

Laws
of the
State of Maryland

At the Session of the General Assembly Begun and Held in the
City of Annapolis on the Eighth Day of January 2014
and Ending on the Seventh Day of April 2014

Bills vetoed by the Governor appear after the Laws

VOLUME I

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General Assembly of Maryland
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Laws of Maryland

MARYLAND, Sct.:

At a Session of the General Assembly of Maryland, begun and held in the City of Annapolis on the Eighth Day of January 2014, and ending on the Seventh Day of April 2014, Martin O'Malley, being Governor of the State, the following laws were enacted, to wit:

Chapter 1

(Senate Bill 134)

AN ACT concerning

Maryland Health Insurance Plan – Access for Bridge Eligible Individuals

FOR the purpose of altering the purpose of the Maryland Health Insurance Plan to include decreasing uncompensated care costs by providing access to affordable, comprehensive health benefits for certain bridge eligible individuals; providing that it is the intent of the General Assembly that Maryland Health Insurance Plan Fund revenue be used to subsidize health insurance coverage for bridge eligible individuals; repealing a certain provision of law that provides that enrollment in the Plan shall be closed to any individual who ~~is not enrolled has not applied for enrollment~~ *is not enrolled* in the Plan as of a certain date; altering a certain limitation on reenrollment in the Plan; providing that enrollment in the Plan shall be closed to any bridge eligible individual who ~~is not enrolled~~ *has not applied for enrollment* in the Plan as of a certain date; providing that the enrollment of a bridge eligible individual in the Plan terminates on the effective date of enrollment in a certain health plan; exempting an amendment that pertains to the enrollment of bridge eligible individuals from a certain requirement that any amendments to a certain plan of operation be submitted to the Maryland Insurance Commissioner for approval; authorizing the Board of Directors for the Maryland Health Insurance Plan to adopt certain policies and procedures; requiring the Board to provide notice of the policies and procedures to certain committees of the General Assembly; authorizing the Board to extend the date for closing certain enrollment under certain circumstances; requiring the Board to notify certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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

Italics indicate opposite chamber/conference committee amendments.

legislative committees and the Department of Legislative Services of the extension within a certain time period; requiring the Maryland Health Insurance Plan, beginning on a certain date, to submit monthly reports to certain legislative committees on certain progress; providing for the termination of this Act; defining a certain term; making certain conforming changes; making this Act an emergency measure; and generally relating to the Maryland Health Insurance Plan.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 14–501(a), (c), (j), and (k) and 14–503(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY adding to
Article – Insurance
Section 14–501(c–1)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–502 and 14–503(i)
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

14–501.

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

(c) “Board” means the Board of Directors for the Maryland Health Insurance Plan.

(C–1) (1) “BRIDGE ELIGIBLE INDIVIDUAL” MEANS AN INDIVIDUAL WHO:

(I) IS A QUALIFIED INDIVIDUAL AS DEFINED IN § 31–101 OF THIS ARTICLE; AND

(II) 1. PROVIDES EVIDENCE THAT THE INDIVIDUAL HAS ATTEMPTED TO OBTAIN INSURANCE THROUGH THE MARYLAND HEALTH BENEFIT EXCHANGE AND WAS UNSUCCESSFUL IN ENROLLING IN COVERAGE; OR

2. IS A DEPENDENT AS DEFINED IN § 15-1316 OF THIS ARTICLE.

(2) "BRIDGE ELIGIBLE INDIVIDUAL" DOES NOT INCLUDE AN INDIVIDUAL WHO IS ELIGIBLE FOR COVERAGE UNDER:

(I) THE FEDERAL MEDICARE PROGRAM;

(II) ~~UNLESS THE INDIVIDUAL IS ELIGIBLE FOR A SUBSIDY OF PLAN COSTS PROVIDED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE UNDER A MEDICAID WAIVER PROGRAM,~~ THE MARYLAND MEDICAL ASSISTANCE PROGRAM;

(III) THE MARYLAND CHILDREN'S HEALTH PROGRAM; OR

(IV) AN EMPLOYER-SPONSORED GROUP HEALTH INSURANCE PLAN THAT INCLUDES BENEFITS COMPARABLE TO PLAN BENEFITS.

(j) "Plan" means the Maryland Health Insurance Plan.

(k) "Plan of operation" means the articles, bylaws, and operating rules and procedures adopted by the Board in accordance with § 14-503 of this subtitle.

14-502.

(a) There is a Maryland Health Insurance Plan.

(b) The Plan is an independent unit of the State government.

(c) The purpose of the Plan is to decrease uncompensated care costs by:

(1) providing access to affordable, comprehensive health benefits for medically uninsurable residents of the State by July 1, 2003; AND

(2) PROVIDING ACCESS TO AFFORDABLE, COMPREHENSIVE HEALTH BENEFITS FOR BRIDGE ELIGIBLE INDIVIDUALS, AS NEEDED, ON:

(I) A RETROACTIVE BASIS BEGINNING NO EARLIER THAN JANUARY 1, 2014; AND

(II) A PROSPECTIVE BASIS.

(d) It is the intent of the General Assembly that the Plan operate as a nonprofit entity and that Fund revenue, to the extent consistent with good business practices, be used to:

(1) subsidize health insurance coverage for medically uninsurable individuals **AND BRIDGE ELIGIBLE INDIVIDUALS**; and

(2) fund the State Reinsurance Program authorized under § 31–117 of this article.

(e) (1) The operations of the Plan are subject to the provisions of this subtitle whether the operations are performed directly by the Plan itself or through an entity contracted with the Plan.

(2) The Plan shall ensure that any entity contracted with the Plan complies with the provisions of this subtitle when performing services that are subject to this subtitle on behalf of the Plan.

(f) (1) (i) [Enrollment in the Plan shall be closed to any individual who is not enrolled in the Plan as of December 31, 2013.

(ii)] A [member] **MEDICALLY UNINSURABLE INDIVIDUAL** enrolled in the Plan as of December 31, 2013, who thereafter terminates enrollment may not reenroll in the Plan **UNLESS ENROLLING AS A BRIDGE ELIGIBLE INDIVIDUAL**.

(II) ENROLLMENT IN THE PLAN SHALL BE CLOSED TO ANY BRIDGE ELIGIBLE INDIVIDUAL WHO ~~IS NOT ENROLLED~~ HAS NOT APPLIED FOR ENROLLMENT IN THE PLAN AS OF MARCH 31, 2014.

(III) ON THE EFFECTIVE DATE OF ENROLLMENT IN A QUALIFIED HEALTH PLAN THROUGH THE MARYLAND HEALTH BENEFIT EXCHANGE, THE ENROLLMENT OF A BRIDGE ELIGIBLE INDIVIDUAL IN THE PLAN TERMINATES.

(2) Subject to paragraph (3) of this subsection, the Board, in consultation with the Maryland Health Benefit Exchange, shall determine the appropriate date on which the Plan shall decline to reenroll Plan members beyond the term of the members' existing Plan coverage.

(3) The date on which the Plan no longer will provide coverage to all Plan members shall be no earlier than January 1, 2014, and no later than January 1, 2020.

(g) Beginning October 1, 2013, and annually thereafter until the Plan no longer provides coverage to members, the Board shall provide notice to Plan members that, effective January 1, 2014, the member:

- (1) may not be denied health insurance because of a preexisting health condition; and
- (2) may be eligible to:
 - (i) enroll in the Maryland Medical Assistance Program;
 - (ii) purchase a health benefit plan offered in the Maryland Health Benefit Exchange or in the insurance market outside the Maryland Health Benefit Exchange; and
 - (iii) receive federal premium and cost-sharing assistance for the purchase of a health benefit plan in the Maryland Health Benefit Exchange.

14-503.

- (a) There is a Board for the Plan.
 - (i) (1) The Board shall adopt a plan of operation for the Plan.
 - (2) The Board shall submit the plan of operation and any amendment to the plan of operation, **EXCEPT AN AMENDMENT THAT PERTAINS TO THE ENROLLMENT OF BRIDGE ELIGIBLE INDIVIDUALS**, to the Commissioner for approval.

SECTION 2. AND BE IT FURTHER ENACTED, That:

- (a) The Board of Directors for the Maryland Health Insurance Plan may adopt policies and procedures necessary to operate and administer the Plan as it pertains to the enrollment of bridge eligible individuals.
- (b) The policies and procedures may include:
 - (1) procedures for determining, to the best of the Board's ability, that bridge eligible individuals meet the definition of "qualified individual " under § 31-101 of the Insurance Article;
 - (2) Plan enrollment procedures; and
 - (3) any other Plan requirement as determined by the Board.
- (c) The Board shall provide notice of the policies and procedures adopted under this section to the Joint Committee on Administrative, Executive, and

Legislative Review, the Senate Finance Committee, and the House Health and Government Operations Committee.

SECTION 3. AND BE IT FURTHER ENACTED, That the Board of Directors for the Maryland Health Insurance Plan:

(1) may extend the date established under § 14–502(f)(1)(ii) of the Insurance Article, as enacted by Section 1 of this Act, for closing enrollment in the Maryland Health Insurance Plan to bridge eligible individuals if the Board determines that bridge eligible individuals continue to be unsuccessful in enrolling in coverage through the Maryland Health Benefit Exchange; and

(2) shall notify the Senate Finance Committee, the House Health and Government Operations Committee, the Legislative Policy Committee of the General Assembly, and the Department of Legislative Services of the extension within 15 days after it is approved.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) Beginning on February 1, 2014, the Maryland Health Insurance Plan shall submit, in accordance with § 2–1246 of the State Government Article, monthly reports to the Legislative Policy Committee of the General Assembly, the Senate Finance Committee, and the House Health and Government Operations Committee on progress in enrolling bridge eligible individuals into coverage.

(b) The reports shall include the number of bridge eligible individuals:

(1) enrolled in MHIP Standard;

(2) enrolled in MHIP+; and

(3) transitioned to coverage in a qualified health plan or other coverage.

SECTION ~~3~~ ~~4~~ 5. 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. It shall remain effective through June 30, 2015, 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.

Approved by the Governor, January 30, 2014.

Chapter 2

(Senate Bill 332)

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.

Approved by the Governor, April 8, 2014.

AN ACT concerning

Vehicle Laws – Preventive Maintenance Program – Preventive Maintenance Technician

FOR the purpose of requiring certain required inspections, maintenance, and repairs of certain commercial motor vehicles to be performed by certain preventive maintenance technicians; defining “preventive maintenance technician” as a person who is able to provide evidence of a demonstrated understanding of certain preventive maintenance inspection criteria through certain experiences; and generally relating to the preventive maintenance program.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 23–301 and 23–302
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

23–301.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Equipment” includes all mechanisms that form part of or relate to vehicle equipment.
- (c) “Hazardous materials inspector” means a person who is assigned by the Department of the Environment and certified by the Department of State Police to perform an inspection authorized under this subtitle.
- (d) **“PREVENTIVE MAINTENANCE TECHNICIAN” MEANS A PERSON WHO CAN PROVIDE EVIDENCE OF A DEMONSTRATED UNDERSTANDING OF THE PREVENTIVE MAINTENANCE INSPECTION CRITERIA PROVIDED IN REGULATIONS ADOPTED UNDER THIS SUBTITLE THROUGH:**

(1) A MINIMUM OF 1 YEAR EXPERIENCE IN PERFORMING WORK TO BRING COMMERCIAL MOTOR VEHICLES INTO COMPLIANCE WITH THE REQUIREMENTS OF THE PREVENTIVE MAINTENANCE PROGRAM; OR

(2) PARTICIPATION IN, AND SUCCESSFUL COMPLETION OF, A COMMERCIAL MOTOR VEHICLE TRAINING PROGRAM THAT IS:

(I) SPONSORED BY A COMMERCIAL MOTOR VEHICLE MANUFACTURER; OR

(II) DESIGNED TO TRAIN STUDENTS IN COMMERCIAL MOTOR VEHICLE OPERATION AND MAINTENANCE.

(E) “Public Service Commission inspector” means a person who is assigned by the Public Service Commission and certified by the Department of State Police to perform an inspection authorized under this subtitle.

[(e)] (F) “State Police officer” means:

(1) Any uniformed law enforcement officer of the Department of State Police; or

(2) Any civilian employee of the Department of State Police assigned to enforce any rule or regulation adopted under this subtitle, but only while acting under written authorization of the Secretary of State Police.

[(f)] (G) “Vehicle” means any vehicle registered in this State as:

(1) A Class E (truck) vehicle with a registered, operating, or rated gross vehicle weight of over 10,000 pounds;

(2) A Class F (tractor) vehicle;

(3) A Class G (trailer or semitrailer) vehicle with a registered, operating, or rated gross vehicle weight over 10,000 pounds;

(4) A Class P (passenger bus) vehicle; or

(5) A Class M (multipurpose) vehicle that:

(i) Is used primarily to transport passengers; and

(ii) 1. Is designed to transport 16 passengers or more, including the driver; or

2. Was previously registered under § 13–932 or § 13–933 of this article.

23–302.

(a) (1) Except as provided in paragraph (2) of this subsection, an owner of a vehicle shall have the vehicle inspected, maintained, and repaired **BY A**

PREVENTIVE MAINTENANCE TECHNICIAN at least every 25,000 miles or at least every 12 months, whichever occurs first.

(2) An owner of a vehicle registered under § 13–919 of this article that has been in operation for at least 18 years from the vehicle's model year or first registration date, whichever is later, shall have the vehicle inspected, maintained, and repaired **BY A PREVENTIVE MAINTENANCE TECHNICIAN** at least every 12,500 miles or at least every 6 months, whichever occurs first.

(b) A vehicle shall meet or exceed the standards and requirements set under the regulations adopted under this subtitle.

(c) A vehicle may not be operated unless at all times it is appropriately registered and the owner is in compliance with this section.

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

Approved by the Governor, April 8, 2014.

Chapter 4

(Senate Bill 16)

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~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 8, 2014.

Chapter 5

(Senate Bill 26)

AN ACT concerning

Motor Vehicles – Commercial Instructional Permit Holders – Administrative Penalties and Procedures

FOR the purpose of establishing that certain administrative penalties and procedures that apply to a holder of a commercial driver's license for certain motor vehicle violations under certain circumstances also apply to a holder of a commercial instructional permit; altering a certain definition; and generally relating to administrative penalties and procedures for holders of commercial motor vehicle instructional permits.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 16–205.1(b)(1)(iii), (f), and (q), 16–803(j), 16–812, 16–813(a), and 16–814

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

16–205.1.

(b) (1) Except as provided in subsection (c) of this section, a person may not be compelled to take a test. However, the detaining officer shall advise the person that, on receipt of a sworn statement from the officer that the person was so charged and refused to take a test, or was tested and the result indicated an alcohol concentration of 0.08 or more, the Administration shall:

(iii) In addition to any applicable driver's license suspensions authorized under this section, in the case of a person operating a commercial motor vehicle or who holds **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license who refuses to take a test:

1. Disqualify the person's **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license for a period of 1 year for a first offense, 3 years for a first offense which occurs while transporting hazardous materials required to be placarded, and disqualify for life if the person's **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license has been previously disqualified for at least 1 year under:

- A. § 16–812(a) or (b) of this title;
- B. A federal law; or
- C. Any other state's law; or

2. If the person holds **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license issued by another state, disqualify the person's privilege to operate a commercial motor vehicle and report the refusal and disqualification to the person's resident state which may result in further penalties imposed by the person's resident state.

(f) (1) Subject to the provisions of this subsection, at the time of, or within 30 days from the date of, the issuance of an order of suspension, a person may submit a written request for a hearing before an officer of the Administration if:

(i) The person is arrested for driving or attempting to drive a motor vehicle while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16-813 of this title; and

(ii) 1. There is an alcohol concentration of 0.08 or more at the time of testing; or

2. The person refused to take a test.

(2) A request for a hearing made by mail shall be deemed to have been made on the date of the United States Postal Service postmark on the mail.

(3) If the driver's license has not been previously surrendered, the license must be surrendered at the time the request for a hearing is made.

(4) If a hearing request is not made at the time of or within 10 days after the issuance of the order of suspension, the Administration shall:

(i) Make the suspension order effective suspending the license:

1. Except as provided in item 2 of this item, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

A. For a first offense, for 45 days; or

B. For a second or subsequent offense, for 90 days;

2. For a test result indicating an alcohol concentration of 0.15 or more at the time of testing:

A. For a first offense, for 90 days; or

B. For a second or subsequent offense, for 180 days; or

3. For a test refusal:

A. For a first offense, for 120 days; or

B. For a second offense or subsequent offense, for 1 year;

and

(ii) 1. In the case of a person operating a commercial motor vehicle or who holds **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license who refuses to take a test, disqualify the person from operating a commercial motor vehicle for a period of 1 year for a first offense, 3 years for a first offense which occurs while transporting hazardous materials required to be placarded, and for life for a second or subsequent offense which occurs while operating any commercial vehicle; or

2. In the case of a person operating a commercial motor vehicle who refuses to take a test, and who holds **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license issued by another state, disqualify the person's privilege to operate a commercial motor vehicle in this State and report the refusal and disqualification to the person's resident state which may result in further penalties imposed by the person's resident state.

(5) (i) If the person requests a hearing at the time of or within 10 days after the issuance of the order of suspension and surrenders the driver's license or, if applicable, the person's **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license, the Administration shall set a hearing for a date within 30 days of the receipt of the request.

(ii) Subject to the provisions of this paragraph, a postponement of a hearing under this paragraph does not extend the period for which the person is authorized to drive and the suspension and, if applicable, the disqualification shall become effective on the expiration of the 45-day period after the issuance of the order of suspension.

(iii) A postponement of a hearing described under this paragraph shall extend the period for which the person is authorized to drive if:

1. Both the person and the Administration agree to the postponement;

2. The Administration cannot provide a hearing within the period required under this paragraph; or

3. Under circumstances in which the person made a request, within 10 days of the date that the order of suspension was served under this section, for the issuance of a subpoena under § 12-108 of this article except as time limits are changed by this paragraph:

A. The subpoena was not issued by the Administration;

B. An adverse witness for whom the subpoena was requested, and on whom the subpoena was served not less than 5 days before the hearing described under this paragraph, fails to comply with the subpoena at an initial or subsequent hearing described under this paragraph held within the 45-day period; or

C. A witness for whom the subpoena was requested fails to comply with the subpoena, for good cause shown, at an initial or subsequent hearing described under this paragraph held within the 45-day period after the issuance of the order of suspension.

(iv) If a witness is served with a subpoena for a hearing under this paragraph, the witness shall comply with the subpoena within 20 days from the date that the subpoena is served.

(v) If a hearing is postponed beyond the 45-day period after the issuance of the order of suspension under the circumstances described in subparagraph (iii) of this paragraph, the Administration shall stay the suspension and issue a temporary license that authorizes the person to drive only until the date of the rescheduled hearing described under this paragraph.

(vi) To the extent possible, the Administration shall expeditiously reschedule a hearing that is postponed under this paragraph.

(6) (i) If a hearing request is not made at the time of, or within 10 days from the date of the issuance of an order of suspension, but within 30 days of the date of the issuance of an order of suspension, the person requests a hearing and surrenders the driver's license or, if applicable, the person's **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license, the Administration shall:

1. A. Make a suspension order effective suspending the license for the applicable period of time described under paragraph (4)(i) of this subsection; and

B. In the case of a person operating a commercial motor vehicle or who holds **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license who refuses to take a test, disqualify the person's **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license, or privilege to operate a commercial motor vehicle in this State, for the applicable period of time described under paragraph (4)(ii) of this subsection; and

2. Set a hearing for a date within 45 days of the receipt of a request for a hearing under this paragraph.

(ii) A request for a hearing scheduled under this paragraph does not extend the period for which the person is authorized to drive, and the suspension and, if applicable, the disqualification shall become effective on the expiration of the 45-day period that begins on the date of the issuance of the order of suspension.

(iii) A postponement of a hearing described under this paragraph shall stay the suspension only if:

1. Both the person and the Administration agree to the postponement;

2. The Administration cannot provide a hearing under this paragraph within the period required under this paragraph; or

3. Under circumstances in which the person made a request, within 10 days of the date that the person requested a hearing under this paragraph, for the issuance of a subpoena under § 12-108 of this article except as time limits are changed by this paragraph:

A. The subpoena was not issued by the Administration;

B. An adverse witness for whom the subpoena was requested, and on whom the subpoena was served not less than 5 days before the hearing, fails to comply with the subpoena at an initial or subsequent hearing under this paragraph held within the 45-day period that begins on the date of the request for a hearing under this paragraph; or

C. A witness for whom the subpoena was requested fails to comply with the subpoena, for good cause shown, at an initial or subsequent hearing under this paragraph held within the 45-day period that begins on the date of the request for a hearing under this paragraph.

(iv) If a witness is served with a subpoena for a hearing under this paragraph, the witness shall comply with the subpoena within 20 days from the date that the subpoena is served.

(v) If a hearing is postponed beyond the 45-day period that begins on the date of the request for a hearing under this paragraph under circumstances described in subparagraph (iii) of this paragraph, the Administration shall stay the suspension and issue a temporary license that authorizes the person to drive only until the date of the rescheduled hearing.

(vi) To the extent possible, the Administration shall expeditiously reschedule a hearing that is postponed under this paragraph.

(7) (i) At a hearing under this section, the person has the rights described in § 12–206 of this article, but at the hearing the only issues shall be:

1. Whether the police officer who stops or detains a person had reasonable grounds to believe the person was driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title;

2. Whether there was evidence of the use by the person of alcohol, any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;

3. Whether the police officer requested a test after the person was fully advised, as required under subsection (b)(2) of this section, of the administrative sanctions that shall be imposed;

4. Whether the person refused to take the test;

5. Whether the person drove or attempted to drive a motor vehicle while having an alcohol concentration of 0.08 or more at the time of testing;

6. Whether the person drove or attempted to drive a motor vehicle while having an alcohol concentration of 0.15 or more at the time of testing; or

7. If the hearing involves disqualification of **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license, whether the person was operating a commercial motor vehicle or held **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license.

(ii) The sworn statement of the police officer and of the test technician or analyst shall be prima facie evidence of a test refusal, a test result indicating an alcohol concentration of 0.08 or more at the time of testing, or a test result indicating an alcohol concentration of 0.15 or more at the time of testing.

(8) (i) After a hearing, the Administration shall suspend the driver's license or privilege to drive of the person charged under subsection (b) or (c) of this section if:

1. The police officer who stopped or detained the person had reasonable grounds to believe the person was driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol

that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title;

2. There was evidence of the use by the person of alcohol, any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;

3. The police officer requested a test after the person was fully advised, as required under subsection (b)(2) of this section, of the administrative sanctions that shall be imposed; and

4. A. The person refused to take the test; or

B. A test to determine alcohol concentration was taken and the test result indicated an alcohol concentration of 0.08 or more at the time of testing.

(ii) After a hearing, the Administration shall disqualify the person from driving a commercial motor vehicle if:

1. The person was detained while operating a commercial motor vehicle or while holding **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license;

2. The police officer who stopped or detained the person had reasonable grounds to believe that the person was driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title;

3. There was evidence of the use by the person of alcohol, any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;

4. The police officer requested a test after the person was fully advised of the administrative sanctions that shall be imposed; and

5. The person refused to take the test.

(iii) If the person is licensed to drive a commercial motor vehicle **OR HOLDS A COMMERCIAL INSTRUCTIONAL PERMIT**, the Administration shall disqualify the person in accordance with subparagraph (ii) of this paragraph, but may not impose a suspension under subparagraph (i) of this paragraph, if:

1. The person was detained while operating a commercial motor vehicle or while holding **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license;

2. The police officer had reasonable grounds to believe the person was in violation of an alcohol restriction or in violation of § 16-813 of this title;

3. The police officer did not have reasonable grounds to believe the driver was driving while under the influence of alcohol, driving while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, or while impaired by a controlled dangerous substance; and

4. The driver refused to take a test.

(iv) In the absence of a compelling reason for failure to attend a hearing, failure of a person to attend a hearing is prima facie evidence of the person's inability to answer the sworn statement of the police officer or the test technician or analyst, and the Administration summarily shall:

1. Suspend the driver's license or privilege to drive; and

2. If the driver is detained in a commercial motor vehicle or holds **A COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license, disqualify the person from operating a commercial motor vehicle.

(v) The suspension imposed shall be:

1. Except as provided in item 2 of this subparagraph, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

A. For a first offense, a suspension for 45 days; or

B. For a second or subsequent offense, a suspension for 90 days;

2. For a test result indicating an alcohol concentration of 0.15 or more at the time of testing:

A. For a first offense, a suspension of 90 days; or

B. For a second or subsequent offense, a suspension of 180 days; or

3. For a test refusal:

- A. For a first offense, a suspension for 120 days; or
- B. For a second or subsequent offense, a suspension for 1 year.

(vi) A disqualification imposed under subparagraph (ii) or (iii) of this paragraph shall be for a period of 1 year for a first offense, 3 years for a first offense which occurs while transporting hazardous material required to be placarded, and life for a second or subsequent offense which occurs while operating or attempting to operate any commercial motor vehicle.

(vii) A disqualification of A **COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license is not subject to any modifications, nor may a restricted **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license be issued in lieu of a disqualification.

(viii) A disqualification for life may be reduced if permitted by § 16-812(d) of this title.

(q) The provisions of this section relating to disqualification do not apply to offenses committed by an individual in a noncommercial motor vehicle before:

(1) September 30, 2005; or

(2) The initial issuance to the individual of a commercial [driver's license] **INSTRUCTIONAL PERMIT** by any state.

16-803.

(j) (1) "Serious traffic violation" means:

(i) Excessive speeding, as defined by the United States Secretary of Transportation by regulation;

(ii) Reckless driving;

(iii) A violation of any state or local law relating to operating a motor vehicle, other than a parking violation, arising in connection with an accident or collision resulting in death to any individual;

(iv) Driving a commercial motor vehicle without obtaining A **COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license;

(v) Driving a commercial motor vehicle without A **COMMERCIAL INSTRUCTIONAL PERMIT OR** a commercial driver's license in the driver's possession;

(vi) Driving a commercial motor vehicle without the proper class of **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license;

(vii) Driving a commercial motor vehicle without the proper endorsements **FOR THE COMMERCIAL INSTRUCTIONAL PERMIT OR COMMERCIAL DRIVER'S LICENSE**; or

(viii) Any other violation of a state or local law which the United States Secretary of Transportation determines by regulation to be serious.

(2) Serious traffic violation does not include vehicle weight and vehicle defect violations.

16-812.

(a) The Administration shall disqualify any individual from driving a commercial motor vehicle for a period of 1 year if:

(1) The individual is convicted of committing any of the following offenses while driving a commercial motor vehicle:

(i) A violation of § 21-902 of this article;

(ii) A violation of a federal law or any other state's law which is substantially similar in nature to the provisions in § 21-902 of this article;

(iii) Leaving the scene of an accident which requires disqualification as provided by the United States Secretary of Transportation;

(iv) A crime, other than a crime described in subsection (e) of this section, that is punishable by imprisonment for a term exceeding 1 year;

(v) A violation of § 25-112 of this article; or

(vi) A violation of § 2-209, § 2-503, § 2-504, § 2-505, or § 2-506 of the Criminal Law Article;

(2) The individual holds a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license and is convicted of committing any of the following offenses while driving a noncommercial motor vehicle:

(i) A violation of § 21-902(a), (c), or (d) of this article;

(ii) A violation of a federal law or any other state's law which is substantially similar in nature to the provisions in § 21-902(a), (c), or (d) of this article;

(iii) Leaving the scene of an accident which requires disqualification as provided by the United States Secretary of Transportation; or

(iv) A crime, other than a crime described in subsection (e) of this section, that is punishable by imprisonment for a term exceeding 1 year;

(3) The individual, while driving a commercial motor vehicle or while holding a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license, refuses to undergo testing as provided in § 16-205.1 of this title or as is required by any other state's law or by federal law in the enforcement of 49 C.F.R. § 383.51 Table 1, or 49 C.F.R. § 392.5(a)(2);

(4) The individual drives or attempts to drive a commercial motor vehicle while the alcohol concentration of the person's blood or breath is 0.04 or greater; or

(5) The individual drives a commercial motor vehicle when, as a result of prior violations committed while driving a commercial motor vehicle, the driver's **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license is revoked, suspended, or canceled or the driver is disqualified from driving a commercial motor vehicle.

(b) If any of the offenses in subsection (a) of this section occurred while transporting a hazardous material required to be placarded, the Administration shall disqualify the individual for a period of 3 years.

(c) The Administration shall disqualify any person from driving a commercial motor vehicle for life for 2 or more violations of any of the offenses specified in subsection (a) or (b) of this section, or any combination of those offenses, arising from 2 or more separate incidents.

(d) The Administration shall adopt regulations establishing guidelines, including conditions, under which a disqualification for life may be reduced to a period of time which may be permitted by federal regulations.

(e) The Administration shall disqualify any person from driving a commercial motor vehicle for life who is convicted of using a motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled dangerous substance, or possession with intent to manufacture, distribute, or dispense a controlled dangerous substance.

(f) The Administration shall disqualify any person from driving a commercial motor vehicle for a period of 60 days if convicted under the laws of this

State or any other state of 2 serious traffic violations arising from separate incidents occurring within a 3-year period committed:

(1) While operating a commercial motor vehicle; or

(2) While holding a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license and operating a noncommercial vehicle, and the conviction would result in suspension, revocation, or cancellation of the driver's license.

(g) The Administration shall disqualify any person from driving a commercial motor vehicle for a period of 120 days if convicted under the laws of this State or any other state of 3 serious traffic violations arising from separate incidents occurring within a 3-year period committed:

(1) While operating a commercial motor vehicle; or

(2) While holding a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license and operating a noncommercial motor vehicle, and the conviction would result in suspension, revocation, or cancellation of the driver's license.

(h) The Administration may disqualify a person from driving a commercial motor vehicle for a controlled dangerous substance offense in the manner provided under Article 41, Title 1, Subtitle 5 of the Code.

(i) (1) In this subsection the following terms have the meanings indicated:

(i) "Commercial motor vehicle" means:

1. A "commercial motor vehicle" as defined in § 16-803 of this subtitle; and

2. Except as provided in § 16-803(c)(2) of this subtitle, any self-propelled or towed vehicle used on a public highway to transport passengers or property, if the vehicle has a gross vehicle weight rating of 10,001 or more pounds.

(ii) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, State, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation, is put out of service pursuant to Title 49, §§ 386.72, 392.5, 392.9A, 395.13, and 396.9 of the Code of Federal Regulations, compatible laws, or the North American Uniform Out-of-Service Criteria.

(2) A driver who is convicted of violating an out-of-service order while driving a commercial motor vehicle is disqualified for the period of time specified in regulation by the United States Secretary of Transportation.

(j) A driver who is convicted of a violation of any of the provisions of §§ 21–701 through 21–704 of this article pertaining to railroad grade crossings or any other federal, state, or local law or regulation pertaining to railroad grade crossings that is substantially similar to §§ 21–701 through 21–704 of this article, while operating a commercial motor vehicle, is disqualified for the period of time specified in regulation by the United States Secretary of Transportation.

(k) (1) The Administration shall cancel a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license if the applicant provides information that is incomplete or incorrect.

(2) If the Administration determines, in its check of an applicant's license status and record prior to issuing a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license, or at any time after the **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license has been issued, that the applicant has falsified any information or certification submitted in connection with an application for a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license, the Administration shall suspend, cancel, or revoke the **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license or pending application, or disqualify the person from operating a commercial motor vehicle, for a period of not less than 60 days.

(l) After suspending, revoking, or canceling a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license, or after disqualifying a person who holds a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license from operating a commercial motor vehicle, the Administration shall update its records to reflect that action within 10 days.

(m) After suspending, revoking, or canceling a nonresident commercial driver's privilege, or after disqualifying a nonresident driver from operating a commercial motor vehicle, the Administration shall notify the licensing authority of the state which issued the **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license within 10 days.

(n) An individual who is disqualified from driving a commercial motor vehicle under this section shall surrender the individual's driver's license to the Administration.

(o) The Administration may issue a noncommercial driver's license of an appropriate class to an individual who is disqualified under this section if:

(1) The individual surrenders the **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license; and

(2) The individual's driving privilege is not otherwise refused, suspended, revoked, or canceled in this State or any other state.

(p) (1) (i) On termination of a disqualification period of less than 1 year, an individual may apply for restoration of the individual's **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license.

(ii) The Administration shall reissue a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license under this paragraph when the applicant pays any required fees.

(2) On termination of a disqualification period of at least 1 year, an individual may apply for a new **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license.

(3) The Administration shall issue a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license to the applicant when the applicant:

(i) Passes the skills and knowledge tests required by this subtitle;

(ii) Is eligible to drive pursuant to the Commercial Driver's License Information System, and National Driver's Register;

(iii) Surrenders any previously issued driver's instructional permit or license; and

(iv) Pays the fees required by § 16-818(a)(1) of this subtitle.

(q) If an individual is disqualified based on multiple offenses committed at the same time, or arising out of circumstances simultaneous in time and place, or arising out of the same incident, the Administration:

(1) Shall disqualify the individual from driving a commercial motor vehicle for the offense which results in the lengthiest period of disqualification; and

(2) May not impose any additional periods of disqualification for the remainder of the offenses.

(r) Notwithstanding any other provision of law, an offense described in this section or § 16-205.1 of this title committed by an individual in a noncommercial motor vehicle may not be considered an offense for the purposes of disqualification if the offense occurred before:

(1) September 30, 2005; or

(2) The initial issuance to the individual of a commercial [driver's license] **INSTRUCTIONAL PERMIT** by any state.

16–813.

(a) (1) An individual may not drive, operate, or be in physical control of a commercial motor vehicle while the individual has any alcohol concentration in the individual's blood or breath.

(2) Notwithstanding the provisions of paragraph (1) of this subsection and for the purpose of disqualifying an individual's **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license for a violation of § 16–812(a) of this subtitle, an individual may not drive, operate, or be in physical control of a commercial motor vehicle while the individual has an alcohol concentration of 0.04 or greater in the individual's blood or breath.

16–814.

Within 10 days of the conviction, the Administration shall notify the driver licensing authority in the licensing state of the conviction of:

(1) Any nonresident holder of a **COMMERCIAL INSTRUCTIONAL PERMIT OR** commercial driver's license for the violation of any State law or local ordinance relating to operating a motor vehicle, other than parking violations;

(2) Any nonresident holder of a noncommercial driver's license for the violation of any State law or local ordinance relating to operating a motor vehicle, other than parking violations, committed in a commercial motor vehicle; or

(3) Any nonresident who does not hold any type of license to drive, or whose license to drive is suspended, revoked, or canceled, for the violation of any State law or local ordinance relating to operating a commercial motor vehicle, other than parking violations.

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

Approved by the Governor, April 8, 2014.

Chapter 6

(Senate Bill 33)

AN ACT concerning

**Vehicle Laws – Rules of the Road – Use of High Occupancy Vehicle
(HOV) Lanes**

FOR the purpose of prohibiting a person from driving a vehicle in a high occupancy vehicle (HOV) lane except under certain circumstances; authorizing certain vehicles to be driven in HOV lanes at all times; defining a certain term; and generally relating to the use of HOV lanes.

BY adding to

Article – Transportation
Section 21–314
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

21–314.

(A) IN THIS SECTION, “HOV LANE” MEANS A HIGH OCCUPANCY VEHICLE LANE, THE USE OF WHICH IS RESTRICTED BY A TRAFFIC CONTROL DEVICE DURING SPECIFIED TIMES TO VEHICLES CARRYING AT LEAST A SPECIFIED NUMBER OF OCCUPANTS.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON MAY NOT DRIVE A VEHICLE IN AN HOV LANE UNLESS AUTHORIZED BY A TRAFFIC CONTROL DEVICE.

(C) THE FOLLOWING VEHICLES MAY BE DRIVEN IN AN HOV LANE AT ALL TIMES REGARDLESS OF THE NUMBER OF PASSENGERS IN OR ON THE VEHICLE:

(1) A BUS;

(2) A MOTORCYCLE; AND

(3) A PLUG-IN ELECTRIC DRIVE VEHICLE DISPLAYING A VALID PERMIT ISSUED UNDER § 25–108 OF THIS ARTICLE.

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

Approved by the Governor, April 8, 2014.

Chapter 7

(Senate Bill 35)

AN ACT concerning

Family Law – Domestic Violence Incident Report – Dissemination

FOR the purpose of repealing a requirement that a certain law enforcement unit provide a copy of a certain domestic violence incident report to the Department of State Police; and generally relating to the dissemination of domestic violence incident reports.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 4–502
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–503.1
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 – Family Law

4–502.

(a) (1) Any person who alleges to have been a victim of abuse and who believes there is a danger of serious and immediate personal harm may request the help of a local law enforcement unit.

(2) A local law enforcement officer who responds to the request for help shall:

(i) protect the person from harm when responding to the request; and

(ii) accompany the person to the family home so that the person may remove the following items, regardless of who paid for the items:

1. the personal clothing of the person and of any child in the care of the person; and
2. the personal effects, including medicine or medical devices, of the person and of any child in the care of the person that the person or child needs immediately.

(b) A law enforcement officer who responds to a request described in subsection (a) of this section has the immunity from liability described under § 5–610 of the Courts Article.

4–503.1.

(a) If an incident report is filed when a law enforcement officer responds to a request for help under § 4–502 of this Part I of this subtitle, the law enforcement unit shall provide a copy of the report[:

- (1) to the Department of State Police; and
- (2) on request,] to the victim **ON REQUEST**.

(b) The victim need not obtain a subpoena to receive a copy of the incident report.

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

Approved by the Governor, April 8, 2014.

Chapter 8

(Senate Bill 40)

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.

Approved by the Governor, April 8, 2014.

Chapter 9

(Senate Bill 53)

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:

1. requires an insured's initial premium payment to be no less than:
 - 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.

Approved by the Governor, April 8, 2014.

Chapter 10

(Senate Bill 62)

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.

Approved by the Governor, April 8, 2014.

Chapter 11

(Senate Bill 70)

AN ACT concerning

Agriculture – Fertilizer – Labeling and Restrictions on Use and Sale

FOR the purpose of clarifying certain fertilizer labeling requirements and certain restrictions on the use and sale of certain fertilizers; altering certain definitions; and generally relating to the labeling, use, and sale of fertilizer in Maryland.

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 6–201(a) and (ee)
Annotated Code of Maryland
(2007 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 6–201(l), (w), and (cc), 6–210(a) and (c), 6–224, and 8–803.5
Annotated Code of Maryland
(2007 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

6–201.

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

(l) “Guaranteed analysis” means the [minimum] **NOMINAL** percentage of plant nutrient claimed as follows:

(1) Total nitrogen (N), available phosphate (P_2O_5), soluble potash (K_2O);

(2) For unacidulated mineral phosphatic materials and basic slag, both total and available phosphate and the degree of fineness;

(3) For bone, tankage, and other organic phosphatic materials, total phosphate;

(4) Additional plant nutrients, when claimed, shall be expressed in elemental form; and

(5) Potential basicity or acidity may be expressed in terms of calcium carbonate equivalent in multiples of 100 pounds per ton.

(w) (1) “Organic fertilizer” means a fertilizer product that is derived from either a plant or animal product containing carbon and one or more elements, other than hydrogen or oxygen that are essential for plant growth.

(2) “Organic fertilizer” includes a fertilizer product that contains:

(i) **[Synthetic materials] NO MORE THAN 50% SYNTHETIC MATERIALS AND IN WHICH MORE THAN HALF THE SUM OF THE GUARANTEED PRIMARY NUTRIENT PERCENTAGES IS DERIVED FROM ORGANIC MATERIALS;** or

(ii) Materials that are changed in a physical or chemical manner from their initial state.

(cc) (1) “Soil conditioner” means any substance or mixture of substances intended for sale, offered for sale, or **[sold] DISTRIBUTED** for:

(i) Manurial, soil enriching, or soil corrective purposes;

(ii) Promoting or stimulating the growth of plants;

(iii) Increasing the productivity of plants;

(iv) Improving the quality of crops; or

(v) Producing any chemical or physical change in the soil, except a commercial fertilizer, unmanipulated animal and vegetable manures, agricultural liming material, and gypsum.

(2) “Soil conditioner” includes but is not limited to materials such as compost, peat, vermiculite, or perlite, that are incorporated into the soil.

(ee) "Specialty fertilizer" means a commercial fertilizer distributed primarily for nonfarm use, such as home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses, and nurseries, and may include commercial fertilizers used for any research or experimental purpose.

6-210.

(a) Each brand and grade of commercial fertilizer distributed in the State shall be accompanied by a legible label bearing the following information:

- (1) The net weight;
- (2) The brand and grade under which the commercial fertilizer is distributed;
- (3) The guaranteed analysis giving the [minimum] **NOMINAL** percentage of every plant nutrient claimed to be contained in the fertilizer; and
- (4) Name and address of manufacturer.

(c) Any fertilizer mixed or blended according to a formula furnished by a purchaser shall be marked plainly or tagged with the words "buyer's mixture", or "mixed-to-order", or "custom-mix" together with a statement containing the following information:

- (1) Net weight;
- (2) The guaranteed analysis giving the [minimum] **NOMINAL** percentage of every plant nutrient claimed to be contained in the fertilizer; and
- (3) Name and address of the manufacturer. In addition, the amounts or kinds of materials used in the formulation may be shown.

6-224.

(a) Except as provided in subsection (b) of this section, any specialty fertilizer labeled for use on turf, **WHEN APPLIED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE CONTAINER**, may not:

- (1) Result in an application of [more]:
 - (i) **MORE** than 0.7 pounds per 1,000 square feet of water-soluble nitrogen [and no more]; **OR**

(II) **MORE** than 0.9 pounds per 1,000 square feet of total nitrogen, at least 20% of which shall consist of slow–release nitrogen[, when applied in accordance with the instructions on the container];

(2) Contain phosphorus, except:

(i) For organic and natural organic fertilizer sold to a professional fertilizer applicator; or

(ii) When specifically labeled for the following purposes:

1. Providing nutrients to specific soils and target vegetation as determined to be necessary in accordance with a soil test that was:

A. Conducted by a laboratory identified under § 8–803.7 of this article; and

B. Performed no more than 3 years before the application;

2. Establishing vegetation for the first time, such as after land disturbance, provided the application is conducted in accordance with the recommended application rates established by the State; or

3. Reestablishing or repairing a turf area; and

(3) Be labeled for use as a de–icer.

(b) An enhanced–efficiency fertilizer labeled for use on turf, **WHEN APPLIED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE CONTAINER**, may not:

(1) Result in an annual application of more than 2.5 pounds per 1,000 square feet of total nitrogen;

(2) Result in an application of more than 80% of the annual recommended rate for total nitrogen established by the University of Maryland; or

(3) Have a release rate of more than 0.7 pounds per 1,000 square feet of total nitrogen per month.

(c) Except as provided in subsections (d) and (e) of this section, a person may not offer to sell specialty fertilizer for use on turf that, **WHEN APPLIED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE CONTAINER**:

(1) Results in an application of [more]:

(I) **MORE** than 0.7 pounds per 1,000 square feet of water-soluble nitrogen [and no more]; **OR**

(II) **MORE** than 0.9 pounds per 1,000 square feet of total nitrogen, at least 20% of which shall consist of slow-release nitrogen[, when applied in accordance with the instructions on the container]; and

(2) Contains phosphorus and is intended for use on turf unless the intended use of the fertilizer is:

(i) For application to specific soils and turf as determined to be necessary pursuant to a soil test conducted by a laboratory identified in § 8-803.7 of this article and performed no more than 3 years before the application, provided the application complies with recommended application rates established by the University of Maryland;

(ii) For the establishment of turf for the first time, such as after land disturbance, provided the application complies with recommended application rates established by the University of Maryland; or

(iii) For the reestablishment or repair of a turf area.

(d) A person may offer to sell an organic or natural organic fertilizer containing phosphorus to a professional fertilizer applicator.

(e) A person may not offer to sell enhanced-efficiency fertilizer for use on turf that:

(1) Results in an annual application of more than 2.5 pounds per 1,000 square feet of total nitrogen;

(2) Results in an application of more than 80% of the annual recommended rate for total nitrogen established by the University of Maryland; or

(3) Has a release rate of more than 0.7 pounds per 1,000 square feet of total nitrogen per month.

(f) A person may not offer to sell a commercial or specialty fertilizer product for use as a de-icer.

8-803.5.

(a) In this section, "fertilizer" means commercial fertilizer and specialty fertilizer.

(b) (1) This section applies to a person who applies fertilizer to:

- (i) Property that is not used for agricultural purposes; or
- (ii) State property that is not used for agricultural purposes.

(2) This section does not apply to the application of fertilizer on commercial farms.

(c) A person may not:

and (1) Apply fertilizer intended for use on turf to an impervious surface;

(2) Apply fertilizer containing phosphorus or nitrogen to turf:

or (i) Before March 1 or after November 15 of any calendar year;

(ii) At any time when the ground is frozen.

(d) (1) Except as provided in paragraph (2) of this subsection, a person may not apply fertilizer containing phosphorus or nitrogen to turf that is within 15 feet of:

(i) Surface water subject to the jurisdiction of the State;

(ii) The Chesapeake Bay and its tributaries;

(iii) A pond within the State;

(iv) A lake within the State;

(v) A river within the State;

(vi) A stream within the State;

(vii) A public ditch within the State;

(viii) A tax ditch within the State; or

(ix) A public drainage system within the State, other than those designed and used to collect, convey, or dispose of sanitary sewage.

(2) When a drop spreader, rotary spreader with a deflector, or targeted spray liquid is used for fertilizer application, the setback required under paragraph (1) of this subsection may be reduced to 10 feet.

(3) The establishment of setbacks for fertilizer application under this subsection does not preclude the establishment or applicability of, or compliance with, any other environmental standards established under any other State or federal law, rule, or regulation.

(e) Except as provided in subsections (c) and (d) of this section, a person may apply fertilizer to turf containing phosphorus if the person:

(1) Determines that the fertilizer is necessary for the specific soils and target vegetation in accordance with a soil test performed no more than 3 years before the fertilizer application, provided the application complies with the recommendations established by the University of Maryland;

(2) Is establishing vegetation for the first time, such as after land disturbance, provided the application complies with the recommendations established by the University of Maryland; or

(3) Is reestablishing or repairing a turf area.

(f) (1) Except as provided in paragraph (2) of this subsection and in addition to the requirements set forth in this section, a person, other than a professional fertilizer applicator, may not:

(i) Apply fertilizer to turf[:

1. In] **IN** an amount that is inconsistent with the annual recommended rate established by the University of Maryland; [and

2. That contains nitrogen that is less than 20% slow release;]

(ii) Apply nitrogen to turf:

1. At an application rate of more than 0.7 pounds per 1,000 square feet of water-soluble nitrogen; [and] **OR**

2. At an application rate that is more than 0.9 pounds per 1,000 square feet of total nitrogen, **AT LEAST 20% OF WHICH SHALL CONSIST OF SLOW-RELEASE NITROGEN**; and

(iii) Apply fertilizer to a golf course.

(2) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, a person may apply an enhanced efficiency fertilizer:

1. At an annual application rate of no more than 2.5 pounds per 1,000 square feet of nitrogen; and

2. That has a release rate of no more than 0.7 pounds per 1,000 square feet of nitrogen per month.

(ii) The annual total application rate of an enhanced efficiency fertilizer may not exceed 80% of the annual recommendation rate established by the University of Maryland.

(iii) Enhanced efficiency fertilizers may not be applied after November 15 or before March 1 of each calendar year.

(g) A county or municipality may enforce this section.

(h) The Department may adopt regulations to implement this section.

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

Approved by the Governor, April 8, 2014.

Chapter 12

(Senate Bill 71)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Value of Easement

FOR the purpose of prohibiting, notwithstanding certain provisions of law, and with a certain exception, the Maryland Agricultural Land Preservation Foundation from purchasing an agricultural land preservation easement for more than a certain amount or less than a certain amount; authorizing the Foundation to purchase an easement for less than a certain amount if the asking price is less than a certain amount; and generally relating to the value of agricultural land preservation easements purchased by the Maryland Agricultural Land Preservation Foundation.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 2–511

Annotated Code of Maryland

(2007 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

2–511.

(a) [The] **EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE** maximum value of any easement to be purchased shall be the asking price or the difference between the fair market value of the land and the agricultural value of the land, whichever is lower.

(b) The fair market value of the land is the price as of the valuation date for the highest and best use of the property which a vendor, willing but not obligated to sell, would accept for the property, and which a purchaser, willing but not obligated to buy, would pay for the property if the property was not subject to any restriction imposed under this subtitle.

(c) The agricultural value of land is the price as of the valuation date which a vendor, willing but not obligated to sell, would accept for the property, and which a purchaser, willing but not obligated to buy, would pay for the property as a farm unit, to be used for agricultural purposes.

(d) (1) (i) The value of the easement is determined at the time the Foundation is requested in writing to purchase the easement.

(ii) The fair market value shall be determined by the Department of General Services based on one or more appraisals by the State appraisers, and appraisals, if any, of the landowner.

(iii) The entire contiguous acreage shall be included in the determination of the value of the easement, less 1 acre per single dwelling; however, except as provided in § 2–513(b)(2) of this subtitle, the entire contiguous acreage, including the 1 acre per single dwelling, is subject to the easement restrictions.

(2) (i) Subject to subparagraph (ii) of this paragraph, the agricultural value of land shall be determined by a formula approved by the Department that measures the farm productivity of the land on which the applicant has applied to sell an easement by taking into consideration weighted factors that may include rents, location, soil types, development pressure, interest rates, and potential agricultural use.

(ii) The agricultural value determined under subparagraph (i) of this paragraph is subject to the approval of the Department.

(E) (1) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, AND EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE FOUNDATION MAY NOT PURCHASE AN EASEMENT FOR MORE THAN 75% OR LESS THAN 25% OF THE FAIR MARKET VALUE OF THE LAND.

(2) THE FOUNDATION MAY PURCHASE AN EASEMENT FOR LESS THAN 25% OF THE FAIR MARKET VALUE OF THE LAND IF THE OWNER'S ASKING PRICE IS LESS THAN 25% OF THE FAIR MARKET VALUE OF THE LAND.

[(e)] (F) (1) If the landowner and THE Foundation do not agree on the value of the easement as determined by the State, either the landowner or the Foundation may request, no later than September 30 of the year following the determination of the value, that the matter be referred to the property tax assessment appeal board as provided under § 3-107 of the Tax – Property Article, for arbitration as to the value of the easement.

(2) The value determined by that arbitration shall be binding upon the owner and the Foundation in a purchase of the easement made subsequent to the arbitration for a period of 2 years, unless the landowner and the Foundation agree upon a lesser value or the landowner or the Foundation appeals the results of the arbitration to the Maryland Tax Court, and either party may further appeal from the Tax Court as provided in § 13-532 of the Tax – General Article.

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

Approved by the Governor, April 8, 2014.

Chapter 13

(Senate Bill 72)

AN ACT concerning

Motor Vehicles – Weight and Axle Load Limits

FOR the purpose of ~~establishing that certain provisions of law governing motor vehicle weight limits and single axle load limits do not apply to motor homes or certain buses; repealing a provision of law establishing a certain enhanced single axle load limit for certain buses; prohibiting a motor home from exceeding a certain rated load capacity for any tire on the motor home~~ exempting certain buses from certain provisions of law establishing tandem axle weight limits; clarifying that certain vehicle weight limits apply to certain buses; increasing to a certain amount the weight limit tolerance for the use of certain equipment that

promotes fuel economy and reduced emissions; making conforming changes; and generally relating to motor vehicle weight and axle load limits.

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section ~~24-108, 24-109, 24-109~~ and 24-113.2(c)
 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

~~24-108.~~

~~(a) (1) Subject to paragraph (2) of this subsection and except as otherwise provided in this section, the gross weight imposed on the ground surface by the wheels of an axle of a vehicle may not exceed the following limits:~~

	Single Axle Weight	
	Registered Gross Weight of Vehicle (in Pounds)	Gross Maximum Weight (in Pounds)
Single axle	73,000 or less	22,400
Single axle	More than 73,000	20,000

~~(2) Except for vehicles operated under a permit issued under § 24-112 of this subtitle, the gross weight imposed on the ground surface by the wheels of a front axle of a vehicle combination may not exceed either the lesser of:~~

~~(i) The sum of the rated load capacities for each tire on the axle, except as provided in subsection (b) of this section; or~~

~~(ii) The sum of the rated load capacities indicated by the manufacturer as to each tire on the axle with which the vehicle is currently equipped.~~

~~(3) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, any vehicle with a gross maximum weight in excess of 73,000 pounds may travel only on State highways, except while making a delivery or pickup, and then only when traveling by the shortest available legal route to or from the State highway for the purpose of making such delivery or pickup. In Baltimore City, the shortest available legal route shall be only on designated truck routes.~~

~~(ii) If approved by the local governing body and the State Highway Administration, in Dorchester County, a vehicle with a gross maximum weight in excess of 73,000 pounds may use the Linkwood Road when traveling between East New Market and Linkwood.~~

~~(iii) 1. The County Commissioners of Garrett County may, by ordinance, establish the authorized gross maximum weight of a vehicle that:~~

~~A. Has at least 6 axles;~~

~~B. Is a truck tractor and semitrailer combination; and~~

~~C. Is using any part of Table Rock Road and Wilson Run Road in Garrett County that is owned and maintained by the county.~~

~~2. The gross maximum weight established under this subparagraph may not exceed 87,000 pounds.~~

~~(b) Except on interstate highways, a vehicle carrying farm products as defined under § 10-601 of the Agriculture Article or forest products that have been loaded in fields or other off-highway locations is permitted an axle load limit tolerance of 10 percent.~~

~~(c) (1) In Anne Arundel County and Baltimore County, garbage and refuse trucks that make collections on a fixed route and are owned by or doing business with any governmental entity in the respective county are permitted rear axle load limit tolerances of 10 percent if:~~

~~(i) The overweight is due to bad weather; and~~

~~(ii) The truck does not exceed its registered gross weight limit.~~

~~(2) A privately owned truck is permitted this tolerance only while actually engaged in the business of the governmental entity.~~

~~(d) [Any] A MOTOR HOME, AN over the road bus, or any vehicle that is regularly and exclusively used as an intrastate public agency transit passenger bus may not exceed:~~

~~(1) A single axle weight limit of 24,000 pounds; or~~

~~(2) The tire manufacturer's rated load capacity for any tire on the vehicle.~~

24-109.

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

(2) "Single axle weight" means the total weight transmitted by all wheels whose centers may be included between 2 parallel transverse vertical planes 40 inches apart extending across the full width of the vehicle.

(3) "Tandem axle weight" means the total weight transmitted to the road by 2 or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches apart but not more than 96 inches apart extending across the full width of the vehicle.

(b) ~~IN THIS SECTION, A MOTOR HOME, AN OVER-THE-ROAD BUS, AN OVER-THE-ROAD BUS OR ANY VEHICLE THAT IS REGULARLY AND EXCLUSIVELY USED AS AN INTRASTATE PUBLIC AGENCY PASSENGER BUS:~~

(1) ~~IS EXEMPT FROM AXLE WEIGHTS; AND TANDEM AXLE WEIGHT LIMITS PROVIDED IN THIS SECTION; BUT~~

(2) ~~SHALL COMPLY WITH THE VEHICLE AND COMBINATION OF VEHICLES WEIGHT LIMITS IN SUBSECTIONS (D) AND (E) OF THIS SECTION PROVIDED IN THIS SECTION THAT ARE NOT TANDEM AXLE WEIGHT LIMITS.~~

(C) Notwithstanding any other provisions of this title, the overall gross weight on a group of 2 or more consecutive axles may not exceed an amount produced by application of the following formula:

$$W = 500 \left(\frac{LN}{N - 1} + 12N + 36 \right)$$

where "W" = overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds, "L" = distance in feet measured horizontally between the vertical centerlines of the extreme of any group of 2 or more consecutive axles, and "N" = number of axles in group under consideration, except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more; provided, that such overall gross weight may not exceed eighty thousand (80,000) pounds, including any enforcement or statutory tolerances.

[(c)] (D) The following table indicates the permissible overall gross weights based upon the above formula:

Distance in feet between the extremes of any group of 2 or more	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
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consecutive
axles

4	34,000					
5	34,000					
6	34,000					
7	34,000					
8						
and less	34,000	34,000				
More than						
8	38,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		
18		49,500	54,000	59,000		
19		50,000	54,500	60,000		
20		51,000	55,500	60,500	66,000	
21		51,500	56,000	61,000	66,500	
22		52,500	56,500	61,500	67,000	
23		53,000	57,500	62,500	68,000	
24		54,000	58,000	63,000	68,500	74,000
25		54,500	58,500	63,500	69,000	74,500
26		55,500	59,500	64,000	69,500	75,000
27		56,000	60,000	65,000	70,000	75,500
28		57,000	60,500	65,500	71,000	76,500
29		57,500	61,500	66,000	71,500	77,000
30		58,500	62,000	66,500	72,000	77,500
31		59,000	62,500	67,500	72,500	78,000
32		60,000	63,500	68,000	73,000	78,500
33			64,000	68,500	74,000	79,000
34			64,500	69,000	74,500	80,000
35			65,500	70,000	75,000	
36	Exception: See subsection [(b)] (c), this section					
			(66,000)	70,500	75,500	
37			(66,500)	71,000	76,000	
38			(67,500)	72,000	77,000	
39			68,000	72,500	77,500	

40	68,500	73,000	78,000
41	69,500	73,500	78,500
42	70,000	74,000	79,000
43	70,500	75,000	80,000
44	71,500	75,500	
45	72,000	76,000	
46	72,500	76,500	
47	73,500	77,500	
48	74,000	78,000	
49	74,500	78,500	
50	75,500	79,000	
51	76,000	80,000	
52	76,500		
53	77,500		
54	78,000		
55	78,500		
56	79,500		
57	80,000		

[(d)] (E) The gross weight of any vehicle or combination of vehicles may not exceed the following limits:

	Number of axles	Gross weight (in pounds)
Three or less		55,000
Four		66,000
Five as provided for in § 13–916 or § 13–923 of this article		80,000

[(e)] (F) A trailer with metal tires and a gross weight of more than 6,000 pounds may not be moved on a highway.

[(f)] (G) (1) Except on interstate highways, a single unit vehicle with 3 axles, or a combination of vehicles with a trailer less than 32 feet long or a semitrailer less than 45 feet long, either registered as a farm vehicle or carrying farm products as defined under § 10–601 of the Agriculture Article that were loaded in fields or other off-highway locations, is permitted an axle load limit tolerance of 5 percent from subsections **[(b) and] (c) AND (D)** of this section, except during harvest time when an axle load limit tolerance of 15 percent from subsections **[(b) and] (c) AND (D)** of this section is permitted for a vehicle carrying the following agricultural products:

- (i) Wheat, for the period from June 1 to August 15;
- (ii) Corn, for the period from July 1 to December 1;

(iii) Soybeans, for the period from September 1 to December 31;
and

(iv) Vegetable crops, for the period from June 1 to October 31.

(2) (i) Except on interstate highways, a single unit vehicle with at least 3 axles or a combination of vehicles with a trailer length of less than 32 feet carrying forest products that have been loaded in forests or other similar off-highway locations is permitted an axle load limit tolerance of 10 percent from subsections [(b) and] (c) AND (D) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of 15 percent from subsections [(b) and] (c) AND (D) of this section is permitted.

(ii) Except on interstate highways, a combination of vehicles with a semitrailer length of 45 feet or less carrying forest products that have been loaded in forests or other similar off-highway locations is permitted an axle load limit tolerance of 5 percent from subsections [(b) and] (c) AND (D) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of 15 percent from subsections [(b) and] (c) AND (D) of this section is permitted.

[(g)] (H) (1) Any vehicle that uses an auxiliary power unit or an idle-reduction technology unit in order to promote reduction of fuel use and emissions from engine idling shall be allowed up to an additional [400] 550 pounds total in gross, axle, tandem, or bridge formula weight limits.

(2) To be eligible for the additional weight limit allowed under paragraph (1) of this subsection, the vehicle operator must:

(i) Obtain and make available to law enforcement officers written certification of the weight of the auxiliary power unit or idle-reduction technology unit; and

(ii) By demonstration or certification, prove that the idle-reduction technology unit is fully functional at all times.

(3) The additional weight limit allowed under paragraph (1) of this subsection may not exceed the certified weight of the auxiliary power unit or idle-reduction technology unit.

24-113.2.

(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)] **24–109(D)** of this subtitle; and
 - (iii) A maximum of 87,000 pounds gross combination weight;
- (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 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 8, 2014.

Chapter 14

(Senate Bill 77)

AN ACT concerning

Vehicle Laws – Commercial and Farm Vehicles – Safety Inspections and Utility Emergencies

FOR the purpose of altering the definition of “vehicle” to exclude certain farm vehicles for certain purposes relating to vehicle inspections and warnings for defective equipment; clarifying that certain regulations apply to all vehicles over a certain gross vehicle weight rating or gross combination weight rating; clarifying that certain regulations applicable to certain motor carriers are also applicable to certain drivers; clarifying that a certain record of a driver’s duty status must conform to recording requirements provided in federal regulations; repealing a provision prohibiting the Motor Vehicle Administration from adopting regulations applying certain provisions of the Federal Motor Carrier Safety Regulations to certain farmers and certain agents or employees of farmers in certain circumstances; repealing the authority of the Secretary of Transportation to declare a utility emergency; repealing certain provisions and definitions relating to utility emergencies; making conforming and stylistic changes; and generally relating to commercial and farm vehicles.

BY repealing and reenacting, with amendments,
Article – Transportation

Section 23–301 and 25–111
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

23–301.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Equipment” includes all mechanisms that form part of or relate to vehicle equipment.
- (c) “Hazardous materials inspector” means a person who is assigned by the Department of the Environment and certified by the Department of State Police to perform an inspection authorized under this subtitle.
- (d) “Public Service Commission inspector” means a person who is assigned by the Public Service Commission and certified by the Department of State Police to perform an inspection authorized under this subtitle.
- (e) “State Police officer” means:
- (1) Any uniformed law enforcement officer of the Department of State Police; or
 - (2) Any civilian employee of the Department of State Police assigned to enforce any rule or regulation adopted under this subtitle, but only while acting under written authorization of the Secretary of State Police.
- (f) **(1)** “Vehicle” means, **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**, any vehicle registered in this State as:
- [(1)] (I)** A Class E (truck) vehicle with a registered, operating, or rated gross vehicle weight of over 10,000 pounds;
 - [(2)] (II)** A Class F (tractor) vehicle;
 - [(3)] (III)** A Class G (trailer or semitrailer) vehicle with a registered, operating, or rated gross vehicle weight over 10,000 pounds;
 - [(4)] (IV)** A Class P (passenger bus) vehicle; or

[(5)] (v) A Class M (multipurpose) vehicle that:

[(i)] 1. Is used primarily to transport passengers; and

[(ii)] 1.] 2. A. Is designed to transport 16 passengers or more, including the driver; or

[2.] B. Was previously registered under § 13-932 or § 13-933 of this article.

(2) "VEHICLE" DOES NOT INCLUDE:

(I) A FARM TRUCK AS DEFINED IN § 13-921 OF THIS ARTICLE;

(II) A FARM TRUCK TRACTOR AS DEFINED IN § 13-924 OF THIS ARTICLE; OR

(III) A CLASS K (FARM AREA) VEHICLE.

25-111.

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

(2) "Hazardous materials inspector" means a person who is assigned by the Department of the Environment and certified by the Department of State Police to perform an inspection authorized under this section.

(3) ["Incidental driver" means an individual:

(i) Who is employed by or contracts with a utility company or is employed by a person who contracts with a utility company;

(ii) Whose primary employment by or contractual agreement with the utility company is not as a driver of a motor vehicle; and

(iii) Who drives a motor vehicle only as an incidental part of the individual's employment or contractual agreement with the utility company.

(4) "Police officer" means:

(i) Any uniformed law enforcement officer who is certified or under the direction of a law enforcement officer who is certified by the Department of State Police to perform an inspection authorized under this section;

(ii) Any civilian employee of the Department of State Police assigned to enforce any rule or regulation adopted under this section, but only while acting under written authorization of the Secretary of State Police;

(iii) Any civilian employee of the Maryland Transportation Authority Police who is:

1. Acting under the immediate direction and control of a uniformed police officer;

2. Acting under the written authorization of the Secretary of State Police; and

3. Certified by the Department of State Police to perform an inspection authorized under this section; or

(iv) Any civilian employee of a local government who is:

1. Acting under the immediate direction and control of a uniformed police officer;

2. Acting under the written authorization of the Secretary of State Police; and

3. Certified by the Department of State Police to perform an inspection authorized under this section.

[(5) (4)] “Public Service Commission inspector” means a person who is assigned by the Public Service Commission and certified by the Department of State Police to perform an inspection authorized under this section.

[(6) (5)] “Transportation emergency” means any natural or man-made emergency that disrupts or hinders the free flow of traffic on the State’s highways and local streets and roads for more than 8 hours so that public safety is or may be threatened as a result.

[(7)] “Utility company” means an electric company, gas company, telephone company, cable company, or water or sewer utility.

(8) “Utility emergency” means any natural or man-made emergency that disrupts or severs or has the potential to disrupt or sever gas, electric, telephone, water, sewer, cable, or other utility service to:

(i) Any large number of residential or commercial customers in an area or areas of the State; or

(ii) Any public or private institutions in an area or areas of the State so that the public health, welfare, or safety is or may be threatened as a result.]

(b) (1) Upon direction by a police officer or by an electronic signal to vehicles equipped with a CVISN transponder, the driver of any vehicle that is subject to any rule or regulation adopted under this section shall stop and submit to an inspection:

(i) All applicable driver records, including driver's license, driver hours of service record and certificate of physical examination;

(ii) All load manifests, including bills of lading or other shipping documents; and

(iii) All cargo and cargo areas.

(2) A police officer who is certified by the Department of State Police to perform an inspection authorized under this section, a Public Service Commission inspector, or a hazardous materials inspector may conduct a safety inspection of the vehicle that is subject to a rule or regulation adopted under this section or § 22-409 of this article.

(c) The operation of a vehicle on any highway in this State constitutes the consent of the driver and the owner of the vehicle to the inspection provided for in this section.

(d) (1) The driver of a vehicle shall obey every sign and every direction of a police officer or an electronic signal to a CVISN transponder to stop the vehicle and submit to the required inspection.

(2) If a driver fails or refuses to comply with the direction of a police officer or an electronic signal to a CVISN transponder to submit a vehicle to the required inspection, the police officer shall have the authority to take the vehicle and its load into temporary custody for the purpose of inspecting the vehicle, load, its equipment, or documents.

(3) The police officer may utilize resources as specified in § 27-111(b) of this article to conduct the safety inspection.

(4) In addition to any fine or penalty attributable to the inspection, or other offense, the driver is:

(i) Subject to a fine and penalty as specified in § 27-101(l) of this article; and

(ii) Responsible for any additional costs incurred in inspecting the vehicle and its load because of the driver's failure or refusal to comply with the direction of a police officer or an electronic signal to a CVISN transponder.

(e) A sign used to direct vehicles under this section may be displayed only by a police officer who is assigned to enforce this section.

(f) (1) Except as provided in subsection (i) of this section, the Administration may adopt [rules and] regulations as are necessary for the safe operation of vehicles that:

(i) Exceed a gross vehicle weight rating of 10,000 pounds;

(ii) Are required to be marked or placarded for the transportation of hazardous materials; or

(iii) Are designed to transport 16 or more passengers including the driver over the highways of this State.

(2) Any [rule or] regulation adopted pursuant to this subsection shall:

(i) Be formulated jointly by the [Motor Vehicle] Administration and the Department of State Police;

(ii) Duplicate or be consistent with the Federal Motor Carrier Safety Regulations contained in:

1. 49 C.F.R., PART 40 (“PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS”) AND PART 382 (“CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING”), WITH RESPECT TO DRUG AND ALCOHOL TESTING REGULATIONS APPLICABLE TO DRIVERS REQUIRED BY REGULATION TO POSSESS A COMMERCIAL DRIVER’S LICENSE;

[1.] **2.** 49 C.F.R., Part 385, Subparts A, C, and D (“New Entrant Safety Assurance Program”);

[2.] **3.** 49 C.F.R., Part 386, Subparts F and G (“Injunctions and Imminent Hazards; Penalties”); and

[3.] **4.** 49 C.F.R., Parts 390 through 399 (“General Safety Requirements”);

(iii) Apply to all vehicles **WITH A GROSS VEHICLE WEIGHT RATING OR GROSS COMBINATION WEIGHT RATING** over 10,000 pounds [rated gross vehicle weight] that are subject to the Federal Motor Carrier Safety Regulations; **AND**

(iv) Apply to vehicles **WITH A GROSS VEHICLE WEIGHT RATING OR GROSS COMBINATION WEIGHT RATING** over 10,000 pounds [gross vehicle weight rating] that are not subject to the Federal Motor Carrier Safety Regulations, if the rule or regulations adopted by the Motor Vehicle Administration specifically states that it applies to the vehicle[; and

(v) Be consistent with 49 C.F.R., Parts 40 and 382, with respect to alcohol and drug testing regulations applicable to drivers required by regulation to possess a commercial driver's license].

(3) The [rules or] regulations adopted under this subsection may require that registrants of motor vehicles subject to this subsection have knowledge of applicable federal and State motor carrier safety regulations.

(g) Any motor carrier **OR DRIVER** operating a vehicle that is subject to the [rules and] regulations adopted under this section shall, at all times when operating the vehicle on a highway in this State, comply with the [rules and] regulations adopted under this section.

(h) (1) During normal business hours, a police officer, a hazardous materials inspector, or a Public Service Commission inspector may enter the premises and inspect equipment and review and copy records of motor carriers subject to the [rules or] regulations adopted under § 22–409 or § 23–302 of this article, Federal Motor Carrier Safety Regulations, Federal Hazardous Materials Regulations, or Public Service Commission laws and regulations.

(2) During normal business hours, trained personnel from the Commercial Vehicle Enforcement Division of the Department of State Police may enter the premises and inspect, review, and copy records of motor carriers subject to the regulations adopted under this section, § 22–409 of this article, or § 23–302 of this article, including:

- (i) Any record required by this section;
- (ii) Driver qualification files;
- (iii) Hours of service records;
- (iv) Drug and alcohol testing records of drivers required to be tested under this section; and
- (v) Insurance records.

(i) (1) Except as provided for in paragraph (2) of this subsection, regulations adopted under this section for intrastate motor carrier transportation may not:

(i) Apply the provisions of § 391.21, § 391.23, § 391.31, or § 391.35 of the Federal Motor Carrier Safety Regulations to:

1. A driver who is a regularly employed driver of a motor carrier for a continuous period that began before July 1, 1986, if the driver continues to be a regularly employed driver of the motor carrier; or

2. The motor carrier, with regard to a driver described under item 1 of this [subparagraph] **ITEM**, if the motor carrier continues to employ the driver;

(ii) Limit a driver's time or hours on duty if:

1. The driver operates only within a 150 air mile radius of the driver's normal work reporting location;

2. The driver returns to the driver's normal work reporting location;

3. The driver is released from work within a period of 16 consecutive hours, not more than 12 of which are dedicated to driving, and is given at least 8 consecutive hours off duty; and

4. Regardless of the number of motor carriers using the driver's services, the driver:

A. If the employing motor carrier does not operate motor vehicles every day of the week, has been on duty no more than 70 hours in a period of 7 consecutive days; or

B. If the employing motor carrier operates motor vehicles every day of the week, has been on duty no more than 80 hours in a period of 8 consecutive days;

(iii) Require a driver to maintain a record of duty status if the driver is not subject to item (ii) of this paragraph, except that, if a driver is on duty for a period of more than 12 hours, the driver shall maintain a record of the driver's duty status that:

1. For the first 12 hours of time on duty, accounts for all time dedicated to driving; and

2. For all time on duty in excess of 12 hours, conforms to **THE RECORDING REQUIREMENTS PROVIDED IN** federal regulations; **OR**

(iv) [Apply the provisions of this paragraph or Parts 391 and 395 of the Federal Motor Carrier Safety Regulations to a farmer, or an agent or employee of a farmer, who operates farm equipment or a motor vehicle owned or operated by the farmer in the transportation of supplies to a farm or the transportation of farm products as defined in § 10-601 of the Agriculture Article within 150 air miles of the farmer's farm; or

(v)] Except in the case of bus drivers, apply the provisions of § 391.41(b)(1) through (11) of the Federal Motor Carrier Safety Regulations before October 1, 2023 to any person who:

1. On October 1, 2003, was otherwise qualified to operate and operated a vehicle or vehicle combination used in intrastate commerce with a gross vehicle weight rating or gross combination weight rating of 10,001 pounds or more and, after October 1, 2003, remained qualified to operate and continued to operate such a vehicle;

2. Operates only in intrastate commerce; and

3. Has a mental or physical condition which would disqualify the person under the Federal Motor Carrier Safety Regulations and:

A. The condition existed on October 1, 2003 or at the time of the first physical examination after that date to which the person submitted as required by regulations adopted by the Administration under subsection (k) of this section; and

B. A physician who has examined the person has determined that the condition has not substantially worsened and that no other disqualifying medical or physical condition has developed since October 1, 2003 or the time of the first required physical examination after that date.

(2) Nothing contained in this subsection limits regulation of the qualifications or hours of service of a driver of a vehicle:

(i) In interstate commerce;

(ii) Transporting hazardous materials of a type and quantity requiring placarding under Federal Hazardous Materials Regulations; or

(iii) Designed to transport 16 or more passengers, including the driver.

(j) (1) Notwithstanding the provisions of § 14–107 of the Public Safety Article, the Governor may delegate the power to declare a [utility or] transportation emergency to the Secretary or the Secretary’s designee.

(2) (i) The Secretary or the Secretary’s designee may declare a [utility or] transportation emergency.

(ii) 1. During the time in which a [utility or] transportation emergency declared under this subsection exists, the Secretary or the Secretary’s designee shall waive the maximum hours–of–service time limits contained in this section, or in regulations adopted under this section for all interstate and intrastate drivers providing direct assistance in restoring [utility services affected by a utility emergency] **NORMAL OPERATIONS**.

2. This waiver shall include the hours of duty status accrued by, and shall apply only to, drivers providing direct assistance in restoring [utility services affected by a utility emergency] **NORMAL OPERATIONS** in the State, or to drivers of emergency vehicles operated under the direction of State and local governments or their agents when providing direct assistance in clearing and opening State highways and local streets and roads to allow free flow of traffic.

[(iii) 1. Notwithstanding the other provisions of this subsection and § 14–107 of the Public Safety Article, during a utility emergency an incidental driver shall be exempt from Part 395 of the Federal Motor Carrier Safety Regulations if the utility company has prefiled, as specified by the Secretary or the Secretary’s designee, a utility emergency response notification plan and an incidental driver safety plan in accordance with this subparagraph.

2. A utility emergency response notification plan must include the utility company’s procedure for notifying the Secretary or Secretary’s designee within 4 hours after the utility company responds to a utility emergency.

3. An incidental driver safety plan must include the procedures that the utility company will follow to ensure that an incidental driver will not drive during a utility emergency if the incidental driver has not had sufficient rest to ensure that the incidental driver maintains the ability to drive safely.]

(3) (i) All declarations issued under this subsection shall indicate the nature of the [utility or] transportation emergency, the area or areas threatened, and the conditions which have brought it about.

(ii) A declaration shall be disseminated by a means calculated to bring its contents to the attention of the general public, in the areas affected by the declaration.

(4) Within 10 days of the issuance of any declaration issued under this subsection, the Secretary or the Secretary's designee shall notify the Governor of the nature of the declaration.

(5) A [utility or] transportation emergency declared by the Secretary or the Secretary's designee may not extend for more than 5 days, unless renewed by the Governor pursuant to § 14–107 of the Public Safety Article.

(k) [(1) On notification by a utility company that it is responding to a utility emergency, the Secretary or Secretary's designee shall:

(i) Require the utility company to indicate the nature of the utility emergency, the areas threatened, the conditions which have brought it about, and the duration of the utility company's expected response, not to exceed 5 days;

(ii) Determine whether a utility emergency, as defined in this section, existed at the time of the utility company's response and, if so, declare that a utility emergency existed starting at that time; and

(iii) If a utility emergency does not exist, notify the utility company that it is not entitled to and may not exercise the relief provided to incidental drivers under subsection (j) of this section.

(2) A utility emergency to which a utility company responds may not extend more than 5 days after the date that the utility company first notifies the Secretary or Secretary's designee of its response unless:

(i) The utility company provides a renewal notification to the Secretary or Secretary's designee; and

(ii) The Secretary or Secretary's designee does not reject the renewal.

(l)] For the purposes of subsection (i) of this section, the Administration shall adopt regulations requiring physical examinations for intrastate commercial motor vehicle drivers.

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

Approved by the Governor, April 8, 2014.

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.

~~(b)~~ **(C)** “Business entity” means a corporation, professional association, partnership, limited liability company, limited liability partnership, or other legal entity.

~~(c)~~ **(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.

~~(d)~~ **(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.

~~(e)~~ **(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)] ~~(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.

Approved by the Governor, April 8, 2014.

Chapter 16

(Senate Bill 84)

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.

Approved by the Governor, April 8, 2014.

Chapter 17

(Senate Bill 87)

AN ACT concerning

Drunk Driving – Ignition Interlock System Program – Repeat Offenders

FOR the purpose of repealing the requirement that the Motor Vehicle Administration impose a certain period of suspension to be served before participation in the Ignition Interlock System Program by certain repeat drunk or drugged driving offenders; making conforming changes; altering the required statements contained in a certain notice of suspension; increasing the period of time that a person must participate in the Program in order for the person to qualify for certain exemptions; prohibiting certain repeat drunk or drugged driving offenders from operating a motor vehicle in the course of employment without installation of an ignition interlock system; and generally relating to participation in the Ignition Interlock System Program.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 16–205(e) and 27–107(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 – Transportation

16–205.

(e) (1) In this subsection, “motor vehicle” does not include a commercial motor vehicle.

(2) Subject to the provisions of this subsection, the Administration shall suspend for 1 year the license of a person who is convicted of:

(i) A violation of § 21–902(a) of this article more than once within a 5–year period;

(ii) A violation of § 21–902(a) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(d) of this article; or

(iii) A violation of § 21–902(d) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(a) of this article.

(3) On receiving a record of a conviction of a person for a violation described in paragraph (2) of this subsection, the Administration shall issue to the person a notice of suspension of the person’s license that:

(i) States that the person’s license shall be suspended for 1 year;

(ii) [States that the period of the first 45 days of the 1–year period of suspension is not subject to modification by the Administration;

(iii)] States **THAT** a restricted license may be issued [for the remainder of] **DURING** the 1–year period of suspension if:

1. The person maintains an ignition interlock system on a motor vehicle owned or operated by the person for [the remainder of the 1–year period of suspension] **1 YEAR**;

2. The license is restricted to prohibit the person from driving a motor vehicle that is not equipped with an ignition interlock system;

3. The license is restricted to permit the person to drive only to and from work, school, an alcohol treatment program, or an ignition interlock system service facility, if the person was convicted of a violation of § 21–902(a) of this article more than once within a 5–year period; and

4. The license is restricted to permit the person to drive only to and from work, school, an alcohol treatment program, a drug treatment program, or an ignition interlock system service facility, if the person was convicted of:

A. A violation of § 21–902(a) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(d) of this article; or

B. A violation of § 21–902(d) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(a) of this article;

[(iv)] (III) Advises the person of the requirements under paragraph (7) of this subsection for a person who does not participate in the Ignition Interlock System Program in accordance with this paragraph during the 1–year period of suspension;

[(v)] (IV) Advises the person of the right to request a hearing on a suspension under this paragraph; and

[(vi)] (V) Advises the person of the right, instead of requesting a hearing on a suspension under this paragraph, to be subject to a 1–year period of suspension, [with the period of the first 45 days of the suspension not subject to modification by the Administration, and for the remainder of the 1–year period of suspension to be] **DURING WHICH, THE PERSON MAY BE** issued a restricted license under this paragraph if the following conditions are met:

1. The person’s driver’s license is not currently suspended, revoked, canceled, or refused;

2. The violation did not arise out of circumstances that involved a death of, or serious physical injury to, another person;

3. The person surrenders a valid Maryland driver’s license or signs a statement certifying that the driver’s license is no longer in the person’s possession; and

4. The person elects in writing, within the same time limit for requesting a hearing, to meet the ignition interlock system requirements under this paragraph for [the remainder of the 1–year period of suspension] **1 YEAR**.

(4) After notice under paragraph (3) of this subsection, the Administration shall suspend a person’s license under this subsection if:

(i) The person does not request a hearing;

(ii) After a hearing, the Administration finds that the person was convicted of:

1. More than one violation of § 21-902(a) of this article within a 5-year period;

2. A violation of § 21-902(a) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or

3. A violation of § 21-902(d) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(a) of this article; or

(iii) The person fails to appear for a hearing requested by the person.

(5) The Administration may modify a suspension under paragraph (4) of this subsection to:

(i) [Impose a suspension of 45 days;

(ii)] Order the person to maintain[, for the remainder of the 1-year period of suspension,] **FOR 1 YEAR** an ignition interlock system on a motor vehicle owned or operated by the person; and

[(iii)] **(II)** Impose a restriction on the person's license for [the remainder of the 1-year period of suspension] **1 YEAR** that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system and permits the person to drive only to and from:

1. Work, school, an alcohol treatment program, or an ignition interlock system service facility, if the person was convicted of a violation of § 21-902(a) of this article more than once within a 5-year period;

2. Work, school, an alcohol treatment program, a drug treatment program, or an ignition interlock system service facility, if the person was convicted of:

A. A violation of § 21-902(a) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or

B. A violation of § 21-902(d) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(a) of this article.

(6) A person who participates in the Ignition Interlock System Program for at least [3 months] **1 YEAR** under paragraph (5) of this subsection is exempt from the requirements of paragraphs (7) through (11) of this subsection.

(7) The Administration shall, within 90 days of the expiration of the 1-year period of suspension, issue to the person a notice, unless this notice requirement was waived at a hearing described in paragraph (4) of this subsection, that:

(i) States that the person shall maintain for not less than 3 months and not more than 1 year, dating from the expiration of the 1-year period of suspension, an ignition interlock system on each motor vehicle owned by the person;

(ii) States that the Administration shall impose a restriction on the person's license that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system for a period of not less than 3 months and not more than 1 year, dating from the expiration of the 1-year period of suspension; and

(iii) Advises the person of the right to request a hearing under this paragraph.

(8) After notice under paragraph (7) of this subsection, or a waiver of notice, the Administration shall order a person to maintain for not less than 3 months and not more than 1 year, dating from the expiration of the 1-year period of suspension, an ignition interlock system on each motor vehicle owned by the person and impose a license restriction that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system if:

(i) The person does not request a hearing;

(ii) The Administration finds at a hearing that the person owns one or more motor vehicles and that no financial hardship, as described in paragraphs (9) and (10) of this subsection, will be created by requiring the person to maintain an ignition interlock system on each motor vehicle owned by the person; or

(iii) The person fails to appear for a hearing requested by the person.

(9) If the Administration finds at a hearing that maintenance of an ignition interlock system on a motor vehicle owned by the person creates a financial hardship on the person, the family of the person, or a co-owner of the motor vehicle, the Administration:

(i) Shall impose a restriction on the license of the person for not less than 3 months and not more than 1 year, dating from the expiration of the 1-year

period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system; and

(ii) May not require the person to maintain an ignition interlock system on any motor vehicle to which the financial hardship applies.

(10) An exemption under paragraph (9)(ii) of this subsection applies only under circumstances that:

(i) Are specific to the person's motor vehicle; and

(ii) Meet criteria contained in regulations that shall be adopted by the Administration.

(11) If a person requests a hearing and the Administration finds that the person does not own a motor vehicle at the expiration of the 1-year period of suspension, the Administration shall impose a restriction on the license of the person for not less than 3 months and not more than 1 year, dating from the expiration of the 1-year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system.

(12) Each notice and hearing under this subsection shall meet the requirements of Title 12, Subtitle 2 of this article.

(13) This subsection does not limit any provision of this article that allows or requires the Administration to:

(i) Revoke or suspend a license of a person; or

(ii) Prohibit a person from driving a motor vehicle that is not equipped with an ignition interlock system.

(14) A suspension imposed under this subsection shall be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for a violation of § 21-902(a) or (d) of this article described in this subsection.

(15) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION, A PERSON WHO IS SUBJECT TO SUSPENSION UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY NOT OPERATE A MOTOR VEHICLE OWNED OR PROVIDED BY THE PERSON'S EMPLOYER THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK DEVICE, AS SET FORTH IN § 27-107(G) OF THIS ARTICLE.

27-107.

(g) (1) Subject to the provisions of paragraph (2) of this subsection, a person may not knowingly furnish a motor vehicle not equipped with a functioning ignition interlock system to another person who the person knows is prohibited under subsection (b) of this section or Title 16 of this article from operating a motor vehicle not equipped with an ignition interlock system.

(2) (i) This paragraph does not limit or otherwise affect any provision of federal or State law relating to a holder of a commercial driver's license.

(ii) If a person is required, in the course of the person's employment, to operate a motor vehicle owned or provided by the person's employer, the person may operate that motor vehicle in the course of the person's employment without installation of an ignition interlock system if [the]:

1. THE PERSON HAS NOT BEEN CONVICTED OF:

A. A VIOLATION OF § 21-902(A) OF THIS ARTICLE MORE THAN ONCE WITHIN A 5-YEAR PERIOD;

B. A VIOLATION OF § 21-902(A) OF THIS ARTICLE WITHIN A 5-YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21-902(D) OF THIS ARTICLE; OR

C. A VIOLATION OF § 21-902(D) OF THIS ARTICLE WITHIN A 5-YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21-902(A) OF THIS ARTICLE; AND

2. THE court or the Administration has expressly permitted the person to operate in the course of the person's employment a motor vehicle that is not equipped with an ignition interlock system.

(iii) The Administration may allow a participant in the Ignition Interlock System Program under § 16-404.1 of this article to operate, in the course of the person's employment, a motor vehicle owned or provided by the person's employer that is not equipped with an ignition interlock system if [the]:

1. THE person provides information acceptable to the Administration regarding the person's current employment and the need for the person to operate the motor vehicle in the course of employment; AND

2. THE PERSON HAS NOT BEEN CONVICTED OF:

A. A VIOLATION OF § 21-902(A) OF THIS ARTICLE MORE THAN ONCE WITHIN A 5-YEAR PERIOD;

B. A VIOLATION OF § 21-902(A) OF THIS ARTICLE WITHIN A 5-YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21-902(D) OF THIS ARTICLE; OR

C. A VIOLATION OF § 21-902(D) OF THIS ARTICLE WITHIN A 5-YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21-902(A) OF THIS ARTICLE.

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

Approved by the Governor, April 8, 2014.

Chapter 18

(Senate Bill 89)

AN ACT concerning

Maryland Health Care Commission – Requirement for Certificate of Need – Exceptions

FOR the purpose of establishing an exception to the requirement that a person have a certificate of need issued by the Maryland Health Care Commission before certain actions are taken relating to a health care facility by altering the definition of a “health care facility” to exclude a comprehensive care facility that is owned and operated by the Maryland Department of Veterans Affairs and that restricts admissions to certain individuals; clarifying language; and generally relating to health care facilities and certificates of need.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19-114(d)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

(As enacted by Chapters 505 and 506 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 – Health – General

19-114.

- (d) (1) “Health care facility” means:
- (i) A hospital, as defined in § 19–301 of this title;
 - (ii) A limited service hospital, as defined in § 19–301 of this title;
 - (iii) A related institution, as defined in § 19–301 of this title;
 - (iv) An ambulatory surgical facility;
 - (v) An inpatient facility that is organized primarily to help in the rehabilitation of disabled individuals, through an integrated program of medical and other services provided under competent professional supervision;
 - (vi) A home health agency, as defined in § 19–401 of this title;
 - (vii) A hospice, as defined in § 19–901 of this title;
 - (viii) A freestanding medical facility, as defined in § 19–3A–01 of this title; and
 - (ix) Any other health institution, service, or program for which this Part II of this subtitle requires a certificate of need.
- (2) “Health care facility” does not include:
- (i) A hospital or related institution that is operated, or is listed and certified, by the First Church of Christ Scientist, Boston, Massachusetts;
 - (ii) For the purpose of providing an [exemption from] **EXCEPTION TO THE REQUIREMENT FOR** a certificate of need under § 19–120 of this subtitle, a facility to provide comprehensive care constructed by a provider of continuing care, as defined in § 10–401 of the Human Services Article, if:
 - 1. Except as provided under § 19–123 of this subtitle, the facility is for the exclusive use of the provider’s subscribers who have executed continuing care agreements and paid entrance fees that are at least equal to the lowest entrance fee charged for an independent living unit or an assisted living unit before entering the continuing care community, regardless of the level of care needed by the subscribers at the time of admission;
 - 2. The facility is located on the campus of the continuing care community; and

3. The number of comprehensive care nursing beds in the community does not exceed:

A. 24 percent of the number of independent living units in a community having less than 300 independent living units; or

B. 20 percent of the number of independent living units in a community having 300 or more independent living units;

(III) FOR THE PURPOSE OF PROVIDING AN EXCEPTION TO THE REQUIREMENT FOR A CERTIFICATE OF NEED UNDER § 19–120 OF THIS SUBTITLE, A FACILITY TO PROVIDE COMPREHENSIVE CARE THAT:

1. IS OWNED AND OPERATED BY THE MARYLAND DEPARTMENT OF VETERANS AFFAIRS; AND

2. RESTRICTS ADMISSIONS TO INDIVIDUALS WHO MEET THE RESIDENCY REQUIREMENTS ESTABLISHED BY THE MARYLAND DEPARTMENT OF VETERANS AFFAIRS AND ARE:

A. VETERANS WHO WERE DISCHARGED OR RELEASED FROM THE ARMED FORCES OF THE UNITED STATES UNDER HONORABLE CONDITIONS;

B. FORMER MEMBERS OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES; OR

C. NONVETERAN SPOUSES OF ELIGIBLE VETERANS;

[(iii)] (IV) Except for a facility to provide kidney transplant services or programs, a kidney disease treatment facility, as defined by rule or regulation of the United States Department of Health and Human Services;

[(iv)] (V) Except for kidney transplant services or programs, the kidney disease treatment stations and services provided by or on behalf of a hospital or related institution; or

[(v)] (VI) The office of one or more individuals licensed to practice dentistry under Title 4 of the Health Occupations Article, for the purposes of practicing dentistry.

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

Approved by the Governor, April 8, 2014.

Chapter 19

(Senate Bill 90)

AN ACT concerning

Public Ethics – Regulated Lobbyists – Certification to Authorize Lobbying and Electronic Filing of Registration

FOR the purpose of requiring a certain regulated lobbyist to certify under oath or affirmation that the regulated lobbyist is authorized to engage in lobbying for a certain entity; providing for the contents of the certification; authorizing a regulated lobbyist registration to be filed electronically; requiring an electronically filed registration to include a certain certification made by an electronic signature; making conforming changes; and generally relating to public ethics and the regulation of lobbyists.

~~BY repealing and reenacting, with amendments,
Article – State Government
Section 15-702 and 15-703(c) and (f)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)~~

~~BY repealing and reenacting, without amendments,
Article – State Government
Section 15-703(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)~~

~~BY adding to
Article – State Government
Section 15-703(g)
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~~

~~15-702.~~

~~(a) [(1) An entity that engages a] A regulated lobbyist ENGAGED BY AN
ENTITY for the purpose of lobbying shall [provide a signed authorization for] CERTIFY
UNDER OATH OR AFFIRMATION THAT the regulated lobbyist IS AUTHORIZED to
[act] ENGAGE IN LOBBYING FOR THE ENTITY.~~

~~[(2) If the entity is a corporation, an authorized officer or agent, other than the regulated lobbyist, shall sign the authorization.]~~

~~(b) The [authorization to act] CERTIFICATION required by subsection (a) of this section shall include:~~

~~(1) the full legal name and business address of the entity [and of the regulated lobbyist];~~

~~(2) THE NAME, CONTACT INFORMATION, AND OFFICIAL TITLE OF THE REPRESENTATIVE OF THE ENTITY WHO AUTHORIZED THE REGULATED LOBBYIST TO ENGAGE IN LOBBYING FOR THE ENTITY;~~

~~(3) THE FULL LEGAL NAME OF THE REGULATED LOBBYIST;~~

~~[(2)] (4) subject to subsequent modification, the period during which the regulated lobbyist is authorized to act; and~~

~~[(3)] (5) the proposal or subject on which the regulated lobbyist represents the entity.~~

~~15-703.~~

~~(a) (1) At the times specified in subsection (d) of this section, each regulated lobbyist shall register with the Ethics Commission on a form provided by the Ethics Commission.~~

~~(2) A regulated lobbyist shall register separately for each entity that has engaged the regulated lobbyist for lobbying purposes.~~

~~(e) If applicable, each registration shall include the [authorization] CERTIFICATION required by § 15-702 of this subtitle.~~

~~(f) (1) Except as provided in paragraph (2) of this subsection, each registration shall terminate on the earlier of:~~

~~(i) the October 31 following the filing of the registration; or~~

~~(ii) an earlier termination date specified in [an authorization] THE CERTIFICATION filed with respect to that registration under § 15-702 of this subtitle.~~

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 5-703 and 5-704

Annotated Code of Maryland

(As enacted by Chapter 94 (H.B. 270) of the Acts of the General Assembly of 2014)

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

Article – General Provisions

5–703.

(a) [(1) An entity that engages a] A regulated lobbyist ENGAGED BY AN ENTITY for the purpose of lobbying shall [provide a signed authorization for] CERTIFY UNDER OATH OR AFFIRMATION THAT the regulated lobbyist IS AUTHORIZED to [act] ENGAGE IN LOBBYING FOR THE ENTITY.

[(2) If the entity is a corporation, an authorized officer or agent other than the regulated lobbyist shall sign the authorization.]

(b) The [signed authorization] CERTIFICATION shall include:

(1) the full legal name and business address of the entity [and of the regulated lobbyist];

(2) THE NAME, CONTACT INFORMATION, AND OFFICIAL TITLE OF THE REPRESENTATIVE OF THE ENTITY WHO AUTHORIZED THE REGULATED LOBBYIST TO ENGAGE IN LOBBYING FOR THE ENTITY;

(3) THE FULL LEGAL NAME AND BUSINESS ADDRESS OF THE REGULATED LOBBYIST;

[(2)] (4) subject to subsequent modification, the period during which the regulated lobbyist is authorized to act; and

[(3)] (5) the proposal or subject on which the regulated lobbyist represents the entity.

5–704.

(a) (1) At the times specified in subsection (d) of this section, each regulated lobbyist shall register with the Ethics Commission on a form provided by the Ethics Commission.

(2) A regulated lobbyist shall register separately for each entity that has engaged the regulated lobbyist for lobbying purposes.

(b) Each registration form shall include the following information, if applicable:

(1) the regulated lobbyist's name and permanent address;

(2) the name and permanent address of any other regulated lobbyist that will be lobbying on the regulated lobbyist's behalf;

(3) the name, address, and nature of business of any entity that has engaged the regulated lobbyist for lobbying purposes, accompanied by a statement indicating whether, because of the filing and reporting of the regulated lobbyist, the compensating entity is exempt under § 5-702(c) of this subtitle; and

(4) the identification, by formal designation if known, of the matters on which the regulated lobbyist expects to perform acts, or to engage another regulated lobbyist to perform acts, that require registration under this subtitle.

(c) Each registration shall include the [applicable signed authorization, if any,] CERTIFICATION required by § 5-703 of this subtitle.

(d) (1) A regulated lobbyist who is not currently registered shall register within 5 days after first performing an act that requires registration under this subtitle.

(2) A regulated lobbyist shall file a new registration form on or before November 1 of each year if, on that date, the regulated lobbyist is engaged in lobbying.

(e) (1) Each registration form shall be accompanied by a fee of \$100.

(2) The fee shall be credited to the Lobbyist Registration Fund established under § 5-210 of this title.

(f) (1) Except as provided in paragraph (2) of this subsection, each registration shall terminate on the earlier of:

(i) the October 31 following the filing of the registration; or

(ii) an earlier termination date specified in [an authorization] THE CERTIFICATION filed with respect to that registration under § 5-703 of this subtitle.

(2) A regulated lobbyist may terminate the registration before the date specified in paragraph (1) of this subsection by:

(i) ceasing all activity that requires registration; and

(ii) after ceasing activity in accordance with item (i) of this paragraph:

1. filing a notice of termination with the Ethics Commission; and

2. filing all reports required by this subtitle within 30 days after the filing of the notice of termination.

(3) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, if a regulated lobbyist is or becomes subject to regulation under this title as an official or employee, the regulated lobbyist shall immediately terminate the registration in accordance with paragraph (2) of this subsection.

(ii) After holding a public hearing, the Ethics Commission shall adopt regulations establishing criteria under which a regulated lobbyist may serve on a State board or commission.

(iii) The regulations adopted under subparagraph (ii) of this paragraph shall:

1. establish a classification of State boards or commissions on which regulated lobbyists may serve;

2. at a minimum authorize a regulated lobbyist to serve as an appointed member of an advisory governmental body of limited duration; and

3. as to a regulated lobbyist who serves on a State board or commission, establish disclosure requirements that are substantially similar to disclosure requirements for members of the General Assembly.

(G) (1) AN INDIVIDUAL MAY FILE A REGISTRATION UNDER THIS SECTION ELECTRONICALLY AND WITHOUT ADDITIONAL COST TO THE INDIVIDUAL WHO FILES THE REGISTRATION.

(2) A REGISTRATION FILED ELECTRONICALLY UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE THE OATH AND AFFIRMATION REQUIRED UNDER § 15-702 OF THIS SUBTITLE MADE BY AN ELECTRONIC SIGNATURE THAT:

(I) IS A PART OF THE REGISTRATION FORM OR ATTACHED TO AND MADE PART OF THE REGISTRATION FORM; AND

(II) IS MADE EXPRESSLY UNDER THE PENALTIES FOR PERJURY.

(3) AN OATH OR AFFIRMATION SIGNED ELECTRONICALLY UNDER PARAGRAPH (2) OF THIS SUBSECTION SUBJECTS THE INDIVIDUAL MAKING THE OATH OR AFFIRMATION TO THE PENALTIES FOR PERJURY TO THE SAME EXTENT AS AN OATH OR AFFIRMATION MADE BY AN INDIVIDUAL IN PERSON BEFORE AN INDIVIDUAL AUTHORIZED TO ADMINISTER OATHS.

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

Approved by the Governor, April 8, 2014.

Chapter 20

(Senate Bill 91)

AN ACT concerning

State Ethics Commission – Local Governments and School Boards – Compliance Enforcement

FOR the purpose of requiring the State Ethics Commission to adopt certain model provisions for school boards; providing that a certain model provision may be adopted by or imposed on a school board under certain circumstances; authorizing the State Ethics Commission, after making a certain determination, to issue a certain order directing a county or municipal corporation or school board to comply with certain provisions of the Public Ethics Law; authorizing the State Ethics Commission to petition a certain circuit court to compel a school board to comply with certain provisions of the Public Ethics Law; and generally relating to the State Ethics Commission and local governments and school boards.

~~BY repealing and reenacting, with amendments,
Article — State Government
Section 15-205(b) and 15-808
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)~~

~~BY adding to
Article — State Government
Section 15-816
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)~~

BY repealing and reenacting, with amendments,

Article – General ProvisionsSection 5–205(b) and 5–812Annotated Code of Maryland(As enacted by Chapter 94 (H.B. 270) of the Acts of the General Assembly of 2014)BY adding toArticle – General ProvisionsSection 5–820Annotated Code of Maryland(As enacted by Chapter 94 (H.B. 270) of the Acts of the General Assembly of 2014)

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

~~Article – State Government~~~~15–205.~~

~~(b) (1) The Ethics Commission shall adopt by regulation model provisions for local governments AND SCHOOL BOARDS that relate to:~~

- ~~(i) conflicts of interest;~~
- ~~(ii) financial disclosure; and~~
- ~~(iii) regulation of lobbying.~~

~~(2) Model provisions adopted under paragraph (1) of this subsection may be:~~

- ~~(i) adopted by any local jurisdiction OR SCHOOL BOARD; or~~
- ~~(ii) in accordance with Subtitle 8 of this title, imposed on a local jurisdiction OR SCHOOL BOARD.~~

~~15–808.~~

~~(a) If the Ethics Commission determines that a county or municipal corporation has not complied with AND HAS NOT MADE GOOD FAITH EFFORTS TOWARD COMPLIANCE WITH the requirements of this Part I, the Ethics Commission:~~

~~(1) MAY ISSUE AN ORDER DIRECTING THE COUNTY OR MUNICIPAL CORPORATION TO COMPLY WITH THIS PART I, INCLUDING A LISTING OF SPECIFIC AREAS OF NONCOMPLIANCE; AND~~

~~(2) may petition a circuit court with venue over the proceeding for appropriate relief to compel compliance.~~

~~(b) The circuit court may grant any available equitable relief.~~

Article – General Provisions

5–205.

(b) (1) The Ethics Commission shall adopt by regulation model provisions for local governments AND SCHOOL BOARDS on:

- (i) conflicts of interest;
- (ii) financial disclosure; and
- (iii) regulation of lobbying.

(2) Model provisions adopted under paragraph (1) of this subsection may be:

- (i) adopted by any local jurisdiction OR SCHOOL BOARD; or
- (ii) imposed on a local jurisdiction OR SCHOOL BOARD in accordance with Subtitle 8 of this title.

5–812.

(a) If the Ethics Commission determines that a county or municipal corporation has not complied with AND HAS NOT MADE GOOD-FAITH EFFORTS TOWARD COMPLIANCE WITH the requirements of this part, the Ethics Commission:

(1) MAY ISSUE A PUBLIC NOTICE CONCERNING THE FAILURE OF COMPLIANCE WITH THIS PART, INCLUDING A LISTING OF SPECIFIC AREAS OF NONCOMPLIANCE; AND

(2) may petition a circuit court with venue over the proceeding for appropriate relief to compel compliance.

(b) The circuit court may grant any available equitable relief.

~~15–816~~ 5–820.

(A) IF THE ETHICS COMMISSION DETERMINES THAT A SCHOOL BOARD, AS REQUIRED UNDER § ~~15–812(A)(2)~~ 5–816(A)(2) OF THIS SUBTITLE, HAS NOT

COMPLIED WITH AND HAS NOT MADE GOOD-FAITH EFFORTS TOWARD COMPLIANCE WITH THE REQUIREMENTS OF THIS PART II, THE ETHICS COMMISSION:

~~(1) MAY ISSUE AN ORDER DIRECTING THE SCHOOL BOARD TO COMPLY WITH THIS PART II, INCLUDING A LISTING OF SPECIFIC AREAS OF NONCOMPLIANCE;~~

(1) MAY ISSUE A PUBLIC NOTICE CONCERNING THE FAILURE OF COMPLIANCE WITH THIS PART, INCLUDING A LISTING OF SPECIFIC AREAS OF NONCOMPLIANCE;

(2) MAY ISSUE AN ORDER PROVIDING THAT OFFICIALS AND EMPLOYEES OF THE SCHOOL BOARD ARE SUBJECT TO THE LOCAL ETHICS LAWS IN THE COUNTY IN WHICH THE SCHOOL BOARD IS LOCATED; AND

(3) MAY PETITION A CIRCUIT COURT WITH VENUE OVER THE PROCEEDING FOR APPROPRIATE RELIEF TO COMPEL COMPLIANCE.

(B) THE CIRCUIT COURT MAY GRANT ANY AVAILABLE EQUITABLE RELIEF.

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

Approved by the Governor, April 8, 2014.

Chapter 21

(Senate Bill 92)

AN ACT concerning

Public Ethics – Regulated Lobbyists – Ethics Training Requirements

FOR the purpose of requiring that certain regulated lobbyists complete a certain initial and subsequent ethics training course provided by the State Ethics Commission within a certain period of time; and generally relating to ethics training requirements for regulated lobbyists.

~~BY repealing and reenacting, with amendments,
Article – State Government
Section 15-205(c)
Annotated Code of Maryland~~

~~(2009 Replacement Volume and 2013 Supplement)~~

~~BY adding to~~

~~Article – State Government~~

~~Section 15–703.1~~

~~Annotated Code of Maryland~~

~~(2009 Replacement Volume and 2013 Supplement)~~

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 5–205(e)

Annotated Code of Maryland

(As enacted by Chapter 94 (H.B. 270) of the Acts of the General Assembly of 2014)

BY adding to

Article – General Provisions

Section 5–704.1

Annotated Code of Maryland

(As enacted by Chapter 94 (H.B. 270) of the Acts of the General Assembly of 2014)

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

Article – ~~State Government~~ General Provisions

~~15–205.~~

~~(e) (1) [(i)] The Ethics Commission shall provide a training course for regulated lobbyists and prospective regulated lobbyists at least twice each year regarding the provisions of the Maryland Public Ethics Law relevant to regulated lobbyists. One such course shall be conducted in the month of January.~~

~~[(ii) A regulated lobbyist, other than the employer of a regulated lobbyist as described in § 15–701(a)(6) of this title, shall attend a training course provided under subparagraph (i) of this paragraph at least once in any 2-year period during which a lobbyist has registered with the Ethics Commission.]~~

~~(2) At the time of a person's initial registration as a regulated lobbyist, the Ethics Commission shall provide the person with information relating to the provisions of the Maryland Public Ethics Law relevant to regulated lobbyists.~~

5–205.

(e) (1) (i) [1.] The Ethics Commission shall provide a training course for regulated lobbyists and prospective regulated lobbyists at least twice each

year on the provisions of the Maryland Public Ethics Law relevant to regulated lobbyists.

[2.] (II) One training course shall be held each January.

[(ii) An individual regulated lobbyist, other than the employer of a regulated lobbyist as described in § 5-701(a)(6) of this title, shall attend a training course provided under subparagraph (i) of this paragraph at least once in any 2-year period during which the lobbyist has registered with the Ethics Commission.]

(2) When a person initially registers as a regulated lobbyist, the Ethics Commission shall provide the person with information on the provisions of the Maryland Public Ethics Law relevant to regulated lobbyists.

~~15-703.1. 5-704.1.~~

A REGULATED LOBBYIST, OTHER THAN A REGULATED LOBBYIST DESCRIBED IN § ~~15-701(A)(6)~~ 5-702(A)(6) OF THIS SUBTITLE, SHALL COMPLETE THE TRAINING COURSE PROVIDED UNDER § ~~15-205(E)(1)~~ 5-205(E)(1) OF THIS TITLE:

(1) (I) WITHIN 6 MONTHS OF THE REGULATED LOBBYIST'S INITIAL REGISTRATION WITH THE ETHICS COMMISSION; OR

(II) IF THE INITIAL REGISTRATION IS TERMINATED IN ACCORDANCE WITH § ~~15-703(F)~~ 5-704(F) OF THIS SUBTITLE EARLIER THAN 6 MONTHS AFTER THE DATE OF REGISTRATION, BEFORE ANY SUBSEQUENT REGISTRATION WITH THE ETHICS COMMISSION; AND

(2) ON COMPLETION OF THE INITIAL TRAINING COURSE UNDER ITEM (1) OF THIS SECTION, WITHIN THE 2-YEAR PERIOD FOLLOWING THE DATE OF THE MOST RECENTLY COMPLETED TRAINING COURSE.

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

Approved by the Governor, April 8, 2014.

Chapter 22

(Senate Bill 93)

AN ACT concerning

Natural Resources – Recreational Incentives Pilot Program

FOR the purpose of establishing the Recreational Incentives Pilot Program in the Department of Natural Resources; stating the purpose of the pilot program; requiring the Department to develop a plan to implement the pilot program, subject to certain requirements and restrictions; requiring the Department to administer the pilot program in accordance with the developed plan; requiring the Department to report to the Governor and the General Assembly regarding the operation and results of the pilot program on or before a certain date; authorizing the Department to adopt certain regulations; defining a certain term; providing for the termination of this Act; and generally relating to the establishment of and standards for the Recreational Incentives Pilot Program.

BY adding to

Article – Natural Resources

Section 1–901 to be under the new subtitle “Subtitle 9. Recreational Incentives Pilot Program”

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

SUBTITLE 9. RECREATIONAL INCENTIVES PILOT PROGRAM.

1–901.

(A) IN THIS SUBTITLE, “PILOT PROGRAM” MEANS THE RECREATIONAL INCENTIVES PILOT PROGRAM.

(B) THERE IS A RECREATIONAL INCENTIVES PILOT PROGRAM IN THE DEPARTMENT.

(C) THE PURPOSE OF THE PILOT PROGRAM IS TO DETERMINE WHETHER INCENTIVE DISCOUNTS OFFERED TO INDIVIDUALS WHO HAVE NOT PURCHASED A RECREATIONAL FISHING OR HUNTING LICENSE WITHIN THE PREVIOUS 3 YEARS INCREASE THE PURCHASE OF RECREATIONAL LICENSES ISSUED UNDER §§ 4–604, 4–745, AND 10–301 OF THIS ARTICLE.

(D) (1) THE DEPARTMENT SHALL DEVELOP A PLAN TO IMPLEMENT THE PILOT PROGRAM.

(2) THE PLAN TO IMPLEMENT THE PILOT PROGRAM SHALL:

(I) IDENTIFY ELIGIBILITY CRITERIA FOR THE INCENTIVE DISCOUNTS;

(II) ESTABLISH AMOUNTS FOR THE INCENTIVE DISCOUNTS;
AND

(III) INCLUDE A MARKETING STRATEGY FOR ATTRACTING ELIGIBLE RECREATIONAL LICENSE CUSTOMERS.

(3) UNDER THE PLAN, AN INCENTIVE DISCOUNT MAY NOT:

(I) EXCEED 50% OF THE UNDERLYING LICENSE FEE; OR

(II) BE OFFERED OR PROVIDED FOR A SPECIFIC RECREATIONAL LICENSE TO AN INDIVIDUAL WHO HAS HELD THAT LICENSE WITHIN THE PREVIOUS 3 YEARS.

(E) THE DEPARTMENT SHALL ADMINISTER THE PILOT PROGRAM IN ACCORDANCE WITH THE PLAN DEVELOPED UNDER SUBSECTION (D) OF THIS SECTION.

(F) ON OR BEFORE SEPTEMBER 30, 2017, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE OPERATION AND RESULTS OF THE PILOT PROGRAM.

(G) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

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

Approved by the Governor, April 8, 2014.

Chapter 23

(Senate Bill 96)

AN ACT concerning

Health Insurance – Conformity With and Implementation of the Federal Patient Protection and Affordable Care Act

FOR the purpose of establishing initial permit, permit renewal, and permit reinstatement fees for a SHOP Exchange enrollment permit; providing that certain provisions of the federal Patient Protection and Affordable Care Act relating to guaranteed availability of coverage apply to certain coverage offered in certain insurance markets; repealing certain conversion rights for certain kinds of group and blanket health insurance contracts; repealing certain provisions of law governing bona fide wellness programs; authorizing certain insurance carriers to include certain participatory wellness programs as part of an individual or group health benefit plan under certain circumstances; providing a certain exception to the requirement that certain insurance carriers take certain action in relation to a certain claim within a certain number of days; authorizing certain insurance carriers to suspend review of a claim for reimbursement for certain services under certain circumstances; altering the circumstances under which a carrier is required to allow a certain eligible employee or dependent to enroll for certain coverage; establishing a special enrollment period under a small employer health benefit plan for the placement of a child for foster care; establishing a certain triggering event for an open enrollment period in the SHOP Exchange; authorizing the Maryland Health Benefit Exchange to take certain actions on the occurrence of a certain triggering event; authorizing an eligible employee, on the occurrence of a certain triggering event, to enroll in a qualified health plan or change from one qualified health plan to another a certain number of times per month; repealing a requirement that, under certain circumstances, an eligible employee or a dependent must select a qualified health plan through the SHOP Exchange; altering the circumstances under which a carrier that offers coverage to a small employer is required to offer coverage to certain employees of the small employer; ~~repealing~~ altering a certain notice requirement relating to cancellation or nonrenewal of certain health benefit plans; repealing a certain reporting requirement relating to carrier declinations for individual coverage; altering the date by which carriers that sell health benefit plans to individuals in the State are required to establish a certain enrollment period; specifying the dates on which certain enrollment periods begin and end; providing for certain effective dates of coverage in the individual insurance market; establishing certain triggering events for a special open enrollment period in the Individual Exchange; altering the circumstances under which a carrier, on the occurrence of a certain triggering event, must permit a certain individual or dependent to access a certain special enrollment period; altering a certain definition; clarifying a certain definition; defining certain terms; repealing certain definitions; making conforming changes; providing for the effective date of certain provisions of this Act; and generally relating to conformity with and implementation of the federal Patient Protection and Affordable Care Act.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 2–112(a), 15–137.1(a), 15–1005, 15–1009, 15–1208.1, 15–1208.2, 15–1210, 15–1212, 15–1301(h), 15–1303, and 15–1316

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing

Article – Insurance

Section 15–414 and 15–509

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY adding to

Article – Insurance

Section 15–509

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–1301(g)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

(As enacted by Chapter 692 of the Acts of the General Assembly of 2008, as amended by Chapter 734 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 – Insurance

2–112.

(a) Fees for the following certificates, licenses, **PERMITS**, and services shall be collected in advance by the Commissioner, and shall be paid by the appropriate persons 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:	
renewal	1.	fee for initial certificate within 1 year of	
		renewal	\$100
renewal	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 AND PERMITS:	
	(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) SHOP EXCHANGE ENROLLMENT PERMIT:

- 1. FEE FOR INITIAL PERMIT \$54**
- 2. BIENNIAL RENEWAL FEE \$54**
- 3. FEE FOR REINSTATEMENT OF PERMIT \$100**

[(v)] (VI) 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 \$15

15–137.1.

(a) Notwithstanding any other provisions of law, the following provisions of Title I, Subtitles A, C, and D of the Affordable Care Act apply to individual health insurance coverage and health insurance coverage offered in the small group and large group markets, as those terms are defined in the federal Public Health Service Act, issued or delivered in the State by an authorized insurer, nonprofit health service plan, or health maintenance organization:

- (1) coverage of children up to the age of 26 years;
- (2) preexisting condition exclusions;
- (3) policy rescissions;
- (4) bona fide wellness programs;
- (5) lifetime limits;
- (6) annual limits for essential benefits;
- (7) waiting periods;

- (8) designation of primary care providers;
- (9) access to obstetrical and gynecological services;
- (10) emergency services;
- (11) summary of benefits and coverage explanation;
- (12) minimum loss ratio requirements and premium rebates;
- (13) disclosure of information;
- (14) annual limitations on cost sharing;
- (15) child-only plan offerings in the individual market;
- (16) minimum benefit requirements for catastrophic plans;
- (17) health insurance premium rates;
- (18) coverage for individuals participating in approved clinical trials;

[and]

(19) contract requirements for stand-alone dental plans sold on the Maryland Health Benefit Exchange; AND

(20) GUARANTEED AVAILABILITY OF COVERAGE.

[15-414.

- (a) This section applies to:
 - (1) each group or blanket contract that:
 - (i) is delivered or issued for delivery in the State;
 - (ii) provides hospital, medical, or surgical benefits for employees or subscribers and their dependents; and
 - (iii) allows an employee or subscriber to convert the coverage in the event of termination of employment or membership; and
 - (2) each group contract that:
 - (i) is delivered or issued for delivery in the State by a nonprofit health service plan;

(ii) provides hospital, medical, or surgical benefits for employees or members and their dependents; and

(iii) allows an employee or member to convert the coverage in the event of termination of employment or membership.

(b) Each group contract subject to this section shall provide the same conversion rights and conditions to a covered dependent spouse of an employee, member, or subscriber that are provided to the covered employee, member, or subscriber, if the dependent spouse ceases to be a qualified family member because of divorce or the death of the employee, member, or subscriber.

(c) Conversion rights shall be provided under this section without a physical examination or statement of health.]

[15–509.

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

(2) “Bona fide wellness program” means a program that is designed to:

(i) promote health or prevent or detect disease or illness;

(ii) reduce or avoid poor clinical outcomes;

(iii) prevent complications from medical conditions;

(iv) promote healthy behaviors; or

(v) prevent and control injury.

(3) “Carrier” means:

(i) an insurer;

(ii) a nonprofit health service plan;

(iii) a health maintenance organization; or

(iv) a dental plan organization.

(4) “Health factor” means, in relation to an individual, any of the following health status–related factors:

(i) health status;

- (ii) medical condition;
- (iii) claims experience;
- (iv) receipt of health care;
- (v) medical history;
- (vi) evidence of insurability; or
- (vii) disability.

(5) “Incentive” means:

- (i) a discount of a premium or contribution;
- (ii) a waiver of all or part of a cost-sharing mechanism, such as deductibles, copayments, or coinsurance;
- (iii) the absence of a surcharge;
- (iv) the value of a benefit that otherwise would not be provided under the policy or contract; or
- (v) a rebate as permitted under § 27–210 of this article.

(b) (1) A carrier may provide reasonable incentives to an individual who is an insured, a subscriber, or a member for participation in a bona fide wellness program offered by the carrier if:

- (i) the carrier does not make participation in the bona fide wellness program a condition of coverage under a policy or contract;
- (ii) participation in the bona fide wellness program is voluntary and a penalty is not imposed on an insured, subscriber, or member for nonparticipation;
- (iii) the carrier does not market the bona fide wellness program in a manner that reasonably could be construed to have as its primary purpose the provision of an incentive or inducement to purchase coverage from the carrier; and
- (iv) the bona fide wellness program does not condition an incentive on an individual satisfying a standard that is related to a health factor.

(2) Notwithstanding paragraph (1)(iv) of this subsection, a carrier may condition an incentive for a bona fide wellness program on an individual satisfying a standard that is related to a health factor if:

(i) 1. all incentives for participation in the bona fide wellness program do not exceed 30% of the cost of employee-only coverage under the plan, except that the applicable percentage is increased by an additional 20 percentage points to the extent that the additional percentage is in connection with a program designed to prevent or reduce tobacco use; or

2. when the plan provides coverage for family members, all incentives for participation in the bona fide wellness program do not exceed 30% of the cost of the coverage in which the family members are enrolled, except that the applicable percentage is increased by an additional 20 percentage points to the extent that the additional percentage is in connection with a program designed to prevent or reduce tobacco use;

(ii) the bona fide wellness program is reasonably designed to promote health or prevent disease, as provided under subsection (c) of this section;

(iii) the bona fide wellness program gives individuals eligible for the bona fide wellness program the opportunity to qualify for the incentive under the bona fide wellness program at least once a year;

(iv) the bona fide wellness program is available to all similarly situated individuals; and

(v) individuals are provided a reasonable alternative standard or a waiver of the standard as required under subsection (d)(1) of this section.

(c) A bona fide wellness program shall be construed to be reasonably designed to promote health or prevent disease if the bona fide wellness program:

(1) has a reasonable chance of improving the health of or preventing disease in participating individuals;

(2) is not overly burdensome;

(3) is not a subterfuge for discriminating based on a health factor; and

(4) is not highly suspect in the method chosen to promote health or prevent disease.

(d) (1) A carrier shall provide a reasonable alternative standard, or a waiver of the otherwise applicable standard, for obtaining the incentive for any individual for whom it is:

(i) unreasonably difficult due to a medical condition to satisfy the otherwise applicable standard; or

(ii) medically inadvisable to attempt to satisfy the otherwise applicable standard.

(2) A carrier may seek verification, such as a statement from an individual's health care provider, that a health factor makes it unreasonably difficult or medically inadvisable for the individual to satisfy or attempt to satisfy the otherwise applicable standard.

(3) (i) A carrier shall disclose the availability of a reasonable alternative standard or a waiver of the otherwise applicable standard in all policy forms pertaining to the bona fide wellness program.

(ii) A carrier may meet the disclosure requirements of this paragraph by using the following language or substantially similar language:

“If it is unreasonably difficult due to a medical condition for you to achieve the standards for the incentive under this program, or if it is medically inadvisable for you to attempt to achieve the standards for the incentive under this program, call us at (insert telephone number), and we will work with you to develop another way to qualify for the incentive.”

(e) (1) In determining if a carrier's bona fide wellness program meets the requirements of this section, the Commissioner may request a review of the bona fide wellness program by an independent review organization from the list compiled under § 15–10A–05(b) of this title.

(2) The expense of the review of the bona fide wellness program by an independent review organization shall be paid by the carrier, in the manner provided under § 15–10A–05(h) of this title.]

15–509.

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

(2) “ACTIVITY–ONLY WELLNESS PROGRAM” MEANS A TYPE OF HEALTH–CONTINGENT WELLNESS PROGRAM IN WHICH AN INDIVIDUAL IS REQUIRED TO PERFORM OR COMPLETE AN ACTIVITY RELATED TO A HEALTH FACTOR IN ORDER TO OBTAIN A REWARD, BUT WHICH DOES NOT REQUIRE THE INDIVIDUAL TO ATTAIN OR MAINTAIN A SPECIFIC HEALTH OUTCOME.

(3) “CARRIER” MEANS:

(I) AN INSURER;

(II) A NONPROFIT HEALTH SERVICE PLAN; OR

(III) A HEALTH MAINTENANCE ORGANIZATION.

(4) "GRANDFATHERED HEALTH BENEFIT PLAN" HAS THE MEANING STATED IN § 1251 OF THE AFFORDABLE CARE ACT.

(5) "HEALTH BENEFIT PLAN" HAS THE MEANING STATED IN § 15-1301 OF THIS TITLE.

(6) (I) "HEALTH-CONTINGENT WELLNESS PROGRAM" MEANS A PROGRAM THAT REQUIRES AN INDIVIDUAL TO SATISFY A STANDARD RELATED TO A HEALTH FACTOR TO OBTAIN A REWARD.

(II) "HEALTH-CONTINGENT WELLNESS PROGRAM" INCLUDES:

1. AN ACTIVITY-ONLY WELLNESS PROGRAM; AND
2. AN OUTCOME-BASED WELLNESS PROGRAM.

(7) "HEALTH FACTOR" MEANS, IN RELATION TO AN INDIVIDUAL, ANY OF THE FOLLOWING HEALTH STATUS-RELATED FACTORS:

- (I) HEALTH STATUS;
- (II) MEDICAL CONDITION;
- (III) CLAIMS EXPERIENCE;
- (IV) RECEIPT OF HEALTH CARE;
- (V) MEDICAL HISTORY;
- (VI) GENETIC INFORMATION;
- (VII) EVIDENCE OF INSURABILITY;
- (VIII) DISABILITY; OR

(IX) ANY OTHER HEALTH STATUS-RELATED FACTOR DETERMINED APPROPRIATE BY THE U.S. SECRETARY OF HEALTH AND HUMAN SERVICES.

(8) "INCENTIVE" MEANS:

- (I) A DISCOUNT OF A PREMIUM OR CONTRIBUTION;
- (II) A WAIVER OF ALL OR PART OF A COST-SHARING MECHANISM, SUCH AS DEDUCTIBLES, COPAYMENTS, OR COINSURANCE;
- (III) THE ABSENCE OF A SURCHARGE;
- (IV) THE VALUE OF A BENEFIT THAT OTHERWISE WOULD NOT BE PROVIDED UNDER THE POLICY OR CONTRACT; OR
- (V) A REBATE AS PERMITTED UNDER § 27-210 OF THIS ARTICLE.

(9) “OUTCOME-BASED WELLNESS PROGRAM” MEANS A TYPE OF HEALTH-CONTINGENT WELLNESS PROGRAM IN WHICH AN INDIVIDUAL MUST ATTAIN OR MAINTAIN A SPECIFIC HEALTH OUTCOME IN ORDER TO OBTAIN A REWARD.

