCIETY AND TRANSFER ANY REMAINING ASSETS AND LIABILITIES OF THE SOCIETY TO THE PROPERTY AND CASUALTY INSURANCE GUARANTY CORPORATION IN ACCORDANCE WITH § 24-110 OF THIS SUBTITLE.

(2) IN EXERCISING THESE POWERS, MINNESOTA MUTUAL SHALL EXERCISE A DUTY OF CARE AND FIDUCIARY RESPONSIBILITY TO THE GUARANTY CORPORATION AND TO THOSE INSUREDS WHO CONTINUE TO HAVE COVERAGE FROM THE SOCIETY.

24-110.

(A) IN THIS SECTION, "BAR DATE" MEANS DECEMBER 31, 2015.

(B) (1) MINNESOTA MUTUAL IS APPOINTED AS A CONSERVATOR TO WIND UP THE AFFAIRS OF THE SOCIETY AND TRANSFER ANY REMAINING ASSETS AND LIABILITIES OF THE SOCIETY TO THE GUARANTY CORPORATION.

(2) IN PERFORMING ITS DUTIES UNDER THIS SECTION, MINNESOTA MUTUAL MAY:

(I) SUBJECT TO SUBSECTION (G) OF THIS SECTION, CONTINUE TO MANAGE THE AFFAIRS OF THE SOCIETY IN THE MANNER AUTHORIZED BY CONTRACT UNDER § 24-105 OF THIS SUBTITLE;

(II) SETTLE CLAIMS, INCLUDING PAYING THE EXPENSES OF SETTLEMENT;

(III) INVEST AND DISPOSE OF ASSETS;

(IV) MAINTAIN FINANCIAL RECORDS; AND

(V) TAKE ANY OTHER ACTION THAT MAY BE NECESSARY OR DESIRABLE TO FURTHER THE PURPOSES OF THIS SECTION.

(C) (1) MINNESOTA MUTUAL SHALL PROVIDE PUBLIC NOTICE OF:

(I) ITS APPOINTMENT AS CONSERVATOR UNDER THIS SECTION;

(II) THE PROCESS OF THE CONSERVATORSHIP AND THE TRANSFER OF THE POLICIES, ASSETS, AND LIABILITIES OF THE SOCIETY TO THE GUARANTY CORPORATION;

(III) THE BAR DATE; AND

(IV) THE EFFECTS OF THE CONSERVATORSHIP AND TRANSFER, INCLUDING:

1. THE NEED FOR ANY PERSON WISHING TO ASSERT ANY CLAIM ARISING UNDER ANY INSURANCE POLICY ISSUED BY THE SOCIETY TO DO SO BEFORE THE BAR DATE;

2. THE BAR AND ESTOPPEL AGAINST ASSERTING A CLAIM AGAINST THE SOCIETY AFTER THE BAR DATE; AND

3. THE REQUIREMENT TO PURSUE THE CLAIM THROUGH THE GUARANTY CORPORATION AFTER THE BAR DATE.

(2) THE NOTICE SHALL BE PUBLISHED:

(I) IN AT LEAST TWO NEWSPAPERS OF GENERAL CIRCULATION IN THE STATE, INCLUDING AT LEAST ONE NEWSPAPER THAT PRINCIPALLY SERVES THE LEGAL COMMUNITY OF THE STATE, ONCE EVERY 6 MONTHS BEGINNING ON JULY 1, 2014, AND ENDING ON JANUARY 1, 2016;

(II) ON THE WEB SITES OF THE SOCIETY, MINNESOTA MUTUAL, AND THE GUARANTY CORPORATION; AND

(III) IN ANY OTHER MANNER AND FREQUENCY THAT THE COMMISSIONER REQUIRES.

(D) DURING THE CONSERVATORSHIP UNDER THIS SECTION, IF THE ASSETS OF THE SOCIETY ARE EXHAUSTED BEFORE ALL CLAIMS ARE SATISFIED, ANY UNSATISFIED CLAIMS SHALL BE REFERRED TO THE GUARANTY CORPORATION.

(E) IF ASSETS OF THE SOCIETY REMAIN AFTER ALL FILED CLAIMS HAVE BEEN SATISFIED AS OF THE BAR DATE, THOSE REMAINING ASSETS SHALL BE TRANSFERRED TO THE GUARANTY CORPORATION FREE AND CLEAR OF ANY FURTHER CLAIM OR ENCUMBRANCE.

(F) (1) THE CONSERVATORSHIP UNDER THIS SECTION SHALL TERMINATE ON THE EARLIER OF:

(I) THE EXHAUSTION OF THE ASSETS OF THE SOCIETY UNDER SUBSECTION (D) OF THIS SECTION; AND

(II) THE DATE WHEN ALL CLAIMS ASSERTED AGAINST THE SOCIETY BEFORE THE BAR DATE ARE SATISFIED OR OTHERWISE SETTLED.

(2) IF THE CONSERVATORSHIP UNDER THIS SECTION TERMINATES BEFORE THE BAR DATE, MINNESOTA MUTUAL SHALL TRANSFER ALL POLICIES, ASSETS, AND LIABILITIES TO THE GUARANTY CORPORATION AS OF THE TERMINATION DATE.

(G) NOTWITHSTANDING § 24-105 OF THIS SUBTITLE, MINNESOTA MUTUAL:

(1) MAY NOT RECEIVE ANY FEE FOR ADMINISTERING THE SOCIETY DURING THE CONSERVATORSHIP AND TRANSFER UNDER THIS SECTION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR JUST AND REASONABLE EXPENSES THAT MINNESOTA MUTUAL INCURS IN CONNECTION WITH THE CONSERVATORSHIP AND TRANSFER.

(H) DURING THE CONSERVATORSHIP UNDER THIS SECTION, MINNESOTA MUTUAL SHALL REPORT AT LEAST ONCE EVERY 3 MONTHS TO THE COMMISSIONER ON THE STATUS AND PROGRESS OF THE CONSERVATORSHIP AND THE PREPARATION FOR TRANSFER OF ANY REMAINING POLICIES, ASSETS OF THE SOCIETY, AND LIABILITIES ~~OF~~ UNDER POLICIES ISSUED BY THE SOCIETY TO THE GUARANTY CORPORATION.

(I) SUBJECT TO § 24-104(B) OF THIS SUBTITLE, THIS SECTION MAY NOT BE CONSTRUED TO PREVENT THE TRANSFER OF ANY POLICY OR OTHER LIABILITY OF A PRESENT OR FORMER POLICYHOLDER OF THE SOCIETY TO MINNESOTA MUTUAL OR TO ANY OTHER INSURER THAT HAS A CERTIFICATE OF AUTHORITY FROM THE ADMINISTRATION UNDER THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the Board of Directors of the Legal Mutual Liability Insurance Society of Maryland and the term of each of its members and the officers of the Society shall terminate on July 1, 2014.

SECTION 3. AND BE IT FURTHER ENACTED, That on the earlier of January 1, 2016, and the termination date of the conservatorship under § 24-110(f) of the Insurance Article as enacted by Section 1 of this Act:

(1) the Minnesota Lawyers Mutual Insurance Company shall be reimbursed all just and reasonable costs incurred by it in the performance of its duties under this Act and under contract in accordance with § 24-105 of the Insurance Article through the earlier of December 31, 2015, and the termination date; and

(2) all net remaining assets of the Society and liabilities ~~of~~ under policies issued by the Society, whether positive or negative, including any coverage provided by the Society under a "tail" policy and any balance in the Rate Stabilization Reserve Fund of the Society, shall be transferred to the Property and Casualty Insurance Guaranty Corporation.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, any transaction affected by or flowing from any statute here amended or repealed and validly entered into before the effective date of this Act and every right, duty, or interest following from it remain valid after the

effective date of this Act and may be terminated, completed, consummated, or enforced pursuant to law.

SECTION 5. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, all standards and guidelines, proposed standards and guidelines, orders and other directives, forms, plans, memberships, contracts, properties, rights to sue and be sued, and all other duties and responsibilities associated with those assets and liabilities of the Legal Mutual Liability Insurance Society of Maryland transferred by this Act shall continue in effect under the Property and Casualty Insurance Guaranty Corporation until completed, withdrawn, canceled, modified, or otherwise changed pursuant to law.

SECTION 6. AND BE IT FURTHER ENACTED, That:

(a) In addition to the quarterly reports required under § 24–110 of the Insurance Article, as enacted by Section 1 of this Act, on or before January 1, 2015, the Minnesota Lawyers Mutual Insurance Company shall report to the Maryland Insurance Commissioner, the Property and Casualty Insurance Guaranty Corporation, and, subject to § 2–1246 of the State Government Article, the Senate Finance Committee and the House Economic Matters Committee on the status of the conservatorship of the Legal Mutual Liability Insurance Society of Maryland, the winding up of its affairs, and the progress of the transfer of its policies, assets, and liabilities to the Guaranty Corporation.

(b) (1) In connection with the report required under subsection (a) of this section, Minnesota Mutual shall consult with the Maryland Insurance Administration and the Guaranty Corporation on the status of the Society, on the most efficient and appropriate means to wind up the affairs of the Society, and on the most suitable continuation of coverage for the Society's remaining liabilities along with the best protection for the Society's insureds and the Guaranty Corporation ~~as the insurer of last resort.~~

(2) The report required under subsection (a) of this section shall include any recommended changes to this Act, including any changes in the ultimate disposition of the Society's assets and liabilities to the Guaranty Corporation, to Minnesota Mutual, or to another insurer or insurers, developed by Minnesota Mutual through the consultation under paragraph (1) of this subsection.

SECTION 7. AND BE IT FURTHER ENACTED, That a presently existing obligation or contract right may not be impaired in any way by this Act.

SECTION 8. AND BE IT FURTHER ENACTED, That Section(s) 24–101 through 24–110, and the subtitle "Subtitle 1. Legal Mutual Liability Insurance Society of Maryland" of Article – Insurance of the Annotated Code of Maryland be repealed.

SECTION 9. AND BE IT FURTHER ENACTED, That Section 8 of this Act shall take effect January 1, 2016.

SECTION 10. AND BE IT FURTHER ENACTED, That, except as provided in Section 9 of this Act, this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1244 – *Criminal Procedure – Criminal Injuries Compensation Board – Child Abuse Victims*.

The bill alters the date by which, in a case of child abuse, a specified claimant may file a claim with the Criminal Injuries Compensation Board.

Senate Bill 830, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1244.

Sincerely,

Governor Martin O'Malley

House Bill 1244

AN ACT concerning

**Criminal Procedure – Criminal Injuries Compensation Board – Child Abuse
Victims**

FOR the purpose of altering the date by which, in a case of child abuse, a certain claimant may file a claim with the Criminal Injuries Compensation Board; and generally relating to the Criminal Injuries Compensation Board.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11-808
Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 11–809(a)

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

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

Article – Criminal Procedure

11–808.