(10) “PARTICIPATORY WELLNESS PROGRAM” MEANS A PROGRAM THAT DOES NOT:

- (I) PROVIDE A REWARD; OR
- (II) INCLUDE ANY CONDITIONS FOR OBTAINING A REWARD THAT ARE BASED ON AN INDIVIDUAL SATISFYING A STANDARD THAT IS RELATED TO A HEALTH FACTOR.

(11) “REWARD” MEANS:

- (I) OBTAINING AN INCENTIVE; OR
- (II) AVOIDING A PENALTY.

(B) THIS SECTION APPLIES TO GRANDFATHERED AND NONGRANDFATHERED INDIVIDUAL AND GROUP HEALTH BENEFIT PLANS.

(C) (1) A CARRIER MAY INCLUDE A PARTICIPATORY WELLNESS PROGRAM AS PART OF AN INDIVIDUAL OR GROUP HEALTH BENEFIT PLAN.

(2) A PARTICIPATORY WELLNESS PROGRAM SHALL BE MADE AVAILABLE TO ALL SIMILARLY SITUATED INDIVIDUALS REGARDLESS OF HEALTH STATUS.

(D) A CARRIER MAY CONDITION A REWARD FOR AN ACTIVITY-ONLY WELLNESS PROGRAM IN A GROUP HEALTH BENEFIT PLAN IF:

(1) THE ACTIVITY-ONLY WELLNESS PROGRAM PROVIDES INDIVIDUALS WITH AN OPPORTUNITY TO QUALIFY FOR THE REWARD AT LEAST ONCE A YEAR;

(2) THE REWARD FOR THE ACTIVITY-ONLY WELLNESS PROGRAM, TOGETHER WITH THE REWARD FOR OTHER HEALTH-CONTINGENT WELLNESS PROGRAMS WITH RESPECT TO THE HEALTH BENEFIT PLAN, DOES NOT EXCEED:

(I) 30% OF THE TOTAL COST OF EMPLOYEE-ONLY COVERAGE UNDER THE HEALTH BENEFIT PLAN, EXCEPT THAT THE APPLICABLE PERCENTAGE IS INCREASED BY AN ADDITIONAL 20 PERCENTAGE POINTS TO THE EXTENT THAT THE ADDITIONAL PERCENTAGE IS IN CONNECTION WITH A PROGRAM DESIGNED TO PREVENT OR REDUCE TOBACCO USE; OR

(II) WHEN THE PLAN PROVIDES COVERAGE FOR FAMILY MEMBERS, AND WHEN FAMILY MEMBERS ARE PERMITTED TO PARTICIPATE IN THE ACTIVITY-ONLY WELLNESS PROGRAM, 30% OF THE COST OF THE COVERAGE IN WHICH THE FAMILY MEMBERS ARE ENROLLED, EXCEPT THAT THE APPLICABLE PERCENTAGE IS INCREASED BY AN ADDITIONAL 20 PERCENTAGE POINTS TO THE EXTENT THAT THE ADDITIONAL PERCENTAGE IS IN CONNECTION WITH A PROGRAM DESIGNED TO PREVENT OR REDUCE TOBACCO USE;

(3) THE ACTIVITY-ONLY WELLNESS PROGRAM IS REASONABLY DESIGNED TO PROMOTE HEALTH OR PREVENT DISEASE;

(4) THE FULL REWARD UNDER THE ACTIVITY-ONLY WELLNESS PROGRAM IS AVAILABLE TO ALL SIMILARLY SITUATED INDIVIDUALS; AND

(5) THE CARRIER DISCLOSES THE AVAILABILITY OF A REASONABLE ALTERNATIVE STANDARD TO QUALIFY FOR THE REWARD IN ALL PLAN MATERIALS DESCRIBING THE TERMS OF AN ACTIVITY-ONLY WELLNESS PROGRAM.

(E) AN ACTIVITY-ONLY WELLNESS PROGRAM SHALL BE CONSTRUED TO BE REASONABLY DESIGNED TO PROMOTE HEALTH OR PREVENT DISEASE IF THE ACTIVITY-ONLY WELLNESS PROGRAM:

(1) HAS A REASONABLE CHANCE OF IMPROVING THE HEALTH OF OR PREVENTING DISEASE IN PARTICIPATING INDIVIDUALS;

(2) IS NOT OVERLY BURDENSOME;

(3) IS NOT A SUBTERFUGE FOR DISCRIMINATING BASED ON A HEALTH FACTOR;

(4) IS NOT HIGHLY SUSPECT IN THE METHOD CHOSEN TO PROMOTE HEALTH OR PREVENT DISEASE; AND

(5) PROVIDES A REASONABLE ALTERNATIVE STANDARD TO QUALIFY FOR THE REWARD FOR ALL INDIVIDUALS WHO DO NOT MEET THE INITIAL STANDARD THAT IS RELATED TO A HEALTH FACTOR.

(F) (1) FOR AN ACTIVITY-ONLY WELLNESS PROGRAM, A CARRIER SHALL PROVIDE A REASONABLE ALTERNATIVE STANDARD FOR OBTAINING THE REWARD FOR ANY INDIVIDUAL WHO REQUESTS AN ALTERNATIVE STANDARD AND FOR WHOM IT IS:

(I) UNREASONABLY DIFFICULT DUE TO A MEDICAL CONDITION TO SATISFY THE OTHERWISE APPLICABLE STANDARD; OR

(II) MEDICALLY INADVISABLE TO ATTEMPT TO SATISFY THE OTHERWISE APPLICABLE STANDARD.

(2) A CARRIER MAY SEEK VERIFICATION, SUCH AS A STATEMENT FROM AN INDIVIDUAL'S HEALTH CARE PROVIDER, THAT A HEALTH FACTOR MAKES IT UNREASONABLY DIFFICULT OR MEDICALLY INADVISABLE FOR THE INDIVIDUAL TO SATISFY OR ATTEMPT TO SATISFY THE OTHERWISE APPLICABLE STANDARD, IF REASONABLE UNDER THE CIRCUMSTANCES.

(G) (1) A CARRIER MAY CONDITION THE REWARD FOR AN OUTCOME-BASED WELLNESS PROGRAM IN A GROUP HEALTH BENEFIT PLAN IF:

(I) THE OUTCOME-BASED WELLNESS PROGRAM MEETS THE REQUIREMENTS UNDER SUBSECTIONS (D) AND (E) OF THIS SECTION;

(II) THE FULL REWARD IS AVAILABLE TO ALL SIMILARLY SITUATED INDIVIDUALS; AND

(III) AN INDIVIDUAL, ON REQUEST, IS PROVIDED WITH A REASONABLE ALTERNATIVE STANDARD ~~REGARDLESS OF ANY~~, PROVIDED THAT THE INDIVIDUAL DOES NOT MEET THE INITIAL STANDARD BECAUSE OF A MEDICAL CONDITION OR OTHER HEALTH FACTOR.

(2) IF THE REASONABLE ALTERNATIVE STANDARD IS AN EDUCATIONAL PROGRAM, THE CARRIER:

(I) SHALL MAKE THE EDUCATIONAL PROGRAM AVAILABLE OR ASSIST THE INDIVIDUAL IN FINDING A PROGRAM; AND

(II) MAY NOT REQUIRE AN INDIVIDUAL TO PAY FOR THE COST OF THE EDUCATIONAL PROGRAM.

(3) THE TIME COMMITMENT REQUIRED FOR THE ALTERNATIVE STANDARD SHALL BE REASONABLE.

(4) IF THE REASONABLE ALTERNATIVE IS A DIET PROGRAM, THE CARRIER IS NOT REQUIRED TO PAY FOR THE COST OF FOOD, BUT IS REQUIRED TO PAY ANY MEMBERSHIP OR PARTICIPATION FEE.

(5) IF THE REASONABLE ALTERNATIVE STANDARD IS AN ACTIVITY-ONLY WELLNESS PROGRAM, THE REASONABLE ALTERNATIVE STANDARD MUST COMPLY WITH THE REQUIREMENTS FOR ACTIVITY-ONLY WELLNESS PROGRAMS AS IF IT WERE AN INITIAL PROGRAM STANDARD.

(6) IF THE REASONABLE ALTERNATIVE STANDARD IS AN OUTCOME-BASED WELLNESS PROGRAM, THE REASONABLE ALTERNATIVE STANDARD MUST COMPLY WITH THE REQUIREMENTS FOR OUTCOME-BASED WELLNESS PROGRAMS.

(7) THE REASONABLE ALTERNATIVE MAY NOT BE A REQUIREMENT TO MEET A DIFFERENT LEVEL OF THE SAME STANDARD WITHOUT ADDITIONAL TIME TO COMPLY THAT TAKES INTO ACCOUNT THE INDIVIDUAL'S CIRCUMSTANCES.

(8) AN INDIVIDUAL SHALL BE GIVEN THE OPPORTUNITY TO COMPLY WITH THE RECOMMENDATIONS OF THE INDIVIDUAL'S PERSONAL PHYSICIAN AS A SECOND REASONABLE ALTERNATIVE STANDARD TO MEETING THE REASONABLE ALTERNATIVE STANDARD DEFINED BY THE CARRIER, BUT ONLY IF THE PHYSICIAN JOINS IN THE REQUEST.

(H) A REWARD UNDER AN OUTCOME-BASED WELLNESS PROGRAM IS NOT AVAILABLE TO ALL SIMILARLY SITUATED INDIVIDUALS AS REQUIRED BY SUBSECTION (G)(1)(II) OF THIS SECTION UNLESS THE OUTCOME-BASED WELLNESS PROGRAM ALLOWS A REASONABLE ALTERNATIVE STANDARD, OR WAIVER OF THE OTHERWISE APPLICABLE STANDARD, FOR OBTAINING THE REWARD FOR ANY INDIVIDUAL WHO DOES NOT MEET THE INITIAL STANDARD

BASED ON THE MEASUREMENT, TEST, OR SCREENING REQUIRED BY THE OUTCOME-BASED WELLNESS PROGRAM.

(I) (1) IN DETERMINING IF A CARRIER'S HEALTH-CONTINGENT WELLNESS PROGRAM MEETS THE REQUIREMENTS OF THIS SECTION, THE COMMISSIONER MAY REQUEST A REVIEW OF THE HEALTH-CONTINGENT WELLNESS PROGRAM BY AN INDEPENDENT REVIEW ORGANIZATION SELECTED FROM THE LIST COMPILED UNDER § 15-10A-05(B) OF THIS TITLE.

(2) THE EXPENSE OF THE REVIEW OF THE HEALTH-CONTINGENT WELLNESS PROGRAM BY AN INDEPENDENT REVIEW ORGANIZATION SHALL BE PAID BY THE CARRIER IN THE MANNER PROVIDED UNDER § 15-10A-05(H) OF THIS TITLE.

15-1005.

(a) In this section, "clean claim" means a claim for reimbursement, as defined in regulations adopted by the Commissioner under § 15-1003 of this subtitle.

(b) To the extent consistent with the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1001 et seq., this section applies to an insurer, nonprofit health service plan, or health maintenance organization that acts as a third party administrator.

(c) Except as provided in § 15-1315 of this title AND SUBSECTION (H) OF THIS SECTION, within 30 days after receipt of a claim for reimbursement from a person entitled to reimbursement under § 15-701(a) of this title or from a hospital or related institution, as those terms are defined in § 19-301 of the Health – General Article, an insurer, nonprofit health service plan, or health maintenance organization shall:

(1) mail or otherwise transmit payment for the claim in accordance with this section; or

(2) send a notice of receipt and status of the claim that states:

(i) that the insurer, nonprofit health service plan, or health maintenance organization refuses to reimburse all or part of the claim and the reason for the refusal;

(ii) that, in accordance with § 15-1003(d)(1)(ii) of this subtitle, the legitimacy of the claim or the appropriate amount of reimbursement is in dispute and additional information is necessary to determine if all or part of the claim will be reimbursed and what specific additional information is necessary; or

(iii) that the claim is not clean and the specific additional information necessary for the claim to be considered a clean claim.

(d) (1) An insurer, nonprofit health service plan, or health maintenance organization shall permit a provider a minimum of 180 days from the date a covered service is rendered to submit a claim for reimbursement for the service.

(2) If an insurer, nonprofit health service plan, or health maintenance organization wholly or partially denies a claim for reimbursement, the insurer, nonprofit health service plan, or health maintenance organization shall permit a provider a minimum of 90 working days after the date of denial of the claim to appeal the denial.

(3) If an insurer, nonprofit health service plan, or health maintenance organization erroneously denies a provider's claim for reimbursement submitted within the time period specified in paragraph (1) of this subsection because of a claims processing error, and the provider notifies the insurer, nonprofit health service plan, or health maintenance organization of the potential error within 1 year of the claim denial, the insurer, nonprofit health service plan, or health maintenance organization, on discovery of the error, shall reprocess the provider's claim without the necessity for the provider to resubmit the claim, and without regard to timely submission deadlines.

(e) (1) If an insurer, nonprofit health service plan, or health maintenance organization provides notice under subsection (c)(2)(i) of this section, the insurer, nonprofit health service plan, or health maintenance organization shall mail or otherwise transmit payment for any undisputed portion of the claim within 30 days of receipt of the claim, in accordance with this section.

(2) If an insurer, nonprofit health service plan, or health maintenance organization provides notice under subsection (c)(2)(ii) of this section, the insurer, nonprofit health service plan, or health maintenance organization shall:

(i) mail or otherwise transmit payment for any undisputed portion of the claim in accordance with this section; and

(ii) comply with subsection (c)(1) or (2)(i) of this section within 30 days after receipt of the requested additional information.

(3) If an insurer, nonprofit health service plan, or health maintenance organization provides notice under subsection (c)(2)(iii) of this section, the insurer, nonprofit health service plan, or health maintenance organization shall comply with subsection (c)(1) or (2)(i) of this section within 30 days after receipt of the requested additional information.

(f) (1) If an insurer, nonprofit health service plan, or health maintenance organization fails to pay a clean claim for reimbursement or otherwise violates any provision of this section, the insurer, nonprofit health service plan, or health

maintenance organization shall pay interest on the amount of the claim that remains unpaid 30 days after receipt of the initial clean claim for reimbursement at the monthly rate of:

- (i) 1.5% from the 31st day through the 60th day;
- (ii) 2% from the 61st day through the 120th day; and
- (iii) 2.5% after the 120th day.

(2) The interest paid under this subsection shall be included in any late reimbursement without the necessity for the person that filed the original claim to make an additional claim for that interest.

(g) An insurer, nonprofit health service plan, or health maintenance organization that violates a provision of this section is subject to:

(1) a fine not exceeding \$500 for each violation that is arbitrary and capricious, based on all available information; and

(2) the penalties prescribed under § 4–113(d) of this article for violations committed with a frequency that indicates a general business practice.

(H) (1) AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION MAY SUSPEND REVIEW OF A CLAIM FOR REIMBURSEMENT FOR A PREAUTHORIZED OR APPROVED HEALTH CARE SERVICE IF THE INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION SENDS WRITTEN NOTICE WITHIN 30 DAYS AFTER RECEIPT OF THE CLAIM THAT INFORMS THE PERSON FILING THE CLAIM, THAT:

(I) REVIEW OF THE CLAIM IS SUSPENDED DURING THE SECOND OR THIRD MONTH OF A GRACE PERIOD UNDER 45 C.F.R. § 156.270(D); AND

(II) ON RECEIPT OF THE PAYMENT OF PREMIUM, THE INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION IS REQUIRED TO COMPLY WITH PARAGRAPH (2) OF THIS SUBSECTION.

(2) WITHIN 30 DAYS AFTER RECEIPT OF THE PAYMENT OF PREMIUM, AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION SHALL COMPLY WITH SUBSECTION (C)(1) OR (2) OF THIS SECTION.

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

(1) an insurer;

(2) a nonprofit health service plan;

(3) a health maintenance organization;

(4) a dental plan organization; or

(5) any other person that provides health benefit plans subject to regulation by the State.

(b) If a health care service for a patient has been preauthorized or approved by a carrier or the carrier's private review agent, the carrier may not deny reimbursement to a health care provider for the preauthorized or approved service delivered to that patient unless:

(1) the information submitted to the carrier regarding the service to be delivered to the patient was fraudulent or intentionally misrepresentative;

(2) critical information requested by the carrier regarding the service to be delivered to the patient was omitted such that the carrier's determination would have been different had it known the critical information;

(3) a planned course of treatment for the patient that was approved by the carrier was not substantially followed by the health care provider; or

(4) on the date the preauthorized or approved service was delivered:

(i) the patient was not covered by the carrier;

(ii) the carrier maintained an automated eligibility verification system that was available to the contracting provider by telephone or via the Internet; and

(iii) according to the verification system, the patient was not covered by the carrier.

(C) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, A CARRIER MAY SUSPEND REVIEW OF A CLAIM FOR REIMBURSEMENT OF A PREAUTHORIZED OR APPROVED HEALTH CARE SERVICE IF:

(1) THE PATIENT IS IN THE SECOND OR THIRD MONTH OF A GRACE PERIOD UNDER 45 C.F.R. § 156.270(D);

(2) THE CARRIER MAINTAINS AN AUTOMATED ELIGIBILITY VERIFICATION SYSTEM THAT WAS AVAILABLE TO THE HEALTH CARE PROVIDER BY TELEPHONE OR VIA THE INTERNET AT THE TIME THE HEALTH CARE SERVICE WAS PROVIDED;

(3) ACCORDING TO THE VERIFICATION SYSTEM, THE PROVIDER IS INFORMED THAT:

(I) THE PATIENT IS IN THE SECOND OR THIRD MONTH OF A GRACE PERIOD AND REVIEW OF A CLAIM FOR REIMBURSEMENT MAY BE SUSPENDED; AND

(II) A CARRIER IS NOT PROHIBITED FROM DENYING A CLAIM FOR REIMBURSEMENT OF A SUSPENDED CLAIM; AND

(4) THE CARRIER COMPLIES WITH THE NOTICE AND CLAIM PAYMENT REQUIREMENTS UNDER § 15-1005 OF THIS SUBTITLE.

[(c)] (D) A carrier shall pay a claim for a preauthorized or approved covered health care service in accordance with §§ 15-1005 and 15-1008 of this subtitle.

15-1208.1.

(a) A carrier shall provide the special enrollment periods described in this section in each small employer health benefit plan.

(b) [If the small employer elects under § 15-1210(a)(3) of this subtitle to offer coverage to all of its eligible employees who are covered under another public or private plan of health insurance or another health benefit arrangement, a] A carrier shall allow an eligible employee or dependent who is eligible, but not enrolled, for coverage under the terms of the employer's health benefit plan to enroll for coverage under the terms of the plan if:

(1) the eligible employee or dependent was covered under an employer-sponsored plan or group health benefit plan at the time coverage was previously offered to the employee or dependent;

(2) the eligible employee states in writing, at the time coverage was previously offered, that coverage under an employer-sponsored plan or group health benefit plan was the reason for declining enrollment, but only if the plan sponsor or carrier requires the statement and provides the employee with notice of the requirement;

(3) the eligible employee's or dependent's coverage described in item (1) of this subsection:

(i) was under a COBRA continuation provision, and the coverage under that provision was exhausted; or

(ii) was not under a COBRA continuation provision, and either the coverage was terminated as a result of loss of eligibility for the coverage, including loss of eligibility as a result of legal separation, divorce, death, termination of employment, or reduction in the number of hours of employment, or employer contributions towards the coverage were terminated; and

(4) under the terms of the plan, the eligible employee requests enrollment not later than 30 days after:

(i) the date of exhaustion of coverage described in item (3)(i) of this subsection; or

(ii) termination of coverage or termination of employer contributions described in item (3)(ii) of this subsection.

(c) All small employer health benefit plans shall provide a special enrollment period during which the following individuals may be enrolled under the health benefit plan:

(1) an individual who becomes a dependent of the eligible employee through marriage, birth, adoption, [or] placement for adoption, **OR PLACEMENT FOR FOSTER CARE**;

(2) an eligible employee who acquires a new dependent through marriage, birth, adoption, [or] placement for adoption, **OR PLACEMENT FOR FOSTER CARE**; and

(3) the spouse of an eligible employee at the birth or adoption of a child, **OR PLACEMENT OF A CHILD FOR FOSTER CARE**, provided the spouse is otherwise eligible for coverage.

(d) An eligible employee may not enroll a dependent during a special enrollment period unless the eligible employee:

(1) is enrolled under the health benefit plan; or

(2) applies for coverage for the eligible employee during the same special enrollment period.

(e) The special enrollment period under subsection (c) of this section shall be a period of not less than 31 days and shall begin on the later of:

(1) the date dependent coverage is made available; or

(2) the date of the marriage, birth, adoption, [or] placement for adoption, **OR PLACEMENT FOR FOSTER CARE**, whichever is applicable.

(f) If an eligible employee enrolls any of the individuals described in subsection (c) of this section during the first 31 days of the special enrollment period, the coverage shall become effective as follows:

(1) in the case of marriage, not later than the first day of the first month beginning after the date the completed request for enrollment is received;

(2) in the case of a dependent's birth, as of the date of the dependent's birth; [and]

(3) in the case of a dependent's adoption or placement for adoption, the date of adoption or placement for adoption, whichever occurs first; **AND**

(4) IN THE CASE OF A DEPENDENT'S PLACEMENT FOR FOSTER CARE, THE DATE OF PLACEMENT.

15-1208.2.

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

(2) "Dependent" means an individual who is or who may become eligible for coverage under the terms of a health benefit plan because of a relationship with an eligible employee.

(3) "Qualifying coverage in an eligible employer-sponsored plan" has the meaning stated in 45 C.F.R. § 155.300.

(b) (1) A carrier shall establish a standardized annual open enrollment period of at least 30 days for each small employer.

(2) The annual open enrollment period shall occur before the end of the small employer's plan year.

(3) During the annual open enrollment period, each eligible employee of the small employer shall be permitted to:

(i) enroll in a health benefit plan offered by the small employer;

(ii) discontinue enrollment in a health benefit plan offered by the small employer; or

(iii) change enrollment from one health benefit plan offered by the small employer to a different health benefit plan offered by the small employer.

(c) A carrier shall provide an open enrollment period of at least 30 days for each employee who becomes an eligible employee outside the initial or annual open enrollment period.

(d) (1) A carrier shall provide an open enrollment period for each individual who experiences a triggering event described in paragraph (4) of this subsection.

(2) The open enrollment period shall be for at least 30 days, beginning on the date of the triggering event.

(3) During the open enrollment period for an individual who experiences a triggering event, a carrier shall permit the individual to enroll in or change from one health benefit plan offered by the small employer to another health benefit plan offered by the small employer.

(4) A triggering event occurs when:

(i) subject to paragraph (5) of this subsection, an eligible employee or dependent loses minimum essential coverage;

(ii) an eligible employee or a dependent who is enrolled in a qualified health plan in the SHOP Exchange:

1. adequately demonstrates to the SHOP Exchange that the qualified health plan in which the eligible employee or a dependent is enrolled substantially violated a material provision of the qualified health plan's contract in relation to the eligible employee or a dependent;

2. gains access to new qualified health plans as a result of a permanent move; or

3. demonstrates to the SHOP Exchange, in accordance with guidelines issued by the federal Department of Health and Human Services, that the eligible employee or a dependent meets other exceptional circumstances as the SHOP Exchange may provide;

(iii) an eligible employee or a dependent is enrolled in an employer-sponsored health benefit plan that is not qualifying coverage in an eligible employer-sponsored plan and is allowed to terminate existing coverage; [or]

(iv) an eligible employee or dependent:

1. loses eligibility for coverage under a Medicaid plan under Title XIX of the Social Security Act or a state child health plan under Title XXI of the Social Security Act; or

2. becomes eligible for assistance, with respect to coverage under the SHOP Exchange, under a Medicaid plan or state child health plan, including any waiver or demonstration project conducted under or in relation to a Medicaid plan or a state child health plan; OR

(v) FOR SHOP EXCHANGE HEALTH BENEFIT PLANS:

1. AN ELIGIBLE EMPLOYEE’S OR DEPENDENT’S ENROLLMENT OR NONENROLLMENT IN A QUALIFIED HEALTH PLAN IS, AS EVALUATED AND DETERMINED BY THE EXCHANGE:

A. UNINTENTIONAL, INADVERTENT, OR ERRONEOUS;
AND

B. THE RESULT OF THE ERROR, MISREPRESENTATION, OR INACTION OF AN OFFICER, EMPLOYEE, OR AGENT OF THE EXCHANGE OR THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR ITS INSTRUMENTALITIES; OR

2. AN ELIGIBLE EMPLOYEE IS AN INDIAN AS DEFINED IN § 4 OF THE FEDERAL INDIAN HEALTH CARE IMPROVEMENT ACT.

(5) Loss of minimum essential coverage under paragraph (4)(i) of this subsection does not include loss of coverage due to:

(i) failure to pay premiums on a timely basis, including COBRA premiums prior to expiration of COBRA coverage; or

(ii) a rescission authorized under 45 C.F.R. § 147.128.

(6) If an eligible employee or a dependent meets the requirements for the triggering event described in paragraph (4)(iii) of this subsection, the open enrollment period shall:

(i) apply only to health benefit plans offered by the carrier in the SHOP Exchange; and

(ii) begin at least 60 days before the end of the eligible employee’s or dependent’s coverage under the employer–sponsored plan.

(7) IF AN ELIGIBLE EMPLOYEE OR DEPENDENT MEETS THE REQUIREMENTS FOR THE TRIGGERING EVENT DESCRIBED IN PARAGRAPH

(4)(V)1 OF THIS SUBSECTION, THE EXCHANGE MAY TAKE ANY ACTION NECESSARY TO CORRECT OR ELIMINATE THE EFFECTS OF THE ERROR, MISREPRESENTATION, OR INACTION.

(8) IF AN ELIGIBLE EMPLOYEE MEETS THE REQUIREMENTS FOR THE TRIGGERING EVENT DESCRIBED IN PARAGRAPH (4)(V)2 OF THIS SUBSECTION, THE ELIGIBLE EMPLOYEE MAY ENROLL IN A QUALIFIED HEALTH PLAN OR CHANGE FROM ONE QUALIFIED HEALTH PLAN TO ANOTHER ONE TIME PER MONTH.

[(7)] (9) An eligible employee or a dependent who meets the requirements for the triggering event described in paragraph (4)(iv) of this subsection shall have 60 days from the triggering event to select a ~~qualified~~ health **BENEFIT** plan [through the SHOP Exchange].

(e) If an individual enrolls for coverage during one of the open enrollment periods described in this section, coverage shall be effective in accordance with the requirements in 45 C.F.R. § 155.420.

15-1210.

(a) A carrier that offers coverage to a small employer shall:

(1) offer coverage to all of its eligible employees and all of their eligible dependents; **AND**

(2) at the election of the small employer, offer coverage to all of its part-time employees who have a normal workweek of at least 17 1/2 but less than 30 hours per week [and have been continuously employed for at least 4 consecutive months; and

(3) at the election of the small employer, offer coverage to all of its employees who are covered under another public or private plan of health insurance or another health benefit arrangement].

(b) (1) A health maintenance organization need not offer coverage:

(i) to a small employer that is outside of the health maintenance organization's approved service areas;

(ii) to an eligible employee who resides outside of the health maintenance organization's approved service areas; or

(iii) within an area where the health maintenance organization reasonably anticipates, and demonstrates to the satisfaction of the Commissioner, that

it will not have the capacity in its network of providers to deliver service adequately because of obligations to existing group contract holders and enrollees.

(2) A health maintenance organization that does not offer coverage under paragraph (1)(iii) of this subsection may not offer coverage in the applicable area to any employer groups until the later of:

(i) 180 days after a refusal to do so; or

(ii) the date on which the health maintenance organization notifies the Commissioner that it has regained capacity to deliver services to small employer groups in that area.

(c) A carrier may not be required to offer coverage under §§ 15–1209 and 15–1213 of this subtitle for as long as the Commissioner finds that the coverage would place the carrier in a financially impaired condition.

15–1212.

(a) (1) Except as provided in subsections (b), (c), and (d) of this section, a carrier shall renew a health benefit plan at the option of the small employer.

(2) On renewal, a carrier may not exclude eligible employees or dependents from a health benefit plan.

(3) (i) A carrier shall mail a notice of renewal to the small employer at least 45 days before the expiration of a health benefit plan.

(ii) The notice of renewal shall include the dates of the renewal period, the health benefit plan rates, and the terms of coverage under the health benefit plan.

(4) Policies or certificates for hospital or medical benefits issued through a professional employer organization, coemployer, or other organization under this subtitle may, with the consent of the carrier, have a common renewal date.

(b) A carrier may cancel or refuse to renew a health benefit plan only:

(1) for nonpayment of premiums;

(2) for fraud or intentional misrepresentation of material fact by the small employer;

(3) for noncompliance with a material plan provision relating to employer contributions or group participation rules;

(4) when the carrier elects not to renew:

(i) all of its health benefit plans that are issued to small employers in the State; or

(ii) the particular health benefit plan for all small employers in the State; or

(5) in the case of a health maintenance organization, where there is no longer any enrollee who lives, resides, or works in the health maintenance organization's approved service area.

(c) When a carrier elects not to renew all health benefit plans in the State, the carrier:

(1) shall give notice of its decision to the affected small employers and the insurance regulatory authority of each state in which an eligible employee or dependent resides at least 180 days before the effective date of nonrenewal;

(2) shall give notice to the Commissioner at least 30 working days before giving the notice specified in item (1) of this subsection; and

(3) may not write new business for small employers in the State for a period of 5 years beginning on the date of notice to the Commissioner.

(d) When a carrier elects not to renew a particular health benefit plan for all small employers in the State, the carrier shall:

(1) provide notice of the nonrenewal at least 90 days before the date of the nonrenewal to:

(i) each affected:

1. small employer; and

2. enrolled employee; and

(ii) the Commissioner;

(2) offer to each affected small employer the option to purchase all other health benefit plans currently offered by the carrier in the small group market; and

(3) act uniformly without regard to the claims experience of any affected small employer, or any health status-related factor of any affected individual.

~~¶(e) Within 7 days after cancellation or nonrenewal of a health benefit plan, the carrier shall send to each enrolled employee written notice of its action and the conversion rights available to each enrolled employee under § 15-412 of this title.]~~

15-1301.

(h) “Eligible individual” means an individual **WHO APPLIES FOR OR IS COVERED UNDER AN INDIVIDUAL HEALTH BENEFIT PLAN**[:

(1) (i) for whom, as of the date on which the individual seeks coverage under this subtitle, the aggregate of the periods of creditable coverage is 18 or more months; and

(ii) whose most recent prior creditable coverage was under an employer sponsored plan, governmental plan, church plan, or health benefit plan offered in connection with any of these plans;

(2) who is not eligible for coverage under:

(i) an employer sponsored plan;

(ii) Part A or Part B of Title XVIII of the Social Security Act; or

(iii) a State plan under Title XIX of the Social Security Act;

(3) who does not have coverage under a health benefit plan;

(4) who has not had the most recent prior creditable coverage described in paragraph (1)(ii) of this subsection terminated for nonpayment of premiums or fraud by the individual; and

(5) who, if the individual has been offered the option of continuation coverage under a State or federal continuation provision:

(i) has elected that coverage; and

(ii) has exhausted that coverage].

15-1303.

(a) In addition to any other requirements under this article, a carrier that offers individual health benefit plans in this State shall:

(1) have demonstrated the capacity to administer the individual health benefit plans, including adequate numbers and types of administrative staff;

(2) have a satisfactory grievance procedure and ability to respond to calls, questions, and complaints from enrollees or insureds; and

(3) design policies to help ensure that enrollees or insureds have adequate access to providers of health care.

(b) (1) Except as provided in this subsection and § 31–110(f) of this article, a carrier may not offer individual health benefit plans in the State unless the carrier also offers qualified health plans, as defined in § 31–101 of this article, in the Individual Exchange of the Maryland Health Benefit Exchange in compliance with the requirements of Title 31 of this article.

(2) A carrier is exempt from the requirement in paragraph (1) of this subsection if:

(i) 1. the reported total aggregate annual earned premium from all individual health benefit plans in the State for the carrier and any other carriers in the same insurance holding company system, as defined in § 7–101 of this article, is less than \$10,000,000; or

2. the only individual health benefit plans that the carrier offers in the State are student health plans as defined in 45 C.F.R. § 147.145;

(ii) the Commissioner determines that the carrier complies with the procedures established under paragraph (3) of this subsection; and

(iii) when the carrier ceases to meet the requirements for the exemption, the carrier provides to the Commissioner immediate notice and its plan for complying with the requirement in paragraph (1) of this subsection.

(3) The Commissioner shall establish procedures for a carrier to submit evidence each year that the carrier meets the requirements necessary to qualify for an exemption under paragraph (2) of this subsection.

(4) Notwithstanding the exemption provided in paragraph (2) of this subsection, any carrier that offers a catastrophic plan, as defined by the Affordable Care Act, in the State also must offer at least one catastrophic plan in the Maryland Health Benefit Exchange.

(5) Notwithstanding the exemption provided in paragraph (2) of this subsection, the Commissioner, in consultation with the Maryland Health Benefit Exchange:

(i) may assess the impact of the exemption provided in paragraph (2) of this subsection and, based on that assessment, alter the limit on the amount of annual premiums that may not be exceeded to qualify for the exemption; and

(ii) shall make any change in the exemption requirement by regulation.

[(c) (1) For each calendar quarter, a carrier that offers individual health benefit plans in the State shall submit to the Commissioner a report that includes:

(i) the number of applications submitted to the carrier for individual coverage; and

(ii) the number of declinations issued by the carrier for individual coverage.

(2) The report required under paragraph (1) of this subsection shall be filed with the Commissioner no later than 30 days after the last day of the quarter for which the information is provided.

(d) (1) If a carrier denies coverage under a medically underwritten health benefit plan to an individual in the nongroup market, the carrier shall provide:

(i) the individual with specific information regarding the availability of coverage under the Maryland Health Insurance Plan established under Title 14, Subtitle 5 of this article; and

(ii) the Maryland Health Insurance Plan with:

1. the name and address of the individual who was denied coverage; and

2. if the individual applied for coverage through an insurance producer, the name and, if available, the address of the insurance producer.

(2) The information provided by a carrier under this subsection shall be provided in a manner and form required by the Commissioner.]

15–1316.

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

(2) “Dependent” means an individual who is or who may become eligible for coverage under the terms of a health benefit plan because of a relationship with another individual.

(3) “Qualifying coverage in an eligible employer–sponsored plan” has the meaning stated in 45 C.F.R. § 155.300.

~~(b) (1) Beginning October 15, 2014, a carrier that sells health benefit plans to individuals in the State shall establish an annual open enrollment period.~~

~~(2) The annual open enrollment period shall begin on October 15 and extend through December 7 each year.~~

(b) (1) Beginning [October 15, 2014.] NOVEMBER 15, 2014, UNLESS AN ALTERNATIVE DATE IS ADOPTED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES, a carrier that sells health benefit plans to individuals in the State shall establish an annual open enrollment period.

(2) THE ANNUAL OPEN ENROLLMENT PERIOD FOR 2014 SHALL BEGIN ON NOVEMBER 15, 2014, AND EXTEND THROUGH JANUARY 15, 2015, UNLESS ALTERNATIVE DATES ARE ADOPTED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES.

[(2)] (3) The annual open enrollment period FOR YEARS BEGINNING ON AND AFTER JANUARY 1, 2015, shall begin on October 15 and extend through December 7 each year.

~~(3)~~ **(4)** During the annual open enrollment period, an individual shall be permitted to:

- (i) enroll in a health benefit plan offered by the carrier;
- (ii) discontinue enrollment in a health benefit plan offered by the carrier; or
- (iii) change enrollment in a health benefit plan offered by the carrier to a different health benefit plan offered by the carrier.

~~(4) If an individual enrolls in a health benefit plan offered by the carrier during the annual open enrollment period, the effective date of coverage shall be January 1 of the following calendar year.~~

(5) IF AN INDIVIDUAL ENROLLS IN A HEALTH BENEFIT PLAN OFFERED BY THE CARRIER DURING THE ANNUAL OPEN ENROLLMENT PERIOD FOR 2014, THE EFFECTIVE DATE OF COVERAGE SHALL BE:

(I) JANUARY 1, 2015, IF THE APPLICATION IS RECEIVED BY THE CARRIER ON OR BEFORE DECEMBER 15, 2014, UNLESS AN ALTERNATIVE DATE IS ADOPTED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES; AND

(II) FEBRUARY 1, 2015, IF THE APPLICATION IS RECEIVED BY THE CARRIER FROM DECEMBER 16, 2014, THROUGH JANUARY 15, 2015, UNLESS AN ALTERNATIVE DATE IS ADOPTED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES.

[(4)] (6) If an individual enrolls in a health benefit plan offered by the carrier during the annual open enrollment period FOR YEARS BEGINNING ON AND AFTER JANUARY 1, 2015, the effective date of coverage shall be January 1 of the following calendar year.

(c) (1) A carrier shall provide a special open enrollment period for each individual who experiences a triggering event.

(2) The special open enrollment period shall be for at least 60 days, beginning on the date of the triggering event.

(3) During the special open enrollment period, a carrier shall permit an individual who experiences a triggering event to enroll in or change from one health benefit plan offered by the carrier to another health benefit plan offered by the carrier.

(4) A triggering event occurs when:

(i) subject to paragraph (5) of this subsection, an individual or dependent loses minimum essential coverage;

(ii) an individual gains a dependent or becomes a dependent through marriage, birth, adoption, [or] placement for adoption, **OR PLACEMENT IN FOSTER CARE;**

(iii) an individual's or a dependent's enrollment or nonenrollment in a qualified health plan is, as evaluated and determined by the Individual Exchange:

1. unintentional, inadvertent, or erroneous; and
2. the result of the error, misrepresentation, or inaction of an officer, employee, or agent of the Individual Exchange or the U.S. Department of Health and Human Services or its instrumentalities;

(iv) an individual or a dependent who is enrolled in a qualified health plan in the Individual Exchange adequately demonstrates to the Individual Exchange that the qualified health plan in which the individual or dependent is enrolled substantially violated a material provision of the qualified health plan's contract in relation to the individual or dependent;

(v) 1. an individual or a dependent enrolled in the same health benefit plan is determined newly eligible or newly ineligible for advance payments of federal premium tax credits or has a change in eligibility for federal cost-sharing reductions; **OR**

2. AN INDIVIDUAL OR A DEPENDENT WHO IS ENROLLED IN AN ELIGIBLE EMPLOYER-SPONSORED PLAN IS DETERMINED NEWLY ELIGIBLE FOR ADVANCE PAYMENTS OF FEDERAL PREMIUM TAX CREDITS BASED IN PART ON A FINDING THAT THE INDIVIDUAL IS INELIGIBLE FOR QUALIFYING COVERAGE IN AN ELIGIBLE EMPLOYER-SPONSORED PLAN IN ACCORDANCE WITH 26 C.F.R. § 1.36B-2(C)(3), INCLUDING AS A RESULT OF THE EMPLOYEE'S EMPLOYER DISCONTINUING OR CHANGING AVAILABLE COVERAGE WITHIN THE NEXT 60 DAYS, PROVIDED THAT THE INDIVIDUAL IS ALLOWED TO TERMINATE EXISTING COVERAGE;

(vi) an individual or a dependent gains access to a new health benefit plan as a result of a permanent move;

(vii) the individual or dependent is enrolled in an employer-sponsored health benefit plan that is not qualifying coverage in an eligible employer-sponsored plan and is allowed to terminate existing coverage; **[or]**

(viii) for a health benefit plan offered through the Individual Exchange:

1. an individual who was not previously a citizen, national, or lawfully present individual becomes a citizen, national, or lawfully present individual; or

2. an individual or a dependent demonstrates to the Individual Exchange, in accordance with guidelines issued by the U.S. Department of Health and Human Services, that the individual or dependent meets other exceptional circumstances as the Individual Exchange may provide; **OR**

(IX) IT HAS BEEN DETERMINED BY THE EXCHANGE THAT A QUALIFIED INDIVIDUAL WAS NOT ENROLLED IN A QUALIFIED HEALTH PLAN, WAS NOT ENROLLED IN THE QUALIFIED HEALTH PLAN SELECTED BY THE INDIVIDUAL, OR IS ELIGIBLE FOR, BUT IS NOT RECEIVING, ADVANCE FEDERAL PREMIUM TAX CREDITS OR COST-SHARING REDUCTIONS AS A RESULT OF MISCONDUCT ON THE PART OF A NON-EXCHANGE ENTITY PROVIDING ENROLLMENT ASSISTANCE OR CONDUCTING ENROLLMENT ACTIVITIES.

(5) Loss of minimum essential coverage under paragraph (4)(i) of this subsection does not include loss of coverage due to:

(i) failure to pay premiums on a timely basis, including COBRA premiums prior to expiration of COBRA coverage; or

(ii) a rescission authorized under 45 C.F.R. § 147.128.

(6) If a triggering event described in paragraph (4)(iii) of this subsection occurs, the Individual Exchange may take action as may be necessary to correct or eliminate the effects of the error, misrepresentation, or inaction.

(7) If a triggering event described in paragraph [(4)(v)] **(4)(V)2** of this subsection occurs, a carrier shall permit an individual or a dependent[, whose existing coverage through] **WHO IS ENROLLED IN** an employer–sponsored plan [will no longer be affordable or provide minimum value for the upcoming plan year of the individual’s employer, to access the special open enrollment period before the end of the individual’s coverage through the employer–sponsored plan] **AND WHO WILL LOSE ELIGIBILITY FOR QUALIFYING COVERAGE IN AN ELIGIBLE EMPLOYER–SPONSORED PLAN WITHIN THE NEXT 60 DAYS TO ACCESS THE SPECIAL ENROLLMENT PERIOD PRIOR TO THE END OF THE INDIVIDUAL’S EXISTING COVERAGE, ALTHOUGH THE INDIVIDUAL IS NOT ELIGIBLE FOR ADVANCE PAYMENT OF THE FEDERAL PREMIUM TAX CREDIT UNTIL THE END OF THE INDIVIDUAL’S COVERAGE IN AN ELIGIBLE EMPLOYER–SPONSORED PLAN.**

(8) If an individual or a dependent meets the requirements for the triggering event described in paragraph (4)(vii) of this subsection, the special open enrollment period shall begin at least 60 days before the end of the individual’s or dependent’s coverage under the employer–sponsored plan.

(d) An individual who is an Indian, as defined in § 4 of the federal Indian Health Care Improvement Act, may enroll in a health benefit plan in the Individual Exchange or change from one health benefit plan in the Individual Exchange to another health benefit plan in the Individual Exchange one time per month.

(e) (1) A carrier shall provide a limited open enrollment period for an individual who is enrolled in a noncalendar year individual health benefit plan to enroll in a health benefit plan issued by the carrier.

(2) The limited enrollment period required by paragraph (1) of this subsection shall:

(i) begin on the date that is at least 30 calendar days before the date the noncalendar year health benefit plan’s policy year ends in 2014; and

(ii) last at least 60 days.

(f) If an individual enrolls for coverage during one of the open enrollment or special open enrollment periods described in this section, coverage shall be effective in accordance with the requirements in 45 C.F.R. § 155.420.

(g) (1) A health maintenance organization may:

(i) limit the individuals who may apply for coverage to those who live or reside in the health maintenance organization's service area; and

(ii) deny coverage to individuals if the health maintenance organization has demonstrated to the Commissioner that:

1. it will not have the capacity to deliver services adequately to any additional individuals because of its obligations to existing enrollees; and

2. it is applying the provisions of this paragraph uniformly to all individuals without regard to the claims experience of those individuals and their dependents or any health status-related factor relating to the individuals and their dependents.

(2) A health maintenance organization that denies coverage to an individual in accordance with paragraph (1) of this subsection may not offer coverage in the individual market within the service area to any individual for a period of 180 days after the date the coverage is denied.

(3) Paragraph (2) of this subsection does not:

(i) limit the health maintenance organization's ability to renew coverage already in force; or

(ii) relieve the health maintenance organization of the responsibility to renew coverage already in force.

(h) (1) A carrier may deny a health benefit plan to an individual if the carrier has demonstrated to the Commissioner that:

(i) it does not have the financial reserves necessary to offer additional coverage; and

(ii) it is applying the provisions of this paragraph uniformly to all individuals in the individual market in the State without regard to the claims experience of those individuals and their dependents or any health status-related factor relating to the individuals and their dependents.

(2) A carrier that denies a health benefit plan to an individual in the State under paragraph (1) of this subsection may not offer coverage in the individual market before the later of:

(i) the 181st day after the date the carrier denies coverage; and

(ii) the date the carrier demonstrates to the Commissioner that the carrier has sufficient financial reserves to underwrite additional coverage.

(3) Paragraph (2) of this subsection does not:

(i) limit the carrier's ability to renew coverage already in force;

or

(ii) relieve the carrier of the responsibility to renew coverage already in force.

(4) Health benefit plans offered after the time period described in paragraph (2) of this subsection are subject to the requirements of this section.

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

Article – Insurance

15–1301.

(g) (1) “Creditable coverage” means coverage of an individual under:

(i) an employer sponsored plan;

(ii) a health benefit plan;

(iii) Part A or Part B of Title XVIII of the Social Security Act;

(iv) Title XIX OR **TITLE XXI** of the Social Security Act, other than coverage consisting solely of benefits under § 1928 of that Act;

(v) Chapter 55 of Title 10 of the United States Code;

(vi) a medical care program of the Indian Health Service or of a tribal organization;

(vii) a State health benefits risk pool;

(viii) a health plan offered under the Federal Employees Health Benefits Program (FEHBP), Title 5, Chapter 89 of the United States Code;

(ix) a public health plan as defined by federal regulations authorized by the Public Health Service Act, § 2701(c)(1)(i), as amended by P.L. 104–191; or

(x) a health benefit plan under § 5(e) of the Peace Corps Act, 22 U.S.C. 2504(e).

(2) A period of creditable coverage shall not be counted, with respect to enrollment of an individual under a health benefit plan or an employer sponsored plan, if, after such period and before the enrollment date, there was a 63–day period during all of which the individual was not covered under any creditable coverage.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of the termination provision specified in Section 6 of Chapter 692 of the Acts of the General Assembly of 2008, as amended by Chapter 734 of the Acts of the General Assembly of 2010.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2014.

Approved by the Governor, April 8, 2014.

Chapter 24

(Senate Bill 97)

AN ACT concerning

Insurance – Public Adjusters – Prohibited Inducements

FOR the purpose of prohibiting a person from paying, allowing, or giving, or offering to pay, allow, or give, directly or indirectly, any valuable consideration to an insured as an inducement to use the services of a public adjuster; and generally relating to insurance and public adjusters.

BY adding to

Article – Insurance

Section 10–409.1

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Insurance

Section 10–410

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

10–409.1.

EXCEPT AS OTHERWISE EXPRESSLY PROVIDED BY LAW, A PERSON MAY NOT PAY, ALLOW, OR GIVE, OR OFFER TO PAY, ALLOW, OR GIVE, DIRECTLY OR INDIRECTLY, ANY VALUABLE CONSIDERATION TO AN INSURED AS AN INDUCEMENT TO USE THE SERVICES OF A PUBLIC ADJUSTER.

10–410.

(a) The Commissioner may deny a license to an applicant or suspend, revoke, or refuse to renew or reinstate a license after notice and opportunity for a hearing under §§ 2–210 through 2–214 of this article if the applicant or licensee:

- (1) has violated this article;
- (2) has made a material misstatement in the application for the license;
- (3) has engaged in fraudulent or dishonest practices;
- (4) has demonstrated incompetency or untrustworthiness to act as a public adjuster;
- (5) has misappropriated, converted, or unlawfully withheld money that belongs to an insurer, insurance producer, insured, or other person;
- (6) has willfully and materially misrepresented the provisions of a policy;
- (7) has been convicted of a felony, a crime of moral turpitude, or any criminal offense involving dishonesty or breach of trust;
- (8) has willfully failed to comply with or has willfully violated a proper order or regulation of the Commissioner;
- (9) has failed or refused to pay on demand money that belongs to an insurer, insurance producer, insured, or other person entitled to the money;

(10) is not carrying on or does not intend to carry on business in good faith while representing to the public that the person is a public adjuster;

(11) has been denied a license or has had a license suspended or revoked in another state; or

(12) has knowingly employed or knowingly continued to employ an individual acting in a fiduciary capacity who has been convicted within the preceding 10 years of a felony or crime of moral turpitude.

(b) (1) The Commissioner may deny a license to a business entity applicant or suspend, revoke, or refuse to renew or reinstate the license of a business entity after notice and opportunity for a hearing under §§ 2–210 through 2–214 of this article, if an individual listed in paragraph (2) of this subsection:

(i) violates any provision of this article;

(ii) is convicted of a felony, a crime of moral turpitude, or any criminal offense involving dishonesty or breach of trust; or

(iii) has any professional license suspended or revoked for a fraudulent or dishonest practice.

(2) The sanctions provided for under this subsection may be imposed on a business entity if the violation was committed by an individual who:

(i) is a public adjuster employed by the business entity;

(ii) 1. in the case of a limited liability company, is an officer, director, member, or manager;

2. in the case of a partnership, is a partner; and

3. in the case of a corporation, is a director, officer, or controlling owner; or

(iii) has direct control over the fiscal management of the business entity.

(c) Instead of or in addition to suspending or revoking the license of a public adjuster, the Commissioner may impose on the licensee a penalty of not less than \$100 but not exceeding \$500 for each violation of this article.

(d) Instead of or in addition to suspending or revoking the license, the Commissioner may require that restitution be made to any citizen who has suffered financial injury because of the violation of this article.

(e) If the license is suspended under this section, the Commissioner may require the individual to pass an examination and file a new application before the suspension is lifted.

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

Approved by the Governor, April 8, 2014.

Chapter 25

(Senate Bill 98)

AN ACT concerning

Health Insurance – Medicare Marketing Rules

FOR the purpose of requiring an insurance producer, when soliciting or advertising the sale of a Medicare Advantage Plan, Medicare Advantage Prescription Drug Plan, Medicare Prescription Drug Plan (Part D), or Medicare Section 1876 cost plan, to comply with the Centers for Medicare and Medicaid Services' Medicare Marketing Guidelines, including the prohibitions against certain activities; and generally relating to Medicare marketing rules.

BY adding to

Article – Insurance

Section 27–224

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

27–224.

WHEN SOLICITING OR ADVERTISING THE SALE OF A MEDICARE ADVANTAGE PLAN, MEDICARE ADVANTAGE PRESCRIPTION DRUG PLAN, MEDICARE PRESCRIPTION DRUG PLAN (PART D), OR MEDICARE SECTION 1876 COST PLAN, AN INSURANCE PRODUCER SHALL COMPLY WITH THE CENTERS FOR MEDICARE AND MEDICAID SERVICES' MEDICARE MARKETING GUIDELINES, AS MAY BE AMENDED FROM TIME TO TIME, INCLUDING THE PROHIBITIONS AGAINST:

(1) ENGAGING IN DOOR-TO-DOOR SOLICITATION, INCLUDING LEAVING WRITTEN INFORMATION AT A RESIDENCE OR ON A VEHICLE;

(2) APPROACHING A MEDICARE BENEFICIARY IN A COMMON AREA, INCLUDING A PARKING LOT, HALLWAY, LOBBY, OR SIDEWALK; AND

(3) ENGAGING IN TELEPHONE OR ELECTRONIC SOLICITATION.

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

Approved by the Governor, April 8, 2014.

Chapter 26

(Senate Bill 99)

AN ACT concerning

Insurance – Fraud Violations – Civil and Criminal Actions

FOR the purpose of providing that a criminal prosecution for engaging in insurance fraud may be brought in certain counties in the State; authorizing the Maryland Insurance Commissioner, for a civil fraud violation, to impose administrative penalties and order restitution under a certain provision of law under certain circumstances; providing that, if insurance fraud is determined to have occurred in a certain location, a criminal or civil fraud action for all related violations may be joined in the same action; and generally relating to civil and criminal actions for insurance fraud.

BY adding to

Article – Insurance

Section 2–406

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 – Insurance

2–406.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CRIMINAL PROSECUTION FOR ENGAGING IN INSURANCE FRAUD MAY BE BROUGHT IN ANY COUNTY IN THE STATE IN WHICH:

- (1) AN ELEMENT OF THE INSURANCE FRAUD WAS COMMITTED;
- (2) THE PURPORTED INSURED LOSS OCCURRED;
- (3) THE INSURANCE POLICY IN QUESTION PROVIDES COVERAGE;
- (4) THE INSURER OR AN AGENT OF THE INSURER RECEIVED A FALSE OR MISLEADING STATEMENT OR DOCUMENT;
- (5) THE DEFENDANT OR RESPONDENT RESIDES; OR
- (6) MONEY OR OTHER BENEFIT WAS RECEIVED AS A RESULT OF THE INSURANCE FRAUD.

(B) FOR A CIVIL FRAUD VIOLATION, THE COMMISSIONER MAY IMPOSE ADMINISTRATIVE PENALTIES AND ORDER RESTITUTION UNDER § 27-408(C) OF THIS ARTICLE WHEN ONE OR MORE OF THE OCCURRENCES LISTED IN SUBSECTION (A) OF THIS SECTION TAKES PLACE IN THE STATE.

(C) IF INSURANCE FRAUD IS DETERMINED TO HAVE OCCURRED IN ANY OF THE LOCATIONS LISTED IN SUBSECTION (A) OF THIS SECTION, A CRIMINAL OR CIVIL FRAUD ACTION FOR ALL RELATED VIOLATIONS MAY BE JOINED IN THE SAME ACTION.

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

Approved by the Governor, April 8, 2014.

Chapter 27

(Senate Bill 100)

AN ACT concerning

Insurance – Premiums and Charges – Review of Administrative Expenses

FOR the purpose of requiring the Maryland Insurance Commissioner, when reviewing certain administrative expenses submitted by an authorized insurer that are

associated with late payments or installment payments, to include in the review the cost incurred by an authorized insurer or a certain vendor to accept late payments or installment payments by credit card, debit card, electronic funds transfer, or electronic check payment; and generally relating to the review of administrative expenses by the Maryland Insurance Commissioner.

BY repealing and reenacting, without amendments,

Article – Insurance

Section 27–216(a)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 27–216(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 – Insurance

27–216.

(a) A person may not willfully collect a premium or charge for insurance if the insurance is not then provided, or is not in due course to be provided subject to acceptance of the risk by the insurer, in a policy issued by an insurer as authorized by this article.

(b) (1) A person may not willfully collect a premium or charge for insurance that:

(i) exceeds or is less than the premium or charge applicable to that insurance under the applicable classifications and rates as filed with and approved by the Commissioner; or

(ii) if classifications, premiums, or rates are not required by this article to be filed with and approved by the Commissioner, exceeds or is less than the premium or charge specified in the policy and set by the insurer.

(2) Paragraph (1) of this subsection does not prohibit:

(i) a surplus lines broker that holds a certificate of qualification under Title 3, Subtitle 3 of this article from charging and collecting applicable State and federal taxes in addition to the required premium;

(ii) a life insurer from charging and collecting the amount actually expended for a medical examination of an applicant for life insurance or reinstatement of a policy of life insurance;

(iii) an insurance producer from charging a fee, not exceeding 15% of the premium, for services rendered in replacing insurance in an insurer if commissions are not payable by the insurer; or

(iv) a fund producer from charging and collecting, as actual expenses incurred in placing automobile insurance with the Maryland Automobile Insurance Fund:

1. a maximum charge of \$10 plus \$1 more than the actual charge by the Motor Vehicle Administration for a driving record required to be presented with the application, unless otherwise provided by the Fund; or

2. the amount provided in subsection (e) of this section.

(3) (i) Subject to subparagraphs (ii), (iii), (iv), and (v) of this paragraph, paragraph (1) of this subsection does not prohibit an authorized insurer from charging and collecting, if approved by the Commissioner, reasonable installment fees or reasonable fees for late payment of premiums by policyholders or both.

(ii) The Commissioner:

1. shall review administrative expenses submitted by an authorized insurer that are associated with late payments or installment payments, **INCLUDING THE COST INCURRED BY AN AUTHORIZED INSURER OR A VENDOR OF THE AUTHORIZED INSURER TO ACCEPT LATE PAYMENTS OR INSTALLMENT PAYMENTS BY CREDIT CARD, DEBIT CARD, ELECTRONIC FUNDS TRANSFER, OR ELECTRONIC CHECK PAYMENT**; and

2. may approve a late fee or installment fee not to exceed \$10.

(iii) A late fee may not be imposed:

1. during any grace period required by law or regulation on a policy of insurance; or

2. if no grace period is required by law or regulation on a policy of insurance, until 2 business days after the date the payment amount becomes due.

(iv) An authorized insurer shall credit each payment received from an insured to the premium owed by the insured before crediting the payment to a late fee or installment fee owed by the insured.

(v) A policy of insurance may not be canceled for the failure to pay a single late fee or single installment fee.

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

Approved by the Governor, April 8, 2014.

Chapter 28

(Senate Bill 101)

AN ACT concerning

Environment – Drinking Water Revolving Loan Fund – Use of Funds

FOR the purpose of authorizing the use of the Maryland Drinking Water Revolving Loan Fund to provide assistance in the form of grants, negative interest loans, forgiveness of principal, subsidized interest rates, or other forms of financial assistance, as authorized or required by federal law; and generally relating to the use of revolving loan funds in the Department of the Environment.

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1605.1(a)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1605.1(d)
Annotated Code of Maryland
(2007 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 – Environment

9–1605.1.

(a) (1) There is a Maryland Drinking Water Revolving Loan Fund. The Drinking Water Loan Fund shall be maintained and administered by the Administration in accordance with the provisions of this subtitle and such rules or program directives as the Secretary or the Board may from time to time prescribe.

(d) Amounts in the Drinking Water Loan Fund may be used only:

(1) To make loans at or below market rates on the condition that:

(i) The local government borrower will establish a dedicated source of revenue;

(ii) In the case of a water supply system owned by a borrower other than a local government, the borrower shall provide adequate security for the repayment of the loan;

(iii) The Drinking Water Loan Fund will be credited with all payments of principal and interest on all loans; and

(iv) Annual principal and interest payments will commence not later than 1 year after completion of any drinking water facility and, except as provided in § 130 of the federal Safe Drinking Water Act, all loans will be fully amortized not later than 20 years after project completion;

(2) To buy or refinance debt obligations of local governments issued by a local government for the purposes of financing all or a portion of the cost of a water supply system at or below market rates, if such debt obligations were incurred after July 1, 1993;

(3) To guarantee or purchase insurance for bonds, notes, or other evidences of indebtedness issued by a local government for the purposes of financing all or a portion of the cost of a water supply system, if such action would improve credit market access or reduce interest rates;

(4) As a source of revenue or security for the payment of principal and interest on bonds issued by the Administration if the proceeds of the sale of such bonds will be deposited in the Drinking Water Loan Fund;

(5) To earn interest on Drinking Water Loan Fund accounts;

(6) For the reasonable costs of administering the Drinking Water Loan Fund and conducting activities under any federal law that may apply to federal deposits to the Drinking Water Loan Fund;

(7) To establish a linked deposit program for loans in accordance with this subtitle and the federal Safe Drinking Water Act;

(8) For loan subsidies for disadvantaged communities as provided by the federal Safe Drinking Water Act, including but not limited to loan forgiveness, provided that such loan subsidies shall not exceed 30% of the annual federal capitalization grant received by the Administration;

(9) For any other purpose authorized for any federal funds deposited in the Drinking Water Loan Fund including, without limitation, any purpose authorized by the federal Safe Drinking Water Act, including source water protection expenditures eligible for assistance from the Drinking Water Loan Fund; and

(10) To provide financial assistance in the form of grants, negative interest loans, forgiveness of principal, subsidized interest rates, and any other form of financial assistance as authorized or required by [the]:

(I) THE American Recovery and Reinvestment Act of 2009, as may be amended and supplemented;

(II) § 302 OF THE FEDERAL SAFE DRINKING WATER ACT;

(III) TITLE VI OF THE FEDERAL WATER POLLUTION CONTROL ACT; OR

(IV) FEDERAL APPROPRIATIONS OR AUTHORIZATION ACTS.

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

Approved by the Governor, April 8, 2014.

Chapter 29

(Senate Bill 102)

AN ACT concerning

Health – Use of Alternate Care Sites During a State of Emergency – Authorization

FOR the purpose of authorizing the Governor to promulgate certain orders, rules, or regulations to authorize the use of certain alternate care sites by ~~accredited~~ licensed health care facilities during a declared state of emergency under certain circumstances; defining certain terms; and generally relating to the use of alternate care sites during a state of emergency.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 14–301 and 14–303(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

14–301.

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

(B) “ALTERNATE CARE SITE” MEANS AN AREA THAT:

(1) (I) IS NOT LOCATED ON A HEALTH CARE FACILITY’S PREMISES; OR

(II) IS LOCATED ON A HEALTH CARE FACILITY’S PREMISES IN AN AREA NOT TYPICALLY USED TO PROVIDE MEDICAL SERVICES, NURSING SERVICES, OR OTHER HEALTH–RELATED SERVICES; AND

(2) IS USED BY ~~AN ACCREDITED~~ A LICENSED HEALTH CARE FACILITY:

(I) TO PROVIDE MEDICAL SERVICES, NURSING SERVICES, OR OTHER HEALTH–RELATED SERVICES DURING A DECLARED STATE OF EMERGENCY; AND

(II) THAT HAS ACCESS TO AN EMERGENCY ELECTRICAL POWER GENERATOR.

[(b)] (C) “Energy emergency” means a situation in which the health, safety, or welfare of the public is threatened by an actual or impending acute shortage in energy resources.

(D) “HEALTH CARE FACILITY” HAS THE MEANING STATED IN § 19–114 OF THE HEALTH – GENERAL ARTICLE.

[(c)] (E) “Public emergency” means:

(1) a situation in which three or more individuals are at the same time and in the same place engaged in tumultuous conduct that leads to the commission of

unlawful acts that disturb the public peace or cause the unlawful destruction or damage of public or private property;

- (2) a crisis, disaster, riot, or catastrophe; or
- (3) an energy emergency.

14-303.

(b) After proclaiming a state of emergency, the Governor may promulgate reasonable orders, rules, or regulations that the Governor considers necessary to protect life and property or calculated effectively to control and terminate the public emergency in the emergency area, including orders, rules, or regulations to:

- (1) control traffic, including public and private transportation, in the emergency area;
- (2) designate specific zones in the emergency area in which the occupancy and use of buildings and vehicles may be controlled;
- (3) control the movement of individuals or vehicles into, in, or from the designated zones;
- (4) control places of amusement and places of assembly;
- (5) control individuals on public streets;
- (6) establish curfews;
- (7) control the sale, transportation, and use of alcoholic beverages;
- (8) control the possession, sale, carrying, and use of firearms, other dangerous weapons, and ammunition; [and]
- (9) control the storage, use, and transportation of explosives or flammable materials or liquids considered to be dangerous to public safety, including "Molotov cocktails"; AND

(10) AUTHORIZE THE USE OF ALTERNATE CARE SITES.

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

Approved by the Governor, April 8, 2014.

Chapter 30**(Senate Bill 103)**

AN ACT concerning

Public Health Programs for Children – Renaming and Modernization

FOR the purpose of changing the name of the Program for Hearing–Impaired Infants to the Early Hearing Detection and Intervention Program; replacing obsolete terminology related to infant hearing ~~loss~~ *status*; changing the name of the Advisory Council for the Program to the Early Hearing Detection and Intervention Advisory Council; altering the membership and duties of the Advisory Council; altering the length of an Advisory Council member’s term; providing for staggered terms for Advisory Council members; altering the number of times the Advisory Council must meet each year; altering obsolete terminology relating to crippled children; altering the purpose of a certain program for certain children; authorizing the Department of Health and Mental Hygiene to adopt certain regulations; defining certain terms; altering certain definitions; repealing a certain definition; making certain conforming changes; specifying the terms of members of the Advisory Council; and generally relating to public health programs for children.

BY repealing and reenacting, with amendments,

Article – Education

Section 8–416(c)

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 13–601 through 13–605 to be under the amended subtitle “Subtitle 6.

Early Hearing Detection and Intervention Program”; and 15–125

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

8–416.

(c) The Program shall include the early intervention services provided or supervised by the Department, the Department of Health and Mental Hygiene, including the [Program for Hearing–Impaired Infants] **EARLY HEARING DETECTION AND INTERVENTION PROGRAM** established under Title 13, Subtitle 6

of the Health – General Article, the Department of Human Resources, and the Governor's Office for Children.

Article – Health – General

Subtitle 6. [Program for Hearing–Impaired Infants] EARLY HEARING DETECTION AND INTERVENTION PROGRAM.

13–601.

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

~~(b) [“Hearing impaired infant” means an infant who has an impairment that is] “HEARING LOSS” MEANS a dysfunction of the auditory system OR ANY NONTRANSIENT HEARING IMPAIRMENT of any type or degree which is sufficient to interfere with the acquisition and development of [speech and language] SPEECH–LANGUAGE skills with or without the use of sound amplification.~~

(B) “HEARING STATUS” MEANS THE STATE OF AN INDIVIDUAL’S ABILITY TO PERCEIVE SOUND, BASED ON AUDIOLOGICAL ASSESSMENT.

(c) “Infant” means a child who is under the age of 1 year.

(d) “Newborn” means a child up to 29 days old who is born [in or receives care in a hospital] in the State.

(e) “Program” means the program that the Secretary establishes to provide for [the] universal hearing screening of newborns and early identification and follow-up of [hearing–impaired infants] NEWBORNS and infants [who have a risk factor of developing a hearing impairment] ~~WITH HEARING LOSS OR WHO ARE AT RISK FOR DEVELOPING HEARING LOSS~~ **WHO HAVE, OR ARE AT RISK FOR DEVELOPING, A PERMANENT HEARING STATUS THAT AFFECTS SPEECH–LANGUAGE SKILLS.**

[(f) “Risk factor” includes any of the following factors that an infant may display and are considered relevant in determining the possibility of a hearing impairment:

(1) An admission for more than 48 hours to a neonatal intensive care nursery;

(2) An anatomical malformation that involves the head or neck, including:

(i) A dysmorphic appearance;

- (ii) A morphologic abnormality of the pinna;
 - (iii) An overt or submucous cleft palate; and
 - (iv) Any syndromal or nonsyndromal abnormality;
- (3) A severe asphyxia, including:
- (i) An infant with an Apgar score of 0–3 who fails to institute spontaneous respiration within 10 minutes; or
 - (ii) An infant with hypotonia that persists during the 1st 2 hours of the infant’s life;
- (4) A bacterial meningitis, especially H. influenza;
- (5) A birth weight of less than 1500 grams;
- (6) A congenital perinatal infection, including cytomegalovirus, herpes, rubella, syphilis, and toxoplasmosis;
- (7) A family history of a childhood hearing impairment; and
- (8) A hyperbilirubinemia at a level that exceeds indications for exchange transfusion.]

13–602.

(a) The Secretary shall establish a program for the universal hearing screening of newborns and early identification and follow-up of **NEWBORNS AND** infants who ~~have [a risk factor for developing a hearing impairment]~~ **HEARING LOSS OR WHO ARE AT RISK FOR HEARING LOSS HAVE, OR WHO ARE AT RISK FOR DEVELOPING, A PERMANENT HEARING STATUS THAT AFFECTS SPEECH-LANGUAGE SKILLS.**

(b) The program shall be based on the model system developed by the Department.

13–603.

(a) There is an **EARLY HEARING DETECTION AND INTERVENTION** Advisory Council for the ~~program~~ **PROGRAM.**

(b) (1) The Advisory Council consists of [11] **12** members appointed by the Secretary.

(2) Of the [11] 12 members:

(i) 1 shall be a physician with expertise in childhood hearing ~~loss~~ STATUS THAT AFFECTS SPEECH-LANGUAGE SKILLS;

(ii) 3 shall be from the field of education:

1. 1 shall be from the Maryland State Department of Education;

2. 1 shall be from the Maryland School for the Deaf; and

3. 1 shall be an educator of the deaf from a local education agency;

(iii) 1 shall be from the Maryland Department of Health and Mental Hygiene;

(iv) 1 shall be a mental health professional with expertise in the area of deafness;

(v) 2 shall be parents of [hearing-impaired] children ~~WITH HEARING LOSS~~ A PERMANENT HEARING STATUS THAT AFFECTS SPEECH-LANGUAGE SKILLS;

(vi) 1 shall be from the Maryland Association of the Deaf;

(vii) 1 shall be an audiologist with expertise in childhood hearing ~~loss~~ STATUS THAT AFFECTS SPEECH-LANGUAGE SKILLS; [and]

(viii) 1 shall be from the Alexander Graham Bell Association of Maryland; AND

(IX) 1 SHALL BE FROM THE GOVERNOR'S OFFICE OF THE DEAF AND HARD OF HEARING.

(C) (1) THE TERM OF A MEMBER IS 3 YEARS.

(2) THE TERM OF A MEMBER BEGINS JULY 1.

(3) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE ADVISORY COUNCIL ON JULY 1, 2014.

(4) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM OR UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(6) A MEMBER WHO SERVES 2 CONSECUTIVE 3-YEAR TERMS MAY NOT BE REAPPOINTED FOR 3 YEARS AFTER COMPLETION OF THOSE TERMS.

[(c)] (D) The Advisory Council shall elect a chairperson from among its members.

[(d)] (E) The Advisory Council shall meet at least [6] 4 times a year at the times and places that it determines.

[(e)] (F) A member of the Advisory Council:

(1) May not receive compensation; but

(2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

[(f)] (G) The Advisory Council shall:

(1) Advise the Department on the implementation of [universal hearing screening of newborns and an early identification program and follow-up of hearing-impaired infants and infants who have a risk factor of developing a hearing impairment] ~~THE PROGRAM~~ PROGRAM;

[(2)] Provide consultation to the Department in the development of the program;

(3) Make recommendations for operation of the program;

(4) Advise the Department:

(i) In setting standards for the program;

(ii) In monitoring and reviewing the program; and

(iii) In providing quality assurance for the program;]

[(5)] (2) Advise the Department on the development of protocols to assist hospitals, HEALTH CARE PROVIDERS, AND AUDIOLOGISTS in [implementing

universal] CONDUCTING UNIVERSAL NEWBORN hearing screening [of newborns] AND FOLLOW-UP HEARING EVALUATIONS OF INFANTS;

[(6)] (3) Provide consultation to the Department in the establishment of an educational program for families, professionals, and the public that can be integrated with existing State and local education agency programs; and

[(7)] (4) Review any materials the Department may distribute to the public concerning ~~[hearing-impaired] newborns and infants WHO HAVE OR ARE AT RISK FOR HEARING LOSS~~ THE PROGRAM.

[(g)] (H) In consultation with the Advisory Council, the Department shall develop guidelines for the operations of the Advisory Council.

13-604.

(a) The Secretary may contract with any qualified person to administer the ~~program~~ PROGRAM.

(b) The Secretary shall:

(1) Develop a system to gather and maintain data;

(2) Develop methods to:

(i) Contact parents or guardians of newborns and their identified primary care providers regarding the results of the newborn hearing screening;

(ii) Contact parents or guardians of ~~[hearing-impaired infants] NEWBORNS and infants [who have a risk factor of developing a hearing impairment] WITH HEARING LOSS OR WHO ARE AT RISK FOR HEARING LOSS~~ WHO HAVE, OR ARE AT RISK FOR DEVELOPING, A PERMANENT HEARING STATUS THAT AFFECTS SPEECH-LANGUAGE SKILLS; and

(iii) ~~[Refer the parents or guardians]~~ ENSURE FAMILIES ARE REFERRED to appropriate services;

(3) Establish a TOLL-FREE telephone ~~[hot] line to communicate information about hearing [impairment] LOSS and services for [hearing-impaired] infants~~ WITH HEARING LOSS OR WHO ARE AT RISK FOR HEARING LOSS STATUS THAT AFFECTS SPEECH-LANGUAGE SKILLS AND SERVICES FOR INFANTS WHO HAVE, OR ARE AT RISK FOR DEVELOPING, A PERMANENT HEARING STATUS THAT AFFECTS SPEECH-LANGUAGE SKILLS;

- (4) Appoint an Advisory Council for the ~~program~~ **PROGRAM**;
- (5) Meet annually with the Advisory Council; and
- (6) In consultation with the Advisory Council, adopt rules and regulations necessary to implement the ~~program~~ **PROGRAM**.

13–605.

(A) As part of the supplemental information required to be submitted to the Department as part of the birth event, a hospital shall include the results of the [universal] hearing screening of the newborn.

(B) THE DEPARTMENT MAY ADOPT REGULATIONS FOR RESULTS REPORTING PROCEDURES FOR HOSPITALS, BIRTHING SITES, AND AUDIOLOGISTS.

15–125.

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

(2) “CHILDREN” MEANS INDIVIDUALS UNDER THE AGE OF 12 YEARS.

(3) “YOUTH” MEANS AN INDIVIDUAL AT LEAST 12 YEARS OLD AND UNDER THE AGE OF 22 YEARS.

(B) The Department is the agency of this State[:

(1) To] **TO** administer a program of services for children **AND YOUTH** who [are crippled or who have conditions that lead to crippling; and

(2) To supervise the administration of the program services that the Department does not provide directly] **HAVE OR ARE SUSPECTED OF HAVING SPECIAL HEALTH CARE NEEDS.**

[(b)] (C) The [purposes] PURPOSE of this program [are:

- (1) To develop, extend, and improve services for finding these children;
- (2) To provide medical, surgical, corrective, and other services and care; and

(3) To provide facilities for diagnosis, hospitalization, and aftercare] **IS TO PROVIDE REIMBURSEMENT FOR MEDICAL, DIAGNOSTIC, CORRECTIVE, AND OTHER SERVICES AND CARE TO CHILDREN AND YOUTH WHO HAVE OR ARE SUSPECTED OF HAVING SPECIAL HEALTH CARE NEEDS.**

[(c)] **(D)** The Department may:

- (1) Prepare and administer detailed plans for these purposes;
- (2) Adopt rules and regulations for administering these plans;
- (3) Receive and, in accordance with these plans, spend all funds made available to the Department for these purposes; and
- (4) Cooperate with the federal government in extending and improving these services and in administering these plans.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the members of the Early Hearing Detection and Intervention Advisory Council shall expire as follows:

- (1) four members in 2015;
- (2) four members in 2016; and
- (3) four members in 2017.

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

Approved by the Governor, April 8, 2014.

Chapter 31

(Senate Bill 105)

AN ACT concerning

Health – Vital Records – Birth Certificates – Preparation and Filing Requirements

FOR the purpose of altering the period of time within which certain persons must prepare and file a birth certificate with the Department of Health and Mental Hygiene; altering the period of time within which certain persons must provide

certain information required on a birth certificate; altering the period of time within which the Secretary of Health and Mental Hygiene must verify a birth; and generally relating to birth certificates.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 4–208(a), (b), and (e)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 4–208(c) and (d)

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

4–208.

(a) (1) Within [72 hours] **5 CALENDAR DAYS** after a birth occurs in an institution, or en route to the institution, the administrative head of the institution or a designee of the administrative head shall:

(i) Prepare, on the form that the Secretary provides, a certificate of birth;

(ii) Secure each signature that is required on the certificate; and

(iii) File the certificate.

(2) The attending physician, physician assistant, nurse practitioner, or nurse midwife shall provide the date of birth and medical information that are required on the certificate within [72 hours] **5 CALENDAR DAYS** after the birth.

(3) The results of the universal hearing screening of newborns shall be incorporated into the supplemental information required by the Department to be submitted as a part of the birth event.

(4) Upon the birth of a child to an unmarried woman in an institution, the administrative head of the institution or the designee of the administrative head shall:

(i) Provide an opportunity for the child's mother and the father to complete a standardized affidavit of parentage recognizing parentage of the child on the standardized form provided by the Department of Human Resources under § 5-1028 of the Family Law Article;

(ii) Furnish to the mother written information prepared by the Child Support Enforcement Administration concerning the benefits of having the paternity of her child established, including the availability of child support enforcement services; and

(iii) Forward the completed affidavit to the Department of Health and Mental Hygiene, Division of Vital Records. The Department of Health and Mental Hygiene, Division of Vital Records shall make the affidavits available to the parents, guardian of the child, or a child support enforcement agency upon request.

(5) An institution, the administrative head of the institution, the designee of the administrative head of an institution, and an employee of an institution may not be held liable in any cause of action arising out of the establishment of paternity.

(6) If the child's mother was not married at the time of either conception or birth or between conception and birth, the name of the father may not be entered on the certificate without an affidavit of paternity as authorized by § 5-1028 of the Family Law Article signed by the mother and the person to be named on the certificate as the father.

(7) In any case in which paternity of a child is determined by a court of competent jurisdiction, the name of the father and surname of the child shall be entered on the certificate of birth in accordance with the finding and order of the court.

(8) If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate.

(b) Within [72 hours] **5 CALENDAR DAYS** after a birth occurs outside an institution, the birth shall be verified by the Secretary and a certificate of birth shall be prepared, on the form that the Secretary provides, and filed by one of the following, in the indicated order of priority:

(1) The attending individual.

(2) In the absence of an attending individual, the father or mother.

(3) In the absence of the father and the inability of the mother, the individual in charge of the premises where the birth occurred.

(c) When a birth occurs on a common carrier within the United States and the child is first removed from the carrier in this State, the birth shall be registered in

this State, and the place where the child is first removed shall be considered the place of birth.

(d) When a birth occurs on a common carrier while in international waters, air space, or in a foreign country and the child is first removed from the carrier in this State, the birth shall be registered in this State but the certificate shall show the actual place of birth insofar as can be determined.

(e) The certificate shall be filed within [72 hours] **5 CALENDAR DAYS** after the child is removed from the carrier.

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

Approved by the Governor, April 8, 2014.

Chapter 32

(Senate Bill 109)

AN ACT concerning

Public Ethics – Financial Disclosure Statements – Electronic Filing

FOR the purpose of requiring that certain financial disclosure statements be filed electronically with the State Ethics Commission; requiring the Ethics Commission to develop and implement certain procedures for the electronic filing of a financial disclosure statement and for the Ethics Commission to grant exemptions to the mandatory electronic filing requirement; and generally relating to the electronic filing of financial disclosure statements with the State Ethics Commission.

~~BY repealing and reenacting, with amendments,
Article – State Government
Section 5–602(a) and (d)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)~~

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 5–602
Annotated Code of Maryland
(As enacted by Chapter 94 (H.B. 270) of the Acts of the General Assembly of
2014)

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

~~Article – State Government~~

~~15-602.~~

~~(a) Except as otherwise provided in this subtitle, a statement filed under § 15-601, § 15-603, § 15-604, or § 15-605 of this subtitle shall:~~

- ~~(1) be filed ELECTRONICALLY with the Ethics Commission;~~
- ~~(2) be filed under oath;~~
- ~~(3) be filed on or before April 30 of each year;~~
- ~~(4) cover the calendar year immediately preceding the year of filing;~~
- ~~(5) contain the information required in § 15-607 of this subtitle.~~

and

~~(d) (1) The Ethics Commission shall develop AND IMPLEMENT procedures [under which]:~~

~~(i) FOR THE ELECTRONIC FILING OF a statement under this subtitle [may be filed electronically and without additional cost to the individual who files the statement]; AND~~

~~(ii) FOR THE ETHICS COMMISSION TO GRANT AN EXEMPTION TO THE REQUIREMENT UNDER SUBSECTION (A)(1) OF THIS SECTION.~~

~~(2) (i) To comply with the requirement of paragraph (1) of this subsection, the Ethics Commission may adopt regulations to modify the format for disclosure of information required under § 15-607 of this subtitle.~~

~~(ii) The regulations adopted under this paragraph shall be consistent with the intent of this title.~~

Article – General Provisions

5-602.

(a) Except as otherwise provided in this subtitle, a statement filed under § 5-601, § 5-603, § 5-604, or § 5-605 of this subtitle shall:

- (1) be filed ELECTRONICALLY with the Ethics Commission;
 - (2) be filed under oath;
 - (3) be filed on or before April 30 of each year;
 - (4) cover the calendar year immediately preceding the year of filing;
- and
- (5) contain the information required in § 5–607 of this subtitle.

(b) A member of the General Assembly shall file the statement with the Ethics Commission and the Joint Ethics Committee.

(c) (1) In addition to the statement filed under § 5–601 of this subtitle, a member of the General Assembly shall file a preliminary disclosure on or before the seventh day of the regular legislative session if there will be a substantial change in the statement covering the calendar year immediately preceding the year of filing, as compared to the next preceding calendar year.

(2) A member of the General Assembly whose statement under § 5–601 of this subtitle will not contain a substantial change is not required to file a preliminary disclosure under paragraph (1) of this subsection.

(3) The Joint Ethics Committee shall determine:

- (i) the form of a preliminary disclosure under this subsection;
- and
- (ii) which aspects of financial disclosure are subject to this subsection.

(4) A preliminary disclosure shall be filed and maintained, and may be disclosed, in the same manner required for a statement filed under § 5–601 of this subtitle.

(d) (1) The Ethics Commission shall develop AND IMPLEMENT procedures [under which]:

(I) FOR THE ELECTRONIC FILING OF a statement under this subtitle [may be filed electronically and without additional cost to the individual who files the statement]; AND

(II) FOR THE ETHICS COMMISSION TO GRANT AN EXEMPTION TO THE REQUIREMENT UNDER SUBSECTION (A)(1) OF THIS SECTION.

(2) (i) To comply with the requirement of paragraph (1) of this subsection, the Ethics Commission may adopt regulations to modify the format for disclosure of information required under § 5–607 of this subtitle.

(ii) The regulations adopted under this paragraph shall be consistent with the intent of this title.

(e) (1) If the financial disclosure statement filed electronically under subsection (d) of this section is required to be made under oath or affirmation, the oath or affirmation shall be made by an electronic signature that is:

(i) in the financial disclosure statement or attached to and made part of the financial disclosure statement; and

(ii) made expressly under the penalties for perjury.

(2) An electronic signature made under paragraph (1) of this subsection subjects the individual making it to the penalties for perjury to the same extent as an oath or affirmation made before an individual authorized to administer oaths.

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

Approved by the Governor, April 8, 2014.

Chapter 33

(Senate Bill 118)

AN ACT concerning

Juvenile Law – Juvenile Services Education – Facilities

FOR the purpose of repealing a certain requirement that the Department of Juvenile Services adopt regulations requiring the provision of year-round educational services in residential programs; repealing a certain requirement that the State Department of Education develop and implement an educational program specific to the Charles H. Hickey, Jr. School; repealing certain requirements related to the transmission of certain records under certain circumstances; repealing a certain authorization that the State Superintendent of Schools may impose certain corrective actions under certain circumstances; repealing a certain requirement that the Department of Juvenile Services work cooperatively with the State Department of Education to facilitate the

implementation of a certain education program and the attendance of students in the program; making a certain conforming change; and generally relating to juvenile services education.

BY repealing and reenacting, with amendments,

Article – Human Services

Section 9–227(b)(3)

Annotated Code of Maryland

(2007 Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 22–303

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing

Article – Education

Section 22–308

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 – Human Services

9–227.

(b) The Department shall:

(3) [except as provided in § 22–308 of the Education Article,] adopt regulations that require each State residential program to provide:

(i) [year–round educational programs that are designed to meet the particular needs of its residents;

(ii)] medical and mental health assessment services;

[(iii)] (II) alcohol abuse and drug abuse assessment services;

[(iv)] (III) either alcohol abuse and drug abuse referral services or an alcohol abuse and drug abuse treatment program that has been certified in accordance with the requirements of Title 8 of the Health – General Article; and

[(v)] (IV) a safe, humane, and caring environment.

Article – Education

22–303.

(a) (1) The Department shall develop and implement juvenile services educational programs at all residential facilities of the Department of Juvenile Services by July 1, 2014.

(2) This subsection does not prohibit the Department from contracting with a private party to provide educational services for students with special needs under the control and general management of the Department.

(b) On or before February 1, 2006, and every other year thereafter until 2014, the Department shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly on the Department's implementation of this subtitle, including:

(1) The identification of all residential facilities for which the Department has assumed responsibility for the educational services; and

(2) All facilities for which the Department plans to assume responsibility during the next calendar year.

[(c) The Department's responsibility for the Charles H. Hickey, Jr. School shall be governed by § 22–308 of this subtitle.]

[22–308.

(a) The Department shall develop and implement an educational program designed to meet the particular needs of the population at the Charles H. Hickey, Jr. School in Baltimore County.

(b) (1) For each student placed at the Charles H. Hickey, Jr. School, the local school system in which the student was last enrolled shall transmit within 5 days of notice of the placement, the complete record of the student including medical information in the custody of the local school system.

(2) The Charles H. Hickey, Jr. School shall transmit the complete student record to the local school system where a student released from the Charles H. Hickey, Jr. School is enrolled within 5 days of notice of the student's enrollment.

(3) The State Superintendent may impose appropriate corrective action including withholding or redirection of funding if either a local school system or the Charles H. Hickey, Jr. School fails to comply with the timely transmission of the student record.

(c) The Department of Juvenile Services shall work cooperatively with the Department to:

(1) Facilitate the full implementation of the educational program at the Charles H. Hickey, Jr. School; and

(2) Make students available for attendance during scheduled class time.]

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

Approved by the Governor, April 8, 2014.

Chapter 34

(Senate Bill 119)

AN ACT concerning

Workers' Compensation – Subsequent Injury Fund – Billing Address Notification

FOR the purpose of requiring an employer or its insurer that is liable for payment of certain Subsequent Injury Fund assessments to notify the Subsequent Injury Fund of a certain address on or before a certain date; requiring the employer or its insurer to notify the Subsequent Injury Fund of any change of address within a certain time period; and generally relating to the Subsequent Injury Fund.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 9–806(a)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY adding to
Article – Labor and Employment
Section 9–806(a)(3)
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

9–806.

(a) (1) The Commission shall impose an assessment of 6.5%, payable to the Subsequent Injury Fund, on:

(i) each award against an employer or its insurer for permanent disability or death, including awards for disfigurement and mutilation;

(ii) except as provided in paragraph (2) of this subsection, each amount payable by an employer or its insurer under a settlement agreement approved by the Commission; and

(iii) each amount payable under item (i) or (ii) of this paragraph by the Property and Casualty Guaranty Corporation on behalf of an insolvent insurer.

(3) (I) ON OR BEFORE JULY 1, 2014, AND ON OR BEFORE JULY 1 EACH YEAR THEREAFTER, AN EMPLOYER OR ITS INSURER THAT IS LIABLE FOR PAYMENT OF AN ASSESSMENT IMPOSED UNDER THIS SECTION SHALL NOTIFY THE SUBSEQUENT INJURY FUND OF THE CURRENT BILLING ADDRESS TO WHICH NOTICES OF PAYMENT SHALL BE SENT.

(II) AN EMPLOYER OR ITS INSURER THAT HAS PROVIDED NOTICE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL NOTIFY THE SUBSEQUENT INJURY FUND OF ANY CHANGE OF BILLING ADDRESS WITHIN 30 DAYS OF THE CHANGE OF ADDRESS.

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

Approved by the Governor, April 8, 2014.

Chapter 35

(Senate Bill 122)

AN ACT concerning

Juvenile Law – Detention – Community Detention Violation Hearings

FOR the purpose of requiring an intake officer who authorized detention of a child for a violation of community detention to immediately file a certain petition; requiring that a hearing on a certain petition be held no later than the next

court day unless extended under certain circumstances; requiring certain notice of the hearing be given to certain persons; and generally relating to violations of community detention.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–15
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

3–8A–15.

(a) Only the court or an intake officer may authorize detention, community detention, or shelter care for a child who may be in need of supervision or delinquent.

(b) If a child is taken into custody under this subtitle, the child may be placed in detention or community detention prior to a hearing if:

- (1) Such action is required to protect the child or others; or
- (2) The child is likely to leave the jurisdiction of the court.

(c) A child taken into custody under this subtitle may be placed in emergency shelter care or community detention prior to a hearing if:

(1) (i) Such action is required to protect the child or person and property of others;

(ii) The child is likely to leave the jurisdiction of the court; or

(iii) There is no parent, guardian, or custodian or other person able to provide supervision and care for the child and return the child to the court when required; and

(2) (i) 1. Continuation of the child in the child's home is contrary to the welfare of the child; and

2. Removal of the child from the child's home is reasonable under the circumstances due to an alleged emergency situation and in order to provide for the safety of the child; or

(ii) 1. Reasonable but unsuccessful efforts have been made to prevent or eliminate the need for removal from the child's home; and

2. As appropriate, reasonable efforts are being made to return the child to the child's home.

(d) (1) If the child is not released, the intake officer or the official who authorized detention, community detention, or shelter care under this section shall immediately file a petition to authorize continued detention, community detention, or shelter care.

(2) A hearing on the petition shall be held not later than the next court day, unless extended for no more than 5 days by the court upon good cause shown.

(3) Reasonable notice, oral or written, stating the time, place, and purpose of the hearing, shall be given to the child and, if they can be found, the child's parents, guardian, or custodian.

(4) Except as provided in paragraph (5) of this subsection, shelter care may not be ordered for a period of more than 30 days unless an adjudicatory or waiver hearing is held.

(5) For a child in need of supervision or a delinquent child, shelter care may be extended for an additional period of not more than 30 days if the court finds after a hearing held as part of the adjudication that continued shelter care is consistent with the circumstances stated in subsections (b) and (c) of this section.

(6) (i) An adjudicatory or waiver hearing shall be held no later than 30 days after the date a petition for detention or community detention is granted.

(ii) If a child is detained or placed in community detention after an adjudicatory hearing, a disposition hearing shall be held no later than 14 days after the adjudicatory hearing.

(iii) Detention or community detention time may be extended in increments of not more than 14 days where the petition charges the child with a delinquent act and where the court finds, after a subsequent hearing, that extended detention or community detention is necessary either:

1. For the protection of the child; or

2. For the protection of the community.

(e) (1) Detention or community detention may not be continued beyond emergency detention or community detention unless, upon an order of court after a

hearing, the court has found that one or more of the circumstances stated in subsection (b) of this section exist.

(2) A court order under this paragraph shall:

(i) Contain a written determination of whether or not the criteria contained in subsection (c)(1) and (2) of this section have been met; and

(ii) Specify which of the circumstances stated in subsection (b) of this section exist.

(3) (i) If the court has not specifically prohibited community detention, the Department of Juvenile Services may release the child from detention into community detention and place the child in:

1. Shelter care; or

2. The custody of the child's parent, guardian, custodian, or other person able to provide supervision and care for the child and to return the child to court when required.

(ii) If a child who has been released by the Department of Juvenile Services or the court into community detention violates the conditions of community detention, and it is necessary to protect the child or others, an intake officer may authorize the detention of the child.

(iii) The Department of Juvenile Services shall promptly notify the court of:

1. The release of a child from detention under subparagraph (i) of this paragraph; or

2. The return to detention of a child under subparagraph (ii) of this paragraph.

(IV) 1. IF A CHILD IS RETURNED TO DETENTION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE INTAKE OFFICER WHO AUTHORIZED DETENTION SHALL IMMEDIATELY FILE A PETITION TO AUTHORIZE CONTINUED DETENTION.

2. ~~UNLESS EXTENDED BY THE COURT, ON GOOD CAUSE SHOWN FOR NO MORE THAN 5 DAYS, A~~ A HEARING ON THE PETITION TO AUTHORIZE CONTINUED DETENTION SHALL BE HELD NO LATER THAN THE NEXT COURT DAY, UNLESS EXTENDED FOR NO MORE THAN 5 DAYS BY THE COURT ON GOOD CAUSE SHOWN.

3. REASONABLE NOTICE, ORAL OR WRITTEN, STATING THE TIME, PLACE, AND PURPOSE OF THE HEARING, SHALL BE GIVEN TO THE CHILD AND, IF THEY CAN BE LOCATED, THE CHILD'S PARENTS, GUARDIAN, OR CUSTODIAN.

(f) Shelter care may only be continued beyond emergency shelter care if the court has found that:

(1) Continuation of the child in the child's home is contrary to the welfare of the child; and

(2) (i) Removal of the child from the child's home is necessary due to an alleged emergency situation and in order to provide for the safety of the child; or

(ii) Reasonable but unsuccessful efforts were made to prevent or eliminate the need for removal of the child from the home.

(3) (i) If the court continues shelter care on the basis of an alleged emergency, the court shall assess whether the absence of efforts to prevent removal was reasonable.

(ii) If the court finds that the absence of efforts to prevent removal was not reasonable, the court shall make a written determination so stating.

(4) The court shall make a determination as to whether reasonable efforts are being made to make it possible to return the child to the child's home or whether the absence of such efforts is reasonable.

(g) A child alleged to be delinquent may not be detained in a jail or other facility for the detention of adults.

(h) (1) A child alleged to be in need of supervision may not be placed in:

(i) Detention or community detention;

(ii) A State mental health facility; or

(iii) A shelter care facility that is not operating in compliance with applicable State licensing laws.

(2) Subject to paragraph (1)(iii) of this subsection, a child alleged to be in need of supervision may be placed in shelter care facilities maintained or approved by the Social Services Administration or the Department of Juvenile Services or in a private home or shelter care facility approved by the court.

(3) The Secretary of Human Resources and the Secretary of Juvenile Services together, when appropriate, with the Secretary of Health and Mental

Hygiene shall jointly adopt regulations to ensure that any child placed in shelter care pursuant to a petition filed under subsection (d) of this section be provided appropriate services, including:

- (i) Health care services;
- (ii) Counseling services;
- (iii) Education services;
- (iv) Social work services; and
- (v) Drug and alcohol abuse assessment or treatment services.

(4) In addition to any other provision, the regulations shall require:

(i) The Department of Juvenile Services to develop a plan within 45 days of placement of a child in a shelter care facility to assess the child's treatment needs; and

(ii) The plan to be submitted to all parties to the petition and their counsel.

(i) The intake officer or the official who authorized detention, community detention, or shelter care under this subtitle shall immediately give written notice of the authorization for detention, community detention, or shelter care to the child's parent, guardian, or custodian and to the court. The notice shall be accompanied by a statement of the reasons for taking the child into custody and placing him in detention, community detention, or shelter care. This notice may be combined with the notice required under subsection (d) of this section.

(j) (1) If a child is alleged to have committed a delinquent act, the court or a juvenile intake officer shall consider including, as a condition of releasing the child pending an adjudicatory or disposition hearing, reasonable protections for the safety of the alleged victim.

(2) If a victim has requested reasonable protections for safety, the court or juvenile intake officer shall consider including, as a condition of releasing the child pending an adjudicatory or disposition hearing, provisions regarding no contact with the alleged victim or the alleged victim's premises or place of employment.

(k) If a child remains in a facility used for detention for the specific act for which the child has been adjudicated delinquent for more than 25 days after the court has made a disposition on a petition under § 3–8A–19 of this subtitle, the Department of Juvenile Services shall:

(1) On the first available court date after the 25th day that the child remains in a facility used for detention, appear at a hearing before the court with the child to explain the reasons for continued detention; and

(2) Every 25 days thereafter, appear at another hearing before the court with the child to explain the reasons for continued detention.

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

Approved by the Governor, April 8, 2014.

Chapter 36

(Senate Bill 127)

AN ACT concerning

Department of Agriculture – Manure Transportation Project

FOR the purpose of authorizing the Department of Agriculture to determine the amount of certain cost–share matching funds provided under the Manure Transportation Project; repealing certain caps on the per ton amount of cost–share matching funds available under the Manure Transportation Project; and generally relating to the Manure Transportation Project.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 8–704.2
Annotated Code of Maryland
(2007 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

8–704.2.

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

(2) “Commercial poultry producer” means any entity that contracts with a farmer to raise poultry for the producer on property owned or leased by the farmer.

(3) “Project” means the Manure Transportation Project.

(b) It is the intent of the General Assembly that:

(1) The State and the commercial poultry producers shall facilitate the prompt transportation of poultry litter from farms in all areas of the State that experience phosphorus overenrichment;

(2) The State shall facilitate the transfer of livestock manure from farms in all parts of the State that experience phosphorus overenrichment;

(3) The Project shall encourage voluntary participation to achieve the removal of poultry litter produced by at least 20% of the poultry in the four lower Eastern Shore counties in Maryland; and

(4) The Project shall be implemented in conjunction with the Manure Matching Service set forth in § 8–704.1 of this subtitle.

(c) The purpose of the Project is to establish a cost share matching program to assist in the transportation of poultry or livestock manure from farms:

(1) To be used on land with soil having the capacity to hold additional phosphorus; or

(2) To be used in environmentally acceptable ways other than land application.

(d) The State shall provide [funding]:

(1) FUNDING for the Project by matching, **IN AN AMOUNT DETERMINED BY THE DEPARTMENT**, the amount of funds contributed by the commercial poultry producer industry for eligible costs, as determined by the Department, associated with the transportation and handling of poultry litter[. The State share may not exceed \$10 per ton for poultry manure or 87.5% up to \$20 per ton for livestock manure.]; **AND**

(2) UP TO 87.5% OF THE TRANSPORTATION AND HANDLING COSTS, AS DETERMINED BY THE DEPARTMENT, PER TON FOR LIVESTOCK MANURE.

(e) The Department of Agriculture shall adopt regulations authorizing the disbursement of cost–share matching funds consistent with the purposes of the Project.

(f) The Department of Agriculture shall provide the assistance necessary to ensure that poultry or livestock manure is tested in accordance with departmental procedures before transportation of the manure occurs.

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

Approved by the Governor, April 8, 2014.

Chapter 37

(Senate Bill 129)

AN ACT concerning

Public Ethics – Officials and Regulated Lobbyists – Late-Filing Penalties

FOR the purpose of altering certain fees that an official or a regulated lobbyist must pay for failing to file in a timely manner a required report or financial disclosure statement form with the State Ethics Commission; and generally relating to public ethics, officials, regulated lobbyists, and penalties.

~~BY repealing and reenacting, with amendments,
Article – State Government
Section 15–405
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)~~

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 5–405
Annotated Code of Maryland
(As enacted by Chapter 94 (H.B. 270) of the Acts of the General Assembly of
2014)

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

~~Article – State Government~~

~~15–405.~~

~~(a) After the Ethics Commission considers all of the evidence presented at the hearing, it shall make findings of fact and conclusions of law with respect to each alleged violation.~~

~~(b) If the Ethics Commission determines that the respondent has not violated this title, the Ethics Commission shall:~~

- ~~(1) dismiss the complaint in a signed order; and~~
- ~~(2) promptly send a copy of the order to the complainant and the respondent.~~

~~(c) If the Ethics Commission determines that the respondent has violated any provision of this title, the Ethics Commission may:~~

- ~~(1) issue an order of compliance directing the respondent to cease and desist from the violation;~~
- ~~(2) issue a reprimand; or~~
- ~~(3) recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal, if that discipline is authorized by law.~~

~~(d) If the Ethics Commission determines that a respondent has violated Subtitle 7 of this title, the Ethics Commission may:~~

- ~~(1) require a respondent who is a regulated lobbyist to file any additional reports or information that reasonably relates to information required under §§ 15-703 and 15-704 of this title;~~
- ~~(2) impose a fine not exceeding \$5,000 for each violation; or~~
- ~~(3) subject to subsection (c) of this section, suspend the registration of a regulated lobbyist.~~

~~(e) (1) If the Ethics Commission determines it necessary to protect the public interest and the integrity of the governmental process, the Ethics Commission may issue an order to:~~

- ~~(i) suspend the registration of an individual regulated lobbyist if the Ethics Commission determines that the individual regulated lobbyist:~~
 - ~~1. has knowingly and willfully violated Subtitle 7 of this title; or~~
 - ~~2. has been convicted of a criminal offense arising from lobbying activities; or~~

~~(ii) revoke the registration of an individual regulated lobbyist if the Ethics Commission determines that, based on acts arising from lobbying activities, the individual regulated lobbyist has been convicted of bribery, theft, or other crime involving moral turpitude.~~

~~(2) If the Commission suspends the registration of an individual regulated lobbyist under paragraph (1) of this subsection, the individual regulated lobbyist may not engage in lobbying for compensation for a period, not to exceed 3 years, that the Commission determines as to that individual regulated lobbyist is necessary to satisfy the purposes of this subsection.~~

~~(3) If the Commission revokes the registration of an individual regulated lobbyist under paragraph (1) of this subsection, the individual regulated lobbyist may not engage in lobbying for compensation.~~

~~(4) If the Ethics Commission initiates a complaint based on a violation or conviction described in paragraph (1) of this subsection, the Ethics Commission shall initiate the complaint within 2 years of:~~

~~(i) the Ethics Commission's knowledge of the violation; or~~

~~(ii) the date the conviction becomes final.~~

~~(5) The termination or expiration of the registration of an individual regulated lobbyist does not limit the authority of the Ethics Commission to issue an order under this subsection.~~

~~(f) (1) Subject to paragraph (2) of this subsection, an individual whose registration as an individual regulated lobbyist is revoked or suspended under subsection (c) of this section may apply to the Ethics Commission for reinstatement.~~

~~(2) The Ethics Commission may reinstate the registration of an individual whose registration as a regulated lobbyist has been revoked or suspended under subsection (c) of this section if the Commission determines that reinstatement of the individual would not be detrimental to the public interest and the integrity of the governmental process, based on:~~

~~(i) the nature and circumstances of the original misconduct or violation leading to revocation or suspension;~~

~~(ii) the individual's subsequent conduct and reformation; and~~

~~(iii) the present ability of the individual to comply with the provisions of the ethics law.~~

~~(g) (1) If the respondent is a regulated lobbyist, for each report required under Subtitle 7 of this title that is filed late the respondent shall pay a fee of \$10 for each late day, not to exceed a total of [\$250] \$1,000.~~

~~(2) If the respondent is an official, for each financial disclosure statement found to have been filed late, the respondent shall pay a fee of [\$2] \$5 for each late day, not to exceed a total of [\$250] \$500.~~

Article – General Provisions

5-405.

(a) After the Ethics Commission considers all of the evidence presented at the hearing, the Ethics Commission shall make findings of fact and conclusions of law with respect to each alleged violation.

(b) If the Ethics Commission determines that the respondent has not violated this title, the Ethics Commission shall:

(1) dismiss the complaint in a signed order; and

(2) promptly send a copy of the order to the complainant and the respondent.

(c) If the Ethics Commission determines that the respondent has violated any provision of this title, the Ethics Commission may:

(1) issue an order of compliance directing the respondent to cease and desist from the violation;

(2) issue a reprimand; or

(3) recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal, if that discipline is authorized by law.

(d) If the Ethics Commission determines that a respondent has violated Subtitle 7 of this title, the Ethics Commission may:

(1) require a respondent who is a regulated lobbyist to file any additional reports or information that reasonably relates to information required under §§ 5-703 and 5-704 of this title;

(2) impose a fine not exceeding \$5,000 for each violation; or

(3) subject to subsection (e) of this section, suspend the registration of a regulated lobbyist.

(e) (1) If the Ethics Commission determines it necessary to protect the public interest and the integrity of the governmental process, the Ethics Commission may issue an order to:

(i) suspend the registration of an individual regulated lobbyist if the Ethics Commission determines that the individual regulated lobbyist:

1. has knowingly and willfully violated Subtitle 7 of this title; or

2. has been convicted of a criminal offense arising from lobbying activities; or

(ii) revoke the registration of an individual regulated lobbyist if the Ethics Commission determines that, based on acts arising from lobbying activities, the individual regulated lobbyist has been convicted of bribery, theft, or other crime involving moral turpitude.

(2) If the Ethics Commission suspends the registration of an individual regulated lobbyist under paragraph (1) of this subsection, the individual regulated lobbyist may not engage in lobbying for compensation for a period, not to exceed 3 years, that the Ethics Commission determines as to that individual regulated lobbyist is necessary to satisfy the purposes of this subsection.

(3) If the Ethics Commission revokes the registration of an individual regulated lobbyist under paragraph (1) of this subsection, the individual regulated lobbyist may not engage in lobbying for compensation.

(4) If the Ethics Commission initiates a complaint based on a violation or conviction described in paragraph (1) of this subsection, the Ethics Commission shall initiate the complaint within 2 years after the earlier of:

(i) the Ethics Commission's knowledge of the violation; or

(ii) the date the conviction becomes final.

(5) The termination or expiration of the registration of an individual regulated lobbyist does not limit the authority of the Ethics Commission to issue an order under this subsection.

(f) (1) An individual whose registration as an individual regulated lobbyist is revoked or suspended under subsection (e) of this section may apply to the Ethics Commission for reinstatement.

(2) The Ethics Commission may reinstate the registration of an individual whose registration as a regulated lobbyist has been revoked or suspended

under subsection (e) of this section if the Ethics Commission determines that reinstatement of the individual would not be detrimental to the public interest and the integrity of the governmental process, based on:

(i) the nature and circumstances of the original misconduct or violation leading to revocation or suspension;

(ii) the individual's subsequent conduct and reformation; and

(iii) the present ability of the individual to comply with the ethics law.

(g) (1) If the respondent is a regulated lobbyist, for each report required under Subtitle 7 of this title that is filed late the respondent shall pay a fee of \$10 for each late day, not to exceed a total of [\$250] **\$1,000.**

(2) If the respondent is an official, for each financial disclosure statement found to have been filed late, the respondent shall pay a fee of [\$2] **\$5** for each late day, not to exceed a total of [\$250] **\$500.**

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

Approved by the Governor, April 8, 2014.

Chapter 38

(Senate Bill 130)

AN ACT concerning

**Commissioner of Labor and Industry and Workers' Compensation
Commission – Reports of Accidental Injury or Disability – Electronic Sharing**

FOR the purpose of repealing a certain requirement that an employer send copies of certain reports of an accident or injury to the Commissioner of Labor and Industry; repealing a certain requirement that the Workers' Compensation Commission report to the Commissioner of Labor and Industry a certain determination regarding industrial injuries associated with an employer or industry; requiring the Workers' Compensation Commission to provide the Commissioner of Labor and Industry with electronic access to certain employer reports of accidental injury or disability due to occupational disease; and generally relating to occupational safety and health, the Commissioner of Labor and Industry, and the Workers' Compensation Commission.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 5–702, 9–312, and 9–707
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

5–702.

(a) The Commissioner may require, by regulation, that an employer keep:

(1) an accurate record of:

(i) each work–related death;

(ii) each work–related illness; and

(iii) each work–related injury other than a minor injury that requires only first aid treatment and does not involve loss of consciousness, medical treatment, restriction of motion or work, or transfer to another job; and

(2) each other record about an activity of the employer under this title that the Commissioner considers appropriate or necessary to develop information about the causes and prevention of occupational accidents, illnesses, and injuries.

(b) Each employer shall make available to the Commissioner each record that the employer is required to keep under subsection (a)(2) of this section.

(c) [(1)] An employer shall report orally to the Commissioner an employment accident within 8 hours after it occurs if the accident results in:

[(i)] (1) the death of an employee; or

[(ii)] (2) hospitalization of at least three employees.

[(2)] Each employer shall send to the Commissioner a copy of each report of an accident or injury that the employer:

(i) is required, under Title 9 of this article, to send to the Workers' Compensation Commission; or

(ii) submits to the Injured Workers' Insurance Fund.]

9–312.

(a) [(1)] As soon as practicable after the end of the fiscal year, the Chairman of the Commission shall submit an annual report to the Governor.

[(2)] (B) The annual report shall include:

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

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

[(iii)] (3) statistical analyses of:

[1.] (I) the costs of workers' compensation;

[2.] (II) experiences; and

[3.] (III) industrial injuries.

[(b) Whenever the Commission determines there is probable cause to believe that, during the immediately preceding 1–year period, there has been an excessive number or a high rate of industrial injuries associated with an employer or industry, the Commission shall report the determination to the Commissioner of Labor and Industry.]

9–707.

(a) If an accidental personal injury causes disability for more than 3 days or death, the employer shall report the accidental personal injury and the disability or death to the Commission within 10 days after receiving oral or written notice of the disability or death.

(b) On learning or receiving notice that a covered employee has been disabled due to an occupational disease, the employer promptly shall report the disability to the Commission.

(c) Each report under subsection (a) or (b) of this section shall state:

(1) whether the accidental personal injury or occupational disease arose out of and in the course of employment;

(2) the time, cause, and nature of the disability and the accidental personal injury or occupational disease;

- (3) the probable duration of the disability; and
- (4) any other information that the Commission may require by regulation.

(D) THE COMMISSION SHALL PROVIDE THE COMMISSIONER OF LABOR AND INDUSTRY WITH ELECTRONIC ACCESS TO THE DATA CONTAINED IN THE REPORTS FILED UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION.

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

Approved by the Governor, April 8, 2014.

Chapter 39

(Senate Bill 144)

AN ACT concerning

Family Law – Foster Care – Kinship Parent Age Requirements

FOR the purpose of altering the age that a person must be to serve as a kinship parent for a child in need of out-of-home placement; repealing a provision authorizing a local department to waive the age requirement under certain circumstances; and generally relating to the age requirement for a kinship parent.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–534
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

5–534.

(a) In this section, “kinship parent” means an individual who is related by blood or marriage within five degrees of consanguinity or affinity under the civil law rule to a child who is in the care, custody, or guardianship of the local department and

with whom the child may be placed for temporary or long-term care other than adoption.

(b) The Administration shall establish a kinship care program.

(c) (1) In selecting a placement that is in the best interests of a child in need of out-of-home placement, the local department shall, as a first priority, attempt to place the child with a kinship parent.

(2) The local department shall exhaust all reasonable resources to locate a kinship parent for initial placement of the child.

(3) If no kinship parent is located at the time of the initial placement, the child shall be placed in a foster care setting.

(4) If a kinship parent is located subsequent to the placement of a child in a foster care setting, the local department may, if it is in the best interest of the child, place the child with the kinship parent.

(d) [(1)] A kinship parent may not be less than [21] 18 years of age.

[(2)] The local department may waive the age requirement of paragraph (1) of this subsection if a potential kinship parent:

(i) is at least 18 years of age; and

(ii) lives with a spouse who is at least 21 years of age.]

(e) The Administration shall adopt regulations to implement this section that are consistent with the provisions of this section.

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

Approved by the Governor, April 8, 2014.

Chapter 40

(Senate Bill 152)

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2013 – Dorchester County –
Cambridge Marine Terminal Redevelopment**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2013 to change the grantee 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 ZA00(AF)

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) ZA00 MISCELLANEOUS GRANT PROGRAMS

(AF) Cambridge Marine Terminal Redevelopment. Provide funds to the [Maryland Economic Development Corporation] **MAYOR AND CITY COMMISSION OF THE CITY OF CAMBRIDGE** for the design, construction, renovation, reconstruction, and capital equipping of improvements and redevelopment of the Cambridge Marine Terminal (Dorchester County) 1,500,000

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

Approved by the Governor, April 8, 2014.

Chapter 41

(Senate Bill 153)

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.

Approved by the Governor, April 8, 2014.

Chapter 42

(Senate Bill 154)

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.

Approved by the Governor, April 8, 2014.

Chapter 43

(Senate Bill 168)

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.

Approved by the Governor, April 8, 2014.

Chapter 44

(Senate Bill 183)

AN ACT concerning

Annual Curative Bill

FOR the purpose of generally curing previous Acts of the General Assembly with possible title defects; expanding the prohibition on the issuance of certain nonresident or resident alcoholic beverage dealer's permits to include a person who has a disclosed legal, equity, or security interest in a certain licensed malt beverage wholesaler; authorizing the Prince George's County Board of License Commissioners to issue a special 7-day Class B-GC (golf course) on-sale beer, wine, and liquor license in Prince George's County; altering a certain minimum distance restriction in Howard County so as to authorize the issuance of a Class B alcoholic beverages license for a restaurant located beyond a certain distance from a public school building; requiring the Maryland Stadium Authority, Baltimore City, the Baltimore City Board of School Commissioners, and the Interagency Committee on School Construction to submit a certain joint report on a certain date each year; providing for the effect and construction of certain provisions of this Act; making this Act an emergency measure; and generally repealing and reenacting without amendments certain Acts of the General Assembly that may be subject to possible title defects in order to validate those Acts.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 2-101(i)(2) and (v)(3), 8-505, and 9-214(b)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 8-204
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 10-645(l)
Annotated Code of Maryland
(2008 Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
The subtitle designation “Subtitle 33. Natalie M. LaPrade Medical Marijuana
Commission” immediately preceding § 13-3301(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 11-101(b) and (i)
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 2B – Alcoholic Beverages

2–101.

- (i) (2) A nonresident dealer's permit may not be issued to a person who:
- (i) Holds a wholesaler or retailer license of any class issued under this article;
 - (ii) Has an interest in a wholesaler licensed under this article;
- or
- (iii) Has an interest in a retailer licensed under this article.
- (v) (3) A resident dealer's permit may not be issued to a person who:
- (i) Holds a wholesaler or retailer license of any class issued under this article;
 - (ii) Has an interest in a wholesaler licensed under this article;
- or
- (iii) Has an interest in a retailer licensed under this article.

DRAFTER'S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 207 (Senate Bill 223) of the Acts of 2013.

8–505.

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Board" means the Prince George's County Board of License Commissioners.
 - (3) "Commission" means the Maryland–National Capital Park and Planning Commission.

(b) (1) The Board may issue special 7-day Class B–GC (golf course) on-sale beer, wine, and liquor licenses for the exclusive use on the premises of the Commission’s golf courses located within Prince George’s County.

(2) The special 7-day Class B–GC on-sale beer, wine, and liquor license authorizes the holder to sell beer, wine, and liquor from 1 or more outlets for consumption on the premises of the golf course.

(3) (i) A separate license is required for each applicable golf course.

(ii) A special 7-day Class B–GC on-sale beer, wine, and liquor license shall be issued to each of the managers of the Commission’s golf courses upon making application and qualifying as a license holder under this article.

(4) (i) Except as provided in this subsection, the hours of sale for beer, wine, and liquor under this license are from 9 a.m. to 10 p.m. daily, Monday through Sunday.

(ii) The Commission may:

1. Reduce the hours of sale of beer, wine, and liquor under this license; and

2. Discontinue the sale of beer, wine, and liquor under this license from Labor Day through Memorial Day.

(5) The annual fee for a special 7-day Class B–GC on-sale beer, wine, and liquor license is \$500.

DRAFTER’S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 665 (House Bill 1074) of the Acts of 2013.

9–214.

(b) (1) (i) Subject to the provisions of subparagraph (ii) of this paragraph, a license to sell alcoholic beverages may not be first issued after June 30, 1971, for any building located within 500 feet of the nearest point of a public school building.

(ii) A Class B license to sell alcoholic beverages may not be issued for a restaurant located within 400 feet from the nearest point of a public school building.

DRAFTER'S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 142 (House Bill 901) of the Acts of 2013.

Article – Business Regulation

8–204.

(a) (1) (i) Subject to subparagraph (ii) of this paragraph, a majority of the members then serving on the Commission is a quorum.

(ii) A quorum may not be fewer than 4 members.

(2) The Commission may not act unless at least a majority of the members then serving concur.

(b) (1) The Commission shall meet at least once every 2 months.

(2) The Commission may hold meetings at the times and places in the State that it determines.

(c) On or before December 1 of each year, the Commission shall 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, regarding:

(1) the attendance record of each Commission meeting, disaggregated by the constituency that the attendee represents pursuant to the attendee's appointment under § 8–202(a)(2) of this subtitle;

(2) how many claims were closed at each meeting; and

(3) how many claims remain open at the conclusion of each meeting.

(d) Each member of the Commission is entitled to:

(1) compensation in accordance with the State budget; and

(2) reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(e) The Commission shall have its office in Baltimore City.

DRAFTER'S NOTE:

Error: Function paragraph of bill being cured incorrectly indicated that only § 8–204(a) and (b) of the Business Regulation Article were being amended.

Occurred: Chapter 440 (Senate Bill 66) of the Acts of 2013.

Article – Economic Development

10–645.

(1) On October 1, 2013, and each October 1 thereafter, the Authority, Baltimore City, the Baltimore City Board of School Commissioners, and the Interagency Committee on School Construction jointly shall report to the Governor, the Board of Public Works and, in accordance with § 2–1246 of the State Government Article, the fiscal committees of the General Assembly, on the progress of replacements, renovations, and maintenance of Baltimore City public school facilities, including actions:

- (1) taken during the previous fiscal year; and
- (2) planned for the current fiscal year.

DRAFTER’S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 647 (House Bill 860) of the Acts of 2013.

Article – Health – General

Subtitle 33. Natalie M. LaPrade Medical Marijuana Commission.

13–3301.

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

DRAFTER’S NOTE:

Error: Function paragraph of bill being cured failed to correctly state the new subtitle designation.

Occurred: Chapter 403 (House Bill 1101) of the Acts of 2013.

Article – State Finance and Procurement

11–101.

- (b) (1) “Architectural services” means professional or creative work that:
- (i) is performed in connection with the design and supervision of construction or landscaping; and
 - (ii) requires architectural education, training, and experience.
- (2) “Architectural services” includes consultation, research, investigation, evaluation, planning, architectural design and preparation of related documents, and coordination of services that structural, civil, mechanical, and electrical engineers and other consultants provide.
- (3) “Architectural services” does not include construction inspection services or services provided in connection with an energy performance contract for structural, mechanical, plumbing, or electrical engineering.
- (i) (1) “Engineering services” means professional or creative work that:
- (i) is performed in connection with any utility, structure, building, machine, equipment, or process, including structural, mechanical, plumbing, electrical, geotechnical, and environmental engineering; and
 - (ii) requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences.
- (2) “Engineering services” includes consultation, investigation, evaluation, planning, design, and inspection of construction to interpret and ensure compliance with specifications and design within the scope of inspection services.
- (3) “Engineering services” does not include services provided in connection with an energy performance contract.

DRAFTER’S NOTE:

Error: Function paragraph of bill being cured failed to indicate that § 11–101(b) and (i) of the State Finance and Procurement Article were being amended.

Occurred: Chapter 138 (House Bill 757) of the Acts of 2013.

SECTION 2. AND BE IT FURTHER ENACTED, That the Drafter’s Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety,

has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 8, 2014.

Chapter 45

(Senate Bill 184)

AN ACT concerning

Annual Corrective Bill

FOR the purpose of correcting certain errors and omissions in certain articles of the Annotated Code and in certain uncodified laws; clarifying language; correcting certain obsolete references; reorganizing certain sections of the Annotated Code; ratifying certain corrections made by the publishers of the Annotated Code; providing that this Act is not intended to affect any law other than to correct technical errors; providing for the correction of certain errors and obsolete provisions by the publishers of the Annotated Code; providing for the effect and construction of certain provisions of this Act; and making this Act an emergency measure.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 5–201(m–1)(11), 6–201(y)(7)(ii), 6–301(y)(8)(ii), 6–401(y)(2)(vi)2.,
8–224(g)(1)(ii), 8–603(d)(2), 10–202(p)(2), and 11–402(o)(2) and (3)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 12–107(b)(10)(i)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

(As enacted by Chapter 387 of the Acts of the General Assembly of 2013)

BY repealing

Article 41 – Governor – Executive and Administrative Departments

The title designation “Title 2. Executive Department – Generally”; the title designation “Title 18. Miscellaneous Provisions” and the subtitle designation “Subtitle 2. Additional Miscellaneous Provisions”

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 2–508(c)

Annotated Code of Maryland

(2007 Replacement Volume and 2013 Supplement)

BY adding to

Article – Business Occupations and Professions

Section 2–101(j)

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions

Section 2–101(j) through (n) and 19–401(b)(3)

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY repealing

Article – Business Occupations and Professions

Section 2–101(o)

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 12–124.1(a)(2), 12–312(a)(2), 12–409.1(a)(2), 12–410(a)(2),
12–1007(a)(2), 14–1103(a)(6), (8), (10), and (11), and 14–1212.3(m)(1)

Annotated Code of Maryland

(2013 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 2–309(b)(5) and (w)(3), 3–816.1(f)(5), 5–724(b), 9–109.1(a)(4), and
12–302(c)

Annotated Code of Maryland

(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 5–202(f)(1)(iii)

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 10–620(c)(2)
Annotated Code of Maryland
(2008 Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 3–110(b)(3)(i), 7–424(e), 7–1504(b), 8–405(f), 13–516(i)(1), 18–14A–01(a)
and (d), 18–1702(h), 23–607(b)(1), and 24–1003(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 5–301(d)(4)
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)
(As enacted by Chapter 22 of the Acts of General Assembly of 1978)

BY repealing and reenacting, with amendments,
Article – Education
Section 23–609(e)(3)(iii)2.
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)
(As enacted by Chapter 648 of the Acts of the General Assembly of 2013)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–227(c)(1)
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)
(As enacted by Chapter 419 of the Acts of the General Assembly of 2013)

BY repealing and reenacting, with amendments,
Article – Environment
Section 1–406, 2–202(a)(2)(vii), 2–1002(f)(3), 2–1103(2), 3–401(c)(4), 4–304(b),
5–204(b)(4), 5–602(b), 6–401(i), 6–823(b), and 8–501(b)(4)
Annotated Code of Maryland
(2013 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1605.2(a)(4), (b)(1)(i)1. and 2., and (2)(i) and (ii)1., (c)(1)(i)1., (d)(3)(i),
(4)(ii), and (5)(i), (h)(1), (2)(i), and (3)(ii) and (iii), (i)(2)(ix), and (j)(2)(viii)
and (6)(v) and 9–1701(e)(2)
Annotated Code of Maryland
(2007 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 4–506(b)(2)(iii), 5–592(b)(3)(ii), and 14–305(4)

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 2–104(j)(2); the subtitle designation “Subtitle 5. State Residential Centers for Individuals with an Intellectual Disability” immediately preceding Section 7–501; 13–203(a), 13–506(a)(2)(v), 13–1504(a)(1)(ix), 13–2103(8) and (9), 15–139(d)(1), 17–217(b)(2), 19–143(d)(3), and 19–308.9(b)(1)(ii)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 7–501(a)

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), 3–5A–09(2), 12–6C–03.2(b), 14–207(c)(2)(iii), 14–404(a)(41)(i)3., 14–5C–18(d), 14–5E–18(d), 15–310(a), 19–202(a)(2)(i)1., 19–302(b), and 19–308(f)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Human Services

Section 5–318.1(c)

Annotated Code of Maryland

(2007 Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–111(b), 15–508(a), 15–1212(e), 24–213(a), 27–501(c)(2), and 27–914(b)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–140(d)(2)(iii)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)
(As enacted by Chapter 159 of the Acts of the General Assembly of 2013)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–638(a)(1)(ii)1.
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Land Use
Section 9–802(b)(1) and 22–407(a)(1)
Annotated Code of Maryland
(2012 Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Local Government
Section 13–108(a)
Annotated Code of Maryland
(2013 Volume)

BY repealing and reenacting, with amendments,
Article – Local Government
Section 16–305(c)(3)
Annotated Code of Maryland
(2013 Volume)
(As enacted by Chapter 119 of the Acts of the General Assembly of 2013)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–403(e) and 10–908(a) and (b)(1)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–134(c) and 11–116(a)(2)(xiii) through (xvi) and (b)(2)(xiii) through
(xvi)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 7–105.9(b)(1)
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 11–101(b)(3)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 2–1237(a)(6)(iv)3., 9–1A–09(b)(1)(i), and 10–510(b)(1)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 23–201(a)(19) and 29–404(a)(1)(i)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 1–303(e)(2), 2–614(b)(1), 10–208(b)(1)(i) and (2)(i), 10–725(c)(3)(i), and
11–204(e)

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 2–1104(a)(1)

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

(As enacted by Chapter 180 of the Acts of the General Assembly of 2013)

BY adding to

Article – Tax – Property

Section 7–208(a)(4)

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 7–208(a)(4), 9–319(c)(2), and 12–117(b)(1)

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY repealing

Article – Tax – Property

Section 7–208(a)(5)

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

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–801.1(e)(1)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Chapter 180 of the Acts of the General Assembly of 2013
Section 5

BY repealing and reenacting, with amendments,
Chapter 424 of the Acts of the General Assembly of 2013
Section 28

BY repealing and reenacting, with amendments,
Chapter 492 of the Acts of the General Assembly of 2013
Section 3(a)(3)

BY repealing and reenacting, with amendments,
Chapter 524 of the Acts of the General Assembly of 2013
Section 2

BY repealing and reenacting, with amendments,
Chapter 617 of the Acts of the General Assembly of 2013
Section 3

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

Article 2B – Alcoholic Beverages

5–201.

- (m–1) (11) For a license with a catering option:
- (i) The issuing fee for a new license is \$625; and
 - (ii) The [issuing] ANNUAL fee is \$625.

DRAFTER’S NOTE:

Error: Incorrect word usage in Article 2B, § 5–201(m–1)(11)(ii).

Occurred: Ch. 387, Acts of 2013.

6–201.

(y) (7) (ii) Beginning on [May 1, 2016,] **JULY 1, 2014**, a licensee may elect to purchase wine and liquor from a licensed wholesaler under § 15–204(e) of this article.

DRAFTER'S NOTE:

Error: Obsolete date in Article 2B, § 6–201(y)(7)(ii).

Occurred: As a result of Ch. 584, Acts of 2013, which changed the date on or after which a licensee in Worcester County could elect to buy wine or liquor from a licensed wholesaler and not solely from the Worcester County Department of Liquor Control.

6–301.

(y) (8) (ii) Beginning on [May 1, 2016,] **JULY 1, 2014**, a licensee may elect to purchase wine and liquor from a licensed wholesaler under § 15–204(e) of this article.

DRAFTER'S NOTE:

Error: Obsolete date in Article 2B, § 6–301(y)(8)(ii).

Occurred: As a result of Ch. 584, Acts of 2013, which changed the date on or after which a licensee in Worcester County could elect to buy wine or liquor from a licensed wholesaler and not solely from the Worcester County Department of Liquor Control.

6–401.

(y) (2) (vi) 2. Beginning on [May 1, 2016,] **JULY 1, 2014**, a licensee may elect to purchase wine and liquor from a licensed wholesaler under § 15–204(e) of this article.

DRAFTER'S NOTE:

Error: Obsolete date in Article 2B, § 6–401(y)(2)(vi)2.

Occurred: As a result of Ch. 584, Acts of 2013, which changed the date on or after which a licensee in Worcester County could elect to buy wine or liquor from a licensed wholesaler and not solely from the Worcester County Department of Liquor Control.

8–224.

(g) (1) (ii) Beginning on [May 1, 2016,] **JULY 1, 2014**, a licensee may elect to purchase wine and liquor from a licensed wholesaler or may continue to purchase all alcoholic beverages, except light wine and beer, from the Worcester County Department of Liquor Control.

DRAFTER'S NOTE:

Error: Obsolete date in Article 2B, § 8–224(g)(1)(ii).

Occurred: As a result of Ch. 584, Acts of 2013, which changed the date on or after which a licensee in Worcester County could elect to buy wine or liquor from a licensed wholesaler and not solely from the Worcester County Department of Liquor Control.

8–603.

(d) (2) Beginning on [May 1, 2016,] **JULY 1, 2014**, a licensee may elect to purchase wine and liquor from a licensed wholesaler under § 15–204(e) of this article.

DRAFTER'S NOTE:

Error: Obsolete date in Article 2B, § 8–603(d)(2).

Occurred: As a result of Ch. 584, Acts of 2013, which changed the date on or after which a licensee in Worcester County could elect to buy wine or liquor from a licensed wholesaler and not solely from the Worcester County Department of Liquor Control.

10–202.

(p) In Somerset County:

(2) The applicant for the license shall pay the Board of License Commissioners a fee of \$350 to cover the costs of the advertising required by [paragraph] **ITEM** (1) of this subsection and the costs of processing the application; and

DRAFTER'S NOTE:

Error: Stylistic error in Article 2B, § 10–202(p)(2).

Occurred: Ch. 302, Acts of 2006.

11–402.

(o) (2) Notwithstanding [§] §§ 11-304(a)[, §] AND 11-514 OF THIS TITLE and any other restrictions as to hours imposed by this article, a licensee, except any Class A (off-sale) licensee, may remain open and sell alcoholic beverages authorized by his license at all times on January 1 of any year.

(3) Notwithstanding [§§ 6-101] § 6-101 OF THIS ARTICLE, [11-403] § 11-403 OF THIS SUBTITLE, and [11-514] § 11-514 OF THIS TITLE, a Class A beer, wine and liquor licensee may sell beer, wine, and liquor between the hours of 6:00 a.m. and midnight on any December 24 or December 31 regardless of which day of the week these dates fall on.

DRAFTER'S NOTE:

Error: Stylistic errors in Article 2B, § 11-402(o)(2) and (3).

Occurred: As a result of the renumbering of Article 2B – Alcoholic Beverages pursuant to Ch. 5, § 15, Acts of 1989.

12-107.

(b) (10) (i) This paragraph applies to an individual in:

1. A restaurant, club, or hotel for which a Class B or Class C license allowing the sale of wine is issued; [or]

2. An establishment in Garrett County for which a Class B-B&B (bed and breakfast) license is issued; **OR**

3. A RESTAURANT, CLUB, OR HOTEL IN MONTGOMERY COUNTY FOR WHICH A CLASS H LICENSE ALLOWING THE SALE OF WINE IS ISSUED.

DRAFTER'S NOTE:

Error: Incompatible language in Article 2B, § 12-107(b)(10)(i).

Occurred: As a result of Chs. 133 and 387, Acts of 2013, both of which amended Art. 2B, § 12-107(b)(1), but neither of which referred to the other. Effect has been given to both chapters by merging their language. Correction by the publisher of the Annotated Code in the 2013 Supplement of Article 2B is ratified by this Act.

Article 41 – Governor – Executive and Administrative Departments

[Title 2. Executive Department – Generally.]

DRAFTER'S NOTE:

Error: Obsolete title designation in Article 41.

Occurred: As a result of Ch. 3, Acts of 2007, which, by repealing Art. 41, Title 2, Subtitle 5 in its entirety, removed all remaining provisions of law from former Art. 41, Title 2. Correction by the publisher of the Annotated Code in the 2013 Supplement of Volume 2 of the Annotated Code of Maryland is ratified by this Act.

[Title 18. Miscellaneous Provisions.]

[Subtitle 2. Additional Miscellaneous Provisions.]

DRAFTER'S NOTE:

Error: Obsolete title and subtitle designations in Article 41.

Occurred: As a result of Chs. 43 and 119 of 2013, which repealed Art. 41, § 18–202 and Art. 41, § 18–201, respectively, the only provisions of law that remained in Title 18 and Subtitle 2. Correction by the publisher of the Annotated Code in the 2013 Supplement of Volume 2 of the Annotated Code of Maryland is ratified by this Act.

Article – Agriculture

2–508.

(c) If the Foundation receives acceptances of offers to buy in insufficient numbers to expend the total amount to be allotted for allotted purchases, the Foundation, to the extent feasible, shall tender additional offers to buy in sufficient numbers to expend the total amount to be allotted. Any such additional offers to buy shall be tendered:

(1) To landowners who have applied to sell easements on land which was otherwise acceptable, but who had not received an offer to buy solely because of limitations on the amount of money to be spent for allotted purchases;

(2) To applicants on a statewide basis as provided by the priority ranking system established under [§ 2–510(e)] **§ 2–510(F)** of this subtitle; and

(3) Only after the expiration of the period allowed for acceptance of offers to buy under allotted general and matching purchases.

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 2–508(c)(2) of the Agriculture Article.

Occurred: As a result of Ch. 238, Acts of 1989.

Article – Business Occupations and Professions

2–101.

(J) “NASBA” MEANS THE NATIONAL ASSOCIATION OF BOARDS OF ACCOUNTANCY.

[(j)] (K) “Permit” means, unless the context requires otherwise, a permit issued by the Board to allow a partnership or corporation to operate a business through which an individual may practice certified public accountancy.

[(k)] (L) “Permit fee” means the fee paid in connection with the issuance or renewal of a permit.

[(l)] (M) “Practice certified public accountancy” means to perform any of the following accountancy services:

(1) conducting an audit, review, or compilation of financial statements;
or

(2) providing a written certificate or opinion offering positive or negative assurance or full or limited assurance on the correctness of the information or on the fairness of the presentation of the information in:

- (i) a financial statement;
- (ii) a report;
- (iii) a schedule; or
- (iv) an exhibit.

[(m)] (N) “Practice privilege” means the right granted to an individual who is licensed by another state to practice certified public accountancy in this State without a license issued by this State.

[(n)] (O) “Principal place of business” means the office location designated by the licensee for purposes of substantial equivalency and reciprocity.

[(o)] “NASBA” means the National Association of Boards of Accountancy.]

DRAFTER’S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 2–101(j) through (o) of the Business Occupations and Professions Article.

Occurred: Ch. 536, Acts of 2008.

19–401.

(b) A licensed security guard agency may provide an uncertified individual for hire as a security guard if:

(3) the individual has obtained and currently possesses certification by the Maryland Police [and Corrections] Training Commission as a police officer.

DRAFTER’S NOTE:

Error: Misnomer in § 19–401(b)(3) of the Business Occupations and Professions Article.

Occurred: Ch. 602, Acts of 1996. Correction suggested by the Maryland Police and Correctional Commissions.

Article – Commercial Law

12–124.1.

(a) (2) “Covered loan” means a mortgage loan made under this subtitle that meets the criteria for a loan subject to the federal Home Ownership Equity Protection Act set forth in 15 U.S.C. [§ 1602(aa)] **§ 1602(BB)**, as modified from time to time by Regulation Z, 12 C.F.R. Part [226] **1026**, except that the comparison percentages for the mortgage loan shall be one percentage point less than those specified in 15 U.S.C. [§ 1602(aa)] **§ 1602(BB)**, as modified from time to time by Regulation Z, 12 C.F.R. Part [226] **1026**.

DRAFTER’S NOTE:

Error: Erroneous cross–references in § 12–124.1(a)(2) of the Commercial Law Article.

Occurred: As a result of the federal Dodd–Frank Wall Street Reform and Consumer Protection Act. Section 1100A of the Dodd–Frank Act renumbered the definitions in the federal Truth in Lending Act so that 15 U.S.C. § 1602(aa) became § 1602(bb). The Dodd–Frank Act also transferred authority over certain consumer protection laws, including the federal Truth in Lending Act, to the Consumer Financial Protection Bureau. The Bureau reissued and renumbered Regulation Z, which implements the federal Truth in Lending Act, so that Part 226 became Part 1026.

12–312.

(a) (2) “Covered loan” means a mortgage loan made under this subtitle that meets the criteria for a loan subject to the federal Home Ownership Equity Protection Act set forth in 15 U.S.C. [§ 1602(aa)] **§ 1602(BB)**, as modified from time to time by Regulation Z, 12 C.F.R. Part [226] **1026**, except that the comparison percentages for the mortgage loan shall be one percentage point less than those specified in 15 U.S.C. [§ 1602(aa)] **§ 1602(BB)**, as modified from time to time by Regulation Z, 12 C.F.R. Part [226] **1026**.

DRAFTER’S NOTE:

Error: Erroneous cross–references in § 12–312(a)(2) of the Commercial Law Article.

Occurred: As a result of the federal Dodd–Frank Wall Street Reform and Consumer Protection Act. See Drafter’s Note to § 12–124.1 of the Commercial Law Article.

12–409.1.

(a) (2) “Covered loan” means a mortgage loan made under this subtitle that meets the criteria for a loan subject to the federal Home Ownership Equity Protection Act set forth in 15 U.S.C. [§ 1602(aa)] **§ 1602(BB)**, as modified from time to time by Regulation Z, 12 C.F.R. Part [226] **1026**, except that the comparison percentages for the mortgage loan shall be one percentage point less than those specified in 15 U.S.C. [§ 1602(aa)] **§ 1602(BB)**, as modified from time to time by Regulation Z, 12 C.F.R. Part [226] **1026**.

DRAFTER’S NOTE:

Error: Erroneous cross–references in § 12–409.1(a)(2) of the Commercial Law Article.

Occurred: As a result of the federal Dodd–Frank Wall Street Reform and Consumer Protection Act. See Drafter’s Note to § 12–124.1 of the Commercial Law Article.

12–410.

(a) (2) “Covered loan” means a mortgage loan made under this subtitle that meets the criteria for a loan subject to the federal Home Ownership and Equity Protection Act set forth in 15 U.S.C. [§ 1602(aa)] **§ 1602(BB)**, as modified from time to time by Regulation Z, 12 C.F.R. Part [226] **1026**, except that the comparison percentages for the mortgage loan shall be one percentage point less than those specified in 15 U.S.C. [§ 1602(aa)] **§ 1602(BB)**, as modified from time to time by Regulation Z, 12 C.F.R. Part [226] **1026**.

DRAFTER'S NOTE:

Error: Erroneous cross–references in § 12–410(a)(2) of the Commercial Law Article.

Occurred: As a result of the federal Dodd–Frank Wall Street Reform and Consumer Protection Act. See Drafter's Note to § 12–124.1 of the Commercial Law Article.

12–1007.

(a) (2) “Covered loan” means a mortgage loan made under this subtitle that meets the criteria for a loan subject to the federal Home Ownership and Equity Protection Act set forth in 15 U.S.C. [§ 1602(aa)] **§ 1602(BB)**, as modified from time to time by Regulation Z, 12 C.F.R. Part [226] **1026**, except that the comparison percentages for the mortgage loan shall be one percentage point less than those specified in 15 U.S.C. [§ 1602(aa)] **§ 1602(BB)**, as modified from time to time by Regulation Z, 12 C.F.R. Part [226] **1026**.

DRAFTER'S NOTE:

Error: Erroneous cross–references in § 12–1007(a)(2) of the Commercial Law Article.

Occurred: As a result of the federal Dodd–Frank Wall Street Reform and Consumer Protection Act. See Drafter's Note to § 12–124.1 of the Commercial Law Article.

14–1103.

(a) A layaway agreement shall include:

(6) The sum of the cash price in [paragraph] **ITEM (4) OF THIS SUBSECTION** and the charges for services in [paragraph] **ITEM (5) OF THIS SUBSECTION**;

(8) The unpaid balance of the cash price payable by the buyer to the seller, which is **THE SUM SPECIFIED IN [paragraph] ITEM (6) OF THIS SUBSECTION** less **THE AMOUNT IN [paragraph] ITEM (7) OF THIS SUBSECTION**;

(10) The total of payments owed by the buyer to the seller, which is the sum of [paragraphs] **ITEMS (8) and (9) OF THIS SUBSECTION**, the number of installment payments required to pay it, and the amount and time of each payment;

(11) The layaway price, which is the sum of [paragraphs] **ITEMS (6) and (9) OF THIS SUBSECTION**; and

DRAFTER'S NOTE:

Error: Stylistic errors in § 14–1103(a)(6), (8), (10), and (11) and omitted words in § 14–1103(a)(8) of the Commercial Law Article.

Occurred: Ch. 673, Acts of 1978.

14–1212.3.

(m) (1) On the entry of an order for the adoption of a child who was in the custody of a local department under Title 5 of the Family Law Article, the Department shall provide notice to the adoptive parent of the provisions of § 14–1212.2 of this [title] **SUBTITLE** relating to the authority of the adoptive parent to request a security freeze by consumer **REPORTING** agencies.

DRAFTER'S NOTE:

Error: Stylistic error and omitted word in § 14–1212.3(m)(1) of the Commercial Law Article.

Occurred: Chs. 329 and 330, Acts of 2013. Correction of the omitted word is consistent with § 14–1201(e) of the Commercial Law Article, which defines the term “consumer reporting agency” for purposes of Title 14, Subtitle 12 of the Commercial Law Article. Correction suggested by the Attorney General in the Bill Review Letter for S.B. 897 (Ch. 329)/H.B. 1297 (Ch. 330) of 2013 (footnote 6), dated April 23, 2013.

Article – Courts and Judicial Proceedings

2–309.

(b) (5) If the Sheriff of Allegany County approves after considering personnel needs, the County Commissioners may authorize a deputy sheriff to perform off-duty services for any person who agrees to pay a fee, including [but not limited to,] hourly rates for off-duty service, any necessary insurance to be determined by the Commissioners, [including] any fringe [benefits] **BENEFITS**, and the reasonable rental cost of uniforms or other equipment used by any off-duty personnel.

(w) (3) If the Sheriff of Washington County approves after considering personnel needs, the County Commissioners may authorize a deputy sheriff to perform off-duty services for any person who agrees to pay a fee, including [but not limited to,] hourly rates for off-duty service, any necessary insurance to be determined by the Commissioners, [including] any fringe [benefits] **BENEFITS**, and the reasonable rental cost of uniforms or other equipment used by any off-duty personnel.

DRAFTER'S NOTE:

Error: Omitted comma and extraneous language in § 2–309(b)(5) and (w)(3) of the Courts and Judicial Proceedings Article.

Occurred: Ch. 811, Acts of 1977; Ch. 625, Acts of 1976.

3–816.1.

(f) If the court finds that reasonable efforts for a child were not made in accordance with subsection (b) of this section or finds that reasonable efforts were made but that one of the conditions described in subsection (e) of this section exists, the court promptly shall send its written findings to:

(5) Any individual or agency identified by a local department or the court as responsible for monitoring the care and services provided to children in the legal custody or guardianship of the local department on a [systemic] **SYSTEMATIC** basis.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 3–816.1(f)(5) of the Courts and Judicial Proceedings Article.

Occurred: Ch. 504, Acts of 2005.

5–724.

(b) A person who acts in good faith and within the scope of the jurisdiction of the Board is not civilly liable for giving information to the Board or otherwise participating in ITS activities.

DRAFTER’S NOTE:

Error: Omitted word in § 5–724(b) of the Courts and Judicial Proceedings Article.

Occurred: Ch. 404, Acts of 2013.

9–109.1.

(a) (4) “Psychiatric–mental health nursing specialist” means a registered nurse who:

(i) Has a master’s degree in psychiatric–mental health nursing;
[or]

(ii) Has a baccalaureate degree in nursing and a master's degree in a mental health field; or

(iii) Is certified as a clinical specialist in psychiatric and mental health nursing by the American Nurses' Association or by a body approved by the Board of Nursing.

DRAFTER'S NOTE:

Error: Extraneous conjunction in § 9–109.1(a)(4) of the Courts and Judicial Proceedings Article.

Occurred: Ch. 300, Acts of 1990.

12–302.

(c) **(1)** In a criminal case, the State may appeal as provided in this subsection.

[(1)] (2) The State may appeal from a final judgment granting a motion to dismiss or quashing or dismissing any indictment, information, presentment, or inquisition.

[(2)] (3) The State may appeal from a final judgment if the State alleges that the trial judge:

(i) Failed to impose the sentence specifically mandated by the Code; or

(ii) Imposed or modified a sentence in violation of the Maryland Rules.

[(3)] (4) (i) In a case involving a crime of violence as defined in § 14–101 of the Criminal Law Article, and in cases under §§ 5–602 through 5–609 and §§ 5–612 through 5–614 of the Criminal Law Article, the State may appeal from a decision of a trial court that excludes evidence offered by the State or requires the return of property alleged to have been seized in violation of the Constitution of the United States, the Maryland Constitution, or the Maryland Declaration of Rights.

(ii) The appeal shall be made before jeopardy attaches to the defendant. However, in all cases the appeal shall be taken no more than 15 days after the decision has been rendered and shall be diligently prosecuted.

(iii) Before taking the appeal, the State shall certify to the court that the appeal is not taken for purposes of delay and that the evidence excluded or the property required to be returned is substantial proof of a material fact in the proceeding. The appeal shall be heard and the decision rendered within 120 days of

the time that the record on appeal is filed in the appellate court. Otherwise, the decision of the trial court shall be final.

(iv) Except in a homicide case, if the State appeals on the basis of this paragraph, and if on final appeal the decision of the trial court is affirmed, the charges against the defendant shall be dismissed in the case from which the appeal was taken. In that case, the State may not prosecute the defendant on those specific charges or on any other related charges arising out of the same incident.

(v) 1. Except as provided in subparagraph 2 of this subparagraph, pending the prosecution and determination of an appeal taken under **THIS PARAGRAPH OR** paragraph [(1) or (3)] **(2)** of this subsection, the defendant shall be released on personal recognizance bail. If the defendant fails to appear as required by the terms of the recognizance bail, the trial court shall subject the defendant to the penalties provided in § 5–211 of the Criminal Procedure Article.

2. A. Pending the prosecution and determination of an appeal taken under **THIS PARAGRAPH OR** paragraph [(1) or (3)] **(2)** of this subsection, in a case in which the defendant is charged with a crime of violence, as defined in § 14–101 of the Criminal Law Article, the court may release the defendant on any terms and conditions that the court considers appropriate or may order the defendant remanded to custody pending the outcome of the appeal.

B. The determination and enforcement of any terms and conditions of release shall be in accordance with the provisions of Title 5 of the Criminal Procedure Article.

(vi) If the State loses the appeal, the jurisdiction shall pay all the costs related to the appeal, including reasonable attorney's fees incurred by the defendant as a result of the appeal.

DRAFTER'S NOTE:

Error: Tabulation error and erroneous internal cross references in § 12–302(c) of the Courts and Judicial Proceedings Article.

Occurred: Ch. 493, Acts of 1982, and Chs. 461 and 462, Acts of 2004.

Article – Criminal Procedure

5–202.

(f) (1) A District Court commissioner may not authorize the pretrial release of a defendant charged with one of the following crimes if the defendant has previously been convicted of one of the following crimes:

(iii) violating prohibitions relating to assault [pistols] **WEAPONS** under § 4–303 of the Criminal Law Article;

DRAFTER'S NOTE:

Error: Erroneous terminology in § 5–202(f)(1)(iii) of the Criminal Procedure Article.

Occurred: As a result of Ch. 427, Acts of 2013.

Article – Economic Development

10–620.

(c) (2) The Authority may exercise quick take condemnation under Article III, § 40A of the [State] **MARYLAND** Constitution to acquire in Baltimore City for the State private property for any purpose of the Authority:

(i) in accordance with §§ 8–334 through 8–339 of the Transportation Article and Title 12 of the Real Property Article; and

(ii) only in Camden Yards and at the Hippodrome Performing Arts site.

DRAFTER'S NOTE:

Error: Stylistic error in § 10–620(c)(2) of the Economic Development Article.

Occurred: Ch. 306, Acts of 2008.

Article – Education

3–110.

(b) (3) (i) The Governor shall designate as chair of the Commission one of the five members appointed by the Governor under [subsection (b)(2)(ii) of this section] **PARAGRAPH (2)(II) OF THIS SUBSECTION**.

DRAFTER'S NOTE:

Error: Stylistic error in § 3–110(b)(3)(i) of the Education Article.

Occurred: Ch. 454, Acts of 2007.

5–301.

(d) (4) In adopting any of these requirements, the State Board and the Board of Public Works shall provide for the maximum exercise of initiative by school personnel in each county to [insure] **ENSURE** that the school buildings and improvements meet both the needs of the local communities and the rules and regulations necessary to [insure] **ENSURE** the proper operation of this section and the prudent expenditure of State funds.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 5–301(d)(4) of the Education Article.

Occurred: Ch. 22, Acts of 1978. Correction by the publisher of the Annotated Code in the 2013 Supplement of the Education Article is ratified by this Act.

7–424.

(e) The information contained in a victim of bullying, harassment, or intimidation report form in accordance with subsection (c) of this section:

(1) Is confidential and may not be redisclosed except as otherwise provided under the Family [Education] **EDUCATIONAL** Rights and Privacy Act or this section; and

(2) May not be made a part of a student's permanent educational record.

DRAFTER'S NOTE:

Error: Misnomer in § 7–424(e)(1) of the Education Article.

Occurred: Ch. 398, Acts of 2007.

7–1504.

(b) Subject to subsection (c) of this section, the operation of the Center shall be supported by [funds]:

(1) [As] **FUNDS AS** provided by the Governor in the annual State budget;

(2) Grants or other assistance from local education agencies;

(3) Federal grants; and

(4) Any other grants or contributions from public or private entities received by the Center.

DRAFTER'S NOTE:

Error: Misplaced word in § 7–1504(b) of the Education Article.

Occurred: Ch. 372, Acts of 2013.

8–405.

(f) To fulfill the purposes of this section, school personnel may provide the documents required under this [subsection] **SECTION** through:

- (1) Electronic delivery;
- (2) Home delivery with the student; or
- (3) Any other reasonable and legal method of delivery.

DRAFTER'S NOTE:

Error: Stylistic error in § 8–405(f) of the Education Article.

Occurred: Ch. 386, Acts of 2012.

13–516.

(i) (1) The EMS Board may take action under subsection (h) of this section only after:

(i) A review and recommendation by the provider review panel;
and

(ii) [After the] **THE** individual against whom the action is contemplated has had an opportunity for a hearing in accordance with the provisions of Title 10, Subtitle 2 of the State Government Article.

DRAFTER'S NOTE:

Error: Extraneous word in § 13–516(i)(1)(ii) of the Education Article.

Occurred: Ch. 201, Acts of 1997, which originally enacted the error in § 13–516(h)(1)(ii) of the Education Article.

18–14A–01.

(a) (1) In this [section] **SUBTITLE** the following words have the meanings indicated.

(2) “Dually enrolled student” means a student who is dually enrolled in:

- (i) A secondary school in the State; and
- (ii) An institution of higher education in the State.

(3) [“Full-time equivalent enrollment” has the meaning stated in § 5–202 of this article.

(4)] “Grant” means the Early College Access Grant.

(d) A recipient of a grant shall:

(1) Be a **DUALLY ENROLLED** student [dually enrolled in the State]; and

(2) Demonstrate financial need according to criteria established by the Commission.

DRAFTER’S NOTE:

Error: Stylistic error in § 18–14A–01(a)(1); extraneous definition (defined term is not used in the subtitle) in § 18–14A–01(a)(3); and misplaced language in § 18–14A–01(d)(1) of the Education Article.

Occurred: Ch. 533, Acts of 2013; and misplaced language error, chs. 296 and 297, Acts of 2007. Corrections in § 18–14A–01(a) suggested by the Attorney General in the Bill Review Letter for S.B. 740 (Ch. 533) of 2013, dated May 8, 2013.

18–1702.

(h) The Shriver Center shall serve as a clearinghouse for public and nonprofit entities [who] **THAT** wish to hire public service summer interns participating in the Program.

DRAFTER’S NOTE:

Error: Grammatical error in § 18–1702(h) of the Education Article.

Occurred: Ch. 490, Acts of 2007.

23–607.

(b) (1) The employer automatically shall deduct from the paycheck of an employee who is a member of the **BARGAINING UNIT REPRESENTED BY THE** certified exclusive representative dues authorized and owed by the employee to the certified exclusive representative if the employee submits to the employer a dues deduction authorization card that has been duly executed by the employee.

DRAFTER'S NOTE:

Error: Omitted language in § 23–607(b)(1) of the Education Article.

Occurred: Ch. 648, Acts of 2013.

23–609.

(e) (3) (iii) 2. The County Executive shall select one of the offers submitted under [subparagraph] **SUBSUBPARAGRAPH 1** of this [paragraph] **SUBPARAGRAPH.**

DRAFTER'S NOTE:

Error: Stylistic error in § 23–609(e)(3)(iii)2 of the Education Article.

Occurred: Ch. 648, Acts of 2013. Correction by the publisher of the Annotated Code in the 2013 Supplement of the Education Article is ratified by this Act.

24–1003.

(a) The Board consists of the following voting members:

(1) One representative of each of the 4–year institutions of higher education offering a Commission–approved program at the Center and at a site, appointed by the institution;

(2) The following [ten] **NINE** representatives, appointed in accordance with the bylaws of the Board:

(i) Five members of the Frederick County Business Roundtable for Education Executive Committee who are appointed as representatives from the following groups:

1. The Frederick County Chamber of Commerce;
2. Frederick Community College;
3. Frederick County Public Schools;

- and
4. Frederick County Office of Economic Development;
 5. Frederick National Laboratory for Cancer Research (operating contractor);
 - (ii) Two representatives of regional businesses, industries, or corporations; and
 - (iii) Two representatives chosen from the community at-large;
 - (3) The President of Hood College; and
 - (4) The President of Mount St. Mary's University.

DRAFTER'S NOTE:

Error: Incorrect statement of the number of certain appointed members of the Frederick Regional Higher Education Advisory Board in § 24–1003(a)(2) of the Education Article.

Occurred: Ch. 375, Acts of 2013. Correction suggested by the Attorney General in the Bill Review Letter for H.B. 527 (Ch. 375) of 2013 (footnote 9), dated April 18, 2013. However, although the Attorney General was correct that the reference to “ten” appointed members was erroneous, the suggested change to “eleven” was incorrect in light of the fact that there are “nine” members of the Frederick Regional Higher Education Advisory Board appointed in accordance with the bylaws of the Board.

Article – Election Law

13–227.

(c) (1) Subject to [§ 13–226(d) of this subtitle and] paragraphs (2) and (3) of this subsection, during an election cycle, a campaign finance entity may not directly or indirectly make transfers in a cumulative amount of more than \$6,000 to any one other campaign finance entity.

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 13–227(c)(1) of the Election Law Article.

Occurred: Ch. 419, Acts of 2013.

Article – Environment

1–406.

The following units, among other units, are included in the Department:

- (1) Air Quality Control Advisory Council;
- (2) [Environmental Noise Advisory Council;
- (3)] Hazardous Substances Advisory Council;
- [[4)] (3) Radiation Control Advisory Board;
- [[5)] (4) Science and Health Advisory Group;
- [[6)] (5) Board of Waterworks and Waste System Operators;
- [[7)] (6) Board of Well Drillers; and
- [[8)] (7) Hazardous Waste Facilities Siting Board.

DRAFTER'S NOTE:

Error: Obsolete language in § 1–406(2) of the Environment Article.

Occurred: As a result of Ch. 360, Acts of 2012.

2–202.

(a) (2) Of the Council members:

(vii) 4 shall be [appointed] **APPOINTED**, 1 **FROM** each **LIST**, from lists of 3 qualified individuals submitted to the Secretary by:

1. The Chairman of the Board of Directors of the Council of Governments of Metropolitan Washington;

2. The President of the Johns Hopkins University;

3. The President of the Maryland State–D.C. AFL–CIO;

and

4. The Chancellor of the University System of Maryland;

DRAFTER'S NOTE:

Error: Omitted comma and omitted language in § 2–202(a)(2)(vii) of the Environment Article.

Occurred: Ch. 240, Acts of 1982.

2–1002.

(f) (3) A person that owns, leases, operates, or controls an affected facility shall demonstrate compliance with this subsection through the direct monitoring of mercury emissions on a continuous basis, according to the requirements of 40 C.F.R. Part 60, [60.49A(p), 60.4170–60.4176, and 40 C.F.R. Part 75, Subpart I] **SUBPART UUUUU**.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 2–1002(f)(3) of the Environment Article.

Occurred: As a result of 76 Fed. Reg. 17288 (Mar. 28, 2011) (repealing 40 Part 75, Subpart I) and 77 Fed. Reg. 9304 (Feb. 16, 2012) (repealing 40 C.F.R. Part 60, 60.49A(p) and 60.4170–60.4176, and adding Subpart UUUUU). These changes repeal the federal Clean Air Mercury Rule, which was vacated by the D.C. Circuit Court, and enact the new Mercury and Air Toxics Standards.

2–1103.

To minimize the administrative impact of the program and to minimize the impact of motor vehicle emissions generated out of state on the air quality of this State, the Department:

(2) May work in cooperation with, and enter into contracts or agreements [with] **WITH**, California, other states, and the District of Columbia to administer certification, in–use compliance, inspection, recall, and warranty requirements for the program.

DRAFTER’S NOTE:

Error: Omitted comma in § 2–1103(2) of the Environment Article.

Occurred: Chs. 111 and 112, Acts of 2007.

3–401.

(c) (4) The sound level limits and noise control rules and regulations adopted under this subsection shall be as follows for residential heat pumps and air conditioning units:

- (i) Residential heat pumps 75 [dba.] **DBA; AND**
- (ii) Residential air conditioning units 70 dba.

DRAFTER'S NOTE:

Error: Incorrect punctuation and omitted conjunction in § 3–401(c)(4) of the Environment Article.

Occurred: Ch. 14, Acts of 1997.

4–304.

(b) The sewage plan shall indicate necessary improvements required to [insure] ENSURE that purity of the effluent meets required standards, and shall include a time schedule to construct necessary improvements within [three] 3 years.

DRAFTER'S NOTE:

Error: Incorrect word usage and stylistic error in § 4–304(b) of the Environment Article.

Occurred: Ch. 4, Acts of the First Special Session of 1973.

5–204.

(b) (4) Upon substantial completion of an [application] APPLICATION, the Department shall draft a public notice that includes:

- (i) The name and address of the applicant;
- (ii) A description of the location and nature of the activity for which application has been made;
- (iii) The name, address, and telephone number of the office within the Department from which information about the application may be obtained;
- (iv) A statement that any further notices about actions on the application will be provided only by mail to those persons on a mailing list of interested persons;
- (v) A description of how persons may submit information or comments about the application, request a public informational hearing, or request to be included on the mailing list of interested persons; and
- (vi) A deadline for the close of the public comment period by which information, comments, or requests must be received by the Department.

DRAFTER'S NOTE:

Error: Omitted comma in § 5–204(b)(4) of the Environment Article.

Occurred: Ch. 739, Acts of 1994.

5–602.

(b) In exploring and developing geothermal [resources] **RESOURCES**, maximum possible consideration shall be afforded to:

- (1) Avoiding waste and unreasonable use of natural resources;
- (2) Protecting the environment; and
- (3) Optimizing the productive use of the resource.

DRAFTER'S NOTE:

Error: Omitted comma in § 5–602(b) of the Environment Article.

Occurred: Ch. 549, Acts of 1978.

6–401.

(i) “School” means any elementary or secondary school as defined in the Elementary and Secondary Education Act of 1965, at [20 U.S.C. 8801] **20 U.S.C. § 7801**.

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 6–401(i) of the Environment Article.

Occurred: As a result of the repeal of 20 U.S.C. § 8801 (Pub. L. 107–110, Title X, § 1011, 115 Stat 1986; January 8, 2002) and the enactment of 20 U.S.C. § 7801 (Pub. L. 107–110, Title IX, 115 Stat 1965; January 8, 2002).

6–823.

(b) On or after February 24, 1996, upon the execution of a lease or the inception of a tenancy for an affected [property] **PROPERTY**, the owner of the affected property shall give to the tenant a lead poisoning information packet prepared or designated by the Department.

DRAFTER'S NOTE:

Error: Omitted comma in § 6–823(b) of the Environment Article.

Occurred: Ch. 114, Acts of 1994.

8-501.

(b) The Department may revoke any license issued under this title if the Department finds that:

(4) The Department has been refused lawful entry to the premises for the purpose of inspecting to [insure] **ENSURE** compliance with the conditions of the license; or

DRAFTER'S NOTE:

Error: Incorrect word usage in § 8-501(b)(4) of the Environment Article.

Occurred: Ch. 431, Acts of 1990.

9-1605.2.

(a) (4) There is established a Bay Restoration Fee to be paid by any user of a wastewater facility, an [onsite] **ON-SITE** sewage disposal system, or a holding tank that:

(i) Is located in the State; or

(ii) Serves a Maryland user and is eligible for funding under this subtitle.

(b) (1) (i) Beginning on July 1, 2012, the Bay Restoration Fee is:

1. For each residential dwelling that receives an individual sewer bill and each user of an [onsite] **ON-SITE** sewage disposal system or a holding tank that receives a water bill:

A. \$2.50 per month if the wastewater generated by a residential dwelling is treated at a wastewater facility that does not discharge into the Chesapeake Bay Watershed or the Coastal Bays Watershed;

B. \$2.50 per month if the [onsite] **ON-SITE** sewage disposal system or holding tank is not located within the Chesapeake Bay Watershed or the Coastal Bays Watershed;

C. \$5.00 per month if the wastewater generated by a residential dwelling is treated at a wastewater facility that does discharge into the Chesapeake Bay Watershed or the Coastal Bays Watershed; and

D. \$5.00 per month if the wastewater [onsite] ON-SITE sewage disposal system or holding tank is located within the Chesapeake Bay Watershed or the Coastal Bays Watershed;

2. For each user of an [onsite] ON-SITE sewage disposal system that does not receive a water bill:

A. \$30 per year if the [onsite] ON-SITE sewage disposal system is not located within the Chesapeake Bay Watershed or the Coastal Bays Watershed; or

B. \$60 per year if the [onsite] ON-SITE sewage disposal system is located within the Chesapeake Bay Watershed or the Coastal Bays Watershed;

(2) (i) For a residential dwelling that receives an individual sewer bill, a user of an [onsite] ON-SITE sewage disposal system or a holding tank that receives a water bill, a building or group of buildings under single ownership or management that receives a water and sewer bill and that contains multiple residential dwellings that do not receive an individual sewer bill, and a nonresidential user, the restoration fee shall be:

1. Stated in a separate line on the sewer or water bill, as appropriate, that is labeled “Bay Restoration Fee”; and

2. Collected for each calendar quarter, unless a local government or billing authority for a water or wastewater facility established some other billing period on or before January 1, 2004.

(ii) 1. A. If the user does not receive a water bill, for users of an [onsite] ON-SITE sewage disposal system and for users of a sewage holding tank, the county in which the [onsite] ON-SITE sewage disposal system or holding tank is located shall be responsible for collecting the restoration fee.

B. A county may negotiate with a municipal corporation located within the county for the municipal corporation to collect the restoration fee from [onsite] ON-SITE sewage disposal systems and holding tanks located in the municipal corporation.

(c) A user of a wastewater facility is exempt from paying the restoration fee if:

(1) (i) 1. The user’s wastewater facility’s average annual effluent nitrogen and phosphorus concentrations, as reported in the facility’s State discharge monitoring reports for the previous calendar year, demonstrate that the

facility is achieving enhanced nutrient removal, as defined under [§ 9-1601(m)] § 9-1601(N) of this subtitle; or

(d) (3) A local government, billing authority for a water or wastewater facility, or any other authorized collecting agency:

(i) May use all of its existing procedures and authority for collecting a water or sewer bill, an [onsite] ON-SITE sewage disposal system bill, or a holding tank bill in order to enforce the collection of the Bay Restoration Fee; and

(4) (ii) An unpaid Bay Restoration Fee shall be a lien against the property served by a wastewater facility, [onsite] ON-SITE sewage disposal system, or holding tank.

(5) (i) In Caroline County, an unpaid Bay Restoration Fee shall be a lien against the property served by a wastewater facility, [onsite] ON-SITE sewage disposal system, or holding tank.

(h) (1) With regard to the funds collected under subsection (b)(1)(i)1, from users of an [onsite] ON-SITE sewage disposal system or holding tank that receive a water bill, (i)2, and (i)3 of this section, beginning in fiscal year 2006, the Comptroller shall:

(i) Establish a separate account within the Bay Restoration Fund; and

(ii) Disburse the funds as provided under paragraph (2) of this subsection.

(2) The Comptroller shall:

(i) Deposit 60% of the funds in the separate account to be used for:

1. Subject to paragraph (3) of this subsection, with priority first given to failing systems and holding tanks located in the Chesapeake and Atlantic Coastal Bays Critical Area and then to failing systems that the Department determines are a threat to public health or water quality, grants or loans for up to 100% of:

A. The costs attributable to upgrading an [onsite] ON-SITE sewage disposal system to the best available technology for the removal of nitrogen;

B. The cost difference between a conventional [onsite] **ON-SITE** sewage disposal system and a system that utilizes the best available technology for the removal of nitrogen;

C. The cost of repairing or replacing a failing [onsite] **ON-SITE** sewage disposal system with a system that uses the best available technology for nitrogen removal;

D. The cost, up to the sum of the costs authorized under item B of this item for each individual system, of replacing multiple [onsite] **ON-SITE** sewage disposal systems located in the same community with a new community sewerage system that is owned by a local government and that meets enhanced nutrient removal standards; or

E. The cost, up to the sum of the costs authorized under item C of this item for each individual system, of connecting a property using an [onsite] **ON-SITE** sewage disposal system to an existing municipal wastewater facility that is achieving enhanced nutrient removal level treatment; and

2. The reasonable costs of the Department, not to exceed 8% of the funds deposited into the separate account, to:

A. Implement an education, outreach, and upgrade program to advise owners of [onsite] **ON-SITE** sewage disposal systems and holding tanks on the proper maintenance of the systems and tanks and the availability of grants and loans under item 1 of this item;

B. Review and approve the design and construction of [onsite] **ON-SITE** sewage disposal system or holding tank upgrades;

C. Issue grants or loans as provided under item 1 of this item; and

D. Provide technical support for owners of upgraded [onsite] **ON-SITE** sewage disposal systems or holding tanks to operate and maintain the upgraded systems; and

(3) (ii) Funding for the costs identified in paragraph (2)(i)1D of this subsection may be provided if:

1. The environmental impact of the [onsite] **ON-SITE** sewage disposal system is documented by the local government and confirmed by the Department;

2. It can be demonstrated that:

A. The replacement of the [onsite] ON-SITE sewage disposal system with a new community sewerage system is more cost effective for nitrogen removal than upgrading each individual [onsite] ON-SITE sewage disposal system; or

B. The individual replacement of the [onsite] ON-SITE sewage disposal system is not feasible; and

3. The new community sewerage system will only serve lots that have received a certificate of occupancy, or equivalent certificate, on or before October 1, 2008.

(iii) Funding for the costs identified in paragraph (2)(i)1E of this subsection may be provided only if all of the following conditions are met:

1. The environmental impact of the [onsite] ON-SITE sewage disposal system is documented by the local government and confirmed by the Department;

2. It can be demonstrated that:

A. The replacement of the [onsite] ON-SITE sewage disposal system with service to an existing municipal wastewater facility that is achieving enhanced nutrient removal level treatment is more cost-effective for nitrogen removal than upgrading the individual [onsite] ON-SITE sewage disposal system; or

B. The individual replacement of the [onsite] ON-SITE sewage disposal system is not feasible;

3. The project is consistent with the county's comprehensive plan and water and sewer master plan;

4. The [onsite] ON-SITE sewage disposal system was installed as of October 1, 2008, and the property the system serves is located in a priority funding area, in accordance with § 5-7B-02 of the State Finance and Procurement Article; and

5. The local government has adopted a policy or procedure that will guarantee that any future connection to an existing municipal wastewater facility that is funded under paragraph (2)(i)1E of this subsection will meet all of the requirements under this subparagraph.

(i) (2) Funds in the Bay Restoration Fund shall be used only:

(ix) Subject to the allocation of funds and the conditions under subsection (h) of this section, for projects related to the removal of nitrogen from [onsite] ON–SITE sewage disposal systems and cover crop activities.

(j) (2) The Committee consists of the following members:

(viii) Two individuals representing local health departments who have expertise in [onsite] ON–SITE sewage disposal systems, appointed by the Governor; and

(6) The Committee shall:

(v) In consultation with the governing body of each county:

1. Identify users of [onsite] ON–SITE sewage disposal systems and holding tanks; and

2. Make recommendations to the governing body of each county on the best method of collecting the Bay Restoration Fee from the users of [onsite] ON–SITE sewage disposal systems and holding tanks that do not receive water bills;

DRAFTER’S NOTE:

Error: Omitted hyphen in § 9–1605.2(a)(4), (b)(1)(i)1 and 2, (2)(i) and (ii)1, (d)(3)(i), (4)(ii), and (5)(i), (h)(1), (2)(i), (3)(ii) and (iii), (i)(2)(ix), and (j)(2)(viii) and (6)(v); erroneous cross–reference in § 9–1605.2(c)(1)(i)1.

Occurred: Ch. 428, Acts of 2004; Ch. 462, Acts of 2006; Chs. 492 and 493, Acts of 2011; and Ch. 150, Acts of 2012; erroneous cross–reference as a result of Chs. 120, 121, 225, and 226, Acts of 2008.

9–1701.

(e) (2) “Computer” does not include:

(i) A personal digital assistant device; **OR**

(ii) A computer peripheral device, including:

1. A mouse or other similar pointing device;

2. A printer; or

3. A detachable keyboard.

DRAFTER'S NOTE:

Error: Omitted conjunction in § 9–1701(e)(2) of the Environment Article.

Occurred: Ch. 384, Acts of 2005.

Article – Family Law

4–506.

(b) (2) The temporary protective order shall include notice to the respondent:

(iii) that the final protective order shall be effective for the period stated in the order, not to exceed 1 year or, under the circumstances described in subsection [(i)(2)] **(J)(2)** of this section, 2 years, unless the judge extends the term of the order under § 4–507(a)(2) of this subtitle or the court issues a permanent order under subsection [(j)]**(K)** of this section; and

DRAFTER'S NOTE:

Error: Erroneous cross–references in § 4–506(b)(2)(iii) of the Family Law Article.

Occurred: Chs. 361 and 362, Acts of 2010.

5–592.

(b) The members shall include:

(3) at least 1 representative, appointed by the Secretary, from:

(ii) the Governor's Office for Children[, Youth, and Families];

DRAFTER'S NOTE:

Error: Obsolete language in § 5–592(b)(3)(ii) of the Family Law Article.

Occurred: As a result of the transfer of the duties and responsibilities associated with the Governor's Office for Children, Youth, and Families to the Governor's Office for Children under Executive Order 01.01.2005.34, June 9, 2005.

14–305.

Based on the investigation under this subtitle, the local department shall:

(4) send to the local State's Attorney and the appropriate local law enforcement agency a report of the investigation of any incident of abuse, neglect, or exploitation of an alleged vulnerable adult which was or should have been reported to

the appropriate local law enforcement agency under [paragraph] ITEM (3) of this section.

DRAFTER'S NOTE:

Error: Stylistic error in § 14–305(4) of the Family Law Article.

Occurred: Ch. 243, Acts of 1987.

Article – Health – General

2–104.

(j) (2) Any rebates received by the Department from the Maryland AIDS Drug Assistance Program shall be distributed to a special nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article, to be used only to fund the Maryland AIDS Drug Assistance Program and the Maryland AIDS [Insurance] **DRUG** Assistance Program **PLUS (MADAP–PLUS)**.

DRAFTER'S NOTE:

Error: Obsolete reference in § 2–104(j)(2) of the Health – General Article.

Occurred: As a result of the termination of the Maryland AIDS Insurance Assistance Program (MAIAP) and the transfer of clients served by MAIAP to the Maryland AIDS Drug Assistance Program Plus as of June 30, 2009, by the Department of Health and Mental Hygiene.

Subtitle 5. State Residential Centers for Individuals with [Mental Retardation] **AN INTELLECTUAL DISABILITY.**

7–501.

(a) There are State residential centers for individuals with an intellectual disability in the Developmental Disabilities Administration.

DRAFTER'S NOTE:

Error: Obsolete subtitle designation immediately preceding § 7–501 of the Health – General Article.

Occurred: As a result of Ch. 119, Acts of 2009.

13–203.

(a) (1) The Advisory Council consists of [24] **23** members appointed by the Governor.

(2) Of the [24] **23** Advisory Council members:

(i) Except as provided in paragraph (4) of this subsection, 1 member shall be appointed from a list of qualified individuals submitted to the Governor by each of the following organizations:

1. The American Heart Association – Mid–Atlantic, Inc.;
2. The Department;
3. The Johns Hopkins Medical Institutions;
4. The Maryland Association of County Health Officers;
5. The Maryland Hospital Association, Inc.;
6. The Maryland Nurses Association;
7. The Medical and Chirurgical Faculty of the State of Maryland;
8. The Monumental City Medical Society;
- [9. The Baltimore Alliance for the Prevention and Control of Hypertension and Diabetes;]
- [10.] **9.** The University of Maryland Hospital and School of Medicine;
- [11.] **10.** The Maryland Academy of Family Physicians;
- [12.] **11.** The American College of Emergency Physicians Maryland Chapter;
- [13.] **12.** The American Stroke Association;
- [14.] **13.** The American Society of Internal Medicine;
- [15.] **14.** The Maryland Institute for Emergency Medical Services Systems;
- [16.] **15.** The Maryland State Council on Physical Fitness;

[17.] 16. The Maryland Chapter of the American College of Cardiology; and

[18.] 17. The Maryland Pharmacy Association; and

(ii) Six shall be members of the general public.

(3) The number of names on a list shall be 3.

(4) If a vacancy occurs for a reason other than expiration of the term, the Governor may appoint any individual without the list.

DRAFTER'S NOTE:

Error: Obsolete reference in § 13–203(a)(2)(i)9 of the Health – General Article.

Occurred: As a result of the dissolution of the Baltimore Alliance for the Prevention and Control of Hypertension and Diabetes. Correction suggested by the Department of Health and Mental Hygiene.

13–506.

(a) (2) Of the 15 members:

(v) 1 shall be a representative of the [Governor's Committee on Employment of the Handicapped] **DEPARTMENT OF DISABILITIES**;

DRAFTER'S NOTE:

Error: Obsolete reference in § 13–506(a)(2)(v) of the Health – General Article.

Occurred: As a result of Ch. 425, Acts of 2004 which transferred to the Department of Disabilities the duties and responsibilities of the Governor's Office for Individuals with Disabilities, included within which is the Governor's Committee on Employment of the Handicapped (currently known as the Governor's Committee on Employment of People with Disabilities) as a result of Executive Order 01.01.1998.06.

13–1504.

(a) (1) The Advisory Council shall be composed of 18 members as follows:

(ix) The Special Secretary of the Governor's Office for Children, [Youth, and Families,] or the Special Secretary's designee;

DRAFTER'S NOTE:

Error: Obsolete reference in § 13–1504(a)(1)(ix) of the Health – General Article.

Occurred: As a result of the transfer of the duties and responsibilities associated with the Governor's Office for Children, Youth, and Families to the Governor's Office for Children under Executive Order 01.01.2005.34, June 9, 2005.

13–2103.

The Advisory Board consists of the following 36 voting members:

(8) One representative of the Department of Health and Mental Hygiene, [Family Health Administration] **PREVENTION AND HEALTH PROMOTION ADMINISTRATION**, Center for [Preventive Health Services] **CHRONIC DISEASE PREVENTION AND CONTROL**, appointed by the Director of the Center;

(9) One representative of the Department of Health and Mental Hygiene, [Family Health Administration] **PREVENTION AND HEALTH PROMOTION ADMINISTRATION**, Office for Genetics and [Children] **PEOPLE** with Special Health Care Needs, appointed by the Director of the Office;

DRAFTER'S NOTE:

Error: Obsolete references in § 13–2103(8) and (9) of the Health – General Article.

Occurred: As a result of a reorganization of the Department of Health and Mental Hygiene's Infectious Disease and Environmental Health and Family Health Administrations that was requested by the Secretary of Health and Mental Hygiene in a letter dated May 8, 2012 to the Secretary of Budget and Management. The reorganization was approved by the Secretary of Budget and Management in a letter dated June 8, 2012 and was effective July 1, 2012.

15–139.

(d) (1) The Governor's Office for [Children, Youth, and Families] **CHILDREN** shall adopt regulations to carry out the provisions of subsection (c)(2) of this section.

DRAFTER'S NOTE:

Error: Obsolete reference in § 15–139(d)(1) of the Health – General Article.

Occurred: As a result of the transfer of the duties and responsibilities associated with the Governor's Office for Children, Youth, and Families to the Governor's Office for Children under Executive Order 01.01.2005.34, June 9, 2005.

17–217.

(b) The Advisory Committee shall consist of:

(2) 1 representative of the [Health Industry Manufacturers Association] **ADVANCED MEDICAL TECHNOLOGY ASSOCIATION.**

DRAFTER’S NOTE:

Error: Misnomer in § 17–217(b)(2) of the Health – General Article.

Occurred: As a result of the Health Industry Manufacturers Association changing its name to the Advanced Medical Technology Association as of June 21, 2000.

19–143.

(d) (3) The regulations need not require incentives for the adoption and meaningful use of electronic health [records,] **RECORDS** for each type of health care provider listed in § 19–142(e) of this subtitle.

DRAFTER’S NOTE:

Error: Extraneous comma in § 19–143(d)(3) of the Health – General Article.

Occurred: Ch. 689, Acts of 2009.

19–308.9.

(b) (1) (ii) The [five] pilot programs shall be selected by the Maryland Health Care Commission in a manner that ensures geographic balance in the State.

DRAFTER’S NOTE:

Error: Extraneous language in § 19–308.9(b)(1)(ii) of the Health – General Article.

Occurred: Ch. 379, Acts of 2013. Correction suggested by the Attorney General in the Bill Review Letter for H.B. 581 (Ch. 379) of 2013 (footnote 11), dated April 18, 2013, noting that the number of pilot programs is not limited to “five”, but that “[a]t least five” pilot programs are required to be established under § 19–308.9 of the Health – General Article.

Article – Health Occupations

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] 4 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 under Title 17, Subtitle [3A] 3 of this article;

DRAFTER'S NOTE:

Error: Erroneous cross–references in § 1A–316(a)(1)(i) of the Health Occupations Article.

Occurred: As a result of Ch. 505, Acts of 2008.

3–5A–09.

To apply for a license or registration, an applicant shall:

(2) Submit to the Board evidence of compliance with the requirements of § [3–5A–05] ~~3–5A–06~~ of this subtitle; and

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 3–5A–09(2) of the Health Occupations Article.

Occurred: As a result of Chs. 242 and 243, Acts of 2008.

12–6C–03.2.

(b) The inspection report required under subsection (a) of this section shall [be]:

(1) [Conducted] **BE CONDUCTED** within 1 year before the date of application or renewal; and

(2) Demonstrate compliance with applicable federal good manufacturing practice standards or USP 797, as defined in § 12–4A–01 of this title.

DRAFTER’S NOTE:

Error: Misplaced word in § 12–6C–03.2(b) of the Health Occupations Article.

Occurred: Ch. 397, Acts of 2013.

14–207.

(c) (2) (iii) If the Governor includes in the State budget at least \$750,000 for the operation of the Health Personnel Shortage Incentive Grant Program under § 18–803 of the Education Article and the Maryland Loan Assistance Repayment Program for Physicians **UNDER TITLE 18, SUBTITLE 28** of the Education Article, as administered by the Maryland Higher Education Commission, the Comptroller shall distribute the fees to the Board of Physicians Fund.

DRAFTER’S NOTE:

Error: Omitted cross–reference in § 14–207(c)(2)(iii) of the Health Occupations Article.

Occurred: Chs. 575 and 576, Acts of 2009.

14–404.

(a) Subject to the hearing provisions of § 14–405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(41) Performs a cosmetic surgical procedure in an office or a facility that is not:

(i) Accredited by:

3. The Joint Commission on the Accreditation of [Health Care] **HEALTHCARE** Organizations; or

DRAFTER’S NOTE:

Error: Grammatical error in § 14–404(a)(41)(i)3 of the Health Occupations Article.

Occurred: Ch. 709, Acts of 2010.

14-5C-18.

(d) A person is not required under this section to make any report that would be in violation of any federal or [state] **STATE** law, rule, or regulation concerning the confidentiality of alcohol and drug abuse patient records.

DRAFTER'S NOTE:

Error: Capitalization error in § 14-5C-18(d) of the Health Occupations Article.

Occurred: Ch. 595, Acts of 2006.

14-5E-18.

(d) A person is not required under this section to make any report that would be in violation of any federal or [state] **STATE** law, rule, or regulation concerning the confidentiality of alcohol- and drug abuse-related patient records.

DRAFTER'S NOTE:

Error: Capitalization error in § 14-5E-18(d) of the Health Occupations Article.

Occurred: Ch. 588, Acts of 2011.

15-310.

(a) In reviewing an application for licensure or in investigating an allegation brought under § 15-314 of this subtitle, the Committee may request the Board to direct, or the Board on its own initiative may [direct] **DIRECT**, the physician assistant to submit to an appropriate examination.

DRAFTER'S NOTE:

Error: Omitted comma in § 15-310(a) of the Health Occupations Article.

Occurred: Ch. 237, Acts of 1990.

19-202.

(a) (2) Of the 12 Board members:

(i) 10 shall be licensed social workers of whom:

1. Subject to paragraph (3) of this subsection, 1 is a licensed **BACHELOR** social [work associate] **WORKER**;

DRAFTER'S NOTE:

Error: Obsolete language in § 19–202(a)(2)(i)1 of the Health Occupations Article.

Occurred: As a result of Ch. 391, Acts of 2013.

19–302.

(b) To obtain a bachelor social [work] **WORKER** license, an applicant shall:

(1) Meet the requirements of subsection (a) of this section; and

(2) Have received a baccalaureate degree in social work from a program that is accredited or is a candidate for accreditation by the Council on Social Work Education or an equivalent organization approved by the Council on Social Work Education.

DRAFTER’S NOTE:

Error: Obsolete language in § 19–302(b) of the Health Occupations Article.

Occurred: As a result of Ch. 391, Acts of 2013.

19–308.

(f) The Board may not renew a bachelor social [work] **WORKER** license or a graduate social [work] **WORKER** license of a licensee who holds a baccalaureate degree or master’s degree from a program that was a candidate for accreditation but was denied accreditation.

DRAFTER’S NOTE:

Error: Obsolete language in § 19–308(f) of the Health Occupations Article.

Occurred: As a result of Ch. 391, Acts of 2013.

Article – Human Services

5–318.1.

(c) The Program shall include, in addition to the FIP requirements for recipients under § 5–309(b) of this subtitle:

(1) implementation of policies and procedures in the local department that encourage increased participation of [fathers] **BOTH PARENTS** at the beginning of the process for determining the eligibility of a family or custodial parent for FIP

benefits, including temporary cash assistance, unless the Department has reason to believe [the father] **EITHER PARENT** has a history of domestic violence;

(2) development of a local department referral process or integrated partnerships with other local or State agencies through which couples may jointly access programs and services that target economic stability, healthy relationships, and parenting; and

(3) implementation of the Program requirements under subsection (d) of this section.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 5–318.1(c)(1) of the Human Services Article.

Occurred: Ch. 367, Acts of 2013. Corrections suggested by the Attorney General in the Bill Review Letter for H.B. 333 (Ch. 367) of 2013 (footnote 16), dated April 15, 2013, to ensure that the law and its implementation are gender neutral and consistent with Article 46 of the Maryland Declaration of Rights. The Department of Human Resources confirmed that the purpose of the pilot program is to promote two–parent families and that implementation of the law has been consistent with the changes suggested by the Attorney General.

Article – Insurance

15–111.

(b) The Commissioner shall report to the Maryland Health Care Commission in a timely manner the name and address of each payor that is assessed a fee under § 19–111 of the Health – General Article [and the information required under § 19–111(g) of the Health – General Article].

DRAFTER'S NOTE:

Error: Obsolete reference in § 15–111(b) of the Insurance Article.

Occurred: As a result of Ch. 195, Acts of 2012, which repealed § 19–111(g) of the Health – General Article. Former § 19–111(g) of the Health – General Article required the Maryland Insurance Commissioner to notify the Maryland Health Care Commission of specified information about health insurance premiums on or before a specified date each year.

15–140.

(d) (2) (iii) An enrollee shall be allowed to continue to receive services for the conditions under this paragraph for the time periods under subsection [(c)(1)(ii)] **(C)(2)(II)** of this section.

DRAFTER'S NOTE:

Error: Incorrect cross-reference in § 15-140(d)(2)(iii) of the Insurance Article.

Occurred: Ch. 159, Acts of 2013.

15-508.

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

(2) “Carrier” has the meaning stated in § 15-1301 of this title.

(3) “Enrollment date” has the meaning stated in § 15-1301 of this title.

(4) “LATE ENROLLEE” HAS THE MEANING STATED IN § 15-1401 OF THIS TITLE.

[(4) (5) “Plan year” means a calendar year or other consecutive 12-month period during which a health benefit plan provides coverage for health benefits.

[(5) (6) “Policy or certificate” means any group or blanket health insurance contract or policy that is issued or delivered in the State by an insurer or nonprofit health service plan that provides hospital, medical, or surgical benefits on an expense-incurred basis.

[(6) (7) “Preexisting condition provision” has the meaning stated in § 15-1301 of this title.

[(7) “Late enrollee” has the meaning stated in § 15-1401 of this title.]

DRAFTER'S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 15-508(a) of the Insurance Article.

Occurred: Ch. 294, Acts of 1997.

15-1212.

(e) Within 7 days after cancellation or nonrenewal of a health benefit plan, the carrier shall send to each enrolled employee written notice of its action [and the conversion rights available to each enrolled employee under § 15-412 of this title].

DRAFTER'S NOTE:

Error: Obsolete reference in § 15–1212(e) of the Insurance Article.

Occurred: As a result of Ch. 106, Acts of 2013, which repealed § 15–412 of the Insurance Article.

24–213.

(a) The Legislative Auditor shall conduct a fiscal and compliance audit of the accounts and transactions of the Society for each year in which the Society receives a disbursement from the Rate Stabilization Account under § 19–805 of this article [other than a disbursement made under § 19–805(b)(3) of this article].

DRAFTER'S NOTE:

Error: Obsolete reference in § 24–213(a) of the Insurance Article.

Occurred: As a result of Chs. 174 and 175, Acts of 2007, in accordance with which § 19–805(b)(3) of the Insurance Article abrogated on June 30, 2010.

27–501.

(c) (2) Subject to § 27–914 of this title, an insurer that provides health insurance, A nonprofit health service plan, or A health maintenance organization may make an inquiry about race and ethnicity in an insurance form, questionnaire, or other manner requesting general information, provided the information is used solely for the evaluation of quality of care outcomes and performance measurements, including the collection of information required under § 19–134 of the Health – General Article.

DRAFTER'S NOTE:

Error: Omitted articles in § 27–501(c)(2) of the Insurance Article.

Occurred: Chs. 25 and 26, Acts of 2007.

27–914.

(b) An insurer that provides health insurance, A nonprofit health service plan, or A health maintenance organization may not use race or ethnicity data to reject, deny, limit, cancel, refuse to renew, increase the rates of, affect the terms or conditions of, or otherwise affect a health insurance policy or contract.

DRAFTER'S NOTE:

Error: Omitted articles in § 27–914(b) of the Insurance Article.

Occurred: Chs. 25 and 26, Acts of 2007.

Article – Labor and Employment

9–638.

(a) (1) A covered employee under this section includes an individual who:

(ii) 1. is entitled to compensation from **THE CHESAPEAKE EMPLOYERS’ INSURANCE COMPANY, AS SUCCESSOR TO** the Injured Workers’ Insurance [Fund] **FUND**, for claims arising from events occurring on or before January 1, 1988; and

DRAFTER’S NOTE:

Error: Obsolete language in § 9–638(a)(1)(ii)1 of the Labor and Employment Article.

Occurred: As a result of Ch. 570, Acts of 2012, which converted the Injured Workers’ Insurance Fund into the Chesapeake Employers’ Insurance Company and provided that the Company is the successor of the Fund.

Article – Land Use

9–802.

(b) (1) The term of a member of the planning commission is [3] 4 years.

DRAFTER’S NOTE:

Error: Erroneous description of the length of the term of office in § 9–802(b)(1) of the Land Use Article.

Occurred: Ch. 426, Acts of 2012.

22–407.

(a) (1) Judicial review of a final decision of the district council [amendment], including an individual map amendment or a sectional map amendment, may be requested by:

(i) any municipal corporation, governed special taxing district, or person in the county;

(ii) any civic or homeowners association representing property owners affected by the final decision; or

(iii) if aggrieved, the applicant [for the zoning map amendment].

DRAFTER'S NOTE:

Error: Extraneous language in § 22–407(a)(1) of the Land Use Article.

Occurred: Ch. 426, Acts of 2012.

Article – Local Government

13–108.

(a) This [subsection] **SECTION** applies to all counties, including Baltimore City.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 13–108(a) of the Local Government Article.

Occurred: Ch. 119, Acts of 2013.

16–305.

(c) (3) In conducting the audit, the auditor shall examine the methods, accuracy, and legality of the financial records of the county, municipality, [and] **OR** special taxing district.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 16–305(c)(3) of the Local Government Article.

Occurred: Ch. 119, Acts of 2013. Correction by the publisher of the Annotated Code in the 2013 Volume of the Local Government Article is ratified by this Act.

Article – Natural Resources

5–403.

(e) A county or municipality may not adopt a local law or ordinance for the planting, care, and protection of roadside trees that applies to:

(1) The cutting or clearing of public utility rights-of-way or land for electric generating stations licensed under § 7-204, § 7-205, § 7-207, or § 7-208 of the Public Utilities Article, provided that:

(i) Any required certificates of public convenience and necessity have been issued in accordance with § 5-1603(f) of this title; and

(ii) The cutting or clearing of the forest is conducted so as to minimize the loss of forest;

(2) The routine maintenance of public utility rights-of-way; **[and] OR**

(3) The cutting or clearing of public utility rights-of-way or land for new transmission or distribution lines.

DRAFTER'S NOTE:

Error: Erroneous conjunction in § 5-403(e) of the Natural Resources Article.

Occurred: Ch. 289, Acts of 2009.

10-908.

(a) Any properly accredited person desiring to assist the Department in the control of wildlife injurious to agriculture or other interests, or to provide care and treatment of sick or injured wildlife for rehabilitation and release back to the wild, shall first obtain a wildlife **[cooperator] DAMAGE CONTROL** permit from the Secretary.

(b) (1) The Secretary may issue a wildlife **[cooperator] DAMAGE CONTROL** permit, on the payment of a reasonable fee, to a person who:

(i) Has adequate training in the capture, handling, and care of wildlife; and

(ii) Owns or leases facilities demonstrated to be of sufficient size and design to properly maintain the permitted wildlife in captivity.

DRAFTER'S NOTE:

Error: Obsolete terminology in § 10-908(a) and (b)(1) of the Natural Resources Article.

Occurred: As a result of regulations adopted by the Department of Natural Resources to repeal COMAR 08.03.09.05 (wildlife cooperator permit) and consolidate various wildlife damage control permits and services under a new regulation, COMAR 08.03.15, Wildlife Damage Control Permits. *See*, 35:17 Md. R. 1485 (2008).

Article – Public Safety

5–134.

(c) A person is not required to complete a certified firearms safety training course under subsection (b)(14) of this section [and § 5–118(b)(3)(x) of this subtitle] if the person:

(1) has already completed a certified firearms safety training course required under subsection (b)(14) of this section [and § 5–118(b)(3)(x) of this subtitle];

(2) is a law enforcement officer of the State or any local law enforcement agency in the State;

(3) is a member, retired member, or honorably discharged member of the armed forces of the United States or the National Guard;

(4) is a member of an organization that is required by federal law governing its specific business or activity to maintain handguns and applicable ammunition; or

(5) has been issued a permit to carry a handgun under Subtitle 3 of this title.

DRAFTER'S NOTE:

Error: Obsolete references in § 5–134(c) of the Public Safety Article.

Occurred: As a result of Ch. 427, Acts of 2013, which repealed § 5–118(b)(3)(x) of the Public Safety Article.

11–116.

(a) (2) Paragraph (1) of this subsection does not apply to a person who neither intended to use nor used the explosives involved in violation of:

(xiii) [Article 24, § 11–512, § 11–513, or § 11–514 of the Code;

(xiv)] § 109 of the Code of Public Local Laws of Caroline County;

[(xv)] **(XIV)** § 4–103 of the Code of Public Local Laws of Carroll County; or

[(xvi)] **(XV)** § 8A–1 of the Code of Public Local Laws of Talbot County.

(b) (2) Paragraph (1) of this subsection does not apply to a person who had probable cause to believe that the explosives involved would be used for a purpose other than the violation of:

(xiii) [Article 24, § 11–512, § 11–513, or § 11–514 of the Code;

(xiv)] § 109 of the Code of Public Local Laws of Caroline County;

[(xv)] **(XIV)** § 4–103 of the Code of Public Local Laws of Carroll County; or

[(xvi)] **(XV)** § 8A–1 of the Code of Public Local Laws of Talbot County.

DRAFTER’S NOTE:

Error: Obsolete cross–references in § 11–116(a)(2)(xiii) and (b)(2)(xiii) of the Public Safety Article.

Occurred: As a result of Ch. 119, Acts of 2013, which repealed Article 24, §§ 11–512, 11–513, and 11–514 of the Code.

Article – Real Property

7–105.9.

(b) (1) In addition to any other notice required to be given by this Code or the Maryland Rules, the person authorized to make a sale in an action to foreclose a mortgage or deed of trust on residential property shall send, at the same time as the notice required under § [7–105.1(f)(2)] **7–105.1(H)(2)** of this subtitle, a written notice addressed to “all occupants” at the address of the residential property in substantially the following form:

“IMPORTANT NOTICE

A foreclosure action has been filed against the property located at (insert address) in the circuit court for (insert name of county). This notice is being sent to you as a person who lives in this property.

A foreclosure sale of the property may occur at any time after 45 days from the date of this notice.

Most renters have the right to continue renting the property after it is sold at foreclosure. The foreclosure sale purchaser becomes the new landlord.

Most renters with a lease for a specific period of time have the right to continue renting the property until the end of the lease term. Most month-to-month renters have the right to continue renting the property for 90 days after receiving a written notice to vacate from the new owner.

You should get legal advice to determine if you have these rights.

Below you will find the name, address, and telephone number of the person authorized to sell the property. You may contact this person to notify him or her that you are a tenant at the property and to find out more about the sale. For further information, you may review the file in the office of the clerk of the circuit court. You also may contact the Maryland Department of Housing and Community Development, at (insert telephone number), or consult the Department's website, (insert website address), for assistance.

Person authorized to sell the property:

Name

Address

Telephone

Date of this notice”.

DRAFTER'S NOTE:

Error: Erroneous cross reference in § 7–105.9(b)(1) of the Real Property Article.

Occurred: As a result of Ch. 156, Acts of 2012.

Article – State Finance and Procurement

11–101.

(b) (3) “Architectural services” does not include construction inspection services [or], services provided in connection with an energy performance contract [for], **OR** structural, mechanical, plumbing, or electrical engineering.

DRAFTER'S NOTE:

Error: Omitted commas and incorrect word usage in § 11–101(b)(3) of the State Finance and Procurement Article.

Occurred: Ch. 138, Acts of 2013. Correction suggested by the Attorney General, Office of Counsel to the General Assembly, in a memo dated August 28, 2013.

Article – State Government

2–1237.

(a) In addition to any duties set forth elsewhere, the Office shall:

(6) perform the following duties with respect to the review of expenditures:

(iv) evaluate each proposal of a unit of the State government for an appropriation, including any proposal, that:

3. involves State financing of a capital improvement;

AND

DRAFTER'S NOTE:

Error: Omitted conjunction in § 2–1237(a)(6)(iv)3 of the State Government Article.

Occurred: Ch. 598, Acts of 1992.

9–1A–09.

(b) As a condition of eligibility for funding under § 9–1A–29 of this subtitle, a racing licensee shall:

(1) (i) for Laurel Park and Pimlico Race Course, conduct a minimum of 220 annual live racing days combined between Laurel Park [or] AND Pimlico Race Course unless otherwise agreed to by the racing licensee and the organization that represents the majority of licensed thoroughbred owners and trainers in the State or unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control;

DRAFTER'S NOTE:

Error: Erroneous conjunction in § 9–1A–09(b)(1)(i) of the State Government Article.

Occurred: Ch. 4, Acts of the Special Session of 2007.

10–510.

(b) (1) If a public body fails to comply with § 10–505, § 10–506, § 10–507, § 10–508, or § 10–509(c) of this [subtitle] **SUBTITLE**, any person may file with a circuit court that has venue a petition that asks the court to:

- (i) determine the applicability of those sections;
- (ii) require the public body to comply with those sections; or
- (iii) void the action of the public body.

DRAFTER'S NOTE:

Error: Omitted comma in § 10–510(b)(1) of the State Government Article.

Occurred: Chs. 1 and 6, Acts of the Special Session of 2004.

Article – State Personnel and Pensions

23–201.

(a) Except as provided in subsection (b) of this section, §§ 23–203 through 23–205 of this subtitle apply only to:

(19) an employee of the Maryland Automobile Insurance Fund on or after the date that the Maryland Automobile Insurance Fund begins participation in the [Employee's] **EMPLOYEES'** Pension System.

DRAFTER'S NOTE:

Error: Misnomer in § 23–201(a)(19) of the State Personnel and Pensions Article.

Occurred: Chs. 73 and 74, Acts of 2013.

29–404.

(a) (1) Except as provided in paragraph (2) of this subsection, this section applies only to an allowance based on creditable service earned before July 1, 2011, for a former member, retiree, or surviving beneficiary of a deceased member, former member, or retiree of:

(i) the Employees' Pension System, if the deceased member, former member, or retiree was an employee of:

1. a participating governmental unit that has not elected the contributory pension benefit or the Alternate Contributory Pension Selection for its [member] **MEMBERS** in accordance with § 31–116 or § 31–116.1 of this article; or

2. a former participating governmental unit, other than Frederick County, that has withdrawn before July 1, 1998, while a member;

DRAFTER'S NOTE:

Error: Grammatical error in § 29–404(a)(1)(i)1 of the State Personnel and Pensions Article.

Occurred: Chs. 550 and 551, Acts of 2013.

Article – Tax – General

1–303.

(e) On or before July 1, 2017, an evaluation shall be made of the tax credits under:

(2) ~~§ 10–726~~ **§ 10–725** of this article (biotechnology investment incentive); and

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 1–303(e)(2) of the Tax – General Article.

Occurred: Chs. 568 and 569, Acts of 2012.

2–614.

(b) (1) (i) Except as provided in subparagraph (ii) of this paragraph, from the special fund, the Comptroller shall distribute an amount equal to 17.2% of the cost to administer the income tax on corporations to an administrative cost account.

(ii) The percent of the cost to administer the income tax on corporations that is distributed to an administrative cost account shall be:

1. 24% for the fiscal year beginning July 1, 2011;
2. 9.5% for the fiscal year beginning July 1, 2012; and

[(iii)] 3. 19.5% for each fiscal year beginning on or after July 1, 2013, but before July 1, 2016.

DRAFTER'S NOTE:

Error: Erroneous tabulation in § 2–614(b)(1) of the Tax – General Article.

Occurred: Ch. 397, Acts of 2011.

2–1104.

(a) Except as otherwise provided in this section, after making the distributions required under §§ 2–1101 through 2–1103 of this subtitle, from the remaining motor fuel tax revenue, the Comptroller shall distribute:

- (1) 2.3% to the Chesapeake Bay 2010 Trust Fund; [and]

DRAFTER'S NOTE:

Error: Extraneous conjunction in § 2–1104(a)(1) of the Tax – General Article.

Occurred: Ch. 180, Acts of 2013. Correction by the publisher of the Annotated Code in the 2013 Supplement of the Tax – General Article is ratified by this Act.

10–208.

(b) The subtraction under subsection (a) of this section includes:

(1) if the child is a State resident at the time of adoption, reasonable and necessary adoption fees, court costs, attorney fees, and other expenses not exceeding:

(i) \$6,000 that a parent incurs in the adoption of a child [whom] **WHO** the State determines is a child with a special need, as described in § 473(c)(1) and (2) of the Social Security Act, if the adoption is made through a private, not for profit, licensed adoption agency or a public child welfare agency; and

(2) if the child is not a State resident at the time of adoption, reasonable and necessary adoption fees, court costs, attorney fees, and other expenses not exceeding:

(i) \$3,000 that a parent incurs in the adoption of a child [whom] **WHO** the State determines is a child with a special need, as described in § 473(c)(1) and (2) of the Social Security Act, if the adoption is made through a private, not for profit, licensed adoption agency, or a public child welfare agency; and

DRAFTER'S NOTE:

Error: Grammatical error in § 10–208(b)(1)(i) and (2)(i) of the Tax – General Article.

Occurred: Ch. 178, Acts of 1989; Ch. 517, Acts of 2000.

10–725.

(c) (3) The Department shall:

(i) approve all applications that qualify for credits under this section on a [first come first served] **FIRST-COME, FIRST-SERVED** basis; and

DRAFTER'S NOTE:

Error: Omitted comma and hyphens in § 10-725(c)(3)(i) of the Tax – General Article.

Occurred: Ch. 99, Acts of 2005.

11-204.

(e) For a sale described under subsection [(b)(6)] **(B)(7)** of this section that is not otherwise exempt under this section, only that part of the sale price that qualifies for a deduction under the federal income tax as a charitable contribution under the regulations and guidelines of the Internal Revenue Service is exempt from the sales and use tax under this section.

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 11-204(e) of the Tax – General Article.

Occurred: As a result of Ch. 609, Acts of 2013.

Article – Tax – Property

7-208.

(a) **(4) “INDIVIDUAL WHO DIED IN THE LINE OF DUTY” MEANS AN INDIVIDUAL WHO DIED WHILE IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE OF THE UNITED STATES AS A RESULT OF AN INJURY OR DISEASE THAT IS DEEMED UNDER 38 U.S.C. § 105 TO HAVE BEEN INCURRED IN THE LINE OF DUTY.**

[(4)] (5) “Surviving spouse” means an individual who has not remarried and who:

(i) is the surviving spouse of a disabled veteran;

(ii) is the surviving spouse of an individual who died in the line of duty; or

(iii) receives Dependency and Indemnity Compensation from the United States Department of Veterans Affairs.

[(5) “Individual who died in the line of duty” means an individual who died while in the active military, naval, or air service of the United States as a result of an injury or disease that is deemed under 38 U.S.C. § 105 to have been incurred in the line of duty.]

DRAFTER’S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 7–208(a) of the Tax – Property Article.

Occurred: Ch. 531, Acts of 2005.

9–319.

(c) The governing body of Queen Anne’s County may grant, by law, a property tax credit under this section against the county property tax imposed on real property that is:

- (2) [is] used solely for:
 - (i) the maintenance of a natural area for public use;
 - (ii) a sanctuary for wildlife;
 - (iii) the environmental education of the public;
 - (iv) scientific research in ornithology; or
 - (v) the general management of wildlife.

DRAFTER’S NOTE:

Error: Extraneous word in § 9–319(c)(2) of the Tax – Property Article.

Occurred: Ch. 505, Acts of 1999.

12–117.

(b) (1) The recordation tax is imposed on the transfer of a controlling interest in a real property [entity,] ENTITY as if the real [property] PROPERTY, directly or beneficially owned by the real property entity, was conveyed by an instrument of writing that is recorded with the clerk of the circuit court for a county or filed with the Department under § 12–102 of this title.

DRAFTER'S NOTE:

Error: Misplaced comma in § 12–117(b)(1) of the Tax – Property Article.

Occurred: Ch. 3, § 7, Acts of the Special Session of 2007.

Article – Transportation

21–801.1.

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

(i) Is] IS not an interstate highway or an expressway[; or

(ii) Would subject the State to federal funding sanctions under 23 United States Code § 154].

DRAFTER'S NOTE:

Error: Obsolete reference in § 21–801.1(e)(1)(ii) of the Transportation Article.

Occurred: As a result of enactment of the National Highway System Designation Act of 1995, which repealed the prohibition against a state receiving funding from the U.S. Department of Transportation for a project that did not comply with certain speed limit requirements. *See*, Public Law 104–59.

Chapter 180 of the Acts of 2013

SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding Section [1] 2 of this Act, except as otherwise provided in this section, the altered distribution of revenue from the motor fuel tax under the provisions of Title 2, Subtitle 11 of the Tax – General Article as enacted by this Act does not apply until any Consolidated Transportation Bonds that were issued by the Department of Transportation before July 1, 2013, no longer remain outstanding and unpaid. In any fiscal year for which funds are appropriated by the General Assembly to pay the amount due and payable in that fiscal year for the principal of and interest on the Department of Transportation's Consolidated Transportation Bonds, the revenue from the motor fuel tax shall be distributed as provided in Title 2, Subtitle 11 of the Tax – General Article as enacted by this Act.

DRAFTER'S NOTE:

Error: Erroneous internal reference in Ch. 180, § 5, Acts of 2013.

Occurred: Ch. 180, § 5, Acts of 2013. Correction suggested by the Attorney General in the Bill Review Letter for S.B. 90 (Ch. 180) of 2013 (footnote 1), dated April 29, 2013.

Chapter 424 of the Acts of 2013

SECTION 28. AND BE IT FURTHER ENACTED, That, except as provided in Sections [19, 20, 21,] 22, 23, 24, 25, 26, and 27 of this Act, this Act shall take effect June 1, 2013.

DRAFTER'S NOTE:

Error: Incorrect internal references in Ch. 424, § 28, Acts of 2013.

Occurred: Ch. 424, § 28, Acts of 2013. Correction suggested by the Attorney General in the Bill Review Letter for H.B. 101 (Ch. 424) of 2013, dated May 9, 2013.

Chapter 492 of the Acts of 2013

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Except as provided in subsection (b) of this section, Section 1 of this Act may not be construed to apply to:

(3) A nonwater-dependent project that was in existence on or before [June 30, 1989] **DECEMBER 31, 2012**.

DRAFTER'S NOTE:

Error: Erroneous date in Ch. 492, § 3(a)(3), Acts of 2013.

Occurred: Ch. 492, § 3(a)(3), Acts of 2013. This conforming correction makes the date consistent with the remainder of the bill. Correction suggested by the Attorney General in the Bill Review Letter for S.B. 524 (Ch. 492) of 2013 (footnote 5), dated April 26, 2013.

Chapter 524 of the Acts of 2013

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2013. It shall remain effective for a period of 2 years and, at the end of [May 31] **JUNE 30**, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

DRAFTER'S NOTE:

Error: Erroneous date in Ch. 524, § 2, Acts of 2013.

Occurred: Ch. 524, § 2, Acts of 2013. This conforming correction makes the termination date consistent with the 2–year effective period of the bill.

Chapter 617 of the Acts of 2013

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the recognition by the federal government of same–sex marriage for purposes of the federal income tax. Within 5 days after the federal government recognizes same–sex marriage for purposes of the federal income tax, the Office of the Comptroller shall notify the Department of Legislative Services. If Section 2 of this Act takes effect, **§ 10–807 OF THE TAX – GENERAL ARTICLE, AS ENACTED BY** Section 1 of this Act, shall be abrogated and of no further force and effect.

DRAFTER’S NOTE:

Error: Omitted language in Ch. 617, § 3, Acts of 2013.

Occurred: Ch. 617, § 3, Acts of 2013.

SECTION 2. AND BE IT FURTHER ENACTED, That the Drafter’s Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act are intended solely to correct technical errors in the law and there is no intent to revive or otherwise affect law that is the subject of other acts, whether those acts were signed by the Governor prior to or after the signing of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, subject to the approval of the Department of Legislative Services, shall make any changes in the text of the Annotated Code necessary to effectuate any termination provision that was enacted by the General Assembly and has taken effect or will take effect prior to October 1, 2014. Any enactment of the 2014 Session of the General Assembly that negates or extends the effect of a previously enacted termination provision shall prevail over the provisions of this section.

SECTION 5. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall make nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect or obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor’s note following the section affected.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three–fifths of all the members

elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 8, 2014.

Chapter 46

(Senate Bill 228)

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.

Approved by the Governor, April 8, 2014.

Chapter 47**(Senate Bill 243)**

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.

(l) (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.

Approved by the Governor, April 8, 2014.

Chapter 48

(Senate Bill 247)

AN ACT concerning

Civil Actions – Personal Injury or Death Caused by Dog – Rebuttable Presumption

FOR the purpose of establishing that certain evidence creates a certain rebuttable presumption in an action against an owner of a dog for damages for personal injury or death caused by the dog; prohibiting a judge in a jury trial from making a certain ruling before the jury returns a verdict; establishing that certain common law is retained as to certain persons; establishing that the owner of a dog is liable for injury, death, or loss to person or property that is caused by the dog while the dog is running at large; establishing certain exceptions; providing for the construction and application of this Act; stating the intent of the General Assembly; making this Act an emergency measure; and generally relating to civil liability for personal injury or death caused by a dog.

BY adding to

Article – Courts and Judicial Proceedings

Section 3–1901 to be under the new subtitle “Subtitle 19. Personal Injury or Death Caused by Dog”

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

SUBTITLE 19. PERSONAL INJURY OR DEATH CAUSED BY DOG.

3–1901.

(A) (1) IN AN ACTION AGAINST AN OWNER OF A DOG FOR DAMAGES FOR PERSONAL INJURY OR DEATH CAUSED BY THE DOG, EVIDENCE THAT THE DOG CAUSED THE PERSONAL INJURY OR DEATH CREATES A REBUTTABLE PRESUMPTION THAT THE OWNER KNEW OR SHOULD HAVE KNOWN THAT THE DOG HAD VICIOUS OR DANGEROUS PROPENSITIES.

(2) NOTWITHSTANDING ANY OTHER LAW OR RULE, IN A JURY TRIAL, THE JUDGE MAY NOT RULE AS A MATTER OF LAW THAT THE PRESUMPTION HAS BEEN REBUTTED BEFORE THE JURY RETURNS A VERDICT.

(B) IN AN ACTION AGAINST A PERSON OTHER THAN AN OWNER OF A DOG FOR DAMAGES FOR PERSONAL INJURY OR DEATH CAUSED BY THE DOG, THE COMMON LAW OF LIABILITY RELATING TO ATTACKS BY DOGS AGAINST HUMANS THAT EXISTED ON APRIL 1, 2012, IS RETAINED AS TO THE PERSON WITHOUT REGARD TO THE BREED OR HERITAGE OF THE DOG.

(C) THE OWNER OF A DOG IS LIABLE FOR ANY INJURY, DEATH, OR LOSS TO PERSON OR PROPERTY THAT IS CAUSED BY THE DOG, WHILE THE DOG IS RUNNING AT LARGE, UNLESS THE INJURY, DEATH, OR LOSS WAS CAUSED TO THE BODY OR PROPERTY OF A PERSON WHO WAS:

(1) COMMITTING OR ATTEMPTING TO COMMIT A TRESPASS OR OTHER CRIMINAL OFFENSE ON THE PROPERTY OF THE OWNER;

(2) COMMITTING OR ATTEMPTING TO COMMIT A CRIMINAL OFFENSE AGAINST ANY PERSON; OR

(3) TEASING, TORMENTING, ABUSING, OR PROVOKING THE DOG.

(D) THIS SECTION DOES NOT AFFECT:

(1) ANY OTHER COMMON LAW OR STATUTORY CAUSE OF ACTION;
OR

(2) ANY OTHER COMMON LAW OR STATUTORY DEFENSE OR IMMUNITY.

SECTION 2. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this Act, it is the intent of the General Assembly that this Act abrogate the holding of the Court of Appeals in Tracey v. Solesky, 427 Md. 627 (2012).

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 cause of action arising before the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members

elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 8, 2014.

Chapter 49

(House Bill 73)

AN ACT concerning

Civil Actions – Personal Injury or Death Caused by Dog – Rebuttable Presumption

FOR the purpose of establishing that certain evidence creates a certain rebuttable presumption in an action against an owner of a dog for damages for personal injury or death caused by the dog; prohibiting a judge in a jury trial from making a certain ruling before the jury returns a verdict; establishing that certain common law is retained as to certain persons; establishing that the owner of a dog is liable for injury, death, or loss to person or property that is caused by the dog while the dog is running at large; establishing certain exceptions; providing for the construction and application of this Act; stating the intent of the General Assembly; making this Act an emergency measure; and generally relating to civil liability for personal injury or death caused by a dog.

BY adding to

Article – Courts and Judicial Proceedings

Section 3–1901 to be under the new subtitle “Subtitle 19. Personal Injury or Death Caused by Dog”

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

SUBTITLE 19. PERSONAL INJURY OR DEATH CAUSED BY DOG.

3–1901.

(A) (1) IN AN ACTION AGAINST AN OWNER OF A DOG FOR DAMAGES FOR PERSONAL INJURY OR DEATH CAUSED BY THE DOG, EVIDENCE THAT THE DOG CAUSED THE PERSONAL INJURY OR DEATH CREATES A REBUTTABLE

PRESUMPTION THAT THE OWNER KNEW OR SHOULD HAVE KNOWN THAT THE DOG HAD VICIOUS OR DANGEROUS PROPENSITIES.

(2) NOTWITHSTANDING ANY OTHER LAW OR RULE, IN A JURY TRIAL, THE JUDGE MAY NOT RULE AS A MATTER OF LAW THAT THE PRESUMPTION HAS BEEN REBUTTED BEFORE THE JURY RETURNS A VERDICT.

(B) IN AN ACTION AGAINST A PERSON OTHER THAN AN OWNER OF A DOG FOR DAMAGES FOR PERSONAL INJURY OR DEATH CAUSED BY THE DOG, THE COMMON LAW OF LIABILITY RELATING TO ATTACKS BY DOGS AGAINST HUMANS THAT EXISTED ON APRIL 1, 2012, IS RETAINED AS TO THE PERSON WITHOUT REGARD TO THE BREED OR HERITAGE OF THE DOG.

(C) THE OWNER OF A DOG IS LIABLE FOR ANY INJURY, DEATH, OR LOSS TO PERSON OR PROPERTY THAT IS CAUSED BY THE DOG, WHILE THE DOG IS RUNNING AT LARGE, UNLESS THE INJURY, DEATH, OR LOSS WAS CAUSED TO THE BODY OR PROPERTY OF A PERSON WHO WAS:

(1) COMMITTING OR ATTEMPTING TO COMMIT A TRESPASS OR OTHER CRIMINAL OFFENSE ON THE PROPERTY OF THE OWNER;

(2) COMMITTING OR ATTEMPTING TO COMMIT A CRIMINAL OFFENSE AGAINST ANY PERSON; OR

(3) TEASING, TORMENTING, ABUSING, OR PROVOKING THE DOG.

(D) THIS SECTION DOES NOT AFFECT:

**(1) ANY OTHER COMMON LAW OR STATUTORY CAUSE OF ACTION;
OR**

(2) ANY OTHER COMMON LAW OR STATUTORY DEFENSE OR IMMUNITY.

SECTION 2. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this Act, it is the intent of the General Assembly that this Act abrogate the holding of the Court of Appeals in Tracey v. Solesky, 427 Md. 627 (2012).

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 cause of action arising before the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety,

has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 8, 2014.

Chapter 50

(Senate Bill 269)

AN ACT concerning

Local Government – Municipal Elections – Voting Offenses, Penalties, and Enforcement

FOR the purpose of providing that a voter in a municipal election is subject to the offenses and penalties related to voting specified in a certain provision of law; authorizing the State Prosecutor or the State's Attorney for a certain county to prosecute a person for an offense; and generally relating to voting offenses, penalties, and enforcement regarding municipal elections.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 14–107(a)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 14–107(a)(2)
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY adding to
Article – Local Government
Section 4–108.1
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 – Criminal Procedure

14–107.

(a) (1) Except as provided in paragraph (2) of this subsection, the State Prosecutor may investigate:

- (i) a criminal offense under the State election laws;
- (ii) a criminal offense under the State Public Ethics Law;
- (iii) a violation of the State bribery laws in which an official or employee of the State, a political subdivision of the State, or a bicounty or multicounty unit of the State was the offeror, offeree, or intended offeror or offeree of a bribe;
- (iv) an offense constituting criminal malfeasance, misfeasance, or nonfeasance in office committed by an officer or employee of the State, of a political subdivision of the State, or of a bicounty or multicounty unit of the State; [and]
- (v) a violation of the State extortion, perjury, or obstruction of justice laws related to an activity described in this paragraph; AND

(VI) A CRIMINAL OFFENSE ~~UNDER~~ RELATED TO VOTING IN A MUNICIPAL ELECTION ~~LAW~~ UNDER § 4-108.1 OF THE LOCAL GOVERNMENT ARTICLE.

(2) The State Prosecutor may not investigate an offense alleged to have been committed by the State Prosecutor or a member of the State Prosecutor's staff.

Article – Local Government

4-108.1.

AS TO VOTING IN A MUNICIPAL ELECTION:

(1) A PERSON IS SUBJECT TO THE OFFENSES AND PENALTIES RELATED TO VOTING SPECIFIED UNDER § 16-201 OF THE ELECTION LAW ARTICLE; AND

(2) THE STATE PROSECUTOR OR THE STATE'S ATTORNEY FOR THE COUNTY IN WHICH THE MUNICIPAL ELECTION WAS HELD AND WHERE THE OFFENSE IS ALLEGED TO HAVE OCCURRED MAY PROSECUTE THE PERSON FOR THE OFFENSE.

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

Approved by the Governor, April 8, 2014.

Chapter 51**(Senate Bill 292)**

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.

Approved by the Governor, April 8, 2014.

Chapter 52**(Senate Bill 294)**

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.

Approved by the Governor, April 8, 2014.

Chapter 53

(Senate Bill 297)

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.

Approved by the Governor, April 8, 2014.

Chapter 54

(Senate Bill 306)

AN ACT concerning

Montgomery County – Barbershops – Restriction on Operation Repealed

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.

Approved by the Governor, April 8, 2014.

Chapter 55

(Senate Bill 310)

AN ACT concerning

Montgomery County – Micro–Brewery Licenses and Class D Beer and Light Wine Licenses

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.

Approved by the Governor, April 8, 2014.

Chapter 56**(Senate Bill 380)**

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;~~ to assess certain fines 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.

Approved by the Governor, April 8, 2014.

Chapter 57

(Senate Bill 399)

AN ACT concerning

Security Systems Services – Complaint Investigations

FOR the purpose of requiring the Secretary of State Police to conduct an investigation that relates to any complaint alleging that an unauthorized person has provided security systems services; specifying requirements for the complaint; and generally relating to security systems services.

BY repealing and reenacting, without amendments,

Article – Business Occupations and Professions
Section 18–101(a) and (f), 18–501, and 18–504
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

BY adding to

Article – Business Occupations and Professions
Section 18–205
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

18–101.

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

(f) “Providing security systems services” means providing, on the premises of a person’s residential or commercial property, the service of:

- (1) surveying the property for purposes of installing a security system;
- (2) physically installing, maintaining, or repairing a security system for the customer; or
- (3) responding to a distress call or an alarm sounding from a security system.

18–205.

(A) SUBJECT TO THIS SECTION, THE SECRETARY SHALL CONDUCT AN INVESTIGATION THAT RELATES TO ANY COMPLAINT ALLEGING THAT AN UNAUTHORIZED PERSON HAS PROVIDED SECURITY SYSTEMS SERVICES.

(B) A COMPLAINT SHALL:

- (1) BE IN WRITING AND UNDER OATH;**
- (2) STATE SPECIFICALLY THE FACTS ON WHICH THE COMPLAINT IS BASED; AND**
- (3) BE FILED WITH THE SECRETARY.**

18-501.

A person may not engage, attempt to engage, offer to engage, or solicit to engage in a business of providing security systems services in the State unless licensed by the Secretary.

18-504.

(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 \$1,000 or imprisonment not exceeding 1 year or both.

(b) The fines assessed under §§ 18-309 and 18-3A-09 of this title may not exceed \$5,000 per violation and shall be paid to the Secretary within 10 days after final adjudication of any hearing or the waiver of any hearing.

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

Approved by the Governor, April 8, 2014.

Chapter 58

(Senate Bill 404)

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.

Approved by the Governor, April 8, 2014.

Chapter 59

(Senate Bill 418)

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.

Approved by the Governor, April 8, 2014.

Chapter 60**(Senate Bill 441)**

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.

Approved by the Governor, April 8, 2014.

Chapter 61

(Senate Bill 448)

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.

Approved by the Governor, April 8, 2014.

Chapter 62**(Senate Bill 480)**

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.

Approved by the Governor, April 8, 2014.

Chapter 63

(Senate Bill 555)

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.

Approved by the Governor, April 8, 2014.

Chapter 64

(Senate Bill 557)

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.

Approved by the Governor, April 8, 2014.

Chapter 65**(Senate Bill 564)**

AN ACT concerning

Environment – Water Pollution Control – Penalty

FOR the purpose of increasing a certain penalty for certain violations of the water pollution control law; and generally relating to water pollution control.

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–342

Annotated Code of Maryland

(2007 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 – Environment

9–342.

(a) In addition to being subject to an injunctive action under this subtitle, a person who violates any provision of this subtitle or of any rule, regulation, order, or permit adopted or issued under this subtitle is liable to a civil penalty not exceeding \$10,000, to be collected in a civil action brought by the Department. Each day a violation occurs is a separate violation under this subsection.

(b) (1) In addition to any other remedies available at law or in equity and after an opportunity for a hearing which may be waived in writing by the person accused of a violation, the Department may impose a penalty for violation of any provision of this subtitle or any rule, regulation, order, or permit adopted or issued under this subtitle.

(2) The penalty imposed on a person under this subsection shall be:

(i) Up to ~~[\$5,000]~~ **\$10,000** for each violation, but not exceeding ~~[\$50,000]~~ **\$100,000** total; and

(ii) Assessed with consideration given to:

1. The willfulness of the violation, the extent to which the existence of the violation was known to but uncorrected by the violator, and the extent to which the violator exercised reasonable care;

2. Any actual harm to the environment or to human health, including injury to or impairment of the use of the waters of this State or the natural resources of this State;

3. The cost of cleanup and the cost of restoration of natural resources;

4. The nature and degree of injury to or interference with general welfare, health, and property;

5. The extent to which the location of the violation, including location near waters of this State or areas of human population, creates the potential for harm to the environment or to human health or safety;

6. The available technology and economic reasonableness of controlling, reducing, or eliminating the violation;

7. The degree of hazard posed by the particular pollutant or pollutants involved; and

8. The extent to which the current violation is part of a recurrent pattern of the same or similar type of violation committed by the violator.

(3) Each day a violation occurs is a separate violation under this subsection.

(4) Any penalty imposed under this subsection is payable to this State and collectible in any manner provided at law for the collection of debts.

(5) If any person who is liable to pay a penalty imposed under this subsection fails to pay it after demand, the amount, together with interest and any costs that may accrue, shall be:

(i) A lien in favor of this State on any property, real or personal, of the person; and

(ii) Recorded in the office of the clerk of court for the county in which the property is located.

(6) Any penalty collected under this subsection shall be placed in a special fund to be used for monitoring and surveillance by the Department to assure and maintain an adequate record of any violations, including discharge of waste material and other pollutants into the waters of this State or into the environment.

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

Approved by the Governor, April 8, 2014.

Chapter 66

(House Bill 834)

AN ACT concerning

Environment – Water Pollution Control – Penalty

FOR the purpose of increasing a certain penalty for certain violations of the water pollution control law; and generally relating to water pollution control.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–342
Annotated Code of Maryland
(2007 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 – Environment

9–342.

(a) In addition to being subject to an injunctive action under this subtitle, a person who violates any provision of this subtitle or of any rule, regulation, order, or permit adopted or issued under this subtitle is liable to a civil penalty not exceeding \$10,000, to be collected in a civil action brought by the Department. Each day a violation occurs is a separate violation under this subsection.

(b) (1) In addition to any other remedies available at law or in equity and after an opportunity for a hearing which may be waived in writing by the person accused of a violation, the Department may impose a penalty for violation of any provision of this subtitle or any rule, regulation, order, or permit adopted or issued under this subtitle.

(2) The penalty imposed on a person under this subsection shall be:

(i) Up to [~~\$5,000~~] **\$10,000** for each violation, but not exceeding [~~\$50,000~~] **\$100,000** total; and

(ii) Assessed with consideration given to:

1. The willfulness of the violation, the extent to which the existence of the violation was known to but uncorrected by the violator, and the extent to which the violator exercised reasonable care;

2. Any actual harm to the environment or to human health, including injury to or impairment of the use of the waters of this State or the natural resources of this State;

3. The cost of cleanup and the cost of restoration of natural resources;

4. The nature and degree of injury to or interference with general welfare, health, and property;

5. The extent to which the location of the violation, including location near waters of this State or areas of human population, creates the potential for harm to the environment or to human health or safety;

6. The available technology and economic reasonableness of controlling, reducing, or eliminating the violation;

7. The degree of hazard posed by the particular pollutant or pollutants involved; and

8. The extent to which the current violation is part of a recurrent pattern of the same or similar type of violation committed by the violator.

(3) Each day a violation occurs is a separate violation under this subsection.

(4) Any penalty imposed under this subsection is payable to this State and collectible in any manner provided at law for the collection of debts.

(5) If any person who is liable to pay a penalty imposed under this subsection fails to pay it after demand, the amount, together with interest and any costs that may accrue, shall be:

(i) A lien in favor of this State on any property, real or personal, of the person; and

(ii) Recorded in the office of the clerk of court for the county in which the property is located.

(6) Any penalty collected under this subsection shall be placed in a special fund to be used for monitoring and surveillance by the Department to assure and maintain an adequate record of any violations, including discharge of waste material and other pollutants into the waters of this State or into the environment.

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

Approved by the Governor, April 8, 2014.

Chapter 67

(Senate Bill 641)

AN ACT concerning

Kathleen A. Mathias Oral Chemotherapy Improvement Act of 2014

FOR the purpose of altering the scope of certain provisions of law relating to coverage of cancer chemotherapy to include certain policies or contracts issued or delivered by certain entities that provide essential health benefits required under certain provisions of federal law; providing for the application of this Act; *making this Act an emergency measure*; ~~providing for the construction of this Act;~~ and generally relating to health insurance coverage for cancer chemotherapy.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–846
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

15–846.

(a) In this section, “cancer chemotherapy” means medication that is prescribed by a licensed physician to kill or slow the growth of cancer cells.

(b) This section applies to:

(1) insurers and nonprofit health service plans that provide coverage for both orally administered cancer chemotherapy and cancer chemotherapy that is administered intravenously or by injection under health insurance policies or contracts that are issued or delivered in the State; and

(2) health maintenance organizations that provide coverage for both orally administered cancer chemotherapy and cancer chemotherapy that is administered intravenously or by injection under contracts that are issued or delivered in the State.

[(c) This section does not apply to a policy or contract issued or delivered by an entity subject to this section that provides the essential health benefits required under § 1302(a) of the Affordable Care Act.]

[(d)](C) An entity subject to this section may not impose dollar limits, copayments, deductibles, or coinsurance requirements on coverage for orally administered cancer chemotherapy that are less favorable to an insured or enrollee than the dollar limits, copayments, deductibles, or coinsurance requirements that apply to coverage for cancer chemotherapy that is administered intravenously or by injection.

[(e)](D) An entity subject to this section may not reclassify cancer chemotherapy or increase a copayment, deductible, coinsurance requirement, or other out-of-pocket expense imposed on cancer chemotherapy to achieve compliance with this section.

~~(E) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT AN ENTITY SUBJECT TO THIS SECTION FROM IMPOSING APPROPRIATE UTILIZATION CONTROLS IN APPROVING COVERAGE FOR CHEMOTHERAPY OR FROM USING TIERED FORMULARY DESIGNS.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans that are issued, delivered, or renewed in the State on or after January 1, ~~2015~~ ~~2016~~ 2015.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2014~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 8, 2014.

Chapter 68

(House Bill 625)

AN ACT concerning

Kathleen A. Mathias Oral Chemotherapy Improvement Act of 2014

FOR the purpose of altering the scope of certain provisions of law relating to coverage of cancer chemotherapy to include certain policies or contracts issued or delivered by certain entities that provide essential health benefits required under certain provisions of federal law; providing for the application of this Act; ~~providing for the construction of this Act~~ making this Act an emergency measure; and generally relating to health insurance coverage for cancer chemotherapy.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–846
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

15–846.

(a) In this section, “cancer chemotherapy” means medication that is prescribed by a licensed physician to kill or slow the growth of cancer cells.

(b) This section applies to:

(1) insurers and nonprofit health service plans that provide coverage for both orally administered cancer chemotherapy and cancer chemotherapy that is administered intravenously or by injection under health insurance policies or contracts that are issued or delivered in the State; and

(2) health maintenance organizations that provide coverage for both orally administered cancer chemotherapy and cancer chemotherapy that is administered intravenously or by injection under contracts that are issued or delivered in the State.

[(c) This section does not apply to a policy or contract issued or delivered by an entity subject to this section that provides the essential health benefits required under § 1302(a) of the Affordable Care Act.]

[(d)] (C) An entity subject to this section may not impose dollar limits, copayments, deductibles, or coinsurance requirements on coverage for orally administered cancer chemotherapy that are less favorable to an insured or enrollee than the dollar limits, copayments, deductibles, or coinsurance requirements that

apply to coverage for cancer chemotherapy that is administered intravenously or by injection.

[(e)] (D) An entity subject to this section may not reclassify cancer chemotherapy or increase a copayment, deductible, coinsurance requirement, or other out-of-pocket expense imposed on cancer chemotherapy to achieve compliance with this section.

~~**(E) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT AN ENTITY SUBJECT TO THIS SECTION FROM IMPOSING APPROPRIATE UTILIZATION CONTROLS IN APPROVING COVERAGE FOR CHEMOTHERAPY OR FROM USING TIERED FORMULARY DESIGNS.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans that are issued, delivered, or renewed in the State on or after January 1, 2015.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2014~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 8, 2014.

Chapter 69

(Senate Bill 644)

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 establishing a certain plan for providing certain open data, 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 § 14-117 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.

Approved by the Governor, April 8, 2014.

Chapter 70

(Senate Bill 661)

AN ACT concerning

Economic Development – Equity Participation Investment Program – Small Businesses

FOR the purpose of ~~altering the purpose of the Equity Participation Investment Program to assist small businesses; altering the types of businesses of which the Maryland Small Business Development Financing Authority is prohibited from owning more than a certain percentage of securities or in which the Authority is prohibited from having an ownership interest that exceeds a certain percentage; altering the maximum amount of the Authority's equity participation financing in a certain enterprise; altering the length of time within which the Authority's investment shall be recoverable; repealing certain defined terms; repealing the definitions of "franchise" and "technology-based business"; making certain conforming changes to certain findings of the General Assembly, the purpose of the Equity Participation Investment Program, the authority of the Maryland~~

Small Business Development Financing Authority, and the contents of a certain business plan; repealing certain distinctions in the amount the Authority may invest in certain enterprises using equity participation financing; altering the amount the Authority may invest using equity participation financing; repealing certain distinctions in the time period over which the Authority's investment is recoverable; altering the circumstances under which the value of a certain business entity is determined after obtaining a certain independent appraisal; and generally relating to small businesses and the Equity Participation Investment Program.

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 5–549, 5–550, 5–553, 5–556, and 5–557(a)
Annotated Code of Maryland
(2008 Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 5–551, 5–552, and 5–554
Annotated Code of Maryland
(2008 Volume and 2013 Supplement)

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

Article – Economic Development

5–549.

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

(b) (1) “Enterprise” means a business entity proposing to carry on a business in the State that meets the requirements of § 5–526 of this subtitle.

(2) “Enterprise” includes:

- (i) a sole proprietorship;
- (ii) a partnership;
- (iii) a limited partnership;
- (iv) a corporation; or
- (v) a joint venture.

(c) “Equity participation financing” includes investment or guaranty of investment in an enterprise.

(d) “Existing business” means a business whose board of directors or owners approve the sale of the business to an enterprise receiving equity participation financing.

[(e) (1) “Franchise” has the meaning stated in § 14–201 of the Business Regulation Article.

(2) “Franchise” includes only franchise offerings that are registered or exempt under the Maryland Franchise Registration and Disclosure Law.]

[(f) (E) “Fund” means the Equity Participation Investment Program Fund.

[(g) (F) “Program” means the Equity Participation Investment Program.

[(h) (G) “Qualified security” means:

- (1) a note, bond, debenture, or other evidence of indebtedness;
- (2) stock or other form of equity participation;
- (3) a certificate of interest or participation in a profit-sharing agreement;
- (4) an investment contract;
- (5) a certificate of deposit for a security;
- (6) a certificate of interest or participation in a patent or patent application or in royalty or other payments under a patent or patent application; or
- (7) an interest or instrument commonly known as a “security” or a certificate for, receipt for, guaranty of, or option, warrant, or right to subscribe to or purchase a qualified security.

[(i) “Technology-based business” means a commercial or industrial enterprise engaged in the application of scientific knowledge to practical purposes in a particular field for a profit.]

(H) “SMALL BUSINESS” MEANS A BUSINESS THAT IS CLASSIFIED AS A SMALL BUSINESS UNDER THE U.S. SMALL BUSINESS ADMINISTRATION SIZE STANDARDS.

(a) The General Assembly finds that:

(1) [franchises and technology-based] **SMALL** businesses have proven to be a fast growing and reliable form of successful business expansion and successful new business creation;

(2) [franchises and technology-based] **SMALL** businesses play a major role in the economy of the State and have been a continuing source of increasing tax revenues and job opportunities;

(3) the growth of [franchises, technology-based businesses, and other] **SMALL** businesses should be encouraged and should be an integral part of the State's economic development effort;

(4) socially or economically disadvantaged individuals often lack adequate capital and are unable to obtain financing from financial institutions or venture capital firms to begin and develop a [franchise, a technology-based business, or other type of] **SMALL** business, or to purchase an existing business; and

(5) promoting the creation and viability of ~~[franchises and technology-based businesses, the development of other] **SMALL** businesses,~~ **SMALL BUSINESSES** and the purchase of existing businesses by socially or economically disadvantaged individuals is in the public interest.

(b) The purposes of the Equity Participation Investment Program are to:

(1) encourage and help socially or economically disadvantaged individuals to create and develop [franchises, technology-based businesses, and other] **SMALL** businesses and acquire existing businesses in the State; and

(2) assist small businesses that, because they do not meet the established credit criteria of financial institutions, cannot obtain adequate business financing on reasonable terms through normal financing channels.

5-551.

There is an Equity Participation Investment Program in the Department.

5-552.

The Authority shall administer the Program.

5-553.

The Authority may:

(1) provide equity participation financing to help socially or economically disadvantaged individuals in the State create and develop [franchises, technology-based businesses, and other] **SMALL** businesses and acquire existing businesses;

(2) buy, hold, and sell qualified securities;

(3) prepare, publish, and distribute technical studies, reports, and other materials with or without charge; and

(4) provide and pay for advisory services and technical assistance that are necessary or desirable to carry out the Program.

5-554.

There is an Equity Participation Investment Program Fund.

5-556.

(a) The Authority may provide equity participation financing under the Program only after the enterprise submits an application that contains a business plan that meets the requirements of subsection (b) of this section.

(b) The business plan of an enterprise shall include:

(1) a description of the ~~franchise, technology-based business, other business,~~ **SMALL BUSINESS** or existing ~~SMALL~~ business and its management, product, and market;

(2) a statement of the amount, immediacy of need, and projected use of the capital required;

(3) a statement of the potential economic impact of the purchase;

(4) information that relates to the satisfaction of the applicant's requirements of § 5-557(d) and (e) of this subtitle; and

(5) any other information the Authority requires.

5-557.

(a) (1) Under the Program the Authority may not:

(i) own securities representing more than 49% of the voting stock of a [franchise, technology-based business, or other] **SMALL** business or own an

interest greater than 49% in a [franchise, technology-based business, or other] **SMALL** business; or

(ii) own securities representing more than 49% of the voting stock of an enterprise acquiring an existing business or own an interest greater than 49% in an enterprise acquiring an existing business.

(2) The amount of the Authority's equity participation financing in an enterprise may not exceed~~1~~:

~~(i) the lesser of:~~

~~1. \$2,000,000 for a franchise; or~~

~~2. 40% of the total initial investment in the franchise;~~

~~(ii) the lesser of:~~

~~1. \$2,000,000 for an enterprise acquiring an existing business; or~~

~~2. 40% of the total investment in the enterprise acquiring an existing business; or~~

~~(iii) \$2,000,000 for a technology-based business] **\$2,000,000.**~~

(3) Before providing equity participation financing, the Authority shall find that there is a reasonable probability that the Authority will recover its initial investment and an adequate return on investment from the equity participation financing.

(4) The Authority's investment shall be recoverable within~~1~~:

~~(i) 7 years after the equity participation financing in a franchise, an enterprise acquiring an existing business, or any other type of business; or~~

~~(ii) 10 years after the equity participation financing in a technology-based business] **7 YEARS.**~~

(5) The Authority's recovery shall be the greater of:

(i) the current value of the percentage of the equity investment in the enterprise; or

(ii) the amount of the initial investment in the enterprise.

(6) [The] **IF THERE IS A DISPUTE BETWEEN THE BORROWER AND THE AUTHORITY AS TO THE** value of the business entity at the time of recovery, **THE VALUE** shall be determined after obtaining at least one independent appraisal of the value from an appraiser selected from a list of at least three appraisers supplied by the Authority.

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

Approved by the Governor, April 8, 2014.

Chapter 71

(House Bill 583)

AN ACT concerning

~~Maryland Small Business Development Financing Authority – Investment and Recovery Limits~~

Economic Development – Equity Participation Investment Program – Small Businesses

FOR the purpose of repealing the definitions of “franchise” and “technology-based business”; making certain conforming changes to certain findings of the General Assembly, the purpose of the Equity Participation Investment Program, the authority of the Maryland Small Business Development Financing Authority, and the contents of a certain business plan; repealing certain distinctions in the amount the Authority may invest in certain enterprises using equity participation financing; altering the amount the Authority may invest using equity participation financing; repealing certain distinctions in the time period over which the Authority’s investment is recoverable; altering the circumstances under which the value of a certain business entity is determined after obtaining a certain independent appraisal; and generally relating to ~~the Maryland Small Business Development Financing Authority~~ small businesses and the Equity Participation Investment Program.

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 5-549, 5-550, 5-553, 5-556, and 5-557(a)
Annotated Code of Maryland
(2008 Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Economic Development
Section 5–551, 5–552, and 5–554
Annotated Code of Maryland
(2008 Volume and 2013 Supplement)

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

Article – Economic Development

5–549.

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

(b) (1) “Enterprise” means a business entity proposing to carry on a business in the State that meets the requirements of § 5–526 of this subtitle.

(2) “Enterprise” includes:

- (i) a sole proprietorship;
- (ii) a partnership;
- (iii) a limited partnership;
- (iv) a corporation; or
- (v) a joint venture.

(c) “Equity participation financing” includes investment or guaranty of investment in an enterprise.

(d) “Existing business” means a business whose board of directors or owners approve the sale of the business to an enterprise receiving equity participation financing.

[(e) (1) “Franchise” has the meaning stated in § 14–201 of the Business Regulation Article.

(2) “Franchise” includes only franchise offerings that are registered or exempt under the Maryland Franchise Registration and Disclosure Law.]

[(f)] (E) “Fund” means the Equity Participation Investment Program Fund.

[(g)] (F) “Program” means the Equity Participation Investment Program.

[(h)] (G) “Qualified security” means:

- (1) a note, bond, debenture, or other evidence of indebtedness;
- (2) stock or other form of equity participation;
- (3) a certificate of interest or participation in a profit-sharing agreement;
- (4) an investment contract;
- (5) a certificate of deposit for a security;
- (6) a certificate of interest or participation in a patent or patent application or in royalty or other payments under a patent or patent application; or
- (7) an interest or instrument commonly known as a “security” or a certificate for, receipt for, guaranty of, or option, warrant, or right to subscribe to or purchase a qualified security.

[(i)] “Technology-based business” means a commercial or industrial enterprise engaged in the application of scientific knowledge to practical purposes in a particular field for a profit.]

(H) “SMALL BUSINESS” MEANS A BUSINESS THAT IS CLASSIFIED AS A SMALL BUSINESS UNDER THE U.S. SMALL BUSINESS ADMINISTRATION SIZE STANDARDS.

5-550.

(a) The General Assembly finds that:

- (1) [franchises and technology-based] **SMALL** businesses have proven to be a fast growing and reliable form of successful business expansion and successful new business creation;
- (2) [franchises and technology-based] **SMALL** businesses play a major role in the economy of the State and have been a continuing source of increasing tax revenues and job opportunities;
- (3) the growth of [franchises, technology-based businesses, and other] **SMALL** businesses should be encouraged and should be an integral part of the State’s economic development effort;
- (4) socially or economically disadvantaged individuals often lack adequate capital and are unable to obtain financing from financial institutions or

venture capital firms to begin and develop a [franchise, a technology-based business, or other type of] **SMALL** business, or to purchase an existing business; and

(5) promoting the creation and viability of [franchises and technology-based businesses, the development of other businesses,] **SMALL BUSINESSES** and the purchase of existing businesses by socially or economically disadvantaged individuals is in the public interest.

(b) The purposes of the Equity Participation Investment Program are to:

(1) encourage and help socially or economically disadvantaged individuals to create and develop [franchises, technology-based businesses, and other] **SMALL** businesses and acquire existing businesses in the State; and

(2) assist small businesses that, because they do not meet the established credit criteria of financial institutions, cannot obtain adequate business financing on reasonable terms through normal financing channels.

5-551.

There is an Equity Participation Investment Program in the Department.

5-552.

The Authority shall administer the Program.

5-553.

The Authority may:

(1) provide equity participation financing to help socially or economically disadvantaged individuals in the State create and develop [franchises, technology-based businesses, and other] **SMALL** businesses and acquire existing businesses;

(2) buy, hold, and sell qualified securities;

(3) prepare, publish, and distribute technical studies, reports, and other materials with or without charge; and

(4) provide and pay for advisory services and technical assistance that are necessary or desirable to carry out the Program.

5-554.

There is an Equity Participation Investment Program Fund.

5–556.

(a) The Authority may provide equity participation financing under the Program only after the enterprise submits an application that contains a business plan that meets the requirements of subsection (b) of this section.

(b) The business plan of an enterprise shall include:

(1) a description of the [franchise, technology–based business, other business,] **SMALL BUSINESS** or existing business and its management, product, and market;

(2) a statement of the amount, immediacy of need, and projected use of the capital required;

(3) a statement of the potential economic impact of the purchase;

(4) information that relates to the satisfaction of the applicant’s requirements of § 5–557(d) and (e) of this subtitle; and

(5) any other information the Authority requires.

5–557.

(a) (1) Under the Program the Authority may not:

(i) own securities representing more than 49% of the voting stock of a [franchise, technology–based business, or other] **SMALL** business or own an interest greater than 49% in a [franchise, technology–based business, or other] **SMALL** business; or

(ii) own securities representing more than 49% of the voting stock of an enterprise acquiring an existing business or own an interest greater than 49% in an enterprise acquiring an existing business.

(2) The amount of the Authority’s equity participation financing in an enterprise may not exceed[:

(i) the lesser of:

1.] \$2,000,000 [for a franchise; or

2. 49% of the total initial investment in the franchise;

(ii) the lesser of:

1. \$2,000,000 for an enterprise acquiring an existing business; or
2. 49% of the total investment in the enterprise acquiring an existing business; or
- (iii) \$2,000,000 for a technology-based business].

(3) Before providing equity participation financing, the Authority shall find that there is a reasonable probability that the Authority will recover its initial investment and an adequate return on investment from the equity participation financing.

(4) The Authority's investment shall be recoverable within[:

(i)] 7 years after the equity participation financing [in a franchise, an enterprise acquiring an existing business, or any other type of business; or

(ii) 10 years after the equity participation financing in a technology-based business].

(5) The Authority's recovery shall be the greater of:

(i) the current value of the percentage of the equity investment in the enterprise; or

(ii) the amount of the initial investment in the enterprise.

(6) [The] **IF THERE IS A DISPUTE BETWEEN THE BORROWER AND THE AUTHORITY AS TO THE** value of the business entity at the time of recovery, **THE VALUE** shall be determined after obtaining at least one independent appraisal of the value from an appraiser selected from a list of at least three appraisers supplied by the Authority.

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

Approved by the Governor, April 8, 2014.

AN ACT concerning

**Health Insurance – Communications Between Carriers and Enrollees –
Conformity With the Health Insurance Portability and Accountability Act
(HIPAA)**

FOR the purpose of requiring the Maryland Insurance Commissioner to develop and make available a certain form for enrollees to use to request confidential communications from certain health insurance carriers in accordance with certain provisions of federal law; requiring carriers to accept a certain form for a certain purpose under certain circumstances; providing that a certain notice given by an insurer under certain circumstances is subject to certain provisions of federal law; providing that a certain explanation of benefits is subject to certain provisions of federal law; defining certain terms; providing for the construction of certain provisions of this Act; making this Act an emergency measure; and generally relating to conformity of insurance communications with provisions of the federal Health Insurance Portability and Accountability Act.

BY adding to

Article – Health – General
Section 19–706(oooo)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY adding to

Article – Insurance
Section 15–141
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance
Section 15–1006 and 15–1007
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.

**(OOOO) THE PROVISIONS OF § 15–141 OF THE INSURANCE ARTICLE
APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.**

Article – Insurance

15-141.

(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) “ENROLLEE” MEANS A PERSON ENTITLED TO HEALTH CARE BENEFITS FROM A CARRIER.

(B) THE COMMISSIONER SHALL DEVELOP AND MAKE AVAILABLE A STANDARDIZED FORM FOR AN ENROLLEE TO USE TO REQUEST CONFIDENTIAL COMMUNICATIONS FROM A CARRIER IN ACCORDANCE WITH 45 C.F.R. § 164.522(B).

(C) A CARRIER THAT REQUIRES AN ENROLLEE TO MAKE A REQUEST FOR CONFIDENTIAL COMMUNICATIONS IN WRITING IN ACCORDANCE WITH 45 C.F.R. § 164.522(B) SHALL ACCEPT THE STANDARDIZED FORM DEVELOPED BY THE COMMISSIONER UNDER THIS SECTION FOR THAT PURPOSE.

(D) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT ACCEPTANCE BY A CARRIER OF ANY OTHER FORM OF WRITTEN REQUEST FROM AN ENROLLEE FOR CONFIDENTIAL COMMUNICATIONS FROM A CARRIER UNDER 45 C.F.R. § 164.522(B).

15-1006.

(a) On written request of the claimant, an insurer that denies a claim made on an individual health insurance policy shall give written notice to the claimant that states fully the reason for the denial.

(b) The reason given by an insurer for denial of a claim shall not act as an estoppel or limit the insurer from offering an additional reason for the denial.

(C) THE NOTICE GIVEN BY AN INSURER UNDER THIS SECTION IS SUBJECT TO 45 C.F.R. § 164.522(B).

15–1007.

(a) This section applies to insurers and nonprofit health service plans that propose to issue or deliver individual, group, or blanket health insurance policies or contracts or to administer health benefit programs that provide hospital, medical, or surgical benefits on an expense–incurred basis.

(b) Each entity subject to this section shall provide to an insured individual who has filed a claim described in subsection (c) of this section an annual summary explanation of benefits that covers the preceding 12–month period.

(c) The summary explanation of benefits required under subsection (b) of this section shall provide a summary of:

- (1) all claims filed by health care providers for services rendered to the insured individual or covered dependent of the insured individual during an inpatient hospitalization or an outpatient surgical procedure;
- (2) the amount paid by the entity for each claim filed; and
- (3) the balance owed by the insured individual for each claim filed.

(D) THE EXPLANATION OF BENEFITS REQUIRED UNDER THIS SECTION IS SUBJECT TO 45 C.F.R. § 164.522(B).

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2014~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 8, 2014.

Chapter 73

(Senate Bill 891)

AN ACT concerning

Maryland Health Care Commission – Authority of Acute Care Hospitals to Provide Cardiac Surgery Services – Voluntary Relinquishment – Regulations

FOR the purpose of requiring that certain regulations adopted by the Maryland Health Care Commission provide for the voluntary relinquishment of the authority of certain acute care hospitals to provide cardiac surgery services under certain circumstances; and generally relating to regulations concerning the voluntary relinquishment of authority to provide cardiac surgery services.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–120.1(g)(2)(v)
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

19–120.1.

(g) (2) The regulations shall:

(v) Require, as a condition of the issuance of a certificate of conformance or a certificate of ongoing performance [to an acute general hospital without on–site cardiac surgery services], that [the] AN acute general hospital agree to voluntarily relinquish its authority to provide **CARDIAC SURGERY SERVICES**, emergency PCI services, or elective PCI services if the hospital fails to meet the applicable standards established by the Commission;

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

Approved by the Governor, April 8, 2014.