(a) (1) Except as provided in paragraph (2) of this subsection, the following persons are eligible for awards in the manner provided under this subtitle:

(i) a victim;

(ii) a dependent of a victim who died as a direct result of:

1. a crime or delinquent act;

2. trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence or trying to apprehend a person who had committed a crime or delinquent act in the victim's presence or had committed a felony or a delinquent act that would be considered a felony if committed by an adult; or

3. helping a law enforcement officer perform the officer's duties or helping a member of a fire department who is obstructed from performing the member's duties;

(iii) any person who paid or assumed responsibility for the funeral expenses of a victim who died as a direct result of:

1. a crime or delinquent act;

2. trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence or trying to apprehend a person who had committed a crime or delinquent act in the victim's presence or had committed a felony; or

3. helping a law enforcement officer perform the officer's duties or helping a member of a fire department who is obstructed from performing the member's duties; and

(iv) 1. a parent, child, or spouse of a victim who resides with the victim; or

2. a parent, child, or spouse of an individual who is incarcerated for abuse as defined in § 4–501 of the Family Law Article and who, prior to incarceration:

A. resided with the parent, child, or spouse; and

B. provided financial support to the parent, child, or spouse.

(2) A person who commits the crime or delinquent act that is the basis of a claim, or an accomplice of the person, is not eligible to receive an award with respect to the claim.

(b) A resident of the State is eligible for an award under this subtitle if the resident becomes a victim in another state other than this State that:

(1) does not operate a criminal injuries compensation program;

(2) operates a criminal injuries compensation program for which the victim is ineligible; or

(3) operates a criminal injuries compensation program for which money has not been appropriated or made available.

(c) (1) A person eligible to receive an award under subsection (a) or (b) of this section may file a claim under this subtitle.

(2) If a person eligible to receive an award is under 18 years of age, the person's parent or guardian may file a claim under this subtitle.

(3) If a person eligible to receive an award is mentally incompetent, the person's guardian or other person authorized to administer the person's estate may file the claim on the person's behalf.

11–809.

(a) (1) **[A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A** claimant shall file a claim not later than 3 years after the occurrence of the crime or delinquent act or the death of the victim.

(2) In a case of child abuse, a claimant may file a claim:

(I) up to [3 years after the claimant knew or should have known of the child abuse] **THE DATE THE CHILD WHO WAS THE SUBJECT OF THE ABUSE REACHES THE AGE OF 25 YEARS; OR**

(II) **IF THE BOARD DETERMINES THAT THERE WAS GOOD CAUSE FOR FAILURE TO FILE A CLAIM BEFORE THE DATE THE CHILD WHO WAS THE SUBJECT OF THE ABUSE REACHED THE AGE OF 25 YEARS, AT ANY TIME.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1245 – *Crime Victim and Crime Victim’s Representative – Electronic Notification*.

This bill authorizes a crime victim, or a crime victim’s representative, to follow Maryland Electronic Courts (MDEC) system’s protocol to request specified notices in an electronic form, and authorizes the prosecuting attorney and the clerk of the circuit court or the juvenile court to provide notices in an electronic form to the victim or victim’s representative.

Senate Bill 922, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1245.

Sincerely,

Governor Martin O’Malley

House Bill 1245

AN ACT concerning

Crime Victim and Crime Victim's Representative – Electronic Notification

FOR the purpose of authorizing a victim or a victim's representative to follow a certain protocol in order to request certain notices in a certain electronic form; authorizing the prosecuting attorney and the clerk of certain courts to provide certain notices in a certain electronic form under certain circumstances; authorizing a certain victim or victim's representative to discontinue certain notices under certain circumstances; requiring the State Board of Victim Services to include information regarding a certain process in a certain pamphlet; requiring the Board to provide certain information to certain persons; requiring the Board to develop a certain protocol in consultation with the Administrative Office of the Courts; defining a certain term; altering a certain definition; and generally relating to crime victims and crime victims' representatives and electronic notifications.

BY repealing and reenacting, with amendments,
 Article – Criminal Procedure
 Section 11–101, 11–104, and 11–914
 Annotated Code of Maryland
 (2008 Replacement Volume and 2013 Supplement)

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

Article – Criminal Procedure

11–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Child respondent” means a person who:
 - (1) in a petition filed in juvenile court, is alleged to have committed a delinquent act; or
 - (2) has committed a delinquent act.
- (c) “Delinquent act” has the meaning stated in § 3–8A–01 of the Courts Article.
- (D) “MDEC SYSTEM” MEANS THE SYSTEM OF ELECTRONIC FILING AND CASE MANAGEMENT ESTABLISHED BY THE MARYLAND COURT OF APPEALS.**

[(d)] (E) “Prosecuting attorney” means:

- (1) the State's Attorney;

(2) the State’s Attorney’s designee; [or]

(3) when performing a prosecutorial function at the trial level, the Attorney General or the Attorney General’s designee; **OR**

(4) THE STATE PROSECUTOR OR THE STATE PROSECUTOR’S DESIGNEE.

11–104.

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

(2) “Victim” means a person who suffers actual or threatened physical, emotional, or financial harm as a direct result of a crime or delinquent act.

(3) “Victim’s representative” includes a family member or guardian of a victim who is:

(i) a minor;

(ii) deceased; or

(iii) disabled.

(b) On first contact with a victim or victim’s representative, a law enforcement officer, District Court commissioner, or juvenile intake officer shall give the victim or the victim’s representative the pamphlet described in § 11–914(9)(i) of this title.

(c) (1) Within 10 days after the filing or the unsealing of an indictment or information in circuit court, whichever is later, the prosecuting attorney shall:

(i) mail or deliver to the victim or victim’s representative the pamphlet described in § 11–914(9)(ii) of this title and the notification request form described in § 11–914(10) of this title; and

(ii) certify to the clerk of the court that the prosecuting attorney has complied with this paragraph or is unable to identify the victim or victim’s representative.

(2) If the prosecuting attorney files a petition alleging that a child is delinquent for committing an act that could only be tried in the circuit court if committed by an adult, the prosecuting attorney shall:

(i) inform the victim or victim’s representative of the right to request restitution under § 11–606 of this title;

(ii) mail or deliver to the victim or victim's representative the notification request form described in § 11-914(10) of this title; and

(iii) certify to the clerk of the juvenile court that the prosecuting attorney has complied with this paragraph or is unable to identify the victim or victim's representative.

(3) For cases described under this subsection, the prosecuting attorney may provide a State's witness in the case with the guidelines for victims, victims' representatives, and witnesses available under §§ 11-1001 through 11-1004 of this title.

(d) (1) A victim or victim's representative may:

(I) file a completed notification request form with the prosecuting attorney; **OR**

(II) **FOLLOW THE MDEC SYSTEM PROTOCOL TO REQUEST NOTICE.**

(2) (I) **[The] IF THE JURISDICTION HAS NOT IMPLEMENTED THE MDEC SYSTEM, THE** prosecuting attorney shall send a copy of the completed notification request form to the clerk of the circuit court or juvenile court.

(II) **IF THE JURISDICTION HAS IMPLEMENTED THE MDEC SYSTEM AND THE VICTIM OR VICTIM'S REPRESENTATIVE HAS FILED A COMPLETED NOTIFICATION REQUEST FORM, THE PROSECUTING ATTORNEY SHALL ELECTRONICALLY FILE THE FORM WITH THE CLERK OF THE CIRCUIT COURT OR JUVENILE COURT IN THE MDEC SYSTEM.**

(3) By filing a completed notification request form **OR COMPLETING THE MDEC SYSTEM PROTOCOL**, a victim or victim's representative complies with Article 47 of the Maryland Declaration of Rights and each provision of the Code that requires a victim or victim's representative to request notice.

(4) To keep the address **AND ELECTRONIC MAIL ADDRESS** of a victim or victim's representative confidential, the victim or victim's representative shall:

(I) designate in the notification request form a person who has agreed to receive notice for the victim or victim's representative; **OR**

(II) **REQUEST AS PART OF THE MDEC SYSTEM PROTOCOL, WITHOUT FILING A MOTION TO SEAL, THAT THE ADDRESS AND ELECTRONIC**

MAIL ADDRESS REMAIN CONFIDENTIAL AND AVAILABLE, AS NECESSARY TO ONLY:

1. THE COURT;
2. THE PROSECUTING ATTORNEY;
3. THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;
4. THE DEPARTMENT OF JUVENILE SERVICES;
5. THE ATTORNEY OF THE VICTIM OR VICTIM'S REPRESENTATIVE;
6. THE STATE'S VICTIM INFORMATION AND NOTIFICATION EVERYDAY VENDOR; AND
7. A COMMITMENT UNIT THAT A COURT ORDERS TO RETAIN CUSTODY OF AN INDIVIDUAL.

(e) (1) [The] **UNLESS PROVIDED BY THE MDEC SYSTEM, THE** prosecuting attorney shall send a victim or victim's representative prior notice of each court proceeding in the case, of the terms of any plea agreement, and of the right of the victim or victim's representative to submit a victim impact statement to the court under § 11-402 of this title if:

- (i) prior notice is practicable; and
- (ii) the victim or victim's representative has filed a notification request form **OR FOLLOWED THE MDEC SYSTEM PROTOCOL** under subsection (d) of this section.

(2) **(I)** If the case is in a jurisdiction in which the office of the clerk of the circuit court or juvenile court has an automated filing system, the prosecuting attorney may ask the clerk to send the notice required by paragraph (1) of this subsection.

(II) IF THE CASE IS IN A JURISDICTION THAT HAS IMPLEMENTED THE MDEC SYSTEM, THE VICTIM MAY FOLLOW THE MDEC SYSTEM PROTOCOL TO RECEIVE NOTICE BY ELECTRONIC MAIL, TO NOTIFY THE PROSECUTING ATTORNEY, AND TO REQUEST ADDITIONAL NOTICE AVAILABLE THROUGH THE STATE'S VICTIM INFORMATION AND NOTIFICATION EVERYDAY VENDOR.

(3) As soon after a proceeding as practicable, the prosecuting attorney shall tell the victim or victim's representative of the terms of any plea agreement, judicial action, and proceeding that affects the interests of the victim or victim's representative, including a bail hearing, change in the defendant's pretrial release order, dismissal, nolle prosequi, setting of charges, trial, disposition, and postsentencing court proceeding if:

(i) the victim or victim's representative has filed a notification request form **OR FOLLOWED THE MDEC SYSTEM PROTOCOL** under subsection (d) of this section and prior notice to the victim or victim's representative is not practicable; or

(ii) the victim or victim's representative is not present at the proceeding.