Chapter 74

(Senate Bill 930)

AN ACT concerning

Election Law – Filing Deadlines for Pre–Primary Election and Post–General Election Campaign Finance Reports

FOR the purpose of altering the deadline dates for a campaign finance entity to file a pre–primary election campaign finance report and a post–general election campaign finance report; ~~making this Act an emergency measure;~~ and generally relating to the filing of a campaign finance report.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–309(a)
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

13–309.

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

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

(2) except for a ballot issue committee, on or before the **[fourth] FIFTH** Tuesday immediately preceding each primary election;

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

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

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

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

(7) on or before the **[third] SECOND** Tuesday after a general election.

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 yeas and nays vote supported by three fifths of all the members~~

~~elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted shall take effect October 1, 2014.~~

Approved by the Governor, April 8, 2014.

Chapter 75

(Senate Bill 960)

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.

Approved by the Governor, April 8, 2014.

Chapter 76

(Senate Bill 975)

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.

Approved by the Governor, April 8, 2014.

Chapter 77

(Senate Bill 1044)

AN ACT concerning

**Public Service Commission – Competitive Retail Electricity and Gas Supply –
Consumer Protection – Report**

FOR the purpose of requiring the Public Service Commission to submit a certain report to the General Assembly on or before a certain date on the status of the Commission's efforts to provide appropriate protections for consumers in connection with competitive retail electricity supply and retail gas supply and recommendations regarding ratepayer protections; specifying the contents of the report; requiring the Commission to convene a certain workgroup for a certain purpose; providing for the termination of this Act; and generally relating to consumer protection in connection with competitive retail electricity and gas supply.

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

(a) On or before January 1, 2015, the Public Service Commission shall submit a report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the status of the Commission's efforts to provide appropriate protections for consumers in connection with competitive retail gas supply and

competitive retail electricity supply, and recommendations as to how to better protect ratepayers.

(b) The report shall include information and recommendations concerning:

(1) the adequacy of the Commission's current retail electricity and gas customer choice consumer protection regulations;

(2) the adequacy of the Commission's enforcement of current electricity and gas customer choice consumer protection laws and regulations;

(3) whether to require further safeguards in connection with the verification of retail electricity or gas contracts;

(4) whether to require further safeguards in connection with consumer comprehension of retail electricity or gas contracts;

(5) whether to require licensing of individuals who sell or facilitate the sale of retail electricity or gas contracts;

(6) any other issues the Commission considers relevant to these issues; and

(7) whether legislation is necessary to further any recommendations in the report, and if so, shall include draft legislation of any necessary statutory changes.

(c) The Commission shall convene a workgroup of interested persons, including retail electricity suppliers, to advise the Commission on the information and recommendations that should be included in the report.

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 2 months and, at the end of July 31, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 8, 2014.

Chapter 78

(House Bill 928)

AN ACT concerning

**Public Service Commission – Competitive Retail Electricity and Gas Supply –
Consumer Protection – Report**

FOR the purpose of requiring the Public Service Commission to submit a certain report to the General Assembly on or before a certain date on the status of the Commission's efforts to provide appropriate protections for consumers in connection with competitive retail electricity supply and retail gas supply and recommendations regarding ratepayer protections; specifying the contents of the report; requiring the Commission to convene a certain workgroup for a certain purpose; providing for the termination of this Act; and generally relating to consumer protection in connection with competitive retail electricity and gas supply.

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

(a) On or before January 1, 2015, the Public Service Commission shall submit a report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the status of the Commission's efforts to provide appropriate protections for consumers in connection with competitive retail gas supply and competitive retail electricity supply, and recommendations as to how to better protect ratepayers.

(b) The report shall include information and recommendations concerning:

(1) the adequacy of the Commission's current retail electricity and gas customer choice consumer protection regulations;

(2) the adequacy of the Commission's enforcement of current electricity and gas customer choice consumer protection laws and regulations;

(3) whether to require further safeguards in connection with the verification of retail electricity or gas contracts;

(4) whether to require further safeguards in connection with consumer comprehension of retail electricity or gas contracts;

(5) whether to require licensing of individuals who sell or facilitate the sale of retail electricity or gas contracts;

(6) any other issues the Commission considers relevant to these issues; and

(7) whether legislation is necessary to further any recommendations in the report, and if so, shall include draft legislation of any necessary statutory changes.

(c) The Commission shall convene a workgroup of interested persons, including retail electricity suppliers, to advise the Commission on the information and recommendations that should be included in the report.

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 2 months and, at the end of July 31, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 8, 2014.

Chapter 79

(Senate Bill 1106)

AN ACT concerning

Business Occupations – Real Estate Appraisers – Criminal History Records Checks

FOR the purpose of requiring applicants for a license to provide real estate appraisal services and applicants for a certificate to provide certified real estate appraisal services to apply in a certain manner for a national and State criminal history records check, submit certain fingerprints, and pay certain fees for the records checks; requiring the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services to provide the records and a certain receipt to the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors; providing that certain information obtained by the Commission is confidential; requiring the Commission to deny a real estate appraisal license or certificate to an applicant under certain circumstances; defining a certain term; providing for a delayed effective date; and generally relating to criminal history records checks for real estate appraisers.

BY renumbering

Article – Business Occupations and Professions
Section 16–101(d) through (s), respectively
to be Section 16–101(e) through (t), respectively
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

BY adding to

Article – Business Occupations and Professions
Section 16–101(d)
Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 16–303, 16–306, 16–505, 16–508, and 16–701
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 16–101(d) through (s), respectively, of Article – Business Occupations and Professions of the Annotated Code of Maryland be renumbered to be Section(s) 16–101(e) through (t), respectively.

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

Article – Business Occupations and Professions

16–101.

(D) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

16–303.

(a) An applicant for a license shall:

(1) submit to the Commission an application on the form that the Commission provides; [and]

(2) pay to the Commission a fee set by the Commission;

(3) 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;

(4) SUBMIT TO THE CENTRAL REPOSITORY 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;

(5) PAY THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK; AND

(6) PAY THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO THE STATE CRIMINAL HISTORY RECORDS.

(b) [The Commission may require an applicant to be fingerprinted] THE CENTRAL REPOSITORY SHALL PROVIDE TO THE COMMISSION:

(1) THE NATIONAL AND STATE CRIMINAL HISTORY RECORDS OF EACH APPLICANT REQUIRING A CRIMINAL HISTORY RECORDS CHECK UNDER SUBSECTION (A) OF THIS SECTION AND A PRINTED STATEMENT LISTING ANY CONVICTIONS AND PLEAS OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL CHARGE; AND

(2) AN ACKNOWLEDGED RECEIPT OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK BY AN APPLICANT REQUIRING A CRIMINAL HISTORY RECORDS CHECK.

(c) INFORMATION OBTAINED BY THE COMMISSION FROM THE CENTRAL REPOSITORY UNDER THIS SECTION SHALL BE CONFIDENTIAL AND MAY BE DISSEMINATED ONLY TO THE INDIVIDUAL WHO IS THE SUBJECT OF THE CRIMINAL HISTORY RECORDS CHECK.

16-306.

(a) [The] ON RECEIPT OF A COMPLETE NATIONAL AND STATE CRIMINAL RECORD REPORT FROM THE CENTRAL REPOSITORY, THE Commission shall grant a license to each applicant who meets the requirements of this subtitle.

(b) The Commission shall issue a license document and pocket card to each applicant who has been granted a license under this section.

(c) (1) Subject to paragraph (2) of this subsection, the Commission shall determine the size, form, and content of any license document or pocket card that the Commission issues.

(2) The Commission shall include an expiration date on each license document that the Commission issues.

16-505.

(A) An applicant for a certificate shall:

(1) submit to the Commission an application on the form that the Commission provides; [and]

(2) pay to the Commission an application fee set by the Commission;

(3) 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;

(4) SUBMIT TO THE CENTRAL REPOSITORY 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;

(5) PAY THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK; AND

(6) PAY THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO THE STATE CRIMINAL HISTORY RECORDS.

(B) THE CENTRAL REPOSITORY SHALL PROVIDE TO THE COMMISSION:

(1) THE NATIONAL AND STATE CRIMINAL HISTORY RECORDS OF EACH APPLICANT REQUIRING A CRIMINAL HISTORY RECORDS CHECK UNDER SUBSECTION (A) OF THIS SECTION AND A PRINTED STATEMENT LISTING ANY CONVICTIONS AND PLEAS OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL CHARGE; AND

(2) AN ACKNOWLEDGED RECEIPT OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK BY AN APPLICANT REQUIRING A CRIMINAL HISTORY RECORDS CHECK.

(C) INFORMATION OBTAINED BY THE COMMISSION FROM THE CENTRAL REPOSITORY UNDER THIS SECTION SHALL BE CONFIDENTIAL AND MAY BE DISSEMINATED ONLY TO THE INDIVIDUAL WHO IS THE SUBJECT OF THE CRIMINAL HISTORY RECORDS CHECK.

(a) **[The] ON RECEIPT OF A COMPLETE NATIONAL AND STATE CRIMINAL RECORD REPORT FROM THE CENTRAL REPOSITORY, THE** Commission shall grant the appropriate certificate to each applicant who meets the requirements of this subtitle.

(b) The Commission shall issue an appropriate certification document and pocket card to each applicant who has been granted certification under this section.

(c) (1) Subject to paragraph (2) of this subsection, the Commission shall determine the size, form, and content of any certification document or pocket card that the Commission issues.

(2) On each certification document or pocket card that the Commission issues, the Commission shall include:

- (i) an expiration date; and
- (ii) a certification number.

16–701.

(a) (1) **[Subject] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, SUBJECT** to the hearing provisions of § 16–602 of this title, the Commission may deny a real estate appraisal license to any applicant, deny a certificate to any applicant, reprimand any real estate appraiser licensee, reprimand any certificate holder, or suspend or revoke a real estate appraisal license or certificate if the real estate appraisal applicant, license holder, or certificate holder:

(i) fraudulently or deceptively obtains or attempts to obtain a license or certificate for the applicant, licensee, certificate holder, or for another;

(ii) fraudulently or deceptively uses a license or certificate;

(iii) commits an act or makes an omission in the provision of real estate appraisal services or certified real estate appraisal services that is an act of dishonesty, fraud, or misrepresentation if the applicant, licensee, or certificate holder intends:

1. to benefit substantially the applicant, licensee, certificate holder, or another person; or

2. to injure substantially another person;

(iv) is held civilly or criminally liable for deceit, fraud, or misrepresentation in the provision of real estate appraisal services or certified real estate appraisal services;

(v) 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, licensee, or certificate holder to provide real estate appraisal services;

(vi) pays a finder's fee or a referral fee to a person who lacks a license;

(vii) makes a false or misleading statement in:

1. the part of a written appraisal report about professional qualifications; or

2. testimony about professional qualifications;

(viii) violates the confidential nature of governmental records to which a licensee or certificate holder gained access in the provision of real estate appraisal services or certified real estate services;

(ix) accepts a fee for providing an independent appraisal service in violation of this title;

(x) fails to exercise reasonable diligence to develop, prepare, or communicate an appraisal;

(xi) is negligent or incompetent in developing, preparing, or communicating an appraisal;

(xii) violates any other provision of this title; or

(xiii) violates any regulation adopted under this title.

(2) SUBJECT TO THE HEARING PROVISIONS OF § 16-602 OF THIS TITLE, THE COMMISSION SHALL DENY A REAL ESTATE APPRAISAL LICENSE OR CERTIFICATE TO AN APPLICANT IF THE APPLICANT:

(I) HAS HAD AN APPRAISER LICENSE, CERTIFICATE, OR CREDENTIAL REVOKED IN ANY JURISDICTION WITHIN THE 5-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF APPLICATION;

(II) HAS BEEN CONVICTED OF OR HAS ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO A FELONY IN A DOMESTIC OR FOREIGN COURT:

1. DURING THE 5-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF APPLICATION; OR

2. AT ANY TIME PRECEDING THE DATE OF APPLICATION IF THE FELONY INVOLVES AN ACT OF FRAUD OR DISHONESTY, A BREACH OF TRUST, OR MONEY LAUNDERING; OR

(III) FAILS TO DEMONSTRATE GOOD CHARACTER OR GENERAL FITNESS TO PROVIDE REAL ESTATE APPRAISAL SERVICES IN AN HONEST AND ETHICAL MANNER.

[(2)] (3) (i) [Instead] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, INSTEAD of or in addition to reprimanding a licensee or a certificate holder or suspending or revoking a license or a certificate under this subsection, the Commission may impose a penalty not exceeding \$5,000 for each violation.

(ii) To determine the amount of the penalty imposed, the Commission 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.

[(3)] (4) The Commission shall pay any penalty collected under this subsection into the General Fund of the State.

(b) **[The] EXCEPT AS PROVIDED IN SUBSECTION (A)(2) OF THIS SECTION, THE** Commission shall consider the following facts in the granting, denial, renewal, suspension, or revocation of a license or certificate or the reprimand of a licensee or certificate holder when an applicant, certificate holder, or licensee is convicted of a felony or a misdemeanor described in subsection (a)(1)(v) of this section:

- (1) the nature of the crime;
- (2) the relationship of the crime to the activities authorized by the license or certificate;

(3) with respect to a felony, the relevance of the conviction to the fitness and qualification of the applicant, licensee, or certificate holder to provide real estate appraisal services;

(4) the length of time since the conviction; and

(5) the behavior and activities of the applicant, licensee, or certificate holder before and after the conviction.

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

Approved by the Governor, April 8, 2014.

Chapter 80

(House Bill 11)

AN ACT concerning

Environment – Bay Restoration Fund – Authorized Uses

FOR the purpose of authorizing certain fee revenue collected for the Bay Restoration Fund to pay certain debt issued by a local government for the cost of connecting properties served by on-site sewage disposal systems to certain existing municipal wastewater facilities under certain circumstances; altering certain conditions for certain funding of certain costs; requiring the Department of the Environment to adopt certain regulations; providing for the application of certain regulations; requiring the Department to consider certain information as a part of a certain review process; requiring certain information to be included in a certain notice for, and discussed at certain hearings on, certain projects; requiring the Department to submit a certain annual report to certain committees of the General Assembly beginning on a certain date; and generally relating to authorized uses of the Bay Restoration Fund.

BY repealing and reenacting, with amendments,

Article – Environment

Section 9-1605.2(h)

Annotated Code of Maryland

(2007 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 – Environment

9–1605.2.

(h) (1) With regard to the funds collected under subsection (b)(1)(i)1, from users of an onsite sewage disposal system or holding tank that receive a water bill, (i)2, and (i)3 of this section, beginning in fiscal year 2006, the Comptroller shall:

(i) Establish a separate account within the Bay Restoration Fund; and

(ii) Disburse the funds as provided under paragraph (2) of this subsection.

(2) The Comptroller shall:

(i) Deposit 60% of the funds in the separate account to be used for:

1. Subject to ~~paragraph (3)~~ **PARAGRAPHS (3), (4), (5), AND (6)** of this subsection, with priority first given to failing systems and holding tanks located in the Chesapeake and Atlantic Coastal Bays Critical Area and then to failing systems that the Department determines are a threat to public health or water quality, grants or loans for up to 100% of:

A. The costs attributable to upgrading an onsite sewage disposal system to the best available technology for the removal of nitrogen;

B. The cost difference between a conventional onsite sewage disposal system and a system that utilizes the best available technology for the removal of nitrogen;

C. The cost of repairing or replacing a failing onsite sewage disposal system with a system that uses the best available technology for nitrogen removal;

D. The cost, up to the sum of the costs authorized under item B of this item for each individual system, of replacing multiple onsite sewage disposal systems located in the same community with a new community sewerage system that is owned by a local government and that meets enhanced nutrient removal standards; or

E. The cost, up to the sum of the costs authorized under item C of this item for each individual system, of connecting a property using an onsite sewage disposal system to an existing municipal wastewater facility that is achieving enhanced nutrient removal **OR BIOLOGICAL NUTRIENT REMOVAL** level treatment,

INCLUDING PAYMENT OF THE PRINCIPAL, BUT NOT INTEREST, OF DEBT ISSUED BY A LOCAL GOVERNMENT FOR SUCH CONNECTION COSTS; and

2. The reasonable costs of the Department, not to exceed 8% of the funds deposited into the separate account, to:

A. Implement an education, outreach, and upgrade program to advise owners of onsite sewage disposal systems and holding tanks on the proper maintenance of the systems and tanks and the availability of grants and loans under item 1 of this item;

B. Review and approve the design and construction of onsite sewage disposal system or holding tank upgrades;

C. Issue grants or loans as provided under item 1 of this item; and

D. Provide technical support for owners of upgraded onsite sewage disposal systems or holding tanks to operate and maintain the upgraded systems; and

(ii) Transfer 40% of the funds to the Maryland Agriculture Water Quality Cost Share Program in the Department of Agriculture in order to fund cover crop activities.

(3) ~~(i)~~ Funding for the costs identified in paragraph (2)(i)1 of this subsection shall be provided in the following order of priority:

~~1.~~ **(I)** For owners of all levels of income, the costs identified in paragraph (2)(i)1A and B of this subsection; and

~~2.~~ **(II)** For low-income owners, as defined by the Department, the costs identified in paragraph (2)(i)1C of this subsection:

~~A.~~ **1.** First, for best available technologies for nitrogen removal; and

~~B.~~ **2.** Second, for other wastewater treatment systems.

~~(iii)~~ **(4)** Funding for the costs identified in paragraph (2)(i)1D of this subsection may be provided if:

~~1.~~ **(I)** The environmental impact of the onsite sewage disposal system is documented by the local government and confirmed by the Department;

~~2.~~ **(II)** It can be demonstrated that:

~~A.~~ **1.** The replacement of the onsite sewage disposal system with a new community sewerage system is more cost effective for nitrogen removal than upgrading each individual onsite sewage disposal system; or

~~B.~~ **2.** The individual replacement of the onsite sewage disposal system is not feasible; and

~~3.~~ **(III)** The new community sewerage system will only serve lots that have received a certificate of occupancy, or equivalent certificate, on or before October 1, 2008.

~~(iii)~~ **(5)** Funding for the costs identified in paragraph (2)(i)1E of this subsection may be provided only if all of the following conditions are met:

~~1.~~ **(I)** The environmental impact of the onsite sewage disposal system is documented by the local government and confirmed by the Department;

~~2.~~ ~~(II)~~ **(II)** It can be demonstrated that:

~~A.~~ **1.** The replacement of the onsite sewage disposal system with service to an existing municipal wastewater facility that is achieving enhanced nutrient removal **OR BIOLOGICAL NUTRIENT REMOVAL** level treatment is more cost-effective for nitrogen removal than upgrading the individual onsite sewage disposal system; or

~~B.~~ **2.** The individual replacement of the onsite sewage disposal system is not feasible;

~~3.~~ **(III)** The project is consistent with the county's comprehensive plan and water and sewer master plan; ~~AND~~

~~4.~~ ~~A.~~ **(IV)** **1.** The onsite sewage disposal system was installed as of October 1, 2008, and the property the system serves is located in a priority funding area, in accordance with § 5-7B-02 of the State Finance and Procurement Article]; and

5. The local government has adopted a policy or procedure that will guarantee that any future connection to an existing municipal wastewater facility that is funded under paragraph (2)(i)1E of this subsection will meet all of the requirements under this subparagraph]; **OR**

~~B.~~ 2. THE ON-SITE SEWAGE DISPOSAL SYSTEM WAS INSTALLED AS OF OCTOBER 1, 2008, THE PROPERTY THE SYSTEM SERVES IS NOT LOCATED IN A PRIORITY FUNDING AREA, AND THE PROJECT MEETS THE REQUIREMENTS UNDER § 5-7B-06 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND IS CONSISTENT WITH A PUBLIC HEALTH AREA OF CONCERN IDENTIFIED:

A. IDENTIFIED IN THE COUNTY WATER AND SEWER PLAN; OR

B. CERTIFIED BY A COUNTY ENVIRONMENTAL HEALTH DIRECTOR WITH CONCURRENCE BY THE DEPARTMENT AND, IF FUNDING IS APPROVED, SUBSEQUENTLY ADDED TO THE COUNTY WATER AND SEWER PLAN WITHIN A TIME FRAME JOINTLY AGREED ON BY THE DEPARTMENT AND THE COUNTY THAT TAKES INTO CONSIDERATION THE COUNTY'S WATER AND SEWER PLAN UPDATE AND AMENDMENT PROCESS; AND

(V) THE FUNDING AGREEMENT FOR A PROJECT THAT MEETS THE CONDITIONS FOR FUNDING UNDER SUBPARAGRAPH (IV)2 OF THIS PARAGRAPH INCLUDES PROVISIONS TO ENSURE:

1. DENIAL OF ACCESS FOR ANY FUTURE CONNECTIONS THAT ARE NOT INCLUDED IN THE PROJECT'S PROPOSED SERVICE AREA; AND

2. THAT THE PROJECT WILL NOT UNDULY IMPEDE ACCESS TO FUNDING FOR UPGRADING INDIVIDUAL ON-SITE SEWAGE DISPOSAL SYSTEMS IN THE COUNTY WITH BEST AVAILABLE TECHNOLOGY FOR NITROGEN REMOVAL.

~~(4)~~ **(6)** The Comptroller, in consultation with the Administration, may establish any other accounts and subaccounts within the Bay Restoration Fund as necessary to:

- (i) Effectuate the purposes of this subtitle;
- (ii) Comply with the provisions of any bond resolution;
- (iii) Meet the requirements of any federal or State law or of any grant or award to the Bay Restoration Fund; and
- (iv) Meet any rules or program directives established by the Secretary or the Board.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Except as provided in subsection (c) of this section and subject to subsection (b) of this section, the Department of the Environment shall adopt regulations establishing procedures for the review and public notice of, and the opportunity to request a public hearing on, projects receiving preliminary approval for funding under § 9–1605.2(h)(5)(iv)2 of the Environment Article, as enacted by Section 1 of this Act.

(b) (1) As a part of its review of a project receiving preliminary approval for funding under § 9–1605.2(h)(5)(iv)2 of the Environment Article, the Department shall consider:

(i) information about the public health issues the project addresses;

(ii) the potential infill development resulting from the project, as identified in the funding agreement;

(iii) any measures taken to mitigate the potential impacts of new growth resulting from the project; and

(iv) the total net nitrogen reduction resulting from the project, including a consideration of additional loading from potential new growth.

(2) The information considered by the Department under paragraph (1) of this subsection shall be included:

(i) in the public notification of the project; and

(ii) if a hearing is requested, discussed at the public hearing on the project.

(c) The regulations adopted under this section do not apply to a project:

(1) that will be served by an existing municipal wastewater treatment facility that is achieving enhanced nutrient removal level treatment;

(2) for which an application for funding from the Department ~~has been~~ was submitted on or before February 15, 2014;

(3) that ~~has undergone~~ was the subject of a public notification ~~and hearing~~ process *initiated* on or before February 15, 2014; ~~and~~

(4) ~~that has been, and~~ certified by the Department as substantially ~~meeting the public notice and hearing requirements established under this section~~ addressing the considerations specified in subsection (b)(1) of this section;

(4) that, after February 15, 2014, was the subject of a public hearing held by the governing body for the county where the project will be installed after giving at least 2 weeks' advance notice of the hearing to the public; and

(5) that has been approved by a majority of the members of the governing body after the public hearing described in item (4) of this subsection.

SECTION 3. AND BE IT FURTHER ENACTED, That beginning December 1, 2015, the Department of the Environment shall submit a report each year, in accordance with § 2-1246 of the State Government Article, to the House Environmental Matters Committee and the Senate Education, Health, and Environmental Affairs Committee, on:

(1) each project funded under § 9-1605.2(h)(5)(iv)2 of the Environment Article, as enacted by Section 1 of this Act; and

(2) a summary of any impacts that the funding used for these projects had on overall funding for upgrading individual on-site sewage disposal systems with best available technology for nitrogen removal.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2014.

Approved by the Governor, April 8, 2014.

Chapter 81

(House Bill 13)

AN ACT concerning

Office of Cemetery Oversight – Perpetual Care Trust Funds and Preneed Trust Accounts – Regulation

FOR the purpose of clarifying that realized capital gains are not income of a perpetual care trust fund and shall be deposited in the trust fund as principal; providing that a certain restriction on the use of perpetual care trust funds to make loans or investments in the real property of a cemetery applies to certain buildings and structures; clarifying that realized capital gains are income of a preneed trust account; prohibiting a trustee from using certain preneed trust funds to purchase an interest in certain contracts or agreements or to make certain loans or investments; providing that certain distributions of preneed trust funds by the trustee shall include a certain share of certain realized capital gains; and generally relating to perpetual care trust funds and preneed trust accounts.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 5–603, 5–604, 5–707, 5–708, and 5–709
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

5–603.

- (a) In this section, “developed land area” means land in a cemetery:
- (1) that is available for burial;
 - (2) where roads, paths, or buildings have been laid out or built; or
 - (3) where burial lots have been outlined on a plat or in a record or sales brochure.
- (b) (1) Each sole proprietor registered cemeterian, permit holder, or any other person subject to the registration or permit provisions of this title who sells or offers to sell to the public a burial lot or burial right in a cemetery as to which perpetual care is stated or implied shall have a perpetual care trust fund.
- (2) A separate perpetual care trust fund shall be established for each cemetery to which this section applies.
- (3) On the general price list, contract of sale of burial space, and any conveyance documents, all cemeteries subject to the provisions of this subtitle shall state in writing the following using 12 point or larger type font:
- (i) “The cemetery is a perpetual care cemetery.”; or
 - (ii) “The cemetery is not a perpetual care cemetery.”
- (4) A cemetery created in the State after October 1, 2001, that is not exempt under § 5–602 of this subtitle shall be required to establish a perpetual care trust fund.
- (c) Each sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle initially shall deposit in the perpetual care trust fund at least:

(1) \$10,000, if the developed land area of the cemetery is 10 acres or less and the cemetery is a nonprofit cemetery which does not sell burial goods;

(2) \$25,000, if the developed land area of the cemetery is more than 10 acres and the cemetery is a nonprofit cemetery which does not sell burial goods;

(3) \$25,000, if the developed land area of the cemetery is 10 acres or less and the cemetery is a for-profit cemetery or a nonprofit cemetery which sells burial goods; or

(4) \$50,000, if the developed land area of the cemetery is more than 10 acres and the cemetery is a for-profit cemetery or a nonprofit cemetery which sells burial goods.

(d) (1) The deposits required by this subsection are in addition to the deposits required by subsection (c) of this section.

(2) Except as provided in paragraph (4) of this subsection, within 30 days after the end of the month when the buyer of a right of interment in a burial lot, above-ground crypt, or niche makes a final payment, the registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle shall pay in cash to the trustee for deposit in the perpetual care trust fund:

(i) at least 10% of the actual selling price of each right of interment in a burial lot, above-ground crypt, or niche; or

(ii) if the burial space is sold at a discount or at no cost, at least 10% of the imputed cost of the fair retail value.

(3) The amount of deposit to the perpetual care trust fund shall be deducted from the proceeds of the listed selling price of the right of interment in a burial lot, above-ground crypt, or niche, and may not be charged as an add-on to the purchaser.

(4) This subsection does not apply to the sale of a second right of interment or the resale of a right of interment in a burial lot, above-ground crypt, or niche for which the cemetery already has paid into the perpetual care trust fund the deposit required by this subsection.

(e) The income from the perpetual care trust fund:

(1) shall be used only for the perpetual care of the cemetery, including:

(i) the maintenance, including the cutting of grass abutting memorials or monuments, administration, supervision, and embellishment of the cemetery and its grounds, roads, and paths; and

(ii) the repair and renewal of buildings, including columbaria and mausoleums, and the property of the cemetery; and

(2) may not be used to care for memorials or monuments.

(F) REALIZED CAPITAL GAINS OF A PERPETUAL CARE TRUST FUND ARE NOT INCOME OF THE PERPETUAL CARE TRUST FUND AND SHALL BE DEPOSITED IN THE PERPETUAL CARE TRUST FUND AS PRINCIPAL OF THE PERPETUAL CARE TRUST FUND.

[(f)] (G) (1) The perpetual care trust fund authorized by this subsection shall be a single purpose trust fund.

(2) In the event of the bankruptcy or insolvency of, or assignment for the benefit of creditors by, or an adverse judgment against the sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle, the perpetual care trust funds may not be made available to any creditor as assets of the sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle or as payment for any expenses of any bankruptcy or similar proceedings, but shall be retained intact to provide for the future maintenance of the cemetery.

(3) The perpetual care trust fund is not subject to judgment, execution, garnishment, attachment, or other seizure by process in bankruptcy or otherwise, or to sale, pledge, mortgage, or other alienation and is not assignable.

[(g)] (H) A sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle shall maintain in the office of the cemetery a copy of the most recent trust report filed with the Office under § 5–606 of this subtitle and shall make the report available for inspection by an owner or a prospective purchaser of a right of interment in a burial lot, above-ground crypt, or niche.

5–604.

(a) A trustee appointed under this subtitle must be:

- (1) a national banking association;
- (2) a bank, as defined in the Maryland Uniform Fiduciaries Act;
- (3) a savings bank insured by a unit of the federal government;
- (4) a savings and loan association insured by a unit of the federal government; or

(5) a person who annually provides, with the trust report, the proof of a fidelity bond that meets the requirements of subsection (b) of this section from a recognized bonding institution authorized to do business in the State in an amount equal to the trust fund.

(b) The fidelity bond provided under subsection (a)(5) of this section shall be:

(1) for the benefit of the trust account of the cemetery or its burial space owners or both;

(2) conditioned such that the applicant shall comply with all Maryland laws and regulations relating to trust accounts; and

(3) subject to the approval of the Director.

(c) A trustee may not use any perpetual care trust funds required to be held in trust in accordance with this subtitle to:

(1) purchase an interest in any contract or agreement to which the registrant, permit holder, or any other person subject to the trust requirements of this subtitle, or any entity owned or under the control of a registrant, permit holder, or any other person subject to the trust requirements of this subtitle, or a spouse, child, parent, or sibling of a registrant or any other person subject to the trust requirements of this subtitle is a party; or

(2) make any loan or direct or indirect investment of any kind:

(i) to any registrant, permit holder, or any other person subject to the trust requirements of this subtitle or to any spouse, child, parent, or sibling of a registrant or any other person subject to the trust requirements of this subtitle;

(ii) to or in any entity or business operations owned or under the control of a registrant, permit holder, or any other person subject to the trust requirements of this subtitle, or a spouse, child, parent, or sibling of a registrant or any other person subject to the trust requirements of this subtitle;

(iii) on or in any real [estate] **PROPERTY** of a cemetery, **OR THE BUILDINGS OR STRUCTURES APPURTENANT TO THE PROPERTY**; or

(iv) in any permanent improvements of a cemetery or its facilities.

5-707.

(a) In this section, "seller's account" means:

(1) the total of specific funds deposited from all preneed burial contracts of a seller commingled in a single fund; and

(2) any income derived from investing the money in the fund.

(b) Trust accounts shall be administered as this subtitle provides.

(c) (1) Except as otherwise provided in this subtitle, a trustee appointed under this subtitle is subject to the law that is generally applicable to trustees.

(2) If a trustee appointed under this subtitle is not located in the State, the agreement between the seller and the trustee expressly shall incorporate this subtitle.

(d) A trustee:

(1) may rely on all certifications made under or required by this subtitle; and

(2) is not liable to any person for that reliance.

(e) (1) **[A] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A trustee may invest money of a trust account in any security that is a lawful investment for a fiduciary, including a time deposit or certificate of deposit issued by the trustee.**

(2) Except as otherwise provided in this subtitle, to ensure that money in the trust account is adequate, the trust income, **INCLUDING ANY REALIZED CAPITAL GAINS**, shall:

(i) remain in the trust account;

(ii) be reinvested and compounded; and

(iii) be disbursed only for payment of appropriate trustee's fees, commissions, **PRORATED PROPORTIONAL SHARES OF TOTAL REALIZED CAPITAL GAINS ATTRIBUTABLE TO SPECIFIC FUNDS**, and other costs of the trust account.

(F) A TRUSTEE MAY NOT USE ANY PRENEED TRUST FUNDS REQUIRED TO BE HELD IN TRUST IN ACCORDANCE WITH THIS SUBTITLE TO:

(1) PURCHASE AN INTEREST IN ANY CONTRACT OR AGREEMENT TO WHICH THE REGISTRANT, THE PERMIT HOLDER, OR ANY OTHER PERSON SUBJECT TO THE TRUST REQUIREMENTS OF THIS SUBTITLE, OR ANY ENTITY OWNED OR UNDER THE CONTROL OF A REGISTRANT, A PERMIT HOLDER, OR ANY OTHER PERSON SUBJECT TO THE TRUST REQUIREMENTS OF THIS SUBTITLE, OR

A SPOUSE, CHILD, PARENT, OR SIBLING OF A REGISTRANT OR ANY OTHER PERSON SUBJECT TO THE TRUST REQUIREMENTS OF THIS SUBTITLE IS A PARTY;
OR

(2) MAKE ANY LOAN OR DIRECT OR INDIRECT INVESTMENT OF ANY KIND:

(I) TO ANY REGISTRANT, PERMIT HOLDER, OR ANY OTHER PERSON SUBJECT TO THE TRUST REQUIREMENTS OF THIS SUBTITLE OR TO ANY SPOUSE, CHILD, PARENT, OR SIBLING OF A REGISTRANT OR ANY OTHER PERSON SUBJECT TO THE TRUST REQUIREMENTS OF THIS SUBTITLE;

(II) TO OR IN ANY ENTITY OR BUSINESS OPERATIONS OWNED OR UNDER THE CONTROL OF A REGISTRANT, A PERMIT HOLDER, OR ANY OTHER PERSON SUBJECT TO THE TRUST REQUIREMENTS OF THIS SUBTITLE, OR A SPOUSE, CHILD, PARENT, OR SIBLING OF A REGISTRANT OR ANY OTHER PERSON SUBJECT TO THE TRUST REQUIREMENTS OF THIS SUBTITLE;

(III) ON OR IN ANY REAL PROPERTY OF A CEMETERY OR A CREMATORY OR THE BUILDINGS OR STRUCTURES APPURTENANT TO THE PROPERTY; OR

(IV) IN ANY PERMANENT IMPROVEMENTS OF A CEMETERY, A CREMATORY, THE FACILITIES OF A CEMETERY OR CREMATORY, OR THE BUILDINGS OR STRUCTURES APPURTENANT TO A CEMETERY OR CREMATORY.

[(f)] (G) (1) A seller, on written notice to the trustee and in accordance with the agreement between them, may transfer the seller's account to another trustee.

(2) A trustee, on written notice to the seller and in accordance with the agreement between them, may transfer the seller's account to another trustee.

5-708.

(a) The trustee may not disburse specific funds until preneed goods are delivered or preneed services are performed as provided in the preneed burial contract or in this subtitle.

(b) On performance of a preneed burial contract:

(1) the seller shall certify to the trustee:

(i) delivery of the preneed goods or performance of the preneed services; and

(ii) the amount of specific funds in the trust account; and

(2) the trustee shall then pay to the seller the specific funds [and], accrued interest **ON THE SPECIFIC FUNDS, AND A PRORATED PROPORTIONAL SHARE OF TOTAL REALIZED CAPITAL GAINS ATTRIBUTABLE TO THE SPECIFIC FUNDS.**

(c) (1) In a seller's records, the seller may itemize preneed goods or preneed services to which the trust requirements of this subtitle apply and the consideration paid or to be paid for each item.

(2) If a seller itemizes in accordance with paragraph (1) of this subsection, on performance of that part of a preneed burial contract identified for itemized preneed goods or preneed services:

(i) the seller shall certify to the trustee:

1. delivery of the preneed goods or performance of the preneed services; and

2. the amount of the specific funds identified in the seller's records for those preneed goods or preneed services; and

(ii) the trustee shall then pay to the seller those specific funds [and], accrued interest **ON THE SPECIFIC FUNDS, AND A PRORATED PROPORTIONAL SHARE OF TOTAL REALIZED CAPITAL GAINS ATTRIBUTABLE TO THE SPECIFIC FUNDS.**

(d) (1) If a preneed burial contract provides, for 2 or more individuals, preneed goods or preneed services to which the trust requirements of this subtitle apply, a seller may designate in the seller's records the consideration paid for each individual.

(2) On performance of that part of the preneed burial contract identified to a particular individual:

(i) the seller shall certify to the trustee:

1. delivery of the preneed goods or performance of the preneed services; and

2. the amount of the specific funds applicable to that part of the preneed burial contract; and

(ii) the trustee shall then pay to the seller those specific funds [and], accrued interest **ON THE SPECIFIC FUNDS, AND A PRORATED PROPORTIONAL SHARE OF TOTAL REALIZED CAPITAL GAINS ATTRIBUTABLE TO THE SPECIFIC FUNDS.**

5-709.

(a) (1) A buyer may cancel a preneed burial contract as to preneed goods not delivered or preneed services not performed if the buyer:

(i) permanently moves more than 75 miles from the cemetery specified in the preneed burial contract; and

(ii) gives to the seller written notice, under oath, of the move and includes the buyer's new permanent address.

(2) In that event:

(i) the seller shall certify to the trustee:

1. the cancellation of the preneed burial contract;
2. the amount of the remaining specific funds applicable to the preneed burial contract; and
3. the name and address of the buyer; and

(ii) the trustee shall then pay to the buyer the remaining specific funds [and], accrued interest **ON THE SPECIFIC FUNDS, AND A PRORATED PROPORTIONAL SHARE OF TOTAL REALIZED CAPITAL GAINS ATTRIBUTABLE TO THE SPECIFIC FUNDS.**

(b) (1) Notwithstanding subsection (a) of this section, by written notice, a buyer may cancel the purchase of a casket or casket vault under a preneed burial contract at any time prior to the time the buyer needs the casket or casket vault for burial.

(2) In that event:

(i) the seller shall certify to the trustee:

1. the cancellation of the purchase of the casket or casket vault under the preneed burial contract;
2. the amount of the specific funds applicable to the casket or casket vault under the preneed burial contract; and

3. the name and address of the buyer;

(ii) the trustee shall pay to the buyer the specific funds [and], interest accrued on [those] **THE SPECIFIC funds, AND A PRORATED PROPORTIONAL SHARE OF TOTAL REALIZED CAPITAL GAINS ATTRIBUTABLE TO THE SPECIFIC FUNDS**; and

(iii) in addition to the refund paid by the trustee, the seller shall pay to the buyer an amount of money necessary to provide the buyer with a refund of 100% of the money paid for the casket or casket vault under the preneed burial contract.

(c) If a buyer fails to provide written notice of cancellation and defaults on a preneed burial contract and, as a result, the seller terminates the preneed burial contract:

(1) the seller shall certify to the trustee:

(i) the default and termination of the preneed burial contract;

(ii) the amount of the specific funds; and

(iii) the reasonable expenses of the seller; and

(2) the trustee shall then pay:

(i) to the buyer, those specific funds [and], accrued interest **ON THE SPECIFIC FUNDS, AND A PRORATED PROPORTIONAL SHARE OF TOTAL REALIZED CAPITAL GAINS ATTRIBUTABLE TO THE SPECIFIC FUNDS**, less the reasonable expenses of the seller; and

(ii) to the seller, the reasonable expenses of the seller.

(d) If specific funds on deposit in a trust account have been dormant for at least 50 years since the date of the last deposit or disbursement and the seller cannot locate the buyer:

(1) the seller shall certify to the trustee:

(i) that the trust account is dormant and the buyer cannot be located; and

(ii) the amount of the specific funds; and

(2) the trustee shall then pay to the seller those specific funds [and], accrued interest **ON THE SPECIFIC FUNDS, AND A PRORATED PROPORTIONAL SHARE OF TOTAL REALIZED CAPITAL GAINS ATTRIBUTABLE TO THE SPECIFIC FUNDS.**

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

Approved by the Governor, April 8, 2014.

Chapter 82

(House Bill 102)

AN ACT concerning

Procurement Advisory Council – Membership

FOR the purpose of adding the Secretary of Information Technology as a member of the Procurement Advisory Council; and generally relating to the Procurement Advisory Council.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 12–105(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 12–105(c)(1)
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

12–105.

- (b) There is a Procurement Advisory Council.
- (c) (1) The Council consists of the following [ten] **11** members:

- (i) the State Treasurer;
- (ii) the Chancellor of the University System of Maryland;
- (iii) the Secretary of Budget and Management;
- (iv) the Secretary of General Services;
- (v) **THE SECRETARY OF INFORMATION TECHNOLOGY;**
- (VI) the Secretary of Transportation;
- [(vi)] (VII) the Secretary of the Board;
- [(vii)] (VIII) the Special Secretary for the Office of Minority

Affairs;

[(viii)] (IX) a representative of local government who has expertise in local procurement matters, appointed by the Governor with the advice and consent of the Senate; and

[(ix)] (X) two members of the general public, at least one of whom has expertise in State procurement matters, appointed by the Governor with the advice and consent of the Senate.

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

Approved by the Governor, April 8, 2014.

Chapter 83

(House Bill 105)

AN ACT concerning

Maryland Health Care Commission – Powers – Authority to Award Funds and Make Agreements With Grantees and Payees

FOR the purpose of authorizing the Maryland Health Care Commission to award certain funds received from any person or government agency; authorizing the Commission to make agreements with certain grantees and payees; requiring the Commission, in awarding certain funds, to use a certain process and

evaluate proposals for funding using a panel that consists of certain individuals; requiring the Commission to provide certain information on its Web site and submit a certain report to the General Assembly; and generally relating to the powers of the Maryland Health Care Commission.

BY repealing and reenacting, with amendments,
 Article – Health – General
 Section 19–109(a)
 Annotated Code of Maryland
 (2009 Replacement Volume and 2013 Supplement)

BY adding to
Article – Health – General
Section 19–109(d)
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

19–109.

(a) In addition to the powers set forth elsewhere in this subtitle, the Commission may:

(1) Adopt rules and regulations to carry out the provisions of this subtitle;

(2) Create committees from among its members;

(3) Appoint advisory committees, which shall include consumers and may include representatives of interested public or private organizations, to make recommendations to the Commission on community–based services, long–term care, acute patient services, ambulatory surgical services, specialized health care services, residential treatment centers for emotionally disturbed children and adolescents, mental health and alcohol and drug abuse services, and any other topic or issue that the Commission considers necessary;

(4) Apply for and accept any funds, property, or services from any person or government agency;

(5) AWARD SUBJECT TO SUBSECTION (D) OF THIS SECTION, AWARD ANY FUNDS RECEIVED FROM ANY PERSON OR GOVERNMENT AGENCY;

[(5)] (6) Make agreements with a grantor or payor **OR WITH A GRANTEE OR PAYEE** of funds, property, or services, including an agreement to make any study, plan, demonstration, or project;

[(6)] (7) Publish and give out any information that relates to the financial aspects of health care and is considered desirable in the public interest; and

[(7)] (8) Subject to the limitations of this subtitle, exercise any other power that is reasonably necessary to carry out the purposes of this subtitle, including adopting regulations that set reasonable deadlines for filing of information or reports required under this subtitle and impose reasonable penalties for failure to file information or reports as required.

(D) (1) IN AWARDING FUNDS UNDER SUBSECTION (A)(5) OF THIS SECTION, THE COMMISSION SHALL:

(I) USE A COMPETITIVE PROCESS THAT AFFORDS INTERESTED PERSONS AN OPPORTUNITY TO SUBMIT A PROPOSAL FOR FUNDING; AND

(II) EVALUATE PROPOSALS FOR FUNDING USING A PANEL THAT CONSISTS OF INTERNAL AND EXTERNAL EVALUATORS.

(2) THE COMMISSION SHALL:

(I) PROVIDE ON ITS WEB SITE INFORMATION THAT IS EASILY ACCESSIBLE TO THE GENERAL PUBLIC ABOUT FUNDS TO BE AWARDED UNDER SUBSECTION (A)(5) OF THIS SECTION AND HOW TO SUBMIT A PROPOSAL; AND

(II) SUBMIT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AN ANNUAL REPORT TO THE GENERAL ASSEMBLY LISTING ALL FUNDS AWARDED UNDER SUBSECTION (A)(5) OF THIS SECTION.

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

Approved by the Governor, April 8, 2014.

Chapter 84

(House Bill 106)

AN ACT concerning

Senior Prescription Drug Assistance Program – Sunset Extension

FOR the purpose of extending the termination date of the Senior Prescription Drug Assistance Program; altering the period of time during which the subsidy required under the Program may not exceed a certain amount; and generally relating to the Senior Prescription Drug Assistance Program.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–106(e)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Chapter 153 of the Acts of the General Assembly of 2002, as amended by Chapter 282 of the Acts of the General Assembly of 2005, Chapter 345 of the Acts of the General Assembly of 2006, Chapter 509 of the Acts of the General Assembly of 2007, Chapter 558 of the Acts of the General Assembly of 2008, Chapter 119 of the Acts of the General Assembly of 2010, and Chapter 27 of the Acts of the General Assembly of 2012
Section 13

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

Article – Insurance

14–106.

(e) The subsidy that a nonprofit health service plan is required to provide to the Senior Prescription Drug Assistance Program under subsection (d)(1)(iii) of this section may not exceed:

- (1) for the period of January 1, 2006 through June 30, 2006, \$8,000,000;
- (2) for fiscal years 2008 through [2015] **2017**, \$14,000,000; and
- (3) for any year, the value of the nonprofit health service plan's premium tax exemption under § 6–101(b) of this article.

Chapter 153 of the Acts of 2002, as amended by Chapter 282 of the Acts of 2005, Chapter 345 of the Acts of 2006, Chapter 509 of the Acts of 2007, Chapter 558 of the Acts of 2008, Chapter 119 of the Acts of 2010, and Chapter 27 of the Acts of 2012

SECTION 13. AND BE IT FURTHER ENACTED, That:

(1) No later than June 1, 2003, the Secretary of Health and Mental Hygiene and the carrier that is required to offer the Short–Term Prescription Drug Subsidy Plan under Title 15, Subtitle 6 of the Health – General Article shall transfer all Plan records, data, and other information necessary to operate and administer the Senior Prescription Drug Program established under this Act to the Board of the Maryland Health Insurance Plan.

(2) Each individual enrolled in the Short–Term Prescription Drug Subsidy Plan, established under Title 15, Subtitle 6 of the Health – General Article, on June 30, 2003 shall, at the option of the enrollee and subject to the payment of all necessary premiums and copayments, be automatically enrolled in the Senior Prescription Drug Program established under this Act.

(3) It is the intent of the General Assembly that the transition of enrollees from the Short–Term Prescription Drug Subsidy Plan to the Senior Prescription Drug Program be accomplished without interruption of benefits for enrollees.

(4) Subsidies shall be offered to enrollees through the Senior Prescription Drug Assistance Program established under Title 14, Subtitle 5, Part II of the Insurance Article beginning January 1, 2006. At the end of December 31, [2014] **2016**, the Senior Prescription Drug Assistance Program established under Title 14, Subtitle 5, Part II, as amended, shall be abrogated and of no further force and effect.

(5) Beginning April 1, 2003, the carrier required to offer the Short–Term Prescription Drug Subsidy Plan under Title 15, Subtitle 6 of the Health – General Article and the Senior Prescription Drug Assistance Program under Title 14, Subtitle 5 of the Insurance Article shall subsidize the Plan and beginning January 1, 2006, the Program, using the value of the carrier’s premium tax exemption.

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

Approved by the Governor, April 8, 2014.

Chapter 85

(House Bill 129)

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.

Approved by the Governor, April 8, 2014.

Chapter 86

(House Bill 178)

AN ACT concerning

Family Law – Adoption, Search, Contact, and Reunion Services – Relatives of Minors in Out-of-Home Placement

FOR the purpose of altering the definition of “search, contact, and reunion services” to include contacting relatives of a certain minor in out-of-home placement for a certain purpose; authorizing a director of a local department of social services or the director’s designee to apply for search, contact, and reunion services for a certain minor in out-of-home placement under certain circumstances; altering a certain definition; and generally relating to adoption search, contact, and reunion services.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–4B–01(f) and (g) and 5–4B–02(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 – Family Law

5–4B–01.

(f) (1) [“Relative”] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, “RELATIVE” means a parent, brother, sister, child, aunt, or uncle of a biological parent.

(2) IN THE CASE OF A MINOR IN OUT-OF-HOME PLACEMENT WHO WAS ADOPTED THROUGH A LOCAL DEPARTMENT, "RELATIVE" MEANS AN INDIVIDUAL AT LEAST 21 YEARS OLD WHO IS RELATED TO THE MINOR BY BLOOD OR MARRIAGE WITHIN FIVE DEGREES OF CONSANGUINITY OR AFFINITY UNDER THE CIVIL LAW RULE.

(g) "Search, contact, and reunion services" means services:

(1) to locate adopted individuals, biological parents of adopted individuals, siblings of adopted individuals, and, as provided in § 5-4B-11 of this subtitle, relatives and members of the adoptive family;

(2) to assess the mutual desire for communication or disclosure of information:

(i) between adopted individuals and biological parents of adopted individuals;

(ii) between adopted individuals and siblings of adopted individuals; and

(iii) as provided in § 5-4B-11 of this subtitle, between:

1. adopted individuals and relatives; and

2. biological parents and members of the adoptive family;

(3) to provide, or provide referral to, counseling for adopted individuals, biological parents of adopted individuals, siblings of adopted individuals, relatives, and members of the adoptive family; [and]

(4) if siblings of a minor in out-of-home placement were adopted through a local department, to contact the siblings to develop a placement resource or facilitate a family connection with the siblings of the minor; AND

(5) IF A MINOR IN OUT-OF-HOME PLACEMENT WAS ADOPTED THROUGH A LOCAL DEPARTMENT AND A LOCAL DEPARTMENT HAS DETERMINED THAT REUNIFICATION WITH THE MINOR'S ADOPTIVE PARENTS IS NOT IN THE MINOR'S BEST INTERESTS, TO CONTACT RELATIVES OF THE MINOR TO DEVELOP A PLACEMENT RESOURCE OR FACILITATE A FAMILY CONNECTION WITH THE RELATIVES.

(a) (1) An adopted individual at least 21 years old may apply to the Director to receive search, contact, and reunion services.

(2) If an adopted individual is at least 21 years old, the following individuals may apply to the Director to receive search, contact, and reunion services:

(i) a biological parent of the adopted individual;

(ii) a sibling of the adopted individual; and

(iii) a director of a local department acting on behalf of a minor in out-of-home placement.

(3) A DIRECTOR OF A LOCAL DEPARTMENT OR A LOCAL DEPARTMENT DIRECTOR'S DESIGNEE MAY APPLY TO THE DIRECTOR TO RECEIVE SEARCH, CONTACT, AND REUNION SERVICES TO DEVELOP A PLACEMENT RESOURCE OR FACILITATE A FAMILY CONNECTION WITH RELATIVES OF A MINOR IN OUT-OF-HOME PLACEMENT WHO WAS ADOPTED THROUGH A LOCAL DEPARTMENT IF THE LOCAL DEPARTMENT HAS DETERMINED THAT REUNIFICATION WITH THE MINOR'S ADOPTIVE PARENTS IS NOT IN THE MINOR'S BEST INTERESTS.

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

Approved by the Governor, April 8, 2014.

Chapter 87

(House Bill 179)

AN ACT concerning

Adult Public Guardianship Review Board – Membership

FOR the purpose of altering the membership requirements for adult public guardianship review boards; and generally relating to adult public guardianship review boards.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 14-101(n)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
 Article – Family Law
 Section 14–402(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 – Family Law

14–101.

(n) “Review board” means the adult public guardianship review board.

14–402.

- (a) (1) Each review board consists of 11 members appointed:
- (i) by the county commissioners;
 - (ii) in Baltimore City, by the Mayor with the advice and consent of the City Council;
 - (iii) in any county that has a county executive, by the county executive with the advice and consent of the county council; or
 - (iv) if 2 or more counties have agreed to establish a multicounty review board, jointly by the appropriate officials of the counties served by the board.
- (2) Of the 11 members:
- (i) 1 shall be a professional representative of a local department;
 - (ii) 1. in counties other than St. Mary’s County[, 2 shall be physicians, including 1 psychiatrist from a local health department that employs psychiatrists]:
 - A. 1 SHALL BE A PHYSICIAN’S ASSISTANT, NURSE PRACTITIONER, OR PHYSICIAN WHO IS NOT A PSYCHIATRIST; AND**
 - B. 1 SHALL BE A PSYCHIATRIST; and**
 - 2. in St. Mary’s County[.]:

A. 1 shall be a **PHYSICIAN’S ASSISTANT, NURSE PRACTITIONER, OR** physician [other than] **WHO IS NOT** a psychiatrist; and

B. 1 shall be a psychiatrist or psychologist;

(iii) 1 shall be a representative of a local commission on aging;

(iv) 1 shall be a professional representative of a local nonprofit social service organization;

(v) 1 shall be a lawyer;

(vi) 2 shall be lay individuals;

(vii) 1 shall be a [public health] **REGISTERED** nurse;

(viii) 1 shall be a professional in the field of disabilities; and

(ix) 1 shall be a person with a physical disability.

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

Approved by the Governor, April 8, 2014.

Chapter 88

(House Bill 206)

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.

Approved by the Governor, April 8, 2014.

Chapter 89

(House Bill 219)

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.

Approved by the Governor, April 8, 2014.

Chapter 90

(House Bill 238)

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.

Approved by the Governor, April 8, 2014.

Chapter 91

(House Bill 246)

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.]

(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)]~~ (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.

Approved by the Governor, April 8, 2014.

Chapter 92

(House Bill 255)

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.

Approved by the Governor, April 8, 2014.

Chapter 93

(House Bill 258)

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.

Approved by the Governor, April 8, 2014.

Chapter 94

(House Bill 270)

AN ACT concerning

General Provisions Article

FOR the purpose of adding a new article to the Annotated Code of Maryland, to be designated and known as the “General Provisions Article”, to revise, restate, and recodify the laws of the State relating to rules of interpretation, including definitions, interpretation of Code provisions, time, the age of majority, boundaries of counties, and citation of revised articles; revising, restating, and recodifying the laws of the State relating to the form and administration of official oaths, the Open Meetings Act, the Public Information Act, the Maryland Public Ethics Law, acquisition of land by the United States, jurisdiction of the State and United States over certain land, the State seal, the State flag, State emblems and designations, and commemorative days and months; repealing

certain obsolete provisions; making certain conforming changes; transferring certain obsolete provisions to the Session Laws; defining certain terms; providing for the construction and application of this Act; providing for the continuity of certain units and terms of certain officials; providing for the continuity of the status of certain transactions, employees, rights, duties, titles, interest, licenses, registrations, certifications, and permits; authorizing the publisher of the Annotated Code to make certain corrections in a certain manner; and generally relating to the revision, restatement, and recodification of certain general provisions of law.

BY repealing

Article 1 – Rules of Interpretation

Section 2A, 3, 5 through 18, and 20 through 34 and the subheading “In General”; 35 through 37 and the subheading “Time”; and the article designation “Article 1 – Rules of Interpretation”

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing

Article – State Government

Section 10–501, 10–502, 10–502.1, 10–502.2, 10–502.3, 10–502.4, 10–502.5, 10–502.6, 10–502.7, 10–503 through 10–507, 10–507.1, and 10–508 through 10–512 and the subtitle “Subtitle 5. Meetings”; 10–601 and 10–602 and the part “Part I. Definition; General Provision”; 10–611 through 10–628 and 10–630 and the part “Part III. Access to Public Records”; 13–101 through 13–105 and the subtitle “Subtitle 1. State Seal”; 13–201 through 13–206 and the subtitle “Subtitle 2. Flags”; 13–301 through 13–321 and the subtitle “Subtitle 3. Additional Emblems; Designations”; 13–401 through 13–412 and the subtitle “Subtitle 4. Commemorative Days”; 13–501 through 13–505 and the subtitle “Subtitle 5. Commemorative Months” and the title “Title 13. Emblems; Commemorative Days”; 14–101 through 14–105 and the subtitle “Subtitle 1. General Provisions”; 14–201 and 14–202 and the subtitle “Subtitle 2. Reversions” and the title “Title 14. United States”; 15–101 through 15–105 and the subtitle “Subtitle 1. Findings; Definitions; General Provisions”; 15–201 through 15–210 and the subtitle “Subtitle 2. State Ethics Commission”; 15–301 through 15–304 and the subtitle “Subtitle 3. Advisory Opinions”; 15–401 through 15–409 and the subtitle “Subtitle 4. Procedures for Complaint of Violation of Title”; 15–501 through 15–508 and the part “Part I. General Provisions”; 15–510 through 15–521 and the part “Part II. Special Legislative Provisions”; 15–523 and the part “Part III. Specific Governmental Entities” and the subtitle “Subtitle 5. Conflicts of Interest”; 15–601 through 15–611 and the subtitle “Subtitle 6. Financial Disclosure”; 15–701 through 15–715 and the subtitle “Subtitle 7. Lobbying”; 15–801 through 15–808 and the part “Part I. Public Ethics Laws for Counties and Municipal Corporations”; 15–811 through 15–815 and the part “Part II. Local Boards of Education”; 15–818 through 15–826

and the part “Part III. Public Ethics for Bicounty Commissions”; 15–829 through 15–835 and the part “Part IV. Regional District – Special Provisions for Prince George’s County”; 15–838 through 15–841 and the part “Part V. Regional District – Special Provisions for Montgomery County”; 15–844 and 15–845 and the part “Part VI. Montgomery and Prince George’s Counties – Special Provisions for Lobbying Disclosure”; 15–848 through 15–850 and the part “Part VII. Howard County – Special Provisions”; 15–853 through 15–858 and the part “Part VIII. Frederick County – Special Provisions” and the subtitle “Subtitle 8. Local Government Provision”; 15–901 through 15–904 and the subtitle “Subtitle 9. Enforcement”; 15–1001 and the subtitle “Subtitle 10. Short Title” and the title “Title 15. Public Ethics”; and 16–101 through 16–108 and the title “Title 16. Official Oaths”

Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY adding

New Article – General Provisions
Section 1–101 through 7–505, inclusive, and the various titles
Annotated Code of Maryland

BY repealing and reenacting, with amendments, and transferring to the Session Laws

Article 1 – Rules of Interpretation
Section 1, 2, and 4
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the following Section(s) of the Annotated Code of Maryland be repealed:

Article 1 – Rules of Interpretation
Section 2A, 3, 5 through 18, and 20 through 34 and the subheading “In General”; 35 through 37 and the subheading “Time”; and the article designation “Article 1 – Rules of Interpretation”

Article – State Government
Section 10–501, 10–502, 10–502.1, 10–502.2, 10–502.3, 10–502.4, 10–502.5, 10–502.6, 10–502.7, 10–503 through 10–507, 10–507.1, and 10–508 through 10–512 and the subtitle “Subtitle 5. Meetings”; 10–601 and 10–602 and the part “Part I. Definition; General Provision”; 10–611 through 10–628 and 10–630 and the part “Part III. Access to Public

Records”; 13–101 through 13–105 and the subtitle “Subtitle 1. State Seal”; 13–201 through 13–206 and the subtitle “Subtitle 2. Flags”; 13–301 through 13–321 and the subtitle “Subtitle 3. Additional Emblems; Designations”; 13–401 through 13–412 and the subtitle “Subtitle 4. Commemorative Days”; 13–501 through 13–505 and the subtitle “Subtitle 5. Commemorative Months” and the title “Title 13. Emblems; Commemorative Days”; 14–101 through 14–105 and the subtitle “Subtitle 1. General Provisions”; 14–201 and 14–202 and the subtitle “Subtitle 2. Reversions” and the title “Title 14. United States”; 15–101 through 15–105 and the subtitle “Subtitle 1. Findings; Definitions; General Provisions”; 15–201 through 15–210 and the subtitle “Subtitle 2. State Ethics Commission”; 15–301 through 15–304 and the subtitle “Subtitle 3. Advisory Opinions”; 15–401 through 15–409 and the subtitle “Subtitle 4. Procedures for Complaint of Violation of Title”; 15–501 through 15–508 and the part “Part I. General Provisions”; 15–510 through 15–521 and the part “Part II. Special Legislative Provisions”; and 15–523 and the part “Part III. Specific Governmental Entities” and the subtitle “Subtitle 5. Conflicts of Interest”; 15–601 through 15–611 and the subtitle “Subtitle 6. Financial Disclosure”; 15–701 through 15–715 and the subtitle “Subtitle 7. Lobbying”; 15–801 through 15–808 and the part “Part I. Public Ethics Laws for Counties and Municipal Corporations”; 15–811 through 15–815 and the part “Part II. Local Boards of Education”; 15–818 through 15–826 and the part “Part III. Public Ethics for Bicounty Commissions”; 15–829 through 15–835 and the part “Part IV. Regional District – Special Provisions for Prince George’s County”; 15–838 through 15–841 and the part “Part V. Regional District – Special Provisions for Montgomery County”; 15–844 and 15–845 and the part “Part VI. Montgomery and Prince George’s Counties – Special Provisions for Lobbying Disclosure”; 15–848 through 15–850 and the part “Part VII. Howard County – Special Provisions”; and 15–853 through 15–858 and the part “Part VIII. Frederick County – Special Provisions” and the subtitle “Subtitle 8. Local Government Provision”; 15–901 through 15–904 and the subtitle “Subtitle 9. Enforcement”; 15–1001 and the subtitle “Subtitle 10. Short Title” and the title “Title 15. Public Ethics”; and 16–101 through 16–108 and the title “Title 16. Official Oaths”

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

ARTICLE – GENERAL PROVISIONS

TITLE 1. RULES OF INTERPRETATION.

SUBTITLE 1. DEFINITIONS.

1–101. IN GENERAL.

EXCEPT AS OTHERWISE PROVIDED IN THIS CODE, IN THIS CODE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This section is new language added as the standard introductory language for defined terms.

1-102. ADMINISTRATOR; EXECUTOR; PERSONAL REPRESENTATIVE.

(A) ADMINISTRATOR.

“ADMINISTRATOR” INCLUDES AN EXECUTOR AND A PERSONAL REPRESENTATIVE.

(B) EXECUTOR.

“EXECUTOR” INCLUDES AN ADMINISTRATOR AND A PERSONAL REPRESENTATIVE.

(C) PERSONAL REPRESENTATIVE.

“PERSONAL REPRESENTATIVE” INCLUDES AN ADMINISTRATOR AND AN EXECUTOR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 1, § 5.

In this section, the former references to the defined terms being “used in this Code” are deleted as unnecessary in light of § 1-101 of this subtitle.

Also in this section, the former phrase “unless such an application of such terms would be unreasonable” is deleted as a standard rule of statutory construction for defined terms. *See* General Revisor's Note to title.

Defined term: “Includes” § 1-110

1-103. ADULT; MINOR.

(A) ADULT.

“ADULT” MEANS AN INDIVIDUAL AT LEAST 18 YEARS OLD.

(B) MINOR.

EXCEPT AS PROVIDED IN § 1-401(B) OF THIS TITLE, AS IT PERTAINS TO LEGAL AGE AND CAPACITY, “MINOR” MEANS AN INDIVIDUAL UNDER THE AGE OF 18 YEARS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 1, § 24(b).

In subsection (a) of this section, the reference to “an individual at least 18 years old” is substituted for the former reference to “persons who have attained the age of eighteen years” for clarity and brevity. Similarly, in subsection (b) of this section, the reference to “an individual under the age of 18 years” is substituted for the former reference to “persons who have not attained the age of eighteen years”.

Also in subsection (a) of this section, the former phrases “of full age” and “of legal age” are deleted as unnecessary. Those phrases appear only in Article 2B of the Code, in provisions relating to the sale of alcoholic beverages to a person not “of legal age” or the purchase of alcoholic beverages by a person not “of legal age” or “of full age”, which for purposes of Article 2B is 21 years of age. (See Art. 2B, §§ 12-109, 12-202, and 12-301.) Similarly, a reference to “legal age” appears in § 5-106(e) of the Courts Article, in a provision relating to the statute of limitations for a prosecution for selling alcoholic beverages to a person “under the legal age for drinking such alcoholic beverages”.

For provisions establishing the responsibility of the parents of a minor child, as defined in this section, to provide for the child’s support, care, nurture, welfare, and education, see § 5-203(b) of the Family Law Article.

1-104. ASSAULT.

EXCEPT AS USED IN TITLE 3, SUBTITLE 2 OF THE CRIMINAL LAW ARTICLE, “ASSAULT” MEANS ASSAULT IN ANY DEGREE UNLESS A SPECIFIC DEGREE OF ASSAULT IS SPECIFIED.

REVISOR’S NOTE: This section formerly was Art. 1, § 33.

The only changes are in style.

1-105. CERTIFIED MAIL; REGISTERED MAIL.

IN THIS CODE, A CODE OF PUBLIC LOCAL LAWS, A MUNICIPAL CHARTER, A RESOLUTION OR ORDINANCE OF A COUNTY OR MUNICIPAL CORPORATION, OR A RULE, REGULATION, OR DIRECTIVE OF A UNIT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE:

- (1) “CERTIFIED MAIL” AND “REGISTERED MAIL” INCLUDE THE USES, PROCEDURES, AND FEES OF THE UNITED STATES POSTAL SERVICE;**
- (2) “CERTIFIED MAIL” INCLUDES “REGISTERED MAIL”; AND**
- (3) “REGISTERED MAIL” INCLUDES “CERTIFIED MAIL”.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 1, § 20.

In the introductory language of this section, the reference to a “unit” is substituted for the former reference to a “department, board, commission, or other agency”. The term “unit” is used as the general term for a government entity because it is inclusive enough to include all those entities. *See* General Revisor's Note to article.

Also in the introductory language of this section, the former references to a resolution or ordinance “of a board of county commissioners or county council” of a county or “of the mayor and council, by whatever name known” of a municipal corporation are deleted as surplusage.

In item (1) of this section, the reference to the “United States Postal Service” is substituted for the former obsolete reference to the “United States Post Office Department”.

Also in item (1) of this section, the reference to the uses, procedures, and fees “of” the United States Postal Service is substituted for the former reference to the uses, procedures, and fees “provided and generally referred to by” the United States Postal Service for brevity.

Also in item (1) of this section, the word “include” is substituted for the former word “mean” for clarity.

In item (2) of this section, the reference to “certified mail’ includ[ing] ‘registered mail” is substituted for the former phrase “[a] provision ... for the use of one type of such mail, may be interpreted and applied to authorize the use of the other type of such mail as an alternate” for brevity.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that county charters have not been included in the introductory language of this section while municipal charters are specifically included. The General Assembly may wish to add county charters to the introductory language of this section

or, in the alternative, delete the reference to municipal charters if the intent is to treat the two charters the same.

Defined terms: “County” § 1–107

“Includes” § 1–110

“State” § 1–115

1–106. CHILD.

EXCEPT IN MATTERS OF INHERITANCE, DESCENT, OR DISTRIBUTION OF PROPERTY, “CHILD” OR AN EQUIVALENT WORD INCLUDES AN ILLEGITIMATE CHILD.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 1, § 16.

The former reference to the word child or its equivalent “[being] construed to” include an illegitimate child is deleted as surplusage.

The former reference to “real and personal” property is deleted as surplusage.

The former phrase “unless such a construction would be unreasonable” is deleted as a standard rule of statutory construction for defined terms. *See* General Revisor’s Note to title.

For provisions on illegitimate children for purposes of construing the estates of decedents law and the terms of a will, *see* Title 1, Subtitle 2 of the Estates and Trusts Article.

Defined term: “Includes” § 1–110

1–107. COUNTY.

“COUNTY” MEANS A COUNTY OF THE STATE OR BALTIMORE CITY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 1, § 14(a).

The phrase “means a county of the State or” is substituted for the former word “includes” for consistency with other revised articles of the Code.

The former phrase “unless such construction would be unreasonable” is deleted as a standard rule of statutory construction for defined terms. *See* General Revisor’s Note to title.

The former reference to the word county “[being] construed to” include Baltimore City is deleted as surplusage.

Defined term: “State” § 1–115

1–108. DE NOVO.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO THE REVIEW OF CASES FROM:

- (1) THE WORKERS’ COMPENSATION COMMISSION;**
- (2) THE HEALTH CARE ALTERNATIVE DISPUTE RESOLUTION OFFICE; OR**
- (3) THE MARYLAND INSURANCE ADMINISTRATION UNDER § 27–1001 OF THE INSURANCE ARTICLE.**

(B) “DE NOVO” DEFINED.

IN A STATUTE PROVIDING FOR DE NOVO JUDICIAL REVIEW OR APPEAL OF A QUASI–JUDICIAL ADMINISTRATIVE AGENCY ACTION, “DE NOVO” MEANS JUDICIAL REVIEW BASED ON AN ADMINISTRATIVE RECORD AND ANY ADDITIONAL EVIDENCE THAT WOULD BE AUTHORIZED BY § 10–222(F) AND (G) OF THE STATE GOVERNMENT ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 1, § 32.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that the definition of “de novo” as provided under subsection (b) of this section does not coincide with the more commonly understood definition of “de novo”. However, the committee notes that the reason for the placement of the definition of “de novo” in former Article 1 is stated in *Thompson v. State Farm Mutual Automobile Insurance Company*, 196 Md. App. 235 (2010), in which the Court of Special Appeals recognized that the Commission to Revise the Administrative Procedure Act in 1991–1992 addressed the issue in its substantive statutory revision (Chapter 59 of the Laws of 1993). Based on the Court of Appeals limitation on de novo review set forth in *DNR v. Linchester Sand and Gravel Corp.*, 274 Md. 211 (1975), the Commission recommended that “except in the very limited circumstances of the Workers’ Compensation Commission and the Health Claims Arbitration Office, *de novo* evidence should generally not be allowed to be introduced

before a Court reviewing a decision of a State agency. This change would be accomplished by adding § 32 to Article 1 of the Annotated Code, as proposed in the attached bill”. In *Thompson*, the court further noted that the Commission’s solution was to add to the Rules of Interpretation Article a possible “Humpty–Dumpty definition” in which “de novo” judicial review of agency action meant review upon an administrative record with the limited additional evidence mechanisms specified in § 10–222(f) and (g) of the State Government Article.

1–109. GIFT.

IN A STATUTE THAT AUTHORIZES A GIFT TO OR FOR THE USE OF THE STATE OR ANY OF ITS OFFICERS OR UNITS, “GIFT” INCLUDES AN INTER VIVOS GIFT, INTER VIVOS ENDOWMENT, BEQUEST, DEVISE, LEGACY, OR TESTAMENTARY ENDOWMENT OF ANY INTEREST IN REAL OR PERSONAL PROPERTY.

REVISOR’S NOTE: This section formerly was Art. 1, § 22.

The only changes are in style.

Defined terms: “Includes” § 1–110
“State” § 1–115

1–110. INCLUDES; INCLUDING.

“INCLUDES” OR “INCLUDING” MEANS INCLUDES OR INCLUDING BY WAY OF ILLUSTRATION AND NOT BY WAY OF LIMITATION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 1, § 30.

The former phrase “unless the context requires otherwise” is deleted as a standard rule of statutory construction for defined terms.

1–111. LEGAL HOLIDAY.

(A) IN GENERAL.

IN THIS CODE AND ANY REGULATION OR DIRECTIVE ADOPTED UNDER IT, “LEGAL HOLIDAY” MEANS:

- (1) JANUARY 1, FOR NEW YEAR’S DAY;**

(2) (I) JANUARY 15, FOR DR. MARTIN LUTHER KING, JR.'S BIRTHDAY; OR

(II) IF THE UNITED STATES CONGRESS DESIGNATES ANOTHER DAY FOR OBSERVANCE OF DR. MARTIN LUTHER KING, JR.'S BIRTHDAY, THE DAY DESIGNATED BY THE UNITED STATES CONGRESS;

(3) FEBRUARY 12, FOR LINCOLN'S BIRTHDAY;

(4) THE THIRD MONDAY IN FEBRUARY, FOR WASHINGTON'S BIRTHDAY;

(5) MARCH 25, FOR MARYLAND DAY;

(6) GOOD FRIDAY;

(7) (I) MAY 30, FOR MEMORIAL DAY; OR

(II) IF THE UNITED STATES CONGRESS DESIGNATES ANOTHER DAY FOR OBSERVANCE OF MEMORIAL DAY, THE DAY DESIGNATED BY THE UNITED STATES CONGRESS;

(8) JULY 4, FOR INDEPENDENCE DAY;

(9) THE FIRST MONDAY IN SEPTEMBER, FOR LABOR DAY;

(10) SEPTEMBER 12, FOR DEFENDERS' DAY;

(11) (I) OCTOBER 12, FOR COLUMBUS DAY; OR

(II) IF THE UNITED STATES CONGRESS DESIGNATES ANOTHER DAY FOR OBSERVANCE OF COLUMBUS DAY, THE DAY DESIGNATED BY THE UNITED STATES CONGRESS;

(12) NOVEMBER 11, FOR VETERANS' DAY;

(13) THE FOURTH THURSDAY IN NOVEMBER, FOR THANKSGIVING DAY;

(14) THE FRIDAY AFTER THANKSGIVING DAY, FOR AMERICAN INDIAN HERITAGE DAY;

(15) DECEMBER 25, FOR CHRISTMAS DAY;

(16) EACH STATEWIDE GENERAL ELECTION DAY IN THE STATE;
AND

(17) EACH OTHER DAY THAT THE PRESIDENT OF THE UNITED STATES OR THE GOVERNOR DESIGNATES FOR GENERAL CESSATION OF BUSINESS.

(B) OBSERVATION OF LEGAL HOLIDAY.

EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THE CODE, A LEGAL HOLIDAY SHALL BE OBSERVED ON:

(1) THE DATE SPECIFIED IN SUBSECTION (A) OF THIS SECTION;
OR

(2) IF THAT DATE FALLS ON A SUNDAY, ON THE NEXT MONDAY AFTER THAT DATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 1, § 27.

In the introductory language of subsection (a) of this section, the former reference to a "rule" is deleted as included in the reference to a "regulation". See General Revisor's Note to article.

In subsection (b)(1) of this section, the word "or" is substituted for the former word "and" for clarity.

Also in subsection (b)(1) of this section, the former reference to the date specified "for the legal holiday" is deleted as surplusage.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that the definition of "legal holiday" in this section includes the following holidays that are not designated as federal legal holidays under 5 U.S.C.A. § 6103: Lincoln's birthday, Maryland Day, Good Friday, Defender's Day, American Indian Heritage Day, and each statewide general election day in the State. In addition, federal law designates the birthday of Martin Luther King, Jr. as the third Monday in January, Memorial Day as the last Monday in May, and Columbus Day as the second Monday in October.

Defined term: "State" § 1-115

1-112. LOCAL DEPARTMENT OF SOCIAL SERVICES.

“LOCAL DEPARTMENT OF SOCIAL SERVICES” INCLUDES THE MONTGOMERY COUNTY GOVERNMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 1, § 34.

The former phrase “[i]n this Code” is deleted as unnecessary in light of § 1–101 of this subtitle.

The former phrase “unless the context requires otherwise” is deleted as a standard rule of statutory construction for defined terms.

1–113. NEWSPAPER; NEWSPAPER IN GENERAL CIRCULATION.

(A) IN GENERAL.

UNLESS OTHERWISE PROVIDED, IN A LAW, RESOLUTION, OR COURT ORDER, JUDGMENT, OR DECREE THAT REFERS TO PUBLISHING A LEGAL ADVERTISEMENT OR LEGAL NOTICE, WORDS SUCH AS “NEWSPAPER” OR “NEWSPAPER IN GENERAL CIRCULATION” MEAN A PUBLICATION THAT:

- (1) HAS AT LEAST FOUR PAGES;**
- (2) HABITUALLY CONTAINS NEWS ITEMS, REPORTS OF CURRENT EVENTS, EDITORIAL COMMENTS, ADVERTISING MATTER, AND OTHER MISCELLANEOUS INFORMATION THAT IS OF PUBLIC INTEREST AND IS FOUND GENERALLY IN AN ORDINARY NEWSPAPER;**
- (3) HAS BEEN PUBLISHED AND DISTRIBUTED, BY SALE, FROM AN ESTABLISHED PLACE OF BUSINESS AT LEAST ONCE A WEEK FOR 6 MONTHS OR MORE BEFORE PUBLICATION OF THE ADVERTISEMENT OR NOTICE;**
- (4) HAS GENERAL CIRCULATION THROUGHOUT THE COMMUNITY WHERE THE PUBLICATION IS PUBLISHED; AND**
- (5) QUALIFIES FOR PERIODICALS RATES FOR MAILING THROUGH THE UNITED STATES POSTAL SERVICE.**

(B) PRINCE GEORGE'S COUNTY.

SUBJECT TO SUBSECTION (A) OF THIS SECTION AND FOR PURPOSES OF THE PUBLIC GENERAL LAWS OF THE STATE, IN PRINCE GEORGE'S COUNTY, “NEWSPAPER IN GENERAL CIRCULATION” INCLUDES A NEWSPAPER THAT:

(1) IS DESIGNATED BY THE COUNTY COUNCIL AS A NEWSPAPER OF RECORD; OR

(2) (I) QUALIFIES UNDER SUBSECTION (A) OF THIS SECTION WITH RESPECT TO PRINCE GEORGE’S COUNTY; AND

(II) IS PUBLISHED BY A SMALL BUSINESS AS DEFINED IN § 14-201 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 1, § 28.

In the introductory language of subsection (a) of this section, the reference to a “judgment” is added for accuracy.

Also in the introductory language of subsection (a) of this section, the former references to “paper” and “newspaper devoted to the dissemination of general news” are deleted as unnecessary because those terms are not used in the Code.

In subsection (a)(5) of this section, the reference to “qualif[ying] for Periodicals rates for mailing through the United States Postal Service” is substituted for the former, obsolete reference to “[being] entitled to be entered as second-class matter in the United States mail”. “Second-class mail” was renamed “Periodicals” on July 1, 1996.

In subsection (b)(1) of this section, the word “or” is substituted for the former word “and” to clarify that a newspaper does not have to be both items (1) and (2) to qualify as the defined term.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that the definition of “newspaper” is more substantive than definitional in nature. However, this definition was placed in Article 1 through the code revision process, in particular through Chapter 284 of 1984, which established the State Government Article. The Revisor’s Note to Chapter 284, which transferred the definition of “newspaper” from former Art. 76, § 8 to Art. 1, § 28 states “[i]n the introductory part of this section, the clause ‘that refers to publishing a ... legal notice’ is added to reflect the title of Ch. 905, Acts of 1941, which added former Art. 76, § 8 to the Code for the limited purpose of ‘defining the publications in which legal notices and legal advertising shall be inserted,’ ...”.

Defined terms: “Includes” § 1-110
“State” § 1-115

1-114. PERSON.

“PERSON” INCLUDES AN INDIVIDUAL, RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, REPRESENTATIVE OF ANY KIND, CORPORATION, PARTNERSHIP, BUSINESS TRUST, STATUTORY TRUST, LIMITED LIABILITY COMPANY, FIRM, ASSOCIATION, OR OTHER NONGOVERNMENTAL ENTITY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 1, § 15.

The references to an “individual, receiver, trustee, guardian, personal representative, fiduciary, [or] representative of any kind” and a “firm, association, or other ... entity” are added for consistency with the definition of the term in many recently revised articles. *See, e.g.*, CP § 1-101(l), CS § 1-101(l), EC § 1-101(d), HS § 1-101(h), IN § 1-101(dd), PS § 1-101(c), and PU § 1-101(u). No substantive change is intended.

The former phrase “[u]nless such a construction would be unreasonable” is deleted as a standard rule of statutory construction for defined terms. *See* General Revisor’s Note to title.

The definition of “person” in this subsection does not include a governmental entity or unit. The Court of Appeals of Maryland has held consistently that the word “person” in a statute does not include the State, its agencies, or subdivisions unless an intention to include these entities is made manifest by the legislature. *See, e.g., Unnamed Physicians v. Commission on Medical Discipline*, 285 Md. 1, 12-14 (1979). This rule does not apply when there is no impairment of sovereign powers and the provision that uses the term enhances a proprietary interest of the governmental unit. *See* 89 Op. Att’y Gen. 53, 58 (2004).

Defined term: “Includes” § 1-110

1-115. STATE.**(A) LOWER CASE.**

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, “STATE” MEANS:

(1) A STATE, POSSESSION, TERRITORY, OR COMMONWEALTH OF THE UNITED STATES; OR

(2) THE DISTRICT OF COLUMBIA.

(B) CAPITALIZED.

WHEN CAPITALIZED, “STATE” MEANS MARYLAND.

REVISOR’S NOTE: This section is standard language added to provide an express definition of the term “state”. The term conforms to the same term defined in other recently revised articles of the Code. *See, e.g.*, EC § 1–101(g) and LU § 1–101(q).

1–116. UNIVERSITY OF MARYLAND.

“UNIVERSITY OF MARYLAND” MEANS THE UNIVERSITY SYSTEM OF MARYLAND ESTABLISHED UNDER TITLE 12 OF THE EDUCATION ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 1, § 31.

The former phrase “[i]n this Code” is deleted as unnecessary in light of § 1–101 of this subtitle.

The former phrase “unless the context requires otherwise” is deleted as a standard rule of statutory construction for defined terms.

1–117. VETERAN.

WITH RESPECT TO ANY STATE PROGRAM OF BENEFITS, RIGHTS, OR PRIVILEGES APPLICABLE TO A VETERAN UNDER THIS CODE, “VETERAN” INCLUDES, IF THE INDIVIDUAL IS ELIGIBLE UNDER 38 U.S.C. § 101, A MEMBER OF THE COMMISSIONED CORPS OF:

(1) THE PUBLIC HEALTH SERVICE; OR

(2) THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OR ITS PREDECESSOR, THE COAST AND GEODETIC SURVEY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 1, § 29.

In the introductory language of this section, the reference to “the individual [being]” eligible under 38 U.S.C. § 101 is added for clarity.

Defined terms: “Includes” § 1–110
“State” § 1–115

GENERAL REVISOR'S NOTE TO SUBTITLE

Former Art. 1, § 6, which provided that “decedent” means a person dying testate or intestate, is deleted as unnecessary since every decedent would die with or without a will.

Former Art. 1, § 14(b), which provided that the circuit court for the county includes the Circuit Court for Baltimore City, is deleted as unnecessary in light of Article IV, § 20(a) of the Maryland Constitution, which states that “[t]here shall be a Circuit Court for each County and for Baltimore City. The Circuit Courts shall have and exercise, in the respective counties, and Baltimore City, all the power, authority and jurisdiction, original and appellate, which the Circuit Courts of the counties exercised on the effective date of these amendments, and the greater or lesser jurisdiction hereafter prescribed by law”.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that several of the definitions in this subtitle are substantive. The committee has decided not to transfer or alter the definitions in deference to the General Assembly and the legislative history related to the placement and drafting of these sections as definitions.

SUBTITLE 2. INTERPRETATION OF CODE PROVISIONS.**1-201. GENDER.**

EXCEPT AS OTHERWISE PROVIDED, A REFERENCE TO ONE GENDER INCLUDES AND APPLIES TO THE OTHER GENDER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 1, § 7.

The phrase “[e]xcept as otherwise provided” is substituted for the former phrase “[u]nless the General Assembly specifically provides otherwise in a particular statute” for brevity.

The phrase “a reference to” one gender is substituted for the former reference to “all words in this Code importing” one gender for brevity and clarity.

1-202. SINGULAR AND PLURAL.

THE SINGULAR INCLUDES THE PLURAL AND THE PLURAL INCLUDES THE SINGULAR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 1, § 8.

The phrase “the plural includes the singular” is substituted for the former phrase “vice versa” for clarity.

The former phrase “except where such construction would be unreasonable” is deleted as a standard rule of statutory construction. *See* General Revisor's Note to title.

1–203. MAY NOT.

IN THIS CODE AND ANY REGULATION OR DIRECTIVE ADOPTED UNDER IT, THE PHRASE “MAY NOT” HAS A MANDATORY NEGATIVE EFFECT AND ESTABLISHES A PROHIBITION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 1, § 26.

The former reference to a “rule” is deleted as included in the reference to a “regulation”. *See* General Revisor's Note to article.

The former reference to “phrases of like import” is deleted as unnecessary.

1–204. PUBLIC GENERAL LAWS.

A REFERENCE TO “THE ANNOTATED CODE OF MARYLAND”, “THE ANNOTATED CODE”, “THE MARYLAND CODE”, “THE CODE”, OR “THIS CODE” MEANS A CODE OF THE PUBLIC GENERAL LAWS OF THE STATE THAT HAS BEEN ADOPTED AND MADE EVIDENCE OF THE PUBLIC GENERAL LAWS OF THE STATE UNDER § 10–201 OF THE COURTS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 1, § 2A.

The former reference to “the State Code” is deleted as unnecessary because that phrase does not appear in the Code.

Defined term: “State” § 1–115

1–205. EFFECT OF REPEAL OR AMENDMENT OF STATUTE.

(A) EFFECT ON PENALTY, FORFEITURE, OR LIABILITY.

EXCEPT AS OTHERWISE EXPRESSLY PROVIDED, THE REPEAL, REPEAL AND REENACTMENT, OR AMENDMENT OF A STATUTE DOES NOT RELEASE, EXTINGUISH, OR ALTER A CRIMINAL OR CIVIL PENALTY, FORFEITURE, OR LIABILITY IMPOSED OR INCURRED UNDER THE STATUTE.

(B) PURPOSES FOR WHICH STATUTE SHALL REMAIN IN EFFECT.

A REPEALED, REPEALED AND REENACTED, OR AMENDED STATUTE SHALL REMAIN IN EFFECT FOR THE PURPOSE OF SUSTAINING ANY:

(1) CRIMINAL OR CIVIL ACTION, SUIT, PROCEEDING, OR PROSECUTION FOR THE ENFORCEMENT OF A PENALTY, FORFEITURE, OR LIABILITY; AND

(2) JUDGMENT, DECREE, OR ORDER THAT IMPOSES, INFLICTS, OR DECLARES THE PENALTY, FORFEITURE, OR LIABILITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 1, § 3.

In this section, the former references to "any section or part of a section of any statute" and "section or part thereof" are deleted as implicit in the reference to "a statute".

In subsection (a) of this section, the reference to a liability "imposed" is added for accuracy.

Also in subsection (a) of this section, the phrase "does not" is substituted for the former phrase "shall not have the effect to" for brevity and clarity.

Also in subsection (a) of this section, the former reference to "modify[ing] or chang[ing], in whole or in part" is deleted as included in the reference to "alter[ing]".

Also in subsection (a) of this section, the former references to the "revision" and "consolidation" of a statute are deleted as included in the reference to the "amendment" of a statute. Similarly, in the introductory language of subsection (b) of this section, the former references to a "revised" and a "consolidated" statute are deleted as included in the reference to an "amended" statute.

In the introductory language of subsection (b) of this section, the phrase "shall remain in effect" is substituted for the former phrase "shall be treated and held as still remaining in force" for brevity.

In subsection (b)(1) of this section, the former reference to “proper” actions is deleted as implicit.

In subsection (b)(2) of this section, the former reference to a judgment, decree, or order “which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions” is deleted as surplusage.

1–206. CONFLICT BETWEEN PUBLIC GENERAL AND PUBLIC LOCAL LAWS.

WHERE A PUBLIC GENERAL LAW AND A PUBLIC LOCAL LAW ENACTED BY THE GENERAL ASSEMBLY ARE IN CONFLICT, THE PUBLIC LOCAL LAW SHALL PREVAIL.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 1, § 13.

The reference to a public local law “enacted by the General Assembly” is added for clarity.

The former reference to a public local law “of any county, city, town or district” is deleted as implicit in the reference to a “public local law”.

The General Provisions Article Review Committee notes that the determination of whether a law is a public general law or public local law is not simply based on the entity that enacted the law. In *Steimel v. Board of Election Supervisors of Prince George’s County*, 278 Md. 1 (1976), the Court of Appeals used the test applied in *Cole v. Secretary of State*, 249 Md. 425 (1968), to determine whether a law is a public local law. In *Steimel*, the court stated that “the test applied is whether the law, in subject matter and substance, was confined in its operation to prescribed territorial limits and was equally applicable to all persons within such limits. We thus distinguished the enactment there from public general law, which deals with the general public welfare, a subject which is of significant interest not just to any one county, but rather to more than one geographical subdivision, or even to the entire state”. The court held that an Act of the General Assembly which permitted businesses in Prince George’s County to be open on Sunday was a public local law.

1–207. INCONSISTENT AMENDMENTS TO SAME PROVISION.

(A) AMENDMENTS TO BE CONSTRUED TOGETHER.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF TWO OR MORE AMENDMENTS TO THE SAME SECTION ARE ENACTED AT THE SAME OR DIFFERENT SESSIONS OF THE GENERAL ASSEMBLY, AND ONE OF THE

AMENDMENTS MAKES NO REFERENCE TO AND TAKES NO ACCOUNT OF THE OTHER, THE AMENDMENTS SHALL BE CONSTRUED TOGETHER AND EACH SHALL BE GIVEN EFFECT, IF POSSIBLE, WITH DUE REGARD TO THE WORDING OF THEIR TITLES.

(B) WHEN AMENDMENTS ARE IRRECONCILABLE.

IF THE AMENDMENTS ARE IRRECONCILABLE AND IT IS NOT POSSIBLE TO CONSTRUE THEM TOGETHER, THE LATEST IN DATE OF FINAL ENACTMENT SHALL PREVAIL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 1, § 17.

In subsection (a) of this section, the former reference to a section "or subsection of the Code" is deleted as implicit.

Also in subsection (a) of this section, the former reference to other "or others" is deleted as implicit.

The General Provisions Article Review Committee notes that "enactment" commonly refers to the final act that makes a measure law. In *Elgin v. Capitol Greyhound Lines*, 192 Md. 303 (1949), the Court of Appeals found that where two or more acts of the legislature are approved by the Governor on the same day, the latter act in numerical order of chapters is considered the last expression of legislative will.

1-208. CAPTIONS AND CATCHLINES.

THE CAPTION OR CATCHLINE OF A SECTION OR SUBSECTION THAT IS PRINTED IN BOLD TYPE, ITALICS, OR OTHERWISE:

(1) IS INTENDED AS A MERE CATCHWORD TO INDICATE THE CONTENTS OF THE SECTION OR SUBSECTION; AND

(2) (I) MAY NOT BE CONSIDERED AS A TITLE OF THE SECTION OR SUBSECTION; AND

(II) EXCEPT AS OTHERWISE PROVIDED, MAY NOT BE CONSIDERED AS A TITLE IF THE SECTION, SUBSECTION, CAPTION, OR CATCHLINE IS AMENDED OR REENACTED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 1, § 18.

In this section, the references to a “catchline” are substituted for the former references to “headlines” to reflect modern terminology.

In the introductory language of this section, the former references to captions or catchlines “of the several sections of this Code” and “of the several subsections of this Code” are deleted as implicit.

In item (2)(i) of this section, the former reference to “any part thereof” is deleted as surplusage.

The General Provisions Article Review Committee notes that Maryland case law supports this section even when the language of the catchline contradicts the statute. In *State v. Holton*, 193 Md. App. 322, 365–66 (2010), *aff’d* 420 Md. 530 (2011), the Court of Special Appeals found that the caption to § 5–501 of the Courts and Judicial Proceedings Article, “Action for defamation against local government official”, does not limit to actions for defamation the accompanying statutory language which states “[a] civil or criminal action may not be brought against a city or town councilman ... for words spoken at a meeting ...”. In so finding, the Court of Appeals stated “[i]n determining the meaning of a statute, we look to the words of the statute itself, not a caption. *W. Corr. Inst. v. Geiger*, 371 Md. 125, 141 (2002) Captions and headings are mere catchwords and can never be taken to limit or expand the plain meaning of statutory language”.

The General Provisions Article Review Committee also notes, for consideration by the General Assembly, that there are instances in the Code where section captions are made part of the law. Specifically, § 1–107 of the Commercial Law Article states “[s]ection captions are part of the Maryland Uniform Commercial Code”. The General Assembly may wish to amend this section to clarify this exception.

1–209. REFERENCE TO LAW INCLUDES AMENDMENTS.

(A) APPLICATION OF SECTION.

THE RULE OF CONSTRUCTION ESTABLISHED BY THIS SECTION APPLIES TO AN AMENDMENT ADOPTED BEFORE, ON, OR AFTER JULY 1, 1973.

(B) IN GENERAL.

EXCEPT AS OTHERWISE PROVIDED, WHEN A PUBLIC GENERAL LAW OR PUBLIC LOCAL LAW REFERS TO A PORTION OF THE CODE OR TO ANY OTHER LAW, THE REFERENCE APPLIES TO ANY AMENDMENT TO THAT PORTION OF THE CODE OR OTHER LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 1, § 21.

In subsection (a) of this section, the phrase "before, on, or after" is substituted for the former phrase "prior or subsequent to" for clarity.

In subsection (b) of this section, the former reference to a public general law or public local law "of this State" is deleted as surplusage.

Also in subsection (b) of this section, the former reference to any "subsequent" amendment is deleted as implicit.

1-210. SEVERABILITY.

(A) IN GENERAL.

EXCEPT AS OTHERWISE PROVIDED, THE PROVISIONS OF ALL STATUTES ENACTED AFTER JULY 1, 1973, ARE SEVERABLE.

(B) WHEN PART OF STATUTE FOUND TO BE UNCONSTITUTIONAL OR VOID.

THE FINDING BY A COURT THAT PART OF A STATUTE IS UNCONSTITUTIONAL OR VOID DOES NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THE STATUTE, UNLESS THE COURT FINDS THAT THE REMAINING VALID PROVISIONS ALONE ARE INCOMPLETE AND INCAPABLE OF BEING EXECUTED IN ACCORDANCE WITH THE LEGISLATIVE INTENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 1, § 23.

In subsection (b) of this section, the reference to "part" of a statute is substituted for the former reference to "some provision of" a statute for brevity and clarity.

The General Provisions Article Review Committee notes that although courts sometimes ignore severability clauses and apply their own tests, the language in this section should be retained. Sutherland on Statutory Construction at § 44A:15 specifically discusses Maryland's statute: "The legislature can create a clear statement rule by enacting a general severability clause providing that all statutes should be treated as severable unless they contain a nonseverability clause specifically stating otherwise. Indeed, Maryland and Minnesota have provisions similar to this, although both statutes are conditioned in a manner that undercuts their force. Maryland's statute has the further virtue of explicitly stating that it applies only prospectively. Alas, general severability clauses have

suffered from even greater neglect than severability clauses contained in specific statutes. For example, in *Muller v. Curran* [889 F2d 54 (4th Cir. 1989)], the court refused to believe that the legislature intended severance despite Maryland's clear statement rule and a specific severability clause in the statute. But if a general severability clause like Maryland's or Minnesota's were construed according to its plain meaning, as advocated here, such a provision would operate as a legislatively established clear statement rule in favor of severability." *Id.* at § 44A:16. Only four other states, Indiana, Kentucky, Missouri, and Oregon, have the "incomplete and incapable of being executed" language. The language of the Maryland statute appears tougher than the test set forth in case law – also something probably deliberately intended. Given the praise heaped on the Maryland law by Sutherland, the provision should be left unchanged.

SUBTITLE 3. TIME.

1–301. STANDARD TIME.

(A) IN GENERAL.

THE STANDARD TIME IN THE STATE SHALL BE THAT OF THE 75TH MERIDIAN OF LONGITUDE WEST FROM GREENWICH.

(B) COURTS, BANKS, PUBLIC OFFICES, AND PROCEEDINGS.

THE STANDARD TIME DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION SHALL REGULATE ALL COURTS, BANKING INSTITUTIONS, PUBLIC OFFICES, AND LEGAL OR OFFICIAL PROCEEDINGS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 1, § 35.

Defined term: "State" § 1–115

1–302. COMPUTATION OF PERIOD OF TIME.

(A) IN GENERAL.

IN COMPUTING A PERIOD OF TIME DESCRIBED IN A STATUTE, THE DAY OF THE ACT, EVENT, OR DEFAULT AFTER WHICH THE DESIGNATED PERIOD OF TIME BEGINS TO RUN MAY NOT BE INCLUDED.

(B) LAST DAY.

THE LAST DAY OF THE PERIOD OF TIME COMPUTED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE INCLUDED UNLESS:

(1) IT IS A SUNDAY OR LEGAL HOLIDAY, IN WHICH CASE THE PERIOD RUNS UNTIL THE END OF THE NEXT DAY THAT IS NOT A SUNDAY OR LEGAL HOLIDAY; OR

(2) THE ACT TO BE DONE IS THE FILING OF A PAPER IN COURT AND THE OFFICE OF THE CLERK OF THE COURT IS NOT OPEN ON THE LAST DAY OF THE PERIOD OF TIME, OR IS CLOSED FOR A PART OF A DAY, IN WHICH CASE THE PERIOD RUNS UNTIL THE END OF THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, LEGAL HOLIDAY, OR DAY ON WHICH THE OFFICE IS NOT OPEN THE ENTIRE DAY DURING ORDINARY BUSINESS HOURS.

(C) SUNDAYS AND LEGAL HOLIDAYS.

(1) WHEN THE PERIOD OF TIME EXCEEDS 7 DAYS, INTERMEDIATE SUNDAYS AND LEGAL HOLIDAYS SHALL BE COUNTED IN COMPUTING THE PERIOD OF TIME.

(2) WHEN THE PERIOD OF TIME IS 7 DAYS OR LESS, INTERMEDIATE SUNDAYS AND LEGAL HOLIDAYS MAY NOT BE COUNTED IN COMPUTING THE PERIOD OF TIME.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 1, § 36.

In subsection (a) of this section, the reference to a period of time "described" is substituted for the former reference to a period of time "prescribed or allowed" for brevity.

Also in subsection (a) of this section, the former reference to an "applicable" statute is deleted as unnecessary.

In the introductory language of subsection (b) of this section, the reference to the period of time computed "under subsection (a) of this section" is substituted for the former reference to the period of time "so" computed for clarity.

In subsection (c) of this section, the references to "legal" holidays are added for consistency with subsection (b) of this section.

In subsection (c)(1) of this section, the reference to certain days being "counted in computing the period of time" is substituted for the former

reference to certain days being “considered as other days” for clarity and consistency with subsection (c)(2) of this section.

Also in subsection (c)(1) of this section, the former reference to the period of time “allowed” is deleted as surplusage.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that Maryland Rule 1–203 provides for the computation of time. Maryland Rule 1–203(a) states “[i]n computing any period of time prescribed by these rules, by rule or order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not included. If the period of time allowed is more than seven days, intermediate Saturdays, Sundays, and holidays are counted; but if the period of time allowed is seven days or less, intermediate Saturdays, Sundays, and holidays are not counted. The last day of the period so computed is included unless: 1) it is a Saturday, Sunday, or holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or holiday; or 2) the act to be done is the filing of a paper in court and the office of the clerk of that court on the last day of the period is not open, or is closed for a part of the day, in which event the period runs until the end of the next day that is not a Saturday, Sunday, holiday, or a day on which the office is not open during its regular hours”. Maryland Rule 1–203(a) is inconsistent with subsection (b) of this section, as subsection (b) of this section includes Saturdays when computing the last day of the period of time, while Maryland Rule 1–203(a) specifically excludes Saturdays. Maryland Rule 1–202 defines a holiday as an employee holiday as set forth in § 9–201 of the State Personnel and Pensions Article. The list of holidays in § 9–201 of the State Personnel and Pensions Article is not consistent with the list of “legal holidays” provided in § 1–111 of this article. The committee note to Maryland Rule 1–203 states that “this section supersedes Code, [former] Article 1, § 36 to the extent of any inconsistency”.

The General Provisions Article Review Committee also notes, for consideration by the General Assembly, that while there is no provision in the Annotated Code for filing before an event, there is such a provision in the Maryland Rules of Procedure. Specifically, Maryland Rule 1–203(b) provides “[i]n determining the latest day for performance of an act which is required by these rules, by rule or order of court, or by any applicable statute, to be performed a prescribed number of days before a certain day, act, or event, all days prior thereto, including intervening Saturdays, Sundays, and holidays, are counted in the number of days so prescribed. The latest day is included in the determination unless it is a Saturday, Sunday, or holiday, in which event the latest day is the first preceding day which is not a Saturday, Sunday, or holiday”. The General Assembly may wish to add a similar provision to this section.

Defined term: "Legal holiday" § 1-111

1-303. COMPUTATION OF AGE.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN INDIVIDUAL ATTAINS A SPECIFIED AGE ON THE DAY OF THE ANNIVERSARY OF THE INDIVIDUAL'S BIRTH.

(B) INDIVIDUAL BORN ON FEBRUARY 29.

AN INDIVIDUAL BORN ON FEBRUARY 29 ATTAINS A SPECIFIED AGE ON MARCH 1 OF ANY YEAR THAT IS NOT A LEAP YEAR.

REVISOR'S NOTE: This section formerly was Art. 1, § 37.

No changes are made.

SUBTITLE 4. MISCELLANEOUS PROVISIONS.

1-401. AGE OF MAJORITY.

(A) IN GENERAL.

(1) THE AGE OF MAJORITY IS 18 YEARS.

(2) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION OR AS OTHERWISE SPECIFICALLY PROVIDED BY STATUTE, AN INDIVIDUAL AT LEAST 18 YEARS OLD IS AN ADULT FOR ALL PURPOSES AND HAS THE SAME LEGAL CAPACITY, RIGHTS, POWERS, PRIVILEGES, DUTIES, LIABILITIES, AND RESPONSIBILITIES THAT AN INDIVIDUAL AT LEAST 21 YEARS OLD HAD BEFORE JULY 1, 1973.

(B) CHILD SUPPORT.

AN INDIVIDUAL WHO HAS ATTAINED THE AGE OF 18 YEARS AND WHO IS ENROLLED IN SECONDARY SCHOOL HAS THE RIGHT TO RECEIVE SUPPORT AND MAINTENANCE FROM BOTH OF THE INDIVIDUAL'S PARENTS UNTIL THE FIRST TO OCCUR OF THE FOLLOWING EVENTS:

(1) THE INDIVIDUAL DIES;

- (2) THE INDIVIDUAL MARRIES;
- (3) THE INDIVIDUAL IS EMANCIPATED;
- (4) THE INDIVIDUAL GRADUATES FROM OR IS NO LONGER ENROLLED IN SECONDARY SCHOOL; OR
- (5) THE INDIVIDUAL ATTAINS THE AGE OF 19 YEARS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 1, § 24(a).

Throughout this section, the references to an "individual" are substituted for the former references to a "person" because only an individual and not the other entities included in the defined term "person" may attain the age of majority.

In subsection (a)(1) of this section, the former phrase "hereby declared to be" is deleted as surplusage.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that the more appropriate placement of the provision in subsection (b) of this section related to child support is under § 5–203 of the Family Law Article. However, the committee is aware that the General Assembly intended that this provision be drafted to former Art. 1, § 24 as a result of a compromise reached by legislative committees when adopting Chapter 180 of 2002. For this reason, the committee has decided not to transfer this provision to the Family Law Article.

Defined term: "Adult" § 1–103

1–402. BOUNDARIES OF COUNTIES.

THE BOUNDARIES AND LIMITS OF EACH COUNTY SHALL REMAIN AS ESTABLISHED UNLESS ALTERED BY LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 1, § 12.

The reference to the boundaries remaining as "established unless altered by law" is substituted for the former reference to remaining as "now established" for clarity. The section was originally enacted as part of the Maryland Code of 1860 and was reenacted in the Code of 1888. Since 1888, there have been at least seven changes in the boundaries of the counties or Baltimore City. The latest was in 1994 (Ch. 636), when the

boundary line between Montgomery County and Prince George's County was altered to include all of the City of Takoma Park in Montgomery County. Article XIII, § 1 of the Maryland Constitution provides that “[t]he General Assembly may provide, by law, for organizing new Counties, locating and removing county seats, and changing county lines ...”.

The former reference to the counties “of this State” is deleted as implicit.

The former reference to the “City of Baltimore” is deleted as included in the defined term “county”.

Defined term: “County” § 1–107

1–403. CITATION OF REVISED ARTICLES.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, UNNUMBERED REVISED ARTICLES OF THE ANNOTATED CODE OF MARYLAND MAY BE CITED AS: “§ ___ OF THE _____ ARTICLE”.

(B) COURTS AND JUDICIAL PROCEEDINGS ARTICLE.

A SECTION OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE MAY BE CITED AS: “§ ___ OF THE COURTS ARTICLE”.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 1, § 25.

In subsection (a) of this section, the phrase “[e]xcept as provided in subsection (b) of this section” is added for clarity.

Also in subsection (a) of this section, the reference to a section of “the _____ Article” is substituted for the former references to each specific article name, except for the Courts and Judicial Proceedings Article, which is shown in subsection (b) of this section, for brevity.

GENERAL REVISOR’S NOTE TO TITLE

Former Art. 1, §§ 1, 2, and 4, which provided for the effect of the adoption of the Code, were originally enacted as part of the Maryland Code of 1860 and reenacted in the Code of 1888. The parties to any then existing contracts or pending litigation would be long dead. These sections are being transferred to the Session Laws to conform to modern bill drafting conventions, under which such provisions would typically be uncodified. *See* § 3 of Ch. 94, Acts of 2014.

Throughout this subtitle, former language indicating that a definition applies unless such a construction would be “unreasonable” is deleted. The General Provisions Article Review Committee believes such a caveat is unnecessary because Maryland case law already factors the unreasonableness of a particular construction into a determination of legislative intent. *See Board of Trustees v. Hughes*, 340 Md. 1, 7 (1995) (“[W]e seek to avoid constructions that are illogical, unreasonable, or inconsistent with common sense.”); *Wagner v. Board of County Commissioners*, 263 Md. 560, 568 (1971) (“[W]e should prefer a construction which leads to a reasonable, rather than an unreasonable and absurd result.”); and *Doswell v. State*, 53 Md. App. 647, 653 (1983) (“[T]he statute should be read in a commonsense manner to avoid an unreasonable or absurd result.”). No substantive change is intended.

TITLE 2. OFFICIAL OATHS.

SUBTITLE 1. FORM OF OATH.

2-101. FORM OF OATH FOR POSITION NOT SUBJECT TO MARYLAND CONSTITUTION.

UNLESS A STATE OR LOCAL LAW REQUIRES A DIFFERENT FORM OF OATH, AN INDIVIDUAL APPOINTED TO A PUBLIC POSITION THAT REQUIRES THE INDIVIDUAL TO TAKE AN OATH, BUT NOT SUBJECT TO THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION, SHALL TAKE AN OATH TO PERFORM FAITHFULLY THE DUTIES OF THE OFFICE TO WHICH THE INDIVIDUAL IS APPOINTED.

REVISOR’S NOTE: This section is new language derived without substantive change from former SG § 16-106.

In this section and throughout this title, the references to a “State or local law” are substituted for the former references to a “law or ordinance” for clarity.

In this section and throughout this subtitle, the references to an “individual” are substituted for the former references to a “person” because only a human being and not the other entities included in the definition of “person” can take an oath.

In this section, the reference to a “public” position is added for accuracy.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that this section contains references to an “oath” but not an “affirmation”. Section 2-103 of this subtitle indicates that an affirmation is sufficient if made by an individual conscientiously scrupulous of taking an oath. The General

Assembly may wish to add references to an “affirmation” in this section for clarity and consistency.

The General Provisions Article Review Committee also notes, for consideration by the General Assembly, that this section, like age-old source law, recognizes that State or local law may require a different oath than that required by Article I, § 9 of the Maryland Constitution for those “not subject” to this constitutional oath requirement. And, in fact, this section retains in the law a statutory oath for holders of such positions. Another place in the Code where a statutory oath is imposed on one not holding a public office under the Constitution or laws is § 2-104(b) (deputy sheriffs) of the Courts Article. Since 1867, Article 37 of the Maryland Declaration of Rights has provided, in relevant part, that the legislature may not “prescribe any other oath of office other than the oath prescribed by this Constitution”. The Court of Appeals has concluded that under this constitutional provision the General Assembly may not require a different oath for the holder of an office, whether or not the office is constitutional or statutory. *Davidson v. Brice*, 91 Md. 681, 690 (1900). See also AG Bill Review Letter on HB 1473, dated May 6, 2009. The source law for this section, like that for § 2-104(b) of the Courts Article, predates Article 37 and these provisions were enacted at a time when the legislature had the authority to require an oath different than that contained in Article I, § 9. What remains unclear is whether Article 37 jeopardizes the constitutionality of the source law for this section. In the absence of more definitive case law, the committee is hesitant to alter or delete language regarding statutory oaths; however, the General Assembly may wish to amend this section to be consistent with Article 37.

Defined term: “State” § 1-115

2-102. LANGUAGE PROHIBITED IN OATH.

NO PRECATORY WORDS, INCLUDING “SO HELP ME GOD”, MAY BE ADDED TO AN OATH NOT REQUIRED BY THE MARYLAND CONSTITUTION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 1, § 10.

The word “precatory” is substituted for the former phrase “any imprecatory words whatever” for accuracy. “Imprecatory” relates to calling down evil, while “precatory” pertains to praying.

The former reference to the “form of judicial and all other” oaths is deleted as surplusage.

The former reference to an oath “to be taken or administered in this State” is deleted as surplusage.

The former requirement to include the phrase “[i]n the presence of Almighty God I do solemnly promise or declare” is deleted as unconstitutional under *Torcaso v. Watkins*, 367 U.S. 495, 81 S.Ct. 1683 and *White v. State*, 244 Md. 188 (1966).

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that this section contains references to an “oath” but not an “affirmation”. Section 2–103 of this subtitle indicates that an affirmation is sufficient if made by an individual conscientiously scrupulous of taking an oath. The General Assembly may wish to add references to an “affirmation” in this section for clarity and consistency.

The General Provisions Article Review Committee also notes that additional requirements related to oaths are found in the Maryland Rules. Maryland Rule 1–303 provides that “[e]xcept as provided in Rule 16–819(d)(3), whenever an oral oath is required by rule or law, the person making oath shall solemnly swear or affirm under the penalties of perjury that the responses given and statements made will be the whole truth and nothing but the truth”. Maryland Rule 1–304 provides that the statement of the affiant may be made before an officer authorized to administer an oath or affirmation, who shall certify in writing to having administered the oath or taken the affirmation, or may be made by signing the statement in one of the following forms: Generally. “I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief.” Personal Knowledge. “I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.”.

2–103. SUFFICIENCY OF AFFIRMATION INSTEAD OF OATH.

IF AN OATH IS REQUIRED BY THE CODE, AN AFFIRMATION IS SUFFICIENT IF MADE BY AN INDIVIDUAL CONSCIENTIOUSLY SCRUPULOUS OF TAKING AN OATH.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 1, § 9.

The reference to an “individual” is substituted for the former reference to a “person” because only a human being and not the other entities included in the definition of “person” is capable of making an oath or affirmation.

SUBTITLE 2. ADMINISTRATION OF OATH.

2-201. METHOD FOR ADMINISTRATION OF OATH.

AN INDIVIDUAL WHO ADMINISTERS AN OATH SHALL REQUIRE THE INDIVIDUAL TAKING AN OATH TO HOLD UP A HAND IN RECOGNITION OF THE SOLEMNITY OF THE ACT UNLESS:

(1) HOLDING UP A HAND IS NOT PRACTICABLE; OR

(2) IT APPEARS THAT ANOTHER METHOD WOULD BE MORE BINDING ON THE CONSCIENCE OF THE INDIVIDUAL TAKING THE OATH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 1, § 11.

In the introductory language of this section, the reference to “[a]n individual who administers an oath” is substituted for the former reference to “[t]he manner of administering oaths” for clarity.

Also in the introductory language of this section, the reference to holding up a hand “in recognition” of the solemnity of the act is substituted for the former reference to holding up a hand “in token of his recognition” of the solemnity of the act for brevity.

In item (2) of this section, the reference to the “individual taking the oath” is substituted for the former reference to the “swearer” for clarity.

2-202. GOVERNOR AND LIEUTENANT GOVERNOR.

(A) IN GENERAL.

THE GOVERNOR AND THE LIEUTENANT GOVERNOR SHALL TAKE AND SUBSCRIBE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION:

(1) ON THE THIRD WEDNESDAY OF JANUARY THAT NEXT FOLLOWS THE ELECTION OF THE GOVERNOR, OR AS SOON THEREAFTER AS IS PRACTICABLE, BETWEEN THE HOURS OF NOON AND 2:00 P.M. IN THE CHAMBER OF THE SENATE OF MARYLAND; AND

(2) (I) BEFORE THE CHIEF JUDGE OF THE COURT OF APPEALS; OR

(II) IF THE CHIEF JUDGE IS UNABLE TO ATTEND, BEFORE ONE OF THE ASSOCIATE JUDGES OF THE COURT OF APPEALS.

(B) RECORD OF OATHS.

THE CLERK OF THE COURT OF APPEALS SHALL MAINTAIN A BOOK THAT RECORDS THE OATHS TAKEN AND SUBSCRIBED UNDER THIS SECTION.

REVISOR'S NOTE: This section formerly was SG § 16–101.

The only changes are in style.

2–203. ADJUTANT GENERAL; ATTORNEY GENERAL; COMPTROLLER; JUDGES AND CLERKS OF COURT OF APPEALS AND COURT OF SPECIAL APPEALS; SECRETARY OF STATE; STATE REPORTER; STATE TREASURER.

(A) IN GENERAL.

THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION SHALL BE TAKEN AND SUBSCRIBED BEFORE THE GOVERNOR BY:

- (1) THE ADJUTANT GENERAL;**
- (2) THE ATTORNEY GENERAL;**
- (3) THE COMPTROLLER;**
- (4) THE JUDGES OF THE COURT OF APPEALS;**
- (5) THE CLERK OF THE COURT OF APPEALS;**
- (6) THE JUDGES OF THE COURT OF SPECIAL APPEALS;**
- (7) THE CLERK OF THE COURT OF SPECIAL APPEALS;**
- (8) THE SECRETARY OF STATE;**
- (9) THE STATE REPORTER; AND**
- (10) THE STATE TREASURER.**

(B) COMPTROLLER.

ON THE THIRD MONDAY OF JANUARY THAT NEXT FOLLOWS THE ELECTION OF THE COMPTROLLER, OR AS SOON THEREAFTER AS IS PRACTICABLE, THE SUCCESSFUL CANDIDATE FOR THAT OFFICE SHALL QUALIFY BY TAKING THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

(C) RECORD OF OATHS.

THE SECRETARY OF STATE SHALL MAINTAIN A BOOK THAT RECORDS THE OATHS TAKEN AND SUBSCRIBED UNDER THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 16–102.

In subsection (a)(5) and (7) of this section, the references to “the clerk of the Court of Appeals” and “the clerk of the Court of Special Appeals”, respectively, are substituted for the former references to “their clerks” for clarity and to reflect that there is only one clerk for each court.

For provisions requiring the Secretary of State to maintain a book recording commissions issued by the Governor, see § 7–105 of the State Government Article.

Defined term: “State” § 1–115

2–204. MEMBERS OF GENERAL ASSEMBLY.

(A) SENATE.

(1) A MEMBER OF THE SENATE OF MARYLAND SHALL ADMINISTER THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION TO THE PRESIDENT OF THE SENATE.

(2) THE PRESIDENT OF THE SENATE SHALL ADMINISTER THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION TO THE OTHER MEMBERS AND OFFICERS OF THE SENATE OF MARYLAND.

(B) HOUSE OF DELEGATES.

(1) A MEMBER OF THE HOUSE OF DELEGATES SHALL ADMINISTER THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION TO THE SPEAKER OF THE HOUSE OF DELEGATES.

(2) THE SPEAKER OF THE HOUSE OF DELEGATES SHALL ADMINISTER THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION TO THE OTHER MEMBERS AND OFFICERS OF THE HOUSE OF DELEGATES.

(C) SUBSCRIPTION OF OATHS.

THE MEMBERS OF THE GENERAL ASSEMBLY SHALL SUBSCRIBE THE OATH THAT THE MEMBERS TAKE UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION.

REVISOR'S NOTE: This section formerly was SG § 16–103.

No changes are made.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that the individual administering the oath to the President of the Senate and the Speaker of the House of Delegates in subsections (a) and (b) of this section has been elected but not yet sworn in. Rule 2 of the Rules of the Senate of Maryland provides that the President shall be elected by the Senate, which shall first elect a President Pro Tem, who shall preside over the Senate until the President is elected and assumes that office. The President Pro Tem is required to administer the oath of office to the President. Rule 2 of the Rules of the House of Delegates provides that the Speaker shall be elected by the House, which shall first elect a Speaker Pro Tem who shall administer the oath of office to the Speaker. The President, President Pro Tem, Speaker, and Speaker Pro Tem each hold office from the date of their election until the earlier of: (1) the beginning of the next regular session of the General Assembly; (2) the election of another person to hold the office; or (3) the occurrence of a vacancy in the office.

The General Provisions Article Review Committee also notes, for consideration by the General Assembly, that the federal process for swearing in members of Congress is similar to the process in the Maryland General Assembly. Members of the House of Representatives usually take their oath during the first day of a new Congress. After the Speaker is elected, the member with the longest continuous service administers the oath to the Speaker. This tradition originated in the British House of Commons and has been the practice in the House of Representatives since at least 1849. The Speaker then administers the oath to the rest of the members as a group. As for the Senate, the Congressional Research Services' *The First Day of a New Congress: A Guide to Proceedings on the Senate Floor*, states that the Vice President presides when the Senate first convenes. The first order of business in a new Senate is the swearing-in of senators elected or re-elected in the most recent general election. The Vice President then swears in senators,

in alphabetical order in groups of four, to take the oath and to also “subscribe to the oath” in the official oath book. As provided by the U.S. Constitution, the President pro tempore is chosen by the Senate to preside during the absence of the Vice President. When there is a change in party control of the Senate, or when a vacancy in the office of President pro tempore occurs, a new President pro tempore is elected by resolution and then sworn in by the Vice President. Unlike the process for administering oaths in the Maryland General Assembly, which is set forth in the Rules for each chamber, the process for administering oaths in Congress is based primarily on tradition.

2-205. MUNICIPAL OFFICERS OTHER THAN MAYORS OR CHIEF EXECUTIVE OFFICERS.

EXCEPT FOR A MAYOR OR CHIEF EXECUTIVE OFFICER OF A MUNICIPAL CORPORATION, ALL OFFICERS OF A MUNICIPAL CORPORATION SHALL TAKE AN OATH BEFORE THE MAYOR OR CHIEF EXECUTIVE OFFICER OF THE MUNICIPAL CORPORATION IF AN OATH IS REQUIRED BY STATE OR LOCAL LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 16-104.

The references to a chief “executive officer” are substituted for the former references to a chief “magistrate” to reflect the terminology used in the Local Government Article. *See, e.g.*, LG § 4-109.

Defined term: “State” § 1-115

2-206. OTHER OFFICERS.

EXCEPT FOR AN OFFICER SPECIFIED IN §§ 2-202 THROUGH 2-205 OF THIS SUBTITLE, AN OFFICER ELECTED OR APPOINTED TO ANY OFFICE OF TRUST OR PROFIT UNDER THE MARYLAND CONSTITUTION OR OTHER STATE LAW, INCLUDING A MAYOR OR OTHER CHIEF EXECUTIVE OFFICER OF A MUNICIPAL CORPORATION, SHALL TAKE AND SUBSCRIBE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION BEFORE A CLERK OR A DEPUTY CLERK OF THE CIRCUIT COURT.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 16-105.

The reference to a chief “executive officer” is substituted for the former reference to a chief “magistrate” to reflect the terminology used in the Local Government Article. *See, e.g.*, LG § 4-109.

The former reference to a “sworn” deputy clerk is deleted as unnecessary in light of § 2–104(b) of the Courts Article, which requires every deputy clerk to take an oath.

Defined term: “State” § 1–115

SUBTITLE 3. MISCELLANEOUS PROVISIONS.

2–301. REFUSAL TO TAKE OATH.

AN INDIVIDUAL ELECTED OR APPOINTED TO AN OFFICE SHALL BE DEEMED TO HAVE REFUSED THE OFFICE IF THE INDIVIDUAL DECLINES OR NEGLECTS TO TAKE AND SUBSCRIBE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION OR BY OTHER STATE OR LOCAL LAW:

(1) WITHIN 30 DAYS AFTER THE OFFICE OF A CLERK OF A CIRCUIT COURT RECEIVES THE COMMISSION OF THE INDIVIDUAL; OR

(2) IF THE COMMISSION IS NOT SENT TO A CLERK OF A CIRCUIT COURT, WITHIN 30 DAYS AFTER THE INDIVIDUAL RECEIVES THE COMMISSION OR THE NOTICE OF APPOINTMENT.

REVISOR’S NOTE: This section is new language derived without substantive change from former SG § 16–107.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that §§ 2–104 and 2–106 of the Courts Article contain similar provisions to those required by this section. Section 2–104 of the Courts Article requires every auditor, clerk, sheriff, constable, commissioner, surveyor, or other officer to take and sign the oath or affirmation required by the Constitution. Section 2–106 of the Courts Article provides that a person who is required to take an oath under § 2–104 but who fails to qualify for office by taking and subscribing the required oath or affirmation is deemed to have refused the office.

Defined term: “State” § 1–115

2–302. REPORTS OF CLERKS TO SECRETARY OF STATE.

(A) REPORT REQUIRED.

AT LEAST ONCE EACH MONTH, THE CLERK OF EACH CIRCUIT COURT SHALL REPORT TO THE SECRETARY OF STATE THE NAMES AND OFFICES OF ALL OFFICERS WHO HAVE TAKEN AND SUBSCRIBED AN OATH BEFORE THE CLERK.

**(B) PRESERVATION OF REPORT BY SECRETARY OF STATE;
CERTIFICATION.**

THE SECRETARY OF STATE:

**(1) SHALL PRESERVE A REPORT REQUIRED BY SUBSECTION (A)
OF THIS SECTION; AND**

**(2) EQUALLY WITH THE CLERK OF A CIRCUIT COURT, IS
COMPETENT TO CERTIFY THAT AN OFFICER HAS QUALIFIED BY TAKING AND
SUBSCRIBING AN OATH BEFORE THE CLERK.**

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 16–108.

In subsection (b)(2) of this section, the former reference to “certify[ing] the character” of an officer is deleted as impracticable since it is not possible to certify the character of an individual. No substantive change is intended in deleting this reference. For other provisions in which the Secretary of State certifies the qualifications of an individual, and not the character of an individual, *see* § 7–105(b)(2) of the State Government Article.

Defined term: “State” § 1–115

TITLE 3. OPEN MEETINGS ACT.

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

3–101. DEFINITIONS.

(A) IN GENERAL.

IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was SG § 10–502(a).

The only changes are in style.

(B) ADMINISTRATIVE FUNCTION.

**(1) “ADMINISTRATIVE FUNCTION” MEANS THE ADMINISTRATION
OF:**

(I) A LAW OF THE STATE;

(II) A LAW OF A POLITICAL SUBDIVISION OF THE STATE; OR

(III) A RULE, REGULATION, OR BYLAW OF A PUBLIC BODY.

(2) “ADMINISTRATIVE FUNCTION” DOES NOT INCLUDE:

(I) AN ADVISORY FUNCTION;

(II) A JUDICIAL FUNCTION;

(III) A LEGISLATIVE FUNCTION;

(IV) A QUASI-JUDICIAL FUNCTION; OR

(V) A QUASI-LEGISLATIVE FUNCTION.

REVISOR’S NOTE: This subsection formerly was SG § 10–502(b).

No changes are made.

For applicability of “administrative function”, *see* § 3–103 of this subtitle, which provides that, with certain exceptions, this title does not apply to a public body when it is carrying out an administrative function.

Defined terms: “Advisory function” § 3–101

“Judicial function” § 3–101

“Legislative function” § 3–101

“Public body” § 3–101

“Quasi-judicial function” § 3–101

“Quasi-legislative function” § 3–101

“State” § 1–115

(C) ADVISORY FUNCTION.

“ADVISORY FUNCTION” MEANS THE STUDY OF A MATTER OF PUBLIC CONCERN, OR THE MAKING OF RECOMMENDATIONS ON THE MATTER, UNDER A DELEGATION OF RESPONSIBILITY BY:

(1) LAW;

(2) THE GOVERNOR OR AN OFFICIAL WHO IS SUBJECT TO THE POLICY DIRECTION OF THE GOVERNOR;

(3) THE CHIEF EXECUTIVE OFFICER OF A POLITICAL SUBDIVISION OF THE STATE OR AN OFFICIAL WHO IS SUBJECT TO THE POLICY DIRECTION OF THE CHIEF EXECUTIVE OFFICER; OR

(4) FORMAL ACTION BY OR FOR A PUBLIC BODY THAT EXERCISES AN ADMINISTRATIVE FUNCTION, JUDICIAL FUNCTION, LEGISLATIVE FUNCTION, QUASI-JUDICIAL FUNCTION, OR QUASI-LEGISLATIVE FUNCTION.

REVISOR'S NOTE: This subsection formerly was SG § 10-502(c).

The only changes are in style.

Defined terms: "Administrative function" § 3-101

"Judicial function" § 3-101

"Legislative function" § 3-101

"Public body" § 3-101

"Quasi-judicial function" § 3-101

"Quasi-legislative function" § 3-101

"State" § 1-115

(D) BOARD.

"BOARD" MEANS THE STATE OPEN MEETINGS LAW COMPLIANCE BOARD.

REVISOR'S NOTE: This subsection formerly was SG § 10-502(d).

No changes are made.

(E) JUDICIAL FUNCTION.

(1) "JUDICIAL FUNCTION" MEANS THE EXERCISE OF ANY POWER OF THE JUDICIAL BRANCH OF THE STATE GOVERNMENT.

(2) "JUDICIAL FUNCTION" INCLUDES THE EXERCISE OF:

(I) A POWER FOR WHICH ARTICLE IV, § 1 OF THE MARYLAND CONSTITUTION PROVIDES;

(II) A FUNCTION OF A GRAND JURY;

(III) A FUNCTION OF A PETIT JURY;

(IV) A FUNCTION OF THE COMMISSION ON JUDICIAL DISABILITIES; AND

(V) A FUNCTION OF A JUDICIAL NOMINATING COMMISSION.

(3) “JUDICIAL FUNCTION” DOES NOT INCLUDE THE EXERCISE OF RULEMAKING POWER BY A COURT.

REVISOR’S NOTE: This subsection formerly was SG § 10–502(e).

The only changes are in style.

Defined terms: “Includes” § 1–110

“State” § 1–115

(F) LEGISLATIVE FUNCTION.

“LEGISLATIVE FUNCTION” MEANS THE PROCESS OR ACT OF:

(1) APPROVING, DISAPPROVING, ENACTING, AMENDING, OR REPEALING A LAW OR OTHER MEASURE TO SET PUBLIC POLICY;

(2) APPROVING OR DISAPPROVING AN APPOINTMENT;

(3) PROPOSING OR RATIFYING A CONSTITUTION OR CONSTITUTIONAL AMENDMENT; OR

(4) PROPOSING OR RATIFYING A CHARTER OR CHARTER AMENDMENT.

REVISOR’S NOTE: This subsection formerly was SG § 10–502(f).

No changes are made.

(G) MEET.

“MEET” MEANS TO CONVENE A QUORUM OF A PUBLIC BODY TO CONSIDER OR TRANSACT PUBLIC BUSINESS.

REVISOR’S NOTE: This subsection formerly was SG § 10–502(g).

The only changes are in style.

Defined terms: “Public body” § 3–101

“Quorum” § 3–101

(H) PUBLIC BODY.**(1) "PUBLIC BODY" MEANS AN ENTITY THAT:****(I) CONSISTS OF AT LEAST TWO INDIVIDUALS; AND****(II) IS CREATED BY:**

- 1. THE MARYLAND CONSTITUTION;**
- 2. A STATE STATUTE;**
- 3. A COUNTY OR MUNICIPAL CHARTER;**
- 4. A MEMORANDUM OF UNDERSTANDING OR A MASTER AGREEMENT TO WHICH A MAJORITY OF THE COUNTY BOARDS OF EDUCATION AND THE STATE DEPARTMENT OF EDUCATION ARE SIGNATORIES;**
- 5. AN ORDINANCE;**
- 6. A RULE, RESOLUTION, OR BYLAW;**
- 7. AN EXECUTIVE ORDER OF THE GOVERNOR; OR**
- 8. AN EXECUTIVE ORDER OF THE CHIEF EXECUTIVE AUTHORITY OF A POLITICAL SUBDIVISION OF THE STATE.**

(2) "PUBLIC BODY" INCLUDES:

(I) ANY MULTIMEMBER BOARD, COMMISSION, OR COMMITTEE APPOINTED BY THE GOVERNOR OR THE CHIEF EXECUTIVE AUTHORITY OF A POLITICAL SUBDIVISION OF THE STATE, OR APPOINTED BY AN OFFICIAL WHO IS SUBJECT TO THE POLICY DIRECTION OF THE GOVERNOR OR CHIEF EXECUTIVE AUTHORITY OF THE POLITICAL SUBDIVISION, IF THE ENTITY INCLUDES IN ITS MEMBERSHIP AT LEAST TWO INDIVIDUALS NOT EMPLOYED BY THE STATE OR THE POLITICAL SUBDIVISION;

(II) ANY MULTIMEMBER BOARD, COMMISSION, OR COMMITTEE THAT:

- 1. IS APPOINTED BY:**

A. AN ENTITY IN THE EXECUTIVE BRANCH OF THE STATE GOVERNMENT, THE MEMBERS OF WHICH ARE APPOINTED BY THE GOVERNOR, AND THAT OTHERWISE MEETS THE DEFINITION OF A PUBLIC BODY UNDER THIS SUBSECTION; OR

B. AN OFFICIAL WHO IS SUBJECT TO THE POLICY DIRECTION OF AN ENTITY DESCRIBED IN ITEM A OF THIS ITEM; AND

2. INCLUDES IN ITS MEMBERSHIP AT LEAST TWO INDIVIDUALS WHO ARE NOT MEMBERS OF THE APPOINTING ENTITY OR EMPLOYED BY THE STATE; AND

(III) THE MARYLAND SCHOOL FOR THE BLIND.

(3) “PUBLIC BODY” DOES NOT INCLUDE:

(I) ANY SINGLE MEMBER ENTITY;

(II) ANY JUDICIAL NOMINATING COMMISSION;

(III) ANY GRAND JURY;

(IV) ANY PETIT JURY;

(V) THE APPALACHIAN STATES LOW LEVEL RADIOACTIVE WASTE COMMISSION ESTABLISHED IN § 7-302 OF THE ENVIRONMENT ARTICLE;

(VI) EXCEPT WHEN A COURT IS EXERCISING RULEMAKING POWER, ANY COURT ESTABLISHED IN ACCORDANCE WITH ARTICLE IV OF THE MARYLAND CONSTITUTION;

(VII) THE GOVERNOR’S CABINET, THE GOVERNOR’S EXECUTIVE COUNCIL AS PROVIDED IN TITLE 8, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE, OR ANY COMMITTEE OF THE EXECUTIVE COUNCIL;

(VIII) A LOCAL GOVERNMENT’S COUNTERPART TO THE GOVERNOR’S CABINET, EXECUTIVE COUNCIL, OR ANY COMMITTEE OF THE COUNTERPART OF THE EXECUTIVE COUNCIL;

(IX) EXCEPT AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, A SUBCOMMITTEE OF A PUBLIC BODY AS DEFINED IN PARAGRAPH (2)(I) OF THIS SUBSECTION;

(X) THE GOVERNING BODY OF A HOSPITAL AS DEFINED IN § 19-301 OF THE HEALTH – GENERAL ARTICLE; AND

(XI) A SELF-INSURANCE POOL THAT IS ESTABLISHED IN ACCORDANCE WITH TITLE 19, SUBTITLE 6 OF THE INSURANCE ARTICLE OR § 9-404 OF THE LABOR AND EMPLOYMENT ARTICLE BY:

1. A PUBLIC ENTITY, AS DEFINED IN § 19-602 OF THE INSURANCE ARTICLE; OR

2. A COUNTY OR MUNICIPAL CORPORATION, AS DESCRIBED IN § 9-404 OF THE LABOR AND EMPLOYMENT ARTICLE.

REVISOR'S NOTE: This subsection formerly was SG § 10-502(h).

In paragraph (3)(xi)2 of this subsection, the reference to a county or municipality "as described in" § 9-404 of the Labor and Employment Article is substituted for the former reference to a county or municipality "as defined in" § 9-404 of the Labor and Employment Article because there is no definition of a county or municipality in that section.

The only other changes are in style.

Defined terms: "County" § 1-107

"Includes" § 1-110

"State" § 1-115

(I) QUASI-JUDICIAL FUNCTION.

"QUASI-JUDICIAL FUNCTION" MEANS A DETERMINATION OF:

(1) A CONTESTED CASE TO WHICH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE APPLIES;

(2) A PROCEEDING BEFORE AN ADMINISTRATIVE AGENCY FOR WHICH TITLE 7, CHAPTER 200 OF THE MARYLAND RULES WOULD GOVERN JUDICIAL REVIEW; OR

(3) A COMPLAINT BY THE BOARD IN ACCORDANCE WITH THIS TITLE.

REVISOR'S NOTE: This subsection formerly was SG § 10-502(i).

The only changes are in style.

For applicability of “quasi-judicial function”, *see* § 3–103 of this subtitle, which provides that, with certain exceptions, this title does not apply to a public body when it is carrying out a quasi-judicial function.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that the definition of “quasi-judicial function” seemingly excludes agency adjudications where a hearing and judicial review are not required by statute. *See* Title 7, Chapter 400 of the Maryland Rules of Procedure.

Defined term: “Board” § 3–101

(J) QUASI-LEGISLATIVE FUNCTION.

“QUASI-LEGISLATIVE FUNCTION” MEANS THE PROCESS OR ACT OF:

(1) ADOPTING, DISAPPROVING, AMENDING, OR REPEALING A RULE, REGULATION, OR BYLAW THAT HAS THE FORCE OF LAW, INCLUDING A RULE OF A COURT;

(2) APPROVING, DISAPPROVING, OR AMENDING A BUDGET; OR

(3) APPROVING, DISAPPROVING, OR AMENDING A CONTRACT.

REVISOR’S NOTE: This subsection formerly was SG § 10–502(j).

No changes are made.

Defined term: “Including” § 1–110

(K) QUORUM.

“QUORUM” MEANS:

(1) A MAJORITY OF THE MEMBERS OF A PUBLIC BODY; OR

(2) THE NUMBER OF MEMBERS THAT THE LAW REQUIRES.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former SG § 10–502(k).

In item (2) of this subsection, the reference to “the number of members” is substituted for the former reference to “any different number” for clarity.

Defined term: “Public body” § 3–101

3-102. LEGISLATIVE POLICY.**(A) IN GENERAL.**

IT IS ESSENTIAL TO THE MAINTENANCE OF A DEMOCRATIC SOCIETY THAT, EXCEPT IN SPECIAL AND APPROPRIATE CIRCUMSTANCES:

(1) PUBLIC BUSINESS BE CONDUCTED OPENLY AND PUBLICLY;
AND

(2) THE PUBLIC BE ALLOWED TO OBSERVE:

(I) THE PERFORMANCE OF PUBLIC OFFICIALS; AND

(II) THE DELIBERATIONS AND DECISIONS THAT THE MAKING OF PUBLIC POLICY INVOLVES.

(B) ACCOUNTABILITY; FAITH IN GOVERNMENT; EFFECTIVENESS OF PUBLIC INVOLVEMENT.

(1) THE ABILITY OF THE PUBLIC, ITS REPRESENTATIVES, AND THE MEDIA TO ATTEND, REPORT ON, AND BROADCAST MEETINGS OF PUBLIC BODIES AND TO WITNESS THE PHASES OF THE DELIBERATION, POLICY FORMATION, AND DECISION MAKING OF PUBLIC BODIES ENSURES THE ACCOUNTABILITY OF GOVERNMENT TO THE CITIZENS OF THE STATE.

(2) THE CONDUCT OF PUBLIC BUSINESS IN OPEN MEETINGS INCREASES THE FAITH OF THE PUBLIC IN GOVERNMENT AND ENHANCES THE EFFECTIVENESS OF THE PUBLIC IN FULFILLING ITS ROLE IN A DEMOCRATIC SOCIETY.

(C) PUBLIC POLICY.

EXCEPT IN SPECIAL AND APPROPRIATE CIRCUMSTANCES WHEN MEETINGS OF PUBLIC BODIES MAY BE CLOSED UNDER THIS TITLE, IT IS THE PUBLIC POLICY OF THE STATE THAT THE PUBLIC BE PROVIDED WITH ADEQUATE NOTICE OF THE TIME AND LOCATION OF MEETINGS OF PUBLIC BODIES, WHICH SHALL BE HELD IN PLACES REASONABLY ACCESSIBLE TO INDIVIDUALS WHO WOULD LIKE TO ATTEND THESE MEETINGS.

REVISOR'S NOTE: This section formerly was SG § 10-501.

In the introductory language of subsection (a)(2) of this section, the reference to “the public” is substituted for the former reference to “citizens of the State” because the meaning of the term “citizens” in this context is unclear.

The only other changes are in style.

Defined terms: “Public body” § 3–101
“State” § 1–115

3–103. SCOPE OF TITLE.

(A) NOT APPLICABLE.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND § 3–104 OF THIS SUBTITLE, THIS TITLE DOES NOT APPLY TO:

(1) A PUBLIC BODY WHEN IT IS CARRYING OUT:

(I) AN ADMINISTRATIVE FUNCTION;

(II) A JUDICIAL FUNCTION; OR

(III) A QUASI–JUDICIAL FUNCTION; OR

(2) A CHANCE ENCOUNTER, A SOCIAL GATHERING, OR ANY OTHER OCCASION THAT IS NOT INTENDED TO CIRCUMVENT THIS TITLE.

(B) APPLICABLE.

THIS TITLE APPLIES TO A PUBLIC BODY WHEN IT IS MEETING TO CONSIDER:

(1) GRANTING A LICENSE OR PERMIT; OR

(2) A SPECIAL EXCEPTION, VARIANCE, CONDITIONAL USE, OR ZONING CLASSIFICATION, THE ENFORCEMENT OF ANY ZONING LAW OR REGULATION, OR ANY OTHER ZONING MATTER.

REVISOR’S NOTE: This section formerly was SG § 10–503(a) and (b).

The only changes are in style.

Defined terms: “Administrative function” § 3–101

“Judicial function” § 3–101

“Public body” § 3–101

“Quasi-judicial function” § 3–101

3–104. MINUTES FOR CLOSED SESSION.

IF A PUBLIC BODY RECESSES AN OPEN SESSION TO CARRY OUT AN ADMINISTRATIVE FUNCTION IN A MEETING THAT IS NOT OPEN TO THE PUBLIC, THE MINUTES FOR THE PUBLIC BODY’S NEXT MEETING SHALL INCLUDE:

(1) A STATEMENT OF THE DATE, TIME, PLACE, AND PERSONS PRESENT AT THE ADMINISTRATIVE FUNCTION MEETING; AND

(2) A PHRASE OR SENTENCE IDENTIFYING THE SUBJECT MATTER DISCUSSED AT THE ADMINISTRATIVE FUNCTION MEETING.

REVISOR’S NOTE: This section formerly was SG § 10–503(c).

No changes are made.

Defined terms: “Administrative function” § 3–101

“Person” § 1–114

“Public body” § 3–101

3–105. CONFLICT OF LAWS.

WHENEVER THIS TITLE AND ANOTHER LAW THAT RELATES TO MEETINGS OF PUBLIC BODIES CONFLICT, THIS TITLE APPLIES UNLESS THE OTHER LAW IS MORE STRINGENT.

REVISOR’S NOTE: This section formerly was SG § 10–504.

The only changes are in style.

Defined term: “Public body” § 3–101

SUBTITLE 2. STATE OPEN MEETINGS LAW COMPLIANCE BOARD.

3–201. ESTABLISHED.

THERE IS A STATE OPEN MEETINGS LAW COMPLIANCE BOARD.

REVISOR’S NOTE: This section formerly was SG § 10–502.1.

No changes are made.

Defined term: “State” § 1–115

3–202. MEMBERSHIP.

(A) COMPOSITION; APPOINTMENT OF MEMBERS.

(1) THE BOARD CONSISTS OF THREE MEMBERS.

(2) AT LEAST ONE OF THE MEMBERS SHALL BE AN ATTORNEY ADMITTED TO THE MARYLAND BAR.

(3) THE GOVERNOR SHALL APPOINT THE MEMBERS WITH THE ADVICE AND CONSENT OF THE SENATE.

(B) CHAIR.

FROM AMONG THE MEMBERS OF THE BOARD, THE GOVERNOR SHALL APPOINT A CHAIR.

(C) TENURE.

(1) THE TERM OF A MEMBER IS 3 YEARS.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2014.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED.

(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.

(5) A MEMBER MAY NOT SERVE FOR MORE THAN TWO CONSECUTIVE 3–YEAR TERMS.

REVISOR’S NOTE: This section is new language derived without substantive change from former SG § 10–502.2.

In subsection (c)(2) of this section, the reference to terms being staggered as required by the terms provided for members on “October 1, 2014” is substituted for the former obsolete reference to terms being staggered as required by the terms provided on “July 1, 1991”. This substitution

reflects the effective date of this Act and is not intended to alter the term of any member of the Board. See § 6 of Ch. 94, Acts of 2014. The terms of the appointed members serving on October 1, 2014, end as follows: (1) one on June 30, 1999; (2) one on June 30, 2010; and (3) one on June 30, 2012.

Defined term: "Board" § 3-101

3-203. QUORUM; MEETINGS; COMPENSATION; STAFF.

(A) QUORUM.

A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE BOARD IS A QUORUM.

(B) MEETINGS.

THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS MEETINGS.

(C) COMPENSATION; REIMBURSEMENT FOR EXPENSES.

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.

(D) STAFF.

THE OFFICE OF THE ATTORNEY GENERAL SHALL PROVIDE STAFF FOR THE BOARD.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 10-502.3.

In subsection (c)(1) of this section, the reference to receiving compensation "as a member of the Board" is added for clarity.

Defined terms: "Board" § 3-101
"State" § 1-115

3-204. DUTIES.**(A) COMPLAINTS ON VIOLATIONS; WRITTEN OPINION.****THE BOARD SHALL:**

(1) RECEIVE, REVIEW, AND, SUBJECT TO § 3-207 OF THIS SUBTITLE, RESOLVE COMPLAINTS FROM ANY PERSON ALLEGING A VIOLATION OF THIS TITLE; AND

(2) ISSUE A WRITTEN OPINION AS TO WHETHER A VIOLATION HAS OCCURRED.

(B) COMPLAINTS ON PROSPECTIVE VIOLATIONS.

THE BOARD SHALL RECEIVE AND REVIEW ANY COMPLAINT ALLEGING A PROSPECTIVE VIOLATION OF THIS TITLE AS PROVIDED UNDER § 3-212 OF THIS SUBTITLE.

(C) COMPLIANCE; RECOMMENDATIONS.**THE BOARD SHALL:**

(1) STUDY ONGOING COMPLIANCE WITH THIS TITLE BY PUBLIC BODIES; AND

(2) MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY FOR IMPROVEMENTS IN THIS TITLE.

(D) EDUCATIONAL PROGRAMS.

THE BOARD, IN CONJUNCTION WITH THE OFFICE OF THE ATTORNEY GENERAL AND OTHER INTERESTED ORGANIZATIONS OR PERSONS, SHALL DEVELOP AND CONDUCT EDUCATIONAL PROGRAMS ON THE REQUIREMENTS OF THE OPEN MEETINGS LAW FOR THE STAFFS AND ATTORNEYS OF:

(1) PUBLIC BODIES;

(2) THE MARYLAND MUNICIPAL LEAGUE; AND

(3) THE MARYLAND ASSOCIATION OF COUNTIES.

(E) ANNUAL REPORT.

(1) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE BOARD SHALL SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(2) THE REPORT SHALL:

(I) DESCRIBE THE ACTIVITIES OF THE BOARD;

(II) DESCRIBE THE OPINIONS OF THE BOARD;

(III) STATE THE NUMBER AND NATURE OF COMPLAINTS FILED WITH THE BOARD AND DISCUSS COMPLAINTS THAT REASONABLE NOTICE OF A MEETING WAS NOT GIVEN; AND

(IV) RECOMMEND ANY IMPROVEMENTS TO THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 10-502.4.

In subsection (a)(1) of this section, the phrase “, subject to § 3-207 of this subtitle,” is added for clarity.

Defined terms: “Board” § 3-101

“Including” § 1-110

“Person” § 1-114

“Public body” § 3-101

3-205. COMPLAINT.

(A) IN GENERAL.

ANY PERSON MAY FILE A WRITTEN COMPLAINT WITH THE BOARD SEEKING A WRITTEN OPINION FROM THE BOARD ON THE APPLICATION OF THIS TITLE TO THE ACTION OF A PUBLIC BODY COVERED BY THIS TITLE.

(B) REQUIREMENTS.

THE COMPLAINT SHALL:

(1) IDENTIFY THE PUBLIC BODY THAT IS THE SUBJECT OF THE COMPLAINT;

(2) DESCRIBE THE ACTION OF THE PUBLIC BODY, THE DATE OF THE ACTION, AND THE CIRCUMSTANCES OF THE ACTION; AND

(3) BE SIGNED BY THE COMPLAINANT.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 10-502.5(a) and (b).

In subsection (b)(1) of this section, the reference to the public body "that is the subject of the complaint" is added for clarity.

Defined terms: "Board" § 3-101

"Person" § 1-114

"Public body" § 3-101

3-206. RECEIPT OF COMPLAINT; RESPONSE.

(A) RECEIPT OF COMPLAINT.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ON RECEIPT OF THE WRITTEN COMPLAINT, THE BOARD PROMPTLY SHALL:

(1) SEND THE COMPLAINT TO THE PUBLIC BODY IDENTIFIED IN THE COMPLAINT; AND

(2) REQUEST THAT A RESPONSE TO THE COMPLAINT BE SENT TO THE BOARD.

(B) RESPONSE REQUIRED.

(1) THE PUBLIC BODY SHALL FILE A WRITTEN RESPONSE TO THE COMPLAINT WITHIN 30 DAYS AFTER IT RECEIVES THE COMPLAINT.

(2) ON REQUEST OF THE BOARD, THE PUBLIC BODY SHALL INCLUDE WITH ITS WRITTEN RESPONSE TO THE COMPLAINT A COPY OF:

(I) THE NOTICE PROVIDED UNDER § 3-302 OF THIS TITLE;

(II) ANY WRITTEN STATEMENT MADE UNDER § 3-305(D)(2)(II) OF THIS TITLE; AND

(III) THE WRITTEN MINUTES AND ANY TAPE RECORDING MADE BY THE PUBLIC BODY UNDER § 3-306 OF THIS TITLE.

(3) THE BOARD SHALL MAINTAIN THE CONFIDENTIALITY OF THE WRITTEN MINUTES AND ANY TAPE RECORDING SUBMITTED BY A PUBLIC BODY THAT ARE SEALED IN ACCORDANCE WITH § 3-306(C)(3)(II) OF THIS TITLE.

(C) PROCEDURE FOR PUBLIC BODY NO LONGER EXISTING.

(1) IF THE PUBLIC BODY IDENTIFIED IN THE COMPLAINT NO LONGER EXISTS, THE BOARD PROMPTLY SHALL SEND THE COMPLAINT TO THE OFFICIAL OR ENTITY THAT APPOINTED THE PUBLIC BODY.

(2) THE OFFICIAL OR ENTITY THAT APPOINTED THE PUBLIC BODY SHALL COMPLY, TO THE EXTENT FEASIBLE, WITH THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

(D) EFFECT OF FAILURE TO RESPOND.

IF A WRITTEN RESPONSE IS NOT RECEIVED WITHIN 45 DAYS AFTER THE NOTICE IS SENT, THE BOARD SHALL DECIDE THE CASE ON THE FACTS BEFORE THE BOARD.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 10-502.5(c).

In subsection (b)(2)(iii) and (3) of this section, the references to "the written" minutes are added to conform to the terminology used in § 3-306 of this title.

In subsection (d) of this section, the reference to a response not being received "within 45 days after the notice is sent" is substituted for the former reference to a response not being received "after 45 days" for clarity.

Defined terms: "Board" § 3-101

"Public body" § 3-101

3-207. REVIEW AND WRITTEN OPINION BY BOARD.

(A) INFORMATION SUFFICIENT FOR DETERMINATION.

(1) THE BOARD SHALL REVIEW THE COMPLAINT AND ANY RESPONSE.

(2) IF THE INFORMATION IN THE COMPLAINT AND RESPONSE IS SUFFICIENT FOR MAKING A DETERMINATION, WITHIN 30 DAYS AFTER

RECEIVING THE RESPONSE THE BOARD SHALL ISSUE A WRITTEN OPINION AS TO WHETHER A VIOLATION OF THIS TITLE HAS OCCURRED OR WILL OCCUR.

(B) INFORMAL CONFERENCE FOR ADDITIONAL INFORMATION.

(1) IF THE BOARD IS UNABLE TO REACH A DETERMINATION BASED ON THE WRITTEN SUBMISSIONS BEFORE IT, THE BOARD MAY SCHEDULE AN INFORMAL CONFERENCE TO HEAR FROM THE COMPLAINANT, THE PUBLIC BODY, OR ANY OTHER PERSON WITH RELEVANT INFORMATION ABOUT THE SUBJECT OF THE COMPLAINT.

(2) AN INFORMAL CONFERENCE SCHEDULED BY THE BOARD IS NOT A CONTESTED CASE WITHIN THE MEANING OF § 10-202(D) OF THE STATE GOVERNMENT ARTICLE.

(3) THE BOARD SHALL ISSUE A WRITTEN OPINION WITHIN 30 DAYS AFTER THE INFORMAL CONFERENCE.

(C) EXTENSION OF TIME FOR OPINION; BOARD UNABLE TO RESOLVE COMPLAINT.

(1) IF THE BOARD IS UNABLE TO RENDER AN OPINION ON A COMPLAINT WITHIN THE TIME PERIODS SPECIFIED IN SUBSECTION (A) OR (B) OF THIS SECTION, THE BOARD SHALL:

(I) STATE IN WRITING THE REASON FOR ITS INABILITY TO RENDER AN OPINION; AND

(II) ISSUE AN OPINION AS SOON AS POSSIBLE BUT NOT LATER THAN 90 DAYS AFTER THE FILING OF THE COMPLAINT.

(2) AN OPINION OF THE BOARD MAY STATE THAT THE BOARD IS UNABLE TO RESOLVE THE COMPLAINT.

(D) REQUIRED RECIPIENTS OF OPINION.

THE BOARD SHALL SEND A COPY OF THE WRITTEN OPINION TO THE COMPLAINANT AND THE AFFECTED PUBLIC BODY.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 10-502.5(d) through (g).

Defined terms: "Board" § 3-101
"Person" § 1-114

“Public body” § 3–101

3–208. DISTRIBUTION OF OPINIONS.

(A) IN GENERAL.

THE BOARD MAY SEND TO ANY PUBLIC BODY IN THE STATE ANY WRITTEN OPINION THAT WILL PROVIDE THE PUBLIC BODY WITH GUIDANCE ON COMPLIANCE WITH THIS TITLE.

(B) ON REQUEST.

ON REQUEST, THE BOARD SHALL PROVIDE A COPY OF A WRITTEN OPINION TO ANY PERSON.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 10–502.5(h).

In subsection (a) of this section, the former phrase “[o]n a periodic basis” is deleted as implicit.

In subsection (b) of this section, the reference to “the Board” is added for clarity.

Defined terms: “Board” § 3–101

“Person” § 1–114

“Public body” § 3–101

“State” § 1–115

3–209. OPINIONS ARE ADVISORY ONLY.

THE OPINIONS OF THE BOARD ARE ADVISORY ONLY.

REVISOR'S NOTE: This section formerly was SG § 10–502.5(i)(1).

No changes are made.

Defined term: “Board” § 3–101

3–210. LIMIT ON AUTHORITY OF BOARD.

EXCEPT AS PROVIDED IN § 3–211 OF THIS SUBTITLE, THE BOARD MAY NOT REQUIRE OR COMPEL ANY SPECIFIC ACTIONS BY A PUBLIC BODY.

REVISOR'S NOTE: This section formerly was SG § 10–502.5(i)(2).

The only changes are in style.

Defined terms: “Board” § 3–101

“Public body” § 3–101

3–211. ANNOUNCEMENT OF VIOLATION; SUMMARY OF OPINION.

(A) IF VIOLATION HAS OCCURRED.

IF THE BOARD DETERMINES THAT A VIOLATION OF THIS TITLE HAS OCCURRED:

(1) AT THE NEXT OPEN MEETING OF THE PUBLIC BODY AFTER THE BOARD HAS ISSUED ITS OPINION, A MEMBER OF THE PUBLIC BODY SHALL ANNOUNCE THE VIOLATION AND ORALLY SUMMARIZE THE OPINION; AND

(2) A MAJORITY OF THE MEMBERS OF THE PUBLIC BODY SHALL SIGN A COPY OF THE OPINION AND RETURN THE SIGNED COPY TO THE BOARD.

(B) REPRESENTATIVE MAY NOT PROVIDE ANNOUNCEMENT AND SUMMARY.

THE PUBLIC BODY MAY NOT DESIGNATE ITS COUNSEL OR ANOTHER REPRESENTATIVE TO PROVIDE THE ANNOUNCEMENT AND SUMMARY.

(C) LIMITATIONS ON COMPLIANCE.

COMPLIANCE BY A PUBLIC BODY OR A MEMBER OF A PUBLIC BODY WITH SUBSECTIONS (A) AND (B) OF THIS SECTION:

(1) IS NOT AN ADMISSION TO A VIOLATION OF THIS TITLE BY THE PUBLIC BODY; AND

(2) MAY NOT BE USED AS EVIDENCE IN A PROCEEDING CONDUCTED IN ACCORDANCE WITH § 3–401 OF THIS TITLE.

REVISOR’S NOTE: This section formerly was SG § 10–502.5(i)(3).

The only changes are in style.

Defined terms: “Board” § 3–101

“Public body” § 3–101

3-212. COMPLAINT PROCESS FOR PROSPECTIVE VIOLATION.**(A) IN GENERAL.**

ON RECEIPT OF AN ORAL OR WRITTEN COMPLAINT BY ANY PERSON THAT A MEETING REQUIRED TO BE OPEN UNDER THIS TITLE WILL BE CLOSED IN VIOLATION OF THIS TITLE, THE BOARD, ACTING THROUGH ITS CHAIR, A DESIGNATED BOARD MEMBER, OR ANY AUTHORIZED STAFF PERSON AVAILABLE TO THE BOARD, MAY CONTACT THE PUBLIC BODY TO DETERMINE THE NATURE OF THE MEETING THAT WILL BE HELD AND THE REASON FOR THE EXPECTED CLOSURE OF THE MEETING.

(B) NOTICE OF POTENTIAL VIOLATION.

WHEN AT LEAST TWO MEMBERS OF THE BOARD CONCLUDE THAT A VIOLATION OF THIS TITLE MAY OCCUR IF THE CLOSED MEETING IS HELD, THE PERSON ACTING FOR THE BOARD IMMEDIATELY SHALL INFORM THE PUBLIC BODY OF THE POTENTIAL VIOLATION AND ANY LAWFUL MEANS THAT ARE AVAILABLE FOR CONDUCTING ITS MEETING TO ACHIEVE THE PURPOSES OF THE PUBLIC BODY.

(C) NOTICE TO COMPLAINANT.

THE PERSON ACTING FOR THE BOARD SHALL INFORM THE PERSON WHO FILED THE COMPLAINT UNDER SUBSECTION (A) OF THIS SECTION OF THE RESULT OF ANY EFFORT TO ACHIEVE COMPLIANCE WITH THIS TITLE UNDER SUBSECTION (B) OF THIS SECTION.

(D) WRITTEN REPORT.

THE PERSON ACTING FOR THE BOARD SHALL FILE A WRITTEN REPORT WITH THE BOARD DESCRIBING THE COMPLAINT, THE EFFORT TO ACHIEVE COMPLIANCE, AND THE RESULTS OF THE EFFORT.

(E) EFFECT OF COMPLAINT AND ACTION BY BOARD.

THE FILING OF A COMPLAINT UNDER SUBSECTION (A) OF THIS SECTION AND ACTION BY A PERSON ACTING FOR THE BOARD UNDER SUBSECTIONS (B), (C), AND (D) OF THIS SECTION MAY NOT PREVENT OR BAR THE BOARD FROM CONSIDERING AND ACTING ON A WRITTEN COMPLAINT FILED IN ACCORDANCE WITH § 3-205 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 10-502.6.

Defined terms: “Board” § 3–101

“Person” § 1–114

“Public body” § 3–101

3–213. REQUIRED TRAINING.

(A) DESIGNATION OF INDIVIDUAL.

EACH PUBLIC BODY SHALL:

(1) DESIGNATE AT LEAST ONE INDIVIDUAL WHO IS AN EMPLOYEE, AN OFFICER, OR A MEMBER OF THE PUBLIC BODY TO RECEIVE TRAINING ON THE REQUIREMENTS OF THE OPEN MEETINGS LAW; AND

(2) FORWARD A LIST OF THE INDIVIDUALS DESIGNATED UNDER ITEM (1) OF THIS SUBSECTION TO THE BOARD.

(B) CLASS TO BE TAKEN.

WITHIN 90 DAYS AFTER BEING DESIGNATED UNDER SUBSECTION (A)(1) OF THIS SECTION, AN INDIVIDUAL SHALL COMPLETE:

(1) AN ONLINE CLASS ON THE REQUIREMENTS OF THE OPEN MEETINGS LAW OFFERED BY THE OFFICE OF THE ATTORNEY GENERAL AND THE UNIVERSITY OF MARYLAND’S INSTITUTE FOR GOVERNMENTAL SERVICE AND RESEARCH; OR

(2) A CLASS ON THE REQUIREMENTS OF THE OPEN MEETINGS LAW OFFERED BY THE MARYLAND ASSOCIATION OF COUNTIES OR THE MARYLAND MUNICIPAL LEAGUE THROUGH THE ACADEMY FOR EXCELLENCE IN LOCAL GOVERNANCE.

REVISOR’S NOTE: This section formerly was SG § 10–502.7.

No changes are made.

Defined terms: “Board” § 3–101

“Public body” § 3–101

SUBTITLE 3. OPEN MEETINGS REQUIREMENTS.

3–301. OPEN SESSIONS GENERALLY REQUIRED.

EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS TITLE, A PUBLIC BODY SHALL MEET IN OPEN SESSION.

REVISOR'S NOTE: This section formerly was SG § 10-505.

The only changes are in style.

Defined terms: "Meet" § 3-101

"Public body" § 3-101

3-302. NOTICE.

(A) REQUIRED.

BEFORE MEETING IN A CLOSED OR OPEN SESSION, A PUBLIC BODY SHALL GIVE REASONABLE ADVANCE NOTICE OF THE SESSION.

(B) FORM.

WHENEVER REASONABLE, A NOTICE UNDER THIS SECTION SHALL:

- (1) BE IN WRITING;**
- (2) INCLUDE THE DATE, TIME, AND PLACE OF THE SESSION; AND**
- (3) IF APPROPRIATE, INCLUDE A STATEMENT THAT A PART OR ALL OF A MEETING MAY BE CONDUCTED IN CLOSED SESSION.**

(C) METHOD.

A PUBLIC BODY MAY GIVE THE NOTICE UNDER THIS SECTION AS FOLLOWS:

- (1) IF THE PUBLIC BODY IS A UNIT OF STATE GOVERNMENT, BY PUBLICATION IN THE MARYLAND REGISTER;**
- (2) BY DELIVERY TO REPRESENTATIVES OF THE NEWS MEDIA WHO REGULARLY REPORT ON SESSIONS OF THE PUBLIC BODY OR THE ACTIVITIES OF THE GOVERNMENT OF WHICH THE PUBLIC BODY IS A PART;**
- (3) IF THE PUBLIC BODY PREVIOUSLY HAS GIVEN PUBLIC NOTICE THAT THIS METHOD WILL BE USED:**

(I) BY POSTING OR DEPOSITING THE NOTICE AT A CONVENIENT PUBLIC LOCATION AT OR NEAR THE PLACE OF THE SESSION; OR

(II) BY POSTING THE NOTICE ON AN INTERNET WEB SITE ORDINARILY USED BY THE PUBLIC BODY TO PROVIDE INFORMATION TO THE PUBLIC; OR

(4) BY ANY OTHER REASONABLE METHOD.

(D) COPY OF NOTICE.

A PUBLIC BODY SHALL KEEP A COPY OF A NOTICE PROVIDED UNDER THIS SECTION FOR AT LEAST 1 YEAR AFTER THE DATE OF THE SESSION.

REVISOR'S NOTE: This section formerly was SG § 10–506.

The only changes are in style.

For provisions on the requirements for holding meetings in closed session, *see* § 3–305 of this subtitle.

Defined terms: “Public body” § 3–101
“State” § 1–115

3–303. ATTENDANCE AT OPEN SESSION.

(A) IN GENERAL.

WHENEVER A PUBLIC BODY MEETS IN OPEN SESSION, THE GENERAL PUBLIC IS ENTITLED TO ATTEND.

(B) RULES.

A PUBLIC BODY SHALL ADOPT AND ENFORCE REASONABLE RULES REGARDING THE CONDUCT OF PERSONS ATTENDING ITS MEETINGS AND THE VIDEOTAPING, TELEVISIONING, PHOTOGRAPHING, BROADCASTING, OR RECORDING OF ITS MEETINGS.

(C) REMOVAL OF INDIVIDUALS.

(1) IF THE PRESIDING OFFICER DETERMINES THAT THE BEHAVIOR OF AN INDIVIDUAL IS DISRUPTING AN OPEN SESSION, THE PUBLIC BODY MAY HAVE THE INDIVIDUAL REMOVED.

(2) UNLESS THE PUBLIC BODY OR ITS MEMBERS OR AGENTS ACT MALICIOUSLY, THE PUBLIC BODY, MEMBERS, AND AGENTS ARE NOT LIABLE FOR HAVING AN INDIVIDUAL REMOVED UNDER THIS SUBSECTION.

REVISOR'S NOTE: This section formerly was SG § 10-507.

The only changes are in style.

Defined terms: "Meet" § 3-101

"Public body" § 3-101

3-304. INTERPRETERS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO THE EXECUTIVE AND LEGISLATIVE BRANCHES OF THE STATE GOVERNMENT.

(B) IN GENERAL.

ON REQUEST AND TO THE EXTENT FEASIBLE, A UNIT THAT HOLDS A PUBLIC HEARING SHALL PROVIDE A QUALIFIED INTERPRETER TO ASSIST DEAF INDIVIDUALS TO UNDERSTAND THE PROCEEDING.

(C) FORM OF REQUEST.

A REQUEST FOR AN INTERPRETER MUST BE SUBMITTED IN WRITING OR BY TELECOMMUNICATION AT LEAST 5 DAYS BEFORE THE PROCEEDING BEGINS.

(D) DETERMINATION OF FEASIBILITY.

THE UNIT SHALL DETERMINE, IN EACH INSTANCE, WHETHER IT IS FEASIBLE TO PROVIDE AN INTERPRETER.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 10-507.1.

In subsection (c) of this section, the reference to a request "for an interpreter" is added for clarity.

In subsection (d) of this section, the former reference to the unit "involved" is deleted as surplusage.

Defined term: "State" § 1-115

3-305. CLOSED SESSIONS.**(A) CONSTRUCTION OF SECTION.**

THE EXCEPTIONS IN SUBSECTION (B) OF THIS SECTION SHALL BE STRICTLY CONSTRUED IN FAVOR OF OPEN MEETINGS OF PUBLIC BODIES.

(B) IN GENERAL.

SUBJECT TO SUBSECTION (D) OF THIS SECTION, A PUBLIC BODY MAY MEET IN CLOSED SESSION OR ADJOURN AN OPEN SESSION TO A CLOSED SESSION ONLY TO:

(1) DISCUSS:

(I) THE APPOINTMENT, EMPLOYMENT, ASSIGNMENT, PROMOTION, DISCIPLINE, DEMOTION, COMPENSATION, REMOVAL, RESIGNATION, OR PERFORMANCE EVALUATION OF AN APPOINTEE, EMPLOYEE, OR OFFICIAL OVER WHOM IT HAS JURISDICTION; OR

(II) ANY OTHER PERSONNEL MATTER THAT AFFECTS ONE OR MORE SPECIFIC INDIVIDUALS;

(2) PROTECT THE PRIVACY OR REPUTATION OF AN INDIVIDUAL WITH RESPECT TO A MATTER THAT IS NOT RELATED TO PUBLIC BUSINESS;

(3) CONSIDER THE ACQUISITION OF REAL PROPERTY FOR A PUBLIC PURPOSE AND MATTERS DIRECTLY RELATED TO THE ACQUISITION;

(4) CONSIDER A MATTER THAT CONCERNS THE PROPOSAL FOR A BUSINESS OR INDUSTRIAL ORGANIZATION TO LOCATE, EXPAND, OR REMAIN IN THE STATE;

(5) CONSIDER THE INVESTMENT OF PUBLIC FUNDS;

(6) CONSIDER THE MARKETING OF PUBLIC SECURITIES;

(7) CONSULT WITH COUNSEL TO OBTAIN LEGAL ADVICE;

(8) CONSULT WITH STAFF, CONSULTANTS, OR OTHER INDIVIDUALS ABOUT PENDING OR POTENTIAL LITIGATION;

(9) CONDUCT COLLECTIVE BARGAINING NEGOTIATIONS OR CONSIDER MATTERS THAT RELATE TO THE NEGOTIATIONS;

(10) DISCUSS PUBLIC SECURITY, IF THE PUBLIC BODY DETERMINES THAT PUBLIC DISCUSSION WOULD CONSTITUTE A RISK TO THE PUBLIC OR TO PUBLIC SECURITY, INCLUDING:

(I) THE DEPLOYMENT OF FIRE AND POLICE SERVICES AND STAFF; AND

(II) THE DEVELOPMENT AND IMPLEMENTATION OF EMERGENCY PLANS;

(11) PREPARE, ADMINISTER, OR GRADE A SCHOLASTIC, LICENSING, OR QUALIFYING EXAMINATION;

(12) CONDUCT OR DISCUSS AN INVESTIGATIVE PROCEEDING ON ACTUAL OR POSSIBLE CRIMINAL CONDUCT;

(13) COMPLY WITH A SPECIFIC CONSTITUTIONAL, STATUTORY, OR JUDICIALLY IMPOSED REQUIREMENT THAT PREVENTS PUBLIC DISCLOSURES ABOUT A PARTICULAR PROCEEDING OR MATTER; OR

(14) DISCUSS, BEFORE A CONTRACT IS AWARDED OR BIDS ARE OPENED, A MATTER DIRECTLY RELATED TO A NEGOTIATING STRATEGY OR THE CONTENTS OF A BID OR PROPOSAL, IF PUBLIC DISCUSSION OR DISCLOSURE WOULD ADVERSELY IMPACT THE ABILITY OF THE PUBLIC BODY TO PARTICIPATE IN THE COMPETITIVE BIDDING OR PROPOSAL PROCESS.

(C) LIMITATION.

A PUBLIC BODY THAT MEETS IN CLOSED SESSION UNDER THIS SECTION MAY NOT DISCUSS OR ACT ON ANY MATTER NOT AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION.

(D) VOTE; WRITTEN STATEMENT.

(1) UNLESS A MAJORITY OF THE MEMBERS OF A PUBLIC BODY PRESENT AND VOTING VOTE IN FAVOR OF CLOSING THE SESSION, THE PUBLIC BODY MAY NOT MEET IN CLOSED SESSION.

(2) BEFORE A PUBLIC BODY MEETS IN CLOSED SESSION, THE PRESIDING OFFICER SHALL:

(I) CONDUCT A RECORDED VOTE ON THE CLOSING OF THE SESSION; AND

(II) MAKE A WRITTEN STATEMENT OF THE REASON FOR CLOSING THE MEETING, INCLUDING A CITATION OF THE AUTHORITY UNDER THIS SECTION, AND A LISTING OF THE TOPICS TO BE DISCUSSED.

(3) IF A PERSON OBJECTS TO THE CLOSING OF A SESSION, THE PUBLIC BODY SHALL SEND A COPY OF THE WRITTEN STATEMENT TO THE BOARD.

(4) THE WRITTEN STATEMENT SHALL BE A MATTER OF PUBLIC RECORD.

(5) A PUBLIC BODY SHALL KEEP A COPY OF THE WRITTEN STATEMENT FOR AT LEAST 1 YEAR AFTER THE DATE OF THE SESSION.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 10–508.

In subsection (b)(3) of this section, the reference to matters directly related “to the acquisition” is substituted for the former reference to matters directly related “thereto” for clarity.

Defined terms: “Board” § 3–101

“Including” § 1–110

“Meet” § 3–101

“Person” § 1–114

“Public body” § 3–101

“State” § 1–115

3–306. MINUTES; TAPE RECORDINGS.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT:

(1) REQUIRE ANY CHANGE IN THE FORM OR CONTENT OF THE JOURNAL OF THE SENATE OF MARYLAND OR JOURNAL OF THE HOUSE OF DELEGATES OF MARYLAND; OR

(2) LIMIT THE MATTERS THAT A PUBLIC BODY MAY INCLUDE IN ITS MINUTES.

(B) MINUTES REQUIRED.

(1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, AS SOON AS PRACTICABLE AFTER A PUBLIC BODY MEETS, IT SHALL HAVE WRITTEN MINUTES OF ITS SESSION PREPARED.

(2) A PUBLIC BODY NEED NOT PREPARE WRITTEN MINUTES OF AN OPEN SESSION IF:

(I) LIVE AND ARCHIVED VIDEO OR AUDIO STREAMING OF THE OPEN SESSION IS AVAILABLE; OR

(II) THE PUBLIC BODY VOTES ON LEGISLATION AND THE INDIVIDUAL VOTES TAKEN BY EACH MEMBER OF THE PUBLIC BODY WHO PARTICIPATES IN THE VOTING ARE POSTED PROMPTLY ON THE INTERNET.

(3) THE INFORMATION SPECIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE DEEMED THE MINUTES OF THE OPEN SESSION.

(C) CONTENT OF MINUTES; TAPE RECORDINGS.

(1) THE WRITTEN MINUTES SHALL REFLECT:

(I) EACH ITEM THAT THE PUBLIC BODY CONSIDERED;

(II) THE ACTION THAT THE PUBLIC BODY TOOK ON EACH ITEM; AND

(III) EACH VOTE THAT WAS RECORDED.

(2) IF A PUBLIC BODY MEETS IN CLOSED SESSION, THE WRITTEN MINUTES FOR ITS NEXT OPEN SESSION SHALL INCLUDE:

(I) A STATEMENT OF THE TIME, PLACE, AND PURPOSE OF THE CLOSED SESSION;

(II) A RECORD OF THE VOTE OF EACH MEMBER AS TO CLOSING THE SESSION;

(III) A CITATION OF THE AUTHORITY UNDER § 3-305 OF THIS SUBTITLE FOR CLOSING THE SESSION; AND

(IV) A LISTING OF THE TOPICS OF DISCUSSION, PERSONS PRESENT, AND EACH ACTION TAKEN DURING THE SESSION.

(3) (I) A SESSION MAY BE TAPE RECORDED BY A PUBLIC BODY.

(II) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, THE WRITTEN MINUTES AND ANY TAPE RECORDING OF A CLOSED SESSION SHALL BE SEALED AND MAY NOT BE OPEN TO PUBLIC INSPECTION.

(4) THE WRITTEN MINUTES AND ANY TAPE RECORDING SHALL BE UNSEALED AND OPEN TO INSPECTION AS FOLLOWS:

(I) FOR A MEETING CLOSED UNDER § 3-305(B)(5) OF THIS SUBTITLE, WHEN THE PUBLIC BODY INVESTS THE FUNDS;

(II) FOR A MEETING CLOSED UNDER § 3-305(B)(6) OF THIS SUBTITLE, WHEN THE PUBLIC SECURITIES BEING DISCUSSED HAVE BEEN MARKETED; OR

(III) ON REQUEST OF A PERSON OR ON THE PUBLIC BODY'S OWN INITIATIVE, IF A MAJORITY OF THE MEMBERS OF THE PUBLIC BODY PRESENT AND VOTING VOTE IN FAVOR OF UNSEALING THE WRITTEN MINUTES AND ANY TAPE RECORDING.

(D) ACCESS.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, WRITTEN MINUTES OF A PUBLIC BODY ARE PUBLIC RECORDS AND SHALL BE OPEN TO PUBLIC INSPECTION DURING ORDINARY BUSINESS HOURS.

(E) RETENTION OF MINUTES AND TAPE RECORDINGS.

A PUBLIC BODY SHALL KEEP A COPY OF THE WRITTEN MINUTES OF EACH SESSION AND ANY TAPE RECORDING MADE UNDER SUBSECTION (B)(2)(I) OR (C)(3)(I) OF THIS SECTION FOR AT LEAST 1 YEAR AFTER THE DATE OF THE SESSION.

REVISOR'S NOTE: This section formerly was SG § 10-509.

In subsection (c)(2)(iii) of this section, the more specific reference to “§ 3-305 of this subtitle” is substituted for the former reference to “this subtitle”, which is now revised as this title, for consistency with § 3-305(d)(2)(ii) of this subtitle.

The only other changes are in style.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that although the references to "tape recordings" in this section may be outdated, such recordings are still used. The General Assembly may wish to include additional methods of recording meetings to reflect modern technology.

Defined terms: "Meet" § 3-101

"Person" § 1-114

"Public body" § 3-101

SUBTITLE 4. ENFORCEMENT.

3-401. IN GENERAL.

(A) SCOPE OF SECTION.

(1) THIS SECTION DOES NOT APPLY TO THE ACTION OF:

(I) APPROPRIATING PUBLIC FUNDS;

(II) IMPOSING A TAX; OR

(III) PROVIDING FOR THE ISSUANCE OF BONDS, NOTES, OR OTHER EVIDENCES OF PUBLIC OBLIGATION.

(2) THIS SECTION DOES NOT AUTHORIZE A COURT TO VOID AN ACTION OF A PUBLIC BODY BECAUSE OF ANY VIOLATION OF THIS TITLE BY ANOTHER PUBLIC BODY.

(3) THIS SECTION DOES NOT AFFECT OR PREVENT THE USE OF ANY OTHER AVAILABLE REMEDIES.

(B) PETITION AUTHORIZED.

(1) IF A PUBLIC BODY FAILS TO COMPLY WITH § 3-301, § 3-302, § 3-303, § 3-305, OR § 3-306(C) OF THIS TITLE, ANY PERSON MAY FILE WITH A CIRCUIT COURT THAT HAS VENUE A PETITION THAT ASKS THE COURT TO:

(I) DETERMINE THE APPLICABILITY OF THOSE SECTIONS;

(II) REQUIRE THE PUBLIC BODY TO COMPLY WITH THOSE SECTIONS; OR

(III) VOID THE ACTION OF THE PUBLIC BODY.

(2) IF A VIOLATION OF § 3-302, § 3-305, OR § 3-306(C) OF THIS TITLE IS ALLEGED, THE PERSON SHALL FILE THE PETITION WITHIN 45 DAYS AFTER THE DATE OF THE ALLEGED VIOLATION.

(3) IF A VIOLATION OF § 3-301 OR § 3-303 OF THIS TITLE IS ALLEGED, THE PERSON SHALL FILE THE PETITION WITHIN 45 DAYS AFTER THE PUBLIC BODY INCLUDES IN THE MINUTES OF AN OPEN SESSION THE INFORMATION SPECIFIED IN § 3-306(C)(2) OF THIS TITLE.

(4) IF A WRITTEN COMPLAINT IS FILED WITH THE BOARD IN ACCORDANCE WITH § 3-205 OF THIS TITLE, THE TIME BETWEEN THE FILING OF THE COMPLAINT AND THE MAILING OF THE WRITTEN OPINION TO THE COMPLAINANT AND THE AFFECTED PUBLIC BODY UNDER § 3-207(D) OF THIS TITLE MAY NOT BE INCLUDED IN DETERMINING WHETHER A CLAIM AGAINST A PUBLIC BODY IS BARRED BY THE STATUTE OF LIMITATIONS SET FORTH IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION.

(C) PRESUMPTION.

IN AN ACTION UNDER THIS SECTION:

(1) IT IS PRESUMED THAT THE PUBLIC BODY DID NOT VIOLATE ANY PROVISION OF THIS TITLE; AND

(2) THE COMPLAINANT HAS THE BURDEN OF PROVING THE VIOLATION.

(D) AUTHORITY OF COURT.

A COURT MAY:

(1) CONSOLIDATE A PROCEEDING UNDER THIS SECTION WITH ANOTHER PROCEEDING UNDER THIS SECTION OR AN APPEAL FROM THE ACTION OF THE PUBLIC BODY;

(2) ISSUE AN INJUNCTION;

(3) DETERMINE THE APPLICABILITY OF THIS TITLE TO THE DISCUSSIONS OR DECISIONS OF PUBLIC BODIES;

(4) DECLARE THE FINAL ACTION OF A PUBLIC BODY VOID IF THE COURT FINDS THAT THE PUBLIC BODY WILLFULLY FAILED TO COMPLY WITH § 3-301, § 3-302, § 3-303, OR § 3-306(C) OF THIS TITLE AND THAT NO OTHER REMEDY IS ADEQUATE;

(5) AS PART OF ITS JUDGMENT:

(I) ASSESS AGAINST ANY PARTY REASONABLE COUNSEL FEES AND OTHER LITIGATION EXPENSES THAT THE PARTY WHO PREVAILS IN THE ACTION INCURRED; AND

(II) REQUIRE A REASONABLE BOND TO ENSURE THE PAYMENT OF THE ASSESSMENT; AND

(6) GRANT ANY OTHER APPROPRIATE RELIEF.

(E) PETITION.

(1) A PERSON MAY FILE A PETITION UNDER THIS SECTION WITHOUT SEEKING AN OPINION FROM THE BOARD.

(2) THE FAILURE OF A PERSON TO FILE A COMPLAINT WITH THE BOARD IS NOT A GROUND FOR THE COURT TO STAY OR DISMISS A PETITION.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 10-510.

In subsection (a)(1) of this section, the reference to "imposing" a tax is substituted for the former reference to "levying" a tax to conform to the terminology used in recently revised articles of the Code.

Subsection (a) of this section makes no changes to the scope of the enforcement provisions of the Open Meetings Law, which exempts certain governmental actions, such as appropriating public funds, and which provides that "[t]his section does not alter or prevent the use of any other available remedies". The committee calls to the attention of the General Assembly the decision of the Court of Appeals in *Avara v. Baltimore News American*, 292 Md. 543 (1982), where the "other remedies" proviso did not authorize a court to issue a declaratory judgment regarding a violation of the Act if the government action involved the appropriation of public funds. *Id.* at 553.

Defined terms: “Board” § 3–101
“Person” § 1–114
“Public body” § 3–101

3–402. PENALTY.

(A) IN GENERAL.

IN ACCORDANCE WITH § 3–401 OF THIS SUBTITLE, A PUBLIC BODY THAT WILLFULLY MEETS WITH KNOWLEDGE THAT THE MEETING IS BEING HELD IN VIOLATION OF THIS SUBTITLE IS SUBJECT TO A CIVIL PENALTY NOT TO EXCEED:

(1) \$250 FOR THE FIRST VIOLATION; AND

(2) \$1,000 FOR EACH SUBSEQUENT VIOLATION THAT OCCURS WITHIN 3 YEARS AFTER THE FIRST VIOLATION.

(B) DETERMINATION OF FINE.

WHEN DETERMINING THE AMOUNT OF A FINE UNDER SUBSECTION (A) OF THIS SECTION, THE COURT SHALL CONSIDER THE FINANCIAL RESOURCES AVAILABLE TO THE PUBLIC BODY AND THE ABILITY OF THE PUBLIC BODY TO PAY THE FINE.

REVISOR’S NOTE: This section formerly was SG § 10–511.

The only changes are in style.

Defined terms: “Meet” § 3–101
“Public body” § 3–101

SUBTITLE 5. SHORT TITLE.

3–501. SHORT TITLE.

THIS TITLE MAY BE CITED AS THE OPEN MEETINGS ACT.

REVISOR’S NOTE: This section formerly was SG § 10–512.

The only changes are in style.

TITLE 4. PUBLIC INFORMATION ACT.

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

4-101. DEFINITIONS.**(A) IN GENERAL.**

IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was SG § 10-611(a).

The only changes are in style.

(B) APPLICANT.

"APPLICANT" MEANS A PERSON OR GOVERNMENTAL UNIT THAT ASKS TO INSPECT A PUBLIC RECORD.

REVISOR'S NOTE: This subsection formerly was SG § 10-611(b).

No changes are made.

Defined terms: "Person" § 1-114

"Public record" § 4-101

(C) CUSTODIAN.

"CUSTODIAN" MEANS:

(1) THE OFFICIAL CUSTODIAN; OR

(2) ANY OTHER AUTHORIZED INDIVIDUAL WHO HAS PHYSICAL CUSTODY AND CONTROL OF A PUBLIC RECORD.

REVISOR'S NOTE: This subsection formerly was SG § 10-611(c).

No changes are made.

Defined terms: "Official custodian" § 4-101

"Public record" § 4-101

(D) OFFICIAL CUSTODIAN.

"OFFICIAL CUSTODIAN" MEANS AN OFFICER OR EMPLOYEE OF THE STATE OR OF A POLITICAL SUBDIVISION WHO IS RESPONSIBLE FOR KEEPING A PUBLIC

RECORD, WHETHER OR NOT THE OFFICER OR EMPLOYEE HAS PHYSICAL CUSTODY AND CONTROL OF THE PUBLIC RECORD.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former SG § 10–611(e).

Defined terms: "Political subdivision" § 4–101

"Public record" § 4–101

"State" § 1–115

(E) PERSON IN INTEREST.

"PERSON IN INTEREST" MEANS:

(1) A PERSON OR GOVERNMENTAL UNIT THAT IS THE SUBJECT OF A PUBLIC RECORD OR A DESIGNEE OF THE PERSON OR GOVERNMENTAL UNIT;

(2) IF THE PERSON HAS A LEGAL DISABILITY, THE PARENT OR LEGAL REPRESENTATIVE OF THE PERSON; OR

(3) AS TO REQUESTS FOR CORRECTION OF CERTIFICATES OF DEATH UNDER § 5–310(D)(2) OF THE HEALTH – GENERAL ARTICLE, THE SPOUSE, ADULT CHILD, PARENT, ADULT SIBLING, GRANDPARENT, OR GUARDIAN OF THE PERSON OF THE DECEASED AT THE TIME OF THE DECEASED'S DEATH.

REVISOR'S NOTE: This subsection formerly was SG § 10–611(f).

No changes are made.

Defined terms: "Person" § 1–114

"Public record" § 4–101

(F) PERSONAL INFORMATION.

(1) "PERSONAL INFORMATION" MEANS INFORMATION THAT IDENTIFIES AN INDIVIDUAL.

(2) EXCEPT AS PROVIDED IN § 4–355 OF THIS TITLE, "PERSONAL INFORMATION" INCLUDES AN INDIVIDUAL'S:

(I) NAME;

(II) ADDRESS;

(III) DRIVER'S LICENSE NUMBER OR ANY OTHER IDENTIFICATION NUMBER;

(IV) MEDICAL OR DISABILITY INFORMATION;

(V) PHOTOGRAPH OR COMPUTER-GENERATED IMAGE;

(VI) SOCIAL SECURITY NUMBER; AND

(VII) TELEPHONE NUMBER.

(3) "PERSONAL INFORMATION" DOES NOT INCLUDE AN INDIVIDUAL'S:

(I) DRIVER'S STATUS;

(II) DRIVING OFFENSES;

(III) FIVE-DIGIT ZIP CODE; OR

(IV) INFORMATION ON VEHICULAR ACCIDENTS.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former SG § 10-611(g).

Defined term: "Includes" § 1-110

(G) POLITICAL SUBDIVISION.

"POLITICAL SUBDIVISION" MEANS:

(1) A COUNTY;

(2) A MUNICIPAL CORPORATION;

(3) AN UNINCORPORATED TOWN;

(4) A SCHOOL DISTRICT; OR

(5) A SPECIAL DISTRICT.

REVISOR'S NOTE: This subsection formerly was SG § 10-601.

In this subsection, the former references to a municipal corporation, an unincorporated town, a school district, and a special district “in the State” are deleted as implicit.

The only other changes are in style.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that the reference in item (3) of this subsection to “an unincorporated town” is unclear. According to the Maryland Public Information Act Manual, “it is not clear what, if any, entities it encompasses”. Maryland Public Information Act Manual, 12th ed., October 2011, pp. 1–3. The term was in the original enactment of the Public Information Act but was not defined. The General Assembly may wish to delete the reference to avoid any confusion.

Defined term: “County” § 1–107

(H) PUBLIC RECORD.

(1) “PUBLIC RECORD” MEANS THE ORIGINAL OR ANY COPY OF ANY DOCUMENTARY MATERIAL THAT:

(I) IS MADE BY A UNIT OR AN INSTRUMENTALITY OF THE STATE OR OF A POLITICAL SUBDIVISION OR RECEIVED BY THE UNIT OR INSTRUMENTALITY IN CONNECTION WITH THE TRANSACTION OF PUBLIC BUSINESS; AND

(II) IS IN ANY FORM, INCLUDING:

- 1. A CARD;**
- 2. A COMPUTERIZED RECORD;**
- 3. CORRESPONDENCE;**
- 4. A DRAWING;**
- 5. FILM OR MICROFILM;**
- 6. A FORM;**
- 7. A MAP;**
- 8. A PHOTOGRAPH OR PHOTOSTAT;**

9. A RECORDING; OR

10. A TAPE.

(2) “PUBLIC RECORD” INCLUDES A DOCUMENT THAT LISTS THE SALARY OF AN EMPLOYEE OF A UNIT OR AN INSTRUMENTALITY OF THE STATE OR OF A POLITICAL SUBDIVISION.

(3) “PUBLIC RECORD” DOES NOT INCLUDE A DIGITAL PHOTOGRAPHIC IMAGE OR SIGNATURE OF AN INDIVIDUAL, OR THE ACTUAL STORED DATA OF THE IMAGE OR SIGNATURE, RECORDED BY THE MOTOR VEHICLE ADMINISTRATION.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former SG § 10–611(h).

In paragraphs (1)(i) and (2) of this subsection, the former references to the State “government” are deleted as surplusage.

In paragraph (3) of this subsection, the reference to the actual stored data “of the image or signature” is substituted for the former reference to the actual stored data “thereof” for clarity.

Defined terms: “Includes”, “including” § 1–110

“Political subdivision” § 4–101

“State” § 1–115

4–102. LIMITATION ON RECORDS.

THE STATE, A POLITICAL SUBDIVISION, OR A UNIT OF THE STATE OR OF A POLITICAL SUBDIVISION MAY KEEP ONLY THE INFORMATION ABOUT A PERSON THAT:

(1) IS NEEDED BY THE STATE, THE POLITICAL SUBDIVISION, OR THE UNIT TO ACCOMPLISH A GOVERNMENTAL PURPOSE THAT IS AUTHORIZED OR REQUIRED TO BE ACCOMPLISHED UNDER:

(I) A STATUTE OR ANY OTHER LEGISLATIVE MANDATE;

(II) AN EXECUTIVE ORDER OF THE GOVERNOR;

(III) AN EXECUTIVE ORDER OF THE CHIEF EXECUTIVE OF A LOCAL JURISDICTION; OR

(IV) A JUDICIAL RULE; AND

(2) IS RELEVANT TO ACCOMPLISHMENT OF THE PURPOSE.

REVISOR'S NOTE: This section formerly was SG § 10–602.

No changes are made.

Defined terms: "Person" § 1–114

"Political subdivision" § 4–101

"State" § 1–115

4–103. GENERAL RIGHT TO INFORMATION.

(A) IN GENERAL.

ALL PERSONS ARE ENTITLED TO HAVE ACCESS TO INFORMATION ABOUT THE AFFAIRS OF GOVERNMENT AND THE OFFICIAL ACTS OF PUBLIC OFFICIALS AND EMPLOYEES.

(B) GENERAL CONSTRUCTION.

TO CARRY OUT THE RIGHT SET FORTH IN SUBSECTION (A) OF THIS SECTION, UNLESS AN UNWARRANTED INVASION OF THE PRIVACY OF A PERSON IN INTEREST WOULD RESULT, THIS TITLE SHALL BE CONSTRUED IN FAVOR OF ALLOWING INSPECTION OF A PUBLIC RECORD, WITH THE LEAST COST AND LEAST DELAY TO THE PERSON OR GOVERNMENTAL UNIT THAT REQUESTS THE INSPECTION.

(C) GENERAL ASSEMBLY.

THIS TITLE DOES NOT PRECLUDE A MEMBER OF THE GENERAL ASSEMBLY FROM ACQUIRING THE NAMES AND ADDRESSES OF AND STATISTICAL INFORMATION ABOUT INDIVIDUALS WHO ARE LICENSED OR, AS REQUIRED BY A STATE LAW, REGISTERED.

REVISOR'S NOTE: This section formerly was SG § 10–612.

The only changes are in style.

Defined terms: "Person" § 1–114

"Person in interest" § 4–101

"Public record" § 4–101

“State” § 1–115

SUBTITLE 2. INSPECTION OF PUBLIC RECORDS.

4–201. INSPECTION OF PUBLIC RECORDS.

(A) IN GENERAL.

(1) EXCEPT AS OTHERWISE PROVIDED BY LAW, A CUSTODIAN SHALL ALLOW A PERSON OR GOVERNMENTAL UNIT TO INSPECT ANY PUBLIC RECORD AT ANY REASONABLE TIME.

(2) INSPECTION OR COPYING OF A PUBLIC RECORD MAY BE DENIED ONLY TO THE EXTENT PROVIDED UNDER THIS TITLE.

(B) RULES OR REGULATIONS.

TO PROTECT PUBLIC RECORDS AND TO PREVENT UNNECESSARY INTERFERENCE WITH OFFICIAL BUSINESS, EACH OFFICIAL CUSTODIAN SHALL ADOPT REASONABLE RULES OR REGULATIONS THAT, SUBJECT TO THIS TITLE, GOVERN TIMELY PRODUCTION AND INSPECTION OF A PUBLIC RECORD.

(C) DESIGNATION OF SPECIFIC TYPES OF RECORDS.

EACH OFFICIAL CUSTODIAN SHALL CONSIDER WHETHER TO:

(1) DESIGNATE TYPES OF PUBLIC RECORDS OF THE GOVERNMENTAL UNIT THAT ARE TO BE MADE AVAILABLE TO ANY APPLICANT IMMEDIATELY ON REQUEST; AND

(2) MAINTAIN A CURRENT LIST OF THE TYPES OF PUBLIC RECORDS THAT HAVE BEEN DESIGNATED AS AVAILABLE TO ANY APPLICANT IMMEDIATELY ON REQUEST.

REVISOR'S NOTE: This section formerly was SG § 10–613.

In subsection (c)(1) of this section, the former reference to “specific” types of public records is deleted as surplusage.

The only other changes are in style.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that in subsection (c) of this section, item (2), which allows for a list of types of available records to be

maintained, is likely meant to be a mandatory requirement if records are designated as available under item (1). As the subsection is written now, the maintaining of a list is merely authorized. The General Assembly may wish to clarify this provision.

Defined terms: “Applicant” § 4–101

“Custodian” § 4–101

“Official custodian” § 4–101

“Person” § 1–114

“Public record” § 4–101

4–202. APPLICATION TO INSPECT PUBLIC RECORD REQUIRED.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON OR GOVERNMENTAL UNIT THAT WISHES TO INSPECT A PUBLIC RECORD SHALL SUBMIT A WRITTEN APPLICATION TO THE CUSTODIAN.

(B) EXCEPTIONS.

A PERSON OR GOVERNMENTAL UNIT NEED NOT SUBMIT A WRITTEN APPLICATION TO THE CUSTODIAN IF:

(1) THE PERSON OR GOVERNMENTAL UNIT SEEKS TO INSPECT A PUBLIC RECORD LISTED BY AN OFFICIAL CUSTODIAN IN ACCORDANCE WITH § 4–201(C)(2) OF THIS SUBTITLE; OR

(2) THE CUSTODIAN WAIVES THE REQUIREMENT FOR A WRITTEN APPLICATION.

(C) APPLICATION SUBMITTED TO NONCUSTODIAN.

IF THE INDIVIDUAL TO WHOM THE APPLICATION IS SUBMITTED IS NOT THE CUSTODIAN OF THE PUBLIC RECORD, WITHIN 10 WORKING DAYS AFTER RECEIVING THE APPLICATION, THE INDIVIDUAL SHALL GIVE THE APPLICANT:

(1) NOTICE OF THAT FACT; AND

(2) IF KNOWN:

(I) THE NAME OF THE CUSTODIAN; AND

(II) THE LOCATION OR POSSIBLE LOCATION OF THE PUBLIC RECORD.

(D) NONEXISTENT RECORD.

WHEN AN APPLICANT REQUESTS TO INSPECT A PUBLIC RECORD AND A CUSTODIAN DETERMINES THAT THE RECORD DOES NOT EXIST, THE CUSTODIAN SHALL NOTIFY THE APPLICANT OF THIS DETERMINATION:

(1) IF THE CUSTODIAN HAS REACHED THIS DETERMINATION ON INITIAL REVIEW OF THE APPLICATION, IMMEDIATELY; OR

(2) IF THE CUSTODIAN HAS REACHED THIS DETERMINATION AFTER A SEARCH FOR POTENTIALLY RESPONSIVE PUBLIC RECORDS, PROMPTLY AFTER THE SEARCH IS COMPLETED BUT NOT MORE THAN 30 DAYS AFTER RECEIVING THE APPLICATION.

REVISOR'S NOTE: This section formerly was SG § 10-614(a).

The only changes are in style.

Defined terms: "Applicant" § 4-101

"Custodian" § 4-101

"Official custodian" § 4-101

"Person" § 1-114

"Public record" § 4-101

4-203. TIMELINESS OF DECISION ON APPLICATION.

(A) IN GENERAL.

THE CUSTODIAN SHALL GRANT OR DENY THE APPLICATION PROMPTLY, BUT NOT MORE THAN 30 DAYS AFTER RECEIVING THE APPLICATION.

(B) PROCEDURE FOR APPROVAL.

A CUSTODIAN WHO APPROVES THE APPLICATION SHALL PRODUCE THE PUBLIC RECORD IMMEDIATELY OR WITHIN A REASONABLE PERIOD THAT IS NEEDED TO RETRIEVE THE PUBLIC RECORD, BUT NOT MORE THAN 30 DAYS AFTER RECEIPT OF THE APPLICATION.

(C) PROCEDURE FOR DENIAL.

A CUSTODIAN WHO DENIES THE APPLICATION SHALL:

- (1) IMMEDIATELY NOTIFY THE APPLICANT;
- (2) WITHIN 10 WORKING DAYS, GIVE THE APPLICANT A WRITTEN STATEMENT THAT GIVES:
 - (I) THE REASONS FOR THE DENIAL;
 - (II) THE LEGAL AUTHORITY FOR THE DENIAL; AND
 - (III) NOTICE OF THE REMEDIES UNDER THIS TITLE FOR REVIEW OF THE DENIAL; AND
- (3) ALLOW INSPECTION OF ANY PART OF THE RECORD THAT IS SUBJECT TO INSPECTION AND IS REASONABLY SEVERABLE.
- (D) EXTENSION BY CONSENT.

WITH THE CONSENT OF THE APPLICANT, ANY TIME LIMIT IMPOSED UNDER THIS SECTION MAY BE EXTENDED FOR NOT MORE THAN 30 DAYS.

REVISOR'S NOTE: This section formerly was SG § 10-614(b).

The only changes are in style.

Defined terms: "Applicant" § 4-101

"Custodian" § 4-101

"Public record" § 4-101

4-204. IMPROPER CONDITIONS ON GRANTING APPLICATION.

(A) IN GENERAL.

EXCEPT TO THE EXTENT THAT THE GRANT OF AN APPLICATION IS RELATED TO THE STATUS OF THE APPLICANT AS A PERSON IN INTEREST AND EXCEPT AS REQUIRED BY OTHER LAW OR REGULATION, THE CUSTODIAN MAY NOT CONDITION THE GRANT OF AN APPLICATION ON:

- (1) THE IDENTITY OF THE APPLICANT;
- (2) ANY ORGANIZATIONAL OR OTHER AFFILIATION OF THE APPLICANT; OR

(3) A DISCLOSURE BY THE APPLICANT OF THE PURPOSE FOR AN APPLICATION.

(B) EXCEPTIONS.

THIS SECTION DOES NOT PRECLUDE AN OFFICIAL CUSTODIAN FROM CONSIDERING THE IDENTITY OF THE APPLICANT, ANY ORGANIZATIONAL OR OTHER AFFILIATION OF THE APPLICANT, OR THE PURPOSE FOR THE APPLICATION IF:

(1) THE APPLICANT CHOOSES TO PROVIDE THIS INFORMATION FOR THE CUSTODIAN TO CONSIDER IN MAKING A DETERMINATION UNDER SUBTITLE 3, PART IV OF THIS TITLE;

(2) THE APPLICANT HAS REQUESTED A WAIVER OF FEES UNDER § 4-206(E) OF THIS SUBTITLE; OR

(3) THE IDENTITY OF THE APPLICANT, ANY ORGANIZATIONAL OR OTHER AFFILIATION OF THE APPLICANT, OR THE PURPOSE FOR THE APPLICATION IS MATERIAL TO THE DETERMINATION OF THE OFFICIAL CUSTODIAN IN ACCORDANCE WITH § 4-206(E)(2) OF THIS SUBTITLE.

(C) REQUEST FOR IDENTITY ALLOWED.

CONSISTENTLY WITH THIS SECTION, AN OFFICIAL MAY REQUEST THE IDENTITY OF AN APPLICANT FOR THE PURPOSE OF CONTACTING THE APPLICANT.

REVISOR'S NOTE: This section formerly was SG § 10-614(c).

The only changes are in style.

Defined terms: "Applicant" § 4-101

"Custodian" § 4-101

"Official custodian" § 4-101

"Person in interest" § 4-101

4-205. COPIES; PRINTOUTS; PHOTOGRAPHS; ELECTRONIC FORMAT.

(A) "METADATA" DEFINED.

(1) IN THIS SECTION, "METADATA" MEANS INFORMATION, GENERALLY NOT VISIBLE WHEN AN ELECTRONIC DOCUMENT IS PRINTED, DESCRIBING THE HISTORY, TRACKING, OR MANAGEMENT OF THE ELECTRONIC

DOCUMENT, INCLUDING INFORMATION ABOUT DATA IN THE ELECTRONIC DOCUMENT THAT DESCRIBES HOW, WHEN, AND BY WHOM THE DATA IS COLLECTED, CREATED, ACCESSED, OR MODIFIED AND HOW THE DATA IS FORMATTED.

(2) “METADATA” DOES NOT INCLUDE:

- (I) A SPREADSHEET FORMULA;**
- (II) A DATABASE FIELD;**
- (III) AN EXTERNALLY OR INTERNALLY LINKED FILE; OR**
- (IV) A REFERENCE TO AN EXTERNAL FILE OR A HYPERLINK.**

(B) IN GENERAL.

EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN APPLICANT WHO IS AUTHORIZED TO INSPECT A PUBLIC RECORD MAY HAVE:

(1) A COPY, PRINTOUT, OR PHOTOGRAPH OF THE PUBLIC RECORD; OR

(2) IF THE CUSTODIAN DOES NOT HAVE FACILITIES TO REPRODUCE THE PUBLIC RECORD, ACCESS TO THE PUBLIC RECORD TO MAKE THE COPY, PRINTOUT, OR PHOTOGRAPH.

(C) PUBLIC RECORD IN ELECTRONIC FORMAT.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE CUSTODIAN OF A PUBLIC RECORD SHALL PROVIDE AN APPLICANT WITH A COPY OF THE PUBLIC RECORD IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT IF:

(I) THE PUBLIC RECORD IS IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT;

(II) THE APPLICANT REQUESTS A COPY OF THE PUBLIC RECORD IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT; AND

(III) THE CUSTODIAN IS ABLE TO PROVIDE A COPY OF THE PUBLIC RECORD, IN WHOLE OR IN PART, IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT THAT DOES NOT DISCLOSE:

1. CONFIDENTIAL OR PROTECTED INFORMATION FOR WHICH THE CUSTODIAN IS REQUIRED TO DENY INSPECTION IN ACCORDANCE WITH SUBTITLE 3, PARTS I THROUGH III OF THIS TITLE; OR

2. INFORMATION FOR WHICH A CUSTODIAN HAS CHOSEN TO DENY INSPECTION IN ACCORDANCE WITH SUBTITLE 3, PART IV OF THIS TITLE.

(2) THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION IS NOT REQUIRED TO PROVIDE AN APPLICANT WITH A COPY OF THE PUBLIC RECORD IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT IF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION HAS PROVIDED THE PUBLIC RECORD TO A CONTRACTOR THAT WILL PROVIDE THE APPLICANT A COPY OF THE PUBLIC RECORD IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT FOR A REASONABLE COST.

(3) A CUSTODIAN MAY REMOVE METADATA FROM AN ELECTRONIC DOCUMENT BEFORE PROVIDING THE ELECTRONIC DOCUMENT TO AN APPLICANT BY:

(I) USING A SOFTWARE PROGRAM OR FUNCTION; OR

(II) CONVERTING THE ELECTRONIC DOCUMENT INTO A DIFFERENT SEARCHABLE AND ANALYZABLE FORMAT.

(4) THIS SUBSECTION MAY NOT BE CONSTRUED TO:

(I) REQUIRE THE CUSTODIAN TO RECONSTRUCT A PUBLIC RECORD IN AN ELECTRONIC FORMAT IF THE CUSTODIAN NO LONGER HAS THE PUBLIC RECORD AVAILABLE IN AN ELECTRONIC FORMAT;

(II) ALLOW A CUSTODIAN TO MAKE A PUBLIC RECORD AVAILABLE ONLY IN AN ELECTRONIC FORMAT;

(III) REQUIRE A CUSTODIAN TO CREATE, COMPILE, OR PROGRAM A NEW PUBLIC RECORD; OR

(IV) REQUIRE A CUSTODIAN TO RELEASE AN ELECTRONIC RECORD IN A FORMAT THAT WOULD JEOPARDIZE OR COMPROMISE THE SECURITY OR INTEGRITY OF THE ORIGINAL RECORD OR OF ANY PROPRIETARY SOFTWARE IN WHICH THE RECORD IS MAINTAINED.

(5) IF A PUBLIC RECORD EXISTS IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT, THE ACT OF A CUSTODIAN PROVIDING A PORTION OF THE PUBLIC RECORD IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT DOES NOT CONSTITUTE CREATING A NEW PUBLIC RECORD.

(D) CONDITIONS FOR MAKING A COPY, PRINTOUT, OR PHOTOGRAPH; SCHEDULE.

(1) THE COPY, PRINTOUT, OR PHOTOGRAPH SHALL BE MADE:

(I) WHILE THE PUBLIC RECORD IS IN THE CUSTODY OF THE CUSTODIAN; AND

(II) WHENEVER PRACTICABLE, WHERE THE PUBLIC RECORD IS KEPT.

(2) THE OFFICIAL CUSTODIAN MAY SET A REASONABLE TIME SCHEDULE TO MAKE COPIES, PRINTOUTS, OR PHOTOGRAPHS.

(E) COPY OF JUDGMENT.

AN APPLICANT MAY NOT HAVE A COPY OF A JUDGMENT UNTIL:

(1) THE TIME FOR APPEAL EXPIRES; OR

(2) IF AN APPEAL IS NOTED, THE APPEAL IS DISMISSED OR ADJUDICATED.

REVISOR'S NOTE: This section formerly was SG §§ 10–620 and 10–611(d).

The only changes are in style.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that subsection (e) of this section, which temporarily restricts the ability to copy a judgment, appears to be inconsistent with the Maryland Rules of Procedure regarding access to court records. Specifically, Maryland Rule 16–1002(a) provides for a presumption of openness in stating that “[c]ourt records maintained by a court or by another judicial agency are presumed to be open to the public for inspection. Except as otherwise provided by or pursuant to these Rules, the custodian of a court record shall permit a person, upon personal appearance in the office of the custodian during normal business hours, to inspect such a record”. Maryland Rule 16–1003 generally allows

copying of court records and Maryland Rule 16–1005 makes restrictive provisions of the Maryland Public Information Act inapplicable to case records unless expressly incorporated into the Rules. Under Article IV, § 18(a) of the Maryland Constitution, a rule of the Court of Appeals can supersede a State statute, subject to the General Assembly's authority to override the rule change. A decision to take such an action is a substantive one, within the power of the General Assembly. Just like a 2011 reenactment of this source law along with an unrelated substantive change, Chapter 436, Acts of 2011, this revision of the source law for subsection (e) of this section is not intended to supersede any conflicting rule of the Court of Appeals.

Defined terms: "Applicant" § 4–101

"Custodian" § 4–101

"Including" § 1–110

"Official custodian" § 4–101

"Public record" § 4–101

4–206. FEES.

(A) "REASONABLE FEE" DEFINED.

IN THIS SECTION, "REASONABLE FEE" MEANS A FEE BEARING A REASONABLE RELATIONSHIP TO THE RECOVERY OF ACTUAL COSTS INCURRED BY A GOVERNMENTAL UNIT.

(B) CHARGING REASONABLE FEE.

SUBJECT TO THE LIMITATIONS IN THIS SECTION, THE OFFICIAL CUSTODIAN MAY CHARGE AN APPLICANT A REASONABLE FEE FOR THE SEARCH FOR, PREPARATION OF, AND REPRODUCTION OF A PUBLIC RECORD.

(C) LIMITATION ON SEARCH AND PREPARATION FEE.

THE OFFICIAL CUSTODIAN MAY NOT CHARGE A FEE FOR THE FIRST 2 HOURS THAT ARE NEEDED TO SEARCH FOR A PUBLIC RECORD AND PREPARE IT FOR INSPECTION.

(D) LIMITATION ON REPRODUCTION FEE.

(1) IF ANOTHER LAW SETS A FEE FOR A COPY, AN ELECTRONIC COPY, A PRINTOUT, OR A PHOTOGRAPH OF A PUBLIC RECORD, THAT LAW APPLIES.

(2) THE OFFICIAL CUSTODIAN OTHERWISE MAY CHARGE ANY REASONABLE FEE FOR MAKING OR SUPERVISING THE MAKING OF A COPY, AN ELECTRONIC COPY, A PRINTOUT, OR A PHOTOGRAPH OF A PUBLIC RECORD.

(3) THE OFFICIAL CUSTODIAN MAY CHARGE FOR THE COST OF PROVIDING FACILITIES FOR THE REPRODUCTION OF THE PUBLIC RECORD IF THE CUSTODIAN DID NOT HAVE THE FACILITIES.

(E) WAIVER.

THE OFFICIAL CUSTODIAN MAY WAIVE A FEE UNDER THIS SECTION IF:

(1) THE APPLICANT ASKS FOR A WAIVER; AND

(2) AFTER CONSIDERATION OF THE ABILITY OF THE APPLICANT TO PAY THE FEE AND OTHER RELEVANT FACTORS, THE OFFICIAL CUSTODIAN DETERMINES THAT THE WAIVER WOULD BE IN THE PUBLIC INTEREST.

REVISOR'S NOTE: This section formerly was SG § 10–621.

No changes are made.

Defined terms: “Applicant” § 4–101

“Official custodian” § 4–101

“Public record” § 4–101

SUBTITLE 3. DENIALS OF INSPECTION.

PART I. IN GENERAL.

4–301. IN GENERAL.

A CUSTODIAN SHALL DENY INSPECTION OF A PUBLIC RECORD OR ANY PART OF A PUBLIC RECORD IF:

(1) BY LAW, THE PUBLIC RECORD IS PRIVILEGED OR CONFIDENTIAL; OR

(2) THE INSPECTION WOULD BE CONTRARY TO:

(I) A STATE STATUTE;

(II) A FEDERAL STATUTE OR A REGULATION THAT IS ISSUED UNDER THE STATUTE AND HAS THE FORCE OF LAW;

(III) THE RULES ADOPTED BY THE COURT OF APPEALS; OR

(IV) AN ORDER OF A COURT OF RECORD.

REVISOR'S NOTE: This section formerly was SG § 10-615.

No changes are made.

Defined terms: "Custodian" § 4-101

"Public record" § 4-101

"State" § 1-115

4-302. RESERVED.

4-303. RESERVED.

PART II. REQUIRED DENIALS FOR SPECIFIC RECORDS.

4-304. IN GENERAL.

UNLESS OTHERWISE PROVIDED BY LAW, A CUSTODIAN SHALL DENY INSPECTION OF A PUBLIC RECORD, AS PROVIDED IN THIS PART.

REVISOR'S NOTE: This section formerly was SG § 10-616(a).

The only changes are in style.

Defined terms: "Custodian" § 4-101

"Public record" § 4-101

4-305. ADOPTION RECORDS.

A CUSTODIAN SHALL DENY INSPECTION OF PUBLIC RECORDS THAT RELATE TO THE ADOPTION OF AN INDIVIDUAL.

REVISOR'S NOTE: This section formerly was SG § 10-616(b).

No changes are made.

Defined terms: "Custodian" § 4-101

"Public record" § 4-101

4-306. HOSPITAL RECORDS.

A CUSTODIAN SHALL DENY INSPECTION OF A HOSPITAL RECORD THAT:**(1) RELATES TO:****(I) MEDICAL ADMINISTRATION;****(II) STAFF;****(III) MEDICAL CARE; OR****(IV) OTHER MEDICAL INFORMATION; AND****(2) CONTAINS GENERAL OR SPECIFIC INFORMATION ABOUT ONE OR MORE INDIVIDUALS.**

REVISOR'S NOTE: This section formerly was SG § 10–616(j).

The only changes are in style.

Defined term: "Custodian" § 4–101

4–307. WELFARE RECORDS.**A CUSTODIAN SHALL DENY INSPECTION OF PUBLIC RECORDS THAT RELATE TO WELFARE FOR AN INDIVIDUAL.**

REVISOR'S NOTE: This section formerly was SG § 10–616(c).

No changes are made.

Defined terms: "Custodian" § 4–101

"Public record" § 4–101

4–308. LIBRARY RECORDS.**(A) IN GENERAL.****SUBJECT TO SUBSECTION (B) OF THIS SECTION, A CUSTODIAN SHALL PROHIBIT INSPECTION, USE, OR DISCLOSURE OF A CIRCULATION RECORD OF A PUBLIC LIBRARY OR ANY OTHER ITEM, COLLECTION, OR GROUPING OF INFORMATION ABOUT AN INDIVIDUAL THAT:****(1) IS MAINTAINED BY A LIBRARY;**

(2) CONTAINS AN INDIVIDUAL'S NAME OR THE IDENTIFYING NUMBER, SYMBOL, OR OTHER IDENTIFYING PARTICULAR ASSIGNED TO THE INDIVIDUAL; AND

(3) IDENTIFIES THE USE A PATRON MAKES OF THAT LIBRARY'S MATERIALS, SERVICES, OR FACILITIES.

(B) PERMISSIBLE INSPECTION.

A CUSTODIAN SHALL ALLOW INSPECTION, USE, OR DISCLOSURE OF A CIRCULATION RECORD OF A PUBLIC LIBRARY ONLY:

(1) IN CONNECTION WITH THE LIBRARY'S ORDINARY BUSINESS;
AND

(2) FOR THE PURPOSES FOR WHICH THE RECORD WAS CREATED.

REVISOR'S NOTE: This section formerly was SG § 10-616(e).

The only changes are in style.

Defined term: "Custodian" § 4-101

4-309. GIFTS OF LIBRARY, ARCHIVAL, OR MUSEUM MATERIALS.

A CUSTODIAN SHALL DENY INSPECTION OF LIBRARY, ARCHIVAL, OR MUSEUM MATERIAL GIVEN BY A PERSON TO THE EXTENT THAT THE PERSON WHO MADE THE GIFT LIMITS DISCLOSURE AS A CONDITION OF THE GIFT.

REVISOR'S NOTE: This section formerly was SG § 10-616(f).

No changes are made.

Defined terms: "Custodian" § 4-101

"Person" § 1-114

4-310. LETTER OF REFERENCE.

A CUSTODIAN SHALL DENY INSPECTION OF A LETTER OF REFERENCE.

REVISOR'S NOTE: This section formerly was SG § 10-616(d).

No changes are made.

Defined term: "Custodian" § 4-101

4-311. PERSONNEL RECORDS.**(A) IN GENERAL.**

SUBJECT TO SUBSECTION (B) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF A PERSONNEL RECORD OF AN INDIVIDUAL, INCLUDING AN APPLICATION, A PERFORMANCE RATING, OR SCHOLASTIC ACHIEVEMENT INFORMATION.

(B) REQUIRED INSPECTIONS.

A CUSTODIAN SHALL ALLOW INSPECTION BY:

- (1) THE PERSON IN INTEREST; OR**
- (2) AN ELECTED OR APPOINTED OFFICIAL WHO SUPERVISES THE WORK OF THE INDIVIDUAL.**

REVISOR'S NOTE: This section formerly was SG § 10-616(i).

The only changes are in style.

Defined terms: "Custodian" § 4-101

"Including" § 1-110

"Person in interest" § 4-101

4-312. RETIREMENT RECORDS.**(A) IN GENERAL.**

SUBJECT TO SUBSECTIONS (B) THROUGH (E) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF A RETIREMENT RECORD FOR AN INDIVIDUAL.

(B) REQUIRED INSPECTIONS.

(1) A CUSTODIAN SHALL ALLOW INSPECTION:

(I) BY THE PERSON IN INTEREST;

(II) BY THE APPOINTING AUTHORITY OF THE INDIVIDUAL;

(III) AFTER THE DEATH OF THE INDIVIDUAL, BY A BENEFICIARY, A PERSONAL REPRESENTATIVE, OR ANY OTHER PERSON WHO SATISFIES THE ADMINISTRATORS OF THE RETIREMENT AND PENSION SYSTEMS THAT THE PERSON HAS A VALID CLAIM TO THE BENEFITS OF THE INDIVIDUAL;

(IV) BY ANY LAW ENFORCEMENT AGENCY TO OBTAIN THE HOME ADDRESS OF A RETIRED EMPLOYEE OF THE AGENCY WHEN CONTACT WITH THE RETIRED EMPLOYEE IS DOCUMENTED TO BE NECESSARY FOR OFFICIAL AGENCY BUSINESS; AND

(V) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BY THE EMPLOYEES OF A COUNTY UNIT THAT, BY COUNTY LAW, IS REQUIRED TO AUDIT THE RETIREMENT RECORDS FOR CURRENT OR FORMER EMPLOYEES OF THE COUNTY.

(2) (I) THE INFORMATION OBTAINED DURING AN INSPECTION UNDER PARAGRAPH (1)(V) OF THIS SUBSECTION IS CONFIDENTIAL.

(II) THE COUNTY UNIT AND ITS EMPLOYEES MAY NOT DISCLOSE ANY INFORMATION OBTAINED DURING AN INSPECTION UNDER PARAGRAPH (1)(V) OF THIS SUBSECTION THAT WOULD IDENTIFY A PERSON IN INTEREST.

(C) REQUIRED RELEASE OF INFORMATION.

A CUSTODIAN SHALL ALLOW RELEASE OF INFORMATION AS PROVIDED IN § 21-504 OR § 21-505 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

(D) REQUIRED STATEMENTS AND DISCLOSURES.

(1) ON REQUEST, A CUSTODIAN SHALL STATE WHETHER THE INDIVIDUAL RECEIVES A RETIREMENT OR PENSION ALLOWANCE.

(2) ON WRITTEN REQUEST, A CUSTODIAN SHALL:

(I) DISCLOSE THE AMOUNT OF THE PART OF A RETIREMENT ALLOWANCE THAT IS DERIVED FROM EMPLOYER CONTRIBUTIONS AND THAT IS GRANTED TO:

1. A RETIRED ELECTED OR APPOINTED OFFICIAL OF THE STATE;

2. A RETIRED ELECTED OFFICIAL OF A POLITICAL SUBDIVISION; OR

3. A RETIRED APPOINTED OFFICIAL OF A POLITICAL SUBDIVISION WHO IS A MEMBER OF A SEPARATE SYSTEM FOR ELECTED OR APPOINTED OFFICIALS; AND

(II) DISCLOSE THE BENEFIT FORMULA AND THE VARIABLES FOR CALCULATING THE RETIREMENT ALLOWANCE OF:

1. A CURRENT ELECTED OR APPOINTED OFFICIAL OF THE STATE;

2. A CURRENT ELECTED OFFICIAL OF A POLITICAL SUBDIVISION; OR

3. A CURRENT APPOINTED OFFICIAL OF A POLITICAL SUBDIVISION WHO IS A MEMBER OF A SEPARATE SYSTEM FOR ELECTED OR APPOINTED OFFICIALS.

(E) REQUIRED DISCLOSURE IN ANNE ARUNDEL COUNTY.

(1) THIS SUBSECTION APPLIES ONLY TO ANNE ARUNDEL COUNTY.

(2) ON WRITTEN REQUEST, A CUSTODIAN OF RETIREMENT RECORDS SHALL DISCLOSE:

(I) THE TOTAL AMOUNT OF THE PART OF A PENSION OR RETIREMENT ALLOWANCE THAT IS DERIVED FROM EMPLOYER CONTRIBUTIONS AND THAT IS GRANTED TO A RETIRED ELECTED OR APPOINTED OFFICIAL OF THE COUNTY;

(II) THE TOTAL AMOUNT OF THE PART OF A PENSION OR RETIREMENT ALLOWANCE THAT IS DERIVED FROM EMPLOYEE CONTRIBUTIONS AND THAT IS GRANTED TO A RETIRED ELECTED OR APPOINTED OFFICIAL OF THE COUNTY IF THE RETIRED ELECTED OR APPOINTED OFFICIAL CONSENTS TO THE DISCLOSURE;

(III) THE BENEFIT FORMULA AND THE VARIABLES FOR CALCULATING THE RETIREMENT ALLOWANCE OF A CURRENT ELECTED OR APPOINTED OFFICIAL OF THE COUNTY; AND

(IV) THE AMOUNT OF THE EMPLOYEE CONTRIBUTIONS PLUS INTEREST ATTRIBUTABLE TO A CURRENT ELECTED OR APPOINTED OFFICIAL OF THE COUNTY IF THE CURRENT ELECTED OR APPOINTED OFFICIAL CONSENTS TO THE DISCLOSURE.

(3) A CUSTODIAN OF RETIREMENT RECORDS SHALL MAINTAIN A LIST OF THOSE ELECTED OR APPOINTED OFFICIALS OF THE COUNTY WHO HAVE CONSENTED TO THE DISCLOSURE OF INFORMATION UNDER PARAGRAPH (2)(II) OR (IV) OF THIS SUBSECTION.

REVISOR'S NOTE: This section formerly was SG § 10-616(g).

In subsection (b)(2)(ii) of this section, the reference to the information "obtained during an inspection under paragraph (1)(v) of this subsection" is added for clarity.

In subsection (e)(1) of this section, the word "only" is added for clarity.

The only other changes are in style.

Defined terms: "County" § 1-107

"Custodian" § 4-101

"Person" § 1-114

"Person in interest" § 4-101

"Personal representative" § 1-102

"Political subdivision" § 4-101

"State" § 1-115

4-313. STUDENT RECORDS.

(A) IN GENERAL.

SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF A SCHOOL DISTRICT RECORD ABOUT THE HOME ADDRESS, HOME TELEPHONE NUMBER, BIOGRAPHY, FAMILY, PHYSIOLOGY, RELIGION, ACADEMIC ACHIEVEMENT, OR PHYSICAL OR MENTAL ABILITY OF A STUDENT.

(B) REQUIRED INSPECTIONS.

A CUSTODIAN SHALL ALLOW INSPECTION BY:

(1) THE PERSON IN INTEREST; OR

(2) AN ELECTED OR APPOINTED OFFICIAL WHO SUPERVISES THE STUDENT.

(c) PERMISSIBLE INSPECTIONS.

(1) A CUSTODIAN MAY ALLOW INSPECTION OF THE HOME ADDRESS OR HOME TELEPHONE NUMBER OF A STUDENT OF A PUBLIC SCHOOL BY:

(i) AN ORGANIZATION OF PARENTS, TEACHERS, STUDENTS, OR FORMER STUDENTS, OR ANY COMBINATION OF THOSE GROUPS, OF THE SCHOOL;

(ii) AN ORGANIZATION OR A FORCE OF THE MILITARY;

(iii) A PERSON ENGAGED BY A SCHOOL OR BOARD OF EDUCATION TO CONFIRM A HOME ADDRESS OR HOME TELEPHONE NUMBER;

(iv) A REPRESENTATIVE OF A COMMUNITY COLLEGE IN THE STATE; OR

(v) THE MARYLAND HIGHER EDUCATION COMMISSION.

(2) THE MARYLAND HIGHER EDUCATION COMMISSION OR A PERSON, AN ORGANIZATION, OR A COMMUNITY COLLEGE THAT OBTAINS INFORMATION UNDER THIS SUBSECTION MAY NOT:

(i) USE THIS INFORMATION FOR A COMMERCIAL PURPOSE; OR

(ii) DISCLOSE THIS INFORMATION TO ANOTHER PERSON, ORGANIZATION, OR COMMUNITY COLLEGE.

(3) WHEN A CUSTODIAN ALLOWS INSPECTION UNDER THIS SUBSECTION, THE CUSTODIAN SHALL NOTIFY THE MARYLAND HIGHER EDUCATION COMMISSION, PERSON, ORGANIZATION, OR COMMUNITY COLLEGE OF THE PROHIBITIONS UNDER PARAGRAPH (2) OF THIS SUBSECTION REGARDING USE AND DISCLOSURE OF THIS INFORMATION.

REVISOR'S NOTE: This section formerly was SG § 10-616(k).

The only changes are in style.

Defined terms: "Custodian" § 4-101

“Person” § 1-114

“Person in interest” § 4-101

“State” § 1-115

4-314. HIGHER EDUCATION INVESTMENT CONTRACTS.

(A) IN GENERAL.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF ANY RECORD DISCLOSING:

(1) THE NAME OF AN ACCOUNT HOLDER OR A QUALIFIED BENEFICIARY OF A PREPAID CONTRACT UNDER TITLE 18, SUBTITLE 19 OF THE EDUCATION ARTICLE; OR

(2) THE NAME OF AN ACCOUNT HOLDER OR A QUALIFIED DESIGNATED BENEFICIARY OF AN INVESTMENT ACCOUNT UNDER TITLE 18, SUBTITLE 19A OF THE EDUCATION ARTICLE.

(B) REQUIRED INSPECTIONS; PERMISSIBLE RELEASE OF INFORMATION.

A CUSTODIAN:

(1) SHALL ALLOW INSPECTION BY A PERSON IN INTEREST; AND

(2) MAY RELEASE INFORMATION TO AN ELIGIBLE INSTITUTION OF HIGHER EDUCATION DESIGNATED:

(I) BY AN ACCOUNT HOLDER OF A PREPAID CONTRACT OR A QUALIFIED BENEFICIARY UNDER TITLE 18, SUBTITLE 19 OF THE EDUCATION ARTICLE; OR

(II) BY AN ACCOUNT HOLDER OR A QUALIFIED DESIGNATED BENEFICIARY UNDER TITLE 18, SUBTITLE 19A OF THE EDUCATION ARTICLE.

REVISOR'S NOTE: This section formerly was SG § 10-616(n).

In subsection (b)(2)(i) of this section, the reference to “Subtitle 19” of the Education Article is substituted for the former reference to “Subtitle 19A” of the Education Article for accuracy and to correct an apparent incorrect cross-reference in the original enactment (Chapters 381 and 382 of the Acts of 2003).

The only other changes are in style.

Defined terms: “Custodian” § 4–101
“Person in interest” § 4–101

**4–315. TRAFFIC ACCIDENT REPORTS; CRIMINAL CHARGING DOCUMENTS;
TRAFFIC CITATIONS.**

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO PUBLIC RECORDS THAT RELATE TO:

- (1) POLICE REPORTS OF TRAFFIC ACCIDENTS;**
- (2) CRIMINAL CHARGING DOCUMENTS BEFORE SERVICE ON THE
DEFENDANT NAMED IN THE DOCUMENT; OR**
- (3) TRAFFIC CITATIONS FILED IN THE MARYLAND AUTOMATED
TRAFFIC SYSTEM.**

(B) DENIAL OF INSPECTION REQUIRED.

**A CUSTODIAN SHALL DENY INSPECTION OF A RECORD DESCRIBED IN
SUBSECTION (A) OF THIS SECTION TO ANY OF THE FOLLOWING PERSONS WHO
REQUEST INSPECTION OF RECORDS TO SOLICIT OR MARKET LEGAL SERVICES:**

- (1) AN ATTORNEY WHO IS NOT AN ATTORNEY OF RECORD OF A
PERSON NAMED IN THE RECORD; OR**
- (2) A PERSON WHO IS EMPLOYED BY, RETAINED BY, ASSOCIATED
WITH, OR ACTING ON BEHALF OF AN ATTORNEY DESCRIBED IN THIS
SUBSECTION.**

REVISOR’S NOTE: This section formerly was SG § 10–616(h).

The only changes are in style.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that in 1992 U.S. District Court Judge Nickerson granted an injunction when subsection (a)(3) of this section was challenged as unconstitutional, finding that the provision violated First Amendment rights. *Ficker, et al v. Utz*, No. 1:92-cv-01466-WMN (N.D. Md. Sept. 16, 1993). Since the *Ficker* decision, the legal landscape may have changed. In *Los Angeles Police Department v. United Reporting Publishing Corp.*, 528 U.S. 32 (1999), the

United States Supreme Court rejected a facial First Amendment challenge to a California law which denied access to the arrestee's addresses to those intending to use this information to sell a product or service. The court noted that "[t]his is not a case in which the government is prohibiting a speaker from conveying information that the speaker already possesses". *Id.* at 40. Rather, "what we have before us is nothing more than a government denial of access to information in its possession. California could decide not to give out arrestee information at all without violating the First Amendment." *Id.*

Whether the 1999 Supreme Court decision could now be used to defend a prohibition such as that found in subsection (a)(3) of this section is an open question. But in any event, on the basis of this new authority, the committee does not recommend deletion of this presently inoperative provision. Nevertheless, the Maryland law is presently enjoined and revision of this provision is not intended to reinstate subsection (a)(3) as an operative provision of law. The decision whether to revise this provision is substantive and within the power of the General Assembly.

Defined terms: "Custodian" § 4-101

"Person" § 1-114

"Public record" § 4-101

4-316. ARREST WARRANTS AND CHARGING DOCUMENTS.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION AND SUBJECT TO SUBSECTION (E) OF THIS SECTION, UNLESS OTHERWISE ORDERED BY THE COURT, FILES AND RECORDS OF THE COURT PERTAINING TO AN ARREST WARRANT ISSUED UNDER MARYLAND RULE 4-212(D)(1) OR (2) AND THE CHARGING DOCUMENT ON WHICH THE ARREST WARRANT WAS ISSUED MAY NOT BE OPEN TO INSPECTION UNTIL:

(1) THE ARREST WARRANT HAS BEEN SERVED AND A RETURN OF SERVICE HAS BEEN FILED IN ACCORDANCE WITH MARYLAND RULE 4-212(G); OR

(2) 90 DAYS HAVE ELAPSED SINCE THE ARREST WARRANT WAS ISSUED.

(B) GRAND JURY INDICTMENTS OR CONSPIRACY INVESTIGATIONS.

EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION AND SUBJECT TO SUBSECTION (E) OF THIS SECTION, UNLESS OTHERWISE ORDERED BY THE

COURT, FILES AND RECORDS OF THE COURT PERTAINING TO AN ARREST WARRANT ISSUED IN ACCORDANCE WITH A GRAND JURY INDICTMENT OR CONSPIRACY INVESTIGATION AND THE CHARGING DOCUMENT ON WHICH THE ARREST WARRANT WAS ISSUED MAY NOT BE OPEN TO INSPECTION UNTIL ALL ARREST WARRANTS FOR ANY CO-CONSPIRATORS HAVE BEEN SERVED AND ALL RETURNS OF SERVICE HAVE BEEN FILED IN ACCORDANCE WITH MARYLAND RULE 4-212(G).

(C) FILES AND RECORDS OPEN TO INSPECTION.

SUBJECT TO SUBSECTIONS (A) AND (B) OF THIS SECTION, UNLESS SEALED UNDER MARYLAND RULE 4-201(D), THE FILES AND RECORDS SHALL BE OPEN TO INSPECTION.

(D) RELEASE OF INFORMATION TO MOTOR VEHICLE ADMINISTRATION.

(1) THE NAME, ADDRESS, BIRTH DATE, DRIVER'S LICENSE NUMBER, SEX, HEIGHT, AND WEIGHT OF AN INDIVIDUAL CONTAINED IN AN ARREST WARRANT ISSUED UNDER MARYLAND RULE 4-212(D)(1) OR (2) OR ISSUED IN ACCORDANCE WITH A GRAND JURY INDICTMENT OR CONSPIRACY INVESTIGATION MAY BE RELEASED TO THE MOTOR VEHICLE ADMINISTRATION FOR USE BY THE ADMINISTRATION FOR PURPOSES OF § 13-406.1 OR § 16-204 OF THE TRANSPORTATION ARTICLE.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, INFORMATION IN A CHARGING DOCUMENT THAT IDENTIFIES AN INDIVIDUAL MAY NOT BE RELEASED TO THE MOTOR VEHICLE ADMINISTRATION.

(E) CONSTRUCTION OF SECTION.

SUBSECTIONS (A) AND (B) OF THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT:

(1) THE RELEASE OF STATISTICAL INFORMATION CONCERNING UNSERVED ARREST WARRANTS;

(2) THE RELEASE OF INFORMATION BY A STATE'S ATTORNEY OR PEACE OFFICER CONCERNING AN UNSERVED ARREST WARRANT AND THE CHARGING DOCUMENT ON WHICH THE ARREST WARRANT WAS ISSUED;

(3) INSPECTION OF FILES AND RECORDS OF A COURT CONCERNING AN UNSERVED ARREST WARRANT AND THE CHARGING DOCUMENT ON WHICH THE ARREST WARRANT WAS ISSUED BY:

(I) A JUDICIAL OFFICER;

(II) ANY AUTHORIZED COURT PERSONNEL;

(III) A STATE'S ATTORNEY;

(IV) A PEACE OFFICER;

(V) A CORRECTIONAL OFFICER WHO IS AUTHORIZED BY LAW TO SERVE AN ARREST WARRANT;

(VI) A BAIL BONDSMAN, SURETY INSURER, OR SURETY WHO EXECUTES BAIL BONDS WHO EXECUTED A BAIL BOND FOR THE INDIVIDUAL WHO IS SUBJECT TO ARREST UNDER THE ARREST WARRANT;

(VII) AN ATTORNEY AUTHORIZED BY THE INDIVIDUAL WHO IS SUBJECT TO ARREST UNDER THE ARREST WARRANT;

(VIII) THE DEPARTMENT OF JUVENILE SERVICES; OR

(IX) A FEDERAL, STATE, OR LOCAL CRIMINAL JUSTICE AGENCY DESCRIBED UNDER TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE; OR

(4) THE RELEASE OF INFORMATION BY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES OR THE DEPARTMENT OF JUVENILE SERVICES TO NOTIFY A VICTIM UNDER § 11-507 OF THE CRIMINAL PROCEDURE ARTICLE.

REVISOR'S NOTE: This section formerly was SG § 10-616(q).

In subsection (d)(1) of this section, the former phrase "[s]ubject to subparagraph (ii) of this paragraph", which is revised as subsection (d)(2) of this section, is deleted as unnecessary in light of the phrase "[e]xcept as provided in paragraph (1) of this subsection" in subsection (d)(2) of this section.

The only other changes are in style.

Defined term: "State" § 1-115

4-317. DEPARTMENT OF NATURAL RESOURCES RECORDS.**(A) IN GENERAL.**

SUBJECT TO § 8-704.1 OF THE NATURAL RESOURCES ARTICLE AND SUBSECTION (B) OF THIS SECTION, A CUSTODIAN MAY NOT KNOWINGLY DISCLOSE A PUBLIC RECORD OF THE DEPARTMENT OF NATURAL RESOURCES CONTAINING PERSONAL INFORMATION ABOUT THE OWNER OF A REGISTERED VESSEL.

(B) REQUIRED DISCLOSURES.

A CUSTODIAN SHALL DISCLOSE PERSONAL INFORMATION ABOUT THE OWNER OF A REGISTERED VESSEL FOR USE IN THE NORMAL COURSE OF BUSINESS ACTIVITY BY A FINANCIAL INSTITUTION, AS DEFINED IN § 1-101(I) OF THE FINANCIAL INSTITUTIONS ARTICLE, ITS AGENTS, EMPLOYEES, OR CONTRACTORS, BUT ONLY:

(1) TO VERIFY THE ACCURACY OF PERSONAL INFORMATION SUBMITTED BY THE INDIVIDUAL TO THAT FINANCIAL INSTITUTION; AND

(2) IF THE INFORMATION SUBMITTED IS NOT ACCURATE, TO OBTAIN CORRECT INFORMATION ONLY FOR THE PURPOSE OF:

(I) PREVENTING FRAUD BY THE INDIVIDUAL;

(II) PURSUING LEGAL REMEDIES AGAINST THE INDIVIDUAL;

OR

(III) RECOVERING ON A DEBT OR SECURITY INTEREST AGAINST THE INDIVIDUAL.

REVISOR'S NOTE: This section formerly was SG § 10-616(s).

In subsection (b) of this section, the former phrase “[n]otwithstanding paragraph (1) of this subsection,” which is revised as subsection (a) of this section, is deleted as unnecessary in light of the phrase “[s]ubject to ... subsection (b) of this section” in subsection (a) of this section.

The only other changes are in style.

Defined terms: “Custodian” § 4-101

“Personal information” § 4-101

“Public record” § 4-101

4-318. MARYLAND TRANSIT ADMINISTRATION RECORDS.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF ALL RECORDS OF PERSONS CREATED, GENERATED, OR OBTAINED BY, OR SUBMITTED TO, THE MARYLAND TRANSIT ADMINISTRATION OR ITS AGENTS OR EMPLOYEES IN CONNECTION WITH THE USE OR PURCHASE OF ELECTRONIC FARE MEDIA PROVIDED BY THE MARYLAND TRANSIT ADMINISTRATION OR ITS AGENTS, EMPLOYEES, OR CONTRACTORS.

(B) REQUIRED INSPECTIONS.

A CUSTODIAN SHALL ALLOW INSPECTION OF THE RECORDS DESCRIBED IN SUBSECTION (A) OF THIS SECTION BY:

- (1) AN INDIVIDUAL NAMED IN THE RECORD; OR**
- (2) THE ATTORNEY OF RECORD OF AN INDIVIDUAL NAMED IN THE RECORD.**

REVISOR'S NOTE: This section formerly was SG § 10-616(r).

The only changes are in style.

Defined terms: “Custodian” § 4-101

“Person” § 1-114

4-319. MARYLAND TRANSPORTATION AUTHORITY RECORDS.

(A) IN GENERAL.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF EVERY RECORD THAT:

- (1) IS:**
 - (I) A PHOTOGRAPH, A VIDEOTAPE, OR AN ELECTRONICALLY RECORDED IMAGE OF A VEHICLE;**
 - (II) A VEHICLE MOVEMENT RECORD;**

- (III) PERSONAL FINANCIAL INFORMATION;
- (IV) A CREDIT REPORT;
- (V) OTHER PERSONAL INFORMATION; OR
- (VI) OTHER FINANCIAL INFORMATION; AND

(2) HAS BEEN CREATED, RECORDED, OR OBTAINED BY, OR SUBMITTED TO, THE MARYLAND TRANSPORTATION AUTHORITY OR ITS AGENTS OR EMPLOYEES FOR OR ABOUT AN ELECTRONIC TOLL COLLECTION SYSTEM OR ASSOCIATED TRANSACTION SYSTEM.

(B) REQUIRED INSPECTIONS.

A CUSTODIAN SHALL ALLOW INSPECTION OF THE RECORDS DESCRIBED IN SUBSECTION (A) OF THIS SECTION BY:

- (1) AN INDIVIDUAL NAMED IN THE RECORD;
- (2) THE ATTORNEY OF RECORD OF AN INDIVIDUAL NAMED IN THE RECORD;
- (3) AN EMPLOYEE OR AGENT OF THE MARYLAND TRANSPORTATION AUTHORITY IN ANY INVESTIGATION OR PROCEEDING RELATING TO A VIOLATION OF SPEED LIMITATIONS OR TO THE IMPOSITION OF OR INDEMNIFICATION FROM LIABILITY FOR FAILURE TO PAY A TOLL IN CONNECTION WITH ANY ELECTRONIC TOLL COLLECTION SYSTEM;
- (4) AN EMPLOYEE OR AGENT OF A THIRD PARTY THAT HAS ENTERED INTO AN AGREEMENT WITH THE MARYLAND TRANSPORTATION AUTHORITY TO USE AN ELECTRONIC TOLL COLLECTION SYSTEM FOR NONTOLL APPLICATIONS IN THE COLLECTION OF REVENUES DUE TO THE THIRD PARTY; OR
- (5) AN EMPLOYEE OR AGENT OF AN ENTITY IN ANOTHER STATE OPERATING OR HAVING JURISDICTION OVER A TOLL FACILITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 10-616(m).

Defined terms: "Custodian" § 4-101

"State" § 1-115

4-320. MOTOR VEHICLE ADMINISTRATION.**(A) "TELEPHONE SOLICITATION" DEFINED.**

(1) IN THIS SECTION, "TELEPHONE SOLICITATION" MEANS THE INITIATION OF A TELEPHONE CALL TO AN INDIVIDUAL OR TO THE RESIDENCE OR BUSINESS OF AN INDIVIDUAL TO ENCOURAGE THE PURCHASE OR RENTAL OF OR INVESTMENT IN PROPERTY, GOODS, OR SERVICES.

(2) "TELEPHONE SOLICITATION" DOES NOT INCLUDE A TELEPHONE CALL OR MESSAGE:

(I) TO AN INDIVIDUAL WHO HAS GIVEN EXPRESS PERMISSION TO THE PERSON MAKING THE TELEPHONE CALL;

(II) TO AN INDIVIDUAL WITH WHOM THE PERSON HAS AN ESTABLISHED BUSINESS RELATIONSHIP; OR

(III) BY A TAX-EXEMPT, NOT-FOR-PROFIT ORGANIZATION.

(B) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTIONS (C) THROUGH (F) OF THIS SECTION, A CUSTODIAN MAY NOT KNOWINGLY DISCLOSE A PUBLIC RECORD OF THE MOTOR VEHICLE ADMINISTRATION CONTAINING PERSONAL INFORMATION.

(C) DISCLOSURE REQUIRED BY FEDERAL LAW.

A CUSTODIAN SHALL DISCLOSE PERSONAL INFORMATION WHEN REQUIRED BY FEDERAL LAW.

(D) DISCLOSURE ON REQUEST; CONSENT OF PERSON IN INTEREST REQUIRED.

(1) THIS SUBSECTION APPLIES ONLY TO THE DISCLOSURE OF PERSONAL INFORMATION FOR ANY USE IN RESPONSE TO A REQUEST FOR AN INDIVIDUAL MOTOR VEHICLE RECORD.

(2) THE CUSTODIAN MAY NOT DISCLOSE PERSONAL INFORMATION WITHOUT WRITTEN CONSENT FROM THE PERSON IN INTEREST.

(3) (I) AT ANY TIME THE PERSON IN INTEREST MAY WITHDRAW CONSENT TO DISCLOSE PERSONAL INFORMATION BY NOTIFYING THE CUSTODIAN.

(II) THE WITHDRAWAL BY THE PERSON IN INTEREST OF CONSENT TO DISCLOSE PERSONAL INFORMATION SHALL TAKE EFFECT AS SOON AS PRACTICABLE AFTER IT IS RECEIVED BY THE CUSTODIAN.

(E) DISCLOSURE FOR USE IN SURVEYS, MARKETING, AND SOLICITATIONS.

(1) THIS SUBSECTION APPLIES ONLY TO THE DISCLOSURE OF PERSONAL INFORMATION FOR INCLUSION IN LISTS OF INFORMATION TO BE USED FOR SURVEYS, MARKETING, AND SOLICITATIONS.

(2) THE CUSTODIAN MAY NOT DISCLOSE PERSONAL INFORMATION FOR SURVEYS, MARKETING, AND SOLICITATIONS WITHOUT WRITTEN CONSENT FROM THE PERSON IN INTEREST.

(3) (I) AT ANY TIME THE PERSON IN INTEREST MAY WITHDRAW CONSENT TO DISCLOSE PERSONAL INFORMATION BY NOTIFYING THE CUSTODIAN.

(II) THE WITHDRAWAL BY THE PERSON IN INTEREST OF CONSENT TO DISCLOSE PERSONAL INFORMATION SHALL TAKE EFFECT AS SOON AS PRACTICABLE AFTER IT IS RECEIVED BY THE CUSTODIAN.

(4) THE CUSTODIAN MAY NOT DISCLOSE PERSONAL INFORMATION UNDER THIS SUBSECTION FOR USE IN TELEPHONE SOLICITATIONS.

(5) PERSONAL INFORMATION DISCLOSED UNDER THIS SUBSECTION MAY BE USED ONLY FOR SURVEYS, MARKETING, OR SOLICITATIONS AND ONLY FOR A PURPOSE APPROVED BY THE MOTOR VEHICLE ADMINISTRATION.

(F) REQUIRED DISCLOSURE.

NOTWITHSTANDING SUBSECTIONS (D) AND (E) OF THIS SECTION, A CUSTODIAN SHALL DISCLOSE PERSONAL INFORMATION:

(1) FOR USE BY A FEDERAL, STATE, OR LOCAL GOVERNMENT, INCLUDING A LAW ENFORCEMENT AGENCY, OR A COURT IN CARRYING OUT ITS FUNCTIONS;

(2) FOR USE IN CONNECTION WITH MATTERS OF:

(I) MOTOR VEHICLE OR DRIVER SAFETY;

(II) MOTOR VEHICLE THEFT;

(III) MOTOR VEHICLE EMISSIONS;

(IV) MOTOR VEHICLE PRODUCT ALTERATIONS, RECALLS, OR ADVISORIES;

(V) PERFORMANCE MONITORING OF MOTOR VEHICLE PARTS AND DEALERS; AND

(VI) REMOVAL OF NONOWNER RECORDS FROM THE ORIGINAL RECORDS OF MOTOR VEHICLE MANUFACTURERS;

(3) FOR USE BY A PRIVATE DETECTIVE AGENCY LICENSED BY THE SECRETARY OF STATE POLICE UNDER TITLE 13 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE OR A SECURITY GUARD SERVICE LICENSED BY THE SECRETARY OF STATE POLICE UNDER TITLE 19 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE FOR A PURPOSE ALLOWED UNDER THIS SUBSECTION;

(4) FOR USE IN CONNECTION WITH A CIVIL, AN ADMINISTRATIVE, AN ARBITRAL, OR A CRIMINAL PROCEEDING IN A FEDERAL, STATE, OR LOCAL COURT OR REGULATORY AGENCY FOR SERVICE OF PROCESS, INVESTIGATION IN ANTICIPATION OF LITIGATION, AND EXECUTION OR ENFORCEMENT OF JUDGMENTS OR ORDERS;

(5) FOR PURPOSES OF RESEARCH OR STATISTICAL REPORTING AS APPROVED BY THE MOTOR VEHICLE ADMINISTRATION PROVIDED THAT THE PERSONAL INFORMATION IS NOT PUBLISHED, REDISCLOSED, OR USED TO CONTACT THE INDIVIDUAL;

(6) FOR USE BY AN INSURER, AN INSURANCE SUPPORT ORGANIZATION, OR A SELF-INSURED ENTITY, OR ITS EMPLOYEES, AGENTS, OR CONTRACTORS, IN CONNECTION WITH RATING, UNDERWRITING, CLAIMS INVESTIGATING, AND ANTIFRAUD ACTIVITIES;

(7) FOR USE IN THE NORMAL COURSE OF BUSINESS ACTIVITY BY A LEGITIMATE BUSINESS ENTITY OR ITS AGENTS, EMPLOYEES, OR CONTRACTORS, BUT ONLY:

(I) TO VERIFY THE ACCURACY OF PERSONAL INFORMATION SUBMITTED BY THE INDIVIDUAL TO THAT ENTITY; AND

(II) IF THE INFORMATION SUBMITTED IS NOT ACCURATE, TO OBTAIN CORRECT INFORMATION ONLY FOR THE PURPOSE OF:

- 1. PREVENTING FRAUD BY THE INDIVIDUAL;**
- 2. PURSUING LEGAL REMEDIES AGAINST THE INDIVIDUAL; OR**
- 3. RECOVERING ON A DEBT OR SECURITY INTEREST AGAINST THE INDIVIDUAL;**

(8) FOR USE BY AN EMPLOYER OR INSURER TO OBTAIN OR VERIFY INFORMATION RELATING TO A HOLDER OF A COMMERCIAL DRIVER'S LICENSE THAT IS REQUIRED UNDER THE COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986 (49 U.S.C. § 31101 ET SEQ.);

(9) FOR USE IN CONNECTION WITH THE OPERATION OF A PRIVATE TOLL TRANSPORTATION FACILITY;

(10) FOR USE IN PROVIDING NOTICE TO THE OWNER OF A TOWED OR IMPOUNDED MOTOR VEHICLE;

(11) FOR USE BY AN APPLICANT WHO PROVIDES WRITTEN CONSENT FROM THE INDIVIDUAL TO WHOM THE INFORMATION PERTAINS IF THE CONSENT IS OBTAINED WITHIN THE 6-MONTH PERIOD BEFORE THE DATE OF THE REQUEST FOR PERSONAL INFORMATION;

(12) FOR USE IN ANY MATTER RELATING TO:

(I) THE OPERATION OF A CLASS B (FOR HIRE), CLASS C (FUNERAL AND AMBULANCE), OR CLASS Q (LIMOUSINE) VEHICLE; AND

(II) PUBLIC SAFETY OR THE TREATMENT BY THE OPERATOR OF A MEMBER OF THE PUBLIC;

(13) FOR A USE SPECIFICALLY AUTHORIZED BY STATE LAW, IF THE USE IS RELATED TO THE OPERATION OF A MOTOR VEHICLE OR PUBLIC SAFETY;

(14) FOR USE BY A HOSPITAL TO OBTAIN, FOR HOSPITAL SECURITY, INFORMATION RELATING TO OWNERSHIP OF VEHICLES PARKED ON HOSPITAL PROPERTY;

(15) FOR USE BY A PROCUREMENT ORGANIZATION REQUESTING INFORMATION UNDER § 4-516 OF THE ESTATES AND TRUSTS ARTICLE FOR THE PURPOSES OF ORGAN, TISSUE, AND EYE DONATION;

(16) FOR USE BY AN ELECTRIC COMPANY, AS DEFINED IN § 1-101 OF THE PUBLIC UTILITIES ARTICLE, BUT ONLY:

(I) INFORMATION DESCRIBING A PLUG-IN ELECTRIC DRIVE VEHICLE, AS DEFINED IN § 11-145.1 OF THE TRANSPORTATION ARTICLE, AND IDENTIFYING THE ADDRESS OF THE REGISTERED OWNER OF THE PLUG-IN VEHICLE;

(II) FOR USE IN PLANNING FOR THE AVAILABILITY AND RELIABILITY OF THE ELECTRIC POWER SUPPLY; AND

(III) IF THE INFORMATION IS NOT:

1. PUBLISHED OR REDISCLOSED, INCLUDING REDISCLOSED TO AN AFFILIATE AS DEFINED IN § 7-501 OF THE PUBLIC UTILITIES ARTICLE; OR

2. USED FOR MARKETING OR SOLICITATION; AND

(17) FOR USE BY AN ATTORNEY, A TITLE INSURANCE PRODUCER, OR ANY OTHER INDIVIDUAL AUTHORIZED TO CONDUCT A TITLE SEARCH OF A MANUFACTURED HOME UNDER TITLE 8B OF THE REAL PROPERTY ARTICLE.