(4) Whether or not the victim or victim's representative has filed a notification request form **OR FOLLOWED THE MDEC SYSTEM PROTOCOL** under subsection (d) of this section, the prosecuting attorney may give the victim or victim's representative information about the status of the case if the victim or victim's representative asks for the information.

(f) If a victim or victim's representative has filed a notification request form **OR FOLLOWED THE MDEC SYSTEM PROTOCOL** under subsection (d) of this section, the clerk of the circuit court or juvenile court:

(1) shall include a copy of the form with any commitment order or probation order that is passed **OR ELECTRONICALLY TRANSMIT THE FORM OR THE REGISTRATION INFORMATION FOR THE VICTIM OR THE VICTIM'S REPRESENTATIVE THROUGH THE MDEC SYSTEM**; and

(2) if an appeal is filed, shall send a copy of the form **OR ELECTRONICALLY TRANSMIT THE FORM OR THE REGISTRATION INFORMATION FOR THE VICTIM OR THE VICTIM'S REPRESENTATIVE THROUGH THE MDEC SYSTEM** to the Attorney General and the court to which the case has been appealed.

(g) This section does not prohibit a victim or victim's representative from filing a notification request form with a unit to which a defendant or child respondent has been committed.

(h) **(1)** After filing a notification request form under subsection (d) of this section, a victim or victim's representative may discontinue further notices by filing a written request with:

[(1)] (I) the prosecuting attorney, if the case is still in a circuit court or juvenile court; or

[(2)] (II) the unit to which the defendant or child respondent has been committed, if a commitment order has been issued in the case.

(2) AFTER FOLLOWING THE MDEC SYSTEM PROTOCOL FOR ELECTRONIC NOTICES, A VICTIM OR VICTIM’S REPRESENTATIVE MAY DISCONTINUE FURTHER NOTICES BY FOLLOWING THE MDEC SYSTEM PROTOCOL TO TERMINATE NOTICE.

11–914.

Subject to the authority of the Executive Director, the Board shall:

- (1) submit to the Governor an annual written report of its activities, including its administration of the Fund;
- (2) monitor the service needs of victims;
- (3) advise the Governor on the needs of victims;
- (4) recommend the appointment of the Victim Services Coordinator to the Executive Director;
- (5) review and approve the Victim Services Coordinator’s plans and annual reports, and the Victim Services Coordinator’s implementation, operation, and revision of programs;
- (6) approve or disapprove each grant application submitted by the Governor’s Office of Crime Control and Prevention;
- (7) advise the State’s Attorneys’ Coordination Council on the adoption of regulations governing the administration of the Victim and Witness Protection and Relocation Program established under § 11–902 of this subtitle;
- (8) advise the State’s Attorneys’ Coordinator on the administration of the Victim and Witness Protection and Relocation Program;
- (9) develop pamphlets to notify victims **AND VICTIM’S REPRESENTATIVES** of the rights, services, and procedures provided under Article 47 of the Maryland Declaration of Rights or State law, including:
 - (i) one pamphlet relating to **THE MDEC SYSTEM PROTOCOL REGISTRATION PROCESS AND** the time before and after the filing of a charging document other than an indictment or information in circuit court; and

(ii) a second pamphlet relating to the time after the filing of an indictment or information in circuit court; and

(10) develop a notification request form **AND AN MDEC SYSTEM PROTOCOL** in consultation with the Administrative Office of the Courts, through which a victim **OR VICTIM'S REPRESENTATIVE** may request to be notified under § 11-104 of this title.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1259 – *Income Tax Checkoff – Developmental Disabilities Services and Support Fund – Designation*.

The bill alters the designation of the “Developmental Disabilities Waiting List Equity Fund Contribution” checkoff on the individual income tax return form to the “Developmental Disabilities Services and Support Fund Contribution”.

Senate Bill 909, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1259.

Sincerely,

Governor Martin O'Malley

House Bill 1259

AN ACT concerning

**Income Tax Checkoff – Developmental Disabilities Services and Support
Fund – Designation**

FOR the purpose of altering the designation of the “Developmental Disabilities Waiting List Equity Fund Contribution” checkoff on the individual income tax return form; and generally relating to an income tax checkoff system for contributions to provide certain services for individuals with developmental disabilities.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–113(a)(1)
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

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

Article – Tax – General

2–113.

(a) (1) The Comptroller shall include on the individual income tax return form a checkoff designated as the “Developmental Disabilities [Waiting List Equity] **SERVICES AND SUPPORT** Fund Contribution”.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014, and shall be applicable to all taxable years beginning after December 31, 2013.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1260 – *State Government – Open Data Policy – Council on Open Data*.

This legislation establishes a State policy that open data be machine readable and released to the public in specified ways. In addition, it creates a Council on Open Data and provides for the composition, appointment, terms, chairs, and staffing of this

Council. The Council is required to promote the policy on open data by providing specified guidance and policy recommendations, advocating for specified practices, and making recommendations on the purchase of specified data processing devices, systems, or software.

Senate Bill 644, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1260.

Sincerely,

Governor Martin O'Malley

House Bill 1260

AN ACT concerning

State Government – Open Data Policy – Council on Open Data

FOR the purpose of establishing a State policy that open data be machine readable and released to the public in certain ways; establishing a Council on Open Data; providing for the composition, appointment, terms, chairs, and staffing of the Council; prohibiting a member of the Council from receiving certain compensation, but authorizing the reimbursement of certain expenses; authorizing the Council to establish certain work groups; requiring the Council to meet a certain number of times each year; requiring the Council to promote the policy on open data by providing certain guidance and policy recommendations, coordinating certain staff, identifying certain costs and funding mechanisms and advising the Governor and General Assembly on certain budget matters, inviting and encouraging certain entities and branches of government to use certain portals, create certain portals, or adopt certain policies, ~~and~~ advocating for certain practices, and making certain recommendations on the purchasing of certain data processing devices, systems, or software; ~~requiring the Council to establish certain purchasing guidelines for certain data processing devices or systems before a certain date;~~ requiring the Council to report to the Governor and the General Assembly on or before a certain date each year; ~~requiring certain State entities to use certain purchasing guidelines on or after a certain date;~~ specifying the terms of the initial members of the Council; ~~providing for the application of certain provisions of this Act;~~ defining certain terms; and generally relating to the establishment of a policy on open data and a Council on Open Data.

BY adding to

Article – State Government

Section 10–1401 through 10–1404 to be under the new subtitle “Subtitle 14.
Open Data”

Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

~~BY adding to~~

~~Article – State Finance and Procurement~~

~~Section 14-417~~

~~Annotated Code of Maryland~~

~~(2009 Replacement Volume and 2013 Supplement)~~

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

Article – State Government

SUBTITLE 14. OPEN DATA.

10-1401.

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

(B) “COUNCIL” MEANS THE COUNCIL ON OPEN DATA.

(C) (1) “DATA” MEANS FINAL VERSIONS OF STATISTICAL OR FACTUAL INFORMATION THAT:

(I) ARE IN ALPHANUMERIC OR GEOSPATIAL FORM REFLECTED IN A LIST, TABLE, GRAPH, CHART, MAP, OR OTHER NONNARRATIVE FORMAT THAT CAN BE DIGITALLY TRANSMITTED OR PROCESSED;

(II) ARE REGULARLY CREATED OR MAINTAINED BY OR ON BEHALF OF A GOVERNMENTAL ENTITY; AND

(III) RECORD A MEASUREMENT, TRANSACTION OR DETERMINATION OR PROVIDE INFORMATION ON GOVERNMENT SERVICES, INITIATIVES, AND RESOURCES RELATED TO THE MISSION OF THE COVERED GOVERNMENTAL ENTITY.

(2) “DATA” DOES NOT INCLUDE DRAFT VERSIONS OF STATISTICAL OR FACTUAL INFORMATION THAT ARE USED FOR INTERNAL ANALYSIS BY A GOVERNMENTAL ENTITY.

(D) “DATA PORTAL” MEANS A WEB SITE WHERE GOVERNMENTAL ENTITIES CAN POST DATA SETS AND OTHER DATA AS IDENTIFIED BY THE COUNCIL.

(E) "DATA SET" MEANS A NAMED COLLECTION OF RELATED RECORDS MAINTAINED ON A STORAGE DEVICE, WITH THE COLLECTION CONTAINING DATA ORGANIZED OR FORMATTED IN A SPECIFIC OR PRESCRIBED WAY.

(F) "GOVERNMENTAL ENTITY" MEANS A STATE OR LOCAL ENTITY.

(G) (1) "LOCAL ENTITY" MEANS A COUNTY, MUNICIPAL CORPORATION, BICOUNTY OR MULTICOUNTY AGENCY, PUBLIC AUTHORITY, SPECIAL TAXING DISTRICT, OR OTHER POLITICAL SUBDIVISION OR UNIT OF A POLITICAL SUBDIVISION OF THIS STATE.

(2) "LOCAL ENTITY" INCLUDES BOARDS OF EDUCATION AND LIBRARY BOARDS THAT RECEIVE FUNDING FROM THE STATE.

(H) "MAPPING AND GEOGRAPHIC INFORMATION SYSTEMS PORTAL" MEANS A WEB SITE THAT PROVIDES:

(1) DATA REGARDING SERVICES PROVIDED BY AND POLICY INITIATIVES OF GOVERNMENTAL ENTITIES; AND

(2) OTHER DATA PROVIDED IN GEOSPATIAL FORM AS IDENTIFIED BY THE COUNCIL.

(I) (1) "OPEN DATA" MEANS DATA THAT, CONSISTENT WITH ANY APPLICABLE LAWS, RULES, REGULATIONS, ORDINANCES, RESOLUTIONS, POLICIES, OR OTHER RESTRICTIONS INCLUDING REQUIREMENTS OR RIGHTS ASSOCIATED WITH THE DATA, A STATE ENTITY:

(I) HAS COLLECTED; AND

(II) IS PERMITTED, REQUIRED, OR ABLE TO MAKE AVAILABLE TO THE PUBLIC.

(2) "OPEN DATA" INCLUDES CONTRACTUAL OR OTHER LEGAL ORDERS, RESTRICTIONS, OR REQUIREMENTS.

(3) "OPEN DATA" DOES NOT INCLUDE DATA THAT IF MADE PUBLIC WOULD:

(I) VIOLATE ANOTHER LAW OR REGULATION THAT PROHIBITS THE DATA FROM BEING MADE PUBLIC;

(II) ENDANGER THE PUBLIC HEALTH, SAFETY, OR WELFARE;

(III) HINDER THE OPERATION OF GOVERNMENT, INCLUDING CRIMINAL AND CIVIL INVESTIGATIONS; ~~OR~~

(IV) IMPOSE AN UNDUE FINANCIAL, OPERATIONAL, OR ADMINISTRATIVE BURDEN ON A STATE ENTITY; OR

(V) DISCLOSE PROPRIETARY OR CONFIDENTIAL INFORMATION.

(J) “OPEN DATA PORTAL” MEANS A MAPPING AND GEOGRAPHIC INFORMATION SYSTEMS PORTAL OR DATA PORTAL.

(K) “STATE ENTITY” MEANS A DEPARTMENT, A BOARD, A COMMISSION, AN AGENCY, OR A SUBUNIT IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

10-1402.

IT IS THE POLICY OF THE STATE THAT OPEN DATA BE MACHINE READABLE AND RELEASED TO THE PUBLIC IN WAYS THAT MAKE THE DATA EASY TO FIND, ACCESSIBLE, AND USABLE, INCLUDING THROUGH THE USE OF OPEN DATA PORTALS.

10-1403.

(A) THERE IS A COUNCIL ON OPEN DATA.

(B) THE COUNCIL CONSISTS OF THE FOLLOWING 37 MEMBERS:

(1) THE SECRETARY OF AGRICULTURE;

(2) THE SECRETARY OF THE ENVIRONMENT;

(3) THE SECRETARY OF NATURAL RESOURCES;

(4) THE SECRETARY OF PLANNING;

(5) THE SECRETARY OF TRANSPORTATION;

(6) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT;

(7) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT;

- (8) THE SECRETARY OF GENERAL SERVICES;
- (9) THE STATE SUPERINTENDENT OF SCHOOLS;
- (10) THE SECRETARY OF HEALTH AND MENTAL HYGIENE;
- (11) THE SECRETARY OF INFORMATION TECHNOLOGY;
- (12) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;
- (13) THE SECRETARY OF STATE POLICE;
- (14) THE DIRECTOR OF ASSESSMENTS AND TAXATION;
- (15) THE SECRETARY OF BUDGET AND MANAGEMENT;
- (16) THE ADJUTANT GENERAL OF THE MILITARY DEPARTMENT;
- (17) THE DIRECTOR OF THE MARYLAND EMERGENCY MANAGEMENT AGENCY;
- (18) THE SECRETARY OF LABOR, LICENSING, AND REGULATION;
- (19) THE SECRETARY OF HUMAN RESOURCES;
- (20) THE DIRECTOR OF THE GOVERNOR'S STATESTAT OFFICE;
- (21) THE GOVERNOR'S HOMELAND SECURITY ADVISOR;
- (22) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION;
- (23) THE EXECUTIVE DIRECTOR OF THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS;
- (24) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LEGISLATIVE SERVICES;
- (25) THE STATE ARCHIVIST;
- ~~(25)~~ (26) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

~~(26)~~ (27) ONE MEMBER OF THE HOUSE OF DELEGATES OF MARYLAND, APPOINTED BY THE SPEAKER OF THE HOUSE;

~~(27) ONE REPRESENTATIVE OF THE JUDICIAL BRANCH, APPOINTED BY THE CHIEF JUDGE OF THE MARYLAND COURT OF APPEALS;~~

(28) FIVE ELECTED OFFICIALS OR EMPLOYEES FROM LOCAL ENTITIES WHO HAVE KNOWLEDGE OF AND INTEREST IN OPEN DATA, APPOINTED BY THE GOVERNOR IN ACCORDANCE WITH SUBSECTIONS (D) AND (E) OF THIS SECTION; AND

(29) FIVE MEMBERS FROM THE PRIVATE, PRIVATE UTILITY, ACADEMIC, OR NONPROFIT SECTORS WHO HAVE KNOWLEDGE OF AND INTEREST IN OPEN DATA, APPOINTED BY THE GOVERNOR IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION.

(C) IF A MEMBER OF THE COUNCIL LISTED IN SUBSECTION (B)(1) THROUGH (24) OF THIS SECTION IS UNABLE TO ATTEND A MEETING OF THE COUNCIL, THE MEMBER MAY DESIGNATE THE CHIEF INFORMATION OFFICER OR ANOTHER SENIOR MANAGEMENT STAFF MEMBER OF THE AGENCY OR ORGANIZATION TO ATTEND THE MEETING.

(D) OF THE FIVE ELECTED OFFICIALS OR EMPLOYEES FROM LOCAL ENTITIES APPOINTED BY THE GOVERNOR UNDER SUBSECTION (B)(28) OF THIS SECTION, ONE SHALL REPRESENT EACH OF THE FOLLOWING GROUPS OF COUNTIES:

(1) ALLEGANY COUNTY, FREDERICK COUNTY, GARRETT COUNTY, AND WASHINGTON COUNTY;

(2) CAROLINE COUNTY, CECIL COUNTY, DORCHESTER COUNTY, KENT COUNTY, QUEEN ANNE'S COUNTY, SOMERSET COUNTY, TALBOT COUNTY, WICOMICO COUNTY, AND WORCESTER COUNTY;

(3) ANNE ARUNDEL COUNTY, CALVERT COUNTY, CHARLES COUNTY, AND ST. MARY'S COUNTY;

(4) MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY;
AND

(5) BALTIMORE CITY, BALTIMORE COUNTY, CARROLL COUNTY, HARFORD COUNTY, AND HOWARD COUNTY.

(E) (1) THIS SUBSECTION APPLIES TO MEMBERS OF THE COUNCIL APPOINTED UNDER SUBSECTION (B)(28) AND (29) OF THIS SECTION.

(2) THE TERM OF A MEMBER IS ~~2~~ 4 YEARS, EXCEPT THAT FIVE MEMBERS MAY SERVE AN INITIAL 3-YEAR TERM AS REQUIRED BY THE TERMS PROVIDED FOR STAGGERED MEMBERS OF THE COUNCIL ON JULY 1, 2014.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.

(6) THE GOVERNOR MAY REMOVE A MEMBER FOR NEGLECT OF DUTY, INCOMPETENCE, OR MISCONDUCT.

(F) A MEMBER OF THE COUNCIL MAY NOT RECEIVE COMPENSATION BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS AS PROVIDED IN THE STATE BUDGET.

(G) (1) THE SECRETARY OF INFORMATION TECHNOLOGY IS THE CHAIR OF THE COUNCIL.

(2) THE DIRECTOR OF THE GOVERNOR'S STATESTAT OFFICE IS THE VICE CHAIR OF THE COUNCIL.

(H) THE STAFFING RESPONSIBILITIES OF THE COUNCIL SHALL BE SHARED BY THE DEPARTMENT OF INFORMATION TECHNOLOGY, THE GOVERNOR'S STATESTAT OFFICE, AND ANY OTHER STAFF DESIGNATED BY THE GOVERNOR.

(I) THE COUNCIL MAY ESTABLISH WORKGROUPS AS NECESSARY TO COMPLETE THE DUTIES OF THE COUNCIL.

(J) THE COUNCIL SHALL MEET AT LEAST TWICE EACH YEAR.

10-1404.

(A) THE COUNCIL SHALL PROMOTE THE POLICY ESTABLISHED UNDER § 10-1402 OF THIS SUBTITLE BY:

(1) PROVIDING GUIDANCE AND POLICY RECOMMENDATIONS AND WHEN APPROPRIATE RECOMMEND LEGISLATION AND REGULATIONS FOR:

(I) PROCEDURES, STANDARDS, AND OTHER DELIVERABLES FOR OPEN DATA, INCLUDING FOR OPEN DATA PORTALS;

(II) PROMOTION, ADVERTISING, AND MARKETING OF OPEN DATA; AND

(III) BEST PRACTICES FOR SHARING OPEN DATA WHILE TAKING INTO ACCOUNT PRIVACY AND SECURITY CONCERNS;

(2) COORDINATING THE APPROPRIATE STAFF AT EACH STATE ENTITY FOR THE DEVELOPMENT, MAINTENANCE, AND USE OF OPEN DATA AND OPEN DATA PORTALS;

(3) (I) IDENTIFYING THE COLLECTIVE COST OF OPERATING AND INVESTING IN OPEN DATA AND FUNDING MECHANISMS TO SUPPORT OPEN DATA; AND

(II) ADVISING THE GOVERNOR AND GENERAL ASSEMBLY ON BUDGET MATTERS RELATED TO OPEN DATA;

(4) INVITING AND ENCOURAGING LOCAL ENTITIES AND THE LEGISLATIVE AND JUDICIAL BRANCHES TO:

(I) USE OPEN DATA PORTALS ESTABLISHED BY STATE ENTITIES;

(II) CREATE THEIR OWN OPEN DATA PORTALS; AND

(III) ADOPT POLICIES CONSISTENT WITH THE POLICY ESTABLISHED UNDER § 10-1402 OF THIS SUBTITLE; ~~AND~~

(5) ESTABLISHING A PLAN FOR PROVIDING ALL OPEN DATA TO THE PUBLIC AT NO COST;

(6) ADVOCATING FOR SOUND RECORDS MANAGEMENT AND DATA PRESERVATION PRACTICES; AND

(7) MAKING RECOMMENDATIONS TO ENSURE THAT THE PURCHASE OF NEW DATA PROCESSING DEVICES, SYSTEMS, AND SOFTWARE BY THE STATE INCLUDES A REVIEW OF COMPLIANCE WITH THE OPEN DATA POLICY

ESTABLISHED UNDER § 10-1402 OF THIS SUBTITLE AND INTEROPERABILITY WITH CURRENT TECHNOLOGY USED BY THE STATE.

~~(B) ON OR BEFORE JANUARY 1, 2015, THE COUNCIL SHALL ESTABLISH PURCHASING GUIDELINES FOR A STATE ENTITY TO USE WHEN BUYING OR PROCURING THE CREATION OF DATA PROCESSING DEVICES OR SYSTEMS THAT ENHANCE ACCESSING, STORING, AND TRANSFERRING OPEN DATA.~~

~~(C)~~ (B) ON OR BEFORE JANUARY 10 OF EACH YEAR, THE COUNCIL SHALL REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE ACTIVITIES OF THE COUNCIL FOR THE PREVIOUS YEAR AND ANY RECOMMENDATIONS FOR LEGISLATION.

~~Article State Finance and Procurement~~

~~14-417.~~

~~ON OR AFTER JANUARY 1, 2015, WHEN A STATE ENTITY BUYS OR PROCURES A DATA PROCESSING DEVICE OR SYSTEM, THE STATE ENTITY SHALL USE PURCHASING GUIDELINES THAT ENHANCE ACCESSING, STORING, AND TRANSFERRING OPEN DATA AS ESTABLISHED IN ACCORDANCE WITH § 10-1404(B) OF THE STATE GOVERNMENT ARTICLE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That the initial terms of the members of the Council on Open Data that were appointed by the Governor in 2014 as required by ~~§ 10-1402(b)(28) and (29)~~ § 10-1403(b)(28) and (29) of the State Government Article, as enacted by Section 1 of this Act, shall expire as follows:

(1) three members appointed under ~~§ 10-1402(b)(28)~~ § 10-1403(b)(28) of the State Government Article and two members appointed under ~~§ 10-1402(b)(29)~~ § 10-1403(b)(29) of the State Government Article in ~~2016~~ 2018; and

(2) two members appointed under ~~§ 10-1402(b)(28)~~ § 10-1403(b)(28) of the State Government Article and three members appointed under ~~§ 10-1402(b)(29)~~ § 10-1403(b)(29) of the State Government Article in 2017.