(G) RESTRICTIONS ON USE OF INFORMATION.

(1) A PERSON RECEIVING PERSONAL INFORMATION UNDER SUBSECTION (E) OR (F) OF THIS SECTION MAY NOT USE OR REDISCLOSE THE PERSONAL INFORMATION FOR A PURPOSE OTHER THAN THE PURPOSE FOR WHICH THE CUSTODIAN DISCLOSED THE PERSONAL INFORMATION.

(2) A PERSON RECEIVING PERSONAL INFORMATION UNDER SUBSECTION (E) OR (F) OF THIS SECTION WHO REDISCLOSES THE PERSONAL INFORMATION SHALL:

(I) KEEP A RECORD FOR 5 YEARS OF THE PERSON TO WHOM THE INFORMATION IS REDISCLOSED AND THE PURPOSE FOR WHICH THE INFORMATION IS TO BE USED; AND

(II) MAKE THE RECORD AVAILABLE TO THE CUSTODIAN ON REQUEST.

(H) REGULATIONS REQUIRED.

(1) THE CUSTODIAN SHALL ADOPT REGULATIONS TO IMPLEMENT AND ENFORCE THIS SECTION.

(2) (I) THE CUSTODIAN SHALL ADOPT REGULATIONS AND PROCEDURES FOR SECURING FROM A PERSON IN INTEREST A WAIVER OF PRIVACY RIGHTS UNDER THIS SECTION WHEN AN APPLICANT REQUESTS PERSONAL INFORMATION ABOUT THE PERSON IN INTEREST THAT THE CUSTODIAN IS NOT AUTHORIZED TO DISCLOSE UNDER SUBSECTIONS (C) THROUGH (F) OF THIS SECTION.

(II) THE REGULATIONS AND PROCEDURES ADOPTED UNDER THIS PARAGRAPH SHALL:

1. STATE THE CIRCUMSTANCES UNDER WHICH THE CUSTODIAN MAY REQUEST A WAIVER; AND

2. CONFORM WITH THE WAIVER REQUIREMENTS IN THE FEDERAL DRIVER'S PRIVACY PROTECTION ACT OF 1994 AND OTHER FEDERAL LAW.

(I) METHODS FOR MONITORING COMPLIANCE.

THE CUSTODIAN MAY DEVELOP AND IMPLEMENT METHODS FOR MONITORING COMPLIANCE WITH THIS SECTION AND ENSURING THAT PERSONAL INFORMATION IS USED ONLY FOR THE PURPOSES FOR WHICH IT IS DISCLOSED.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG §§ 10-611(i) and 10-616(p).

Defined terms: "Applicant" § 4-101
"Custodian" § 4-101

“Including” § 1-110
“Person” § 1-114
“Person in interest” § 4-101
“Personal information” § 4-101
“Public record” § 4-101
“State” § 1-115

4-321. RECORDED IMAGES FROM TRAFFIC CONTROL SIGNAL MONITORING SYSTEM.

(A) “RECORDED IMAGES” DEFINED.

IN THIS SECTION, “RECORDED IMAGES” HAS THE MEANING STATED IN § 21-202.1, § 21-809, § 21-810, OR § 24-111.3 OF THE TRANSPORTATION ARTICLE.

(B) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF RECORDED IMAGES PRODUCED BY:

(1) A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM OPERATED UNDER § 21-202.1 OF THE TRANSPORTATION ARTICLE;

(2) A SPEED MONITORING SYSTEM OPERATED UNDER § 21-809 OF THE TRANSPORTATION ARTICLE;

(3) A WORK ZONE SPEED CONTROL SYSTEM OPERATED UNDER § 21-810 OF THE TRANSPORTATION ARTICLE; OR

(4) A VEHICLE HEIGHT MONITORING SYSTEM OPERATED UNDER § 24-111.3 OF THE TRANSPORTATION ARTICLE.

(C) REQUIRED INSPECTIONS.

A CUSTODIAN SHALL ALLOW INSPECTION OF RECORDED IMAGES:

(1) AS REQUIRED IN § 21-202.1, § 21-809, § 21-810, OR § 24-111.3 OF THE TRANSPORTATION ARTICLE;

(2) BY ANY PERSON ISSUED A CITATION UNDER § 21-202.1, § 21-809, § 21-810, OR § 24-111.3 OF THE TRANSPORTATION ARTICLE, OR BY AN ATTORNEY OF RECORD FOR THE PERSON; OR

(3) BY AN EMPLOYEE OR AGENT OF AN AGENCY IN AN INVESTIGATION OR A PROCEEDING RELATING TO THE IMPOSITION OF OR INDEMNIFICATION FROM CIVIL LIABILITY UNDER § 21–202.1, § 21–809, § 21–810, OR § 24–111.3 OF THE TRANSPORTATION ARTICLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former SG § 10–616(o).

Defined terms: “Custodian” § 4–101

“Person” § 1–114

4–322. SURVEILLANCE IMAGES.

(A) “SURVEILLANCE IMAGE” DEFINED.

IN THIS SECTION, “SURVEILLANCE IMAGE” HAS THE MEANING STATED IN § 10–112 OF THE CRIMINAL LAW ARTICLE.

(B) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A CUSTODIAN OF A SURVEILLANCE IMAGE SHALL DENY INSPECTION OF THE SURVEILLANCE IMAGE.

(C) REQUIRED INSPECTIONS.

A CUSTODIAN SHALL ALLOW INSPECTION OF A SURVEILLANCE IMAGE:

(1) AS REQUIRED IN § 10–112 OF THE CRIMINAL LAW ARTICLE;

**(2) BY ANY PERSON ISSUED A CITATION UNDER § 10–112 OF THE CRIMINAL LAW ARTICLE, OR BY AN ATTORNEY OF RECORD FOR THE PERSON;
OR**

(3) BY AN EMPLOYEE OR AGENT OF THE BALTIMORE CITY DEPARTMENT OF PUBLIC WORKS IN AN INVESTIGATION OR A PROCEEDING RELATING TO THE IMPOSITION OF OR INDEMNIFICATION FROM CIVIL LIABILITY UNDER § 10–112 OF THE CRIMINAL LAW ARTICLE.

REVISOR’S NOTE: This section formerly was SG § 10–616(u).

The only changes are in style.

Defined terms: “Custodian” § 4–101

“Person” § 1-114

4-323. RISK BASED CAPITAL RECORDS.

SUBJECT TO § 4-310 OF THE INSURANCE ARTICLE, A CUSTODIAN SHALL DENY INSPECTION OF ALL RISK BASED CAPITAL REPORTS AND RISK BASED CAPITAL PLANS AND ANY OTHER RECORDS THAT RELATE TO THOSE REPORTS OR PLANS.

REVISOR'S NOTE: This section formerly was SG § 10-616(l).

The references to “risk based capital” are substituted for the former acronym “RBC” for clarity.

The only other changes are in style.

Defined term: “Custodian” § 4-101

4-324. RENEWABLE ENERGY CREDIT RECORDS.

A CUSTODIAN SHALL DENY INSPECTION OF AN APPLICATION FOR RENEWABLE ENERGY CREDIT CERTIFICATION OR A CLAIM FOR RENEWABLE ENERGY CREDITS UNDER TITLE 10, SUBTITLE 15 OF THE AGRICULTURE ARTICLE.

REVISOR'S NOTE: This section formerly was SG § 10-616(t).

No changes are made.

Defined term: “Custodian” § 4-101

4-325. FIREARM AND HANDGUN RECORDS.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF ALL RECORDS OF A PERSON AUTHORIZED TO:

(1) SELL, PURCHASE, RENT, OR TRANSFER A REGULATED FIREARM UNDER TITLE 5, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE; OR

(2) CARRY, WEAR, OR TRANSPORT A HANDGUN UNDER TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE.

(B) REQUIRED INSPECTIONS.

A CUSTODIAN SHALL ALLOW INSPECTION OF FIREARM OR HANDGUN RECORDS BY:

- (1) THE INDIVIDUAL NAMED IN THE RECORD; OR**
- (2) THE ATTORNEY OF RECORD OF THE INDIVIDUAL NAMED IN THE RECORD.**

(C) CONSTRUCTION OF SECTION.

THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE DEPARTMENT OF STATE POLICE OR THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES FROM ACCESSING FIREARM OR HANDGUN RECORDS IN THE PERFORMANCE OF THAT DEPARTMENT'S OFFICIAL DUTY.

REVISOR'S NOTE: This section formerly was SG § 10–616(v).

The only changes are in style.

Defined terms: "Custodian" § 4–101
"Person" § 1–114

4–326. RESERVED.

4–327. RESERVED.

PART III. REQUIRED DENIALS FOR SPECIFIC INFORMATION.

4–328. IN GENERAL.

UNLESS OTHERWISE PROVIDED BY LAW, A CUSTODIAN SHALL DENY INSPECTION OF A PART OF A PUBLIC RECORD, AS PROVIDED IN THIS PART.

REVISOR'S NOTE: This section formerly was SG § 10–617(a).

The only changes are in style.

Defined terms: "Custodian" § 4–101
"Public record" § 4–101

4–329. MEDICAL OR PSYCHOLOGICAL INFORMATION.

(A) SCOPE OF SECTION.

EXCEPT FOR SUBSECTION (B)(3) OF THIS SECTION, THIS SECTION DOES NOT APPLY TO:

(1) A NURSING HOME AS DEFINED IN § 19-1401 OF THE HEALTH – GENERAL ARTICLE; OR

(2) AN ASSISTED LIVING PROGRAM AS DEFINED IN § 19-1801 OF THE HEALTH – GENERAL ARTICLE.

(B) IN GENERAL.

SUBJECT TO SUBSECTION (C) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF THE PART OF A PUBLIC RECORD THAT CONTAINS:

(1) MEDICAL OR PSYCHOLOGICAL INFORMATION ABOUT AN INDIVIDUAL, OTHER THAN AN AUTOPSY REPORT OF A MEDICAL EXAMINER;

(2) PERSONAL INFORMATION ABOUT AN INDIVIDUAL WITH, OR PERCEIVED TO HAVE, A DISABILITY AS DEFINED IN § 20-701 OF THE STATE GOVERNMENT ARTICLE; OR

(3) ANY REPORT ON HUMAN IMMUNODEFICIENCY VIRUS OR ACQUIRED IMMUNODEFICIENCY SYNDROME SUBMITTED IN ACCORDANCE WITH TITLE 18 OF THE HEALTH – GENERAL ARTICLE.

(C) REQUIRED INSPECTIONS.

A CUSTODIAN SHALL ALLOW THE PERSON IN INTEREST TO INSPECT THE PUBLIC RECORD TO THE EXTENT ALLOWED UNDER § 4-304(A) OF THE HEALTH – GENERAL ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 10-617(b).

Defined terms: "Custodian" § 4-101

"Person in interest" § 4-101

"Personal information" § 4-101

"Public record" § 4-101

4-330. SOCIOLOGICAL INFORMATION.

IF THE OFFICIAL CUSTODIAN HAS ADOPTED RULES OR REGULATIONS THAT DEFINE SOCIOLOGICAL INFORMATION FOR PURPOSES OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF THE PART OF A PUBLIC RECORD THAT CONTAINS SOCIOLOGICAL INFORMATION, IN ACCORDANCE WITH THE RULES OR REGULATIONS.

REVISOR'S NOTE: This section formerly was SG § 10–617(c).

The only changes are in style.

Defined terms: “Custodian” § 4–101

“Official custodian” § 4–101

“Public record” § 4–101

4–331. INFORMATION ABOUT PUBLIC EMPLOYEES.

SUBJECT TO § 21–504 OF THE STATE PERSONNEL AND PENSIONS ARTICLE, A CUSTODIAN SHALL DENY INSPECTION OF THE PART OF A PUBLIC RECORD THAT CONTAINS THE HOME ADDRESS OR TELEPHONE NUMBER OF AN EMPLOYEE OF A UNIT OR AN INSTRUMENTALITY OF THE STATE OR OF A POLITICAL SUBDIVISION UNLESS:

(1) THE EMPLOYEE GIVES PERMISSION FOR THE INSPECTION; OR

(2) THE UNIT OR INSTRUMENTALITY THAT EMPLOYS THE INDIVIDUAL DETERMINES THAT INSPECTION IS NEEDED TO PROTECT THE PUBLIC INTEREST.

REVISOR'S NOTE: This section formerly was SG § 10–617(e).

No changes are made.

Defined terms: “Custodian” § 4–101

“Political subdivision” § 4–101

“Public record” § 4–101

“State” § 1–115

4–332. INFORMATION ABOUT NOTARIES PUBLIC.

(A) IN GENERAL.

SUBJECT TO SUBSECTIONS (B) THROUGH (E) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF THE PART OF A PUBLIC RECORD THAT CONTAINS INFORMATION ABOUT THE APPLICATION AND COMMISSION OF A PERSON AS A NOTARY PUBLIC.

(B) REQUIRED INSPECTIONS.

A CUSTODIAN SHALL ALLOW INSPECTION OF THE PART OF A PUBLIC RECORD THAT GIVES:

- (1) THE NAME OF THE NOTARY PUBLIC;
- (2) THE HOME ADDRESS OF THE NOTARY PUBLIC;
- (3) THE HOME AND BUSINESS TELEPHONE NUMBERS OF THE NOTARY PUBLIC;
- (4) THE ISSUE AND EXPIRATION DATES OF THE NOTARY PUBLIC'S COMMISSION;
- (5) THE DATE THE PERSON TOOK THE OATH OF OFFICE AS A NOTARY PUBLIC; OR
- (6) THE SIGNATURE OF THE NOTARY PUBLIC.

(C) INSPECTION PERMISSIBLE FOR COMPELLING PUBLIC PURPOSE.

A CUSTODIAN MAY ALLOW INSPECTION OF OTHER INFORMATION ABOUT A NOTARY PUBLIC IF THE CUSTODIAN FINDS A COMPELLING PUBLIC PURPOSE.

(D) PERMISSIBLE DENIALS.

A CUSTODIAN MAY DENY INSPECTION OF A RECORD BY A NOTARY PUBLIC OR ANY OTHER PERSON IN INTEREST ONLY TO THE EXTENT THAT THE INSPECTION COULD:

- (1) INTERFERE WITH A VALID AND PROPER LAW ENFORCEMENT PROCEEDING;
- (2) DEPRIVE ANOTHER PERSON OF A RIGHT TO A FAIR TRIAL OR AN IMPARTIAL ADJUDICATION;
- (3) CONSTITUTE AN UNWARRANTED INVASION OF PERSONAL PRIVACY;
- (4) DISCLOSE THE IDENTITY OF A CONFIDENTIAL SOURCE;

- (5) DISCLOSE AN INVESTIGATIVE TECHNIQUE OR PROCEDURE;
- (6) PREJUDICE AN INVESTIGATION; OR
- (7) ENDANGER THE LIFE OR PHYSICAL SAFETY OF AN INDIVIDUAL.

(E) REQUIRED OMISSION FROM LIST ON REQUEST.

A CUSTODIAN WHO SELLS LISTS OF NOTARIES PUBLIC SHALL OMIT FROM THE LISTS THE NAME OF ANY NOTARY PUBLIC, ON WRITTEN REQUEST OF THE NOTARY PUBLIC.

REVISOR'S NOTE: This section formerly was SG § 10–617(j).

The only changes are in style.

Defined terms: “Custodian” § 4–101

“Person” § 1–114

“Person in interest” § 4–101

“Public record” § 4–101

4–333. LICENSING RECORDS.

(A) IN GENERAL.

SUBJECT TO SUBSECTIONS (B) THROUGH (D) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF THE PART OF A PUBLIC RECORD THAT CONTAINS INFORMATION ABOUT THE LICENSING OF AN INDIVIDUAL IN AN OCCUPATION OR A PROFESSION.

(B) REQUIRED INSPECTION.

A CUSTODIAN SHALL ALLOW INSPECTION OF THE PART OF A PUBLIC RECORD THAT GIVES:

- (1) THE NAME OF THE LICENSEE;
- (2) THE BUSINESS ADDRESS OF THE LICENSEE OR, IF THE BUSINESS ADDRESS IS NOT AVAILABLE, THE HOME ADDRESS OF THE LICENSEE AFTER THE CUSTODIAN REDACTS ANY INFORMATION THAT IDENTIFIES THE LOCATION AS THE HOME ADDRESS OF AN INDIVIDUAL WITH A DISABILITY AS DEFINED IN § 20–701 OF THE STATE GOVERNMENT ARTICLE;

- (3) THE BUSINESS TELEPHONE NUMBER OF THE LICENSEE;
- (4) THE EDUCATIONAL AND OCCUPATIONAL BACKGROUND OF THE LICENSEE;
- (5) THE PROFESSIONAL QUALIFICATIONS OF THE LICENSEE;
- (6) ANY ORDERS AND FINDINGS THAT RESULT FROM FORMAL DISCIPLINARY ACTIONS; AND
- (7) ANY EVIDENCE THAT HAS BEEN PROVIDED TO THE CUSTODIAN TO MEET THE REQUIREMENTS OF A STATUTE AS TO FINANCIAL RESPONSIBILITY.

(C) PERMISSIBLE INSPECTION.

A CUSTODIAN MAY ALLOW INSPECTION OF OTHER INFORMATION ABOUT A LICENSEE IF:

- (1) THE CUSTODIAN FINDS A COMPELLING PUBLIC PURPOSE; AND
- (2) THE RULES OR REGULATIONS OF THE OFFICIAL CUSTODIAN ALLOW THE INSPECTION.

(D) REQUIRED INSPECTION BY PERSON IN INTEREST.

EXCEPT AS OTHERWISE PROVIDED BY THIS SECTION OR OTHER LAW, A CUSTODIAN SHALL ALLOW INSPECTION BY THE PERSON IN INTEREST.

(E) REQUIRED OMISSION FROM LIST ON REQUEST.

A CUSTODIAN WHO SELLS LISTS OF LICENSEES SHALL OMIT FROM THE LISTS THE NAME OF ANY LICENSEE, ON WRITTEN REQUEST OF THE LICENSEE.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 10-617(h) and (b)(1).

In subsection (b)(2) of this section, the reference to redacting "any information" is substituted for the former reference to redacting "all information, if any" for brevity.

Defined terms: "Custodian" § 4-101

"Person in interest" § 4-101

"Public record" § 4-101

4-334. SOCIAL SECURITY NUMBER.**(A) IN GENERAL.**

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF THE PART OF AN APPLICATION FOR A MARRIAGE LICENSE UNDER § 2-402 OF THE FAMILY LAW ARTICLE OR A RECREATIONAL LICENSE UNDER TITLE 4 OF THE NATURAL RESOURCES ARTICLE THAT CONTAINS A SOCIAL SECURITY NUMBER.

(B) INSPECTION REQUIRED.

A CUSTODIAN SHALL ALLOW INSPECTION OF THE PART OF AN APPLICATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION THAT CONTAINS A SOCIAL SECURITY NUMBER BY:

(1) A PERSON IN INTEREST; OR

(2) ON REQUEST, THE STATE CHILD SUPPORT ENFORCEMENT ADMINISTRATION.

REVISOR'S NOTE: This section formerly was SG § 10-617(k).

The only changes are in style.

Defined terms: "Custodian" § 4-101

"Person in interest" § 4-101

4-335. TRADE SECRETS; CONFIDENTIAL INFORMATION.

A CUSTODIAN SHALL DENY INSPECTION OF THE PART OF A PUBLIC RECORD THAT CONTAINS ANY OF THE FOLLOWING INFORMATION PROVIDED BY OR OBTAINED FROM ANY PERSON OR GOVERNMENTAL UNIT:

(1) A TRADE SECRET;

(2) CONFIDENTIAL COMMERCIAL INFORMATION;

(3) CONFIDENTIAL FINANCIAL INFORMATION; OR

(4) CONFIDENTIAL GEOLOGICAL OR GEOPHYSICAL INFORMATION.

REVISOR'S NOTE: This section formerly was SG § 10-617(d).

No changes are made.

Defined terms: "Custodian" § 4-101

"Person" § 1-114

"Public record" § 4-101

4-336. FINANCIAL INFORMATION.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO THE SALARY OF A PUBLIC EMPLOYEE.

(B) IN GENERAL.

SUBJECT TO SUBSECTION (C) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF THE PART OF A PUBLIC RECORD THAT CONTAINS INFORMATION ABOUT THE FINANCES OF AN INDIVIDUAL, INCLUDING ASSETS, INCOME, LIABILITIES, NET WORTH, BANK BALANCES, FINANCIAL HISTORY OR ACTIVITIES, OR CREDITWORTHINESS.

(C) REQUIRED INSPECTION FOR PERSON IN INTEREST.

A CUSTODIAN SHALL ALLOW INSPECTION BY THE PERSON IN INTEREST.

REVISOR'S NOTE: This section formerly was SG § 10-617(f).

The only changes are in style.

Defined terms: "Custodian" § 4-101

"Including" § 1-110

"Person in interest" § 4-101

"Public record" § 4-101

4-337. COLLUSIVE OR ANTICOMPETITIVE ACTIVITY.

A CUSTODIAN SHALL DENY INSPECTION OF THE PART OF A PUBLIC RECORD THAT CONTAINS INFORMATION:

(1) GENERATED BY THE BID ANALYSIS MANAGEMENT SYSTEM;

(2) CONCERNING AN INVESTIGATION OF A TRANSPORTATION CONTRACTOR'S SUSPECTED COLLUSIVE OR ANTICOMPETITIVE ACTIVITY; AND

(3) SUBMITTED TO THE MARYLAND DEPARTMENT OF TRANSPORTATION BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION OR BY ANOTHER STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 10–617(i).

In item (3) of this section, the reference to the “Maryland Department of Transportation” is substituted for the former reference to the “Department” to reflect the intent of Chapter 38, Acts of 1994, which enacted former SG § 10–617(i). The fiscal note and other documents in the bill file for Chapter 38 indicate that it was intended to apply to documents submitted to the Maryland Department of Transportation.

Defined terms: “Custodian” § 4–101

“Public record” § 4–101

“State” § 1–115

4–338. SECURITY OF INFORMATION SYSTEMS.

A CUSTODIAN SHALL DENY INSPECTION OF THE PART OF A PUBLIC RECORD THAT CONTAINS INFORMATION ABOUT THE SECURITY OF AN INFORMATION SYSTEM.

REVISOR'S NOTE: This section formerly was SG § 10–617(g).

No changes are made.

Defined terms: “Custodian” § 4–101

“Public record” § 4–101

4–339. ALARM OR SECURITY SYSTEM.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF THE PART OF A PUBLIC RECORD THAT IDENTIFIES OR CONTAINS PERSONAL INFORMATION ABOUT A PERSON, INCLUDING A COMMERCIAL ENTITY, THAT MAINTAINS AN ALARM OR SECURITY SYSTEM.

(B) REQUIRED INSPECTION.

A CUSTODIAN SHALL ALLOW INSPECTION BY:

(1) THE PERSON IN INTEREST;

(2) AN ALARM OR SECURITY SYSTEM COMPANY IF THE COMPANY CAN DOCUMENT THAT IT CURRENTLY PROVIDES ALARM OR SECURITY SERVICES TO THE PERSON IN INTEREST;

(3) LAW ENFORCEMENT PERSONNEL; AND

(4) EMERGENCY SERVICES PERSONNEL, INCLUDING:

(I) A CAREER FIREFIGHTER;

(II) AN EMERGENCY MEDICAL SERVICES PROVIDER, AS DEFINED IN § 13-516 OF THE EDUCATION ARTICLE;

(III) A RESCUE SQUAD EMPLOYEE; AND

(IV) A VOLUNTEER FIREFIGHTER, A RESCUE SQUAD MEMBER, OR AN ADVANCED LIFE SUPPORT UNIT MEMBER.

REVISOR'S NOTE: This section formerly was SG § 10-617(l).

The only changes are in style.

Defined terms: "Custodian" § 4-101

"Including" § 1-110

"Person" § 1-114

"Person in interest" § 4-101

"Personal information" § 4-101

"Public record" § 4-101

4-340. SENIOR CITIZEN ACTIVITIES CENTERS.

(A) "SENIOR CITIZEN ACTIVITIES CENTER" DEFINED.

"SENIOR CITIZEN ACTIVITIES CENTER" HAS THE MEANING STATED IN § 10-513 OF THE HUMAN SERVICES ARTICLE.

(B) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF THE PART OF A PUBLIC RECORD THAT CONTAINS THE NAME, ADDRESS, TELEPHONE NUMBER, OR ELECTRONIC MAIL ADDRESS OF ANY INDIVIDUAL ENROLLED IN OR ANY MEMBER OF A SENIOR CITIZEN ACTIVITIES CENTER.

(C) REQUIRED INSPECTION.

A CUSTODIAN SHALL ALLOW INSPECTION BY:

- (1) A PERSON IN INTEREST;**
- (2) LAW ENFORCEMENT PERSONNEL; OR**
- (3) EMERGENCY SERVICES PERSONNEL, INCLUDING:**
 - (I) A CAREER FIREFIGHTER;**
 - (II) AN EMERGENCY MEDICAL SERVICES PROVIDER, AS DEFINED IN § 13–516 OF THE EDUCATION ARTICLE;**
 - (III) A RESCUE SQUAD EMPLOYEE; AND**
 - (IV) A VOLUNTEER FIREFIGHTER, A RESCUE SQUAD MEMBER, OR AN ADVANCED LIFE SUPPORT UNIT MEMBER.**

REVISOR'S NOTE: This section formerly was SG § 10–617(m).

The only changes are in style.

Defined terms: “Custodian” § 4–101

“Including” § 1–110

“Person in interest” § 4–101

“Public record” § 4–101

4–341. RESERVED.

4–342. RESERVED.

PART IV. DENIAL OF PART OF PUBLIC RECORD.

4–343. IN GENERAL.

UNLESS OTHERWISE PROVIDED BY LAW, IF A CUSTODIAN BELIEVES THAT INSPECTION OF A PART OF A PUBLIC RECORD BY THE APPLICANT WOULD BE CONTRARY TO THE PUBLIC INTEREST, THE CUSTODIAN MAY DENY INSPECTION BY THE APPLICANT OF THAT PART OF THE RECORD, AS PROVIDED IN THIS PART.

REVISOR'S NOTE: This section formerly was SG § 10–618(a).

The reference to that part “of the record” is added for clarity.

The only other changes are in style.

Defined terms: “Applicant” § 4–101

“Custodian” § 4–101

“Public record” § 4–101

4–344. INTERAGENCY OR INTRA–AGENCY LETTERS OR MEMORANDA.

A CUSTODIAN MAY DENY INSPECTION OF ANY PART OF AN INTERAGENCY OR INTRA–AGENCY LETTER OR MEMORANDUM THAT WOULD NOT BE AVAILABLE BY LAW TO A PRIVATE PARTY IN LITIGATION WITH THE UNIT.

REVISOR’S NOTE: This section formerly was SG § 10–618(b).

No changes are made.

Defined term: “Custodian” § 4–101

4–345. EXAMINATION INFORMATION.

(A) IN GENERAL.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, A CUSTODIAN MAY DENY INSPECTION OF TEST QUESTIONS, SCORING KEYS, AND OTHER EXAMINATION INFORMATION THAT RELATES TO THE ADMINISTRATION OF LICENSES, EMPLOYMENT, OR ACADEMIC MATTERS.

(B) INSPECTION REQUIRED BY PERSON IN INTEREST.

AFTER A WRITTEN PROMOTIONAL EXAMINATION HAS BEEN GIVEN AND GRADED, A CUSTODIAN SHALL ALLOW A PERSON IN INTEREST TO INSPECT THE EXAMINATION AND THE RESULTS OF THE EXAMINATION, BUT MAY NOT ALLOW THE PERSON IN INTEREST TO COPY OR OTHERWISE TO REPRODUCE THE EXAMINATION.

REVISOR’S NOTE: This section formerly was SG § 10–618(c).

The only changes are in style.

Defined terms: “Custodian” § 4–101

“Person in interest” § 4–101

4–346. STATE OR LOCAL RESEARCH PROJECT.**(A) IN GENERAL.**

SUBJECT TO SUBSECTION (B) OF THIS SECTION, A CUSTODIAN MAY DENY INSPECTION OF A PUBLIC RECORD THAT CONTAINS THE SPECIFIC DETAILS OF A RESEARCH PROJECT THAT AN INSTITUTION OF THE STATE OR OF A POLITICAL SUBDIVISION IS CONDUCTING.

(B) DENIAL FOR PARTICULAR INFORMATION PROHIBITED.

A CUSTODIAN MAY NOT DENY INSPECTION OF THE PART OF A PUBLIC RECORD THAT GIVES ONLY THE NAME, TITLE, AND EXPENDITURES OF A RESEARCH PROJECT DESCRIBED IN SUBSECTION (A) OF THIS SECTION AND THE DATE WHEN THE FINAL PROJECT SUMMARY OF THE RESEARCH PROJECT WILL BE AVAILABLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 10–618(d).

In subsection (b) of this section, the reference to the name, title, and expenditures “of a research project described in subsection (a) of this section” is added for clarity. Similarly, in subsection (b) of this section, the reference to the final project summary “of the research project” is added.

Defined terms: “Custodian” § 4–101

“Political subdivision” § 4–101

“Public record” § 4–101

“State” § 1–115

4–347. INVENTIONS OWNED BY STATE PUBLIC INSTITUTION OF HIGHER EDUCATION.**(A) IN GENERAL.**

SUBJECT TO SUBSECTION (B) OF THIS SECTION, A CUSTODIAN MAY DENY INSPECTION OF THE PART OF A PUBLIC RECORD THAT CONTAINS INFORMATION DISCLOSING OR RELATING TO AN INVENTION OWNED IN WHOLE OR IN PART BY A STATE PUBLIC INSTITUTION OF HIGHER EDUCATION FOR 4 YEARS TO ALLOW THE INSTITUTION TO EVALUATE WHETHER TO PATENT OR MARKET THE INVENTION AND PURSUE ECONOMIC DEVELOPMENT AND LICENSING OPPORTUNITIES RELATED TO THE INVENTION.

(B) CIRCUMSTANCES UNDER WHICH DENIAL PROHIBITED.

A CUSTODIAN MAY NOT DENY INSPECTION OF A PART OF A PUBLIC RECORD DESCRIBED IN SUBSECTION (A) OF THIS SECTION IF:

(1) THE INFORMATION DISCLOSING OR RELATING TO AN INVENTION HAS BEEN PUBLISHED OR DISSEMINATED BY THE INVENTORS IN THE COURSE OF THEIR ACADEMIC ACTIVITIES OR DISCLOSED IN A PUBLISHED PATENT;

(2) THE INVENTION REFERRED TO IN THAT PART OF THE RECORD HAS BEEN LICENSED BY THE INSTITUTION FOR AT LEAST 4 YEARS; OR

(3) 4 YEARS HAVE ELAPSED FROM THE DATE OF THE WRITTEN DISCLOSURE OF THE INVENTION TO THE INSTITUTION.

REVISOR'S NOTE: This section formerly was SG § 10-618(h).

The only changes are in style.

Defined terms: "Custodian" § 4-101

"Public record" § 4-101

"State" § 1-115

4-348. CONFIDENTIAL INFORMATION OWNED BY SPECIFIC STATE ENTITIES.

A CUSTODIAN MAY DENY INSPECTION OF THE PART OF A PUBLIC RECORD THAT CONTAINS INFORMATION DISCLOSING OR RELATING TO A TRADE SECRET, CONFIDENTIAL COMMERCIAL INFORMATION, OR CONFIDENTIAL FINANCIAL INFORMATION OWNED IN WHOLE OR IN PART BY:

(1) THE MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION; OR

(2) A PUBLIC INSTITUTION OF HIGHER EDUCATION, IF THE INFORMATION IS PART OF THE INSTITUTION'S ACTIVITIES UNDER § 15-107 OF THE EDUCATION ARTICLE.

REVISOR'S NOTE: This section formerly was SG § 10-618(i).

No changes are made.

Defined terms: "Custodian" § 4-101

"Public record" § 4-101

4-349. REAL ESTATE APPRAISALS.**(A) IN GENERAL.**

SUBJECT TO SUBSECTION (B) OF THIS SECTION AND OTHER LAW, UNTIL THE STATE OR A POLITICAL SUBDIVISION ACQUIRES TITLE TO PROPERTY, A CUSTODIAN MAY DENY INSPECTION OF A PUBLIC RECORD THAT CONTAINS A REAL ESTATE APPRAISAL OF THE PROPERTY.

(B) OWNER OF PROPERTY.

A CUSTODIAN MAY NOT DENY INSPECTION BY THE OWNER OF THE PROPERTY.

REVISOR'S NOTE: This section formerly was SG § 10-618(e).

The only changes are in style.

Defined terms: "Custodian" § 4-101

"Political subdivision" § 4-101

"Public record" § 4-101

"State" § 1-115

4-350. SITE-SPECIFIC LOCATIONS OF CERTAIN PLANTS, ANIMALS, OR PROPERTY.**(A) IN GENERAL.**

A CUSTODIAN MAY DENY INSPECTION OF A PUBLIC RECORD THAT CONTAINS INFORMATION CONCERNING THE SITE-SPECIFIC LOCATION OF AN ENDANGERED OR THREATENED SPECIES OF PLANT OR ANIMAL, A SPECIES OF PLANT OR ANIMAL IN NEED OF CONSERVATION, A CAVE, OR A HISTORIC PROPERTY AS DEFINED IN § 5A-301 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(B) CIRCUMSTANCES UNDER WHICH DENIAL PROHIBITED.

A CUSTODIAN MAY NOT DENY INSPECTION OF A PUBLIC RECORD DESCRIBED IN SUBSECTION (A) OF THIS SECTION IF REQUESTED BY:

(1) THE OWNER OF THE LAND ON WHICH THE RESOURCE IS LOCATED; OR

(2) ANY ENTITY THAT IS AUTHORIZED TO TAKE THE LAND THROUGH THE RIGHT OF EMINENT DOMAIN.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 10-618(g).

Defined terms: "Custodian" § 4-101

"Public record" § 4-101

4-351. INVESTIGATION; INTELLIGENCE INFORMATION; SECURITY PROCEDURES.

(A) IN GENERAL.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, A CUSTODIAN MAY DENY INSPECTION OF:

(1) RECORDS OF INVESTIGATIONS CONDUCTED BY THE ATTORNEY GENERAL, A STATE'S ATTORNEY, A MUNICIPAL OR COUNTY ATTORNEY, A POLICE DEPARTMENT, OR A SHERIFF;

(2) AN INVESTIGATORY FILE COMPILED FOR ANY OTHER LAW ENFORCEMENT, JUDICIAL, CORRECTIONAL, OR PROSECUTION PURPOSE; OR

(3) RECORDS THAT CONTAIN INTELLIGENCE INFORMATION OR SECURITY PROCEDURES OF THE ATTORNEY GENERAL, A STATE'S ATTORNEY, A MUNICIPAL OR COUNTY ATTORNEY, A POLICE DEPARTMENT, A STATE OR LOCAL CORRECTIONAL FACILITY, OR A SHERIFF.

(B) CIRCUMSTANCES UNDER WHICH DENIAL PERMISSIBLE.

A CUSTODIAN MAY DENY INSPECTION BY A PERSON IN INTEREST ONLY TO THE EXTENT THAT THE INSPECTION WOULD:

(1) INTERFERE WITH A VALID AND PROPER LAW ENFORCEMENT PROCEEDING;

(2) DEPRIVE ANOTHER PERSON OF A RIGHT TO A FAIR TRIAL OR AN IMPARTIAL ADJUDICATION;

(3) CONSTITUTE AN UNWARRANTED INVASION OF PERSONAL PRIVACY;

(4) DISCLOSE THE IDENTITY OF A CONFIDENTIAL SOURCE;

- (5) DISCLOSE AN INVESTIGATIVE TECHNIQUE OR PROCEDURE;
- (6) PREJUDICE AN INVESTIGATION; OR
- (7) ENDANGER THE LIFE OR PHYSICAL SAFETY OF AN INDIVIDUAL.

REVISOR'S NOTE: This section formerly was SG § 10–618(f).

The only changes are in style.

Defined terms: “County” § 1–107

“Custodian” § 4–101

“Person” § 1–114

“Person in interest” § 4–101

“State” § 1–115

4–352. INFORMATION RELATED TO EMERGENCY MANAGEMENT.

(A) IN GENERAL.

SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, A CUSTODIAN MAY DENY INSPECTION OF:

(1) RESPONSE PROCEDURES OR PLANS PREPARED TO PREVENT OR RESPOND TO EMERGENCY SITUATIONS, THE DISCLOSURE OF WHICH WOULD REVEAL VULNERABILITY ASSESSMENTS, SPECIFIC TACTICS, SPECIFIC EMERGENCY PROCEDURES, OR SPECIFIC SECURITY PROCEDURES;

(2) (I) BUILDING PLANS, BLUEPRINTS, SCHEMATIC DRAWINGS, DIAGRAMS, OPERATIONAL MANUALS, OR ANY OTHER RECORDS OF PORTS AND AIRPORTS AND ANY OTHER MASS TRANSIT FACILITIES, BRIDGES, TUNNELS, EMERGENCY RESPONSE FACILITIES OR STRUCTURES, BUILDINGS WHERE HAZARDOUS MATERIALS ARE STORED, ARENAS, STADIUMS, WASTE AND WATER SYSTEMS, AND ANY OTHER BUILDING, STRUCTURE, OR FACILITY, THE DISCLOSURE OF WHICH WOULD REVEAL THE BUILDING'S, STRUCTURE'S, OR FACILITY'S INTERNAL LAYOUT, SPECIFIC LOCATION, LIFE, SAFETY, AND SUPPORT SYSTEMS, STRUCTURAL ELEMENTS, SURVEILLANCE TECHNIQUES, ALARM OR SECURITY SYSTEMS OR TECHNOLOGIES, OPERATIONAL AND TRANSPORTATION PLANS OR PROTOCOLS, OR PERSONNEL DEPLOYMENTS; OR

(II) RECORDS OF ANY OTHER BUILDING, STRUCTURE, OR FACILITY, THE DISCLOSURE OF WHICH WOULD REVEAL THE BUILDING'S,

STRUCTURE'S, OR FACILITY'S LIFE, SAFETY, AND SUPPORT SYSTEMS, SURVEILLANCE TECHNIQUES, ALARM OR SECURITY SYSTEMS OR TECHNOLOGIES, OPERATIONAL AND EVACUATION PLANS OR PROTOCOLS, OR PERSONNEL DEPLOYMENTS; OR

(3) RECORDS THAT:

(I) ARE PREPARED TO PREVENT OR RESPOND TO EMERGENCY SITUATIONS; AND

(II) IDENTIFY OR DESCRIBE THE NAME, LOCATION, PHARMACEUTICAL CACHE, CONTENTS, CAPACITY, EQUIPMENT, PHYSICAL FEATURES, OR CAPABILITIES OF INDIVIDUAL MEDICAL FACILITIES, STORAGE FACILITIES, OR LABORATORIES.

(B) CIRCUMSTANCES UNDER WHICH DENIAL PERMISSIBLE.

THE CUSTODIAN MAY DENY INSPECTION OF A PART OF A PUBLIC RECORD UNDER SUBSECTION (A) OF THIS SECTION ONLY TO THE EXTENT THAT THE INSPECTION WOULD:

(1) JEOPARDIZE THE SECURITY OF ANY BUILDING, STRUCTURE, OR FACILITY;

(2) FACILITATE THE PLANNING OF A TERRORIST ATTACK; OR

(3) ENDANGER THE LIFE OR PHYSICAL SAFETY OF AN INDIVIDUAL.

(C) CIRCUMSTANCES UNDER WHICH DENIAL PROHIBITED.

(1) THIS SUBSECTION DOES NOT APPLY TO THE RECORDS OF ANY BUILDING, STRUCTURE, OR FACILITY OWNED OR OPERATED BY THE STATE OR ANY POLITICAL SUBDIVISION.

(2) A CUSTODIAN MAY NOT DENY INSPECTION OF A PUBLIC RECORD UNDER SUBSECTION (A) OR (B) OF THIS SECTION THAT RELATES TO A BUILDING, STRUCTURE, OR FACILITY THAT HAS BEEN SUBJECTED TO A CATASTROPHIC EVENT, INCLUDING A FIRE, AN EXPLOSION, OR A NATURAL DISASTER.

(3) SUBJECT TO SUBSECTIONS (A) AND (B) OF THIS SECTION, A CUSTODIAN MAY NOT DENY INSPECTION OF A PUBLIC RECORD THAT RELATES

TO AN INSPECTION OF OR ISSUANCE OF A CITATION CONCERNING A BUILDING, STRUCTURE, OR FACILITY BY AN AGENCY OF THE STATE OR ANY POLITICAL SUBDIVISION.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 10–618(j).

In subsection (c)(2) and (3) of this section, the former phrases “[s]ubject to subparagraph (ii) of this paragraph” and “[s]ubject to ... subparagraph (ii) of this paragraph”, respectively, are deleted as unnecessary in light of subsection (c)(1) of this section.

Defined terms: “Custodian” § 4–101

“Including” § 1–110

“Political subdivision” § 4–101

“Public record” § 4–101

“State” § 1–115

4–353. MARYLAND PORT ADMINISTRATION INFORMATION.

(A) IN GENERAL.

A CUSTODIAN MAY DENY INSPECTION OF ANY PART OF A PUBLIC RECORD THAT CONTAINS:

(1) STEVEDORING OR TERMINAL SERVICES OR FACILITY USE RATES OR PROPOSED RATES GENERATED, RECEIVED, OR NEGOTIATED BY THE MARYLAND PORT ADMINISTRATION OR ANY PRIVATE OPERATING COMPANY CREATED BY THE MARYLAND PORT ADMINISTRATION;

(2) A PROPOSAL GENERATED, RECEIVED, OR NEGOTIATED BY THE MARYLAND PORT ADMINISTRATION OR ANY PRIVATE OPERATING COMPANY CREATED BY THE MARYLAND PORT ADMINISTRATION FOR USE OF STEVEDORING OR TERMINAL SERVICES OR FACILITIES TO INCREASE WATERBORNE COMMERCE THROUGH THE PORTS OF THE STATE; OR

(3) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, RESEARCH OR ANALYSIS RELATED TO MARITIME BUSINESSES OR VESSELS COMPILED FOR THE MARYLAND PORT ADMINISTRATION OR ANY PRIVATE OPERATING COMPANY CREATED BY THE MARYLAND PORT ADMINISTRATION TO EVALUATE ITS COMPETITIVE POSITION WITH RESPECT TO OTHER PORTS.

(B) CIRCUMSTANCES UNDER WHICH DENIAL PROHIBITED.

(1) A CUSTODIAN MAY NOT DENY INSPECTION OF ANY PART OF A PUBLIC RECORD UNDER SUBSECTION (A)(3) OF THIS SECTION BY THE EXCLUSIVE REPRESENTATIVE IDENTIFIED IN SECTION 1 OF THE MEMORANDUM OF UNDERSTANDING, OR ANY IDENTICAL SECTION OF A SUCCESSOR MEMORANDUM, BETWEEN THE STATE AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES DATED JUNE 28, 2000, OR THE MEMORANDUM OF UNDERSTANDING, OR ANY IDENTICAL SECTION OF A SUCCESSOR MEMORANDUM, BETWEEN THE STATE AND THE MARYLAND PROFESSIONAL EMPLOYEES COUNCIL DATED AUGUST 18, 2000, IF THE PART OF THE PUBLIC RECORD:

(I) IS RELATED TO STATE EMPLOYEES; AND

(II) WOULD OTHERWISE BE AVAILABLE TO THE EXCLUSIVE REPRESENTATIVE UNDER ARTICLE 4, SECTION 12 OF THE APPLICABLE MEMORANDUM OF UNDERSTANDING, OR ANY IDENTICAL SECTION OF A SUCCESSOR MEMORANDUM OF UNDERSTANDING.

(2) BEFORE THE INSPECTION OF ANY PART OF A PUBLIC RECORD UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE EXCLUSIVE REPRESENTATIVE SHALL ENTER INTO A NONDISCLOSURE AGREEMENT WITH THE MARYLAND PORT ADMINISTRATION TO ENSURE THE CONFIDENTIALITY OF THE INFORMATION PROVIDED.

REVISOR'S NOTE: This section formerly was SG § 10-618(k).

In subsection (b)(1)(ii) of this section, the reference to the "applicable" memorandum of understanding is added for clarity because there are two memoranda of understanding referenced in the introductory language of subsection (b)(1) of this section.

The only other changes are in style.

Defined terms: "Custodian" § 4-101

"Public record" § 4-101

"State" § 1-115

4-354. UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE RECORDS.

(A) IN GENERAL.

A CUSTODIAN MAY DENY INSPECTION OF ANY PART OF A PUBLIC RECORD THAT:

(1) RELATES TO THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE'S COMPETITIVE POSITION WITH RESPECT TO OTHER PROVIDERS OF EDUCATION SERVICES; AND

(2) CONTAINS:

(I) FEES, TUITION, CHARGES, AND ANY INFORMATION SUPPORTING FEES, TUITION, AND CHARGES, PROPOSED, GENERATED, RECEIVED, OR NEGOTIATED FOR RECEIPT BY THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE, EXCEPT FEES, TUITION, AND CHARGES PUBLISHED IN CATALOGUES AND ORDINARILY CHARGED TO STUDENTS;

(II) A PROPOSAL GENERATED, RECEIVED, OR NEGOTIATED BY THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE, OTHER THAN WITH ITS STUDENTS, FOR THE PROVISION OF EDUCATION SERVICES; OR

(III) ANY RESEARCH, ANALYSIS, OR PLANS COMPILED BY OR FOR THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE RELATING TO ITS OPERATIONS OR PROPOSED OPERATIONS.

(B) CIRCUMSTANCES UNDER WHICH DENIAL PROHIBITED.

A CUSTODIAN MAY NOT DENY INSPECTION OF ANY PART OF A PUBLIC RECORD UNDER SUBSECTION (A) OF THIS SECTION IF:

(1) THE RECORD RELATES TO A PROCUREMENT BY THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE;

(2) THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE IS REQUIRED TO DEVELOP OR MAINTAIN THE RECORD BY LAW OR AT THE DIRECTION OF THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF MARYLAND; OR

(3) (I) THE RECORD IS REQUESTED BY THE EXCLUSIVE REPRESENTATIVE OF ANY BARGAINING UNIT OF EMPLOYEES OF THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE;

(II) THE RECORD RELATES TO A MATTER THAT IS THE SUBJECT OF COLLECTIVE BARGAINING NEGOTIATIONS BETWEEN THE EXCLUSIVE REPRESENTATIVE AND THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE; AND

(III) THE EXCLUSIVE REPRESENTATIVE HAS ENTERED INTO A NONDISCLOSURE AGREEMENT WITH THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE TO ENSURE THE CONFIDENTIALITY OF THE INFORMATION PROVIDED.

REVISOR'S NOTE: This section formerly was SG § 10-618(l).

The only changes are in style.

Defined terms: "Custodian" § 4-101

"Public record" § 4-101

"University of Maryland" § 1-116

4-355. PUBLIC INSTITUTION OF HIGHER EDUCATION RECORDS.

(A) DEFINITIONS.

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

(2) "DIRECTORY INFORMATION" HAS THE MEANING STATED IN 20 U.S.C. § 1232G.

(3) "PERSONAL INFORMATION" MEANS:

(I) AN ADDRESS;

(II) A TELEPHONE NUMBER;

(III) AN ELECTRONIC MAIL ADDRESS; OR

(IV) DIRECTORY INFORMATION.

(B) CIRCUMSTANCES UNDER WHICH DENIAL PERMISSIBLE.

A CUSTODIAN OF A RECORD KEPT BY A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT CONTAINS PERSONAL INFORMATION RELATING TO A STUDENT, A FORMER STUDENT, OR AN APPLICANT MAY:

(1) REQUIRE THAT A REQUEST TO INSPECT A RECORD CONTAINING PERSONAL INFORMATION BE MADE IN WRITING AND SENT BY FIRST-CLASS MAIL; AND

(2) DENY INSPECTION OF THE PART OF THE RECORD CONTAINING THE PERSONAL INFORMATION IF THE INFORMATION IS REQUESTED FOR COMMERCIAL PURPOSES.

REVISOR'S NOTE: This section formerly was SG § 10–618(m).

The only changes are in style.

Defined term: "Custodian" § 4–101

4–356. RESERVED.

4–357. RESERVED.

PART V. TEMPORARY DENIALS.

4–358. TEMPORARY DENIALS.

(A) IN GENERAL.

WHENEVER THIS TITLE AUTHORIZES INSPECTION OF A PUBLIC RECORD BUT THE OFFICIAL CUSTODIAN BELIEVES THAT INSPECTION WOULD CAUSE SUBSTANTIAL INJURY TO THE PUBLIC INTEREST, THE OFFICIAL CUSTODIAN MAY DENY INSPECTION TEMPORARILY.

(B) PETITION.

(1) WITHIN 10 WORKING DAYS AFTER THE DENIAL, THE OFFICIAL CUSTODIAN SHALL PETITION A COURT TO ORDER AUTHORIZATION FOR THE CONTINUED DENIAL OF INSPECTION.

(2) THE PETITION SHALL BE FILED WITH THE CIRCUIT COURT FOR THE COUNTY WHERE:

(I) THE PUBLIC RECORD IS LOCATED; OR

(II) THE PRINCIPAL PLACE OF BUSINESS OF THE OFFICIAL CUSTODIAN IS LOCATED.

(3) THE PETITION SHALL BE SERVED ON THE APPLICANT, AS PROVIDED IN THE MARYLAND RULES.

(C) RIGHTS OF APPLICANT.

THE APPLICANT IS ENTITLED TO APPEAR AND TO BE HEARD ON THE PETITION.

(D) ORDER FOR CONTINUED DENIAL.

IF, AFTER THE HEARING, THE COURT FINDS THAT INSPECTION OF THE PUBLIC RECORD WOULD CAUSE SUBSTANTIAL INJURY TO THE PUBLIC INTEREST, THE COURT MAY ISSUE AN APPROPRIATE ORDER AUTHORIZING THE CONTINUED DENIAL OF INSPECTION.

REVISOR'S NOTE: This section formerly was SG § 10-619.

In subsection (d) of this section, the reference to the court "issu[ing]" an order is substituted for the former reference to the court "pass[ing]" an order for accuracy.

The only other changes are in style.

Defined terms: "Applicant" § 4-101

"County" § 1-107

"Official custodian" § 4-101

"Public record" § 4-101

4-359. RESERVED.

4-360. RESERVED.

PART VI. ADMINISTRATIVE AND JUDICIAL REVIEW.

4-361. ADMINISTRATIVE REVIEW.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY WHEN THE OFFICIAL CUSTODIAN DENIES INSPECTION TEMPORARILY UNDER § 4-358 OF THIS SUBTITLE.

(B) ALLOWED.

IF A UNIT IS SUBJECT TO TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE, A PERSON OR GOVERNMENTAL UNIT MAY SEEK ADMINISTRATIVE REVIEW IN ACCORDANCE WITH THAT SUBTITLE OF A DECISION OF THE UNIT, UNDER THIS SUBTITLE, TO DENY INSPECTION OF ANY PART OF A PUBLIC RECORD.

(C) NOT REQUIRED.

A PERSON OR GOVERNMENTAL UNIT NEED NOT EXHAUST THE REMEDY UNDER THIS SECTION BEFORE FILING SUIT.

REVISOR'S NOTE: This section formerly was SG § 10–622.

The only changes are in style.

Defined terms: “Official custodian” § 4–101

“Person” § 1–114

“Public record” § 4–101

4–362. JUDICIAL REVIEW.

(A) COMPLAINT.

WHENEVER A PERSON OR GOVERNMENTAL UNIT IS DENIED INSPECTION OF A PUBLIC RECORD, THE PERSON OR GOVERNMENTAL UNIT MAY FILE A COMPLAINT WITH THE CIRCUIT COURT FOR THE COUNTY WHERE:

(1) THE COMPLAINANT RESIDES OR HAS A PRINCIPAL PLACE OF BUSINESS; OR

(2) THE PUBLIC RECORD IS LOCATED.

(B) DEFENDANT.

(1) UNLESS, FOR GOOD CAUSE SHOWN, THE COURT OTHERWISE DIRECTS, AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DEFENDANT SHALL SERVE AN ANSWER OR OTHERWISE PLEAD TO THE COMPLAINT WITHIN 30 DAYS AFTER SERVICE OF THE COMPLAINT.

(2) THE DEFENDANT:

(I) HAS THE BURDEN OF SUSTAINING A DECISION TO DENY INSPECTION OF A PUBLIC RECORD; AND

(II) IN SUPPORT OF THE DECISION, MAY SUBMIT A MEMORANDUM TO THE COURT.

(C) COURT.

(1) EXCEPT FOR CASES THAT THE COURT CONSIDERS OF GREATER IMPORTANCE, A PROCEEDING UNDER THIS SECTION, INCLUDING AN APPEAL, SHALL:

(I) TAKE PRECEDENCE ON THE DOCKET;

(II) BE HEARD AT THE EARLIEST PRACTICABLE DATE; AND

(III) BE EXPEDITED IN EVERY WAY.

(2) THE COURT MAY EXAMINE THE PUBLIC RECORD IN CAMERA TO DETERMINE WHETHER ANY PART OF THE PUBLIC RECORD MAY BE WITHHELD UNDER THIS TITLE.

(3) THE COURT MAY:

(I) ENJOIN THE STATE, A POLITICAL SUBDIVISION, OR A UNIT, AN OFFICIAL, OR AN EMPLOYEE OF THE STATE OR OF A POLITICAL SUBDIVISION FROM WITHHOLDING THE PUBLIC RECORD;

(II) ISSUE AN ORDER FOR THE PRODUCTION OF THE PUBLIC RECORD THAT WAS WITHHELD FROM THE COMPLAINANT; AND

(III) FOR NONCOMPLIANCE WITH THE ORDER, PUNISH THE RESPONSIBLE EMPLOYEE FOR CONTEMPT.

(D) DAMAGES.

(1) A DEFENDANT GOVERNMENTAL UNIT IS LIABLE TO THE COMPLAINANT FOR ACTUAL DAMAGES THAT THE COURT CONSIDERS APPROPRIATE IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT ANY DEFENDANT KNOWINGLY AND WILLFULLY FAILED TO DISCLOSE OR FULLY TO DISCLOSE A PUBLIC RECORD THAT THE COMPLAINANT WAS ENTITLED TO INSPECT UNDER THIS TITLE.

(2) AN OFFICIAL CUSTODIAN IS LIABLE FOR ACTUAL DAMAGES THAT THE COURT CONSIDERS APPROPRIATE IF THE COURT FINDS THAT, AFTER TEMPORARILY DENYING INSPECTION OF A PUBLIC RECORD, THE OFFICIAL CUSTODIAN FAILED TO PETITION A COURT FOR AN ORDER TO CONTINUE THE DENIAL.

(E) DISCIPLINARY ACTION.

(1) WHENEVER THE COURT ORDERS THE PRODUCTION OF A PUBLIC RECORD THAT WAS WITHHELD FROM THE APPLICANT AND, IN ADDITION, FINDS THAT THE CUSTODIAN ACTED ARBITRARILY OR CAPRICIOUSLY IN WITHHOLDING THE PUBLIC RECORD, THE COURT SHALL SEND A CERTIFIED COPY OF ITS FINDING TO THE APPOINTING AUTHORITY OF THE CUSTODIAN.

(2) ON RECEIPT OF THE STATEMENT OF THE COURT AND AFTER AN APPROPRIATE INVESTIGATION, THE APPOINTING AUTHORITY SHALL TAKE THE DISCIPLINARY ACTION THAT THE CIRCUMSTANCES WARRANT.

(F) COSTS.

IF THE COURT DETERMINES THAT THE COMPLAINANT HAS SUBSTANTIALLY PREVAILED, THE COURT MAY ASSESS AGAINST A DEFENDANT GOVERNMENTAL UNIT REASONABLE COUNSEL FEES AND OTHER LITIGATION COSTS THAT THE COMPLAINANT REASONABLY INCURRED.

REVISOR'S NOTE: This section formerly was SG § 10–623.

In subsection (c)(3)(ii) of this section, the reference to the court “issu[ing]” an order is substituted for the former reference to the court “pass[ing]” an order for accuracy.

The only other changes are in style.

Defined terms: “Applicant” § 4–101
“County” § 1–107
“Custodian” § 4–101
“Including” § 1–110
“Official custodian” § 4–101
“Person” § 1–114
“Political subdivision” § 4–101
“Public record” § 4–101
“State” § 1–115

SUBTITLE 4. LIABILITY; PROHIBITED ACTS; PENALTIES; IMMUNITY.

4–401. UNLAWFUL DISCLOSURE OF PUBLIC RECORDS.

(A) LIABILITY.

A PERSON, INCLUDING AN OFFICER OR EMPLOYEE OF A GOVERNMENTAL UNIT, IS LIABLE TO AN INDIVIDUAL FOR ACTUAL DAMAGES THAT THE COURT CONSIDERS APPROPRIATE IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT:

(1) (I) THE PERSON WILLFULLY AND KNOWINGLY ALLOWS INSPECTION OR USE OF A PUBLIC RECORD IN VIOLATION OF THIS SUBTITLE; AND

(II) THE PUBLIC RECORD NAMES OR, WITH REASONABLE CERTAINTY, OTHERWISE IDENTIFIES THE INDIVIDUAL BY AN IDENTIFYING FACTOR SUCH AS:

- 1. AN ADDRESS;**
- 2. A DESCRIPTION;**
- 3. A FINGERPRINT OR VOICE PRINT;**
- 4. A NUMBER; OR**
- 5. A PICTURE; OR**

(2) THE PERSON WILLFULLY AND KNOWINGLY OBTAINS, DISCLOSES, OR USES PERSONAL INFORMATION IN VIOLATION OF § 4-320 OF THIS TITLE.

(B) COSTS.

IF THE COURT DETERMINES THAT THE COMPLAINANT HAS SUBSTANTIALLY PREVAILED, THE COURT MAY ASSESS AGAINST A DEFENDANT REASONABLE COUNSEL FEES AND OTHER LITIGATION COSTS THAT THE COMPLAINANT REASONABLY INCURRED.

REVISOR'S NOTE: This section formerly was SG § 10-626.

The only changes are in style.

Defined terms: "Including" § 1-110

"Person" § 1-114

"Personal information" § 4-101

"Public record" § 4-101

4-402. PROHIBITED ACTS; CRIMINAL PENALTIES.

(A) PROHIBITED ACTS.

A PERSON MAY NOT:

(1) WILLFULLY OR KNOWINGLY VIOLATE ANY PROVISION OF THIS TITLE;

(2) FAIL TO PETITION A COURT AFTER TEMPORARILY DENYING INSPECTION OF A PUBLIC RECORD; OR

(3) BY FALSE PRETENSES, BRIBERY, OR THEFT, GAIN ACCESS TO OR OBTAIN A COPY OF A PERSONAL RECORD IF DISCLOSURE OF THE PERSONAL RECORD TO THE PERSON IS PROHIBITED BY THIS TITLE.

(B) CRIMINAL PENALTIES.

A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

REVISOR'S NOTE: This section formerly was SG § 10–627.

The only changes are in style.

Defined terms: "Person" § 1–114

"Public record" § 4–101

4–403. IMMUNITY FOR CERTAIN DISCLOSURES.

A CUSTODIAN IS NOT CIVILLY OR CRIMINALLY LIABLE FOR TRANSFERRING OR DISCLOSING THE CONTENTS OF A PUBLIC RECORD TO THE ATTORNEY GENERAL UNDER § 5–313 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

REVISOR'S NOTE: This section formerly was SG § 10–628.

No changes are made.

Defined terms: "Custodian" § 4–101

"Public record" § 4–101

SUBTITLE 5. MISCELLANEOUS PROVISIONS.

4–501. PERSONAL RECORDS.

(A) "PERSONAL RECORD" DEFINED.

IN THIS SECTION, "PERSONAL RECORD" MEANS A PUBLIC RECORD THAT NAMES OR, WITH REASONABLE CERTAINTY, OTHERWISE IDENTIFIES AN INDIVIDUAL BY AN IDENTIFYING FACTOR SUCH AS:

- (1) AN ADDRESS;
- (2) A DESCRIPTION;
- (3) A FINGERPRINT OR VOICE PRINT;
- (4) A NUMBER; OR
- (5) A PICTURE.

(B) REQUIREMENT OF NEED.

(1) PERSONAL RECORDS MAY NOT BE CREATED UNLESS THE NEED FOR THE INFORMATION HAS BEEN CLEARLY ESTABLISHED BY THE UNIT COLLECTING THE RECORDS.

(2) PERSONAL INFORMATION COLLECTED FOR PERSONAL RECORDS:

(I) SHALL BE APPROPRIATE AND RELEVANT TO THE PURPOSES FOR WHICH IT IS COLLECTED;

(II) SHALL BE ACCURATE AND CURRENT TO THE GREATEST EXTENT PRACTICABLE; AND

(III) MAY NOT BE OBTAINED BY FRAUDULENT MEANS.

(C) COLLECTION BY OFFICIAL CUSTODIAN FROM PERSON IN INTEREST.

(1) THIS SUBSECTION APPLIES ONLY TO UNITS OF THE STATE.

(2) EXCEPT AS OTHERWISE PROVIDED BY LAW, AN OFFICIAL CUSTODIAN WHO KEEPS PERSONAL RECORDS SHALL COLLECT, TO THE GREATEST EXTENT PRACTICABLE, PERSONAL INFORMATION FROM THE PERSON IN INTEREST.

(3) AN OFFICIAL CUSTODIAN WHO REQUESTS PERSONAL INFORMATION FOR PERSONAL RECORDS SHALL PROVIDE THE FOLLOWING

INFORMATION TO EACH PERSON IN INTEREST FROM WHOM PERSONAL INFORMATION IS COLLECTED:

(I) THE PURPOSE FOR WHICH THE PERSONAL INFORMATION IS COLLECTED;

(II) ANY SPECIFIC CONSEQUENCES TO THE PERSON FOR REFUSAL TO PROVIDE THE PERSONAL INFORMATION;

(III) THE PERSON'S RIGHT TO INSPECT, AMEND, OR CORRECT PERSONAL RECORDS, IF ANY;

(IV) WHETHER THE PERSONAL INFORMATION IS GENERALLY AVAILABLE FOR PUBLIC INSPECTION; AND

(V) WHETHER THE PERSONAL INFORMATION IS MADE AVAILABLE OR TRANSFERRED TO OR SHARED WITH ANY ENTITY OTHER THAN THE OFFICIAL CUSTODIAN.

(4) EACH UNIT OF THE STATE SHALL POST ITS PRIVACY POLICIES ON THE COLLECTION OF PERSONAL INFORMATION, INCLUDING THE POLICIES SPECIFIED IN THIS SUBSECTION, ON ITS INTERNET WEB SITE.

(5) THE FOLLOWING PERSONAL RECORDS ARE EXEMPT FROM THE REQUIREMENTS OF THIS SUBSECTION:

(I) INFORMATION CONCERNING THE ENFORCEMENT OF CRIMINAL LAWS OR THE ADMINISTRATION OF THE PENAL SYSTEM;

(II) INFORMATION CONTAINED IN INVESTIGATIVE MATERIALS KEPT FOR THE PURPOSE OF INVESTIGATING A SPECIFIC VIOLATION OF STATE LAW AND MAINTAINED BY A STATE AGENCY WHOSE PRINCIPAL FUNCTION MAY BE OTHER THAN LAW ENFORCEMENT;

(III) INFORMATION CONTAINED IN PUBLIC RECORDS THAT ARE ACCEPTED BY THE STATE ARCHIVIST FOR DEPOSIT IN THE MARYLAND HALL OF RECORDS;

(IV) INFORMATION GATHERED AS PART OF FORMAL RESEARCH PROJECTS PREVIOUSLY REVIEWED AND APPROVED BY FEDERALLY MANDATED INSTITUTIONAL REVIEW BOARDS; AND

(V) ANY OTHER PERSONAL RECORDS EXEMPTED BY REGULATIONS ADOPTED BY THE SECRETARY OF BUDGET AND MANAGEMENT, BASED ON THE RECOMMENDATION OF THE SECRETARY OF INFORMATION TECHNOLOGY.

(6) IF THE SECRETARY OF BUDGET AND MANAGEMENT ADOPTS REGULATIONS UNDER PARAGRAPH (5)(V) OF THIS SUBSECTION, THE SECRETARY SHALL REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON THE PERSONAL RECORDS EXEMPTED FROM THE REQUIREMENTS OF THIS SUBSECTION.

(D) ANNUAL REPORT.

(1) THIS SUBSECTION DOES NOT APPLY TO:

(I) A UNIT IN THE LEGISLATIVE BRANCH OF THE STATE GOVERNMENT;

(II) A UNIT IN THE JUDICIAL BRANCH OF THE STATE GOVERNMENT; OR

(III) A BOARD OF LICENSE COMMISSIONERS.

(2) IF A UNIT OR AN INSTRUMENTALITY OF THE STATE KEEPS PERSONAL RECORDS, THE UNIT OR INSTRUMENTALITY SHALL SUBMIT AN ANNUAL REPORT TO THE SECRETARY OF GENERAL SERVICES.

(3) AN ANNUAL REPORT SHALL STATE:

(I) THE NAME OF THE UNIT OR INSTRUMENTALITY;

(II) FOR EACH SET OF PERSONAL RECORDS:

1. THE NAME OF THE SET;

2. THE LOCATION OF THE SET; AND

3. IF A SUBUNIT KEEPS THE SET, THE NAME OF THE SUBUNIT;

(III) FOR EACH SET OF PERSONAL RECORDS THAT HAS NOT BEEN PREVIOUSLY REPORTED:

1. THE CATEGORY OF INDIVIDUALS TO WHOM THE SET APPLIES;

2. A BRIEF DESCRIPTION OF THE TYPES OF INFORMATION THAT THE SET CONTAINS;

3. THE MAJOR USES AND PURPOSES OF THE INFORMATION;

4. BY CATEGORY, THE SOURCE OF INFORMATION FOR THE SET; AND

5. THE POLICIES AND PROCEDURES OF THE UNIT OR INSTRUMENTALITY AS TO:

A. ACCESS AND CHALLENGES TO THE PERSONAL RECORD BY THE PERSON IN INTEREST; AND

B. STORAGE, RETRIEVAL, RETENTION, DISPOSAL, AND SECURITY, INCLUDING CONTROLS ON ACCESS; AND

(IV) FOR EACH SET OF PERSONAL RECORDS THAT HAS BEEN DISPOSED OF OR CHANGED SIGNIFICANTLY SINCE THE UNIT OR INSTRUMENTALITY LAST SUBMITTED A REPORT, THE INFORMATION REQUIRED UNDER ITEM (III) OF THIS PARAGRAPH.

(4) A UNIT OR AN INSTRUMENTALITY THAT HAS TWO OR MORE SETS OF PERSONAL RECORDS MAY COMBINE THE PERSONAL RECORDS IN THE REPORT ONLY IF THE CHARACTER OF THE PERSONAL RECORDS IS HIGHLY SIMILAR.

(5) THE SECRETARY OF GENERAL SERVICES SHALL ADOPT REGULATIONS THAT GOVERN THE FORM AND METHOD OF REPORTING UNDER THIS SUBSECTION.

(6) THE ANNUAL REPORT SHALL BE AVAILABLE FOR PUBLIC INSPECTION.

(E) ACCESS FOR RESEARCH.

THE OFFICIAL CUSTODIAN MAY ALLOW INSPECTION OF PERSONAL RECORDS FOR WHICH INSPECTION OTHERWISE IS NOT AUTHORIZED BY A PERSON WHO IS ENGAGED IN A RESEARCH PROJECT IF:

(1) THE RESEARCHER SUBMITS TO THE OFFICIAL CUSTODIAN A WRITTEN REQUEST THAT:

- (I) DESCRIBES THE PURPOSE OF THE RESEARCH PROJECT;**
- (II) DESCRIBES THE INTENT, IF ANY, TO PUBLISH THE FINDINGS;**
- (III) DESCRIBES THE NATURE OF THE REQUESTED PERSONAL RECORDS;**
- (IV) DESCRIBES THE SAFEGUARDS THAT THE RESEARCHER WOULD TAKE TO PROTECT THE IDENTITY OF THE PERSONS IN INTEREST; AND**
- (V) STATES THAT PERSONS IN INTEREST WILL NOT BE CONTACTED UNLESS THE OFFICIAL CUSTODIAN APPROVES AND MONITORS THE CONTACT;**

(2) THE OFFICIAL CUSTODIAN IS SATISFIED THAT THE PROPOSED SAFEGUARDS WILL PREVENT THE DISCLOSURE OF THE IDENTITY OF PERSONS IN INTEREST; AND

(3) THE RESEARCHER MAKES AN AGREEMENT WITH THE UNIT OR INSTRUMENTALITY THAT:

- (I) DEFINES THE SCOPE OF THE RESEARCH PROJECT;**
- (II) SETS OUT THE SAFEGUARDS FOR PROTECTING THE IDENTITY OF THE PERSONS IN INTEREST; AND**
- (III) STATES THAT A BREACH OF ANY CONDITION OF THE AGREEMENT IS A BREACH OF CONTRACT.**

REVISOR'S NOTE: This section formerly was SG § 10-624.

In subsections (c)(1) and (4) and (d)(2) of this section, the former references to the State "government" are deleted as surplusage.

In subsection (d)(2) of this section, the former phrase "as provided in this subsection" is deleted as surplusage.

In subsection (d)(3)(ii)1 of this section, the reference to the name “of the set” is added for clarity. Similarly, in subsection (d)(3)(ii)2 of this section, the reference to the location “of the set” is added.

The only other changes are in style.

Defined terms: “Including” § 1–110
“Official custodian” § 4–101
“Person” § 1–114
“Person in interest” § 4–101
“Personal information” § 4–101
“Public record” § 4–101
“State” § 1–115

4–502. CORRECTIONS OF PUBLIC RECORD.

(A) REQUEST FOR CHANGE ALLOWED.

A PERSON IN INTEREST MAY REQUEST A UNIT OF THE STATE TO CORRECT INACCURATE OR INCOMPLETE INFORMATION IN A PUBLIC RECORD THAT:

- (1) THE UNIT KEEPS; AND**
- (2) THE PERSON IN INTEREST IS AUTHORIZED TO INSPECT.**

(B) CONTENTS OF REQUEST.

A REQUEST UNDER THIS SECTION SHALL:

- (1) BE IN WRITING;**
- (2) DESCRIBE THE REQUESTED CHANGE PRECISELY; AND**
- (3) STATE THE REASONS FOR THE CHANGE.**

(C) ACTION ON REQUEST.

(1) WITHIN 30 DAYS AFTER RECEIVING A REQUEST UNDER THIS SECTION, A UNIT SHALL:

- (I) MAKE OR REFUSE TO MAKE THE REQUESTED CHANGE;**

AND

(II) GIVE THE PERSON IN INTEREST WRITTEN NOTICE OF THE ACTION TAKEN.

(2) A NOTICE OF REFUSAL SHALL CONTAIN THE UNIT'S REASONS FOR THE REFUSAL.

(D) STATEMENT OF DISAGREEMENT.

(1) IF THE UNIT FINALLY REFUSES A REQUEST UNDER THIS SECTION, THE PERSON IN INTEREST MAY SUBMIT TO THE UNIT A CONCISE STATEMENT THAT, IN FIVE PAGES OR LESS, STATES THE REASONS FOR THE REQUEST AND FOR DISAGREEMENT WITH THE REFUSAL.

(2) IF THE UNIT PROVIDES THE DISPUTED INFORMATION TO A THIRD PARTY, THE UNIT SHALL PROVIDE TO THAT PARTY A COPY OF THE STATEMENT SUBMITTED TO THE UNIT BY THE PERSON IN INTEREST.

(E) ADMINISTRATIVE AND JUDICIAL REVIEW.

IF A UNIT IS SUBJECT TO TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE, A PERSON OR GOVERNMENTAL UNIT MAY SEEK ADMINISTRATIVE AND JUDICIAL REVIEW IN ACCORDANCE WITH THAT SUBTITLE OF:

(1) A DECISION OF THE UNIT TO DENY:

(I) A REQUEST TO CHANGE A PUBLIC RECORD; OR

(II) A RIGHT TO SUBMIT A STATEMENT OF DISAGREEMENT;

OR

(2) THE FAILURE OF THE UNIT TO PROVIDE THE STATEMENT TO A THIRD PARTY.

REVISOR'S NOTE: This section formerly was SG § 10-625.

In the introductory language of subsection (a) of this section, the former reference to the State "government" is deleted as surplusage.

The only other changes are in style.

Defined terms: "Person" § 1-114

"Person in interest" § 4-101

"Public record" § 4-101

“State” § 1–115

SUBTITLE 6. SHORT TITLE.

4–601. SHORT TITLE.

THIS TITLE MAY BE CITED AS THE PUBLIC INFORMATION ACT.

REVISOR’S NOTE: This section formerly was SG § 10–630.

The only other changes are in style.

TITLE 5. MARYLAND PUBLIC ETHICS LAW.

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

5–101. DEFINITIONS.

(A) IN GENERAL.

IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED UNLESS:

(1) THE CONTEXT CLEARLY REQUIRES A DIFFERENT MEANING;
OR

(2) A DIFFERENT DEFINITION IS ADOPTED FOR A PARTICULAR PROVISION.

REVISOR’S NOTE: This subsection formerly was SG § 15–102(a).

No changes are made.

(B) ADVISORY BODY.

“ADVISORY BODY” MEANS:

(1) A GOVERNMENTAL UNIT DESIGNATED BY THE COURT OF APPEALS TO GIVE ADVICE WITH RESPECT TO THE APPLICATION OR INTERPRETATION OF SUBTITLES 5 AND 6 OF THIS TITLE TO A STATE OFFICIAL OF THE JUDICIAL BRANCH;

(2) THE JOINT ETHICS COMMITTEE, FOR QUESTIONS ARISING UNDER SUBTITLE 5 OF THIS TITLE REGARDING A STATE OFFICIAL OF THE LEGISLATIVE BRANCH; OR

(3) THE ETHICS COMMISSION, FOR ALL OTHER QUESTIONS.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former SG § 15-102(b).

In item (1) of this subsection, the phrase "to give advice with respect to the application or interpretation of" is substituted for the former phrase "for the purpose of issuing advisory opinions as to questions arising under" for consistency with Maryland Rule 16-812.1(i)(2) which provides that the Judicial Ethics Committee is designated as the body to give advice with respect to the application or interpretation of any provision of Code, State Government Article, Title 15, Subtitles 5 and 6, to a State official in the Judicial Branch.

Defined terms: "Ethics Commission" § 5-101

"Governmental unit" § 5-101

"Joint Ethics Committee" § 5-101

"State official" § 5-101

(C) BICOUNTY COMMISSION.

"BICOUNTY COMMISSION" MEANS:

(1) THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION;

(2) THE WASHINGTON SUBURBAN SANITARY COMMISSION; OR

(3) THE WASHINGTON SUBURBAN TRANSIT COMMISSION.

REVISOR'S NOTE: This subsection formerly was SG § 15-102(c).

No changes are made.

(D) BOARD.

"BOARD" MEANS AN EXECUTIVE UNIT COMPOSED OF AT LEAST TWO MEMBERS, ALL OF WHOM ARE APPOINTED AND SERVE ON A PART-TIME BASIS.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former SG § 15-102(d).

Defined term: “Executive unit” § 5–101

(E) BUSINESS ENTITY.

“BUSINESS ENTITY” MEANS A PERSON ENGAGED IN BUSINESS, WHETHER PROFIT OR NONPROFIT, REGARDLESS OF FORM.

REVISOR’S NOTE: This subsection formerly was SG § 15–102(e).

No changes are made.

Defined term: “Person” § 1–114

(F) COMPENSATION.

“COMPENSATION” MEANS MONEY OR ANY OTHER VALUABLE THING, REGARDLESS OF FORM, RECEIVED OR TO BE RECEIVED BY A PERSON FROM AN EMPLOYER FOR SERVICES RENDERED.

REVISOR’S NOTE: This subsection formerly was SG § 15–102(f)(1).

No changes are made.

Defined terms: “Employer” § 5–101
“Person” § 1–114

(G) EMPLOYEE.

(1) “EMPLOYEE” MEANS AN INDIVIDUAL WHO IS EMPLOYED:

- (I) BY AN EXECUTIVE UNIT;**
- (II) BY THE LEGISLATIVE BRANCH; OR**
- (III) IN THE JUDICIAL BRANCH.**

(2) “EMPLOYEE” DOES NOT INCLUDE:

- (I) A PUBLIC OFFICIAL; OR**
- (II) A STATE OFFICIAL.**

REVISOR’S NOTE: This subsection formerly was SG § 15–102(g).

No changes are made.

Defined terms: "Executive unit" § 5-101

"Public official" § 5-101

"State official" § 5-101

(H) EMPLOYER.

"EMPLOYER" MEANS AN ENTITY THAT PAYS OR AGREES TO PAY COMPENSATION TO ANOTHER ENTITY FOR SERVICES RENDERED.

REVISOR'S NOTE: This subsection formerly was SG § 15-102(h).

No changes are made.

Defined terms: "Compensation" § 5-101

"Entity" § 5-101

(I) ENTITY.

"ENTITY" MEANS:

(1) A PERSON; OR

(2) A GOVERNMENT OR INSTRUMENTALITY OF GOVERNMENT.

REVISOR'S NOTE: This subsection formerly was SG § 15-102(i).

No changes are made.

Defined term: "Person" § 1-114

(J) ENTITY DOING BUSINESS WITH THE STATE.

"ENTITY DOING BUSINESS WITH THE STATE" MEANS:

(1) A REGULATED LOBBYIST;

(2) AN ENTITY REGULATED BY THE EXECUTIVE UNIT OF THE APPLICABLE OFFICIAL OR EMPLOYEE; OR

(3) AN ENTITY THAT IS A PARTY TO ONE OR A COMBINATION OF SALES, PURCHASES, LEASES, OR CONTRACTS TO, FROM, OR WITH THE STATE, OR ANY UNIT OF THE STATE, INVOLVING CONSIDERATION:

(I) OF AT LEAST \$5,000 ON A CUMULATIVE BASIS DURING THE CALENDAR YEAR FOR WHICH A STATEMENT REQUIRED BY SUBTITLE 6 OF THIS TITLE IS FILED, REGARDLESS OF WHEN THE CONSIDERATION IS TO BE PAID; AND

(II) WHICH SHALL INCLUDE, AS OF THE AWARD OR EXECUTION OF A CONTRACT OR LEASE, THE TOTAL CONSIDERATION COMMITTED TO BE PAID UNDER THE CONTRACT OR LEASE, TO THE EXTENT ASCERTAINABLE WHEN AWARDED OR EXECUTED, REGARDLESS OF THE PERIOD OVER WHICH PAYMENTS ARE TO BE MADE.

REVISOR'S NOTE: This subsection formerly was SG § 15–102(j).

No changes are made.

Defined terms: "Employee" § 5–101

"Entity" § 5–101

"Executive unit" § 5–101

"Official" § 5–101

"Regulated lobbyist" § 5–101

"State" § 1–115

(K) ETHICS COMMISSION.

"ETHICS COMMISSION" MEANS THE STATE ETHICS COMMISSION.

REVISOR'S NOTE: This subsection formerly was SG § 15–102(k).

No changes are made.

Defined term: "State" § 1–115

(L) EXECUTIVE ACTION.

"EXECUTIVE ACTION" MEANS AN ACT:

(1) FOR WHICH THE EXECUTIVE BRANCH OF STATE GOVERNMENT IS RESPONSIBLE; AND

(2) THAT IS TAKEN BY AN OFFICIAL OR EMPLOYEE OF THE EXECUTIVE BRANCH.

REVISOR'S NOTE: This subsection formerly was SG § 15–102(l).

The only changes are in style.

Defined terms: "Employee" § 5-101

"Official" § 5-101

"State" § 1-115

(M) EXECUTIVE UNIT.

(1) "EXECUTIVE UNIT" MEANS A DEPARTMENT, AGENCY, COMMISSION, BOARD, COUNCIL, OR OTHER BODY OF STATE GOVERNMENT THAT:

(I) IS ESTABLISHED BY LAW; AND

(II) IS NOT IN THE LEGISLATIVE BRANCH OR THE JUDICIAL BRANCH OF STATE GOVERNMENT.

(2) "EXECUTIVE UNIT" INCLUDES:

(I) A COUNTY HEALTH DEPARTMENT UNLESS THE OFFICIALS AND EMPLOYEES OF THE DEPARTMENT ARE EXPRESSLY DESIGNATED AS LOCAL OFFICIALS IN § 5-801 OF THIS TITLE;

(II) THE OFFICE OF THE SHERIFF IN EACH COUNTY;

(III) THE OFFICE OF THE STATE'S ATTORNEY IN EACH COUNTY; AND

(IV) THE LIQUOR CONTROL BOARD FOR SOMERSET COUNTY.

REVISOR'S NOTE: This subsection formerly was SG § 15-102(m).

The only changes are in style.

Defined terms: "Board" § 5-101

"County" § 1-107

"Employee" § 5-101

"Includes" § 1-110

"Local official" § 5-101

"Official" § 5-101

"State" § 1-115

(N) FINANCIAL INTEREST.

“FINANCIAL INTEREST” MEANS:

(1) OWNERSHIP OF AN INTEREST AS THE RESULT OF WHICH THE OWNER HAS RECEIVED WITHIN THE PAST 3 YEARS, IS CURRENTLY RECEIVING, OR IN THE FUTURE IS ENTITLED TO RECEIVE, MORE THAN \$1,000 PER YEAR; OR

(2) (I) OWNERSHIP OF MORE THAN 3% OF A BUSINESS ENTITY BY:

- 1. AN OFFICIAL;**
- 2. AN EMPLOYEE; OR**
- 3. THE SPOUSE OF AN OFFICIAL OR EMPLOYEE; OR**

(II) OWNERSHIP OF SECURITIES OF ANY KIND THAT REPRESENT, OR ARE CONVERTIBLE INTO, OWNERSHIP OF MORE THAN 3% OF A BUSINESS ENTITY BY:

- 1. AN OFFICIAL;**
- 2. AN EMPLOYEE; OR**
- 3. THE SPOUSE OF AN OFFICIAL OR EMPLOYEE.**

REVISOR’S NOTE: This subsection formerly was SG § 15–102(n).

No changes are made.

Defined terms: “Business entity” § 5–101

“Employee” § 5–101

“Interest” § 5–101

“Official” § 5–101

(O) GENERAL ASSEMBLY.

“GENERAL ASSEMBLY” INCLUDES A MEMBER, COMMITTEE, OR SUBCOMMITTEE OF THE GENERAL ASSEMBLY.

REVISOR’S NOTE: This subsection formerly was SG § 15–102(o).

No changes are made.

Defined term: "Includes" § 1-110

(P) GIFT.

(1) "GIFT" MEANS THE TRANSFER OF ANYTHING OF ECONOMIC VALUE, REGARDLESS OF FORM, WITHOUT ADEQUATE AND LAWFUL CONSIDERATION.

(2) "GIFT" DOES NOT INCLUDE THE SOLICITATION, ACCEPTANCE, RECEIPT, OR REGULATION OF A POLITICAL CONTRIBUTION THAT IS REGULATED IN ACCORDANCE WITH:

(I) THE ELECTION LAW ARTICLE; OR

(II) ANY OTHER STATE LAW REGULATING:

1. THE CONDUCT OF ELECTIONS; OR

2. THE RECEIPT OF POLITICAL CONTRIBUTIONS.

REVISOR'S NOTE: This subsection formerly was SG § 15-102(p).

No changes are made.

Defined terms: "Political contribution" § 5-101

"State" § 1-115

(Q) GOVERNMENTAL UNIT.

"GOVERNMENTAL UNIT" MEANS A DEPARTMENT, AN AGENCY, A COMMISSION, A BOARD, A COUNCIL, OR ANY OTHER BODY OF STATE GOVERNMENT THAT IS ESTABLISHED BY LAW.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former SG § 15-102(q).

The former reference to governmental unit "includes an executive unit" is deleted as surplusage.

Defined terms: "Board" § 5-101

"State" § 1-115

(R) HONORARIUM.

(1) “HONORARIUM” MEANS THE PAYMENT OF MONEY OR ANYTHING OF VALUE FOR:

(I) SPEAKING TO, PARTICIPATING IN, OR ATTENDING A MEETING OR OTHER FUNCTION; OR

(II) WRITING AN ARTICLE THAT HAS BEEN OR IS INTENDED TO BE PUBLISHED.

(2) “HONORARIUM” DOES NOT INCLUDE PAYMENT FOR WRITING A BOOK THAT HAS BEEN OR IS INTENDED TO BE PUBLISHED.

REVISOR’S NOTE: This subsection formerly was SG § 15–102(r).

No changes are made.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that the definition of “honorarium” in this subsection is grammatically incorrect since an honorarium is not the act of paying, which is how the definition is worded, but is instead the actual payment itself. The General Assembly may wish to amend the definition of “honorarium” to be consistent with the commonly understood definition of the term.

(S) IMMEDIATE FAMILY.

“IMMEDIATE FAMILY” MEANS AN INDIVIDUAL’S SPOUSE AND DEPENDENT CHILDREN.

REVISOR’S NOTE: This subsection formerly was SG § 15–102(s).

No changes are made.

(T) INTEREST.

(1) “INTEREST” MEANS A LEGAL OR EQUITABLE ECONOMIC INTEREST THAT IS OWNED OR HELD WHOLLY OR PARTLY, JOINTLY OR SEVERALLY, OR DIRECTLY OR INDIRECTLY, WHETHER OR NOT THE ECONOMIC INTEREST IS SUBJECT TO AN ENCUMBRANCE OR CONDITION.

(2) “INTEREST” DOES NOT INCLUDE:

(I) AN INTEREST HELD IN THE CAPACITY OF AGENT, CUSTODIAN, FIDUCIARY, PERSONAL REPRESENTATIVE, OR TRUSTEE, UNLESS THE HOLDER HAS AN EQUITABLE INTEREST IN THE SUBJECT MATTER;

(II) AN INTEREST IN A TIME OR DEMAND DEPOSIT IN A FINANCIAL INSTITUTION;

(III) AN INTEREST IN AN INSURANCE POLICY, ENDOWMENT POLICY, OR ANNUITY CONTRACT UNDER WHICH AN INSURER PROMISES TO PAY A FIXED AMOUNT OF MONEY IN A LUMP SUM OR PERIODICALLY FOR LIFE OR A SPECIFIED PERIOD;

(IV) A COMMON TRUST FUND OR A TRUST THAT FORMS PART OF A PENSION OR A PROFIT-SHARING PLAN THAT:

- 1. HAS MORE THAN 25 PARTICIPANTS; AND**
- 2. IS DETERMINED BY THE INTERNAL REVENUE SERVICE TO BE A QUALIFIED TRUST UNDER THE INTERNAL REVENUE CODE OR A QUALIFIED TUITION PLAN ESTABLISHED PURSUANT TO SECTION 529 OF THE INTERNAL REVENUE CODE; OR**

(V) A MUTUAL FUND THAT IS PUBLICLY TRADED ON A NATIONAL SCALE UNLESS THE MUTUAL FUND IS COMPOSED PRIMARILY OF HOLDINGS OF STOCKS AND INTERESTS IN A SPECIFIC SECTOR OR AREA THAT IS REGULATED BY THE INDIVIDUAL'S GOVERNMENTAL UNIT.

REVISOR'S NOTE: This subsection formerly was SG § 15-102(t).

In paragraph (2)(iv)2 of this subsection, the reference to a "qualified tuition plan established in accordance with Section 529 of the Internal Revenue Code" is substituted for the former reference to a "college savings plan under the Internal Revenue Code" for clarity and accuracy.

No other changes are made.

(U) JOINT ETHICS COMMITTEE.

"JOINT ETHICS COMMITTEE" MEANS THE JOINT COMMITTEE ON LEGISLATIVE ETHICS.

REVISOR'S NOTE: This subsection formerly was SG § 15-102(u).

No changes are made.

(V) LEGISLATIVE ACTION.

(1) “LEGISLATIVE ACTION” MEANS AN OFFICIAL ACTION OR NONACTION RELATING TO:

(I) A BILL, A RESOLUTION, AN AMENDMENT, A NOMINATION, AN APPOINTMENT, A REPORT, OR ANY OTHER MATTER WITHIN THE JURISDICTION OF THE GENERAL ASSEMBLY; OR

(II) A BILL PRESENTED TO THE GOVERNOR FOR SIGNATURE OR VETO.

(2) “LEGISLATIVE ACTION” INCLUDES:

(I) INTRODUCTION;

(II) SPONSORSHIP;

(III) CONSIDERATION;

(IV) DEBATE;

(V) AMENDMENT;

(VI) PASSAGE;

(VII) DEFEAT;

(VIII) APPROVAL; AND

(IX) VETO.

REVISOR’S NOTE: This subsection formerly was SG § 15–102(v).

In paragraph (2)(viii) of this subsection, the word “and” is substituted for the former word “or” since “and” is the more appropriate conjunction when used in a definition following “includes”.

The only other changes are in style.

Defined terms: “General Assembly” § 5–101

“Includes” § 1–110

(W) LEGISLATIVE UNIT.

“LEGISLATIVE UNIT” MEANS:

- (1) THE GENERAL ASSEMBLY;**
- (2) EITHER HOUSE OF THE GENERAL ASSEMBLY;**
- (3) A STANDING COMMITTEE OF THE GENERAL ASSEMBLY, PROVIDED THAT THE PRESIDING OFFICER OF THE HOUSE OF DELEGATES AND THE PRESIDING OFFICER OF THE SENATE SHALL BE DEEMED AN EX OFFICIO MEMBER OF ANY STANDING COMMITTEE OF THE PRESIDING OFFICER’S CHAMBER; OR**
- (4) A COUNTY OR REGIONAL DELEGATION OF MEMBERS OF THE GENERAL ASSEMBLY THAT IS RECOGNIZED BY A PRESIDING OFFICER OF THE GENERAL ASSEMBLY.**

REVISOR’S NOTE: This subsection formerly was SG § 15–102(w).

In item (3) of this subsection, the reference to “the presiding officer of the House of Delegates and the presiding officer of the Senate” is substituted for the former reference to “the presiding officer of the House of Delegates or Senate” for clarity.

The only other changes are in style.

Defined terms: “County” § 1–107
 “General Assembly” § 5–101

(X) LOBBYING.

“LOBBYING” MEANS PERFORMING ANY ACT THAT REQUIRES REGISTRATION UNDER § 5–701 OF THIS TITLE.

REVISOR’S NOTE: This subsection formerly was SG § 15–102(x)(1).

The only changes are in style.

(Y) LOCAL OFFICIAL.

(1) “LOCAL OFFICIAL”, SUBJECT TO § 5–801 OF THIS TITLE, MEANS AN OFFICIAL, OFFICER, OR EMPLOYEE OF A COUNTY OR MUNICIPAL CORPORATION THAT THE GOVERNING BODY OF THE COUNTY OR MUNICIPAL

CORPORATION DETERMINES IS SUBJECT TO SUBTITLE 8, PART II OF THIS TITLE.

(2) “LOCAL OFFICIAL”, SUBJECT TO § 5–801 OF THIS TITLE, INCLUDES EACH MEMBER AND EMPLOYEE OF A BOARD OF LICENSE COMMISSIONERS THAT THE APPLICABLE GOVERNING BODY DETERMINES IS SUBJECT TO SUBTITLE 8, PART II OF THIS TITLE.

REVISOR’S NOTE: This subsection formerly was SG § 15–102(y).

The only changes are in style.

Defined terms: “County” § 1–107

“Employee” § 5–101

“Includes” § 1–110

“Municipal corporation” § 5–101

(Z) MEMBER OF HOUSEHOLD.

“MEMBER OF HOUSEHOLD” MEANS:

(1) IF SHARING AN INDIVIDUAL’S LEGAL RESIDENCE, THE INDIVIDUAL’S:

(I) SPOUSE;

(II) CHILD;

(III) WARD;

(IV) FINANCIALLY DEPENDENT PARENT; OR

(V) OTHER FINANCIALLY DEPENDENT RELATIVE; OR

(2) AN INDIVIDUAL’S SPOUSE, CHILD, WARD, PARENT, OR OTHER RELATIVE, OVER WHOSE FINANCIAL AFFAIRS THE INDIVIDUAL HAS LEGAL OR ACTUAL CONTROL.

REVISOR’S NOTE: This subsection formerly was SG § 15–102(z).

No changes are made.

(AA) MUNICIPAL CORPORATION.

“MUNICIPAL CORPORATION” MEANS A MUNICIPALITY GOVERNED BY ARTICLE XI–E OF THE MARYLAND CONSTITUTION.

REVISOR’S NOTE: This subsection formerly was SG § 15–102(aa).

No changes are made.

(BB) OFFICIAL.

“OFFICIAL” MEANS EITHER A STATE OFFICIAL OR A PUBLIC OFFICIAL.

REVISOR’S NOTE: This subsection formerly was SG § 15–102(bb).

No changes are made.

Defined terms: “Public official” § 5–101

“State official” § 5–101

(CC) POLITICAL CONTRIBUTION.

“POLITICAL CONTRIBUTION” MEANS A CONTRIBUTION AS DEFINED IN § 1–101 OF THE ELECTION LAW ARTICLE.

REVISOR’S NOTE: This subsection formerly was SG § 15–102(cc).

The only changes are in style.

(DD) PRINCIPAL POLITICAL PARTY.

“PRINCIPAL POLITICAL PARTY” MEANS THE STATE DEMOCRATIC PARTY OR THE STATE REPUBLICAN PARTY.

REVISOR’S NOTE: This subsection formerly was SG § 15–102(dd).

No changes are made.

(EE) PROCUREMENT CONTRACT.

“PROCUREMENT CONTRACT” HAS THE MEANING STATED IN § 11–101 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

REVISOR’S NOTE: This subsection formerly was SG § 15–102(ee).

The only changes are in style.

(FF) PUBLIC OFFICIAL.

“PUBLIC OFFICIAL” MEANS AN INDIVIDUAL DETERMINED TO BE A PUBLIC OFFICIAL UNDER § 5–103 OF THIS SUBTITLE.

REVISOR’S NOTE: This subsection formerly was SG § 15–102(ff).

The only changes are in style.

(GG) QUALIFYING RELATIVE.

“QUALIFYING RELATIVE” MEANS A SPOUSE, PARENT, CHILD, BROTHER, OR SISTER.

REVISOR’S NOTE: This subsection formerly was SG § 15–102(gg).

No changes are made.

(HH) REGULATED LOBBYIST.

“REGULATED LOBBYIST” MEANS AN ENTITY THAT IS REQUIRED TO REGISTER WITH THE ETHICS COMMISSION UNDER § 5–701(A) OF THIS TITLE.

REVISOR’S NOTE: This subsection formerly was SG § 15–102(hh).

The only changes are in style.

Defined terms: “Entity” § 5–101
“Ethics Commission” § 5–101

(II) RESPONDENT.

“RESPONDENT” MEANS ANY OF THE FOLLOWING THAT IS THE SUBJECT OF A COMPLAINT BEFORE THE ETHICS COMMISSION:

- (1) AN OFFICIAL;**
- (2) AN EMPLOYEE;**
- (3) A CANDIDATE FOR OFFICE AS A STATE OFFICIAL;**
- (4) AN ENTITY SUBJECT TO SUBTITLE 7 OF THIS TITLE; OR**
- (5) AN ENTITY SUBJECT TO § 5–512 OF THIS TITLE.**

REVISOR'S NOTE: This subsection formerly was SG § 15–102(ii).

The only changes are in style.

Defined terms: “Employee” § 5–101

“Entity” § 5–101

“Ethics Commission” § 5–101

“Official” § 5–101

“State official” § 5–101

(JJ) SCHOOL BOARD.

“SCHOOL BOARD” MEANS A COUNTY BOARD OF EDUCATION OR, IN BALTIMORE CITY, THE BOARD OF SCHOOL COMMISSIONERS.

REVISOR'S NOTE: This subsection formerly was SG § 15–102(jj).

No changes are made.

Defined term: “County” § 1–107

(KK) SCHOOL SYSTEM.

“SCHOOL SYSTEM” MEANS THE EDUCATIONAL SYSTEM UNDER THE AUTHORITY OF A SCHOOL BOARD.

REVISOR'S NOTE: This subsection formerly was SG § 15–102(kk).

No changes are made.

Defined term: “School board” § 5–101

(LL) STATE OFFICIAL.

“STATE OFFICIAL” MEANS:

(1) A CONSTITUTIONAL OFFICER OR OFFICER–ELECT IN AN EXECUTIVE UNIT;

(2) A MEMBER OR MEMBER–ELECT OF THE GENERAL ASSEMBLY;

(3) A JUDGE OR JUDGE–ELECT OF A COURT UNDER ARTICLE IV, § 1 OF THE MARYLAND CONSTITUTION;

(4) A JUDICIAL APPOINTEE AS DEFINED IN MARYLAND RULE 16–814;

(5) A STATE’S ATTORNEY;

(6) A CLERK OF THE CIRCUIT COURT;

(7) A REGISTER OF WILLS; OR

(8) A SHERIFF.

REVISOR’S NOTE: This subsection formerly was SG § 15–102(ll).

The only changes are in style.

Defined terms: “Executive unit” § 5–101

“General Assembly” § 5–101

“State” § 1–115

(MM) SUPERINTENDENT.

“SUPERINTENDENT” MEANS A COUNTY SUPERINTENDENT AS DEFINED IN § 1–101 OF THE EDUCATION ARTICLE.

REVISOR’S NOTE: This subsection formerly was SG § 15–102(mm).

No changes are made.

5–102. LEGISLATIVE FINDINGS; POLICY; LIBERAL CONSTRUCTION.

(A) LEGISLATIVE FINDINGS.

(1) THE GENERAL ASSEMBLY OF MARYLAND, RECOGNIZING THAT OUR SYSTEM OF REPRESENTATIVE GOVERNMENT IS DEPENDENT ON MAINTAINING THE HIGHEST TRUST BY THE PEOPLE IN THEIR GOVERNMENT OFFICIALS AND EMPLOYEES, FINDS AND DECLARES THAT THE PEOPLE HAVE A RIGHT TO BE ASSURED THAT THE IMPARTIALITY AND INDEPENDENT JUDGMENT OF THOSE OFFICIALS AND EMPLOYEES WILL BE MAINTAINED.

(2) IT IS EVIDENT THAT THE PEOPLE’S CONFIDENCE AND TRUST ARE ERODED WHEN THE CONDUCT OF THE STATE’S BUSINESS IS SUBJECT TO IMPROPER INFLUENCE OR EVEN THE APPEARANCE OF IMPROPER INFLUENCE.

(B) POLICY.

FOR THE PURPOSE OF GUARDING AGAINST IMPROPER INFLUENCE, THE GENERAL ASSEMBLY ENACTS THIS MARYLAND PUBLIC ETHICS LAW TO REQUIRE CERTAIN GOVERNMENT OFFICIALS AND EMPLOYEES TO DISCLOSE THEIR FINANCIAL AFFAIRS AND TO SET MINIMUM ETHICAL STANDARDS FOR THE CONDUCT OF STATE AND LOCAL BUSINESS.

(C) LIBERAL CONSTRUCTION OF TITLE.

THE GENERAL ASSEMBLY INTENDS THAT THIS TITLE, EXCEPT ITS PROVISIONS FOR CRIMINAL SANCTIONS, BE CONSTRUED LIBERALLY TO ACCOMPLISH THIS PURPOSE.

REVISOR'S NOTE: This section formerly was SG § 15–101.

The only changes are in style.

Defined terms: "Employee" § 5–101

"General Assembly" § 5–101

"Official" § 5–101

"State" § 1–115

5–103. DESIGNATION OF INDIVIDUALS AS PUBLIC OFFICIALS.

(A) IN GENERAL.

THE DETERMINATION OF WHETHER AN INDIVIDUAL IS A PUBLIC OFFICIAL FOR THE PURPOSES OF THIS TITLE SHALL BE MADE IN ACCORDANCE WITH THIS SECTION.

(B) PUBLIC OFFICIALS OF EXECUTIVE UNITS.

EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, THE FOLLOWING INDIVIDUALS IN EXECUTIVE UNITS ARE PUBLIC OFFICIALS:

(1) AN INDIVIDUAL WHO RECEIVES COMPENSATION AT A RATE EQUIVALENT TO AT LEAST STATE GRADE LEVEL 16, OR WHO IS APPOINTED TO A BOARD, IF THE ETHICS COMMISSION DETERMINES UNDER § 5–208 OF THIS TITLE THAT:

(I) THE INDIVIDUAL, ACTING ALONE OR AS A MEMBER OF AN EXECUTIVE UNIT, HAS DECISION-MAKING AUTHORITY OR ACTS AS A PRINCIPAL ADVISOR TO AN INDIVIDUAL WITH DECISION-MAKING AUTHORITY:

1. IN MAKING STATE POLICY IN AN EXECUTIVE UNIT;
OR

2. IN EXERCISING QUASI-JUDICIAL, REGULATORY, LICENSING, INSPECTING, OR AUDITING FUNCTIONS; AND

(II) THE INDIVIDUAL'S DUTIES ARE NOT ESSENTIALLY ADMINISTRATIVE AND MINISTERIAL;

(2) ANY OTHER INDIVIDUAL IN AN EXECUTIVE UNIT IF THE ETHICS COMMISSION DETERMINES THAT THE INDIVIDUAL, ACTING ALONE OR AS A MEMBER OF THE EXECUTIVE UNIT, HAS DECISION-MAKING AUTHORITY OR ACTS AS A PRINCIPAL ADVISOR TO AN INDIVIDUAL WITH DECISION-MAKING AUTHORITY IN DRAFTING SPECIFICATIONS FOR, NEGOTIATING, OR EXECUTING CONTRACTS THAT COMMIT THE STATE OR AN EXECUTIVE UNIT TO SPEND MORE THAN \$10,000 IN A YEAR;

(3) A MEMBER, APPOINTEE, OR EMPLOYEE OF THE MARYLAND STADIUM AUTHORITY;

(4) A MEMBER, APPOINTEE, OR EMPLOYEE OF THE CANAL PLACE PRESERVATION AND DEVELOPMENT AUTHORITY; AND

(5) A MEMBER OF THE EMERGENCY MEDICAL SERVICES BOARD.

(C) PUBLIC OFFICIALS OF LEGISLATIVE BRANCH.

EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, AN INDIVIDUAL IN THE LEGISLATIVE BRANCH IS A PUBLIC OFFICIAL IF THE INDIVIDUAL:

(1) RECEIVES COMPENSATION AT A RATE EQUIVALENT TO AT LEAST STATE GRADE LEVEL 16; AND

(2) IS DESIGNATED A PUBLIC OFFICIAL BY ORDER OF THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY.

(D) PUBLIC OFFICIALS OF JUDICIAL BRANCH.

(1) (I) IN THIS PARAGRAPH, "INDIVIDUAL IN THE JUDICIAL BRANCH" INCLUDES AN INDIVIDUAL WHO IS:

1. EMPLOYED IN THE OFFICE OF A CLERK OF COURT;

2. PAID BY A COUNTY TO PERFORM SERVICES IN AN ORPHANS' COURT OR CIRCUIT COURT;
3. EMPLOYED BY THE ATTORNEY GRIEVANCE COMMISSION;
4. EMPLOYED BY THE STATE BOARD OF LAW EXAMINERS; OR
5. EMPLOYED BY THE COURT OF APPEALS STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE.

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION OR SUBSECTION (F) OF THIS SECTION, AN INDIVIDUAL IN THE JUDICIAL BRANCH IS A PUBLIC OFFICIAL IF THE INDIVIDUAL RECEIVES COMPENSATION AT A RATE EQUIVALENT TO AT LEAST STATE GRADE LEVEL 16.

(2) THE ETHICS COMMISSION MAY EXCLUDE THE INDIVIDUALS IN A POSITION IN THE JUDICIAL BRANCH FROM INCLUSION AS PUBLIC OFFICIALS UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION:

(I) ON THE RECOMMENDATION OF THE STATE COURT ADMINISTRATOR; AND

(II) IF THE ETHICS COMMISSION DETERMINES THAT THE POSITION DOES NOT HAVE POLICY, POLICY ADVICE, QUASI-JUDICIAL, OR PROCUREMENT FUNCTIONS.

(E) BICOUNTY COMMISSION MEMBERS.

A MEMBER OF A BICOUNTY COMMISSION IS A PUBLIC OFFICIAL.

(F) EXCEPTIONS.

THE FOLLOWING ARE NOT PUBLIC OFFICIALS:

(1) A STATE OFFICIAL;

(2) AN INDIVIDUAL EMPLOYED ON A CONTRACTUAL BASIS UNLESS THE INDIVIDUAL IS:

(I) EMPLOYED ON A FULL-TIME BASIS FOR MORE THAN 6 MONTHS; AND

(II) DESIGNATED AS A PUBLIC OFFICIAL UNDER SUBSECTION (B)(1) OR (C) OF THIS SECTION; AND

(3) A PART-TIME OR FULL-TIME FACULTY MEMBER AT A STATE INSTITUTION OF HIGHER EDUCATION:

(I) AS TO SUBSECTION (B)(2) OF THIS SECTION, ONLY WHEN THE INDIVIDUAL IS ACTING IN THE CAPACITY OF A FACULTY MEMBER; AND

(II) AS TO ANY OTHER PROVISION OF THIS SECTION, UNLESS THE INDIVIDUAL ALSO:

1. IS EMPLOYED IN ANOTHER POSITION THAT CAUSES THE INDIVIDUAL TO BE DESIGNATED AS A PUBLIC OFFICIAL; OR

2. DIRECTLY PROCURES, DIRECTLY INFLUENCES, OR OTHERWISE DIRECTLY AFFECTS THE FORMATION OR EXECUTION OF ANY STATE CONTRACT, PURCHASE, OR SALE, AS ESTABLISHED BY REGULATIONS ADOPTED BY THE ETHICS COMMISSION AND APPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 15-103.

In subsection (b)(1)(i) and (2) of this section, the references to acting as a principal advisor to "an individual" are substituted for the former references to acting as a principal advisor to "one" for clarity.

In subsection (f)(2)(ii) of this section, the reference to an individual designated "as a public official" is added for clarity.

Defined terms: "Bicounty commission" § 5-101

"Board" § 5-101

"Compensation" § 5-101

"County" § 1-107

"Employee" § 5-101

"Ethics Commission" § 5-101

"Executive unit" § 5-101

"General Assembly" § 5-101

"Includes" § 1-110

"Public official" § 5-101

"State" § 1-115

“State official” § 5–101

5–104. ADMINISTRATION OF TITLE.

THIS TITLE SHALL BE ADMINISTERED AND IMPLEMENTED BY:

(1) THE JOINT ETHICS COMMITTEE, ACTING AS AN ADVISORY BODY AS TO THE APPLICATION OF SUBTITLE 5 OF THIS TITLE TO MEMBERS OF THE GENERAL ASSEMBLY;

(2) THE COMMISSION ON JUDICIAL DISABILITIES OR ANOTHER BODY DESIGNATED BY THE COURT OF APPEALS, ACTING AS AN ADVISORY BODY AS TO THE APPLICATION OF SUBTITLES 5 AND 6 OF THIS TITLE TO STATE OFFICIALS OF THE JUDICIAL BRANCH; AND

(3) IN ALL OTHER MATTERS, THE ETHICS COMMISSION.

REVISOR’S NOTE: This section formerly was SG § 15–104.

In the introductory language of this section, the former reference to “the following three ethics agencies” is deleted as surplusage.

In item (2) of this section, the reference to the “Commission on Judicial Disabilities” is substituted for the former reference to the “Judicial Disabilities Commission” to accurately state the name of the Commission.

No other changes are made.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that while the Commission on Judicial Disabilities exists, it does not implement or administer Title 15, Subtitles 5 and 6 of the State Government Article. Instead, Maryland Rule 16–812.1 designates the Judicial Ethics Committee as the body to give advice with respect to the application or interpretation of any provision of Code, State Government Article, Title 15, Subtitles 5 and 6, to a State official in the Judicial Branch. The General Assembly may wish to amend item (2) of this section to conform to Maryland Rule 16–812.1.

Defined terms: “Advisory body” § 5–101

“Ethics Commission” § 5–101

“General Assembly” § 5–101

“Joint Ethics Committee” § 5–101

“State official” § 5–101

5–105. OTHER LAWS.

(A) IN GENERAL.

IF ANOTHER PROVISION OF LAW RELATING TO CONFLICTS OF INTEREST, FINANCIAL DISCLOSURE, OR LOBBYING IS MORE STRINGENT THAN THIS TITLE, THE OTHER PROVISION SHALL APPLY.

(B) EXCEPTION.

TITLE 3, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE DOES NOT APPLY TO ACTIVITIES CARRIED OUT BY THE ETHICS COMMISSION UNDER THIS TITLE.

REVISOR'S NOTE: This section formerly was SG § 15–105.

In subsection (a) of this section, the reference to “the other” provision is substituted for the former reference to “that” provision for clarity.

No other changes are made.

Defined terms: “Ethics Commission” § 5–101

“Lobbying” § 5–101

SUBTITLE 2. STATE ETHICS COMMISSION.

5–201. ESTABLISHED.

THERE IS A STATE ETHICS COMMISSION.

REVISOR'S NOTE: This section formerly was SG § 15–201.

No changes are made.

5–202. MEMBERSHIP.

(A) COMPOSITION; APPOINTMENT OF MEMBERS.

(1) THE ETHICS COMMISSION CONSISTS OF FIVE MEMBERS.

(2) THE GOVERNOR SHALL APPOINT:

(I) WITH THE ADVICE AND CONSENT OF THE SENATE, THREE MEMBERS, AT LEAST ONE OF WHOM SHALL BE A MEMBER OF THE PRINCIPAL POLITICAL PARTY OF WHICH THE GOVERNOR IS NOT A MEMBER;

(II) ONE MEMBER NOMINATED BY THE PRESIDENT OF THE SENATE; AND

(III) ONE MEMBER NOMINATED BY THE SPEAKER OF THE HOUSE.

(3) THE GOVERNOR MAY REJECT A NOMINEE OF THE PRESIDENT OR OF THE SPEAKER ONLY FOR CAUSE.

(4) IF THE GOVERNOR REJECTS A NOMINEE UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE APPROPRIATE PRESIDING OFFICER SHALL NOMINATE ANOTHER INDIVIDUAL.

(5) A VACANCY SHALL BE FILLED IN A MANNER CONSISTENT WITH THIS SUBSECTION.

(B) QUALIFICATIONS OF MEMBERS.

A MEMBER OF THE ETHICS COMMISSION MAY NOT:

(1) HOLD ELECTED OR APPOINTED OFFICE IN, BE AN EMPLOYEE OF, OR BE A CANDIDATE FOR OFFICE IN:

(I) THE FEDERAL GOVERNMENT;

(II) THE STATE GOVERNMENT;

(III) A MUNICIPAL CORPORATION, COUNTY, OR MULTICOUNTY AGENCY OF THE STATE; OR

(IV) A POLITICAL PARTY; OR

(2) BE A REGULATED LOBBYIST.

(C) OATH.

BEFORE TAKING OFFICE, EACH APPOINTEE TO THE ETHICS COMMISSION SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

(D) TENURE; VACANCIES.

(1) THE TERM OF A MEMBER IS 5 YEARS.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS IN EFFECT FOR MEMBERS OF THE ETHICS COMMISSION ON OCTOBER 1, 2013.

(3) A MEMBER MAY SERVE NO MORE THAN TWO CONSECUTIVE 5-YEAR TERMS.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES FOR THE REST OF THE TERM.

(5) AT THE END OF A TERM, A MEMBER MAY CONTINUE TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(E) REMOVAL.

(1) THE GOVERNOR MAY REMOVE A MEMBER FOR:

(I) NEGLIGENCE OF DUTY;

(II) MISCONDUCT IN OFFICE;

(III) A DISABILITY THAT MAKES THE MEMBER UNABLE TO DISCHARGE THE POWERS AND DUTIES OF OFFICE; OR

(IV) A VIOLATION OF THIS TITLE.

(2) BEFORE REMOVING A MEMBER, THE GOVERNOR SHALL GIVE THE MEMBER:

(I) WRITTEN NOTICE OF THE CHARGES; AND

(II) AN OPPORTUNITY TO ANSWER THE CHARGES.

REVISOR'S NOTE: This section formerly was SG § 15–202.

In subsection (e)(2)(ii) of this section, the reference to “answer[ing]” the charges is substituted for the former reference to “reply[ing] to” the charges to use the appropriate terminology.

The only other changes are in style.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that subsection (d) of this section

is ambiguous in that it is unclear whether a member of the Ethics Commission who has been appointed after a 5-year term has begun is considered to have served for a 5-year term. If that is true, a member would be disqualified from serving more than two consecutive 5-year terms under subsection (d)(3) of this section. The General Assembly may wish to clarify the meaning of subsection (d)(4) of this section.

Defined terms: "County" § 1-107

"Employee" § 5-101

"Ethics Commission" § 5-101

"Municipal corporation" § 5-101

"Principal political party" § 5-101

"Regulated lobbyist" § 5-101

"State" § 1-115

5-203. OFFICERS.

(A) CHAIR.

THE ETHICS COMMISSION SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.

(B) TERM OF OFFICE.

(1) THE TERM OF THE CHAIR IS 1 YEAR.

(2) THE CHAIR MAY BE REELECTED.

REVISOR'S NOTE: This section formerly was SG § 15-203.

The only changes are in style.

Defined term: "Ethics Commission" § 5-101

5-204. QUORUM; MEETINGS; COMPENSATION; STAFF.

(A) QUORUM.

(1) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE ETHICS COMMISSION IS A QUORUM.

(2) THE ETHICS COMMISSION MAY ACT ONLY ON THE AFFIRMATIVE VOTE OF AT LEAST A MAJORITY OF ITS AUTHORIZED MEMBERSHIP.

(B) MEETINGS.

THE ETHICS COMMISSION SHALL MEET AT THE CALL OF THE CHAIR OR A MAJORITY OF THE MEMBERS THEN SERVING.

(C) COMPENSATION AND REIMBURSEMENT FOR EXPENSES.

EACH MEMBER OF THE ETHICS COMMISSION IS ENTITLED TO:

**(1) COMPENSATION IN ACCORDANCE WITH THE STATE BUDGET;
AND**

(2) REIMBURSEMENT FOR REASONABLE AND NECESSARY EXPENSES INCURRED IN THE DISCHARGE OF OFFICIAL DUTIES.

(D) STAFF.

(1) THE ETHICS COMMISSION SHALL:

(I) APPOINT TO SERVE AT ITS PLEASURE:

- 1. AN EXECUTIVE DIRECTOR;**
- 2. A GENERAL COUNSEL; AND**
- 3. A STAFF COUNSEL; AND**

(II) HAVE OTHER STAFF, INCLUDING SUCH COUNSEL AS MAY BE REQUIRED TO ADVISE PERSONS WHO ARE SUBJECT TO THE JURISDICTION OF THE ETHICS COMMISSION, IN ACCORDANCE WITH THE STATE BUDGET.

(2) THE GENERAL COUNSEL AND THE STAFF COUNSEL OF THE ETHICS COMMISSION SHALL BE INDIVIDUALS ADMITTED TO PRACTICE LAW IN THE STATE.

(E) ASSISTANCE FROM ATTORNEY GENERAL AND COMPTROLLER.

THE ETHICS COMMISSION MAY ASK THE ATTORNEY GENERAL OR COMPTROLLER FOR PROFESSIONAL ASSISTANCE TO ASSIST IN THE PERFORMANCE OF THE COMMISSION'S FUNCTIONS.

REVISOR'S NOTE: This section formerly was SG § 15–204.

The only changes are in style.

Defined terms: "Compensation" § 5-101

"Ethics Commission" § 5-101

"Including" § 1-110

"Person" § 1-114

"State" § 1-115

5-205. DUTIES.

(A) IN GENERAL.

THE ETHICS COMMISSION SHALL:

(1) ADMINISTER THE PROVISIONS OF THIS TITLE, EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS TITLE;

(2) CREATE AND PROVIDE FORMS FOR EACH DOCUMENT REQUIRED BY THIS TITLE;

(3) RETAIN AS A PUBLIC RECORD EACH DOCUMENT FILED WITH THE COMMISSION FOR AT LEAST 4 YEARS AFTER RECEIPT;

(4) REVIEW PERIODICALLY THE ADEQUACY OF PUBLIC ETHICS LAWS;

(5) (I) REVIEW EACH STATEMENT AND REPORT FILED IN ACCORDANCE WITH SUBTITLE 6 OR SUBTITLE 7 OF THIS TITLE; AND

(II) NOTIFY OFFICIALS AND EMPLOYEES SUBMITTING DOCUMENTS UNDER SUBTITLE 6 OF THIS TITLE OF ANY OMISSIONS OR DEFICIENCIES; AND

(6) PUBLISH AND MAKE AVAILABLE TO PERSONS SUBJECT TO THIS TITLE, AND TO THE PUBLIC, INFORMATION THAT EXPLAINS THE PROVISIONS OF THIS TITLE, THE DUTIES IMPOSED BY IT, AND THE MEANS FOR ENFORCING IT.

(B) MODEL PROVISIONS FOR LOCAL GOVERNMENTS.

(1) THE ETHICS COMMISSION SHALL ADOPT BY REGULATION MODEL PROVISIONS FOR LOCAL GOVERNMENTS ON:

(I) CONFLICTS OF INTEREST;

(II) FINANCIAL DISCLOSURE; AND

(III) REGULATION OF LOBBYING.

(2) MODEL PROVISIONS ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE:

(I) ADOPTED BY ANY LOCAL JURISDICTION; OR

(II) IMPOSED ON A LOCAL JURISDICTION IN ACCORDANCE WITH SUBTITLE 8 OF THIS TITLE.

(C) LIST OF ENTITIES DOING BUSINESS WITH THE STATE.

(1) THE ETHICS COMMISSION SHALL:

(I) COMPILE ANNUALLY AN ALPHABETIZED LIST OF ENTITIES DOING BUSINESS WITH THE STATE DURING THE PRECEDING CALENDAR YEAR; AND

(II) MAKE THE LIST AVAILABLE TO INDIVIDUALS REQUIRED TO FILE A STATEMENT UNDER SUBTITLE 6 OF THIS TITLE.

(2) THE LIST PREPARED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE AVAILABLE FOR PUBLIC INSPECTION BY MARCH 1 OF EACH YEAR.

(3) ON REQUEST OF THE ETHICS COMMISSION, AN OFFICIAL OR A UNIT OF STATE GOVERNMENT SHALL PROVIDE TO THE COMMISSION IN A TIMELY MANNER ANY INFORMATION NECESSARY FOR THE COMMISSION TO PERFORM ITS DUTIES UNDER THIS SUBSECTION.

(D) TRAINING COURSE FOR PUBLIC OFFICIALS.

(1) THE ETHICS COMMISSION SHALL PROVIDE A TRAINING COURSE OF AT LEAST 2 HOURS ON THE REQUIREMENTS OF THE MARYLAND PUBLIC ETHICS LAW FOR AN INDIVIDUAL WHO:

(I) FILLS A VACANCY IN A POSITION THAT HAS BEEN IDENTIFIED AS A PUBLIC OFFICIAL POSITION UNDER § 5-103 OF THIS TITLE; OR

(II) SERVES IN A POSITION IDENTIFIED AS A PUBLIC OFFICIAL POSITION UNDER § 5-103 OF THIS TITLE.

(2) THE INDIVIDUAL SHALL COMPLETE THE TRAINING COURSE WITHIN 6 MONTHS OF:

(I) FILLING A VACANCY; OR

(II) A POSITION BEING IDENTIFIED AS A PUBLIC OFFICIAL POSITION.

(3) THE TRAINING REQUIREMENT UNDER THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL WHO:

(I) IS A PUBLIC OFFICIAL ONLY AS A MEMBER OF A COMMISSION, TASK FORCE, OR SIMILAR ENTITY; OR

(II) HAS COMPLETED A TRAINING COURSE PROVIDED BY THE ETHICS COMMISSION WHILE SERVING IN ANOTHER PUBLIC OFFICIAL POSITION.

(E) TRAINING COURSE FOR REGULATED LOBBYISTS.

(1) (I) 1. THE ETHICS COMMISSION SHALL PROVIDE A TRAINING COURSE FOR REGULATED LOBBYISTS AND PROSPECTIVE REGULATED LOBBYISTS AT LEAST TWICE EACH YEAR ON THE PROVISIONS OF THE MARYLAND PUBLIC ETHICS LAW RELEVANT TO REGULATED LOBBYISTS.

2. ONE TRAINING COURSE SHALL BE HELD EACH JANUARY.

(II) AN INDIVIDUAL REGULATED LOBBYIST, OTHER THAN THE EMPLOYER OF A REGULATED LOBBYIST AS DESCRIBED IN § 5-701(A)(6) OF THIS TITLE, SHALL ATTEND A TRAINING COURSE PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AT LEAST ONCE IN ANY 2-YEAR PERIOD DURING WHICH THE LOBBYIST HAS REGISTERED WITH THE ETHICS COMMISSION.

(2) WHEN A PERSON INITIALLY REGISTERS AS A REGULATED LOBBYIST, THE ETHICS COMMISSION SHALL PROVIDE THE PERSON WITH INFORMATION ON THE PROVISIONS OF THE MARYLAND PUBLIC ETHICS LAW RELEVANT TO REGULATED LOBBYISTS.

(F) REPORTS.

SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE ETHICS COMMISSION SHALL SUBMIT TO THE GENERAL ASSEMBLY:

(1) AN ANNUAL REPORT ON ITS ACTIVITIES; AND

(2) BASED ON ITS INVESTIGATIONS AND STUDIES, OTHER SPECIAL REPORTS WITH RECOMMENDATIONS FOR LEGISLATION AS MAY BE APPROPRIATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 15-205.

In subsection (c)(1)(i) of this section, the former reference to entities doing business with the State “, as defined in § 15-102 of this title,” is deleted as surplusage.

In subsection (c)(1)(ii) of this section, the former reference to “information from” the list is deleted as surplusage.

In subsection (d)(1)(i) and (ii) of this section, the former references to “after September 30, 1999” are deleted as obsolete.

In subsection (e)(1)(i)2 of this section, the word “each” is substituted for the former phrase “in the month of” for brevity and clarity.

In subsection (e)(1)(ii) of this section, the reference to an “individual” regulated lobbyist is added to conform to the terminology used throughout this title.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that subsection (a)(4) of this section, which requires the Ethics Commission to review “periodically” the adequacy of public ethics laws, is ambiguous and provides no actual timeframe for review by the Ethics Commission. The General Assembly may wish to amend this subsection to provide a measurable timeframe for Ethics Commission review of public ethics laws.