~~SECTION 3. AND BE IT FURTHER ENACTED, That § 14-417 of the State Finance and Procurement Article as enacted by Section 1 of this Act shall be construed to apply only prospectively to the purchase of new data processing devices and systems as they are needed and may not be applied or interpreted to have any effect on or application to any procurement of a data processing device or system before January 1, 2015, or require the purchase of a new data processing device or system until replacement of a data processing device or system in use on January 1, 2015, is necessary.~~

SECTION ~~4~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1275 – *Vehicle Laws – Manufacturers, Distributors, Factory Branches, and Affiliates – Relationship With Dealers*.

The bill prohibits, except under specified circumstances, a manufacturer, distributor, factory branch, or affiliate from requiring or coercing a dealer to purchase specified goods or services from specified vendors under specified circumstances and requires a manufacturer, distributor, or factory branch licensed in the State to specify in writing to its motor vehicle dealers specified dealer obligations and specified information relating to the compensation of dealers for parts and labor.

Senate Bill 687, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1275.

Sincerely,

Governor Martin O'Malley

House Bill 1275

AN ACT concerning

Vehicle Laws – Manufacturers, Distributors, Factory Branches, and Affiliates – Relationship With Dealers

FOR the purpose of prohibiting, except under certain circumstances, a manufacturer, distributor, factory branch, or one of its affiliates from requiring, ~~attempting to require, coercing, or attempting to coerce~~ or coercing a dealer to purchase certain goods or services from certain vendors under certain circumstances;

providing for the construction of a certain prohibition under this Act; repealing a requirement that certain factors be considered in determining whether a dealer has been reasonably compensated; requiring a manufacturer, distributor, or factory branch licensed in the State to specify in writing to each of its motor vehicle dealers in the State certain dealer obligations and certain information relating to the compensation of dealers for certain parts and labor; establishing certain requirements for the reasonable compensation of dealers with respect to certain parts and labor; requiring a dealer to make a certain submission to a licensee; providing for the calculation of a dealer's labor rate and parts mark-up percentage for certain purposes; establishing requirements for a certain schedule of compensation; providing that certain repair orders for labor and parts do not constitute qualifying repair orders under this Act; requiring a licensee to compensate a dealer for certain parts given to a dealer at no cost; establishing that a certain schedule of compensation will be presumed to be accurate; requiring a licensee to begin compensation of a dealer under the schedule within certain periods of time under certain circumstances; providing for certain rebuttal of the presumption of accuracy of the schedule of compensation; providing for the resolution of certain matters relating to the schedule of compensation; prohibiting a licensee from making or requiring certain calculations or establishing certain special parts or component numbers; prohibiting a licensee from requiring, ~~influencing, or attempting to influence or coercing~~ a dealer to change certain prices; prohibiting a licensee from taking certain adverse action against a dealer under certain circumstances; and generally relating to relationships between motor vehicle dealers and motor vehicle manufacturers, distributors, factory branches, and their affiliates.

BY adding to

Article – Transportation
 Section 15–207(k)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation
 Section 15–212
 Annotated Code of Maryland
 (2012 Replacement Volume and 2013 Supplement)

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

Article – Transportation

15–207.

(K) (1) THIS SUBSECTION DOES NOT APPLY TO ~~THE PURCHASE OR PROCUREMENT OF:~~

(I) THE PURCHASE OR PROCUREMENT OF:**~~(I)~~ 1. MOVEABLE DISPLAYS;****~~(II)~~ 2. BROCHURES OR OTHER PROMOTIONAL MATERIALS;****~~(III)~~ 3. SPECIAL TOOLS AND TRAINING AS REQUIRED BY THE MANUFACTURER; ~~OR~~****~~(IV)~~ 4. PARTS FOR REPAIRS MADE UNDER WARRANTY OBLIGATIONS OF A MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH; OR****5. ANY GOODS OR SERVICES FOR WHICH A MANUFACTURER, A DISTRIBUTOR, A FACTORY BRANCH, OR AN AFFILIATE PROVIDES A CREDIT, STIPEND, PAYMENT, OR REIMBURSEMENT TO THE DEALER THAT COVERS ALL OR A SUBSTANTIAL PORTION OF THE DEALER'S PROGRAM COSTS;****(II) OPTIONAL PROGRAMS:****(III) A PROGRAM, OR THE RENEWAL OR MODIFICATION OF A PROGRAM, IN EXISTENCE ON OCTOBER 1, 2014; OR****(IV) AN AGREEMENT BETWEEN THE MANUFACTURER, DISTRIBUTOR, FACTORY BRANCH, OR AFFILIATE AND THE DEALER THAT IS DIRECTLY RELATED TO THE DEALER'S COMPLETION OF A PROGRAM IF SEPARATE AND VALUABLE CONSIDERATION HAS BEEN OFFERED TO THE DEALER AND ACCEPTED.****(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A MANUFACTURER, DISTRIBUTOR, FACTORY BRANCH, OR ONE OF ITS AFFILIATES MAY NOT, DIRECTLY OR THROUGH AN AGENT, AN EMPLOYEE, AN AFFILIATE, OR A REPRESENTATIVE, REQUIRE, ~~ATTEMPT TO REQUIRE, COERCE, OR ATTEMPT TO~~ OR COERCE BY AGREEMENT, PROGRAM, OR INCENTIVE PROVISION, OR OTHERWISE, A DEALER TO PURCHASE GOODS OR SERVICES ~~FOR THE MODIFICATION OF A FACILITY~~ FROM A VENDOR THAT IS SELECTED, IDENTIFIED, OR DESIGNATED BY THE MANUFACTURER, DISTRIBUTOR, FACTORY BRANCH, OR ONE OF ITS AFFILIATES.****(II) A MANUFACTURER, DISTRIBUTOR, FACTORY BRANCH, OR ONE OF ITS AFFILIATES MAY OFFER A DEALER THE OPTION TO OBTAIN GOODS OR SERVICES UNDER THIS SUBSECTION OF SUBSTANTIALLY SIMILAR**

QUALITY AND DESIGN FROM A VENDOR CHOSEN BY THE DEALER SUBJECT TO THE ADVANCED APPROVAL OF THE MANUFACTURER, DISTRIBUTOR, FACTORY BRANCH, OR ONE OF ITS AFFILIATES.

(3) A MANUFACTURER, DISTRIBUTOR, FACTORY BRANCH, OR ONE OF ITS AFFILIATES MAY NOT UNREASONABLY WITHHOLD THE APPROVAL REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(4) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO ALLOW A DEALER OR VENDOR TO:

(I) DIRECTLY OR INDIRECTLY ELIMINATE OR IMPAIR IN ANY WAY A MANUFACTURER'S INTELLECTUAL PROPERTY ~~RIGHTS OR REASONABLE BUSINESS REQUIREMENTS~~, TRADEMARK, OR TRADE DRESS RIGHTS; OR

(II) ERECT OR MAINTAIN SIGNS THAT DO NOT CONFORM TO THE INTELLECTUAL PROPERTY USAGE GUIDELINES OF THE MANUFACTURER, DISTRIBUTOR, FACTORY BRANCH, OR ONE OF ITS AFFILIATES.

(5) (I) A MANUFACTURER, DISTRIBUTOR, FACTORY BRANCH, OR ONE OF ITS AFFILIATES MAY NOT PENALIZE A DEALER FOR FAILURE TO PARTICIPATE IN AN OPTIONAL PROGRAM.

(II) WITHHOLDING THE BENEFITS OF AN OPTIONAL PROGRAM IN WHICH THE DEALER FAILED TO PARTICIPATE MAY NOT BE CONSTRUED TO BE A PENALTY IMPOSED BY THE MANUFACTURER, DISTRIBUTOR, FACTORY BRANCH, OR AFFILIATE.

15-212.

(a) In this section, "motor home" means a motor vehicle that:

(1) Is designed to provide temporary living quarters, built into as an integral part of, or permanently attached to, a self-propelled motor vehicle chassis or van; and

(2) Contains permanently installed independent life support systems which provide at least four of the following facilities:

- (i) Cooking;
- (ii) Refrigeration or ice box;
- (iii) Self-contained toilet;

- (iv) Heating, air-conditioning, or both;
- (v) A potable water supply system including a faucet and sink;
- (vi) Separate 110–125 volt electrical power supply; or
- (vii) An LP gas supply.

(b) In addition to the other grounds specified in Subtitle 1 of this title for refusal, suspension, or revocation of a license, the Administration may refuse to grant a license under this subtitle to any person and may suspend, revoke, or refuse to renew the license of any person if it finds that the person has:

- (1) Made any material misrepresentation in transferring a vehicle or truck component part to a dealer or distributor;
- (2) Failed to comply with any written warranty agreement; or
- (3) Failed to reasonably compensate any franchised dealer who does work under:
 - (i) The vehicle preparation and delivery obligations of the dealer; or
 - (ii) Any outstanding express or implied new vehicle or truck component parts warranty.

(c) (1) [The following factors, as they exist in the city or community in which the dealer is doing business, shall be included among those considered in determining under subsection (b)(3) of this section whether a dealer has been reasonably compensated:

- (i) The compensation being paid by other licensees to their dealers;
- (ii) The prevailing wage rate being paid by these dealers; and
- (iii) The prevailing labor rate being charged by these dealers.

(2) Notwithstanding paragraph (1) of this subsection and except as provided in paragraph (3) of this subsection, a licensee may not compensate its dealers for work performed under any warranty under subsection (b)(3)(ii) of this section in an amount that is less than the average amount charged by the dealer to retail customers for nonwarranty work of like kind during the preceding 12 months as long as this amount is reasonable.] **A LICENSEE SHALL SPECIFY IN WRITING TO EACH OF ITS MOTOR VEHICLE DEALERS LICENSED IN THE STATE:**

(I) THE DEALER'S OBLIGATION FOR VEHICLE PREPARATION, DELIVERY, WARRANTIES, AND RECALLS,~~GOODWILL, CERTIFICATION OF PRE-OWNED STATUS, AND FACTORY CAMPAIGN SERVICE~~ ON ITS PRODUCTS;

(II) THE SCHEDULE OF COMPENSATION TO BE PAID TO THE DEALERS FOR PARTS, INCLUDING PARTS ASSEMBLIES, AND LABOR, INCLUDING DIAGNOSTIC LABOR AND ASSOCIATED ADMINISTRATIVE REQUIREMENTS, IN CONNECTION WITH THE SERVICE OBLIGATIONS ESTABLISHED UNDER ITEM (I) OF THIS PARAGRAPH; AND

(III) A TIME ALLOWANCE FOR THE PERFORMANCE OF LABOR DESCRIBED IN THIS PARAGRAPH THAT IS REASONABLE AND ADEQUATE.

(2) REASONABLE COMPENSATION UNDER THIS SECTION MAY NOT BE LESS THAN:

(I) WITH RESPECT TO LABOR FOR WARRANTY OR RECALL REPAIRS, THE DEALER'S CURRENT LABOR RATE ~~CALCULATED UNDER PARAGRAPH (3)(II)1 OF THIS SUBSECTION~~ FOR NONWARRANTY REPAIRS OF A LIKE KIND FOR RETAIL CUSTOMERS; AND

(II) WITH RESPECT TO ANY PART, THE DEALER'S COST PLUS ITS CURRENT RETAIL MARK-UP PERCENTAGE CHARGED TO RETAIL CUSTOMERS FOR NONWARRANTY REPAIRS OF A LIKE KIND.

(3) (I) FOR PURPOSES OF PARAGRAPH (2) OF THIS SUBSECTION, THE DEALER'S LABOR RATE OR PARTS MARK-UP PERCENTAGE SHALL BE ESTABLISHED BY A SUBMISSION TO THE LICENSEE OF WHICHEVER OF THE FOLLOWING PRODUCES FEWER REPAIR ORDERS CLOSED, AS OF THE DATE OF SUBMISSION, WITHIN THE PRECEDING 180 DAYS:

1. 100 QUALIFYING SEQUENTIAL CUSTOMER-PAID REPAIR ORDERS; OR
2. 90 DAYS OF QUALIFYING CUSTOMER-PAID REPAIR ORDERS.

(II) ~~A~~ WITH RESPECT TO PARTS, A SCHEDULE OF COMPENSATION ESTABLISHED UNDER THIS SUBSECTION SHALL BE EQUAL TO:

- ~~1. WITH RESPECT TO LABOR, THE SUM OF THE TOTAL CUSTOMER LABOR CHARGES AS REFLECTED IN QUALIFYING REPAIR~~

~~ORDERS DIVIDED BY THE TOTAL NUMBER OF HOURS THAT WOULD BE ALLOWED FOR THE REPAIRS IF THE REPAIRS WERE MADE UNDER THE MANUFACTURER'S TIME ALLOWANCES USED TO COMPENSATE THE DEALER FOR WARRANTY WORK; AND~~

~~2. WITH RESPECT TO PARTS, THE ARITHMETIC MEAN OF THE PARTS MARK-UP PERCENTAGE AS REFLECTED IN QUALIFYING REPAIR ORDERS, CALCULATED BY DIVIDING THE TOTAL CHARGES FOR PARTS IN THE REPAIR ORDERS BY THE TOTAL DEALER COST FOR THE PARTS MINUS ONE.~~

(III) 1. A DEALER MAY NOT MAKE A SUBMISSION UNDER THIS SUBSECTION MORE THAN ONCE IN 1 YEAR.

2. FOR PURPOSES OF SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, A REVISION OR SUPPLEMENT TO A SUBMISSION TO CORRECT OR CLARIFY THE SUBMISSION DOES NOT CONSTITUTE A NEW SUBMISSION.

(4) REPAIR ORDERS FOR LABOR OR PARTS IN CONNECTION WITH ANY OF THE FOLLOWING MAY NOT CONSTITUTE A QUALIFYING REPAIR ORDER UNDER PARAGRAPH (2) OF THIS SUBSECTION:

(I) ACCESSORIES;

(II) REPAIRS FOR MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH SPECIAL EVENTS, PROMOTIONS, OR SERVICE CAMPAIGNS;

(III) REPAIRS RELATED TO COLLISION;

(IV) VEHICLE EMISSION OR SAFETY INSPECTIONS REQUIRED BY LAW;

(V) PARTS SOLD, OR REPAIRS PERFORMED, AT WHOLESALE OR FOR INSURANCE CARRIERS, OR OTHER THIRD-PARTY PAYORS;

(VI) ROUTINE MAINTENANCE NOT COVERED UNDER ANY WARRANTY, INCLUDING MAINTENANCE INVOLVING FLUIDS, FILTERS, AND BELTS NOT PROVIDED IN THE COURSE OF REPAIRS;

(VII) NUTS, BOLTS, FASTENERS, AND SIMILAR ITEMS THAT DO NOT HAVE AN INDIVIDUAL PARTS NUMBER;

(VIII) TIRES;

(IX) VEHICLE RECONDITIONING;

(X) GOODWILL OR POLICY REPAIRS OR REPLACEMENTS; OR

(XI) REPAIRS ON ~~VEHICLE MAKES NOT SOLD AS NEW BY THE DEALER~~ VEHICLES FROM A DIFFERENT LINE-MAKE.

(5) IF A LICENSEE GIVES A DEALER A PART AT NO COST TO USE IN PERFORMING A REPAIR UNDER A RECALL, CAMPAIGN SERVICE ACTION, OR WARRANTY REPAIR, THE LICENSEE SHALL COMPENSATE THE DEALER FOR THE PART BY PAYING THE DEALER THE PARTS MARK-UP PERCENTAGE ESTABLISHED UNDER THIS SUBSECTION ON THE COST FOR THE PART LISTED ON THE LICENSEE'S PRICE SCHEDULE.

(6) (I) THE SCHEDULE OF COMPENSATION SUBMITTED UNDER PARAGRAPH (3) OF THIS SUBSECTION SHALL BE PRESUMED TO BE ACCURATE AND REASONABLE.

(II) THE LICENSEE SHALL APPROVE OR REBUT THE DEALER'S SUBMISSION WITHIN 30 DAYS OF RECEIPT.

(III) IF THE LICENSEE APPROVES A DEALER'S SUBMISSION, THE LICENSEE SHALL BEGIN COMPENSATING THE DEALER UNDER THE SCHEDULE ~~ON~~ WITHIN 30 DAYS AFTER THE DATE OF APPROVAL.

(IV) IN THE ABSENCE OF A TIMELY REBUTTAL BY THE LICENSEE, THE SCHEDULE OF COMPENSATION SUBMITTED BY THE DEALER SHALL GO INTO EFFECT ON THE 31ST DAY FOLLOWING THE LICENSEE'S RECEIPT OF THE SCHEDULE.

(V) ANY REBUTTAL OF THE SCHEDULE OF COMPENSATION BY THE LICENSEE SHALL:

1. BE DELIVERED TO THE DEALER WITHIN 30 DAYS OF THE LICENSEE'S RECEIPT OF THE SCHEDULE; AND

2. CONSIST OF ~~CLEAR AND CONVINCING~~ REASONABLE SUBSTANTIATING EVIDENCE THAT THE DECLARED RATE IS MATERIALLY INACCURATE.

(VI) IN THE EVENT OF A TIMELY REBUTTAL, ON RESOLUTION OF THE MATTER BY AGREEMENT OF THE PARTIES OR BY ADMINISTRATIVE, JUDICIAL, OR OTHER ACTION, A LICENSEE'S PAYMENT OBLIGATIONS UNDER THE RESULTING SCHEDULE OF COMPENSATION SHALL BEGIN ON THE 31ST DAY

FOLLOWING ~~THE MANUFACTURER'S RECEIPT OF THE SCHEDULE A FINAL ORDER~~ UNLESS OTHERWISE PROVIDED FOR BY THE FACT FINDER.

(VII) 1. TO THE EXTENT THAT ANY ACTION COMMENCED UNDER SUBSECTION (D) OF THIS SECTION OR § 15-213 OR § 15-214 OF THIS SUBTITLE INVOLVES THE APPLICATION OF PARAGRAPH (3) OF THIS SUBSECTION, THE ISSUES SHALL BE LIMITED TO WHETHER THE LABOR RATE OR PARTS MARK-UP PERCENTAGE STATED IN THE DEALER'S SUBMISSION WAS MATERIALLY INACCURATE.

2. A LICENSEE SHALL HAVE THE BURDEN OF PROVING UNDER THIS SUBPARAGRAPH THAT THE DEALER'S SUBMISSION WAS MATERIALLY INACCURATE.

(VIII) 1. A LICENSEE MAY VERIFY A DEALER'S EFFECTIVE RATES ONCE ANNUALLY.

2. IF A LICENSEE FINDS THAT A DEALER'S EFFECTIVE RATES HAVE INCREASED OR DECREASED, THE LICENSEE MAY INCREASE OR DECREASE, RESPECTIVELY, THE WARRANTY REIMBURSEMENT RATE PROSPECTIVELY.

(7) A LICENSEE MAY NOT DIRECTLY OR INDIRECTLY:

(I) ~~DIRECTLY OR INDIRECTLY CALCULATE~~ CALCULATE ITS OWN LABOR RATE OR PARTS MARK-UP PERCENTAGE ON A WARRANTY REIMBURSEMENT RATE SUBMISSION BY THE LICENSEE'S DEALER UNDER THIS SECTION, OR REQUIRE A DEALER TO CALCULATE A LABOR RATE OR PARTS MARK-UP PERCENTAGE, BY ANY METHOD NOT REQUIRED UNDER THIS SECTION, INCLUDING A METHOD THAT IS UNDULY BURDENSOME OR TIME-CONSUMING OR THAT REQUIRES INFORMATION THAT IS UNDULY BURDENSOME OR TIME-CONSUMING TO PROVIDE SUCH AS:

1. A PART-BY-PART OR TRANSACTION BY TRANSACTION CALCULATION; OR

2. PRESENTATION OF INFORMATION AS TO, OR CALCULATIONS BASED ON, THE DEALER'S OR OTHER DEALERS' WARRANTY COMPENSATION ~~OR FINANCIAL STATEMENTS;~~

(II) ESTABLISH OR IMPLEMENT A SPECIAL PART OR COMPONENT NUMBER FOR PARTS USED IN WARRANTY FULFILLMENT, IF THE SPECIAL PART OR COMPONENT NUMBER RESULTS IN REDUCED COMPENSATION

FOR THE DEALER UNLESS THE PART IS USED FOR SPECIFIC, LIMITED REPAIR SITUATIONS;

(III) ~~REQUIRE, INFLUENCE, OR ATTEMPT TO INFLUENCE OR COERCE~~ A DEALER TO CHANGE THE PRICES FOR WHICH IT SELLS PARTS OR LABOR FOR RETAIL CUSTOMER REPAIRS;

(IV) TAKE ADVERSE ACTION AGAINST A DEALER ~~THAT BECAUSE THE DEALER~~ SEEKS COMPENSATION UNDER THIS SECTION, BY ~~ANY MEANS INCLUDING:~~

1. ~~CREATING AN OBSTACLE OR IMPLEMENTING IMPLEMENTING~~ A PROCESS THAT IS INCONSISTENT WITH THE LICENSEE'S OBLIGATIONS TO THE DEALER UNDER THIS SUBTITLE; OR

2. ~~ACTING OR FAILING TO ACT, EXCEPT FAILING TO~~ ACT IN GOOD FAITH;

(V) CONDUCT ANY WARRANTY OR RETAIL CUSTOMER REPAIR AUDIT, OR OTHER SERVICE-RELATED AUDIT, SOLELY BECAUSE THE DEALER MAKES A REQUEST FOR WARRANTY REIMBURSEMENT AT RETAIL RATES IN THE ORDINARY COURSE OF BUSINESS; OR

(VI) ESTABLISH, IMPLEMENT, ENFORCE, OR APPLY ANY POLICY, STANDARD, RULE, PROGRAM, OR INCENTIVE REGARDING THE COMPENSATION DUE UNDER THIS SECTION OTHER THAN IN A UNIFORM MANNER AMONG THE LICENSEE'S DEALERS IN THE STATE.