Defined terms: “Employee” § 5-101

“Employer” § 5-101

“Entity” § 5-101

“Entity doing business with the State” § 5-101

“Ethics Commission” § 5-101

“General Assembly” § 5-101

“Lobbying” § 5-101

“Official” § 5-101

“Person” § 1-114

“Public official” § 5–101
“Regulated lobbyist” § 5–101
“State” § 1–115

5–206. REGULATIONS.

THE ETHICS COMMISSION MAY ADOPT REGULATIONS TO IMPLEMENT THIS TITLE.

REVISOR’S NOTE: This section formerly was SG § 15–206.

No changes are made.

Defined term: “Ethics Commission” § 5–101

5–207. OATHS AND SUBPOENAS.

(A) IN GENERAL.

THE ETHICS COMMISSION AND ITS STAFF COUNSEL EACH MAY:

(1) ADMINISTER OATHS; AND

(2) ISSUE SUBPOENAS FOR THE ATTENDANCE OF WITNESSES TO TESTIFY OR TO PRODUCE OTHER EVIDENCE.

(B) JUDICIAL ENFORCEMENT.

A SUBPOENA ISSUED UNDER SUBSECTION (A) OF THIS SECTION MAY BE ENFORCED JUDICIALLY.

REVISOR’S NOTE: This section is new language derived without substantive change from former SG § 15–207.

Defined term: “Ethics Commission” § 5–101

5–208. DETERMINATION OF PUBLIC OFFICIAL IN EXECUTIVE AGENCY.

(A) DETERMINATION OF ETHICS COMMISSION.

WITH ADVICE FROM THE SECRETARY OF BUDGET AND MANAGEMENT AND IN ACCORDANCE WITH § 5–103 OF THIS TITLE, THE ETHICS COMMISSION SHALL DETERMINE WHETHER AN INDIVIDUAL IN AN EXECUTIVE UNIT IS A PUBLIC OFFICIAL FOR THE PURPOSES OF THIS TITLE.

(B) SECRETARY OF BUDGET AND MANAGEMENT TO PROVIDE ADVICE.

THE SECRETARY OF BUDGET AND MANAGEMENT SHALL PROVIDE ADVICE UNDER SUBSECTION (A) OF THIS SECTION TO THE ETHICS COMMISSION:

(1) ANNUALLY; AND

(2) AT ANY OTHER TIME ON REQUEST OF THE ETHICS COMMISSION.

REVISOR'S NOTE: This section formerly was SG § 15–208.

The only changes are in style.

Defined terms: “Ethics Commission” § 5–101

“Executive unit” § 5–101

“Public official” § 5–101

5–209. EXEMPTIONS FROM TITLE.

(A) IN GENERAL.

THE ETHICS COMMISSION MAY EXEMPT FROM THIS TITLE OR MODIFY THE REQUIREMENTS OF THIS TITLE FOR A BOARD, A MEMBER OF A BOARD, OR A MUNICIPAL CORPORATION IF THE ETHICS COMMISSION FINDS THAT, BECAUSE OF THE NATURE OF THE BOARD OR THE SIZE OF THE MUNICIPAL CORPORATION, THE APPLICATION OF THIS TITLE TO THAT BOARD, MEMBER, OR MUNICIPAL CORPORATION:

(1) WOULD BE AN UNREASONABLE INVASION OF PRIVACY;

(2) WOULD REDUCE SIGNIFICANTLY THE AVAILABILITY OF QUALIFIED INDIVIDUALS FOR PUBLIC SERVICE; AND

(3) IS NOT NECESSARY TO PRESERVE THE PURPOSES OF THIS TITLE.

(B) REQUEST BY EXECUTIVE UNIT INVOLVED.

SUBJECT TO § 5–502(D) OF THIS TITLE, THE ETHICS COMMISSION MAY GRANT AN EXEMPTION TO A BOARD OR MEMBER OF A BOARD ONLY ON WRITTEN REQUEST OF THE EXECUTIVE UNIT OF WHICH THE BOARD IS A PART.

(C) AVAILABILITY OF RECORDS.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE RECORDS OF THE ETHICS COMMISSION IN ANY MATTER IN WHICH AN EXEMPTION IS GRANTED UNDER THIS SECTION SHALL BE AVAILABLE FOR PUBLIC INSPECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 15-209.

In subsection (b) of this section, the reference to the executive unit "of which the board is a part" is substituted for the former reference to the executive unit "involved" for clarity.

In subsection (c) of this section, the reference to an exemption granted under this "section" is substituted for the former reference to an exemption granted under this "title" for accuracy.

Defined terms: "Board" § 5-101
 "Ethics Commission" § 5-101
 "Executive unit" § 5-101
 "Municipal corporation" § 5-101

5-210. LOBBYIST REGISTRATION FUND.**(A) FUND ESTABLISHED.**

(1) THERE IS A LOBBYIST REGISTRATION FUND.

(2) THE FUND CONSISTS OF ALL FEES COLLECTED UNDER SUBTITLE 7 OF THIS TITLE.

(B) FUND TO BE NONLAPSING.

(1) THE FUND IS A CONTINUING, NONLAPSING FUND.

(2) ANY BALANCE REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REVERT TO THE GENERAL FUND OF THE STATE.

(C) ADMINISTRATION OF FUND.

(1) (I) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY.

(II) THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(2) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME MANNER AS OTHER STATE FUNDS.

(3) EXPENDITURES FROM THE FUND SHALL BE MADE IN ACCORDANCE WITH AN APPROPRIATION APPROVED BY THE GENERAL ASSEMBLY IN THE ANNUAL BUDGET.

(D) USES OF FUND.

THE FUND SHALL BE USED TO DEFRAY THE EXPENSES OF ADMINISTERING SUBTITLE 7 OF THIS TITLE.

REVISOR'S NOTE: This section formerly was SG § 15–210.

In subsection (a)(2) of this section, the reference to the Fund “consist[ing] of” fees collected is substituted for the former reference to the Fund “includ[ing]” fees collected for clarity. The fees are the only source of money deposited into the Fund.

The only other changes are in style.

Defined terms: “General Assembly” § 5–101

“Lobbyist” § 5–101

“State” § 1–115

SUBTITLE 3. ADVISORY OPINIONS.

5–301. REQUEST FOR ADVISORY OPINION.

(A) REQUIRED.

ON WRITTEN REQUEST OF AN ENTITY SUBJECT TO THIS TITLE, THE APPROPRIATE ADVISORY BODY SHALL ISSUE AN ADVISORY OPINION REGARDING THE APPLICATION OF THIS TITLE.

(B) DISCRETIONARY.

ON WRITTEN REQUEST OF ANY OTHER ENTITY, THE APPROPRIATE ADVISORY BODY MAY ISSUE AN ADVISORY OPINION.

REVISOR'S NOTE: This section formerly was SG § 15–301.

No changes are made.

Defined terms: “Advisory body” § 5–101

“Entity” § 5–101

5–302. ISSUANCE.

THE ETHICS COMMISSION SHALL ISSUE AN ADVISORY OPINION REQUIRED UNDER § 5–301(A) OF THIS SUBTITLE NOT MORE THAN 60 DAYS AFTER RECEIVING A REQUEST, OR MORE PROMPTLY IF CIRCUMSTANCES REQUIRE.

REVISOR’S NOTE: This section formerly was SG § 15–302.

The only changes are in style.

Defined term: “Ethics Commission” § 5–101

5–303. PUBLICATION.

(A) REQUIREMENTS.

EACH ADVISORY OPINION SHALL BE:

(1) IN WRITING; AND

(2) PUBLISHED IN THE MARYLAND REGISTER, SUBJECT TO SUBSECTION (B) OF THIS SECTION.

(B) CONFIDENTIALITY.

(1) BEFORE AN ADVISORY OPINION MAY BE MADE PUBLIC, THE ADVISORY BODY SHALL DELETE:

(I) THE NAME OF THE ENTITY THAT IS THE SUBJECT OF THE OPINION; AND

(II) TO THE FULLEST EXTENT POSSIBLE, ANY OTHER INFORMATION THAT MAY IDENTIFY THE ENTITY.

(2) THE IDENTITY OF THE ENTITY THAT IS THE SUBJECT OF THE OPINION MAY NOT BE REVEALED.

REVISOR’S NOTE: This section formerly was SG § 15–303.

In subsection (a)(2) of this section, the phrase “, subject to subsection (b) of this section” is added for clarity.

No other changes are made.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that although subsection (a) of this section requires advisory opinions issued by the Ethics Commission to be published in the Maryland Register, Maryland Rule 16–812.1 does not require the publication of opinions by the Judicial Ethics Commission.

Defined terms: “Advisory body” § 5–101
“Entity” § 5–101

5–304. FURTHER OPINION BY JOINT ETHICS COMMITTEE.

(A) ISSUANCE.

IF THE ETHICS COMMISSION ISSUES AN ADVISORY OPINION ABOUT A STATE OFFICIAL OF THE LEGISLATIVE BRANCH AS TO A QUESTION ARISING UNDER SUBTITLE 6 OF THIS TITLE, AND IF REQUESTED BY THE STATE OFFICIAL, THE JOINT ETHICS COMMITTEE SHALL ISSUE AN ADVISORY OPINION ON THE MATTER IN ACCORDANCE WITH THIS SUBTITLE.

(B) JOINT ETHICS COMMITTEE OPINION TO PREVAIL.

THE OPINION OF THE JOINT ETHICS COMMITTEE PREVAILS TO THE EXTENT OF ANY INCONSISTENCY.

REVISOR’S NOTE: This section formerly was SG § 15–304.

The only changes are in style.

Defined terms: “Ethics Commission” § 5–101
“Joint Ethics Committee” § 5–101
“State official” § 5–101

SUBTITLE 4. PROCEDURES FOR COMPLAINT OF VIOLATION OF TITLE.

5–401. COMPLAINTS — FILING; REQUIREMENTS.

(A) COMMENCEMENT OF ACTION.

(1) ANY ENTITY MAY FILE WITH THE ETHICS COMMISSION A WRITTEN COMPLAINT ALLEGING A VIOLATION OF THIS TITLE.

(2) A COMPLAINT FILED UNDER THIS SUBSECTION SHALL BE:

(I) SIGNED; AND

(II) MADE UNDER OATH.

(B) ON MOTION OF ETHICS COMMISSION.

THE ETHICS COMMISSION ON ITS OWN MOTION MAY ISSUE A COMPLAINT ALLEGING A VIOLATION OF THIS TITLE.

(C) COPY TO RESPONDENT.

THE ETHICS COMMISSION SHALL PROMPTLY TRANSMIT A COPY OF THE COMPLAINT TO THE RESPONDENT.

REVISOR'S NOTE: This section formerly was SG § 15-401.

The only changes are in style.

Defined terms: "Entity" § 5-101

"Ethics Commission" § 5-101

"Respondent" § 5-101

5-402. COMPLAINTS — REFERRAL.

(A) IN GENERAL.

FOR FURTHER ACTION AFTER THE FILING OF A COMPLAINT, THE ETHICS COMMISSION PROMPTLY SHALL REFER THE COMPLAINT TO:

(1) THE COMMISSION ON JUDICIAL DISABILITIES, IF THE COMPLAINT CONCERNS A JUDGE OF A COURT ESTABLISHED UNDER ARTICLE IV, § 1 OF THE MARYLAND CONSTITUTION;

(2) THE JOINT ETHICS COMMITTEE, IF THE COMPLAINT CONCERNS:

(I) A STATE OFFICIAL OF THE LEGISLATIVE BRANCH; AND

(II) A VIOLATION OF SUBTITLE 5 OF THIS TITLE; OR

(3) THE STAFF COUNSEL, IF THE COMPLAINT CONCERNS ANY OTHER ENTITY.

(B) ASSISTANCE FROM ETHICS COMMISSION.

ON REQUEST OF THE COMMISSION ON JUDICIAL DISABILITIES OR THE JOINT ETHICS COMMITTEE, THE ETHICS COMMISSION SHALL PROVIDE ANY INFORMATION OR ASSISTANCE THAT IS NOT PROHIBITED BY LAW.

REVISOR'S NOTE: This section formerly was SG § 15-402.

No changes are made.

Defined terms: "Entity" § 5-101

"Ethics Commission" § 5-101

"Joint Ethics Committee" § 5-101

"State official" § 5-101

5-403. COMPLAINTS — RETENTION BY ETHICS COMMISSION.

(A) EVIDENCE.

AS TO A COMPLAINT RETAINED BY THE ETHICS COMMISSION UNDER § 5-402(B) OF THIS SUBTITLE, THE STAFF COUNSEL SHALL COLLECT AND SUBMIT TO THE ETHICS COMMISSION EVIDENCE RELATING TO EACH VIOLATION OF THIS TITLE ALLEGED IN THE COMPLAINT.

(B) OPPORTUNITY TO CURE.

(1) BEFORE SUBMITTING THE EVIDENCE TO THE ETHICS COMMISSION, THE STAFF COUNSEL SHALL NOTIFY THE COMPLAINANT AND THE RESPONDENT.

(2) THE ETHICS COMMISSION SHALL DISMISS THE COMPLAINT IN A SIGNED ORDER IF:

(I) THE RESPONDENT, WITHIN 15 DAYS AFTER RECEIVING THE NOTICE, TAKES ANY ACTION THAT MAY BE AVAILABLE TO CURE EACH ALLEGED VIOLATION; AND

(II) THE ETHICS COMMISSION FINDS THAT DISMISSAL IS NOT CONTRARY TO THE PURPOSES OF THIS TITLE.

(3) IF THE COMPLAINT IS DISMISSED UNDER THIS SUBSECTION, THE ETHICS COMMISSION PROMPTLY SHALL SEND A COPY OF THE ORDER TO THE COMPLAINANT AND THE RESPONDENT.

(C) DISMISSAL AFTER PRELIMINARY REVIEW.

IF THE ETHICS COMMISSION DETERMINES THAT THE EVIDENCE SUBMITTED BY THE STAFF COUNSEL DOES NOT MERIT FURTHER PROCEEDINGS, THE ETHICS COMMISSION SHALL:

(1) DISMISS THE COMPLAINT IN A SIGNED ORDER; AND

(2) PROMPTLY SEND A COPY OF THE ORDER TO THE COMPLAINANT AND THE RESPONDENT.

(D) FURTHER PROCEEDINGS.

IF A COMPLAINT IS NOT DISMISSED UNDER SUBSECTION (B) OR (C) OF THIS SECTION, THE ETHICS COMMISSION SHALL PROCEED TO A HEARING ON THE COMPLAINT.

REVISOR'S NOTE: This section formerly was SG § 15-403.

The only changes are in style.

Defined terms: "Ethics Commission" § 5-101

"Respondent" § 5-101

5-404. COMPLAINTS — HEARING.

(A) HEARING.

(1) A HEARING ON A COMPLAINT SHALL BE CONDUCTED UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE INsofar AS THAT SUBTITLE IS CONSISTENT WITH THIS TITLE.

(2) IN PREPARATION FOR THE HEARING, THE RESPONDENT MAY USE THE SUBPOENA POWER OF THE ETHICS COMMISSION.

(B) PRESENTATION OF EVIDENCE.

AT THE HEARING, THE STAFF COUNSEL:

(1) SHALL PRESENT TO THE ETHICS COMMISSION ALL AVAILABLE EVIDENCE RELATING TO EACH ALLEGED VIOLATION OF THIS TITLE; AND

(2) MAY RECOMMEND ANY DISPOSITION OF THE COMPLAINT THAT APPEARS APPROPRIATE TO THE STAFF COUNSEL.

(C) REPRESENTATION BY COUNSEL.

THE RESPONDENT MAY BE REPRESENTED BY COUNSEL.

REVISOR'S NOTE: This section formerly was SG § 15–404.

The only changes are in style.

Defined terms: “Ethics Commission” § 5–101

“Respondent” § 5–101

5–405. COMPLAINTS — DISPOSITION.

(A) DETERMINATIONS AFTER HEARING.

AFTER THE ETHICS COMMISSION CONSIDERS ALL OF THE EVIDENCE PRESENTED AT THE HEARING, THE ETHICS COMMISSION SHALL MAKE FINDINGS OF FACT AND CONCLUSIONS OF LAW WITH RESPECT TO EACH ALLEGED VIOLATION.

(B) FINDING OF NO VIOLATION.

IF THE ETHICS COMMISSION DETERMINES THAT THE RESPONDENT HAS NOT VIOLATED THIS TITLE, THE ETHICS COMMISSION SHALL:

(1) DISMISS THE COMPLAINT IN A SIGNED ORDER; AND

(2) PROMPTLY SEND A COPY OF THE ORDER TO THE COMPLAINANT AND THE RESPONDENT.

(C) FINDING OF VIOLATION; SANCTIONS — GENERALLY.

IF THE ETHICS COMMISSION DETERMINES THAT THE RESPONDENT HAS VIOLATED ANY PROVISION OF THIS TITLE, THE ETHICS COMMISSION MAY:

(1) ISSUE AN ORDER OF COMPLIANCE DIRECTING THE RESPONDENT TO CEASE AND DESIST FROM THE VIOLATION;

(2) ISSUE A REPRIMAND; OR

(3) RECOMMEND TO THE APPROPRIATE AUTHORITY OTHER APPROPRIATE DISCIPLINE OF THE RESPONDENT, INCLUDING CENSURE OR REMOVAL, IF THAT DISCIPLINE IS AUTHORIZED BY LAW.

(D) FINDING OF VIOLATION; SANCTIONS — SUBTITLE 7.

IF THE ETHICS COMMISSION DETERMINES THAT A RESPONDENT HAS VIOLATED SUBTITLE 7 OF THIS TITLE, THE ETHICS COMMISSION MAY:

(1) REQUIRE A RESPONDENT WHO IS A REGULATED LOBBYIST TO FILE ANY ADDITIONAL REPORTS OR INFORMATION THAT REASONABLY RELATES TO INFORMATION REQUIRED UNDER §§ 5-703 AND 5-704 OF THIS TITLE;

(2) IMPOSE A FINE NOT EXCEEDING \$5,000 FOR EACH VIOLATION;
OR

(3) SUBJECT TO SUBSECTION (E) OF THIS SECTION, SUSPEND THE REGISTRATION OF A REGULATED LOBBYIST.

(E) SUSPENSION OR REVOCATION OF REGISTRATION.

(1) IF THE ETHICS COMMISSION DETERMINES IT NECESSARY TO PROTECT THE PUBLIC INTEREST AND THE INTEGRITY OF THE GOVERNMENTAL PROCESS, THE ETHICS COMMISSION MAY ISSUE AN ORDER TO:

(I) SUSPEND THE REGISTRATION OF AN INDIVIDUAL REGULATED LOBBYIST IF THE ETHICS COMMISSION DETERMINES THAT THE INDIVIDUAL REGULATED LOBBYIST:

1. HAS KNOWINGLY AND WILLFULLY VIOLATED SUBTITLE 7 OF THIS TITLE; OR

2. HAS BEEN CONVICTED OF A CRIMINAL OFFENSE ARISING FROM LOBBYING ACTIVITIES; OR

(II) REVOKE THE REGISTRATION OF AN INDIVIDUAL REGULATED LOBBYIST IF THE ETHICS COMMISSION DETERMINES THAT, BASED ON ACTS ARISING FROM LOBBYING ACTIVITIES, THE INDIVIDUAL REGULATED LOBBYIST HAS BEEN CONVICTED OF BRIBERY, THEFT, OR OTHER CRIME INVOLVING MORAL TURPITUDE.

(2) IF THE ETHICS COMMISSION SUSPENDS THE REGISTRATION OF AN INDIVIDUAL REGULATED LOBBYIST UNDER PARAGRAPH (1) OF THIS

SUBSECTION, THE INDIVIDUAL REGULATED LOBBYIST MAY NOT ENGAGE IN LOBBYING FOR COMPENSATION FOR A PERIOD, NOT TO EXCEED 3 YEARS, THAT THE ETHICS COMMISSION DETERMINES AS TO THAT INDIVIDUAL REGULATED LOBBYIST IS NECESSARY TO SATISFY THE PURPOSES OF THIS SUBSECTION.

(3) IF THE ETHICS COMMISSION REVOKES THE REGISTRATION OF AN INDIVIDUAL REGULATED LOBBYIST UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE INDIVIDUAL REGULATED LOBBYIST MAY NOT ENGAGE IN LOBBYING FOR COMPENSATION.

(4) IF THE ETHICS COMMISSION INITIATES A COMPLAINT BASED ON A VIOLATION OR CONVICTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE ETHICS COMMISSION SHALL INITIATE THE COMPLAINT WITHIN 2 YEARS AFTER THE EARLIER OF:

(I) THE ETHICS COMMISSION'S KNOWLEDGE OF THE VIOLATION; OR

(II) THE DATE THE CONVICTION BECOMES FINAL.

(5) THE TERMINATION OR EXPIRATION OF THE REGISTRATION OF AN INDIVIDUAL REGULATED LOBBYIST DOES NOT LIMIT THE AUTHORITY OF THE ETHICS COMMISSION TO ISSUE AN ORDER UNDER THIS SUBSECTION.

(F) REINSTATEMENT.

(1) AN INDIVIDUAL WHOSE REGISTRATION AS AN INDIVIDUAL REGULATED LOBBYIST IS REVOKED OR SUSPENDED UNDER SUBSECTION (E) OF THIS SECTION MAY APPLY TO THE ETHICS COMMISSION FOR REINSTATEMENT.

(2) THE ETHICS COMMISSION MAY REINSTATE THE REGISTRATION OF AN INDIVIDUAL WHOSE REGISTRATION AS A REGULATED LOBBYIST HAS BEEN REVOKED OR SUSPENDED UNDER SUBSECTION (E) OF THIS SECTION IF THE ETHICS COMMISSION DETERMINES THAT REINSTATEMENT OF THE INDIVIDUAL WOULD NOT BE DETRIMENTAL TO THE PUBLIC INTEREST AND THE INTEGRITY OF THE GOVERNMENTAL PROCESS, BASED ON:

(I) THE NATURE AND CIRCUMSTANCES OF THE ORIGINAL MISCONDUCT OR VIOLATION LEADING TO REVOCATION OR SUSPENSION;

(II) THE INDIVIDUAL'S SUBSEQUENT CONDUCT AND REFORMATION; AND

(III) THE PRESENT ABILITY OF THE INDIVIDUAL TO COMPLY WITH THE ETHICS LAW.

(G) PENALTIES FOR LATE FILING.

(1) IF THE RESPONDENT IS A REGULATED LOBBYIST, FOR EACH REPORT REQUIRED UNDER SUBTITLE 7 OF THIS TITLE THAT IS FILED LATE THE RESPONDENT SHALL PAY A FEE OF \$10 FOR EACH LATE DAY, NOT TO EXCEED A TOTAL OF \$250.

(2) IF THE RESPONDENT IS AN OFFICIAL, FOR EACH FINANCIAL DISCLOSURE STATEMENT FOUND TO HAVE BEEN FILED LATE, THE RESPONDENT SHALL PAY A FEE OF \$2 FOR EACH LATE DAY, NOT TO EXCEED A TOTAL OF \$250.

REVISOR'S NOTE: This section formerly was SG § 15-405.

In the introductory language of subsection (e)(4) of this section, the phrase "after the earlier" is added for clarity.

In subsection (f)(1) of this section, the former phrase "[s]ubject to paragraph (2) of this subsection" is deleted because paragraph (2) is about when the Ethics Commission may reinstate a registration and not about when an individual may apply for reinstatement.

The only other changes are in style.

Defined terms: "Compensation" § 5-101

"Ethics Commission" § 5-101

"Including" § 1-110

"Lobbying" § 5-101

"Official" § 5-101

"Regulated lobbyist" § 5-101

"Respondent" § 5-101

5-406. JUDICIAL REVIEW.

(A) IN GENERAL.

IF THE RESPONDENT IS AGGRIEVED BY A FINAL ORDER OF THE ETHICS COMMISSION, THE RESPONDENT MAY SEEK JUDICIAL REVIEW AS PROVIDED IN TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(B) STAY PENDING JUDICIAL REVIEW.

(1) THE ORDER IS STAYED AUTOMATICALLY UNTIL THE TIME FOR SEEKING JUDICIAL REVIEW HAS EXPIRED.

(2) (I) THE FILING OF A PETITION FOR JUDICIAL REVIEW DOES NOT AUTOMATICALLY STAY THE ENFORCEMENT OF THE ORDER.

(II) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE ETHICS COMMISSION OR THE REVIEWING COURT MAY STAY THE ENFORCEMENT OF THE ORDER, UNDER TERMS THE ETHICS COMMISSION CONSIDERS PROPER.

(C) JUDICIAL RELIEF FOR ETHICS COMMISSION.

THE ETHICS COMMISSION MAY SEEK JUDICIAL ENFORCEMENT AND OTHER RELIEF AS PROVIDED UNDER SUBTITLE 8 OF THIS TITLE.

REVISOR'S NOTE: This section formerly was SG § 15–406.

The only changes are in style.

Defined terms: "Ethics Commission" § 5–101

"Respondent" § 5–101

5–407. CONFIDENTIALITY.

(A) IN GENERAL.

NOTWITHSTANDING ANY OTHER LAW, AND EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, AFTER A COMPLAINT IS FILED:

(1) THE PROCEEDINGS, MEETINGS, AND ACTIVITIES OF THE ETHICS COMMISSION AND ITS EMPLOYEES RELATING TO THE COMPLAINT ARE CONFIDENTIAL; AND

(2) INFORMATION RELATING TO THE COMPLAINT, INCLUDING THE IDENTITY OF THE COMPLAINANT AND RESPONDENT, MAY NOT BE DISCLOSED BY:

(I) THE ETHICS COMMISSION;

(II) THE STAFF OF THE ETHICS COMMISSION;

(III) THE COMPLAINANT; OR

(IV) THE RESPONDENT.

(B) DURATION.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE RESTRICTIONS IN SUBSECTION (A) OF THIS SECTION APPLY UNLESS:

- (1) THE MATTER IS REFERRED FOR PROSECUTION; OR**
- (2) THE ETHICS COMMISSION FINDS A VIOLATION OF THIS TITLE.**

(C) DISCLOSURES ALLOWED.

(1) THE ETHICS COMMISSION MAY RELEASE ANY INFORMATION IF THE RESPONDENT AGREES IN WRITING TO THE RELEASE.

(2) ON REQUEST OF THE RESPONDENT, THE ETHICS COMMISSION SHALL DISCLOSE THE IDENTITY OF THE COMPLAINANT TO THE RESPONDENT.

REVISOR'S NOTE: This section formerly was SG § 15-407.

In subsection (c) of this section, the former phrase "at any time" is deleted as surplusage.

The only other changes are in style.

Defined terms: "Ethics Commission" § 5-101
"Including" § 1-110
"Respondent" § 5-101

5-408. REFERRAL TO PROSECUTING AUTHORITY.

(A) REFERRAL FOR PROSECUTION.

IF THE ETHICS COMMISSION, WHILE CONSIDERING A COMPLAINT, FINDS THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE RESPONDENT MAY HAVE COMMITTED A CRIMINAL OFFENSE, THE ETHICS COMMISSION PROMPTLY SHALL REFER THE MATTER TO AN APPROPRIATE PROSECUTING AUTHORITY.

(B) EVIDENCE.

THE ETHICS COMMISSION SHALL MAKE AVAILABLE TO THE PROSECUTING AUTHORITY ALL PERTINENT EVIDENCE UNDER THE ETHICS COMMISSION'S CONTROL.

REVISOR'S NOTE: This section formerly was SG § 15–408.

The only changes are in style.

Defined terms: "Ethics Commission" § 5–101

"Respondent" § 5–101

5–409. RETENTION OF DOCUMENTS BY ENTITIES SUBJECT TO TITLE.

(A) IN GENERAL.

AN ENTITY THAT IS REQUIRED TO FILE A REPORT, STATEMENT, OR RECORD UNDER THIS TITLE SHALL OBTAIN EACH ACCOUNT, BILL, RECEIPT, BOOK, PAPER, OR OTHER DOCUMENT NECESSARY TO COMPLETE AND SUBSTANTIATE THE REPORT OR STATEMENT.

(B) PERIOD OF RETENTION.

THE ENTITY SHALL RETAIN THE DOCUMENT FOR 3 YEARS AFTER:

(1) THE DATE THE REPORT, STATEMENT, OR RECORD WAS FILED;
OR

(2) IF THE REPORT, STATEMENT, OR RECORD WAS NOT FILED, THE DATE THE REPORT, STATEMENT, OR RECORD WAS REQUIRED TO BE FILED.

(C) INSPECTION BY ETHICS COMMISSION.

ON REQUEST OF THE ETHICS COMMISSION, AND AFTER REASONABLE NOTICE, THE DOCUMENTS SHALL BE AVAILABLE FOR INSPECTION BY THE ETHICS COMMISSION.

REVISOR'S NOTE: This section formerly was SG § 15–409.

The only changes are in style.

Defined terms: "Entity" § 5–101

"Ethics Commission" § 5–101

SUBTITLE 5. CONFLICTS OF INTEREST.

PART I. GENERAL PROVISIONS.**5-501. RESTRICTIONS ON PARTICIPATION.****(A) IN GENERAL.**

EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN OFFICIAL OR EMPLOYEE MAY NOT PARTICIPATE IN A MATTER IF:

(1) THE OFFICIAL OR EMPLOYEE OR A QUALIFYING RELATIVE OF THE OFFICIAL OR EMPLOYEE HAS AN INTEREST IN THE MATTER AND THE OFFICIAL OR EMPLOYEE KNOWS OF THE INTEREST; OR

(2) ANY OF THE FOLLOWING IS A PARTY TO THE MATTER:

(I) A BUSINESS ENTITY IN WHICH THE OFFICIAL OR EMPLOYEE HAS A DIRECT FINANCIAL INTEREST OF WHICH THE OFFICIAL OR EMPLOYEE REASONABLY MAY BE EXPECTED TO KNOW;

(II) A BUSINESS ENTITY, INCLUDING A LIMITED LIABILITY COMPANY OR A LIMITED LIABILITY PARTNERSHIP, OF WHICH ANY OF THE FOLLOWING IS AN OFFICER, A DIRECTOR, A TRUSTEE, A PARTNER, OR AN EMPLOYEE:

1. THE OFFICIAL OR EMPLOYEE; OR

2. IF KNOWN TO THE OFFICIAL OR EMPLOYEE, A QUALIFYING RELATIVE OF THE OFFICIAL OR EMPLOYEE;

(III) A BUSINESS ENTITY WITH WHICH ANY OF THE FOLLOWING HAS APPLIED FOR A POSITION, IS NEGOTIATING EMPLOYMENT, OR HAS ARRANGED PROSPECTIVE EMPLOYMENT:

1. THE OFFICIAL OR EMPLOYEE; OR

2. IF KNOWN TO THE OFFICIAL OR EMPLOYEE, A QUALIFYING RELATIVE OF THE OFFICIAL OR EMPLOYEE;

(IV) IF THE CONTRACT REASONABLY COULD BE EXPECTED TO RESULT IN A CONFLICT BETWEEN THE PRIVATE INTEREST AND THE OFFICIAL STATE DUTIES OF THE OFFICIAL OR EMPLOYEE, A BUSINESS ENTITY THAT IS A PARTY TO A CONTRACT WITH:

1. THE OFFICIAL OR EMPLOYEE; OR

2. IF KNOWN TO THE OFFICIAL OR EMPLOYEE, A QUALIFYING RELATIVE OF THE OFFICIAL OR EMPLOYEE;

(V) A BUSINESS ENTITY, EITHER ENGAGED IN A TRANSACTION WITH THE STATE OR SUBJECT TO REGULATION BY THE OFFICIAL'S OR EMPLOYEE'S GOVERNMENTAL UNIT, IN WHICH A DIRECT FINANCIAL INTEREST IS OWNED BY ANOTHER BUSINESS ENTITY IF THE OFFICIAL OR EMPLOYEE:

1. HAS A DIRECT FINANCIAL INTEREST IN THE OTHER BUSINESS ENTITY; AND

2. REASONABLY MAY BE EXPECTED TO KNOW OF BOTH FINANCIAL INTERESTS; OR

(VI) A BUSINESS ENTITY THAT:

1. THE OFFICIAL OR EMPLOYEE KNOWS IS A CREDITOR OR AN OBLIGEE OF THE OFFICIAL OR EMPLOYEE, OR OF A QUALIFYING RELATIVE OF THE OFFICIAL OR EMPLOYEE, WITH RESPECT TO A THING OF ECONOMIC VALUE; AND

2. AS A CREDITOR OR AN OBLIGEE, IS IN A POSITION TO AFFECT DIRECTLY AND SUBSTANTIALLY THE INTEREST OF THE OFFICIAL, EMPLOYEE, OR QUALIFYING RELATIVE.

(B) EXCEPTIONS.

(1) THE PROHIBITIONS OF SUBSECTION (A) OF THIS SECTION DO NOT APPLY IF PARTICIPATION IS ALLOWED:

(I) AS TO OFFICIALS AND EMPLOYEES SUBJECT TO THE AUTHORITY OF THE ETHICS COMMISSION, BY REGULATION OF THE ETHICS COMMISSION;

(II) BY THE OPINION OF AN ADVISORY BODY; OR

(III) BY ANOTHER PROVISION OF THIS SUBTITLE.

(2) THIS SECTION DOES NOT PROHIBIT PARTICIPATION BY AN OFFICIAL OR EMPLOYEE THAT IS LIMITED TO THE EXERCISE OF AN ADMINISTRATIVE OR MINISTERIAL DUTY THAT DOES NOT AFFECT THE DECISION OR DISPOSITION WITH RESPECT TO THE MATTER.

(C) PARTICIPATION NOTWITHSTANDING CONFLICT.

AN OFFICIAL OR EMPLOYEE WHO OTHERWISE WOULD BE DISQUALIFIED FROM PARTICIPATION UNDER SUBSECTION (A) OF THIS SECTION SHALL DISCLOSE THE NATURE AND CIRCUMSTANCES OF THE CONFLICT, AND MAY PARTICIPATE OR ACT, IF:

(1) THE DISQUALIFICATION WOULD LEAVE A BODY WITH LESS THAN A QUORUM CAPABLE OF ACTING;

(2) THE DISQUALIFIED OFFICIAL OR EMPLOYEE IS REQUIRED BY LAW TO ACT; OR

(3) THE DISQUALIFIED OFFICIAL OR EMPLOYEE IS THE ONLY INDIVIDUAL AUTHORIZED TO ACT.

REVISOR'S NOTE: This section formerly was SG § 15-501.

In subsection (b)(2) of this section, the former reference to the matter "involved" is deleted as surplusage.

The only other changes are in style.

Defined terms: "Advisory body" § 5-101

"Business entity" § 5-101

"Employee" § 5-101

"Ethics Commission" § 5-101

"Financial interest" § 5-101

"Governmental unit" § 5-101

"Including" § 1-110

"Interest" § 5-101

"Official" § 5-101

"Qualifying relative" § 5-101

"State" § 1-115

5-502. EMPLOYMENT OR FINANCIAL INTERESTS — GENERAL RESTRICTION.

(A) GENERAL ASSEMBLY MEMBERS EXEMPTED.

THIS SECTION DOES NOT APPLY TO MEMBERS OF THE GENERAL ASSEMBLY.

(B) PROHIBITIONS.

EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, AN OFFICIAL OR EMPLOYEE MAY NOT:

(1) BE EMPLOYED BY OR HAVE A FINANCIAL INTEREST IN:

(I) AN ENTITY SUBJECT TO THE AUTHORITY OF THAT OFFICIAL OR EMPLOYEE OR OF THE GOVERNMENTAL UNIT WITH WHICH THE OFFICIAL OR EMPLOYEE IS AFFILIATED; OR

(II) AN ENTITY THAT IS NEGOTIATING OR HAS ENTERED A CONTRACT WITH THAT GOVERNMENTAL UNIT OR AN ENTITY THAT IS A SUBCONTRACTOR ON A CONTRACT WITH THAT GOVERNMENTAL UNIT; OR

(2) HOLD ANY OTHER EMPLOYMENT RELATIONSHIP THAT WOULD IMPAIR THE IMPARTIALITY AND INDEPENDENT JUDGMENT OF THE OFFICIAL OR EMPLOYEE.

(C) EXCEPTIONS.

THE PROHIBITIONS OF SUBSECTION (B) OF THIS SECTION DO NOT APPLY:

(1) TO EMPLOYMENT OR A FINANCIAL INTEREST ALLOWED BY REGULATION OF THE ETHICS COMMISSION IF:

(I) THE EMPLOYMENT DOES NOT CREATE A CONFLICT OF INTEREST OR THE APPEARANCE OF A CONFLICT OF INTEREST; OR

(II) THE FINANCIAL INTEREST IS DISCLOSED;

(2) TO A PUBLIC OFFICIAL WHO IS APPOINTED TO A REGULATORY OR LICENSING UNIT IN ACCORDANCE WITH A STATUTORY REQUIREMENT THAT ENTITIES SUBJECT TO THE JURISDICTION OF THE UNIT BE REPRESENTED IN APPOINTMENTS TO IT;

(3) AS ALLOWED BY REGULATIONS ADOPTED BY THE ETHICS COMMISSION, TO AN EMPLOYEE WHOSE GOVERNMENT DUTIES ARE MINISTERIAL, IF THE PRIVATE EMPLOYMENT OR FINANCIAL INTEREST DOES

NOT CREATE A CONFLICT OF INTEREST OR THE APPEARANCE OF A CONFLICT OF INTEREST; OR

(4) TO A MEMBER OF A BOARD WHO HOLDS THE EMPLOYMENT OR FINANCIAL INTEREST WHEN APPOINTED IF THE EMPLOYMENT OR FINANCIAL INTEREST IS DISCLOSED PUBLICLY TO THE APPOINTING AUTHORITY, THE ETHICS COMMISSION, AND, IF APPLICABLE, THE SENATE OF MARYLAND BEFORE SENATE CONFIRMATION.

(D) EXEMPTION UNDER EXTRAORDINARY CIRCUMSTANCES.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE ETHICS COMMISSION MAY EXEMPT A PUBLIC OFFICIAL OF AN EXECUTIVE UNIT OR AN EMPLOYEE OF AN EXECUTIVE UNIT FROM THE PROHIBITIONS OF SUBSECTION (B) OF THIS SECTION IF THE ETHICS COMMISSION DETERMINES THAT:

(I) FAILURE TO GRANT THE EXEMPTION WOULD LIMIT THE ABILITY OF THE STATE TO:

1. RECRUIT AND HIRE HIGHLY QUALIFIED OR UNIQUELY QUALIFIED PROFESSIONALS FOR PUBLIC SERVICE; OR

2. ASSURE THE AVAILABILITY OF COMPETENT SERVICES TO THE PUBLIC; AND

(II) THE NUMBER OF EXEMPTIONS GRANTED UNDER THIS SUBSECTION HAS NOT ERODED THE PURPOSES OF SUBSECTION (B) OF THIS SECTION OR OTHER PROVISIONS OF THIS TITLE.

(2) (I) THE ETHICS COMMISSION MAY GRANT AN EXEMPTION UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY:

1. IN EXTRAORDINARY SITUATIONS; AND

2. ON THE RECOMMENDATION OF THE GOVERNOR, AT THE REQUEST OF THE EXECUTIVE UNIT INVOLVED.

(II) THE ETHICS COMMISSION SHALL APPLY THIS SUBSECTION AS CONSISTENTLY AS POSSIBLE UNDER SIMILAR FACTS AND CIRCUMSTANCES.

REVISOR'S NOTE: This section formerly was SG § 15-502.

The only changes are in style.

Defined terms: “Board” § 5–101
“Employee” § 5–101
“Entity” § 5–101
“Ethics Commission” § 5–101
“Executive unit” § 5–101
“Financial interest” § 5–101
“General Assembly” § 5–101
“Governmental unit” § 5–101
“Official” § 5–101
“Public official” § 5–101

5–503. EMPLOYMENT RESTRICTION — ENTITIES CONTRACTING WITH STATE.

(A) GENERAL ASSEMBLY MEMBERS EXEMPTED.

THIS SECTION DOES NOT APPLY TO MEMBERS OF THE GENERAL ASSEMBLY.

(B) EMPLOYMENT PROHIBITED.

AN OFFICIAL OR EMPLOYEE MAY NOT BE EMPLOYED BY AN ENTITY THAT IS A PARTY TO A CONTRACT THAT BINDS OR PURPORTS TO BIND THE STATE IF:

(1) THE DUTIES OF THE OFFICIAL OR EMPLOYEE INCLUDE MATTERS SUBSTANTIALLY RELATING TO OR AFFECTING THE SUBJECT MATTER OF THE CONTRACT; AND

(2) THE CONTRACT BINDS OR PURPORTS TO BIND THE STATE TO PAY MORE THAN \$1,000.

REVISOR’S NOTE: This section formerly was SG § 15–503.

No changes are made.

Defined terms: “Employee” § 5–101
“Entity” § 5–101
“General Assembly” § 5–101
“Official” § 5–101
“State” § 1–115

5–504. EMPLOYMENT RESTRICTION — REPRESENTATION OR ASSISTANCE.

(A) CONTINGENT COMPENSATION.

(1) THIS SUBSECTION DOES NOT APPLY TO MEMBERS OF THE GENERAL ASSEMBLY.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN OFFICIAL OR EMPLOYEE MAY NOT, FOR CONTINGENT COMPENSATION, ASSIST OR REPRESENT A PARTY IN ANY MATTER BEFORE OR INVOLVING ANY UNIT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.

(3) PARAGRAPH (2) OF THIS SUBSECTION DOES NOT APPLY TO ASSISTANCE TO OR REPRESENTATION OF A PARTY:

(I) IN A JUDICIAL OR QUASI-JUDICIAL PROCEEDING, INCLUDING A PROCEEDING BEFORE AN ADMINISTRATIVE LAW JUDGE IN THE OFFICE OF ADMINISTRATIVE HEARINGS, OR A MATTER PRELIMINARY, INCIDENTAL, OR COLLATERAL TO A JUDICIAL OR QUASI-JUDICIAL PROCEEDING; OR

(II) IN A MATTER BEFORE OR INVOLVING THE WORKERS' COMPENSATION COMMISSION, THE MARYLAND AUTOMOBILE INSURANCE FUND, OR THE CRIMINAL INJURIES COMPENSATION BOARD.

(B) GENERAL ASSEMBLY MEMBER — COMPENSATED REPRESENTATION OR ASSISTANCE.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A MEMBER OF THE GENERAL ASSEMBLY MAY NOT, FOR COMPENSATION, ASSIST OR REPRESENT A PARTY IN ANY MATTER BEFORE OR INVOLVING ANY UNIT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO ASSISTANCE TO OR REPRESENTATION OF A PARTY:

(I) IN MATTERS RELATING TO THE PERFORMANCE OF MINISTERIAL ACTS BY A GOVERNMENTAL UNIT;

(II) IN MATTERS INVOLVING THE MEMBER'S REGULAR BUSINESS, EMPLOYMENT, OR PROFESSION, IN WHICH CONTACT WITH A GOVERNMENTAL UNIT:

1. IS AN INCIDENTAL PART OF THE BUSINESS, EMPLOYMENT, OR PROFESSION;

2. IS MADE IN THE MANNER THAT IS CUSTOMARY FOR PERSONS IN THAT BUSINESS, EMPLOYMENT, OR PROFESSION; AND

3. IS NOT FOR CONTINGENT COMPENSATION;

(III) IN A JUDICIAL OR QUASI-JUDICIAL PROCEEDING, INCLUDING A PROCEEDING BEFORE AN ADMINISTRATIVE LAW JUDGE IN THE OFFICE OF ADMINISTRATIVE HEARINGS, OR A MATTER PRELIMINARY, INCIDENTAL, OR COLLATERAL TO A JUDICIAL OR QUASI-JUDICIAL PROCEEDING;

(IV) IN A MATTER BEFORE OR INVOLVING THE WORKERS' COMPENSATION COMMISSION, THE MARYLAND AUTOMOBILE INSURANCE FUND, OR THE CRIMINAL INJURIES COMPENSATION BOARD; OR

(V) IN A MATTER IN WHICH THE ASSISTANCE OR REPRESENTATION, OTHER THAN FOR CONTINGENT COMPENSATION, WAS COMMENCED BY THE MEMBER OF THE GENERAL ASSEMBLY BEFORE:

1. THE MEMBER FILED A CERTIFICATE OF CANDIDACY FOR ELECTION TO THE GENERAL ASSEMBLY AT A TIME WHEN THE MEMBER WAS NOT AN INCUMBENT; OR

2. IF THE MEMBER WAS APPOINTED TO FILL A VACANCY, THE DATE OF APPOINTMENT.

(C) GENERAL ASSEMBLY MEMBER — REPRESENTATION IN PROCUREMENT OR REGULATIONS MATTERS.

(1) A MEMBER OF THE GENERAL ASSEMBLY MAY NOT ASSIST OR REPRESENT A PERSON, INCLUDING HIMSELF OR HERSELF, FOR COMPENSATION BEFORE A STATE OR LOCAL GOVERNMENTAL AGENCY IN ANY MATTER INVOLVING:

(I) PROCUREMENT; OR

(II) THE ADOPTION OF REGULATIONS.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO AN ADMINISTRATIVE PROCEEDING CONDUCTED IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(D) FORMER OFFICIAL OR EMPLOYEE.

(1) EXCEPT FOR A FORMER MEMBER OF THE GENERAL ASSEMBLY, WHO SHALL BE SUBJECT TO THE RESTRICTIONS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, A FORMER OFFICIAL OR EMPLOYEE MAY NOT ASSIST OR REPRESENT A PARTY, OTHER THAN THE STATE, IN A CASE, A CONTRACT, OR ANY OTHER SPECIFIC MATTER FOR COMPENSATION IF:

(I) THE MATTER INVOLVES STATE GOVERNMENT; AND

(II) THE FORMER OFFICIAL OR EMPLOYEE PARTICIPATED SIGNIFICANTLY IN THE MATTER AS AN OFFICIAL OR EMPLOYEE.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, UNTIL THE CONCLUSION OF THE NEXT REGULAR SESSION THAT BEGINS AFTER THE MEMBER LEAVES OFFICE, A FORMER MEMBER OF THE GENERAL ASSEMBLY MAY NOT ASSIST OR REPRESENT ANOTHER PARTY FOR COMPENSATION IN A MATTER THAT IS THE SUBJECT OF LEGISLATIVE ACTION.

(II) THE LIMITATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH ON REPRESENTATION BY A FORMER MEMBER OF THE GENERAL ASSEMBLY DOES NOT APPLY TO THE FORMER MEMBER'S REPRESENTATION OF A MUNICIPAL CORPORATION, COUNTY, OR STATE GOVERNMENTAL ENTITY.

(E) OFFICIAL OR EMPLOYEE IN JUDICIAL BRANCH.

NOTWITHSTANDING SUBSECTION (A)(3) OF THIS SECTION OR § 5-502 OF THIS SUBTITLE, A FULL-TIME OFFICIAL OR EMPLOYEE IN THE JUDICIAL BRANCH MAY NOT REPRESENT A PARTY BEFORE A COURT OR UNIT OF THE JUDICIAL BRANCH EXCEPT IN THE DISCHARGE OF OFFICIAL DUTIES.

REVISOR'S NOTE: This section formerly was SG § 15-504.

The only changes are in style.

Defined terms: "Compensation" § 5-101

"County" § 1-107

"Employee" § 5-101

"General Assembly" § 5-101

"Governmental unit" § 5-101

“Including” § 1–110
“Legislative action” § 5–101
“Municipal corporation” § 5–101
“Official” § 5–101
“Person” § 1–114
“State” § 1–115

5–505. GIFTS OR HONORARIA.

(A) GIFT SOLICITATION PROHIBITED.

(1) AN OFFICIAL OR EMPLOYEE MAY NOT SOLICIT ANY GIFT.

(2) AN OFFICIAL MAY NOT DIRECTLY SOLICIT OR FACILITATE THE SOLICITATION OF A GIFT, ON BEHALF OF ANOTHER PERSON, FROM AN INDIVIDUAL REGULATED LOBBYIST DESCRIBED IN § 5–701(A)(1) OF THIS TITLE.

(B) GIFT ACCEPTANCE PROHIBITED.

(1) IN THIS SUBSECTION, “ENTITY” DOES NOT INCLUDE A GOVERNMENTAL UNIT.

(2) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN OFFICIAL OR EMPLOYEE MAY NOT KNOWINGLY ACCEPT A GIFT, DIRECTLY OR INDIRECTLY, FROM AN ENTITY THAT THE OFFICIAL OR EMPLOYEE KNOWS OR HAS REASON TO KNOW:

(I) DOES OR SEEKS TO DO ANY BUSINESS OF ANY KIND, REGARDLESS OF AMOUNT, WITH THE OFFICIAL’S OR EMPLOYEE’S GOVERNMENTAL UNIT;

(II) ENGAGES IN AN ACTIVITY THAT IS REGULATED OR CONTROLLED BY THE OFFICIAL’S OR EMPLOYEE’S GOVERNMENTAL UNIT;

(III) HAS A FINANCIAL INTEREST THAT MAY BE AFFECTED SUBSTANTIALLY AND MATERIALLY, IN A MANNER DISTINGUISHABLE FROM THE PUBLIC GENERALLY, BY THE PERFORMANCE OR NONPERFORMANCE OF THE OFFICIAL’S OR EMPLOYEE’S OFFICIAL DUTIES; OR

(IV) IS A REGULATED LOBBYIST WITH RESPECT TO MATTERS WITHIN THE JURISDICTION OF THE OFFICIAL OR EMPLOYEE.

(C) EXCEPTIONS.

(1) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, AN OFFICIAL OR EMPLOYEE MAY ACCEPT A GIFT LISTED IN PARAGRAPH (2) OF THIS SUBSECTION UNLESS:

(I) THE GIFT WOULD TEND TO IMPAIR THE IMPARTIALITY AND INDEPENDENT JUDGMENT OF THE OFFICIAL OR EMPLOYEE; OR

(II) AS TO A GIFT OF SIGNIFICANT VALUE:

1. THE GIFT WOULD GIVE THE APPEARANCE OF IMPAIRING THE IMPARTIALITY AND INDEPENDENT JUDGMENT OF THE OFFICIAL OR EMPLOYEE; OR

2. THE OFFICIAL OR EMPLOYEE BELIEVES OR HAS REASON TO BELIEVE THAT THE GIFT IS DESIGNED TO IMPAIR THE IMPARTIALITY AND INDEPENDENT JUDGMENT OF THE OFFICIAL OR EMPLOYEE.

(2) SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO:

(I) 1. EXCEPT FOR OFFICIALS OF THE LEGISLATIVE BRANCH, MEALS OR BEVERAGES RECEIVED AND CONSUMED BY THE OFFICIAL OR EMPLOYEE IN THE PRESENCE OF THE DONOR OR SPONSORING ENTITY;

2. FOR OFFICIALS OF THE LEGISLATIVE BRANCH, FOOD OR BEVERAGES RECEIVED AND CONSUMED BY THE OFFICIAL IN THE PRESENCE OF THE DONOR OR SPONSORING ENTITY AS PART OF A MEAL OR RECEPTION TO WHICH ALL MEMBERS OF A LEGISLATIVE UNIT WERE INVITED;

3. FOR A MEMBER OF THE GENERAL ASSEMBLY, FOOD OR BEVERAGES RECEIVED FROM A DONOR OR SPONSORING ENTITY, OTHER THAN AN INDIVIDUAL REGULATED LOBBYIST DESCRIBED IN § 5-701(A)(1) OF THIS TITLE, DURING A PERIOD WHEN THE GENERAL ASSEMBLY IS NOT IN SESSION, AT A LOCATION THAT IS WITHIN A COUNTY THAT CONTAINS THE MEMBER'S DISTRICT, PROVIDED THAT THE DONOR OR SPONSORING ENTITY IS LOCATED WITHIN A COUNTY THAT CONTAINS THE MEMBER'S DISTRICT; OR

4. FOR A MEMBER OF THE GENERAL ASSEMBLY, FOOD OR BEVERAGES RECEIVED AT THE TIME AND GEOGRAPHIC LOCATION OF A MEETING OF A LEGISLATIVE ORGANIZATION FOR WHICH THE MEMBER'S PRESIDING OFFICER HAS APPROVED THE MEMBER'S ATTENDANCE AT STATE EXPENSE;

(II) CEREMONIAL GIFTS OR AWARDS OF INSIGNIFICANT MONETARY VALUE;

(III) EXCEPT FOR A STATE OFFICIAL OF THE EXECUTIVE BRANCH OR LEGISLATIVE BRANCH, UNSOLICITED GIFTS OF NOMINAL VALUE;

(IV) FOR A STATE OFFICIAL OF THE EXECUTIVE BRANCH OR LEGISLATIVE BRANCH, UNSOLICITED GIFTS FROM A REGULATED LOBBYIST THAT ARE NOT MEALS OR ALCOHOLIC BEVERAGES AND THAT DO NOT EXCEED \$20 IN COST;

(V) TRIVIAL GIFTS OF INFORMATIONAL VALUE;

(VI) IN RETURN FOR PARTICIPATION ON A PANEL OR A SPEAKING ENGAGEMENT AT A MEETING, REASONABLE EXPENSES FOR FOOD, TRAVEL, LODGING, OR SCHEDULED ENTERTAINMENT OF THE OFFICIAL OR EMPLOYEE IF THE EXPENSES ARE ASSOCIATED WITH THE MEETING, EXCEPT THAT, IF SUCH EXPENSES FOR A STATE OFFICIAL OF THE LEGISLATIVE BRANCH OR EXECUTIVE BRANCH ARE TO BE PAID BY A REGULATED LOBBYIST AND ARE ANTICIPATED TO EXCEED \$500, THE OFFICIAL SHALL NOTIFY THE APPROPRIATE ADVISORY BODY BEFORE ATTENDING THE MEETING;

(VII) FOR A MEMBER OF THE GENERAL ASSEMBLY, REASONABLE EXPENSES FOR FOOD, TRAVEL, LODGING, OR SCHEDULED ENTERTAINMENT TO ATTEND A LEGISLATIVE CONFERENCE THAT HAS BEEN APPROVED BY THE MEMBER'S PRESIDING OFFICER;

(VIII) TICKETS OR FREE ADMISSION EXTENDED TO AN ELECTED CONSTITUTIONAL OFFICER FROM THE PERSON SPONSORING OR CONDUCTING THE EVENT, AS A COURTESY OR CEREMONY TO THE OFFICE, TO ATTEND A CHARITABLE, CULTURAL, OR POLITICAL EVENT;

(IX) A SPECIFIC GIFT OR CLASS OF GIFTS EXEMPTED FROM SUBSECTION (B) OF THIS SECTION BY THE ETHICS COMMISSION ON A WRITTEN FINDING THAT:

1. ACCEPTANCE OF THE GIFT OR CLASS OF GIFTS WOULD NOT BE DETRIMENTAL TO THE IMPARTIAL CONDUCT OF GOVERNMENT; AND

2. THE GIFT IS PURELY PERSONAL AND PRIVATE IN NATURE;

(X) A GIFT FROM:

1. AN INDIVIDUAL RELATED TO THE OFFICIAL OR EMPLOYEE BY BLOOD OR MARRIAGE; OR

2. ANY OTHER INDIVIDUAL WHO IS A MEMBER OF THE HOUSEHOLD OF THE OFFICIAL OR EMPLOYEE; OR

(XI) TO THE EXTENT PROVIDED IN SUBSECTION (D) OF THIS SECTION, HONORARIA.

(D) HONORARIA.

(1) EXCEPT AS PROVIDED IN SUBSECTION (C)(2)(VI) OF THIS SECTION, A MEMBER OR MEMBER-ELECT OF THE GENERAL ASSEMBLY MAY NOT ACCEPT AN HONORARIUM.

(2) SUBJECT TO SUBSECTION (C)(1) OF THIS SECTION, AN OFFICIAL OR EMPLOYEE WHO IS NOT A MEMBER OR MEMBER-ELECT OF THE GENERAL ASSEMBLY MAY ACCEPT AN HONORARIUM IF:

(I) THE HONORARIUM IS LIMITED TO REASONABLE EXPENSES FOR THE OFFICIAL'S MEALS, TRAVEL, AND LODGING, AND REASONABLE AND VERIFIABLE EXPENSES FOR CARE OF A CHILD OR DEPENDENT ADULT, THAT ARE ACTUALLY INCURRED;

(II) THE HONORARIUM CONSISTS OF GIFTS DESCRIBED IN SUBSECTION (C)(2)(II) THROUGH (IV) OF THIS SECTION; OR

(III) THE OFFICIAL OR EMPLOYEE IS A FACULTY MEMBER OF A STATE INSTITUTION OF HIGHER EDUCATION WHO DOES NOT HOLD ANOTHER POSITION AS AN OFFICIAL THAT PRECLUDES RECEIVING THE HONORARIUM.

(3) OTHER THAN AS ALLOWED BY PARAGRAPH (2) OF THIS SUBSECTION, AN HONORARIUM MAY NOT BE ACCEPTED, EVEN IF ALLOWED BY SUBSECTION (C)(1) OF THIS SECTION, IF:

(I) THE PAYOR OF THE HONORARIUM HAS AN INTEREST THAT MAY BE AFFECTED SUBSTANTIALLY AND MATERIALLY, IN A MANNER DISTINGUISHABLE FROM THE PUBLIC GENERALLY, BY THE PERFORMANCE OR NONPERFORMANCE OF THE OFFICIAL'S OR EMPLOYEE'S OFFICIAL DUTIES; AND

(II) THE OFFERING OF THE HONORARIUM IS RELATED IN ANY WAY TO THE OFFICIAL’S OR EMPLOYEE’S OFFICIAL POSITION.

(E) GIFTS PROHIBITED UNDER STATE FINANCE AND PROCUREMENT ARTICLE.

AN OFFICIAL OR EMPLOYEE MAY NOT ACCEPT A GIFT THAT IS PROHIBITED UNDER § 13–211 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(F) FURTHER EXEMPTIONS.

BY REGULATION, THE ETHICS COMMISSION MAY DEFINE FURTHER EXEMPTIONS FROM THIS SECTION AS MAY BE NECESSARY.

REVISOR’S NOTE: This section is new language derived without substantive change from former SG § 15–505.

Subsection (b)(1) of this section is new language codifying the consistent interpretation, by the State Ethics Commission and the Joint Committee on Legislative Ethics, of the gift section of the Ethics Law.

In subsection (d)(1) of this section, the reference to a “member or member–elect of the General Assembly” is substituted for the former reference to a “State official of the Legislative Branch” for clarity.

In the introductory language of subsection (d)(2) of this section, the reference to an official or employee “who is not a member or member–elect of the General Assembly” is substituted for the former phrase “[e]xcept as provided in paragraph (1) of this subsection” for clarity.

Defined terms: “Advisory body” § 5–101

“County” § 1–107

“Employee” § 5–101

“Entity” § 5–101

“Ethics Commission” § 5–101

“Financial interest” § 5–101

“General Assembly” § 5–101

“Gift” § 5–101

“Governmental unit” § 5–101

“Honorarium” § 5–101

“Interest” § 5–101

“Legislative unit” § 5–101

“Member of household” § 5–101

“Official” § 5–101

“Person” § 1-114
 “Regulated lobbyist” § 5-101
 “State” § 1-115
 “State official” § 5-101

5-506. USE OF PRESTIGE OF OFFICE.

(A) IN GENERAL.

AN OFFICIAL OR EMPLOYEE MAY NOT INTENTIONALLY USE THE PRESTIGE OF OFFICE OR PUBLIC POSITION FOR THAT OFFICIAL’S OR EMPLOYEE’S PRIVATE GAIN OR THAT OF ANOTHER.

(B) EXEMPTION.

THE PERFORMANCE OF USUAL AND CUSTOMARY CONSTITUENT SERVICES, WITHOUT ADDITIONAL COMPENSATION, IS NOT PROHIBITED UNDER SUBSECTION (A) OF THIS SECTION.

REVISOR’S NOTE: This section formerly was SG § 15-506.

No changes are made.

Defined terms: “Compensation” § 5-101
 “Employee” § 5-101
 “Official” § 5-101

5-507. DISCLOSURE OR USE OF CONFIDENTIAL INFORMATION.

EXCEPT IN THE DISCHARGE OF AN OFFICIAL DUTY, AN OFFICIAL OR EMPLOYEE MAY NOT DISCLOSE OR USE CONFIDENTIAL INFORMATION ACQUIRED BY REASON OF THE OFFICIAL’S OR EMPLOYEE’S PUBLIC POSITION AND NOT AVAILABLE TO THE PUBLIC:

- (1) FOR PERSONAL ECONOMIC BENEFIT; OR**
- (2) FOR THE ECONOMIC BENEFIT OF ANOTHER.**

REVISOR’S NOTE: This section formerly was SG § 15-507.

No changes are made.

Defined terms: “Employee” § 5-101
 “Official” § 5-101

5-508. PARTICIPATION IN PROCUREMENT.**(A) IN GENERAL.**

AN INDIVIDUAL WHO ASSISTS AN EXECUTIVE UNIT IN THE DRAFTING OF SPECIFICATIONS, AN INVITATION FOR BIDS, A REQUEST FOR PROPOSALS FOR A PROCUREMENT, OR THE SELECTION OR AWARD MADE IN RESPONSE TO AN INVITATION FOR BIDS OR REQUEST FOR PROPOSALS, OR A PERSON THAT EMPLOYS THE INDIVIDUAL, MAY NOT:

(1) SUBMIT A BID OR PROPOSAL FOR THAT PROCUREMENT; OR

(2) ASSIST OR REPRESENT ANOTHER PERSON, DIRECTLY OR INDIRECTLY, WHO IS SUBMITTING A BID OR PROPOSAL FOR THAT PROCUREMENT.

(B) EXEMPTIONS.

FOR PURPOSES OF SUBSECTION (A) OF THIS SECTION, ASSISTING IN THE DRAFTING OF SPECIFICATIONS, AN INVITATION FOR BIDS, OR A REQUEST FOR PROPOSALS FOR A PROCUREMENT DOES NOT INCLUDE:

(1) PROVIDING DESCRIPTIVE LITERATURE SUCH AS CATALOGUE SHEETS, BROCHURES, TECHNICAL DATA SHEETS, OR STANDARD SPECIFICATION “SAMPLES”, WHETHER REQUESTED BY AN EXECUTIVE UNIT OR PROVIDED UNSOLICITED;

(2) SUBMITTING WRITTEN OR ORAL COMMENTS ON A SPECIFICATION PREPARED BY AN EXECUTIVE UNIT OR ON A SOLICITATION FOR A BID OR PROPOSAL WHEN COMMENTS ARE SOLICITED FROM TWO OR MORE PERSONS AS PART OF A REQUEST FOR INFORMATION OR A PREBID OR PREPROPOSAL PROCESS;

(3) PROVIDING SPECIFICATIONS FOR A SOLE SOURCE PROCUREMENT MADE IN ACCORDANCE WITH § 13-107 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

(4) PROVIDING ARCHITECTURAL AND ENGINEERING SERVICES FOR:

(I) PROGRAMMING, MASTER PLANNING, OR OTHER PROJECT PLANNING SERVICES; OR

(II) THE DESIGN OF A CONSTRUCTION PROJECT IF:

1. THE DESIGN SERVICES DO NOT INVOLVE LEAD OR PRIME DESIGN RESPONSIBILITIES OR CONSTRUCTION PHASE RESPONSIBILITIES ON BEHALF OF THE STATE; AND

2. A. THE ANTICIPATED VALUE OF THE PROCUREMENT CONTRACT AT THE TIME OF ADVERTISEMENT IS AT LEAST \$2,500,000 AND NOT MORE THAN \$100,000,000; OR

B. REGARDLESS OF THE AMOUNT OF THE PROCUREMENT CONTRACT, THE PAYMENT TO THE INDIVIDUAL OR PERSON FOR THE DESIGN SERVICES DOES NOT EXCEED \$500,000; OR

(5) FOR A PROCUREMENT OF HEALTH, HUMAN, SOCIAL, OR EDUCATIONAL SERVICES, COMMENTS SOLICITED FROM TWO OR MORE PERSONS AS PART OF A REQUEST FOR INFORMATION, INCLUDING WRITTEN OR ORAL COMMENTS ON A DRAFT SPECIFICATION, INVITATION FOR BIDS, OR REQUEST FOR PROPOSALS.

(C) RETENTION OF WRITTEN AND ORAL COMMENTS.

A UNIT THAT RECEIVES COMMENTS AS DESCRIBED IN SUBSECTION (B)(2) AND (5) OF THIS SECTION SHALL RETAIN:

(1) ANY WRITTEN COMMENTS; AND

(2) A RECORD OF ANY ORAL COMMENTS.

REVISOR'S NOTE: This section formerly was SG § 15-508.

In subsection (b)(1) and (2) of this section, the references to "executive unit" are substituted for the former references to "executive agency" and "agency", respectively, to use the appropriate defined term.

The only other changes are in style.

Defined terms: "Executive unit" § 5-101

"Person" § 1-114

"Procurement contract" § 5-101

"State" § 1-115

5-509. RESERVED.

5–510. RESERVED.**PART II. SPECIAL LEGISLATIVE PROVISIONS.****5–511. APPLICATION OF PART.**

THIS PART APPLIES ONLY TO MEMBERS OF THE GENERAL ASSEMBLY.

REVISOR'S NOTE: This section formerly was SG § 15–510.

The only changes are in style.

Defined term: “General Assembly” § 5–101

5–512. DISQUALIFICATION — PRESUMPTION OF CONFLICT.**(A) “CLOSE ECONOMIC ASSOCIATION” DEFINED.**

(1) IN THIS SECTION, “CLOSE ECONOMIC ASSOCIATION” MEANS THE ASSOCIATION BETWEEN A LEGISLATOR AND:

(I) THE LEGISLATOR’S:

- 1. EMPLOYER;**
- 2. EMPLOYEE; OR**
- 3. PARTNER IN A BUSINESS OR PROFESSIONAL ENTERPRISE;**

(II) A PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, OR LIMITED LIABILITY COMPANY IN WHICH THE LEGISLATOR HAS INVESTED CAPITAL OR OWNS AN INTEREST;

(III) A CORPORATION IN WHICH THE LEGISLATOR OWNS THE LESSER OF:

- 1. 10% OR MORE OF THE OUTSTANDING CAPITAL STOCK; OR**
- 2. CAPITAL STOCK WITH A CUMULATIVE VALUE OF \$25,000 OR MORE; AND**

(IV) A CORPORATION IN WHICH THE LEGISLATOR IS AN OFFICER, A DIRECTOR, OR AN AGENT.

(2) "CLOSE ECONOMIC ASSOCIATION" DOES NOT INCLUDE A LEGISLATOR'S OWNERSHIP OF STOCK DIRECTLY THROUGH A MUTUAL FUND, A RETIREMENT PLAN, OR ANY OTHER SIMILAR COMMINGLED INVESTMENT VEHICLE THE INDIVIDUAL INVESTMENTS OF WHICH THE LEGISLATOR DOES NOT CONTROL OR MANAGE.

(B) DISQUALIFICATION.

(1) AN INTEREST OF A MEMBER OF THE GENERAL ASSEMBLY CONFLICTS WITH THE PUBLIC INTEREST IF THE LEGISLATOR'S INTEREST TENDS TO IMPAIR THE LEGISLATOR'S INDEPENDENCE OF JUDGMENT.

(2) THE CONFLICT DISQUALIFIES THE LEGISLATOR FROM PARTICIPATING IN ANY LEGISLATIVE ACTION, OR OTHERWISE ATTEMPTING TO INFLUENCE ANY LEGISLATION, TO WHICH THE CONFLICT RELATES.

(C) PRESUMPTION OF CONFLICT.

IT IS PRESUMED THAT AN INTEREST DISQUALIFIES A LEGISLATOR FROM PARTICIPATING IN LEGISLATIVE ACTION WHENEVER THE LEGISLATOR:

(1) HAS OR ACQUIRES A DIRECT INTEREST IN AN ENTERPRISE THAT WOULD BE AFFECTED BY THE LEGISLATOR'S VOTE ON PROPOSED LEGISLATION, UNLESS THE INTEREST IS COMMON TO ALL MEMBERS OF:

(I) A PROFESSION OR OCCUPATION OF WHICH THE LEGISLATOR IS A MEMBER; OR

(II) THE GENERAL PUBLIC OR A LARGE CLASS OF THE GENERAL PUBLIC;

(2) BENEFITS FINANCIALLY FROM A CLOSE ECONOMIC ASSOCIATION WITH A PERSON WHOM THE LEGISLATOR KNOWS HAS A DIRECT INTEREST IN AN ENTERPRISE OR INTEREST THAT WOULD BE AFFECTED BY THE LEGISLATOR'S PARTICIPATION IN LEGISLATIVE ACTION, DIFFERENTLY FROM OTHER LIKE ENTERPRISES OR INTERESTS;

(3) BENEFITS FINANCIALLY FROM A CLOSE ECONOMIC ASSOCIATION WITH A PERSON WHO IS LOBBYING FOR THE PURPOSE OF INFLUENCING LEGISLATIVE ACTION; OR

(4) SOLICITS, ACCEPTS, OR AGREES TO ACCEPT A LOAN, OTHER THAN A LOAN FROM A COMMERCIAL LENDER IN THE NORMAL COURSE OF BUSINESS, FROM A PERSON WHO WOULD BE AFFECTED BY OR HAS AN INTEREST IN AN ENTERPRISE THAT WOULD BE AFFECTED BY THE LEGISLATOR'S PARTICIPATION IN LEGISLATIVE ACTION.

REVISOR'S NOTE: This section formerly was SG § 15–511.

In the introductory language of subsection (a)(1) of this section, the phrase “the association between a legislator and” is added for clarity.

In subsection (a)(2) of this section, the reference to “a legislator's ownership of” stock is added for clarity.

The only other changes are in style.

Defined terms: “Employee” § 5–101

“Employer” § 5–101

“General Assembly” § 5–101

“Interest” § 5–101

“Legislative action” § 5–101

“Lobbying” § 5–101

“Person” § 1–114

5–513. SUSPENSION OF DISQUALIFICATION.

(A) DISCLAIMER OF CONFLICT; EXCEPTION.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE DISQUALIFICATION ARISING UNDER § 5–512 OF THIS SUBTITLE IS SUSPENDED IF A LEGISLATOR WITH AN APPARENT OR PRESUMED CONFLICT FILES WITH THE JOINT ETHICS COMMITTEE A SWORN STATEMENT THAT:

(I) DESCRIBES THE CIRCUMSTANCES OF THE APPARENT OR PRESUMED CONFLICT AND THE LEGISLATION OR CLASS OF LEGISLATION TO WHICH IT RELATES; AND

(II) ASSERTS THAT THE LEGISLATOR IS ABLE TO PARTICIPATE IN LEGISLATIVE ACTION RELATING TO THE LEGISLATION FAIRLY, OBJECTIVELY, AND IN THE PUBLIC INTEREST.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE DISQUALIFICATION ARISING UNDER § 5–512 OF THIS

SUBTITLE MAY NOT BE SUSPENDED IF THE CONFLICT IS DIRECT AND PERSONAL TO:

- 1. THE LEGISLATOR;**
- 2. A MEMBER OF THE LEGISLATOR'S IMMEDIATE FAMILY; OR**
- 3. THE LEGISLATOR'S EMPLOYER.**

(II) THIS PARAGRAPH DOES NOT APPLY TO A VOTE ON:

- 1. THE ANNUAL OPERATING BUDGET BILL, IN ITS ENTIRETY; OR**
- 2. THE ANNUAL CAPITAL BUDGET BILL, IN ITS ENTIRETY.**

(B) STATEMENT OF JOINT ETHICS COMMITTEE; FURTHER ACTION.

(1) WHENEVER A LEGISLATOR FILES A STATEMENT DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION, THE JOINT ETHICS COMMITTEE ON ITS OWN MOTION MAY ISSUE A STATEMENT CONCERNING THE PROPRIETY OF THE LEGISLATOR'S PARTICIPATION IN THE PARTICULAR LEGISLATIVE ACTION, WITH REFERENCE TO THE APPLICABLE ETHICAL STANDARDS.

(2) THE SUSPENSION OF THE DISQUALIFICATION BY THE FILING OF THE STATEMENT IS SUBJECT TO FURTHER ACTION BY THE JOINT ETHICS COMMITTEE IF THE QUESTION OF CONFLICT COMES BEFORE THE COMMITTEE AS TO THE SAME CIRCUMSTANCES AND THE SAME LEGISLATOR.

(C) STATEMENT OF RECUSAL.

A MEMBER WHO IS DISQUALIFIED FROM PARTICIPATING IN LEGISLATIVE ACTION UNDER SUBSECTION (A)(2)(I) OF THIS SECTION, OR WHO CHOOSES TO BE EXCUSED FROM PARTICIPATING IN LEGISLATIVE ACTION ON A BILL OR CLASS OF BILLS BECAUSE OF THE APPEARANCE OR PRESUMPTION OF A CONFLICT, SHALL FILE IN A TIMELY MANNER A STATEMENT WITH THE JOINT ETHICS COMMITTEE THAT DESCRIBES THE CIRCUMSTANCES OF THE APPARENT OR PRESUMED CONFLICT.

(D) PUBLIC RECORD.

ALL STATEMENTS FILED UNDER THIS SECTION SHALL BE:

(1) FILED ELECTRONICALLY ON A FORM REQUIRED BY THE JOINT ETHICS COMMITTEE; AND

(2) MAINTAINED AS A MATTER OF PUBLIC RECORD AS REQUIRED IN SUBSECTION (E) OF THIS SECTION.

(E) STATEMENTS AVAILABLE FOR PUBLIC INSPECTION; CONTENTS.

(1) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL:

(I) COMPILE THE STATEMENTS FILED UNDER THIS SECTION;

(II) MAKE THE STATEMENTS AVAILABLE FOR PUBLIC INSPECTION AS PROVIDED IN THE PUBLIC INFORMATION ACT; AND

(III) AS TO STATEMENTS FILED ON OR AFTER JANUARY 1, 2013, MAKE THE STATEMENTS FREELY AVAILABLE TO THE PUBLIC ON THE INTERNET THROUGH AN ONLINE REGISTRATION PROGRAM.

(2) AS TO EACH STATEMENT, THE INTERNET POSTING SHALL INDICATE:

(I) WHETHER THE JOINT ETHICS COMMITTEE HAS MADE A DETERMINATION UNDER SUBSECTION (B) OF THIS SECTION;

(II) THE DETERMINATION MADE, IF ANY; AND

(III) THE DATE, IF ANY, ON WHICH THE DETERMINATION WAS MADE.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 15-512.

In subsection (a)(1)(ii) of this section, the reference to "participat[ing] in legislative action" is substituted for the former reference to "vot[ing] and otherwise participat[ing] in action" for brevity and clarity.

Defined terms: "Employer" § 5-101

"Immediate family" § 5-101

"Joint Ethics Committee" § 5-101

"Legislative action" § 5-101

5-514. OUTSIDE INCOME RELATING TO STATE OR LOCAL GOVERNMENTAL ENTITIES.

(A) RESTRICTION ON EARNED INCOME.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OR (3) OF THIS SUBSECTION, A MEMBER OF THE GENERAL ASSEMBLY, A FILED CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY, OR A MEMBER-ELECT OF THE GENERAL ASSEMBLY MAY NOT RECEIVE EARNED INCOME FROM:

(I) AN EXECUTIVE UNIT; OR

(II) A POLITICAL SUBDIVISION OF THE STATE.

(2) THE JOINT ETHICS COMMITTEE MAY EXEMPT AN INDIVIDUAL FROM THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION IF THE EARNED INCOME IS FOR:

(I) EDUCATIONAL INSTRUCTION PROVIDED BY THE MEMBER, CANDIDATE, OR MEMBER-ELECT;

(II) A POSITION THAT IS SUBJECT TO A MERIT SYSTEM HIRING PROCESS;

(III) A HUMAN SERVICES POSITION; OR

(IV) A CAREER PROMOTION, CHANGE, OR PROGRESSION THAT IS A LOGICAL TRANSITION FROM A PRE-EXISTING RELATIONSHIP AS DESCRIBED IN PARAGRAPH (3)(II) OF THIS SUBSECTION.

(3) THIS SUBSECTION DOES NOT APPLY TO COMPENSATION TO A MEMBER, CANDIDATE, OR MEMBER-ELECT DERIVED FROM:

(I) EMPLOYMENT AS A NONELECTED LAW ENFORCEMENT OFFICER OR A FIRE OR RESCUE SQUAD WORKER; OR

(II) A TRANSACTION OR RELATIONSHIP THAT EXISTED BEFORE THE INDIVIDUAL:

1. FILED A CERTIFICATE OF CANDIDACY FOR ELECTION TO THE GENERAL ASSEMBLY WHILE THE INDIVIDUAL WAS NOT AN INCUMBENT MEMBER OF THE GENERAL ASSEMBLY; OR

2. WAS APPOINTED TO FILL A VACANCY.

(B) REPORTS.

(1) A LEGISLATOR SHALL REPORT THE FOLLOWING INFORMATION IN WRITING TO THE JOINT ETHICS COMMITTEE AT THE TIMES AND IN THE MANNER REQUIRED BY THE JOINT ETHICS COMMITTEE:

(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF REPRESENTING A PERSON FOR COMPENSATION BEFORE A STATE OR LOCAL GOVERNMENT AGENCY, EXCEPT IN A JUDICIAL PROCEEDING OR IN A QUASI-JUDICIAL PROCEEDING, THE NAME OF THE PERSON REPRESENTED, THE SERVICES PERFORMED, AND THE CONSIDERATION;

(II) IF REPRESENTING A STATE OR LOCAL GOVERNMENT AGENCY FOR COMPENSATION, THE NAME OF THE AGENCY, THE SERVICES PERFORMED, AND THE CONSIDERATION;

(III) THE NAME OF ANY BUSINESS ENTERPRISE SUBJECT TO REGULATION BY A STATE AGENCY IN WHICH THE LEGISLATOR AND A MEMBER OF THE LEGISLATOR'S IMMEDIATE FAMILY (SPOUSE AND CHILDREN LIVING WITH THE LEGISLATOR), TOGETHER OR SEPARATELY, HAVE:

1. THE LESSER OF:

A. 10% OR MORE OF THE CAPITAL STOCK OF ANY CORPORATION; OR

B. CAPITAL STOCK OF ANY CORPORATION WITH A CUMULATIVE VALUE OF \$25,000 OR MORE; AND

2. ANY INTEREST IN A PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, OR LIMITED LIABILITY COMPANY;

(IV) DETAILS OF ANY CONTRACTUAL RELATIONSHIP WITH A GOVERNMENTAL ENTITY OF THE STATE OR A LOCAL GOVERNMENT IN THE STATE, INCLUDING THE SUBJECT MATTER AND THE CONSIDERATION;

(V) DETAILS OF ANY TRANSACTION WITH A GOVERNMENTAL ENTITY OF THE STATE OR A LOCAL GOVERNMENT IN THE STATE INVOLVING A MONETARY CONSIDERATION; AND

(VI) ANY PRIMARY EMPLOYMENT OR BUSINESS INTEREST AND THE EMPLOYER OF THE LEGISLATOR OR THE SPOUSE OF THE LEGISLATOR, EXCEPT FOR EMPLOYMENT AS A LEGISLATOR.

(2) A LEGISLATOR, ON THE WRITTEN ADVICE OF THE COUNSEL TO THE JOINT ETHICS COMMITTEE, IS NOT REQUIRED TO REPORT ANY INFORMATION UNDER THIS SUBSECTION IF REPORTING THE INFORMATION WOULD VIOLATE STANDARDS OF CLIENT CONFIDENTIALITY OR PROFESSIONAL CONDUCT.

(3) THE JOINT ETHICS COMMITTEE MAY ADOPT PROCEDURES TO KEEP CONFIDENTIAL THE NAME OF THE PERSON REPRESENTED IN A REPORT FILED UNDER SUBSECTION (B)(1)(I) OF THIS SECTION IF THAT INFORMATION IS PRIVILEGED OR CONFIDENTIAL UNDER ANY LAW GOVERNING PROCEEDINGS BEFORE THAT STATE OR LOCAL GOVERNMENT AGENCY.

(C) PUBLIC RECORD.

ALL REPORTS FILED UNDER THIS SECTION SHALL BE:

(1) FILED ELECTRONICALLY ON A FORM REQUIRED BY THE JOINT ETHICS COMMITTEE; AND

(2) MAINTAINED AS A MATTER OF PUBLIC RECORD AS REQUIRED IN SUBSECTION (D) OF THIS SECTION.

(D) REPORTS AVAILABLE FOR PUBLIC INSPECTION; CONTENTS.

(1) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL:

(I) COMPILE THE REPORTS FILED UNDER THIS SECTION;

(II) MAKE THE REPORTS AVAILABLE FOR PUBLIC INSPECTION AS PROVIDED IN THE PUBLIC INFORMATION ACT; AND

(III) AS TO REPORTS FILED ON OR AFTER JANUARY 1, 2013, AND EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, MAKE THE REPORTS FREELY AVAILABLE TO THE PUBLIC ON THE INTERNET THROUGH AN ONLINE REGISTRATION PROGRAM.

(2) THE DEPARTMENT OF LEGISLATIVE SERVICES MAY NOT POST ON THE INTERNET INFORMATION RELATED TO CONSIDERATION RECEIVED THAT IS REPORTED UNDER SUBSECTION (B) OF THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 15–513.

In subsection (a)(3)(ii)2 of this section, the former reference to “the date of the appointment” is deleted as surplusage.

In subsection (b)(1)(iv) and (v) of this section, the references to “a governmental entity of the State” are substituted for the former references to “the State or a State agency” and “the State”, respectively, for clarity.

In subsection (b)(2) of this section, the reference to “this subsection” is substituted for the former reference to “this paragraph” for accuracy.

In subsection (b)(3) of this section, the reference to the State “or local government” agency is added for accuracy.

Defined terms: “Compensation” § 5–101

“Employer” § 5–101

“Executive unit” § 5–101

“General Assembly” § 5–101

“Immediate family” § 5–101

“Including” § 1–110

“Interest” § 5–101

“Joint Ethics Committee” § 5–101

“Person” § 1–114

“State” § 1–115

5–515. JOINT ETHICS COMMITTEE — WRITTEN OPINIONS.

(A) REQUEST FOR OPINION.

(1) A LEGISLATOR MAY REQUEST A WRITTEN OPINION FROM THE JOINT ETHICS COMMITTEE ON THE PROPRIETY OF ANY CURRENT OR PROPOSED CONDUCT OF THE LEGISLATOR AND INVOLVING THE APPLICABLE STANDARDS OF ETHICAL CONDUCT FOR LEGISLATORS ESTABLISHED BY LAW, RULE, OR OTHER STANDARD OF ETHICAL CONDUCT.

(2) A REQUEST FOR AN OPINION SHALL:

(I) BE IN WRITING AND SIGNED BY THE LEGISLATOR;

(II) BE ADDRESSED TO THE JOINT ETHICS COMMITTEE OR EITHER COCHAIR;

(III) BE SUBMITTED IN A TIMELY MANNER; AND

(IV) INCLUDE A COMPLETE AND ACCURATE STATEMENT OF THE RELEVANT FACTS.

(3) IF A REQUEST IS UNCLEAR OR INCOMPLETE, THE JOINT ETHICS COMMITTEE MAY SEEK ADDITIONAL INFORMATION FROM THE LEGISLATOR.

(4) (I) THE COUNSEL TO THE JOINT ETHICS COMMITTEE SHALL PREPARE FOR THE COMMITTEE A RESPONSE TO EACH WRITTEN REQUEST FOR AN OPINION UNDER THIS SUBSECTION.

(II) EACH OPINION SHALL DISCUSS ALL APPLICABLE LAWS, RULES, OR OTHER STANDARDS.

(5) EXCEPT AS PROVIDED IN PARAGRAPH (6)(I) OF THIS SUBSECTION, AN OPINION MUST BE APPROVED BY A MAJORITY OF THE MEMBERS OF THE JOINT ETHICS COMMITTEE.

(6) (I) THE COCHAIRS OF THE JOINT ETHICS COMMITTEE MAY APPROVE AN OPINION ON BEHALF OF THE COMMITTEE IF THEY DETERMINE THAT THE OPINION IS CONSISTENT WITH PRIOR PRECEDENT AND THEREFORE DOES NOT REQUIRE CONSIDERATION BY THE FULL COMMITTEE.

(II) AN OPINION ISSUED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE DISTRIBUTED TO EACH MEMBER OF THE JOINT ETHICS COMMITTEE NOT LATER THAN THE NEXT MEETING OF THE COMMITTEE.

(III) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, IF A COCHAIR OF THE JOINT ETHICS COMMITTEE IS THE LEGISLATOR REQUESTING THE OPINION, THE OPINION MUST BE APPROVED BY A MAJORITY OF THE COMMITTEE.

(B) RESPONSE.

THE JOINT ETHICS COMMITTEE IS NOT REQUIRED TO ISSUE AN OPINION IF THE REQUEST IS NOT MADE IN A TIMELY MANNER.

(C) SUA SPONTE OPINIONS.

THE JOINT ETHICS COMMITTEE ON ITS OWN MOTION MAY ISSUE OPINIONS AS IT CONSIDERS APPROPRIATE.

(D) PUBLIC RELEASE.

(1) THE COCHAIRS SHALL DETERMINE WHETHER AN OPINION SHALL BE MADE PUBLIC, WITH DELETIONS AND CHANGES NECESSARY TO PROTECT THE LEGISLATOR'S IDENTITY.

(2) (I) THE COUNSEL TO THE JOINT ETHICS COMMITTEE SHALL COMPILE AND INDEX EACH OPINION THAT WILL BE MADE PUBLIC.

(II) THE COMPILATION OF OPINIONS SHALL BE DISTRIBUTED TO EACH MEMBER OF THE GENERAL ASSEMBLY AND SHALL BE AVAILABLE TO THE PUBLIC.

(E) SAVINGS CLAUSE.

THE JOINT ETHICS COMMITTEE MAY TAKE NO ADVERSE ACTION WITH REGARD TO CONDUCT THAT HAS BEEN UNDERTAKEN IN RELIANCE ON A WRITTEN OPINION IF THE CONDUCT CONFORMS TO THE SPECIFIC FACTS ADDRESSED IN THE OPINION.

(F) RESTRICTIONS ON USE OF INFORMATION.

INFORMATION PROVIDED TO THE JOINT ETHICS COMMITTEE BY A LEGISLATOR SEEKING ADVICE REGARDING PROSPECTIVE CONDUCT MAY NOT BE USED AS THE BASIS FOR INITIATING AN INVESTIGATION UNDER § 5-515 OF THIS SUBTITLE IF THE LEGISLATOR ACTS IN GOOD FAITH IN ACCORDANCE WITH THE ADVICE OF THE COMMITTEE.

(G) BINDING EFFECT.

(1) AN OPINION ISSUED UNDER THIS SECTION IS BINDING ON ANY LEGISLATOR TO WHOM IT IS ADDRESSED.

(2) A PUBLISHED OPINION IS BINDING ON ALL MEMBERS OF THE GENERAL ASSEMBLY.

REVISOR'S NOTE: This section formerly was SG § 15-514.

In subsection (a)(4)(ii) of this section, the reference to an "opinion" is substituted for the former reference to a "response" for clarity.

In subsection (a)(6)(ii) of this section, the reference to an opinion "issued under subparagraph (i) of this paragraph" is substituted for the former

reference to an opinion “for which approval by the cochairmen under this paragraph is anticipated” for clarity.

The only other changes are in style.

Defined terms: “General Assembly” § 5–101
“Joint Ethics Committee” § 5–101

5–516. COMPLAINTS.

(A) FORM.

A COMPLAINT ALLEGING THAT A MEMBER OF THE GENERAL ASSEMBLY MAY HAVE VIOLATED STANDARDS OF ETHICAL CONDUCT, INCLUDING § 2–108 OF THE STATE GOVERNMENT ARTICLE, MAY BE FILED WITH THE JOINT ETHICS COMMITTEE BY:

(1) A WRITTEN STATEMENT FROM ANY PERSON, ACCOMPANIED BY AN AFFIDAVIT, SETTING FORTH THE FACTS ON WHICH THE STATEMENT IS BASED;

(2) MOTION OF A MAJORITY OF THE MEMBERSHIP OF THE JOINT ETHICS COMMITTEE; OR

(3) REFERRAL OF A MATTER TO THE JOINT ETHICS COMMITTEE BY A PRESIDING OFFICER OF THE GENERAL ASSEMBLY AS PROVIDED IN § 2–706(A)(5) OF THE STATE GOVERNMENT ARTICLE.

(B) COPIES.

(1) THE JOINT ETHICS COMMITTEE SHALL PROVIDE A COPY OF EACH COMPLAINT FILED UNDER SUBSECTION (A) OF THIS SECTION TO THE PRESIDING OFFICER OF THE HOUSE OF THE LEGISLATOR WHO IS THE SUBJECT OF THE COMPLAINT.

(2) BASED ON THE INFORMATION CONTAINED IN A COMPLAINT PROVIDED TO A PRESIDING OFFICER UNDER PARAGRAPH (1) OF THIS SUBSECTION, IF A PRESIDING OFFICER DETERMINES THAT IT IS INAPPROPRIATE FOR A JOINT ETHICS COMMITTEE MEMBER FROM THAT HOUSE TO CONSIDER A PARTICULAR MATTER, THE PRESIDING OFFICER SHALL APPOINT A SUBSTITUTE MEMBER TO THE JOINT ETHICS COMMITTEE FOR ITS CONSIDERATION OF THE MATTER.

REVISOR'S NOTE: This section formerly was SG § 15–515.

In subsection (b)(2) of this section, the reference to “its” consideration is substituted for the former reference to “the purposes of” consideration to clarify that it is the Joint Ethics Committee, not the substitute member alone, that will be considering the matter.

The only other changes are in style.

Defined terms: “General Assembly” § 5–101

“Including” § 1–110

“Joint Ethics Committee” § 5–101

“Person” § 1–114

5–517. CONFIDENTIALITY.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY MATTER BEFORE THE JOINT ETHICS COMMITTEE, INCLUDING INFORMATION RELATING TO ANY COMPLAINT, PROCEEDING, OR RECORD OF THE JOINT ETHICS COMMITTEE, SHALL REMAIN CONFIDENTIAL.

(B) EXCEPTIONS.

PUBLIC ACCESS AND INSPECTION OF AN ACTIVITY OR A RECORD OF THE JOINT ETHICS COMMITTEE SHALL BE AVAILABLE FOR:

(1) A DISCLOSURE OR DISCLAIMER OF A CONFLICT OF INTEREST FORM FILED WITH THE JOINT ETHICS COMMITTEE;

(2) A PORTION OF A MEETING IN WHICH A DISCLOSURE OR DISCLAIMER FORM IS REVIEWED BY THE JOINT ETHICS COMMITTEE;

(3) INFORMATION RELATING TO A COMPLAINT, PROCEEDING, OR RECORD OF THE JOINT ETHICS COMMITTEE INVOLVING A MEMBER OF THE GENERAL ASSEMBLY IF CONSENT TO PUBLIC ACCESS AND INSPECTION IS GRANTED BY:

(I) THE MEMBER INVOLVED IN THE MATTER; OR

(II) A THREE–FOURTHS VOTE OF THE FULL MEMBERSHIP OF THE JOINT ETHICS COMMITTEE, BASED ON CRITERIA ESTABLISHED BY RULE;

(4) A RULE OR BROADLY APPLICABLE OPINION ISSUED BY THE JOINT ETHICS COMMITTEE; OR

(5) ANY MATTER OR RECORD THAT IS OTHERWISE AVAILABLE FOR PUBLIC ACCESS OR INSPECTION AS SPECIFICALLY AUTHORIZED UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 15-516.

In subsection (b)(3)(ii) of this section, the reference to the "full" membership is added for clarity.

In subsection (b)(4) of this section, the reference to a "broadly applicable" opinion is added for clarity.

Defined terms: "General Assembly" § 5-101

"Including" § 1-110

"Joint Ethics Committee" § 5-101

5-518. REVIEW OF COMPLAINTS.

(A) IN GENERAL.

AFTER THE FILING OR PREPARATION OF A COMPLAINT UNDER § 5-516 OF THIS SUBTITLE, THE JOINT ETHICS COMMITTEE SHALL REVIEW THE COMPLAINT AND PROCEED IN ACCORDANCE WITH § 5-519 OF THIS SUBTITLE UNLESS, AFTER EXAMINING THE COMPLAINT AND THE ISSUES RAISED BY IT, THE COMMITTEE FINDS THAT FURTHER PROCEEDINGS ARE NOT JUSTIFIED BECAUSE:

(1) THE COMPLAINT IS FRIVOLOUS;

(2) THE COMPLAINT DOES NOT ALLEGE ACTIONS ON THE PART OF THE ACCUSED LEGISLATOR THAT PROVIDE REASON TO BELIEVE THAT A VIOLATION MAY HAVE OCCURRED;

(3) THE MATTERS ALLEGED ARE NOT WITHIN THE JURISDICTION OF THE JOINT ETHICS COMMITTEE;

(4) THE VIOLATIONS ALLEGED WERE INADVERTENT, TECHNICAL, OR MINOR, OR HAVE BEEN CURED, AND, AFTER CONSIDERATION OF ALL OF THE CIRCUMSTANCES THEN KNOWN, FURTHER PROCEEDINGS WOULD NOT SERVE THE PURPOSES OF THIS SUBTITLE; OR

(5) FOR OTHER REASONS, AFTER CONSIDERATION OF ALL THE CIRCUMSTANCES, FURTHER PROCEEDINGS WOULD NOT SERVE THE PURPOSES OF THIS SUBTITLE.

(B) REPORT; NOTICE; INSPECTION.

(1) IF A FINDING IS MADE UNDER SUBSECTION (A) OF THIS SECTION, THE JOINT ETHICS COMMITTEE SHALL:

(I) SUBMIT A REPORT OF ITS CONCLUSIONS TO THE PRESIDING OFFICER OR TO THE MEMBERSHIP OF THE BRANCH OF THE LEGISLATURE OF WHICH THE ACCUSED LEGISLATOR IS A MEMBER, AND THE PROCEEDINGS SHALL BE TERMINATED;

(II) PROVIDE ADVICE OR GUIDANCE TO THE ACCUSED LEGISLATOR; OR

(III) PROVIDE THE ACCUSED LEGISLATOR WITH AN OPPORTUNITY TO CURE ANY MINOR VIOLATION OF ETHICAL STANDARDS.

(2) (I) SUBJECT TO § 5–517 OF THIS SUBTITLE, NOTICE OF THE JOINT ETHICS COMMITTEE’S ACTION SHALL BE PROVIDED TO THE ACCUSED LEGISLATOR AND TO ANY PERSON WHO FILED THE COMPLAINT.

(II) ON REQUEST, THE ACCUSED LEGISLATOR MAY SEE THE COMPLAINT AND THE REPORT.

(C) ALLEGATION SUMMARY.

IF NO FINDING IS MADE UNDER SUBSECTION (A) OF THIS SECTION, THE JOINT ETHICS COMMITTEE SHALL PREPARE AN ALLEGATION SUMMARY, BASED ON ITS EXAMINATION UNDER SUBSECTION (A) OF THIS SECTION, SETTING FORTH THE ALLEGED FACTS AND THE ISSUES THEN KNOWN THAT MERIT FURTHER PROCEEDINGS.

(D) PROVIDING STATEMENT TO ACCUSED LEGISLATOR.

AFTER REVIEW OF A COMPLAINT, THE JOINT ETHICS COMMITTEE SHALL PROVIDE A STATEMENT OF ITS FINDINGS TO THE ACCUSED LEGISLATOR.

REVISOR’S NOTE: This section formerly was SG § 15–517.

Throughout this section and this part, the references to the “accused legislator” are substituted for the former references to the “member”, the “legislator”, and the “legislator against whom the complaint has been filed” for clarity and consistency.

The only other changes are in style.

Defined terms: “Joint Ethics Committee” § 5-101
“Person” § 1-114

5-519. ALLEGATION SUMMARY.

(A) NOTICE; ANSWER.

(1) EXCEPT AS TO PROCEEDINGS TERMINATED IN ACCORDANCE WITH § 5-518(B) OF THIS SUBTITLE, THE JOINT ETHICS COMMITTEE SHALL PROVIDE TO THE ACCUSED LEGISLATOR A COPY OF:

(I) THE COMPLAINT FILED OR PREPARED IN ACCORDANCE WITH § 5-516 OF THIS SUBTITLE; AND

(II) THE ALLEGATION SUMMARY PREPARED IN ACCORDANCE WITH § 5-518(C) OF THIS SUBTITLE.

(2) THE ACCUSED LEGISLATOR SHALL BE ALLOWED AN OPPORTUNITY TO FILE A WRITTEN ANSWER TO THE ALLEGATION SUMMARY.

(B) TERMINATION OF HEARING.

FOLLOWING NOTIFICATION OF THE ACCUSED LEGISLATOR, THE JOINT ETHICS COMMITTEE MAY:

(1) TERMINATE THE PROCEEDINGS; OR

(2) SCHEDULE A HEARING AND NOTIFY THE ACCUSED LEGISLATOR OF THE TIME, LOCATION, AND PROCEDURES OF THE HEARING.

(C) AMENDMENT.

(1) THE JOINT ETHICS COMMITTEE MAY AMEND THE ALLEGATION SUMMARY AT ANY TIME.

(2) IF AN ALLEGATION SUMMARY IS AMENDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ACCUSED LEGISLATOR SHALL BE

ALLOWED AN OPPORTUNITY TO FILE A WRITTEN ANSWER TO THE AMENDED ALLEGATION SUMMARY.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 15–518.

In the introductory language of subsection (a)(1) of this section, the former reference to “notif[ying]” the legislator is deleted as included in the reference to “provid[ing] ... a copy”.

Defined term: “Joint Ethics Committee” § 5–101

5–520. HEARING PROCEDURES.

(A) ADOPTION.

THE JOINT ETHICS COMMITTEE SHALL ADOPT WRITTEN PROCEDURES FOR CONDUCTING A HEARING TO CONSIDER A COMPLAINT, AN ALLEGATION SUMMARY, AND A WRITTEN ANSWER, IF ANY.

(B) ACCESS.

THE WRITTEN PROCEDURES ADOPTED BY THE JOINT ETHICS COMMITTEE UNDER SUBSECTION (A) OF THIS SECTION:

- (1) SHALL BE AVAILABLE FOR PUBLIC INSPECTION;**
- (2) SHALL BE PROVIDED TO THE LEGISLATOR WHO IS THE SUBJECT OF A HEARING;**
- (3) SHALL ALLOW THE ACCUSED LEGISLATOR TO:**
 - (I) BE REPRESENTED BY COUNSEL;**
 - (II) CROSS–EXAMINE WITNESSES; AND**
 - (III) BE PROVIDED AN OPPORTUNITY TO INSPECT, IN A REASONABLE MANNER, ANY RECORDS THAT THE JOINT ETHICS COMMITTEE INTENDS TO USE DURING THE HEARING, SUBJECT TO LIMITATIONS ESTABLISHED BY THE JOINT ETHICS COMMITTEE IN THE WRITTEN PROCEDURES; AND**
- (4) SUBJECT TO ITEMS (1) AND (2) OF THIS SUBSECTION, MAY BE AMENDED BY THE JOINT ETHICS COMMITTEE AT ANY TIME.**

(C) SUBPOENAS.

(1) (I) IF THE JOINT ETHICS COMMITTEE DETERMINES THAT A HEARING IS REQUIRED UNDER § 5-519(B)(2) OF THIS SUBTITLE, THE JOINT ETHICS COMMITTEE, BY A TWO-THIRDS VOTE OF ITS FULL MEMBERSHIP, MAY ISSUE ONE OR MORE SUBPOENAS THAT REQUIRE THE APPEARANCE OF A PERSON, THE PRODUCTION OF RELEVANT RECORDS, AND THE GIVING OF RELEVANT TESTIMONY.

(II) IF THE JOINT ETHICS COMMITTEE EXERCISES SUBPOENA POWERS UNDER THIS PARAGRAPH, THE LEGISLATOR WHO IS THE SUBJECT OF THE INVESTIGATION MAY REQUIRE THE JOINT ETHICS COMMITTEE TO ISSUE ONE OR MORE SUBPOENAS ON THE LEGISLATOR'S BEHALF.

(2) A REQUEST TO APPEAR, AN APPEARANCE, OR A SUBMISSION OF EVIDENCE DOES NOT LIMIT THE SUBPOENA POWER OF THE JOINT ETHICS COMMITTEE.

(3) A SUBPOENA ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SERVED:

(I) IN THE MANNER PROVIDED BY LAW FOR SERVICE OF A SUBPOENA IN A CIVIL ACTION;

(II) BEFORE THE TIME THAT THE SUBPOENA SETS FOR APPEARANCE OR PRODUCTION OF RECORDS; AND

(III) WITH THE FOLLOWING DOCUMENTS:

- 1. A COPY OF THIS TITLE;**
- 2. A COPY OF THE RULES OF THE JOINT ETHICS COMMITTEE; AND**
- 3. IF THE SUBPOENA REQUIRES THE APPEARANCE OF A PERSON, NOTICE THAT COUNSEL MAY ACCOMPANY THE PERSON.**

(4) A PERSON WHO IS SUBPOENAED TO APPEAR AT A HEARING IS ENTITLED TO RECEIVE THE FEES AND ALLOWANCES THAT ARE PROVIDED FOR A PERSON WHO IS SUBPOENAED BY A CIRCUIT COURT.

(5) A PERSON MAY BE HELD IN CONTEMPT IF THE PERSON UNJUSTIFIABLY:

(I) FAILS OR REFUSES TO COMPLY WITH A SUBPOENA FOR APPEARANCE;

(II) APPEARS BUT FAILS OR REFUSES TO TESTIFY UNDER OATH; OR

(III) DISOBEYS A DIRECTIVE OF THE PRESIDING CHAIR AT THE HEARING TO ANSWER A RELEVANT QUESTION OR TO PRODUCE A RECORD, INCLUDING AN ELECTRONIC RECORD, THAT HAS BEEN SUBPOENAED, UNLESS THE DIRECTIVE IS OVERRULED BY A MAJORITY VOTE OF THE MEMBERS OF THE JOINT ETHICS COMMITTEE WHO ARE PRESENT AT THE HEARING.

(6) BY A TWO-THIRDS VOTE OF ITS FULL MEMBERSHIP, THE JOINT ETHICS COMMITTEE MAY APPLY FOR A CONTEMPT CITATION TO A CIRCUIT COURT.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 15-519.

In subsection (a) of this section, the former phrase “, as provided in § 15-518(b) of this subtitle” is deleted as surplusage.

In the introductory language of subsection (b)(3) of this section, the word “allow” is substituted for the former word “authorize” for clarity.

In subsection (c)(1)(i) of this section, the reference to “its full membership” is substituted for the former reference to “the members of the Joint Ethics Committee” for clarity and brevity. Similarly, in subsection (c)(6) of this section, the reference to “its full membership” is substituted for the former reference to “all of the members of the Joint Ethics Committee”.

Defined terms: “Circuit court” § 1-107

“Including” § 1-110

“Joint Ethics Committee” § 5-101

“Person” § 1-114

5-521. FINDINGS.

(A) SOURCES.

THE JOINT ETHICS COMMITTEE MAY MAKE A FINDING DEVELOPED FROM:

- (1) INFORMATION PRESENTED DURING THE HEARING;
- (2) THE ALLEGATION SUMMARY AND ANY AMENDMENTS TO IT;
- (3) THE WRITTEN ANSWER OF THE ACCUSED LEGISLATOR TO THE ALLEGATION SUMMARY, IF ANY; AND
- (4) ANY OTHER INFORMATION PROVIDED TO THE JOINT ETHICS COMMITTEE AND MADE AVAILABLE TO THE ACCUSED LEGISLATOR.

(B) CRITERIA.

CONSISTENT WITH THE PURPOSES OF THIS TITLE, THE JOINT ETHICS COMMITTEE MAY ESTABLISH CRITERIA FOR MAKING A FINDING IN ITS WRITTEN PROCEDURES ESTABLISHED UNDER § 5-520(A) OF THIS SUBTITLE.

(C) PROCEDURE.

IF THE JOINT ETHICS COMMITTEE MAKES A FINDING UNDER THIS SECTION, THE JOINT ETHICS COMMITTEE SHALL:

- (1) TERMINATE THE PROCEEDING AGAINST THE ACCUSED LEGISLATOR; OR
- (2) ISSUE ANY RECOMMENDATIONS TO THE PRESIDING OFFICER OF THE HOUSE OF THE ACCUSED LEGISLATOR OR TO THE FULL HOUSE OF THE ACCUSED LEGISLATOR, INCLUDING ANY RECOMMENDATIONS FOR APPROPRIATE SANCTIONS.

REVISOR'S NOTE: This section formerly was SG § 15-520.

The only changes are in style.

Defined terms: "Including" § 1-110
 "Joint Ethics Committee" § 5-101

5-522. REFERRAL TO PROSECUTORIAL AUTHORITIES.

IF THE JOINT ETHICS COMMITTEE, AT ANY TIME DURING ITS CONSIDERATION OF ANY COMPLAINT OR ALLEGATION SUMMARY OR DURING ANY PROCEEDING, FINDS THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT A LEGISLATOR MAY HAVE COMMITTED A CRIME, THE JOINT ETHICS COMMITTEE SHALL:

(1) REFER THE MATTER TO AN APPROPRIATE PROSECUTING AUTHORITY; AND

(2) PROVIDE ANY INFORMATION OR EVIDENCE TO THE PROSECUTING AUTHORITY THAT THE JOINT ETHICS COMMITTEE DETERMINES IS APPROPRIATE.

REVISOR'S NOTE: This section formerly was SG § 15–521.

The only changes are in style.

Defined term: “Joint Ethics Committee” § 5–101

5–523. RESERVED.

5–524. RESERVED.

PART III. PUBLIC–PRIVATE PARTNERSHIP ACT.

5–525. INSTITUTIONS OF HIGHER EDUCATION.

(A) DEFINITIONS.

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

(2) “CONFLICT OF INTEREST POLICIES” MEANS POLICIES ADOPTED BY A GOVERNING BOARD AND APPROVED:

(I) BY THE OFFICE OF THE ATTORNEY GENERAL; AND

(II) AS TO CONFORMITY WITH THIS SECTION, BY THE ETHICS COMMISSION.

(3) “EDUCATIONAL INSTITUTION” MEANS:

(I) A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION AS DEFINED IN § 10–101 OF THE EDUCATION ARTICLE;

(II) A CENTER OR AN INSTITUTE OF THE UNIVERSITY SYSTEM OF MARYLAND THAT IS DESIGNATED IN THE CONFLICT OF INTEREST POLICIES ADOPTED BY THE SYSTEM'S BOARD OF REGENTS; OR

(III) THE UNIVERSITY SYSTEM OF MARYLAND ADMINISTRATION, FOR WHICH THE CHANCELLOR OF THE SYSTEM SHALL BE CONSIDERED THE PRESIDENT FOR PURPOSES OF THIS SECTION.

(4) "GOVERNING BOARD" HAS THE MEANING PROVIDED IN § 10-101 OF THE EDUCATION ARTICLE.

(5) "RELATIONSHIP" INCLUDES ANY:

(I) INTEREST;

(II) SERVICE;

(III) EMPLOYMENT;

(IV) GIFT; OR

(V) OTHER BENEFIT OR RELATIONSHIP.

(6) (I) "RESEARCH OR DEVELOPMENT" MEANS BASIC OR APPLIED RESEARCH OR DEVELOPMENT.

(II) "RESEARCH OR DEVELOPMENT" INCLUDES:

1. THE DEVELOPMENT OR MARKETING OF UNIVERSITY-OWNED TECHNOLOGY;

2. THE ACQUISITION OF SERVICES OF AN OFFICIAL OR EMPLOYEE BY AN ENTITY FOR RESEARCH AND DEVELOPMENT PURPOSES; OR

3. PARTICIPATION IN STATE ECONOMIC DEVELOPMENT PROGRAMS.

(B) ADOPTION OF PROCEDURES.

(1) EACH EDUCATIONAL INSTITUTION ENGAGED IN RESEARCH OR DEVELOPMENT SHALL DEVELOP CONFLICT OF INTEREST PROCEDURES BASED ON:

(I) CONFLICT OF INTEREST POLICIES DEVELOPED BY ITS GOVERNING BOARD; AND

(II) THE PURPOSES OF THIS TITLE SPECIFIED IN § 5-102 OF THIS TITLE.

(2) BEFORE THEY MAY BECOME EFFECTIVE, THE PROCEDURES AND POLICIES DEVELOPED UNDER THIS SUBSECTION SHALL BE APPROVED BY:

(I) THE OFFICE OF THE ATTORNEY GENERAL; AND

(II) AS TO CONFORMITY WITH THIS SECTION, THE ETHICS COMMISSION.

(C) CONTENT OF PROCEDURES — IN GENERAL.

THE PROCEDURES ADOPTED BY AN EDUCATIONAL INSTITUTION UNDER SUBSECTION (B) OF THIS SECTION SHALL:

(1) REQUIRE DISCLOSURE OF ANY INTEREST IN, EMPLOYMENT BY, OR OTHER RELATIONSHIP WITH AN ENTITY FOR WHICH AN EXEMPTION UNDER THIS SECTION IS CLAIMED, ON A FORM FILED WITH THE ETHICS COMMISSION AND MAINTAINED AS A PUBLIC RECORD AT THE EDUCATIONAL INSTITUTION;

(2) REQUIRE A REVIEW OF ALL DISCLOSURES BY A DESIGNATED OFFICIAL, WHO SHALL DETERMINE WHAT:

(I) FURTHER INFORMATION MUST BE DISCLOSED; AND

(II) RESTRICTIONS SHALL BE IMPOSED BY THE EDUCATIONAL INSTITUTION TO MANAGE, REDUCE, OR ELIMINATE ANY ACTUAL OR POTENTIAL CONFLICT OF INTEREST;

(3) INCLUDE GUIDELINES TO ENSURE THAT INTERESTS AND EMPLOYMENT FOR WHICH AN EXEMPTION UNDER THIS SECTION IS CLAIMED DO NOT:

(I) IMPROPERLY GIVE AN ADVANTAGE TO ENTITIES IN WHICH THE INTERESTS OR EMPLOYMENT ARE MAINTAINED;

(II) LEAD TO MISUSE OF INSTITUTION STUDENTS OR EMPLOYEES FOR THE BENEFIT OF ENTITIES IN WHICH THE INTERESTS OR EMPLOYMENT ARE MAINTAINED; OR

(III) OTHERWISE INTERFERE WITH THE DUTIES AND RESPONSIBILITIES OF THE EXEMPT OFFICIAL OR EMPLOYEE;

(4) REQUIRE APPROVAL BY THE PRESIDENT OF THE EDUCATIONAL INSTITUTION OF ANY INTEREST OR EMPLOYMENT FOR WHICH AN EXEMPTION IS CLAIMED UNDER THIS SECTION; AND

(5) REQUIRE APPROVAL BY THE GOVERNING BOARD OF THE EDUCATIONAL INSTITUTION IF AN EXEMPTION IS CLAIMED BY THE PRESIDENT OF THE EDUCATIONAL INSTITUTION.

(D) CONTENT OF PROCEDURES — CONSULTATIONS.

POLICIES AND PROCEDURES ADOPTED UNDER THIS SECTION MAY PROVIDE FOR PERIODIC CONSULTATION WITH THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT AND WITH FEDERAL AGENCIES THAT HAVE IMPOSED REGULATORY REQUIREMENTS ON FEDERALLY FUNDED RESEARCH, CONCERNING THE IMPLEMENTATION OF THIS SECTION.

(E) EXEMPTION FROM STATE ETHICS LAW REQUIREMENTS.

(1) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, A PRESENT OR FORMER OFFICIAL OR EMPLOYEE AT AN EDUCATIONAL INSTITUTION MAY HAVE A RELATIONSHIP, OTHERWISE PROHIBITED BY THIS SUBTITLE, WITH AN ENTITY ENGAGED IN RESEARCH OR DEVELOPMENT, OR WITH AN ENTITY HAVING A DIRECT INTEREST IN THE OUTCOME OF RESEARCH OR DEVELOPMENT, ONLY IF:

(I) THE EDUCATIONAL INSTITUTION HAS ADOPTED POLICIES AND PROCEDURES IN ACCORDANCE WITH THIS SECTION; AND

(II) THE OFFICIAL OR EMPLOYEE HAS COMPLIED WITH THE POLICIES AND PROCEDURES.

(2) IF THE PROVISIONS OF THIS SUBSECTION ARE NOT MET, THE OFFICIAL OR EMPLOYEE IS NOT EXEMPT FROM ANY RELEVANT PROVISIONS OF THIS SUBTITLE.

(F) LIMITATION ON EXEMPTIONS.

(1) THIS SECTION DOES NOT EXEMPT AN OFFICIAL OR EMPLOYEE AT AN EDUCATIONAL INSTITUTION FROM THE PROVISIONS OF § 5-505 OF THIS SUBTITLE.

(2) AN OFFICIAL OR EMPLOYEE AT AN EDUCATIONAL INSTITUTION MAY NOT:

(I) REPRESENT A PARTY FOR CONTINGENT COMPENSATION IN ANY MATTER BEFORE THE INSTITUTION'S GOVERNING BOARD OR BEFORE THE BOARD OF PUBLIC WORKS; OR

(II) INTENTIONALLY MISUSE THE INDIVIDUAL'S STATE POSITION FOR THE INDIVIDUAL'S PERSONAL GAIN OR FOR THE GAIN OF ANOTHER PERSON.

(G) QUARTERLY REPORTS.

EACH GOVERNING BOARD SHALL REPORT QUARTERLY TO THE GOVERNOR, THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL ASSEMBLY, AND THE ETHICS COMMISSION:

(1) THE NUMBER OF APPROVALS GRANTED UNDER SUBSECTION (C) OF THIS SECTION; AND

(2) HOW THE CONFLICT OF INTEREST POLICIES AND PROCEDURES ADOPTED UNDER THIS SECTION HAVE BEEN IMPLEMENTED IN THE PRECEDING YEAR.

(H) SPECIFIC OFFICIALS.

(1) THIS SUBSECTION APPLIES TO AN OFFICIAL WHO IS:

(I) A CHANCELLOR, VICE CHANCELLOR, PRESIDENT, OR VICE PRESIDENT AT A PUBLIC SENIOR HIGHER EDUCATIONAL INSTITUTION IN THE STATE; OR

(II) AN INDIVIDUAL WHO HOLDS A SIMILAR POSITION AT A PUBLIC SENIOR HIGHER EDUCATIONAL INSTITUTION IN THE STATE.

(2) AN OFFICIAL SUBJECT TO THIS SUBSECTION MAY NOT RECEIVE AN EXEMPTION UNDER THIS SECTION UNLESS THE GOVERNING BOARD OF THE EDUCATIONAL INSTITUTION FINDS THAT:

(I) PARTICIPATION BY, AND THE FINANCIAL INTEREST OR EMPLOYMENT OF, THE OFFICIAL IS NECESSARY TO THE SUCCESS OF THE RESEARCH OR DEVELOPMENT ACTIVITY; AND

(II) THE CONFLICT OF INTEREST CAN BE MANAGED CONSISTENT WITH THE PURPOSES OF THIS SECTION AND OTHER RELEVANT PROVISIONS OF THIS TITLE.

(3) NOTWITHSTANDING SUBSECTION (G) OF THIS SECTION, THE GOVERNING BOARD OF AN EDUCATIONAL INSTITUTION PROMPTLY SHALL NOTIFY THE ETHICS COMMISSION IN WRITING OF ANY EXEMPTION THAT IS GRANTED UNDER THIS SECTION TO AN OFFICIAL SUBJECT TO THIS SUBSECTION.

(4) (I) IF THE ETHICS COMMISSION DISAGREES WITH AN EXEMPTION THAT IS GRANTED BY THE GOVERNING BOARD OF AN EDUCATIONAL INSTITUTION TO AN OFFICIAL WHO IS SUBJECT TO THIS SUBSECTION, WITHIN 30 DAYS AFTER RECEIPT OF THE NOTICE UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE ETHICS COMMISSION SHALL NOTIFY THE GOVERNING BOARD OF THE REASON FOR ITS DISAGREEMENT.

(II) ON RECEIPT OF THE NOTICE FROM THE ETHICS COMMISSION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE GOVERNING BOARD OF THE EDUCATIONAL INSTITUTION SHALL REEXAMINE THE MATTER.

(I) SHORT TITLE.

THIS SECTION MAY BE CITED AS THE PUBLIC-PRIVATE PARTNERSHIP ACT.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 15-523.

In the introductory language of subsection (c) of this section, the cross-reference to "subsection (b)" is substituted for the former cross-reference to "subsection (b)(2)" for accuracy.

In subsection (h)(4)(i) of this section, the word "disagreement" is substituted for the former word "concern" for clarity.

Defined terms: "Compensation" § 5-101

"Employee" § 5-101

"Entity" § 5-101

"Ethics Commission" § 5-101

"Financial interest" § 5-101

"General Assembly" § 5-101

"Gift" § 5-101

"Includes" § 1-110

"Interest" § 5-101

“Official” § 5–101

“State” § 1–115

SUBTITLE 6. FINANCIAL DISCLOSURE.

5–601. INDIVIDUALS REQUIRED TO FILE STATEMENT.

(A) OFFICIALS AND CANDIDATES.

EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, AND SUBJECT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, EACH OFFICIAL AND CANDIDATE FOR OFFICE AS A STATE OFFICIAL SHALL FILE A STATEMENT AS SPECIFIED IN §§ 5–602 THROUGH 5–608 OF THIS SUBTITLE.

(B) STATE OFFICIALS OF JUDICIAL BRANCH.

FINANCIAL DISCLOSURE BY A JUDGE OF A COURT UNDER ARTICLE IV, § 1 OF THE MARYLAND CONSTITUTION, A CANDIDATE FOR ELECTIVE OFFICE AS A JUDGE, OR A JUDICIAL APPOINTEE AS DEFINED IN MARYLAND RULE 16–814 IS GOVERNED BY § 5–610 OF THIS SUBTITLE.

(C) EXCEPTIONS.

THE REQUIREMENT TO FILE A FINANCIAL DISCLOSURE STATEMENT UNDER SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO:

(1) A DEPUTY SHERIFF AND ANY EMPLOYEE IN THE OFFICE OF THE SHERIFF OF A COUNTY; AND

(2) A DEPUTY OR ASSISTANT STATE’S ATTORNEY AND ANY EMPLOYEE IN THE OFFICE OF THE STATE’S ATTORNEY FOR A COUNTY.

(D) MEMBER OF BOARD.

(1) AN INDIVIDUAL WHO IS A PUBLIC OFFICIAL ONLY AS A MEMBER OF A BOARD AND WHO RECEIVES ANNUAL COMPENSATION THAT IS LESS THAN 25% OF THE LOWEST ANNUAL COMPENSATION AT STATE GRADE LEVEL 16 SHALL FILE THE STATEMENT REQUIRED BY SUBSECTION (A) OF THIS SECTION IN ACCORDANCE WITH § 5–609 OF THIS SUBTITLE.

(2) A MEMBER OF THE HARFORD COUNTY LIQUOR CONTROL BOARD SHALL FILE THE STATEMENT REQUIRED BY SUBSECTION (A) OF THIS SECTION IN ACCORDANCE WITH § 5–609 OF THIS SUBTITLE.

(E) COMMISSIONER OF BICOUNTY COMMISSION.

A COMMISSIONER OR AN APPLICANT FOR APPOINTMENT AS COMMISSIONER OF A BICOUNTY COMMISSION SHALL FILE THE STATEMENT REQUIRED BY SUBSECTION (A) OF THIS SECTION IN ACCORDANCE WITH SUBTITLE 8, PART IV OF THIS TITLE.

REVISOR'S NOTE: This section formerly was SG § 15-601.

The only changes are in style.

Defined terms: "Bicounty commission" § 5-101

"Board" § 5-101

"Compensation" § 5-101

"County" § 1-107

"Official" § 5-101

"Public official" § 5-101

"State" § 1-115

"State official" § 5-101

5-602. FINANCIAL DISCLOSURE STATEMENT — FILING REQUIREMENTS.**(A) IN GENERAL.**

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A STATEMENT FILED UNDER § 5-601, § 5-603, § 5-604, OR § 5-605 OF THIS SUBTITLE SHALL:

- (1) BE FILED WITH THE ETHICS COMMISSION;**
- (2) BE FILED UNDER OATH;**
- (3) BE FILED ON OR BEFORE APRIL 30 OF EACH YEAR;**
- (4) COVER THE CALENDAR YEAR IMMEDIATELY PRECEDING THE YEAR OF FILING; AND**
- (5) CONTAIN THE INFORMATION REQUIRED IN § 5-607 OF THIS SUBTITLE.**

(B) DUPLICATE FILING.

A MEMBER OF THE GENERAL ASSEMBLY SHALL FILE THE STATEMENT WITH THE ETHICS COMMISSION AND THE JOINT ETHICS COMMITTEE.

(C) PRELIMINARY DISCLOSURE.

(1) IN ADDITION TO THE STATEMENT FILED UNDER § 5-601 OF THIS SUBTITLE, A MEMBER OF THE GENERAL ASSEMBLY SHALL FILE A PRELIMINARY DISCLOSURE ON OR BEFORE THE SEVENTH DAY OF THE REGULAR LEGISLATIVE SESSION IF THERE WILL BE A SUBSTANTIAL CHANGE IN THE STATEMENT COVERING THE CALENDAR YEAR IMMEDIATELY PRECEDING THE YEAR OF FILING, AS COMPARED TO THE NEXT PRECEDING CALENDAR YEAR.

(2) A MEMBER OF THE GENERAL ASSEMBLY WHOSE STATEMENT UNDER § 5-601 OF THIS SUBTITLE WILL NOT CONTAIN A SUBSTANTIAL CHANGE IS NOT REQUIRED TO FILE A PRELIMINARY DISCLOSURE UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) THE JOINT ETHICS COMMITTEE SHALL DETERMINE:

(I) THE FORM OF A PRELIMINARY DISCLOSURE UNDER THIS SUBSECTION; AND

(II) WHICH ASPECTS OF FINANCIAL DISCLOSURE ARE SUBJECT TO THIS SUBSECTION.

(4) A PRELIMINARY DISCLOSURE SHALL BE FILED AND MAINTAINED, AND MAY BE DISCLOSED, IN THE SAME MANNER REQUIRED FOR A STATEMENT FILED UNDER § 5-601 OF THIS SUBTITLE.

(D) ELECTRONIC FILING.

(1) THE ETHICS COMMISSION SHALL DEVELOP PROCEDURES UNDER WHICH A STATEMENT UNDER THIS SUBTITLE MAY BE FILED ELECTRONICALLY AND WITHOUT ADDITIONAL COST TO THE INDIVIDUAL WHO FILES THE STATEMENT.

(2) (I) TO COMPLY WITH THE REQUIREMENT OF PARAGRAPH (1) OF THIS SUBSECTION, THE ETHICS COMMISSION MAY ADOPT REGULATIONS TO MODIFY THE FORMAT FOR DISCLOSURE OF INFORMATION REQUIRED UNDER § 5-607 OF THIS SUBTITLE.

(II) THE REGULATIONS ADOPTED UNDER THIS PARAGRAPH SHALL BE CONSISTENT WITH THE INTENT OF THIS TITLE.

(E) OATH OR AFFIRMATION FOR ELECTRONIC FILING.