[(3)] (8) The provisions of [paragraph (2)] PARAGRAPHS (1) THROUGH (7) of this subsection do not apply to travel trailers or parts of systems, fixtures, appliances, furnishings, accessories, and features of motor homes that are not manufactured by the manufacturer of the motor home as a part of the unit.

[(4)] (9) (i) A claim filed under this section by a dealer with a manufacturer or distributor shall be:

1. In the manner and form REASONABLY prescribed by the manufacturer or distributor; and

2. Approved or disapproved within 30 days of receipt.

(ii) A claim not approved or disapproved within 30 days of receipt shall be deemed approved.

(iii) Payment of or credit issued on a claim filed under this section shall be made within 30 days of approval.

[(5)] (10) A dealer's failure to comply with ~~the specific requirements~~ **A SPECIFIC REQUIREMENT** of the manufacturer or distributor ~~for processing a claim~~ may not constitute grounds for denial of the claim or reduction of the amount of compensation paid to the dealer if the dealer presents ~~reasonable~~ documentation or other **REASONABLE** evidence to substantiate ~~the claim~~ **THAT THE REPAIR AND THE CLAIM WERE DONE ACCORDING TO MANUFACTURER WARRANTY GUIDELINES.**

[(6)] (11) (i) If a claim filed under this section is shown by the manufacturer or distributor to be false or unsubstantiated, the manufacturer or distributor may charge back the claim within 9 months from the date the claim was paid or credit issued.

(ii) This paragraph does not limit the right of a manufacturer or distributor to:

1. Conduct an audit of any claim filed under this section;
- or
2. Charge back for any claim that is proven to be fraudulent.

(iii) An audit under this paragraph shall be conducted according to generally accepted accounting principles.

(d) As to any person licensed under this subtitle, instead of or in addition to revocation, suspension, or nonrenewal of a license under this section, the Administrator:

- (1) May order the licensee to pay a fine not exceeding \$50,000 for each violation of this subtitle; and
- (2) May order the licensee to compensate any person for financial injury or other damage suffered as a result of the violation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1283 – *Environment – Cox Creek Citizens Oversight Committee – Composition*.

The bill alters the composition of the Cox Creek Citizens Oversight Committee to reflect changes made to the State's legislative districts.

Senate Bill 960, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1283.

Sincerely,

Governor Martin O'Malley

House Bill 1283

AN ACT concerning

Environment – Cox Creek Citizens Oversight Committee – Composition

FOR the purpose of altering the composition of the Cox Creek Citizens Oversight Committee to reflect changes made to the State's legislative districts; and generally relating to the Cox Creek Citizens Oversight Committee.

BY repealing and reenacting, with amendments,

Article – Environment

Section 5-1102.1

Annotated Code of Maryland

(2013 Replacement Volume)

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

Article – Environment

5-1102.1.

(a) (1) The Governor shall appoint a Cox Creek Citizens Oversight Committee.

(2) The terms of the members of the Oversight Committee shall be determined by the Governor.

(b) The Oversight Committee shall be composed of the following members:

(1) 2 members of the North County Land Trust;

(2) 1 delegate to the Greater Pasadena Council who represents a waterfront community;

(3) 1 member of the Pasadena Sport Fishermen's Group;

(4) 1 member of the Anne Arundel County Watermen's Association;

(5) 1 member of the Maryland Saltwater Sport Fishermen's Association;

(6) 1 individual who represents the pleasure boating industry in Anne Arundel County;

(7) 1 member of the Pasadena Business Association;

(8) 1 resident of legislative district 31; and

(9) 1 resident of legislative district [47A] 46.

(c) The Oversight Committee shall:

(1) Monitor the redeposit of Anne Arundel County tributary spoil and other spoil in the Cox Creek area;

(2) Hear and dispose of complaints lodged by individuals affected by the redeposit of Anne Arundel County tributary spoil and other spoil in the Cox Creek area; and

(3) Appoint a member from the Committee to serve as a liaison to the Innovative Use Advisory Council.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1295 – *Juvenile Law – Transfer of Cases to Juvenile Court*.

This bill repeals a provision of law that prohibits a court in a case involving a child from transferring the case to the juvenile court under reverse waiver provisions if the child was previously transferred to juvenile court and adjudicated delinquent.

Senate Bill 515, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1295.

Sincerely,

Governor Martin O'Malley

House Bill 1295

AN ACT concerning

Juvenile Law – Transfer of Cases to Juvenile Court

FOR the purpose of repealing a provision of law that prohibits a court exercising criminal jurisdiction in a case involving a child to transfer the case to the juvenile court under certain circumstances; making certain conforming changes; and generally relating to juvenile law and the transfer of cases to the juvenile court.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section ~~4-202, 4-202.1,~~ and 4-202.2
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 4-202.1
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

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

Article – Criminal Procedure

4–202.

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

(2) “Victim” has the meaning stated in § 11–104 of this article.

(3) “Victim’s representative” has the meaning stated in § 11–104 of this article.

(b) ~~¶~~ Except as provided in subsection (c) of this section, ~~a~~ **A** court exercising criminal jurisdiction in a case involving a child may transfer the case to the juvenile court before trial or before a plea is entered under Maryland Rule 4–242 if:

(1) the accused child was at least 14 but not 18 years of age when the alleged crime was committed;

(2) the alleged crime is excluded from the jurisdiction of the juvenile court under § 3–8A–03(d)(1), (4), or (5) of the Courts Article; and

(3) the court determines by a preponderance of the evidence that a transfer of its jurisdiction is in the interest of the child or society.

~~¶~~(c) The court may not transfer a case to the juvenile court under subsection (b) of this section if:

(1) ~~the child previously has been transferred to juvenile court and adjudicated delinquent;~~

~~(2)~~ the child was convicted in an unrelated case excluded from the jurisdiction of the juvenile court under § 3–8A–03(d)(1) or (4) of the Courts Article; or

~~(3)~~ **(2)** the alleged crime is murder in the first degree and the accused child was 16 or 17 years of age when the alleged crime was committed. ~~¶~~

~~¶~~(d) ~~(c)~~ In determining whether to transfer jurisdiction under subsection (b) of this section, the court shall consider:

(1) the age of the child;

(2) the mental and physical condition of the child;

(3) the amenability of the child to treatment in an institution, facility, or program available to delinquent children;

(4) the nature of the alleged crime; and

(5) the public safety.

~~[(e)] (D)~~ In making a determination under this section, the court may order that a study be made concerning the child, the family of the child, the environment of the child, and other matters concerning the disposition of the case.

~~[(f)] (E)~~ The court shall make a transfer determination within 10 days after the date of a transfer hearing.

~~[(g)] (F)~~ If the court transfers its jurisdiction under this section, the court may order the child held for an adjudicatory hearing under the regular procedure of the juvenile court.

~~[(h)] (G)~~ (1) Pending a determination under this section to transfer its jurisdiction, the court may order a child to be held in a secure juvenile facility.

(2) A hearing on a motion requesting that a child be held in a juvenile facility pending a transfer determination shall be held not later than the next court day, unless extended by the court for good cause shown.

~~[(i)] (H)~~ (1) A victim or victim's representative shall be given notice of the transfer hearing as provided under § 11-104 of this article.

(2) (i) A victim or a victim's representative may submit a victim impact statement to the court as provided in § 11-402 of this article.

(ii) This paragraph does not preclude a victim or victim's representative who has not filed a notification request form under § 11-104 of this article from submitting a victim impact statement to the court.

(iii) The court shall consider a victim impact statement in determining whether to transfer jurisdiction under this section.

~~[(j)] (I)~~ At a bail review or preliminary hearing before the District Court involving a child whose case is eligible for transfer under subsection (b) of this section, the District Court may order that a study be made under the provisions of subsection ~~[(e)] (D)~~ of this section, or that the child be held in a secure juvenile facility under the provisions of subsection ~~[(h)] (G)~~ of this section, regardless of whether the District Court has criminal jurisdiction over the case.

(a) In this section, “child” means a defendant who is under the age of 18 years and whose case is eligible for transfer under the provisions of § 4–202(b)(1) and (2) ~~and (c)~~ of this subtitle.

(b) If a child remains in custody for any reason after a bail review hearing:

(1) in the case of a child charged with a felony that is not within the jurisdiction of the District Court, the District Court shall:

(i) clearly indicate on the case file and in computer records that the case involves a detained child; and

(ii) set a preliminary hearing to be held within 15 days after the bail review hearing; or

(2) in the case of a child charged with a crime in the District Court, the District Court:

(i) shall clearly indicate on the case file and in computer records that the case involves a detained child;

(ii) shall set a transfer hearing under § 4–202 of this subtitle to be held within 30 days after the filing of the charging document;

(iii) may order that a study be made under § 4–202 of this subtitle; and

(iv) shall require that prompt notice be given to counsel for the child, or, if the child is not represented by counsel, to the Office of the Public Defender.

(c) On receipt of a District Court case file that indicates that the case involves a child who was detained after a bail review hearing under subsection (b) of this section, a circuit court:

(1) unless previously set by the District Court under subsection (b)(2) of this section, shall set a transfer hearing under § 4–202 of this subtitle to be held within 30 days after the filing of the charging document in the circuit court;

(2) unless previously ordered by the District Court under subsection (b)(2) of this section, may order that a study be made under § 4–202 of this subtitle; and

(3) shall require that prompt notice be given to counsel for the child, or, if the child is not represented by counsel, to the Office of the Public Defender.

(a) At sentencing, a court exercising criminal jurisdiction in a case involving a child shall determine whether to transfer jurisdiction to the juvenile court if:

(1) as a result of trial or a plea entered under Maryland Rule 4-242, all charges that excluded jurisdiction from the juvenile court under § 3-8A-03(d)(1) or (4) of the Courts Article do not result in a finding of guilty; and

(2) ~~¶(i)~~ pretrial transfer was prohibited under § ~~4-202(e)(3)~~ 4-202(C)(2) of this subtitle; or

(ii) ~~¶~~ the court did not transfer jurisdiction after a hearing under § 4-202(b) of this subtitle.

(b) In determining whether to transfer jurisdiction under subsection (a) of this section, the court shall consider:

(1) the age of the child;

(2) the mental and physical condition of the child;

(3) the amenability of the child to treatment in an institution, facility, or program available to delinquent children;

(4) the nature of the child's acts as proven in the trial or admitted to in a plea entered under Maryland Rule 4-242; and

(5) public safety.

(c) The court may not consider transferring jurisdiction to the juvenile court under this section if ~~¶~~:

(1) ~~¶~~ under the terms of a plea agreement entered under Maryland Rule 4-243, the child agrees that jurisdiction is not to be transferred ~~¶~~; or

(2) pretrial transfer was prohibited under § 4-202(c)(1) ~~or (2)~~ of this subtitle ~~¶~~.

(d) (1) A victim or victim's representative shall be given notice of the transfer hearing as provided under § 11-104 of this article.

(2) (i) A victim or victim's representative may submit a victim impact statement to the court as provided in § 11-402 of this article.

(ii) This paragraph does not preclude a victim or victim's representative who has not filed a notification request form under § 11–104 of this article from submitting a victim impact statement to the court.

(iii) The court shall consider a victim impact statement in determining whether to transfer jurisdiction under this section.

(e) (1) If the court transfers its jurisdiction to the juvenile court, the court shall conduct a disposition under the regular procedures of the juvenile court.

(2) The record of the hearing and of the disposition shall be transferred to the juvenile court, subject to § 3–8A–27 of the Courts Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1385 – *Washington County Gaming Commission – Membership – Conflict of Interest*.

The bill repeals provisions of law prohibiting a member of the Washington County Gaming Commission from serving on the gaming commission if the member serves on the board of directors or as an officer of an organization that applies for funds from the gaming commission, and requires the gaming commission to adopt conflict of interest regulations applicable to members of the gaming commission.

Senate Bill 465, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1385.

Sincerely,

Governor Martin O'Malley

House Bill 1385

AN ACT concerning

Washington County Gaming Commission – Membership – Conflict of Interest

FOR the purpose of repealing certain provisions of law prohibiting a member of the Washington County Gaming Commission from serving on the gaming commission under certain circumstances; requiring the gaming commission to adopt certain regulations; and generally relating to the Washington County Gaming Commission.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–2416(c)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY adding to
Article – Criminal Law
Section 13–2416(f)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Criminal Law

13–2416.

(c) [(1)] A member appointed to the gaming commission under subsection (a)(2)(i), (ii), or (iii) of this section may not:

[(i)] (1) hold a tip jar license or wholesaler's license or be employed by a person who holds a tip jar license or wholesaler's license; or

[(ii)] (2) hold an ownership interest in or receive a direct benefit from a person who holds a tip jar license or wholesaler's license.

[(2)] If a member of the gaming commission serves on the board of directors or as an officer of an organization and that organization applies for funds from the gaming commission, the member shall cease immediately to serve on the gaming commission.]

(F) THE GAMING COMMISSION SHALL ADOPT CONFLICT OF INTEREST REGULATIONS APPLICABLE TO MEMBERS OF THE GAMING COMMISSION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1431 – *Maryland Community Health Resources Commission – Sunset Extension*.

The bill extends to June 30, 2025, the termination date for specified provisions of law related to the Maryland Community Health Resources Commission.

Senate Bill 1040, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1431.

Sincerely,

Governor Martin O'Malley

House Bill 1431

AN ACT concerning

Maryland Community Health Resources Commission – Sunset Extension

FOR the purpose of extending the termination date for certain provisions of law related to the Maryland Community Health Resources Commission; and generally relating to the Maryland Community Health Resources Commission.

BY repealing and reenacting, with amendments,

Chapter 280 of the Acts of the General Assembly of 2005, as amended by Chapter 21 of the Acts of the General Assembly of 2006 and Chapter 624 of the Acts of the General Assembly of 2008

Section 14

BY repealing and reenacting, with amendments,

Chapter 280 of the Acts of the General Assembly of 2005, as amended by Chapter 21 of the Acts of the General Assembly of 2006 and Chapter 625 of the Acts of the General Assembly of 2008

Section 14

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

Chapter 280 of the Acts of 2005, as amended by Chapter 21 of the Acts of 2006 and Chapter 624 of the Acts of 2008

SECTION 14. AND BE IT FURTHER ENACTED, That, subject to Section 13 of this Act, this Act shall take effect July 1, 2005. Section 3 of this Act shall remain effective for a period of [10] **20** years and, at the end of June 30, [2015] **2025**, with no further action required by the General Assembly, Section 3 of this Act shall be abrogated and of no further force and effect. Section 5 of this Act shall remain effective for a period of 2 years and, at the end of June 30, 2007, with no further action required by the General Assembly, Section 5 of this Act shall be abrogated and of no further force and effect.

Chapter 280 of the Acts of 2005, as amended by Chapter 21 of the Acts of 2006 and Chapter 625 of the Acts of 2008

SECTION 14. AND BE IT FURTHER ENACTED, That, subject to Section 13 of this Act, this Act shall take effect July 1, 2005. Section 3 of this Act shall remain effective for a period of [10] **20** years and, at the end of June 30, [2015] **2025**, with no further action required by the General Assembly, Section 3 of this Act shall be abrogated and of no further force and effect. Section 5 of this Act shall remain effective for a period of 2 years and, at the end of June 30, 2007, with no further action required by the General Assembly, Section 5 of this Act shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1436 – *Calvert County – Salaries of County Officials and County Commissioner Retirement Plan Participation*.

The bill increases the salaries of certain officials in Calvert County and authorizes the County Commissioners of Calvert County to participate in the Calvert County Employees Retirement Savings Plan.

Senate Bill 612, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1436.

Sincerely,

Governor Martin O'Malley

House Bill 1436

AN ACT concerning

Calvert County – Salaries of County Officials and County Commissioner Retirement Plan Participation

FOR the purpose of authorizing a County Commissioner of Calvert County to participate in the Calvert County Employees Retirement Savings Plan; altering the salaries of the Sheriff of Calvert County, Orphans' Court Judges for Calvert County, and Calvert County Treasurer; providing for the application of this Act; and generally relating to the salaries of certain Calvert County officials and the participation of the County Commissioners of Calvert County in the Calvert County Employees Retirement Savings Plan.

BY repealing and reenacting, with amendments,
The Public Local Laws of Calvert County
Section 2-101
Article 5 – Public Local Laws of Maryland
(2002 Edition and July 2011 Supplement, as amended)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2-309(f)(1)(i)

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

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 2–108(f)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Local Government
Section 16–202(a)
Annotated Code of Maryland
(2013 Volume)

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

Article 5 – Calvert County

2–101.

(a) Five County Commissioners comprise the Board of County Commissioners of Calvert County.

(b) (1) The annual salary of the president of the Board is:

(I) \$41,500 for calendar year 2006;

(II) \$42,500 for calendar year 2007;

(III) \$43,500 for calendar year 2008; and

(IV) \$44,500 for calendar year 2009 and each subsequent calendar year.

(2) The annual salary of each of the associate members of the Board is:

(I) \$39,000 for calendar year 2006;

(II) \$40,000 for calendar year 2007;

(III) \$41,000 for calendar year 2008; and

(IV) \$42,000 for calendar year 2009 and each subsequent calendar year.

(c) Each Commissioner may be reimbursed up to an annual total of \$2,000, for any reasonable costs incurred by the Commissioner in carrying out the functions of the office.

(D) A COMMISSIONER MAY PARTICIPATE IN THE CALVERT COUNTY EMPLOYEES RETIREMENT SAVINGS PLAN.

Article – Courts and Judicial Proceedings

2–309.

(f) (1) (i) The Sheriff of Calvert County shall receive an annual salary of[:

1. \$78,000 for calendar year 2006;
2. \$81,000 for calendar year 2007;
3. \$84,000 for calendar year 2008; and
4. \$87,000 for calendar year 2009 and each subsequent calendar year] **\$90,480.**

Article – Estates and Trusts

2–108.

(f) (1) Each of the judges of the Court for Calvert County shall receive as annual compensation the sum of[:

- (i) \$8,000 for calendar year 2006;
- (ii) \$8,250 for calendar year 2007;
- (iii) \$8,500 for calendar year 2008; and
- (iv) \$8,750 for calendar year 2009 and each subsequent calendar year] **\$8,925.**

(2) The salary of the Chief Judge is[:

- (i) \$8,200 for calendar year 2006;
- (ii) \$8,450 for calendar year 2007;
- (iii) \$8,700 for calendar year 2008; and

(iv) \$8,950 for calendar year 2009 and each subsequent calendar year] **\$9,130**.

(3) The County Commissioners may provide additional funds for expenses for the judges.

Article – Local Government

16–202.

(a) The annual salary of the County Treasurer of Calvert County is [**\$51,000**] **\$52,020**.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the Sheriff of Calvert County, Orphans' Court Judges for Calvert County, or Calvert County Treasurer while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the Sheriff of Calvert County, Orphans' Court Judges for Calvert County, or Calvert County Treasurer shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

May 15, 2014

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

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1479 – *Election Law – Baltimore City Republican Party Central Committee – Filling of Vacancies*.

The bill provides that an individual appointed to fill a vacancy of a member of the Baltimore City Republican Party Central Committee may reside anywhere in Baltimore City.

Senate Bill 895, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1479.

Sincerely,

Governor Martin O'Malley

House Bill 1479

AN ACT concerning

Election Law – Baltimore City Republican Party Central Committee – Filling of Vacancies

FOR the purpose of providing that an individual appointed to fill a vacancy of a member of the Baltimore City Republican Party Central Committee may reside anywhere in Baltimore City; and generally relating to the Baltimore City Republican Party Central Committee.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 4–203(b)(2)
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

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

Article – Election Law

4–203.

(b) (2) (i) The members of the Republican Party Central Committee shall be elected from each councilmanic district of Baltimore City.

(ii) Two members shall be elected from each councilmanic district.

(III) AN INDIVIDUAL APPOINTED TO FILL A VACANCY OF A MEMBER OF THE REPUBLICAN PARTY CENTRAL COMMITTEE MAY RESIDE ANYWHERE IN BALTIMORE CITY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.