(1) IF THE FINANCIAL DISCLOSURE STATEMENT FILED ELECTRONICALLY UNDER SUBSECTION (D) OF THIS SECTION IS REQUIRED TO BE MADE UNDER OATH OR AFFIRMATION, THE OATH OR AFFIRMATION SHALL BE MADE BY AN ELECTRONIC SIGNATURE THAT IS:

(I) IN THE FINANCIAL DISCLOSURE STATEMENT OR ATTACHED TO AND MADE PART OF THE FINANCIAL DISCLOSURE STATEMENT; AND

(II) MADE EXPRESSLY UNDER THE PENALTIES FOR PERJURY.

(2) AN ELECTRONIC SIGNATURE MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION SUBJECTS THE INDIVIDUAL MAKING IT TO THE PENALTIES FOR PERJURY TO THE SAME EXTENT AS AN OATH OR AFFIRMATION MADE BEFORE AN INDIVIDUAL AUTHORIZED TO ADMINISTER OATHS.

REVISOR'S NOTE: This section formerly was SG § 15-602.

In subsection (b) of this section, the reference to the statement being filed with "the Ethics Commission" is substituted for the former reference to the statement being filed "in duplicate" for clarity.

Also in subsection (b) of this section, the former phrase "[n]otwithstanding subsection (a)(1) of this section," is deleted as surplusage.

The only other changes are in style.

Defined terms: "Ethics Commission" § 5-101

"General Assembly" § 5-101

"Joint Ethics Committee" § 5-101

5-603. APPOINTEE FILLING VACANCY.

AN INDIVIDUAL WHO IS APPOINTED TO FILL A VACANCY IN AN OFFICE FOR WHICH A STATEMENT IS REQUIRED BY § 5-601(A) OF THIS SUBTITLE, AND WHO HAS NOT ALREADY FILED A STATEMENT UNDER § 5-602 OF THIS SUBTITLE FOR THE PRECEDING CALENDAR YEAR, SHALL FILE THE STATEMENT WITHIN 30 DAYS AFTER APPOINTMENT.

REVISOR'S NOTE: This section formerly was SG § 15-603.

The only changes are in style.

5–604. OFFICIAL LEAVING OFFICE.**(A) IN GENERAL.**

EXCEPT AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, AN INDIVIDUAL WHO, OTHER THAN BY REASON OF DEATH, LEAVES AN OFFICE FOR WHICH A STATEMENT IS REQUIRED BY § 5–601(A) OF THIS SUBTITLE SHALL FILE THE STATEMENT WITHIN 60 DAYS AFTER LEAVING THE OFFICE.

(B) PERIOD COVERED.**THE STATEMENT SHALL COVER:**

(1) THE CALENDAR YEAR IMMEDIATELY PRECEDING THE YEAR IN WHICH THE INDIVIDUAL LEFT OFFICE, UNLESS A STATEMENT COVERING THAT YEAR HAS ALREADY BEEN FILED BY THE INDIVIDUAL; AND

(2) THE PORTION OF THE CURRENT CALENDAR YEAR DURING WHICH THE INDIVIDUAL HELD THE OFFICE.

(C) EXCEPTIONS.**THIS SECTION DOES NOT REQUIRE THE FILING OF A STATEMENT IF:**

(1) THE INDIVIDUAL HAS LEFT OFFICE TO BECOME AN OFFICIAL IN ANOTHER OFFICE FOR WHICH A STATEMENT IS REQUIRED UNDER THIS SUBTITLE; AND

(2) THE DISCLOSURE REQUIREMENTS OF THE NEW OFFICE ARE AT LEAST AS EXTENSIVE AS THOSE OF THE OLD OFFICE.

REVISOR'S NOTE: This section formerly was SG § 15–604.

The only changes are in style.

Defined term: “Official” § 5–101

5–605. CANDIDATES FOR OFFICE.**(A) IN GENERAL.**

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A CANDIDATE WHO IS REQUIRED BY § 5–601(A) OF THIS SUBTITLE TO FILE A STATEMENT SHALL FILE THE STATEMENT EACH YEAR BEGINNING WITH THE YEAR IN WHICH

THE CANDIDATE FILES A CERTIFICATE OF CANDIDACY THROUGH THE YEAR OF THE ELECTION.

(B) EXCEPTION.

THIS SECTION DOES NOT REQUIRE THE FILING OF A STATEMENT FOR ANY FULL YEAR COVERED BY A STATEMENT FILED BY THE INDIVIDUAL UNDER § 5-602 OF THIS SUBTITLE.

(C) FILING REQUIREMENTS.

A STATEMENT UNDER THIS SECTION SHALL BE FILED WITH THE ELECTION BOARD WITH WHICH THE CERTIFICATE OF CANDIDACY IS REQUIRED TO BE FILED.

(D) TIME FOR FILING.

(1) THE FIRST STATEMENT REQUIRED UNDER THIS SECTION SHALL BE FILED NO LATER THAN THE FILING OF THE CERTIFICATE OF CANDIDACY.

(2) IN THE YEAR OF THE ELECTION THE STATEMENT SHALL BE FILED ON OR BEFORE THE EARLIER OF:

(i) APRIL 30; OR

(ii) THE LAST DAY FOR THE WITHDRAWAL OF A CANDIDACY UNDER § 5-502 OF THE ELECTION LAW ARTICLE.

(E) FAILURE TO FILE.

IF A STATEMENT REQUIRED BY THIS SECTION IS OVERDUE AND IS NOT FILED WITHIN 20 DAYS AFTER THE CANDIDATE RECEIVES FROM THE ELECTION BOARD WRITTEN NOTICE OF THE FAILURE TO FILE, THE CANDIDATE IS DEEMED TO HAVE WITHDRAWN THE CANDIDACY.

(F) PREREQUISITE FOR FILING CERTIFICATE OF CANDIDACY.

(1) AN ELECTION BOARD MAY NOT ACCEPT A CERTIFICATE OF CANDIDACY OR CERTIFICATE OF NOMINATION OF A CANDIDATE COVERED BY THIS SECTION UNLESS THE CANDIDATE HAS FILED A STATEMENT REQUIRED BY THIS SECTION OR § 5-602 OF THIS SUBTITLE.

(2) AN ELECTION BOARD, WITHIN 30 DAYS AFTER RECEIVING A STATEMENT, SHALL FORWARD THE STATEMENT TO THE ETHICS COMMISSION.

REVISOR'S NOTE: This section formerly was SG § 15–605.

The only changes are in style.

Defined term: “Ethics Commission” § 5–101

5–606. PUBLIC RECORD.

(A) ACCESS TO STATEMENTS.

(1) THE ETHICS COMMISSION AND THE JOINT ETHICS COMMITTEE SHALL MAINTAIN THE STATEMENTS SUBMITTED UNDER THIS SUBTITLE AND, DURING NORMAL OFFICE HOURS, MAKE THE STATEMENTS AVAILABLE TO THE PUBLIC FOR EXAMINATION AND COPYING.

(2) THE ETHICS COMMISSION AND THE JOINT ETHICS COMMITTEE MAY CHARGE A REASONABLE FEE AND ADOPT ADMINISTRATIVE PROCEDURES FOR THE EXAMINATION AND COPYING OF A STATEMENT.

(B) REQUIREMENTS AND NOTICE.

(1) THE ETHICS COMMISSION AND THE JOINT ETHICS COMMITTEE SHALL MAINTAIN A RECORD OF:

(I) THE NAME AND HOME ADDRESS OF EACH INDIVIDUAL WHO EXAMINES OR COPIES A STATEMENT UNDER THIS SECTION; AND

(II) THE NAME OF THE INDIVIDUAL WHOSE STATEMENT WAS EXAMINED OR COPIED.

(2) ON THE REQUEST OF THE INDIVIDUAL WHOSE STATEMENT WAS EXAMINED OR COPIED, THE ETHICS COMMISSION OR THE JOINT ETHICS COMMITTEE SHALL FORWARD TO THAT INDIVIDUAL A COPY OF THE RECORD SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.

REVISOR'S NOTE: This section formerly was SG § 15–606.

In subsection (b)(2) of this section, the reference to “the record specified in paragraph (1) of this subsection” is substituted for the former reference to “that record” for clarity.

The only other changes are in style.

Defined terms: "Ethics Commission" § 5-101

"Joint Ethics Committee" § 5-101

5-607. CONTENT OF STATEMENTS.

(A) IN GENERAL.

A STATEMENT THAT IS REQUIRED UNDER § 5-601(A) OF THIS SUBTITLE SHALL CONTAIN SCHEDULES DISCLOSING THE INFORMATION AND INTERESTS SPECIFIED IN THIS SECTION, IF KNOWN, FOR THE INDIVIDUAL MAKING THE STATEMENT FOR THE APPLICABLE PERIOD.

(B) INTERESTS IN REAL PROPERTY.

(1) THE STATEMENT SHALL INCLUDE A SCHEDULE OF EACH INTEREST IN REAL PROPERTY, WHEREVER LOCATED, INCLUDING EACH INTEREST HELD IN THE NAME OF A PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, OR LIMITED LIABILITY COMPANY IN WHICH THE INDIVIDUAL HELD AN INTEREST.

(2) FOR EACH INTEREST REPORTED, THE SCHEDULE SHALL INCLUDE:

(I) THE NATURE OF THE PROPERTY;

(II) THE STREET ADDRESS, MAILING ADDRESS, OR LEGAL DESCRIPTION OF THE PROPERTY;

(III) THE NATURE AND EXTENT OF THE INTEREST IN THE PROPERTY, INCLUDING ANY CONDITIONS TO AND ENCUMBRANCES ON THE INTEREST;

(IV) THE DATE AND MANNER IN WHICH THE INTEREST WAS ACQUIRED;

(V) THE IDENTITY OF THE ENTITY FROM WHICH THE INTEREST WAS ACQUIRED;

(VI) IF THE INTEREST WAS ACQUIRED BY PURCHASE, THE NATURE AND AMOUNT OF THE CONSIDERATION GIVEN FOR THE INTEREST;

(VII) IF THE INTEREST WAS ACQUIRED IN ANY OTHER MANNER, THE FAIR MARKET VALUE OF THE INTEREST WHEN ACQUIRED;

(VIII) IF ANY INTEREST WAS TRANSFERRED, IN WHOLE OR IN PART, DURING THE APPLICABLE PERIOD:

1. A DESCRIPTION OF THE INTEREST TRANSFERRED;
2. THE NATURE AND AMOUNT OF THE CONSIDERATION RECEIVED FOR THE INTEREST; AND
3. THE IDENTITY OF THE ENTITY TO WHICH THE INTEREST WAS TRANSFERRED; AND

(IX) THE IDENTITY OF ANY OTHER ENTITY WITH AN INTEREST IN THE PROPERTY.

(C) INTERESTS IN CORPORATIONS AND PARTNERSHIPS.

(1) THE STATEMENT SHALL INCLUDE A SCHEDULE OF EACH INTEREST HELD BY THE INDIVIDUAL IN A CORPORATION, PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, OR LIMITED LIABILITY COMPANY, WHETHER OR NOT THE CORPORATION, PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, OR LIMITED LIABILITY COMPANY DOES BUSINESS WITH THE STATE.

(2) FOR EACH INTEREST REPORTED, THE SCHEDULE SHALL INCLUDE:

(I) THE NAME AND ADDRESS OF THE PRINCIPAL OFFICE OF THE CORPORATION, PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, OR LIMITED LIABILITY COMPANY;

(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE NATURE AND AMOUNT OF THE INTEREST HELD, INCLUDING ANY CONDITIONS TO AND ENCUMBRANCES ON THE INTEREST;

(III) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, IF ANY INTEREST WAS ACQUIRED DURING THE APPLICABLE PERIOD:

1. THE DATE AND MANNER IN WHICH THE INTEREST WAS ACQUIRED;

2. THE IDENTITY OF THE ENTITY FROM WHICH THE INTEREST WAS ACQUIRED;

3. IF THE INTEREST WAS ACQUIRED BY PURCHASE, THE NATURE AND AMOUNT OF THE CONSIDERATION GIVEN FOR THE INTEREST; AND

4. IF THE INTEREST WAS ACQUIRED IN ANY OTHER MANNER, THE FAIR MARKET VALUE OF THE INTEREST WHEN IT WAS ACQUIRED; AND

(IV) IF ANY INTEREST WAS TRANSFERRED, IN WHOLE OR IN PART, DURING THE APPLICABLE PERIOD:

1. A DESCRIPTION OF THE INTEREST TRANSFERRED;

2. THE NATURE AND AMOUNT OF THE CONSIDERATION RECEIVED FOR THE INTEREST; AND

3. IF KNOWN, THE IDENTITY OF THE ENTITY TO WHICH THE INTEREST WAS TRANSFERRED.

(3) (I) AS TO AN EQUITY INTEREST IN A CORPORATION, THE INDIVIDUAL MAY SATISFY PARAGRAPH (2)(II) OF THIS SUBSECTION BY REPORTING, INSTEAD OF A DOLLAR AMOUNT:

1. THE NUMBER OF SHARES HELD; AND

2. UNLESS THE CORPORATION'S STOCK IS PUBLICLY TRADED, THE PERCENTAGE OF EQUITY INTEREST HELD.

(II) AS TO AN EQUITY INTEREST IN A PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, OR LIMITED LIABILITY COMPANY, THE INDIVIDUAL MAY SATISFY PARAGRAPH (2)(II) OF THIS SUBSECTION BY REPORTING, INSTEAD OF A DOLLAR AMOUNT, THE PERCENTAGE OF EQUITY INTEREST HELD.

(4) IF AN INTEREST ACQUIRED DURING THE APPLICABLE REPORTING PERIOD CONSISTS OF ADDITIONS TO EXISTING PUBLICLY TRADED CORPORATE INTERESTS ACQUIRED BY DIVIDEND OR DIVIDEND REINVESTMENT, AND THE TOTAL VALUE OF THE ACQUISITION IS LESS THAN \$500, ONLY THE MANNER OF ACQUISITION IS REQUIRED TO BE DISCLOSED UNDER PARAGRAPH (2)(III) OF THIS SUBSECTION.

(D) INTERESTS IN BUSINESS ENTITIES DOING BUSINESS WITH STATE.

(1) THE STATEMENT SHALL INCLUDE A SCHEDULE OF EACH INTEREST IN A BUSINESS ENTITY DOING BUSINESS WITH THE STATE, OTHER THAN INTERESTS REPORTED UNDER SUBSECTION (C) OF THIS SECTION.

(2) FOR EACH INTEREST REPORTED, THE SCHEDULE SHALL INCLUDE:

(I) THE NAME AND ADDRESS OF THE PRINCIPAL OFFICE OF THE BUSINESS ENTITY;

(II) THE NATURE AND AMOUNT OF THE INTEREST HELD, INCLUDING ANY CONDITIONS TO AND ENCUMBRANCES ON THE INTEREST;

(III) IF ANY INTEREST WAS ACQUIRED DURING THE APPLICABLE PERIOD:

1. THE DATE AND MANNER IN WHICH THE INTEREST WAS ACQUIRED;

2. THE IDENTITY OF THE ENTITY FROM WHICH THE INTEREST WAS ACQUIRED;

3. IF THE INTEREST WAS ACQUIRED BY PURCHASE, THE NATURE AND AMOUNT OF THE CONSIDERATION GIVEN FOR THE INTEREST; AND

4. IF THE INTEREST WAS ACQUIRED IN ANY OTHER MANNER, THE FAIR MARKET VALUE OF THE INTEREST WHEN IT WAS ACQUIRED; AND

(IV) IF ANY INTEREST WAS TRANSFERRED, IN WHOLE OR IN PART, DURING THE APPLICABLE PERIOD:

1. A DESCRIPTION OF THE INTEREST TRANSFERRED;

2. THE NATURE AND AMOUNT OF THE CONSIDERATION RECEIVED FOR THE INTEREST; AND

3. THE IDENTITY OF THE ENTITY TO WHICH THE INTEREST WAS TRANSFERRED.

(E) GIFTS.

(1) THIS SUBSECTION DOES NOT APPLY TO A GIFT RECEIVED FROM A MEMBER OF THE IMMEDIATE FAMILY, ANOTHER CHILD, OR A PARENT OF THE INDIVIDUAL.

(2) THE STATEMENT SHALL INCLUDE A SCHEDULE OF EACH GIFT, SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION, RECEIVED DURING THE APPLICABLE PERIOD:

(I) BY THE INDIVIDUAL OR BY ANOTHER ENTITY AT THE DIRECTION OF THE INDIVIDUAL; AND

(II) DIRECTLY OR INDIRECTLY, FROM OR ON BEHALF OF AN ENTITY THAT IS:

- 1. A REGULATED LOBBYIST;**
- 2. REGULATED BY THE STATE; OR**
- 3. OTHERWISE AN ENTITY DOING BUSINESS WITH THE STATE.**

(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE SCHEDULE SHALL INCLUDE EACH GIFT WITH A VALUE OF MORE THAN \$20 AND EACH OF TWO OR MORE GIFTS WITH A CUMULATIVE VALUE OF \$100 OR MORE RECEIVED FROM ONE ENTITY DURING THE APPLICABLE PERIOD.

(II) THE STATEMENT NEED NOT INCLUDE AS A GIFT:

1. FOOD OR BEVERAGES RECEIVED AND CONSUMED BY AN OFFICIAL OF THE LEGISLATIVE BRANCH IN THE PRESENCE OF THE DONOR OR SPONSORING ENTITY AS PART OF A MEAL OR RECEPTION TO WHICH ALL MEMBERS OF A LEGISLATIVE UNIT WERE INVITED;

2. FOOD OR BEVERAGES RECEIVED BY A MEMBER OF THE GENERAL ASSEMBLY AT THE TIME AND GEOGRAPHIC LOCATION OF A MEETING OF A LEGISLATIVE ORGANIZATION FOR WHICH THE MEMBER'S PRESIDING OFFICER HAS APPROVED THE MEMBER'S ATTENDANCE AT STATE EXPENSE; OR

3. EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, A TICKET OR FREE ADMISSION EXTENDED TO A MEMBER OF THE GENERAL ASSEMBLY BY THE PERSON SPONSORING OR CONDUCTING THE EVENT AS A COURTESY OR CEREMONY TO THE OFFICE TO ATTEND A CHARITABLE, CULTURAL, OR POLITICAL EVENT TO WHICH ALL MEMBERS OF A LEGISLATIVE UNIT WERE INVITED.

(III) THE STATEMENT SHALL INCLUDE THE ACCEPTANCE OF EACH OF TWO OR MORE TICKETS OR FREE ADMISSIONS, EXTENDED TO A MEMBER OF THE GENERAL ASSEMBLY BY THE PERSON SPONSORING OR CONDUCTING THE EVENT, WITH A CUMULATIVE VALUE OF \$100 OR MORE RECEIVED FROM ONE ENTITY DURING THE APPLICABLE PERIOD.

(4) FOR EACH GIFT SUBJECT TO THIS SUBSECTION, THE SCHEDULE SHALL INCLUDE:

(I) THE NATURE AND VALUE OF THE GIFT; AND

(II) THE IDENTITY OF THE ENTITY FROM WHICH THE GIFT WAS RECEIVED, WHETHER DIRECTLY OR INDIRECTLY.

(5) THIS SUBSECTION DOES NOT AUTHORIZE ACCEPTANCE OF A GIFT NOT OTHERWISE ALLOWED BY LAW.

(F) EMPLOYMENT BY OR INTERESTS IN BUSINESS ENTITIES DOING BUSINESS WITH STATE.

(1) THE STATEMENT SHALL INCLUDE, AS SPECIFIED IN THIS SUBSECTION, A SCHEDULE OF ALL OFFICES, DIRECTORSHIPS, AND SALARIED EMPLOYMENT, OR ANY SIMILAR INTEREST NOT OTHERWISE DISCLOSED, IN BUSINESS ENTITIES DOING BUSINESS WITH THE STATE.

(2) THIS SUBSECTION APPLIES TO POSITIONS AND INTERESTS HELD AT ANY TIME DURING THE APPLICABLE PERIOD BY:

(I) THE INDIVIDUAL; OR

(II) ANY MEMBER OF THE INDIVIDUAL'S IMMEDIATE FAMILY.

(3) FOR EACH POSITION OR INTEREST REPORTED, THIS SCHEDULE SHALL INCLUDE:

(I) THE NAME AND ADDRESS OF THE PRINCIPAL OFFICE OF THE BUSINESS ENTITY;

(II) THE NATURE OF THE POSITION OR INTEREST AND THE DATE IT COMMENCED;

(III) THE NAME OF EACH GOVERNMENTAL UNIT WITH WHICH THE ENTITY IS DOING BUSINESS; AND

(IV) THE NATURE OF THE BUSINESS WITH THE STATE, WHICH, AT A MINIMUM, SHALL BE SPECIFIED BY REFERENCE TO THE APPLICABLE CRITERIA OF DOING BUSINESS DESCRIBED IN § 5-101(J) OF THIS TITLE.

(G) INDEBTEDNESS TO ENTITY DOING BUSINESS WITH STATE.

(1) THE STATEMENT SHALL INCLUDE A SCHEDULE, TO THE EXTENT THE INDIVIDUAL MAY REASONABLY BE EXPECTED TO KNOW, OF EACH DEBT, EXCLUDING RETAIL CREDIT ACCOUNTS, OWED AT ANY TIME DURING THE APPLICABLE PERIOD TO ENTITIES DOING BUSINESS WITH THE STATE:

(I) BY THE INDIVIDUAL; AND

(II) IF THE INDIVIDUAL WAS INVOLVED IN THE TRANSACTION GIVING RISE TO THE DEBT, BY ANY MEMBER OF THE IMMEDIATE FAMILY OF THE INDIVIDUAL.

(2) FOR EACH DEBT, THE SCHEDULE SHALL INCLUDE:

(I) THE IDENTITY OF THE ENTITY TO WHICH THE DEBT WAS OWED;

(II) THE DATE IT WAS INCURRED;

(III) THE AMOUNT OWED AT THE END OF THE APPLICABLE PERIOD;

(IV) THE TERMS OF PAYMENT;

(V) THE EXTENT TO WHICH THE PRINCIPAL WAS INCREASED OR DECREASED DURING THE APPLICABLE PERIOD; AND

(VI) ANY SECURITY GIVEN.

(H) FAMILY MEMBERS EMPLOYED BY STATE.

THE STATEMENT SHALL INCLUDE A SCHEDULE LISTING THE MEMBERS OF THE IMMEDIATE FAMILY OF THE INDIVIDUAL WHO WERE EMPLOYED BY THE STATE IN ANY CAPACITY AT ANY TIME DURING THE APPLICABLE PERIOD.

(I) SOURCES OF EARNED INCOME.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE STATEMENT SHALL INCLUDE A SCHEDULE LISTING THE NAME AND ADDRESS OF EACH:

(I) PLACE OF SALARIED EMPLOYMENT, INCLUDING SECONDARY EMPLOYMENT, OF THE INDIVIDUAL OR A MEMBER OF THE INDIVIDUAL'S IMMEDIATE FAMILY AT ANY TIME DURING THE APPLICABLE PERIOD; AND

(II) BUSINESS ENTITY OF WHICH THE INDIVIDUAL OR A MEMBER OF THE INDIVIDUAL'S IMMEDIATE FAMILY WAS A SOLE OR PARTIAL OWNER, AND FROM WHICH THE INDIVIDUAL OR FAMILY MEMBER RECEIVED EARNED INCOME, AT ANY TIME DURING THE APPLICABLE PERIOD.

(2) THE STATEMENT MAY NOT INCLUDE A LISTING OF A MINOR CHILD'S EMPLOYMENT OR BUSINESS ENTITIES OF WHICH THE CHILD IS SOLE OR PARTIAL OWNER, UNLESS THE PLACE OF EMPLOYMENT OR THE BUSINESS ENTITY:

(I) IS SUBJECT TO THE REGULATION OR AUTHORITY OF THE AGENCY THAT EMPLOYS THE INDIVIDUAL; OR

(II) HAS CONTRACTS IN EXCESS OF \$10,000 WITH THE AGENCY THAT EMPLOYS THE INDIVIDUAL.

(J) ADDITIONAL INFORMATION.

THE STATEMENT MAY INCLUDE A SCHEDULE LISTING ADDITIONAL INTERESTS OR INFORMATION THAT THE INDIVIDUAL CHOOSES TO DISCLOSE.

(K) ADDITIONAL REPORTS BY GENERAL ASSEMBLY MEMBERS.

TO THE EXTENT NOT REPORTED UNDER SUBSECTIONS (A) THROUGH (J) OF THIS SECTION, A STATEMENT FILED BY A MEMBER OF THE GENERAL ASSEMBLY SHALL INCLUDE:

(1) THE INFORMATION REQUIRED UNDER § 5-514(B) OF THIS TITLE; AND

(2) AN ACKNOWLEDGMENT, SIGNED BY THE MEMBER, THAT ANY INFORMATION REQUIRED UNDER § 5-514(B) OF THIS TITLE THAT BECOMES REPORTABLE AFTER THE STATEMENT IS FILED SHALL BE REPORTED IMMEDIATELY TO THE JOINT ETHICS COMMITTEE AS REQUIRED BY § 5-514(B) OF THIS TITLE.

REVISOR'S NOTE: This section formerly was SG § 15-607.

In subsection (a) of this section, the former phrase "under this subtitle" is deleted as surplusage.

In subsection (e)(5) of this section, the reference to the "acceptance" of a gift is added for clarity.

The only other changes are in style.

Defined terms: "Business entity" § 5-101

"Entity" § 5-101

"Entity doing business with the State" § 5-101

"General Assembly" § 5-101

"Gift" § 5-101

"Governmental unit" § 5-101

"Immediate family" § 5-101

"Including" § 1-110

"Interest" § 5-101

"Joint Ethics Committee" § 5-101

"Legislative unit" § 5-101

"Person" § 1-114

"Regulated lobbyist" § 5-101

"State" § 1-115

5-608. INTERESTS ATTRIBUTABLE TO INDIVIDUAL FILING STATEMENT.

(A) INTERESTS ATTRIBUTABLE.

THE FOLLOWING ARE DEEMED TO BE INTERESTS OF THE INDIVIDUAL UNDER § 5-607(B), (C), AND (D) OF THIS SUBTITLE:

(1) AN INTEREST HELD BY A SPOUSE OR CHILD OF THE INDIVIDUAL, IF THE INTEREST WAS CONTROLLED, DIRECTLY OR INDIRECTLY, BY THE INDIVIDUAL AT ANY TIME DURING THE APPLICABLE PERIOD;

(2) AN INTEREST HELD BY A BUSINESS ENTITY IN WHICH THE INDIVIDUAL HELD A 30% OR GREATER INTEREST AT ANY TIME DURING THE APPLICABLE PERIOD; AND

(3) AN INTEREST HELD BY A TRUST OR AN ESTATE IN WHICH, AT ANY TIME DURING THE APPLICABLE PERIOD, THE INDIVIDUAL:

(I) HELD A REVERSIONARY INTEREST;

(II) WAS A BENEFICIARY; OR

(III) IF A REVOCABLE TRUST, WAS A SETTLOR.

(B) EFFECT ON OTHER DISCLOSURE REQUIREMENTS.

SUBSECTION (A)(2) OF THIS SECTION DOES NOT AFFECT:

(1) THE REQUIREMENT UNDER § 5-607(B) OF THIS SUBTITLE OF DISCLOSURE OF REAL ESTATE INTERESTS HELD IN THE NAME OF A PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, OR LIMITED LIABILITY COMPANY IN WHICH THE INDIVIDUAL HOLDS AN INTEREST; OR

(2) THE REQUIREMENT UNDER § 5-607(C) OF THIS SUBTITLE OF DISCLOSURE OF ALL PARTNERSHIPS, LIMITED LIABILITY PARTNERSHIPS, OR LIMITED LIABILITY COMPANIES IN WHICH THE INDIVIDUAL HOLDS AN INTEREST.

(C) BLIND TRUSTS.

FOR THE PURPOSES OF § 5-607 OF THIS SUBTITLE, INTERESTS HELD BY A BLIND TRUST MAY NOT BE CONSIDERED TO BE INTERESTS OF THE PERSON MAKING THE STATEMENT IF THE BLIND TRUST IS APPROVED BY THE ETHICS COMMISSION IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER § 5-501(B) OR § 5-502(C) OF THIS TITLE AND IS OPERATED IN COMPLIANCE WITH THOSE REGULATIONS.

REVISOR'S NOTE: This section formerly was SG § 15-608.

In subsection (c) of this section, the former reference to “the disclosure required by that section” is deleted as included in the reference to “the purposes of § 5-607 of this subtitle”.

The only other changes are in style.

Defined terms: "Business entity" § 5-101
"Ethics Commission" § 5-101
"Interest" § 5-101
"Person" § 1-114

5-609. CERTAIN BOARD MEMBERS — MODIFIED REQUIREMENTS.

(A) FILING REQUIREMENTS.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A MEMBER OF A BOARD WHO IS DESCRIBED IN § 5-601(D) OF THIS SUBTITLE SHALL FILE THE STATEMENT REQUIRED BY § 5-601 OF THIS SUBTITLE.

(2) THE MEMBER SHALL BE REQUIRED TO DISCLOSE THE INFORMATION SPECIFIED IN § 5-607 OF THIS SUBTITLE ONLY AS TO THOSE INTERESTS, GIFTS, COMPENSATED POSITIONS, AND LIABILITIES THAT MAY CREATE A CONFLICT, AS DESCRIBED IN SUBTITLE 5 OF THIS TITLE, BETWEEN THE MEMBER'S PERSONAL INTERESTS AND THE MEMBER'S DUTIES ON THE BOARD.

(B) REGULATIONS.

(1) THE ETHICS COMMISSION SHALL ADOPT REGULATIONS, SUBJECT TO THE APPROVAL OF THE ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW COMMITTEE, SPECIFYING:

(I) THE INFORMATION TO BE DISCLOSED UNDER SUBSECTION (A) OF THIS SECTION; AND

(II) THE CIRCUMSTANCES UNDER WHICH THE INFORMATION IS TO BE DISCLOSED.

(2) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL BE BASED ON THE EXPERIENCE OF THE ETHICS COMMISSION IN:

(I) IMPLEMENTING SUBTITLE 5 OF THIS TITLE; AND

(II) REVIEWING STATEMENTS UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section formerly was SG § 15-609.

The only changes are in style.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that although there is no Maryland case law on the subject, the Attorney General has advised that a “legislative veto” provision like that found in former § 15–609(b)(1) of the State Government Article, and retained in subsection (b)(1) of this section, is unconstitutional. *See* 85 Op. Att’y Gen. 190, 203 (2000).

Defined terms: “Board” § 5–101

“Ethics Commission” § 5–101

“Gift” § 5–101

“Interest” § 5–101

5–610. JUDICIAL BRANCH — STATE OFFICIALS AND CANDIDATES.

(A) IN GENERAL.

IN ACCORDANCE WITH ITS ADMINISTRATIVE AUTHORITY OVER THE JUDICIAL BRANCH UNDER THE MARYLAND CONSTITUTION, THE COURT OF APPEALS SHALL ADOPT AND ADMINISTER RULES THAT REQUIRE EACH INDIVIDUAL SPECIFIED IN § 5–601(B) OF THIS SUBTITLE TO FILE A STATEMENT PERIODICALLY THAT DISCLOSES, AS A PUBLIC RECORD, THE INFORMATION CONCERNING THE INDIVIDUAL’S FINANCIAL AFFAIRS THAT THE COURT CONSIDERS NECESSARY OR APPROPRIATE TO PROMOTE CONTINUED TRUST AND CONFIDENCE IN THE INTEGRITY OF THE JUDICIAL BRANCH.

(B) CANDIDATE FOR JUDICIAL OFFICE.

(1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, EACH CANDIDATE FOR NOMINATION FOR OR ELECTION TO A JUDGESHIP SHALL FILE THE STATEMENT SPECIFIED IN SUBSECTION (A) OF THIS SECTION NO LATER THAN THE TIME THE CANDIDATE FILES A CERTIFICATE OF CANDIDACY.

(II) THIS PARAGRAPH DOES NOT REQUIRE THE FILING OF A STATEMENT FOR ANY YEAR COVERED IN FULL BY A STATEMENT FILED BY THE INDIVIDUAL UNDER SUBSECTION (A) OF THIS SECTION.

(2) THE STATEMENT SHALL:

(I) COVER THE CALENDAR YEAR IMMEDIATELY PRECEDING THE YEAR IN WHICH THE CERTIFICATE OF CANDIDACY IS FILED; AND

(II) BE FILED WITH THE ELECTION BOARD WITH WHICH THE CERTIFICATE OF CANDIDACY IS FILED.

(3) AN ELECTION BOARD MAY NOT ACCEPT A CERTIFICATE OF CANDIDACY OR CERTIFICATE OF NOMINATION OF A CANDIDATE COVERED BY THIS SUBSECTION UNLESS THE CANDIDATE HAS FILED EACH STATEMENT REQUIRED BY THIS SECTION.

(4) AN ELECTION BOARD, WITHIN 30 DAYS AFTER RECEIVING A STATEMENT UNDER THIS SUBSECTION, SHALL FORWARD THE STATEMENT TO THE ENTITY DESIGNATED BY THE COURT OF APPEALS TO RECEIVE THE STATEMENTS FILED UNDER SUBSECTION (A) OF THIS SECTION.

(C) TRANSMISSION OF STATEMENTS TO ETHICS COMMISSION.

WITHIN 30 DAYS AFTER RECEIVING A STATEMENT UNDER THIS SECTION, THE COURT OF APPEALS OR ITS DESIGNEE SHALL TRANSMIT A COPY OF THE STATEMENT TO THE ETHICS COMMISSION.

REVISOR'S NOTE: This section formerly was SG § 15-610.

The only changes are in style.

Defined terms: "Entity" § 5-101

"Ethics Commission" § 5-101

5-611. DISCLOSURE BY OTHER PERSONNEL AND APPOINTEES.

(A) IN GENERAL.

AN INDIVIDUAL WHO IS NOT AN OFFICIAL SHALL DISCLOSE INFORMATION ANNUALLY IF DESIGNATED UNDER SUBSECTION (B) OF THIS SECTION.

(B) DESIGNATION.

FOR DISCLOSURE UNDER THIS SECTION:

(1) THE GOVERNOR, BY EXECUTIVE ORDER, MAY DESIGNATE:

(I) AN EMPLOYEE OF AN EXECUTIVE UNIT; OR

(II) A NONCOMPENSATED APPOINTEE OF THE GOVERNOR;

(2) THE CHIEF JUDGE OF THE COURT OF APPEALS, BY ORDER, MAY DESIGNATE:

(I) AN EMPLOYEE OF THE JUDICIAL BRANCH; OR

(II) A NONCOMPENSATED APPOINTEE OF THE COURT OF APPEALS OR THE CHIEF JUDGE; AND

(3) THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY, BY ORDER, MAY DESIGNATE:

(I) AN EMPLOYEE OF THE LEGISLATIVE BRANCH; OR

(II) A NONCOMPENSATED APPOINTEE OF EITHER OR BOTH OF THE PRESIDING OFFICERS.

(C) STATEMENTS.

A STATEMENT FILED UNDER THIS SECTION IS A PUBLIC RECORD AND SHALL CONTAIN THE RELEVANT INFORMATION CONCERNING THE FINANCIAL AFFAIRS OF THE INDIVIDUAL SUBMITTING THE STATEMENT THAT IS CONSIDERED NECESSARY BY THE APPLICABLE DESIGNATING AUTHORITY.

(D) REQUIRED DESIGNATIONS.

(1) IN COMPLYING WITH SUBSECTION (B)(1) OF THIS SECTION, THE GOVERNOR, BY EXECUTIVE ORDER, SHALL DESIGNATE ANY EMPLOYEE OF AN EXECUTIVE UNIT WHO IS:

(I) A HOME INSPECTOR OR LICENSED HOME INSPECTOR UNDER § 16-101 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE;

(II) A BUILDING CODE ENFORCEMENT OFFICIAL EMPLOYED BY THE STATE;

(III) AN ACCREDITED INSPECTOR OF LEAD FOR THE DEPARTMENT OF THE ENVIRONMENT UNDER § 6-818 OF THE ENVIRONMENT ARTICLE; OR

(IV) AN ENVIRONMENTAL HEALTH SPECIALIST UNDER TITLE 21 OF THE HEALTH OCCUPATIONS ARTICLE.

(2) AN EMPLOYEE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL FILE A STATEMENT IN ACCORDANCE WITH § 5-601 OF THIS SUBTITLE THAT:

(I) DISCLOSES ANY INTEREST THE EMPLOYEE MAY HAVE IN ANY REAL PROPERTY IN THE STATE; AND

(II) DISCLOSES ANY OTHER INFORMATION THE ETHICS COMMISSION CONSIDERS A CONFLICT OF INTEREST RELATED TO THE EMPLOYMENT OF THE EMPLOYEE.

REVISOR'S NOTE: This section formerly was SG § 15–611.

In subsection (d)(1)(iv) of this section, the reference to an “environmental health specialist under Title 21 of the Health Occupations Article” is substituted for the former reference to an “environmental sanitarian under Title 11 of the Environment Article” for accuracy. Chapter 667 of the Acts of the General Assembly of 2012 transferred Title 11 of the Environment Article to Title 21 of the Health Occupations Article and renamed “environmental sanitarians” to be “environmental health specialists”.

The only other changes are in style.

Defined terms: “Employee” § 5–101
 “Ethics Commission” § 5–101
 “Executive unit” § 5–101
 “General Assembly” § 5–101
 “Interest” § 5–101
 “Official” § 5–101
 “State” § 1–115

SUBTITLE 7. LOBBYING.

5–701. “COMPENSATION” DEFINED.

IN THIS SUBTITLE, “COMPENSATION”, AS TO A PERSON WHOSE LOBBYING IS ONLY A PART OF THE PERSON’S EMPLOYMENT, MEANS A PRORATED AMOUNT BASED ON THE TIME THE PERSON DEVOTES TO LOBBYING AND THE TIME THE PERSON DEVOTES TO OTHER EMPLOYMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 15–102(f)(2).

The former reference to other employment “duties” is deleted as surplusage.

Defined terms: “Compensation” §§ 5–101, 5–701
 “Lobbying” § 5–101
 “Person” § 1–114

5-702. LOBBYING — GENERALLY.**(A) REGISTRATION REQUIRED.**

UNLESS EXEMPTED UNDER SUBSECTION (B) OF THIS SECTION, AN ENTITY SHALL REGISTER WITH THE ETHICS COMMISSION AS PROVIDED IN THIS SUBTITLE AND SHALL BE A REGULATED LOBBYIST FOR THE PURPOSES OF THIS TITLE IF, DURING A REPORTING PERIOD, THE ENTITY:

(1) FOR THE PURPOSE OF INFLUENCING ANY LEGISLATIVE ACTION OR ANY EXECUTIVE ACTION RELATING TO THE DEVELOPMENT OR ADOPTION OF REGULATIONS OR THE DEVELOPMENT OR ISSUANCE OF AN EXECUTIVE ORDER:

(i) 1. COMMUNICATES WITH AN OFFICIAL OR EMPLOYEE OF THE LEGISLATIVE BRANCH OR EXECUTIVE BRANCH IN THE PRESENCE OF THAT OFFICIAL OR EMPLOYEE; AND

2. EXCEPT FOR THE PERSONAL TRAVEL OR SUBSISTENCE EXPENSES OF THE ENTITY OR A REPRESENTATIVE OF THE ENTITY, INCURS EXPENSES OF AT LEAST \$500 OR EARNS AT LEAST \$2,500 AS COMPENSATION FOR ALL SUCH COMMUNICATION AND ACTIVITIES RELATING TO THE COMMUNICATION DURING THE REPORTING PERIOD; OR

(ii) 1. COMMUNICATES WITH AN OFFICIAL OR EMPLOYEE OF THE LEGISLATIVE BRANCH OR EXECUTIVE BRANCH; AND

2. EARNS AT LEAST \$5,000 AS COMPENSATION FOR ALL SUCH COMMUNICATION AND ACTIVITIES RELATING TO THE COMMUNICATION DURING THE REPORTING PERIOD;

(2) IN CONNECTION WITH OR FOR THE PURPOSE OF INFLUENCING ANY EXECUTIVE ACTION, SPENDS A CUMULATIVE VALUE OF AT LEAST \$100 FOR GIFTS, INCLUDING MEALS, BEVERAGES, AND SPECIAL EVENTS, TO ONE OR MORE OFFICIALS OR EMPLOYEES OF THE EXECUTIVE BRANCH;

(3) SUBJECT TO SUBSECTION (B)(4) OF THIS SECTION, IS COMPENSATED TO INFLUENCE EXECUTIVE ACTION ON A PROCUREMENT CONTRACT THAT EXCEEDS \$100,000;

(4) SUBJECT TO SUBSECTION (B)(5) OF THIS SECTION, IS COMPENSATED BY A BUSINESS ENTITY TO INFLUENCE EXECUTIVE ACTION TO

SECURE FROM THE STATE A BUSINESS GRANT OR LOAN WITH A VALUE OF MORE THAN \$100,000 FOR THE BUSINESS ENTITY;

(5) SPENDS AT LEAST \$2,000, INCLUDING EXPENDITURES FOR SALARIES, CONTRACTUAL EMPLOYEES, POSTAGE, TELECOMMUNICATIONS SERVICES, ELECTRONIC SERVICES, ADVERTISING, PRINTING, AND DELIVERY SERVICES, FOR THE EXPRESS PURPOSE OF SOLICITING OTHERS TO COMMUNICATE WITH AN OFFICIAL TO INFLUENCE LEGISLATIVE ACTION OR EXECUTIVE ACTION; OR

(6) SPENDS AT LEAST \$2,500 TO PROVIDE COMPENSATION TO ONE OR MORE ENTITIES REQUIRED TO REGISTER UNDER THIS SUBSECTION.

(B) EXEMPTED ACTIVITIES.

(1) THE FOLLOWING ACTIVITIES ARE EXEMPT FROM REGULATION UNDER THIS SUBTITLE:

(I) AN APPEARANCE AS PART OF THE OFFICIAL DUTIES OF AN ELECTED OR APPOINTED OFFICIAL OR EMPLOYEE OF THE STATE, A POLITICAL SUBDIVISION OF THE STATE, OR THE UNITED STATES, TO THE EXTENT THAT THE APPEARANCE IS NOT ON BEHALF OF ANY OTHER ENTITY;

(II) AN ACTION OF A MEMBER OF THE NEWS MEDIA, TO THE EXTENT THAT THE ACTION IS IN THE ORDINARY COURSE OF GATHERING AND DISSEMINATING NEWS OR MAKING EDITORIAL COMMENT TO THE GENERAL PUBLIC;

(III) REPRESENTATION OF A BONA FIDE RELIGIOUS ORGANIZATION, TO THE EXTENT THAT THE REPRESENTATION IS FOR THE PURPOSE OF PROTECTING THE RIGHT OF ITS MEMBERS TO PRACTICE THE DOCTRINE OF THE ORGANIZATION;

(IV) AN APPEARANCE AS PART OF THE OFFICIAL DUTIES OF AN OFFICER, A DIRECTOR, A MEMBER, OR AN EMPLOYEE OF AN ASSOCIATION ENGAGED ONLY IN REPRESENTING COUNTIES OR MUNICIPAL CORPORATIONS, TO THE EXTENT THAT THE APPEARANCE IS NOT ON BEHALF OF ANY OTHER ENTITY; OR

(V) AN ACTION AS PART OF THE OFFICIAL DUTIES OF A TRUSTEE, AN ADMINISTRATOR, OR A FACULTY MEMBER OF A NONPROFIT INDEPENDENT COLLEGE OR UNIVERSITY IN THE STATE, PROVIDED THE

OFFICIAL DUTIES OF THE INDIVIDUAL DO NOT CONSIST PRIMARILY OF ATTEMPTING TO INFLUENCE LEGISLATIVE ACTION OR EXECUTIVE ACTION.

(2) THE FOLLOWING ACTIVITIES ARE EXEMPT FROM REGULATION UNDER THIS SUBTITLE IF THE INDIVIDUAL ENGAGES IN NO OTHER ACTS DURING THE REPORTING PERIOD THAT REQUIRE REGISTRATION:

(I) PROFESSIONAL SERVICES IN DRAFTING BILLS OR IN ADVISING CLIENTS ON THE CONSTRUCTION OR EFFECT OF PROPOSED OR PENDING LEGISLATION;

(II) AN APPEARANCE BEFORE THE ENTIRE GENERAL ASSEMBLY, OR ANY COMMITTEE OR SUBCOMMITTEE OF THE GENERAL ASSEMBLY, AT THE SPECIFIC REQUEST OF THE BODY INVOLVED;

(III) AN APPEARANCE AS A WITNESS BEFORE A LEGISLATIVE COMMITTEE AT THE SPECIFIC REQUEST OF A REGULATED LOBBYIST IF THE WITNESS NOTIFIES THE COMMITTEE THAT THE WITNESS IS TESTIFYING AT THE REQUEST OF THE REGULATED LOBBYIST;

(IV) AN APPEARANCE BEFORE AN EXECUTIVE UNIT AT THE SPECIFIC REQUEST OF THE EXECUTIVE UNIT INVOLVED; OR

(V) AN APPEARANCE AS A WITNESS BEFORE AN EXECUTIVE UNIT AT THE SPECIFIC REQUEST OF A REGULATED LOBBYIST IF THE WITNESS NOTIFIES THE EXECUTIVE UNIT THAT THE WITNESS IS TESTIFYING AT THE REQUEST OF THE REGULATED LOBBYIST.

(3) AN ELEMENTARY, SECONDARY, OR POSTSECONDARY SCHOOL STUDENT OR STUDENT ORGANIZATION THAT COMMUNICATES AS PART OF A COURSE OR STUDENT ACTIVITY IS NOT SUBJECT TO THE REGISTRATION REQUIREMENTS BASED ON THE EXPENSE THRESHOLD UNDER SUBSECTION (A)(1)(I) OF THIS SECTION.

(4) SUBSECTION (A)(3) OF THIS SECTION DOES NOT APPLY TO A BONA FIDE SALESPERSON OR COMMERCIAL SELLING AGENCY EMPLOYED OR MAINTAINED BY AN EMPLOYER FOR THE PURPOSE OF SOLICITING OR SECURING A PROCUREMENT CONTRACT UNLESS THE PERSON ENGAGES IN ACTS DURING THE REPORTING PERIOD THAT REQUIRE REGISTRATION UNDER SUBSECTION (A)(1) OR (2) OF THIS SECTION.

(5) IF THE PERSON ENGAGES IN NO OTHER ACT DURING THE REPORTING PERIOD THAT REQUIRES REGISTRATION, SUBSECTION (A)(4) OF THIS SECTION DOES NOT APPLY TO:

(I) A BONA FIDE FULL-TIME OFFICIAL OR EMPLOYEE OF A BUSINESS ENTITY SEEKING TO SECURE A BUSINESS GRANT OR LOAN; OR

(II) A PERSON SEEKING TO SECURE A BUSINESS GRANT OR LOAN FOR THE PURPOSE OF LOCATING, RELOCATING, OR EXPANDING A BUSINESS IN OR INTO THE STATE.

(C) LIMITED EXEMPTIONS — EMPLOYER OF REGULATED LOBBYIST.

(1) EXCEPT FOR PROVIDING THE SIGNED AUTHORIZATION REQUIRED BY § 5-703 OF THIS SUBTITLE AND THE REPORT REQUIRED BY § 5-705(D) OF THIS SUBTITLE, AN ENTITY THAT COMPENSATES ONE OR MORE REGULATED LOBBYISTS, AND THAT REASONABLY BELIEVES THAT ALL EXPENDITURES REQUIRING REGISTRATION WILL BE REPORTED BY THE REGULATED LOBBYIST OR LOBBYISTS, IS EXEMPT FROM THE REGISTRATION AND REPORTING REQUIREMENTS OF THIS SUBTITLE IF THE ENTITY ENGAGES IN NO OTHER ACT THAT REQUIRES REGISTRATION.

(2) IF A REGULATED LOBBYIST COMPENSATED BY AN ENTITY THAT IS EXEMPT UNDER PARAGRAPH (1) OF THIS SUBSECTION FAILS TO REPORT THE INFORMATION REQUIRED BY THIS SUBTITLE, THE ENTITY IMMEDIATELY SHALL BECOME SUBJECT TO THE REGISTRATION AND REPORTING REQUIREMENTS OF THIS SUBTITLE.

REVISOR'S NOTE: This section formerly was SG § 15-701.

In subsection (b)(2)(iii) and (v) of this section, the phrase "as a witness" is added for clarity.

In subsection (c)(1) of this section, the reference to the "signed" authorization is added for clarity.

The only other changes are in style.

Defined terms: "Business entity" § 5-101

"Compensation" §§ 5-101, 5-701

"Employee" § 5-101

"Employer" § 5-101

"Entity" § 5-101

"Ethics Commission" § 5-101

"Executive action" § 5-101

“Executive unit” § 5–101
“General Assembly” § 5–101
“Gift” § 5–101
“Including” § 1–110
“Legislative action” § 5–101
“Municipal corporation” § 5–101
“Official” § 5–101
“Person” § 1–114
“Procurement contract” § 5–101
“Regulated lobbyist” § 5–101
“State” § 1–115

5–703. AUTHORITY TO LOBBY.

(A) WRITTEN AUTHORIZATION.

(1) AN ENTITY THAT ENGAGES A REGULATED LOBBYIST FOR THE PURPOSE OF LOBBYING SHALL PROVIDE A SIGNED AUTHORIZATION FOR THE REGULATED LOBBYIST TO ACT.

(2) IF THE ENTITY IS A CORPORATION, AN AUTHORIZED OFFICER OR AGENT OTHER THAN THE REGULATED LOBBYIST SHALL SIGN THE AUTHORIZATION.

(B) TERMS AND CONDITIONS.

THE SIGNED AUTHORIZATION SHALL INCLUDE:

(1) THE FULL LEGAL NAME AND BUSINESS ADDRESS OF THE ENTITY AND OF THE REGULATED LOBBYIST;

(2) SUBJECT TO SUBSEQUENT MODIFICATION, THE PERIOD DURING WHICH THE REGULATED LOBBYIST IS AUTHORIZED TO ACT; AND

(3) THE PROPOSAL OR SUBJECT ON WHICH THE REGULATED LOBBYIST REPRESENTS THE ENTITY.

REVISOR’S NOTE: This section formerly was SG § 15–702.

In the introductory language of subsection (b) of this section, the reference to the “signed” authorization is substituted for the former reference to the authorization “to act required by subsection (a) of this section” for brevity.

The only other changes are in style.

Defined terms: "Entity" § 5-101
"Lobbying" § 5-101
"Regulated lobbyist" § 5-101

5-704. REGISTRATION WITH ETHICS COMMISSION.

(A) REGISTRATION REQUIRED.

(1) AT THE TIMES SPECIFIED IN SUBSECTION (D) OF THIS SECTION, EACH REGULATED LOBBYIST SHALL REGISTER WITH THE ETHICS COMMISSION ON A FORM PROVIDED BY THE ETHICS COMMISSION.

(2) A REGULATED LOBBYIST SHALL REGISTER SEPARATELY FOR EACH ENTITY THAT HAS ENGAGED THE REGULATED LOBBYIST FOR LOBBYING PURPOSES.

(B) CONTENTS.

EACH REGISTRATION FORM SHALL INCLUDE THE FOLLOWING INFORMATION, IF APPLICABLE:

(1) THE REGULATED LOBBYIST'S NAME AND PERMANENT ADDRESS;

(2) THE NAME AND PERMANENT ADDRESS OF ANY OTHER REGULATED LOBBYIST THAT WILL BE LOBBYING ON THE REGULATED LOBBYIST'S BEHALF;

(3) THE NAME, ADDRESS, AND NATURE OF BUSINESS OF ANY ENTITY THAT HAS ENGAGED THE REGULATED LOBBYIST FOR LOBBYING PURPOSES, ACCOMPANIED BY A STATEMENT INDICATING WHETHER, BECAUSE OF THE FILING AND REPORTING OF THE REGULATED LOBBYIST, THE COMPENSATING ENTITY IS EXEMPT UNDER § 5-702(C) OF THIS SUBTITLE; AND

(4) THE IDENTIFICATION, BY FORMAL DESIGNATION IF KNOWN, OF THE MATTERS ON WHICH THE REGULATED LOBBYIST EXPECTS TO PERFORM ACTS, OR TO ENGAGE ANOTHER REGULATED LOBBYIST TO PERFORM ACTS, THAT REQUIRE REGISTRATION UNDER THIS SUBTITLE.

(C) FILING OF AUTHORIZATION STATEMENT.

EACH REGISTRATION SHALL INCLUDE THE APPLICABLE SIGNED AUTHORIZATION, IF ANY, REQUIRED BY § 5-703 OF THIS SUBTITLE.

(D) REGISTRATION FILING.

(1) A REGULATED LOBBYIST WHO IS NOT CURRENTLY REGISTERED SHALL REGISTER WITHIN 5 DAYS AFTER FIRST PERFORMING AN ACT THAT REQUIRES REGISTRATION UNDER THIS SUBTITLE.

(2) A REGULATED LOBBYIST SHALL FILE A NEW REGISTRATION FORM ON OR BEFORE NOVEMBER 1 OF EACH YEAR IF, ON THAT DATE, THE REGULATED LOBBYIST IS ENGAGED IN LOBBYING.

(E) FEE.

(1) EACH REGISTRATION FORM SHALL BE ACCOMPANIED BY A FEE OF \$100.

(2) THE FEE SHALL BE CREDITED TO THE LOBBYIST REGISTRATION FUND ESTABLISHED UNDER § 5-210 OF THIS TITLE.

(F) TERMINATION OF REGISTRATION.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH REGISTRATION SHALL TERMINATE ON THE EARLIER OF:

(I) THE OCTOBER 31 FOLLOWING THE FILING OF THE REGISTRATION; OR

(II) AN EARLIER TERMINATION DATE SPECIFIED IN AN AUTHORIZATION FILED WITH RESPECT TO THAT REGISTRATION UNDER § 5-703 OF THIS SUBTITLE.

(2) A REGULATED LOBBYIST MAY TERMINATE THE REGISTRATION BEFORE THE DATE SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION BY:

**(I) CEASING ALL ACTIVITY THAT REQUIRES REGISTRATION;
AND**

(II) AFTER CEASING ACTIVITY IN ACCORDANCE WITH ITEM (I) OF THIS PARAGRAPH:

1. FILING A NOTICE OF TERMINATION WITH THE ETHICS COMMISSION; AND

2. FILING ALL REPORTS REQUIRED BY THIS SUBTITLE WITHIN 30 DAYS AFTER THE FILING OF THE NOTICE OF TERMINATION.

(3) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, IF A REGULATED LOBBYIST IS OR BECOMES SUBJECT TO REGULATION UNDER THIS TITLE AS AN OFFICIAL OR EMPLOYEE, THE REGULATED LOBBYIST SHALL IMMEDIATELY TERMINATE THE REGISTRATION IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

(II) AFTER HOLDING A PUBLIC HEARING, THE ETHICS COMMISSION SHALL ADOPT REGULATIONS ESTABLISHING CRITERIA UNDER WHICH A REGULATED LOBBYIST MAY SERVE ON A STATE BOARD OR COMMISSION.

(III) THE REGULATIONS ADOPTED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL:

1. ESTABLISH A CLASSIFICATION OF STATE BOARDS OR COMMISSIONS ON WHICH REGULATED LOBBYISTS MAY SERVE;

2. AT A MINIMUM AUTHORIZE A REGULATED LOBBYIST TO SERVE AS AN APPOINTED MEMBER OF AN ADVISORY GOVERNMENTAL BODY OF LIMITED DURATION; AND

3. AS TO A REGULATED LOBBYIST WHO SERVES ON A STATE BOARD OR COMMISSION, ESTABLISH DISCLOSURE REQUIREMENTS THAT ARE SUBSTANTIALLY SIMILAR TO DISCLOSURE REQUIREMENTS FOR MEMBERS OF THE GENERAL ASSEMBLY.

REVISOR'S NOTE: This section formerly was SG § 15-703.

In subsection (c) of this section, the reference to the "signed" authorization is added for clarity.

Also in subsection (c) of this section, the phrase ", if any," is added for clarity.

In subsection (f)(3)(iii)3 of this section, the reference to a "State" board or commission is substituted for the former reference to a board or commission "under this paragraph" for clarity.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that although this revision

retains the requirement in subsection (f)(3)(ii) of this section that the Ethics Commission adopt regulations establishing criteria under which a regulated lobbyist may serve on a State board or commission “after holding a public hearing”, the Ethics Commission views the provision requiring the public hearing as obsolete since a public hearing was held before the initial adoption of the regulations. The General Assembly may wish to delete the language requiring the public hearing before adoption of the regulations.

The only other changes are in style.

Defined terms: “Board” § 5–101

“Employee” § 5–101

“Entity” § 5–101

“Ethics Commission” § 5–101

“General Assembly” § 5–101

“Lobbying” § 5–101

“Official” § 5–101

“Regulated lobbyist” § 5–101

“State” § 1–115

5–705. REPORTS.

(A) IN GENERAL.

(1) A REGULATED LOBBYIST SHALL FILE WITH THE ETHICS COMMISSION, UNDER OATH AND FOR EACH REGISTRATION, A SEPARATE REPORT CONCERNING THE REGULATED LOBBYIST’S LOBBYING ACTIVITIES:

(I) BY MAY 31 OF EACH YEAR, TO COVER THE PERIOD FROM NOVEMBER 1 OF THE PREVIOUS YEAR THROUGH APRIL 30 OF THE CURRENT YEAR; AND

(II) BY NOVEMBER 30 OF EACH YEAR, TO COVER THE PERIOD FROM MAY 1 THROUGH OCTOBER 31 OF THAT YEAR.

(2) IF THE REGULATED LOBBYIST IS NOT AN INDIVIDUAL, AN AUTHORIZED OFFICER OR AGENT OF THE REGULATED LOBBYIST SHALL SIGN THE REPORT.

(3) IF A PRORATED AMOUNT IS REPORTED AS COMPENSATION, IT SHALL BE LABELED AS PRORATED.

(B) REQUIRED INFORMATION.

A REPORT REQUIRED BY THIS SECTION SHALL INCLUDE:

(1) A COMPLETE, CURRENT STATEMENT OF THE INFORMATION REQUIRED UNDER § 5-704(B) OF THIS SUBTITLE;

(2) TOTAL EXPENDITURES IN CONNECTION WITH INFLUENCING EXECUTIVE ACTION OR LEGISLATIVE ACTION IN EACH OF THE FOLLOWING CATEGORIES:

(I) TOTAL INDIVIDUAL REGULATED LOBBYIST COMPENSATION, EXCLUDING EXPENSES REPORTED UNDER THIS PARAGRAPH;

(II) OFFICE EXPENSES OF THE REGULATED LOBBYIST;

(III) PROFESSIONAL AND TECHNICAL RESEARCH AND ASSISTANCE;

(IV) PUBLICATIONS THAT EXPRESSLY ENCOURAGE COMMUNICATION WITH ONE OR MORE OFFICIALS OR EMPLOYEES;

(V) WITNESSES, INCLUDING THE NAME OF EACH AND THE FEES AND EXPENSES PAID TO EACH;

(VI) EXCEPT AS OTHERWISE REPORTED UNDER THIS PARAGRAPH, MEALS AND BEVERAGES FOR OFFICIALS, EMPLOYEES, OR MEMBERS OF THE IMMEDIATE FAMILIES OF OFFICIALS OR EMPLOYEES;

(VII) EXCEPT AS PROVIDED IN § 5-709(D)(2) OF THIS SUBTITLE, FOOD, BEVERAGES, AND INCIDENTAL EXPENSES FOR OFFICIALS OF THE LEGISLATIVE BRANCH FOR MEALS AND RECEPTIONS TO WHICH ALL MEMBERS OF ANY LEGISLATIVE UNIT WERE INVITED;

(VIII) FOOD AND BEVERAGES FOR MEMBERS OF THE GENERAL ASSEMBLY AT THE TIMES AND GEOGRAPHIC LOCATIONS OF MEETINGS OF LEGISLATIVE ORGANIZATIONS, AS ALLOWED UNDER § 5-505(C)(2)(I)4 OF THIS TITLE;

(IX) FOOD, LODGING, AND SCHEDULED ENTERTAINMENT FOR OFFICIALS AND EMPLOYEES AT MEETINGS AT WHICH THE OFFICIALS AND EMPLOYEES WERE SCHEDULED SPEAKERS OR SCHEDULED PANEL PARTICIPANTS;

(X) TICKETS AND FREE ADMISSION EXTENDED TO MEMBERS OF THE GENERAL ASSEMBLY, AS A COURTESY OR CEREMONY TO THE OFFICE, TO ATTEND CHARITABLE, CULTURAL, OR POLITICAL EVENTS SPONSORED OR CONDUCTED BY THE REPORTING ENTITY, AS ALLOWED UNDER § 5-505(C)(2)(VIII) OF THIS TITLE;

(XI) OTHER GIFTS TO OR FOR OFFICIALS, EMPLOYEES, OR MEMBERS OF THE IMMEDIATE FAMILIES OF OFFICIALS OR EMPLOYEES; AND

(XII) OTHER EXPENSES; AND

(3) AS TO EXPENDITURES REPORTED IN PARAGRAPH (2)(VII), (VIII), (IX), AND (X) OF THIS SUBSECTION, THE DATE, LOCATION, AND TOTAL EXPENSE OF THE REGULATED LOBBYIST FOR EACH MEAL, RECEPTION, EVENT, OR MEETING.

(C) ADDITIONAL INFORMATION; EXCEPTIONS.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A REPORT REQUIRED UNDER THIS SECTION ALSO SHALL INCLUDE THE NAME OF EACH OFFICIAL, EMPLOYEE, OR MEMBER OF THE IMMEDIATE FAMILY OF AN OFFICIAL OR EMPLOYEE WHO HAS BENEFITED FROM ONE OR MORE GIFTS WITH A CUMULATIVE VALUE OF \$75 DURING THE REPORTING PERIOD FROM THE REGULATED LOBBYIST, REGARDLESS OF WHETHER THE GIFT:

(I) IS ATTRIBUTABLE TO MORE THAN ONE ENTITY; OR

(II) WAS GIVEN IN CONNECTION WITH LOBBYING ACTIVITY.

(2) THE FOLLOWING GIFTS NEED NOT BE ALLOCATED TO INDIVIDUAL RECIPIENTS AND REPORTED BY NAME:

(I) GIFTS REPORTED UNDER SUBSECTION (B)(2)(VII) AND (VIII) OF THIS SECTION;

(II) GIFTS REPORTED UNDER SUBSECTION (B)(2)(IX) OF THIS SECTION WITH A VALUE OF \$200 OR LESS; AND

(III) GIFTS REPORTED UNDER SUBSECTION (B)(2)(X) OF THIS SECTION, UNLESS THE RECIPIENT RECEIVED FROM THE REGULATED LOBBYIST DURING THE REPORTING PERIOD TWO OR MORE SUCH GIFTS WITH A CUMULATIVE VALUE OF AT LEAST \$100.

(D) ADDITIONAL REPORTS FROM CERTAIN REGULATED LOBBYISTS.

(1) THIS SUBSECTION APPLIES ONLY TO A REGULATED LOBBYIST, OTHER THAN AN INDIVIDUAL, THAT IS ORGANIZED AND OPERATED FOR THE PRIMARY PURPOSE OF ATTEMPTING TO INFLUENCE LEGISLATIVE ACTION OR EXECUTIVE ACTION.

(2) IN ADDITION TO THE OTHER REPORTS REQUIRED UNDER THIS SECTION, A REGULATED LOBBYIST SHALL REPORT THE NAME AND PERMANENT ADDRESS OF EACH ENTITY THAT PROVIDED AT LEAST 5% OF THE REGULATED LOBBYIST'S TOTAL RECEIPTS DURING THE PRECEDING 12 MONTHS.

(3) FOR THE PURPOSE OF THE REPORTING AND REGISTRATION REQUIREMENTS OF THIS SUBTITLE, RECEIPTS OF A REGULATED LOBBYIST INCLUDE FUNDS SPENT ON THE REGULATED LOBBYIST'S BEHALF, AT ITS DIRECTION, OR IN ITS NAME.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 15-704.

In subsection (b)(2)(viii) of this section, the phrase "as allowed under § 5-505(c)(2)(i)4 of this title" is substituted for the former phrase "to which those members' attendance at State expense has been approved by the appropriate presiding officer" for brevity and clarity. Similarly, in subsection (b)(2)(x) of this section, the phrase "as allowed under § 5-505(c)(2)(viii) of this title" is substituted for the former phrase "to each of which all members of a legislative unit were invited".

Also in subsection (b)(2)(viii) of this section, the former reference to the "respective" times and locations is deleted as surplusage.

In subsection (d)(2) and (3) of this section, the former references to a regulated lobbyist "subject to this subsection" are deleted as unnecessary in light of subsection (d)(1) of this section.

Defined terms: "Compensation" §§ 5-101, 5-701

"Employee" § 5-101

"Entity" § 5-101

"Ethics Commission" § 5-101

"Executive action" § 5-101

"General Assembly" § 5-101

"Gift" § 5-101

"Immediate family" § 5-101

"Including" § 1-110

- “Legislative action” § 5–101
- “Legislative unit” § 5–101
- “Lobbying” § 5–101
- “Official” § 5–101
- “Regulated lobbyist” § 5–101

5–706. MEALS OR BEVERAGES.

(A) IN GENERAL.

IN ADDITION TO ANY OTHER REPORT REQUIRED UNDER THIS SUBTITLE, A REGULATED LOBBYIST SHALL FILE A SEPARATE REPORT DISCLOSING THE NAME OF EACH STATE OFFICIAL OF THE EXECUTIVE BRANCH OR MEMBER OF THE IMMEDIATE FAMILY OF A STATE OFFICIAL OF THE EXECUTIVE BRANCH WHO HAS BENEFITED DURING THE REPORTING PERIOD FROM A GIFT OF A MEAL OR BEVERAGES FROM THE REGULATED LOBBYIST, WHETHER OR NOT IN CONNECTION WITH LOBBYING ACTIVITIES, ALLOWED UNDER § 5–505(C)(2)(I)1 OF THIS TITLE.

(B) ALLOCATION.

GIFTS REPORTED BY NAME OF RECIPIENT UNDER § 5–705(B)(2)(IX) OF THIS SUBTITLE NEED NOT BE ALLOCATED FOR THE PURPOSES OF DISCLOSURE UNDER SUBSECTION (A) OF THIS SECTION.

(C) REQUIRED INFORMATION.

THE DISCLOSURE REQUIRED BY THIS SECTION SHALL BE UNDER OATH OR AFFIRMATION, ON A FORM ISSUED BY THE ETHICS COMMISSION, AND SHALL INCLUDE:

- (1) THE NAME AND BUSINESS ADDRESS OF THE REGULATED LOBBYIST;
- (2) THE NAME OF EACH RECIPIENT OF A GIFT OF A MEAL OR BEVERAGES;
- (3) THE DATE AND VALUE OF EACH GIFT OF A MEAL OR BEVERAGES, AND THE IDENTITY OF THE ENTITY OR ENTITIES TO WHICH THE GIFT IS ATTRIBUTABLE; AND
- (4) THE TOTAL CUMULATIVE VALUE OF GIFTS OF MEALS OR BEVERAGES, CALCULATED AS TO EACH RECIPIENT.

(D) EXPLANATION OF CIRCUMSTANCES.

THE REGULATED LOBBYIST MAY EXPLAIN THE CIRCUMSTANCES UNDER WHICH THE GIFT OF A MEAL OR BEVERAGES WAS GIVEN.

(E) EFFECT OF DISCLOSURE.

GIFTS OF MEALS OR BEVERAGES REPORTED BY A REGULATED LOBBYIST UNDER THIS SECTION NEED NOT BE COUNTED OR REPORTED BY THE REGULATED LOBBYIST FOR PURPOSES OF DISCLOSURE UNDER § 5-705(C) OF THIS SUBTITLE.

(F) FILING.

THE REPORT SHALL BE FILED AT THE TIME AND IN THE MANNER REQUIRED FOR REPORTS FILED UNDER § 5-705 OF THIS SUBTITLE.

REVISOR'S NOTE: This section formerly was SG § 15-705.

The only changes are in style.

Defined terms: "Entity" § 5-101
"Ethics Commission" § 5-101
"Gift" § 5-101
"Immediate family" § 5-101
"Lobbying" § 5-101
"Regulated lobbyist" § 5-101
"State official" § 5-101

5-707. REPORTS OF BUSINESS TRANSACTIONS — GENERALLY.

(A) APPLICATION OF SECTION.

(1) THIS SECTION APPLIES ONLY TO AN INDIVIDUAL REGULATED LOBBYIST DESCRIBED IN § 5-702(A)(1), (2), (3), OR (4) OF THIS SUBTITLE WHO LOBBIES THE EXECUTIVE BRANCH OR LEGISLATIVE BRANCH.

(2) THIS SECTION DOES NOT APPLY TO AN ENTITY THAT EMPLOYS AN INDIVIDUAL REGULATED LOBBYIST DESCRIBED IN § 5-702(A)(1), (2), (3), OR (4) OF THIS SUBTITLE.

(B) COVERED TRANSACTIONS.

IN ADDITION TO ANY OTHER REPORT REQUIRED UNDER THIS SUBTITLE, AN INDIVIDUAL REGULATED LOBBYIST SHALL FILE, WITH THE REPORT REQUIRED UNDER § 5-705 OF THIS SUBTITLE, A REPORT THAT DISCLOSES EACH BUSINESS TRANSACTION OR SERIES OF BUSINESS TRANSACTIONS THAT THE INDIVIDUAL REGULATED LOBBYIST HAD WITH AN INDIVIDUAL OR BUSINESS ENTITY LISTED IN SUBSECTION (C) OF THIS SECTION THAT:

- (1) INVOLVED THE EXCHANGE OF VALUE OF:
 - (I) \$1,000 OR MORE FOR A SINGLE TRANSACTION; OR
 - (II) \$5,000 OR MORE FOR A SERIES OF TRANSACTIONS; AND
- (2) OCCURRED IN THE PREVIOUS REPORTING PERIOD.

(C) COVERED ENTITIES.

AN INDIVIDUAL REGULATED LOBBYIST IS SUBJECT TO THE REPORTING REQUIREMENTS OF THIS SUBTITLE IF THE INDIVIDUAL REGULATED LOBBYIST ENGAGES IN A BUSINESS TRANSACTION WITH:

- (1) A MEMBER OF THE GENERAL ASSEMBLY;
- (2) THE GOVERNOR;
- (3) THE LIEUTENANT GOVERNOR;
- (4) THE ATTORNEY GENERAL;
- (5) THE SECRETARY OF STATE;
- (6) THE COMPTROLLER;
- (7) THE STATE TREASURER;
- (8) THE SECRETARY OF ANY PRINCIPAL STATE DEPARTMENT;
- (9) THE SPOUSE OF AN INDIVIDUAL LISTED IN ITEMS (1) THROUGH (8) OF THIS SUBSECTION;
- (10) A BUSINESS ENTITY IN WHICH AN INDIVIDUAL LISTED IN ITEMS (1) THROUGH (9) OF THIS SUBSECTION PARTICIPATES AS A PROPRIETOR OR PARTNER; OR

(11) A BUSINESS ENTITY IN WHICH AN INDIVIDUAL LISTED IN ITEMS (1) THROUGH (9) OF THIS SUBSECTION HAS AN OWNERSHIP INTEREST OF AT LEAST 30%.

(D) REQUIRED INFORMATION.

THE DISCLOSURE REQUIRED UNDER THIS SECTION SHALL INCLUDE:

(1) THE DATE OF THE BUSINESS TRANSACTION OR DATES OF EACH OF THE SERIES OF TRANSACTIONS;

(2) THE NAME AND TITLE OF THE OFFICIAL WHO IS SUBJECT TO THIS SECTION WHO WAS INVOLVED IN EACH BUSINESS TRANSACTION OR SERIES OF TRANSACTIONS; AND

(3) THE NATURE AND VALUE OF ANYTHING EXCHANGED.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 15-706.

In subsection (b)(2) of this section, the reference to the previous "reporting period" is substituted for the former reference to the previous "6 months" for clarity.

Defined terms: "Business entity" § 5-101

"Entity" § 5-101

"General Assembly" § 5-101

"Interest" § 5-101

"Official" § 5-101

"Regulated lobbyist" § 5-101

"State" § 1-115

5-708. REPORTS OF BUSINESS TRANSACTIONS — POLITICAL CONTRIBUTIONS.

(A) IN GENERAL.

IN ADDITION TO ANY OTHER REPORT REQUIRED UNDER THIS SUBTITLE, AN INDIVIDUAL REGULATED LOBBYIST DESCRIBED IN § 5-702(A)(1), (2), (3), OR (4) OF THIS SUBTITLE SHALL FILE A SEPARATE REPORT DISCLOSING ANY POLITICAL CONTRIBUTION MADE:

(1) DIRECTLY OR INDIRECTLY BY THE REGULATED LOBBYIST;

(2) DURING THE REPORTING PERIOD;

(3) UNDER THE ELECTION LAW ARTICLE; AND

(4) FOR THE BENEFIT OF THE GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, OR MEMBER OF THE GENERAL ASSEMBLY, OR A CANDIDATE FOR ELECTION TO ANY OF THOSE OFFICES.

(B) REQUIRED INFORMATION.

THE REPORT SHALL STATE:

(1) THE NAME OF EACH OFFICIAL OR CANDIDATE FOR WHOSE BENEFIT A POLITICAL CONTRIBUTION WAS MADE; AND

(2) THE TOTAL POLITICAL CONTRIBUTIONS FOR THE BENEFIT OF THAT OFFICIAL OR CANDIDATE.

(C) FILING.

THE REPORT SHALL BE FILED AT THE TIME AND IN THE MANNER REQUIRED FOR REPORTS FILED UNDER § 5-705 OF THIS SUBTITLE.

REVISOR'S NOTE: This section formerly was SG § 15-707.

In subsections (a) and (b) of this section, the references to a "political" contribution are added to use the appropriate defined term.

The only other changes are in style.

Defined terms: "General Assembly" § 5-101

"Official" § 5-101

"Political contribution" § 5-101

"Regulated lobbyist" § 5-101

5-709. LEGISLATIVE UNIT MEALS AND RECEPTIONS.

(A) IN GENERAL.

A REGULATED LOBBYIST WHO INVITES ALL MEMBERS OF A LEGISLATIVE UNIT TO A MEAL OR RECEPTION SHALL, AT LEAST 5 DAYS BEFORE THE DATE OF THE MEAL OR RECEPTION:

(1) EXTEND A WRITTEN INVITATION TO ALL MEMBERS OF THE LEGISLATIVE UNIT; AND

(2) REGISTER THE MEAL OR RECEPTION WITH THE DEPARTMENT OF LEGISLATIVE SERVICES ON A FORM REQUIRED BY THE ETHICS COMMISSION.

(B) REQUIRED INFORMATION.

A LEGISLATIVE UNIT REGISTRATION REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) THE DATE AND LOCATION OF THE MEAL OR RECEPTION; AND

(2) THE NAME OF THE LEGISLATIVE UNIT INVITED.

(C) ACTIONS BY DEPARTMENT OF LEGISLATIVE SERVICES.

(1) BASED ON INFORMATION CONTAINED IN A LEGISLATIVE UNIT REGISTRATION REPORT FILED UNDER SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL PUBLISH ONCE A WEEK A LIST CONTAINING THE DATE AND LOCATION OF EACH UPCOMING MEAL OR RECEPTION AND THE NAME OF THE LEGISLATIVE UNIT INVITED.

(2) (I) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL ALLOW PUBLIC INSPECTION OF ANY LEGISLATIVE UNIT REGISTRATION REPORT REQUIRED UNDER THIS SECTION DURING REGULAR BUSINESS HOURS.

(II) WITHIN 3 BUSINESS DAYS AFTER RECEIPT OF A LEGISLATIVE UNIT REGISTRATION REPORT REQUIRED UNDER THIS SECTION, THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL FORWARD THE ORIGINAL REGISTRATION REPORT TO THE ETHICS COMMISSION.

(III) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL MAINTAIN A PHOTOCOPY OR ELECTRONIC COPY OF EACH REGISTRATION REPORT REQUIRED UNDER THIS SECTION.

(D) REPORTING OF COST.

(1) (I) A REGULATED LOBBYIST WHO IS REQUIRED TO REGISTER UNDER SUBSECTION (A) OF THIS SECTION SHALL REPORT THE TOTAL COST OF THE MEAL OR RECEPTION, AND THE NAME OF EACH SPONSOR WHO CONTRIBUTES TO THE COST AND THE AMOUNT OF THE CONTRIBUTION, TO THE

ETHICS COMMISSION WITHIN 14 DAYS AFTER THE DATE OF THE MEAL OR RECEPTION.

(II) IF ANY INFORMATION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS NOT KNOWN WITHIN 14 DAYS AFTER THE DATE OF THE MEAL OR RECEPTION, THE REGULATED LOBBYIST SHALL, AS TO THE INFORMATION NOT KNOWN, SPECIFY THE NATURE AND ESTIMATE THE AMOUNT OF EACH ITEM.

(2) IF ALL OF THE INFORMATION REQUIRED BY PARAGRAPH (1)(I) OF THIS SUBSECTION IS REPORTED ACCURATELY AND COMPLETELY, THE REGULATED LOBBYIST IS NOT REQUIRED TO REPORT THE COST OF THE MEAL OR RECEPTION UNDER § 5-705(B)(2)(VII) OF THIS SUBTITLE.

(3) THE ETHICS COMMISSION SHALL ALLOW PUBLIC INSPECTION OF EACH REGISTRATION REPORT REQUIRED UNDER THIS SUBSECTION DURING REGULAR BUSINESS HOURS.

REVISOR'S NOTE: This section formerly was SG § 15-708.

In subsection (b)(2) of this section, the reference to "the name of" the legislative unit is added for clarity.

In subsections (c)(1) and (d)(1)(i) of this section, the references to the "name" are substituted for the former references to the "identity" for clarity.

In subsection (d)(1)(ii) of this section, the former phrase "[n]otwithstanding the provisions of subparagraph (i) of this paragraph," is deleted as surplusage.

The only other changes are in style.

Defined terms: "Ethics Commission" § 5-101

"Legislative unit" § 5-101

"Regulated lobbyist" § 5-101

5-710. ELECTRONIC FILING; PUBLIC INSPECTION; OATH OR AFFIRMATION.

(A) IN GENERAL.

THE ETHICS COMMISSION SHALL DEVELOP PROCEDURES UNDER WHICH A REPORT REQUIRED UNDER §§ 5-705 THROUGH 5-709 OF THIS SUBTITLE:

(1) MAY BE FILED ELECTRONICALLY WITHOUT ADDITIONAL COST TO THE INDIVIDUAL WHO FILES THE REPORT; AND

(2) SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION ELECTRONICALLY.

(B) OATH OR AFFIRMATION.

(1) IF THE REPORT FILED ELECTRONICALLY UNDER SUBSECTION (A) OF THIS SECTION IS REQUIRED TO BE MADE UNDER OATH OR AFFIRMATION, THE OATH OR AFFIRMATION SHALL BE MADE BY AN ELECTRONIC SIGNATURE THAT IS:

(I) IN THE REPORT OR ATTACHED TO AND MADE PART OF THE REPORT; AND

(II) MADE EXPRESSLY UNDER THE PENALTIES OF PERJURY.

(2) AN ELECTRONIC SIGNATURE MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION SUBJECTS THE INDIVIDUAL MAKING THE ELECTRONIC SIGNATURE TO THE PENALTIES OF PERJURY TO THE SAME EXTENT AS AN OATH OR AFFIRMATION MADE BEFORE AN INDIVIDUAL AUTHORIZED TO ADMINISTER OATHS.

REVISOR'S NOTE: This section formerly was SG § 15-709.

The only changes are in style.

Defined term: "Ethics Commission" § 5-101

5-711. GIFTS TO FAMILY MEMBERS.

THIS SUBTITLE DOES NOT REQUIRE THE DISCLOSURE BY A REGULATED LOBBYIST OF ANY GIFT TO THE REGULATED LOBBYIST'S IMMEDIATE FAMILY IF THE GIFT IS:

(1) PURELY PERSONAL AND PRIVATE IN NATURE AND NOT RELATED TO THE REGULATED LOBBYIST'S LOBBYING ACTIVITIES; AND

(2) FROM THE REGULATED LOBBYIST'S PERSONAL FUNDS AND NOT ATTRIBUTABLE TO ANY OTHER ENTITY.

REVISOR'S NOTE: This section formerly was SG § 15-710.

In item (2) of this section, the former reference to “entities” is deleted in light of the reference to “entity” and § 1–202 of this article, which provides that the singular generally includes the plural.

No other changes are made.

Defined terms: “Entity” § 5–101

“Gift” § 5–101

“Immediate family” § 5–101

“Lobbying” § 5–101

“Regulated lobbyist” § 5–101

5–712. ADDITIONAL REPORTS.

THE ETHICS COMMISSION MAY REQUIRE A REGULATED LOBBYIST TO FILE ANY ADDITIONAL REPORT THE ETHICS COMMISSION DETERMINES TO BE NECESSARY.

REVISOR’S NOTE: This section formerly was SG § 15–711.

No changes are made.

Defined terms: “Ethics Commission” § 5–101

“Regulated lobbyist” § 5–101

5–713. DISCLOSURE OF STATISTICS; NOTICE TO OFFICIAL NAMED IN REPORT.

(A) STATISTICS TO BE DISCLOSED.

AFTER EACH REPORTING PERIOD, THE ETHICS COMMISSION SHALL COMPUTE AND MAKE AVAILABLE:

(1) FOR EACH OF THE CATEGORIES OF EXPENSES REQUIRED TO BE REPORTED UNDER § 5–705(B)(2) OF THIS SUBTITLE, A TOTAL OF THE EXPENDITURES REPORTED BY ALL REGULATED LOBBYISTS IN THAT CATEGORY;

(2) FOR THE CATEGORIES OF EXPENSES REQUIRED TO BE REPORTED UNDER § 5–705(B)(2)(V) THROUGH (VII) OF THIS SUBTITLE, A COMBINED TOTAL OF THE EXPENDITURES REPORTED BY ALL REGULATED LOBBYISTS; AND

(3) THE TOTAL OF THE REPORTED EXPENDITURES BY ALL REGULATED LOBBYISTS FOR LOBBYING ACTIVITIES DURING THE REPORTING PERIOD.

(B) NOTICE TO OFFICIAL NAMED IN REPORT.

(1) IF A REPORT UNDER § 5-705 OR § 5-706 OF THIS SUBTITLE CONTAINS THE NAME OF AN OFFICIAL OR EMPLOYEE IN THE EXECUTIVE BRANCH OR LEGISLATIVE BRANCH OR THE NAME OF A MEMBER OF THE OFFICIAL'S OR EMPLOYEE'S IMMEDIATE FAMILY, THE ETHICS COMMISSION SHALL:

(I) NOTIFY THE OFFICIAL OR EMPLOYEE WITHIN 30 DAYS AFTER RECEIPT OF THE REPORT BY THE ETHICS COMMISSION; AND

(II) KEEP THE REPORT CONFIDENTIAL FOR 60 DAYS AFTER ITS RECEIPT.

(2) WITHIN 30 DAYS AFTER RECEIVING THE NOTICE, THE OFFICIAL OR EMPLOYEE MAY SUBMIT A WRITTEN EXCEPTION TO THE INCLUSION IN THE REPORT OF THE NAME OF THE OFFICIAL, EMPLOYEE, OR MEMBER OF THE OFFICIAL'S OR EMPLOYEE'S IMMEDIATE FAMILY.

REVISOR'S NOTE: This section formerly was SG § 15-712.

The only changes are in style.

Defined terms: "Employee" § 5-101
 "Ethics Commission" § 5-101
 "Immediate family" § 5-101
 "Lobbying" § 5-101
 "Official" § 5-101
 "Regulated lobbyist" § 5-101

5-714. PROHIBITIONS.**A REGULATED LOBBYIST MAY NOT:**

(1) BE ENGAGED FOR LOBBYING PURPOSES FOR COMPENSATION THAT IS DEPENDENT IN ANY MANNER ON:

(I) THE ENACTMENT OR DEFEAT OF LEGISLATION;

(II) THE OUTCOME OF ANY EXECUTIVE ACTION RELATING TO THE SOLICITATION OR SECURING OF A PROCUREMENT CONTRACT; OR

(III) ANY OTHER CONTINGENCY RELATED TO EXECUTIVE ACTION OR LEGISLATIVE ACTION;

(2) INITIATE OR ENCOURAGE THE INTRODUCTION OF LEGISLATION FOR THE PURPOSE OF OPPOSING THE LEGISLATION;

(3) KNOWINGLY COUNSEL ANY PERSON TO VIOLATE ANY PROVISION OF THIS TITLE OR ANY OTHER STATE OR FEDERAL LAW;

(4) ENGAGE IN OR COUNSEL ANY PERSON TO ENGAGE IN FRAUDULENT CONDUCT;

(5) WHILE ENGAGING IN LOBBYING ACTIVITIES, KNOWINGLY MAKE TO AN OFFICIAL OR EMPLOYEE A STATEMENT OF MATERIAL FACT RELATING TO LOBBYING ACTIVITY THAT THE REGULATED LOBBYIST KNOWS TO BE FALSE;

(6) ENGAGE IN LOBBYING WITHOUT BEING REGISTERED AS A REGULATED LOBBYIST IN ACCORDANCE WITH § 5-702 OF THIS SUBTITLE;

(7) REQUEST AN OFFICIAL OR EMPLOYEE TO RECOMMEND TO A POTENTIAL CLIENT THE LOBBYING SERVICES OF THE REGULATED LOBBYIST OR ANY OTHER REGULATED LOBBYIST;

(8) MAKE A GIFT, DIRECTLY OR INDIRECTLY, TO AN OFFICIAL OR EMPLOYEE IF THE REGULATED LOBBYIST KNOWS OR HAS REASON TO KNOW THE GIFT IS IN VIOLATION OF § 5-505 OF THIS TITLE;

(9) MAKE A GIFT, DIRECTLY OR INDIRECTLY, AS A RESULT OF A SOLICITATION OR FACILITATION THAT THE REGULATED LOBBYIST KNOWS OR HAS REASON TO KNOW IS PROHIBITED UNDER § 5-505(A)(2) OF THIS TITLE;

(10) IF THE REGULATED LOBBYIST IS AN INDIVIDUAL, ENGAGE IN ANY CHARITABLE FUND-RAISING ACTIVITY AT THE REQUEST OF AN OFFICIAL OR EMPLOYEE, INCLUDING SOLICITING, TRANSMITTING THE SOLICITATION OF, OR TRANSMITTING A CHARITABLE CONTRIBUTION;

(11) MAKE OR FACILITATE THE MAKING OF ANY LOAN OF MONEY, GOODS, OR SERVICES TO AN OFFICIAL OR EMPLOYEE UNLESS IN THE ORDINARY COURSE OF BUSINESS OF THE REGULATED LOBBYIST;

(12) WHILE ENGAGING IN LOBBYING ACTIVITIES ON BEHALF OF AN ENTITY, KNOWINGLY CONCEAL FROM AN OFFICIAL OR EMPLOYEE THE IDENTITY OF THE ENTITY;

(13) COMMIT A CRIMINAL OFFENSE ARISING FROM LOBBYING ACTIVITY; OR

(14) IF SERVING ON THE STATE OR A LOCAL CENTRAL COMMITTEE OF A POLITICAL PARTY, PARTICIPATE:

(I) AS AN OFFICER OF THE CENTRAL COMMITTEE;

(II) IN FUND-RAISING ACTIVITY ON BEHALF OF THE POLITICAL PARTY; OR

(III) IN ACTIONS RELATING TO FILLING A VACANCY IN A PUBLIC OFFICE.

REVISOR'S NOTE: This section formerly was SG § 15-713.

In item (6) of this section, the former reference to being "properly" registered is deleted as unnecessary in light of the reference to be registered "in accordance with § 5-702 of this subtitle".

In item (8) of this section, the reference to "§ 5-505" is substituted for the former reference to "Subtitle 5" because § 5-505 is the only section in that subtitle that refers to the applicable gifts.

The only other changes are in style.

Defined terms: "Compensation" §§ 5-101, 5-701

"Employee" § 5-101

"Entity" § 5-101

"Executive action" § 5-101

"Gift" § 5-101

"Including" § 1-110

"Legislative action" § 5-101

"Lobbying" § 5-101

"Official" § 5-101

"Person" § 1-114

"Procurement contract" § 5-101

"Regulated lobbyist" § 5-101

"State" § 1-115

5-715. RESTRICTION ON CERTAIN CAMPAIGN CONTRIBUTIONS.

(A) DEFINITIONS.

IN THIS SECTION, “CANDIDATE”, “CONTRIBUTION”, AND “POLITICAL COMMITTEE” HAVE THE MEANINGS STATED IN § 1-101 OF THE ELECTION LAW ARTICLE.

(B) APPLICATION OF SECTION.

(1) THIS SECTION APPLIES ONLY TO A REGULATED LOBBYIST DESCRIBED IN § 5-702(A)(1), (2), (3), OR (4) OF THIS SUBTITLE.

(2) THIS SECTION DOES NOT APPLY TO A REGULATED LOBBYIST WHO IS A CANDIDATE WITH RESPECT TO THE REGULATED LOBBYIST’S OWN CAMPAIGN.

(C) APPLICABLE TIME PERIOD.

THE RESTRICTIONS IN THIS SECTION APPLY FROM THE STARTING DATE OF THE REGULATED LOBBYIST’S REGISTRATION TO THE END OF THE CALENDAR YEAR IN WHICH THE REGISTRATION PERIOD ENDS.

(D) RESTRICTIONS ON ACTIVITIES.

(1) FOR THE BENEFIT OF THE GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, OR COMPTROLLER, OR A MEMBER OF THE GENERAL ASSEMBLY, OR A CANDIDATE FOR ELECTION TO THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, OR MEMBER OF THE GENERAL ASSEMBLY, A REGULATED LOBBYIST WHO IS SUBJECT TO THIS SECTION OR A PERSON ACTING ON BEHALF OF THE REGULATED LOBBYIST MAY NOT:

(I) SOLICIT OR TRANSMIT A POLITICAL CONTRIBUTION FROM ANY PERSON, INCLUDING A POLITICAL COMMITTEE;

(II) SERVE ON A FUND-RAISING COMMITTEE OR A POLITICAL COMMITTEE;

(III) ACT AS A TREASURER FOR A CANDIDATE OR AN OFFICIAL OR AS TREASURER OR CHAIR OF A POLITICAL COMMITTEE;

(IV) ORGANIZE OR ESTABLISH A POLITICAL COMMITTEE FOR THE PURPOSE OF SOLICITING OR TRANSMITTING CONTRIBUTIONS FROM ANY PERSON; OR

(V) FORWARD TICKETS FOR FUND-RAISING ACTIVITIES, OR OTHER SOLICITATIONS FOR POLITICAL CONTRIBUTIONS, TO A POTENTIAL CONTRIBUTOR.

(2) THIS SECTION DOES NOT PROHIBIT A REGULATED LOBBYIST FROM:

(I) MAKING A PERSONAL POLITICAL CONTRIBUTION;

(II) INFORMING ANY ENTITY OF A POSITION TAKEN BY A CANDIDATE OR AN OFFICIAL; OR

(III) ENGAGING IN OTHER ACTIVITIES NOT SPECIFICALLY PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 15-714.

Defined terms: "Entity" § 5-101

"General Assembly" § 5-101

"Including" § 1-110

"Official" § 5-101

"Person" § 1-114

"Political contribution" § 5-101

"Regulated lobbyist" § 5-101

5-716. STATEMENT BY PERSON PROVIDING LOBBYIST COMPENSATION AND MAKING CONTRIBUTIONS.

(A) DEFINITIONS.

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

(2) "APPLICABLE CONTRIBUTION" MEANS A POLITICAL CONTRIBUTION OR SERIES OF POLITICAL CONTRIBUTIONS MADE TO OR FOR THE BENEFIT OF AN APPLICABLE RECIPIENT IN A CUMULATIVE AMOUNT OF MORE THAN \$500.

(3) "APPLICABLE RECIPIENT" MEANS A CANDIDATE FOR, OR AN OFFICIAL HOLDING, THE OFFICE OF:

(I) GOVERNOR;

- (II) LIEUTENANT GOVERNOR;
- (III) ATTORNEY GENERAL;
- (IV) COMPTROLLER; OR
- (V) MEMBER OF THE GENERAL ASSEMBLY.

(B) POLITICAL CONTRIBUTION TO POLITICAL COMMITTEE.

A POLITICAL CONTRIBUTION MADE TO A POLITICAL COMMITTEE FOR AN APPLICABLE RECIPIENT IS DEEMED A POLITICAL CONTRIBUTION TO THE APPLICABLE RECIPIENT.

(C) STATEMENT REQUIRED.

SUBJECT TO SUBSECTION (I) OF THIS SECTION, A PERSON SHALL FILE A STATEMENT IN ACCORDANCE WITH THIS SECTION IF AT ANY TIME DURING THE REPORTING PERIOD THE PERSON:

(1) SPENT AT LEAST \$500 TO PROVIDE COMPENSATION TO ONE OR MORE REGULATED LOBBYISTS; AND

(2) MADE OR CAUSED TO BE MADE AN APPLICABLE CONTRIBUTION.

(D) FILING WITH STATE BOARD OF ELECTIONS.

A STATEMENT REQUIRED UNDER THIS SECTION SHALL BE FILED WITH THE STATE BOARD OF ELECTIONS.

(E) REPORTING PERIOD.

(1) THE REPORTING PERIOD IS THE 6-MONTH PERIOD ENDING ON EITHER JANUARY 31 OR JULY 31.

(2) THE STATEMENT SHALL BE FILED WITHIN 5 DAYS AFTER THE END OF THE REPORTING PERIOD.

(F) REQUIRED INFORMATION.

THE STATEMENT REQUIRED UNDER THIS SECTION SHALL BE MADE UNDER OATH AND STATE:

(1) THE NAME OF EACH APPLICABLE RECIPIENT TO WHOM AN APPLICABLE CONTRIBUTION WAS MADE OR CAUSED TO BE MADE DURING THE REPORTING PERIOD AND, IF NOT PREVIOUSLY REPORTED, DURING THE PRECEDING REPORTING PERIOD;

(2) THE OFFICE HELD OR SOUGHT BY EACH APPLICABLE RECIPIENT NAMED IN ITEM (1) OF THIS SUBSECTION;

(3) THE AGGREGATE CONTRIBUTIONS MADE TO EACH APPLICABLE RECIPIENT;

(4) THE NAME OF EACH REGULATED LOBBYIST EMPLOYED OR RETAINED BY THE PERSON FILING THE STATEMENT; AND

(5) THE NAME OF THE PERSON WHO MADE THE POLITICAL CONTRIBUTION AND THE RELATIONSHIP OF THAT PERSON TO THE PERSON FILING THE STATEMENT IF A POLITICAL CONTRIBUTION WAS MADE BY ANOTHER PERSON BUT IS ATTRIBUTED TO THE PERSON FILING THE STATEMENT.

(G) BUSINESS ENTITIES.

IF THE PERSON FILING THE STATEMENT IS A BUSINESS ENTITY:

(1) (I) AN APPLICABLE CONTRIBUTION MADE BY AN OFFICER, A DIRECTOR, OR A PARTNER OF THE BUSINESS ENTITY SHALL BE ATTRIBUTED TO THE BUSINESS ENTITY; AND

(II) A POLITICAL CONTRIBUTION, REGARDLESS OF AMOUNT, IF MADE AT THE SUGGESTION OR DIRECTION OF THE BUSINESS ENTITY, BY AN OFFICER, A DIRECTOR, A PARTNER, AN EMPLOYEE, AN AGENT, OR ANY OTHER PERSON, SHALL BE ATTRIBUTED TO THE BUSINESS ENTITY;

(2) EACH OFFICER, DIRECTOR, OR PARTNER OF THE BUSINESS ENTITY WHO MAKES OR CAUSES TO BE MADE AN APPLICABLE CONTRIBUTION SHALL REPORT THE CONTRIBUTION TO THE CHIEF EXECUTIVE OFFICER OF THE BUSINESS ENTITY;

(3) EACH OFFICER, DIRECTOR, PARTNER, EMPLOYEE, AGENT, OR OTHER PERSON WHO MAKES OR CAUSES TO BE MADE A POLITICAL CONTRIBUTION, REGARDLESS OF AMOUNT, AT THE SUGGESTION OR DIRECTION

OF THE BUSINESS ENTITY SHALL REPORT THE POLITICAL CONTRIBUTION TO THE CHIEF EXECUTIVE OFFICER OF THE BUSINESS ENTITY;

(4) APPLICABLE CONTRIBUTIONS MADE BY, OR CAUSED TO BE MADE BY, A SUBSIDIARY, AT LEAST 30% OF THE EQUITY OF WHICH THE BUSINESS ENTITY OWNS OR CONTROLS, SHALL BE ATTRIBUTED TO THE BUSINESS ENTITY; AND

(5) IF A SUBSIDIARY DESCRIBED IN ITEM (4) OF THIS SUBSECTION MADE AN EXPENDITURE TO PROVIDE COMPENSATION TO ONE OR MORE REGULATED LOBBYISTS, THE EXPENDITURE SHALL BE ATTRIBUTED TO THE BUSINESS ENTITY.

(H) NOT-FOR-PROFIT ORGANIZATIONS.

(1) NOTWITHSTANDING SUBSECTION (G) OF THIS SECTION, A CONTRIBUTION MADE BY AN INDIVIDUAL WHO SERVES AS A TRUSTEE OR MEMBER OF THE BOARD OF DIRECTORS OR AS AN OFFICER OF A NOT-FOR-PROFIT ORGANIZATION IS NOT ATTRIBUTABLE TO THE ORGANIZATION, AND THE INDIVIDUAL IS NOT REQUIRED TO REPORT THE CONTRIBUTION TO THE CHIEF EXECUTIVE OFFICER OF THE ORGANIZATION, UNLESS:

(I) THE CONTRIBUTION IS MADE ON THE RECOMMENDATION OF THE NOT-FOR-PROFIT ORGANIZATION; OR

(II) THE INDIVIDUAL WHO MADE THE CONTRIBUTION IS PAID BY THE NOT-FOR-PROFIT ORGANIZATION.

(2) THE STATE BOARD OF ELECTIONS SHALL ADOPT REGULATIONS THAT DEFINE “OFFICER” FOR THE PURPOSES OF THIS SUBSECTION.

(I) FILING UNDER ELECTION LAW ARTICLE.

A PERSON WHO FILES, UNDER TITLE 14 OF THE ELECTION LAW ARTICLE, ALL INFORMATION REQUIRED BY THIS SECTION MAY SATISFY THE REQUIREMENTS OF THIS SECTION BY SUBMITTING A NOTICE TO THAT EFFECT ON THE FORM REQUIRED BY THE STATE BOARD OF ELECTIONS.

(J) DUTIES OF STATE BOARD OF ELECTIONS.

THE STATE BOARD OF ELECTIONS SHALL:

(1) PREPARE AND MAKE AVAILABLE FORMS FOR THE STATEMENT AND NOTICE REQUIRED BY THIS SECTION;

(2) RETAIN EACH STATEMENT FILED UNDER THIS SECTION IN THE SAME MANNER AND SUBJECT TO THE SAME STANDARDS OF PUBLIC ACCESS AS A STATEMENT FILED UNDER TITLE 14 OF THE ELECTION LAW ARTICLE; AND

(3) REPORT ANY VIOLATION OF THIS SECTION TO THE ETHICS COMMISSION.

(K) MANNER OF FILING.

THE STATEMENT REQUIRED UNDER THIS SECTION SHALL BE FILED IN THE MANNER REQUIRED FOR STATEMENTS FILED UNDER TITLE 14 OF THE ELECTION LAW ARTICLE.

(L) PENALTIES.

(1) A PERSON WHO KNOWINGLY AND WILLFULLY FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(2) IF A PERSON THAT VIOLATES THIS SECTION IS A BUSINESS ENTITY, EACH OFFICER AND PARTNER OF THE BUSINESS ENTITY WHO KNOWINGLY AUTHORIZED OR PARTICIPATED IN VIOLATING THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 15-715.

Throughout this section, the references to a "political" contribution are added to use the appropriate defined term.

In subsection (g)(1)(i) of this section, the conjunction "and" is substituted for the former conjunction "or" for clarity.

In subsection (i) of this section, the reference to the "form required by the State Board of Elections" is substituted for the former reference to the "appropriate prescribed form" for clarity.

Defined terms: "Business entity" § 5-101
"Compensation" §§ 5-101, 5-701

“Employee” § 5–101
“Ethics Commission” § 5–101
“General Assembly” § 5–101
“Official” § 5–101
“Person” § 1–114
“Political contribution” § 5–101
“Regulated lobbyist” § 5–101

SUBTITLE 8. LOCAL GOVERNMENT PROVISIONS.

PART I. GENERAL PROVISIONS.

5–801. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR’S NOTE: This subsection is new language added as the standard introductory language to a definition section.

(B) LOBBYING.

“LOBBYING” MEANS PERFORMING ACTS, OF A NATURE COMPARABLE TO ACTS REQUIRING REGISTRATION UNDER SUBTITLE 7 OF THIS TITLE, BEFORE THE LOCAL GOVERNMENT INVOLVED.

REVISOR’S NOTE: This subsection formerly was SG § 15–102(x)(2).

The former phrase “[w]ith respect to Subtitle 8 of this title” is deleted as unnecessary in light of subsection (a) of this section.

No other changes are made.

(C) LOCAL OFFICIAL.

(1) IN BALTIMORE CITY, “LOCAL OFFICIAL” INCLUDES:

(I) CITY EMPLOYEES AND OFFICIALS OF THE BALTIMORE CITY HEALTH DEPARTMENT;

(II) THE POLICE COMMISSIONER OF BALTIMORE CITY AND THE CIVILIAN EMPLOYEES AND POLICE OFFICERS OF THE POLICE DEPARTMENT OF BALTIMORE CITY; AND

(III) MEMBERS AND EMPLOYEES OF THE CIVILIAN REVIEW BOARD.

(2) IN BALTIMORE COUNTY, "LOCAL OFFICIAL" INCLUDES:

(I) BOARD MEMBERS AND THE CHIEF EXECUTIVE OF THE BALTIMORE COUNTY REVENUE AUTHORITY; AND

(II) FOR THE PURPOSE OF THE FINANCIAL DISCLOSURE PROVISIONS ENACTED BY THE GOVERNING BODY OF BALTIMORE COUNTY, EXCEPT FOR A MEMBER OF THE BALTIMORE COUNTY BOARD OF EDUCATION, MEMBERS OF A BOARD OF A STATE AGENCY THAT IS WHOLLY OR PARTLY FUNDED BY BALTIMORE COUNTY, REGARDLESS OF WHETHER A MEMBER IS COMPENSATED.

(3) IN MONTGOMERY COUNTY, "LOCAL OFFICIAL" INCLUDES:

(I) MEMBERS AND EMPLOYEES OF THE MONTGOMERY COUNTY REVENUE AUTHORITY;

(II) COMMISSIONERS AND EMPLOYEES OF THE MONTGOMERY COUNTY HOUSING OPPORTUNITIES COMMISSION; AND

(III) COUNTY EMPLOYEES OF THE MONTGOMERY COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(4) IN PRINCE GEORGE'S COUNTY, "LOCAL OFFICIAL" INCLUDES:

(I) MEMBERS OF THE BOARD OF LICENSE COMMISSIONERS;

(II) INSPECTORS OF THE BOARD OF LICENSE COMMISSIONERS, INCLUDING THE CHIEF INSPECTOR;

(III) THE ADMINISTRATOR OF THE BOARD OF LICENSE COMMISSIONERS; AND

(IV) THE ATTORNEY TO THE BOARD OF LICENSE COMMISSIONERS.

(5) IN ST. MARY’S COUNTY, “LOCAL OFFICIAL” INCLUDES COMMISSIONERS AND EMPLOYEES OF THE ST. MARY’S COUNTY METROPOLITAN COMMISSION.

REVISOR’S NOTE: This subsection formerly was SG § 15–807(a) through (c), (e), and (d)(1) and (2).

The only changes are in style.

Defined terms: “Board” § 5–101

“Employee” § 5–101

“Includes”, “including” § 1–110

“Local official” §§ 5–101, 5–801

“State” § 1–115

5–802. RESERVED.

5–803. RESERVED.

PART II. PUBLIC ETHICS LAWS FOR COUNTIES AND MUNICIPAL CORPORATIONS.

5–804. “ELECTED LOCAL OFFICIAL” DEFINED.

IN THIS PART, “ELECTED LOCAL OFFICIAL” INCLUDES:

(1) AN INDIVIDUAL WHO HOLDS AN ELECTIVE OFFICE OF A COUNTY OR MUNICIPAL CORPORATION; AND

(2) A CANDIDATE FOR ELECTIVE OFFICE AS A LOCAL OFFICIAL OF A COUNTY OR MUNICIPAL CORPORATION.

REVISOR’S NOTE: This section formerly was SG § 15–805(a)(1) and (2).

The definition in former SG § 15–805 applied only to that section, but it appears from the context that it was intended to be applied also to the use of the same term in former SG §§ 15–803 and 15–804, revised in this part as §§ 5–807 and 5–808.

The only other changes are in style.

Defined terms: “County” § 1–107

“Includes” § 1–111

“Local official” §§ 5–101, 5–801

“Municipal corporation” § 5–101

5-805. SCOPE OF PART.

THIS PART DOES NOT APPLY TO AN OFFICIAL OR EMPLOYEE OF THE JUDICIAL BRANCH OF STATE GOVERNMENT.

REVISOR'S NOTE: This section formerly was SG § 15-801.

The only changes are in style.

Defined terms: "Employee" § 5-101
"Official" § 5-101

5-806. EFFECT ON OTHER PROVISIONS OF LAW.

THE EXPRESS POWERS CONTAINED IN TITLE 5, SUBTITLE 2 AND TITLE 10 OF THE LOCAL GOVERNMENT ARTICLE AND IN ARTICLE II OF THE CHARTER OF THE CITY OF BALTIMORE ARE INTENDED AND SHALL BE DEEMED TO INCORPORATE AND INCLUDE THE POWER AND AUTHORITY CONTAINED IN THIS PART.

REVISOR'S NOTE: This section formerly was SG § 15-802.

The reference to "Article II of" the Charter of the City of Baltimore is added for clarity.

The only other changes are in style.

5-807. PUBLIC ETHICS LAWS REQUIRED.**(A) IN GENERAL.**

SUBJECT TO § 5-209 OF THIS TITLE, EACH COUNTY AND EACH MUNICIPAL CORPORATION SHALL ENACT PROVISIONS TO GOVERN THE PUBLIC ETHICS OF LOCAL OFFICIALS RELATING TO:

- (1) CONFLICTS OF INTEREST;**
- (2) FINANCIAL DISCLOSURE; AND**
- (3) LOBBYING.**

(B) CERTIFICATION OF COMPLIANCE.

ON OR BEFORE OCTOBER 1 OF EACH YEAR, EACH LOCAL ETHICS COMMISSION OR APPROPRIATE ENTITY SHALL CERTIFY TO THE ETHICS COMMISSION THAT THE COUNTY OR MUNICIPAL CORPORATION IS IN COMPLIANCE WITH THE REQUIREMENTS OF THIS PART FOR ELECTED LOCAL OFFICIALS.

REVISOR'S NOTE: This section formerly was SG § 15–803.

The only changes are in style.

Defined terms: “County” § 1–107
“Elected local official” § 5–804
“Entity” § 5–101
“Ethics Commission” § 5–101
“Lobbying” § 5–801
“Local official” §§ 5–101, 5–801
“Municipal corporation” § 5–101

5–808. CONFLICT OF INTEREST LAWS.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE CONFLICT OF INTEREST PROVISIONS ENACTED BY A COUNTY OR MUNICIPAL CORPORATION UNDER § 5–807 OF THIS SUBTITLE:

(1) SHALL BE SIMILAR TO THE PROVISIONS OF SUBTITLE 5 OF THIS TITLE; BUT

(2) MAY BE MODIFIED TO THE EXTENT NECESSARY TO MAKE THE PROVISIONS RELEVANT TO THE PREVENTION OF CONFLICTS OF INTEREST IN THAT JURISDICTION.

(B) ELECTED LOCAL OFFICIALS.

THE CONFLICT OF INTEREST PROVISIONS FOR ELECTED LOCAL OFFICIALS ENACTED BY A COUNTY OR MUNICIPAL CORPORATION UNDER § 5–807 OF THIS SUBTITLE:

(1) SHALL BE EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF SUBTITLE 5 OF THIS TITLE; BUT

(2) MAY BE MODIFIED TO THE EXTENT NECESSARY TO MAKE THE PROVISIONS RELEVANT TO THE PREVENTION OF CONFLICTS OF INTEREST IN THAT JURISDICTION.

REVISOR'S NOTE: This section formerly was SG § 15-804.

The only changes are in style.

Defined terms: "County" § 1-107

"Elected local official" § 5-804

"Municipal corporation" § 5-101

5-809. FINANCIAL DISCLOSURE LAWS.

(A) "LOCAL OFFICIAL" DEFINED.

IN THIS SECTION, "LOCAL OFFICIAL" INCLUDES AN INDIVIDUAL WHO IS DESIGNATED AS A LOCAL OFFICIAL AND WHOSE POSITION IS FUNDED WHOLLY OR PARTLY BY THE STATE.

(B) SIMILARITY TO STATE ETHICS LAW.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBSECTION (C) OF THIS SECTION, THE FINANCIAL DISCLOSURE PROVISIONS ENACTED BY A COUNTY OR MUNICIPAL CORPORATION UNDER § 5-807 OF THIS SUBTITLE:

(I) SHALL BE SIMILAR TO THE PROVISIONS OF SUBTITLE 6 OF THIS TITLE; BUT

(II) SHALL BE MODIFIED TO THE EXTENT NECESSARY TO MAKE THE PROVISIONS RELEVANT TO THE PREVENTION OF CONFLICTS OF INTEREST IN THAT JURISDICTION.

(2) THE FINANCIAL DISCLOSURE PROVISIONS FOR ELECTED LOCAL OFFICIALS ENACTED BY A COUNTY OR MUNICIPAL CORPORATION UNDER § 5-807 OF THIS SUBTITLE:

(I) SHALL BE EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF SUBTITLE 6 OF THIS TITLE; BUT

(II) SHALL BE MODIFIED TO THE EXTENT NECESSARY TO MAKE THE PROVISIONS RELEVANT TO THE PREVENTION OF CONFLICTS OF INTEREST IN THAT JURISDICTION.

(C) MINIMUM STANDARDS.

(1) THIS SUBTITLE DOES NOT COMPEL THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION TO REQUIRE A LOCAL OFFICIAL TO FILE A FINANCIAL DISCLOSURE STATEMENT EXCEPT WHEN THE PERSONAL INTEREST OF THE LOCAL OFFICIAL WILL PRESENT A POTENTIAL CONFLICT WITH THE PUBLIC INTEREST IN CONNECTION WITH AN ANTICIPATED PUBLIC ACTION OF THE LOCAL OFFICIAL.

(2) THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION SHALL REQUIRE A LOCAL OFFICIAL TO FILE A FINANCIAL DISCLOSURE STATEMENT AT LEAST ANNUALLY TO REPORT ON GIFTS RECEIVED BY THE LOCAL OFFICIAL.

(3) THE FINANCIAL DISCLOSURE PROVISIONS SHALL REQUIRE THAT A STATEMENT BE FILED:

(I) UNDER PARAGRAPH (1) OF THIS SUBSECTION SUFFICIENTLY IN ADVANCE OF THE ACTION TO PROVIDE ADEQUATE DISCLOSURE TO THE PUBLIC; AND

(II) BY AN ELECTED LOCAL OFFICIAL UNDER SUBSECTION (B)(2) OF THIS SECTION ON OR BEFORE APRIL 30 OF EACH YEAR.

(D) STANDARDS FOR CANDIDATES.

FINANCIAL DISCLOSURE PROVISIONS APPLICABLE TO A CANDIDATE SHALL BE CONSISTENT WITH THE PROVISIONS APPLICABLE TO AN INCUMBENT HOLDING THE OFFICE INVOLVED.

REVISOR'S NOTE: This section is new language derived without a substantive change from former SG § 15–805(b), (c), (d), and (a)(1) and (3).

In the introductory language of subsection (c)(3) of this section, the reference to the “financial disclosure” provisions is added for consistency within this section.

Defined terms: “County” § 1–107

“Elected local official” § 5–804

“Gift” § 5–101

“Includes” § 1–110

“Local official” §§ 5–101, 5–801

“Municipal corporation” § 5–101

“State” § 1–115

5–810. LOBBYING.

THE LOBBYING PROVISIONS ENACTED BY A COUNTY OR MUNICIPAL CORPORATION UNDER § 5–807 OF THIS SUBTITLE:

(1) SHALL BE SUBSTANTIALLY SIMILAR TO THE PROVISIONS OF SUBTITLE 7 OF THIS TITLE; BUT

(2) (I) SHALL BE MODIFIED TO THE EXTENT NECESSARY TO MAKE THE PROVISIONS RELEVANT TO THAT JURISDICTION; AND

(II) MAY BE FURTHER MODIFIED TO THE EXTENT CONSIDERED NECESSARY AND APPROPRIATE BY AND FOR THAT JURISDICTION.

REVISOR’S NOTE: This section formerly was SG § 15–806.

The only changes are in style.

Defined terms: “County” § 1–107

“Lobbying” § 5–801

“Municipal corporation” § 5–101

5–811. SPECIAL PROVISIONS FOR PRINCE GEORGE’S COUNTY.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO PRINCE GEORGE’S COUNTY.

(B) CONFLICT OF INTEREST.

(1) THE CONFLICT OF INTEREST PROVISIONS REQUIRED UNDER § 5–807(A)(1) OF THIS SUBTITLE SHALL PROHIBIT:

(I) THE COUNTY GOVERNMENT FROM ISSUING A CREDIT CARD TO AN ELECTED COUNTY OFFICIAL OR A MEMBER OF THE COUNTY SCHOOL BOARD; AND

(II) AN ELECTED COUNTY OFFICIAL FROM DIRECTLY OR INDIRECTLY SOLICITING A PERSON TO ENTER INTO A BUSINESS RELATIONSHIP WITH OR PROVIDE ANYTHING OF MONETARY VALUE TO A SPECIFIC INDIVIDUAL OR ENTITY IF THE PERSON BEING SOLICITED IS SEEKING:

1. THE SUCCESS OR DEFEAT OF COUNTY LEGISLATION;

2. A COUNTY CONTRACT; OR

3. ANY OTHER COUNTY BENEFIT.

(2) A CONFLICT OF INTEREST PROVISION ENACTED IN ACCORDANCE WITH PARAGRAPH (1)(II) OF THIS SUBSECTION MAY NOT BE CONSTRUED TO AFFECT THE VALIDITY OF ANY LEGALLY ENACTED REQUIREMENT OR CONDITION, PROPOSED AND ADOPTED ON THE PUBLIC RECORD AT A PUBLIC HEARING, THE PURPOSE OF WHICH IS TO MITIGATE THE IMPACT OF A DEVELOPMENT ON THE PROPERTY OWNERS IN THE AREAS SURROUNDING THE DEVELOPMENT, INCLUDING:

(I) AN ADEQUATE PUBLIC FACILITIES REQUIREMENT;

(II) A MINORITY BUSINESS REQUIREMENT; OR

(III) A COMMUNITY BENEFIT REQUIREMENT.

(C) LOBBYING.

THE LOBBYING PROVISIONS REQUIRED UNDER § 5-807(A)(3) OF THIS SUBTITLE SHALL PROHIBIT A PERSON FROM BEING ENGAGED FOR LOBBYING PURPOSES FOR COMPENSATION THAT IS DEPENDENT IN ANY MANNER ON THE OUTCOME OF EXECUTIVE ACTION OR LEGISLATIVE ACTION BEFORE THE COUNTY GOVERNMENT.

(D) COUNTY ETHICS ENACTMENTS.

THE COUNTY'S ETHICS ENACTMENTS SHALL PROVIDE FOR:

(1) A COUNTY BOARD OF ETHICS THAT MEETS AT LEAST TWO TIMES EACH YEAR AND IS COMPOSED OF FIVE MEMBERS APPOINTED BY THE COUNTY EXECUTIVE, WITH THE ADVICE AND CONSENT OF THE COUNTY COUNCIL; AND

(2) AN EXECUTIVE DIRECTOR OF THE BOARD OF ETHICS WHO:

(I) SHALL MEET INDIVIDUALLY WITH EACH ELECTED COUNTY OFFICIAL AT LEAST ANNUALLY TO ADVISE THE OFFICIAL REGARDING

THE REQUIREMENTS OF ANY APPLICABLE ETHICS LAW, RULE, OR STANDARD OF CONDUCT;

(II) SHALL ASSIST EACH ELECTED COUNTY OFFICIAL IN PREPARING ANY AFFIDAVIT OR OTHER DOCUMENT REQUIRED TO BE FILED UNDER THE COUNTY'S ETHICS ENACTMENTS;

(III) SHALL CONDUCT ETHICS-RELATED BRIEFINGS FOR THE BENEFIT OF ELECTED OFFICIALS OF THE COUNTY; AND

(IV) MAY PROVIDE INFORMATION TO ANY PERSON REGARDING LAWS, RULES, AND OTHER STANDARDS OF ETHICAL CONDUCT APPLICABLE TO ELECTED COUNTY OFFICIALS.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 15-807(d)(1) and (3) through (6).

In subsection (a) of this section, the word "only" is added for clarity.

Defined terms: "Compensation" § 5-101

"Entity" § 5-101

"Executive action" § 5-101

"Including" § 1-110

"Legislative action" § 5-101

"Lobbying" § 5-801

"Person" § 1-114

"School board" § 5-101

5-812. ENFORCEMENT OF PART.

(A) IN GENERAL.

IF THE ETHICS COMMISSION DETERMINES THAT A COUNTY OR MUNICIPAL CORPORATION HAS NOT COMPLIED WITH THE REQUIREMENTS OF THIS PART, THE ETHICS COMMISSION MAY PETITION A CIRCUIT COURT WITH VENUE OVER THE PROCEEDING FOR APPROPRIATE RELIEF TO COMPEL COMPLIANCE.

(B) EQUITABLE RELIEF.

THE CIRCUIT COURT MAY GRANT ANY AVAILABLE EQUITABLE RELIEF.

REVISOR'S NOTE: This section formerly was SG § 15-808.

The only changes are in style.

Defined terms: “Ethics Commission” § 5–101
“Municipal corporation” § 5–101

5–813. RESERVED.

5–814. RESERVED.

PART III. LOCAL BOARDS OF EDUCATION.

5–815. SCOPE OF PART.

THIS PART GOVERNS THE CONFLICT OF INTEREST STANDARDS, FINANCIAL DISCLOSURE REQUIREMENTS, AND LOBBYING REGULATIONS OF SCHOOL SYSTEMS.

REVISOR’S NOTE: This section formerly was SG § 15–811.

The only changes are in style.

Defined terms: “Lobbying” § 5–801
“School system” § 5–101

5–816. CONFLICTS OF INTEREST.

(A) ADOPTION OF REGULATIONS.

IN ACCORDANCE WITH THIS SECTION, A SCHOOL BOARD:

(1) MAY ADOPT CONFLICT OF INTEREST REGULATIONS APPLICABLE TO OFFICIALS AND EMPLOYEES OF THE SCHOOL SYSTEM; AND

(2) SHALL ADOPT CONFLICT OF INTEREST REGULATIONS APPLICABLE TO MEMBERS OF THE SCHOOL BOARD.

(B) SIMILARITY TO STATE ETHICS LAW.

(1) THE CONFLICT OF INTEREST REGULATIONS ADOPTED BY A SCHOOL BOARD UNDER SUBSECTION (A)(1) OF THIS SECTION:

(I) SHALL BE SIMILAR TO THE PROVISIONS OF SUBTITLE 5 OF THIS TITLE; BUT

(II) MAY BE MODIFIED TO THE EXTENT NECESSARY TO MAKE THE REGULATIONS RELEVANT TO THE PREVENTION OF CONFLICTS OF INTEREST IN THAT SCHOOL SYSTEM.

(2) THE CONFLICT OF INTEREST REGULATIONS ADOPTED BY A SCHOOL BOARD UNDER SUBSECTION (A)(2) OF THIS SECTION:

(I) SHALL BE EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF SUBTITLE 5 OF THIS TITLE; BUT

(II) MAY BE MODIFIED TO THE EXTENT NECESSARY TO MAKE THE REGULATIONS RELEVANT TO THE PREVENTION OF CONFLICTS OF INTEREST IN THAT SCHOOL SYSTEM.

(C) APPLICABILITY OF COUNTY PROVISIONS.

UNLESS A SCHOOL BOARD ADOPTS AND MAINTAINS CONFLICT OF INTEREST REGULATIONS UNDER SUBSECTION (A)(1) OF THIS SECTION, THE PROVISIONS ENACTED BY THE COUNTY UNDER § 5-808 OF THIS SUBTITLE SHALL APPLY TO OFFICIALS AND EMPLOYEES OF THAT SCHOOL SYSTEM.

REVISOR'S NOTE: This section formerly was SG § 15-812.

The only changes are in style.

Defined terms: "County" § 1-107

"Employee" § 5-101

"Official" § 5-101

"School board" § 5-101

"School system" § 5-101

5-817. FINANCIAL DISCLOSURE.

(A) ADOPTION OF REGULATIONS.

(1) IN ACCORDANCE WITH THIS SECTION, A SCHOOL BOARD:

(I) MAY ADOPT FINANCIAL DISCLOSURE REGULATIONS APPLICABLE TO OFFICIALS AND EMPLOYEES OF THAT SCHOOL SYSTEM; AND

(II) SHALL ADOPT FINANCIAL DISCLOSURE REGULATIONS APPLICABLE TO MEMBERS OF THE SCHOOL BOARD.

(2) (I) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION SHALL APPLY TO:

1. THE SUPERINTENDENT OF THAT SCHOOL SYSTEM;
AND

2. THOSE OTHER OFFICIALS AND EMPLOYEES OF THAT SCHOOL SYSTEM DESIGNATED BY THE SCHOOL BOARD, SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH.

(II) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL APPLY TO:

1. EACH MEMBER OF THE SCHOOL BOARD; AND

2. IF THE SCHOOL BOARD IS AN ELECTED BOARD UNDER TITLE 3, SUBTITLE 1, PART III OF THE EDUCATION ARTICLE, EACH CANDIDATE FOR ELECTION TO THE SCHOOL BOARD.

(III) THE REGULATIONS MAY NOT APPLY TO A CLASSROOM TEACHER UNLESS THE TEACHER HAS ADDITIONAL DUTIES, NOT NORMALLY EXPECTED OF CLASSROOM TEACHERS, THAT CAUSE THE TEACHER FOR OTHER REASONS TO BE COVERED BY THE FINANCIAL DISCLOSURE REGULATIONS.

(B) SIMILARITY TO STATE ETHICS LAW.

(1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE REGULATIONS ADOPTED UNDER SUBSECTION (A)(1)(I) OF THIS SECTION:

(I) SHALL BE SIMILAR TO THE PROVISIONS OF SUBTITLE 6 OF THIS TITLE; BUT

(II) MAY BE MODIFIED TO THE EXTENT NECESSARY TO MAKE THE REGULATIONS RELEVANT TO THE PREVENTION OF CONFLICTS OF INTEREST IN THAT SCHOOL SYSTEM.

(2) THE REGULATIONS ADOPTED UNDER SUBSECTION (A)(1)(II) OF THIS SECTION:

(I) SHALL BE EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF SUBTITLE 6 OF THIS TITLE; BUT

(II) MAY BE MODIFIED TO THE EXTENT NECESSARY TO MAKE THE REGULATIONS RELEVANT TO THE PREVENTION OF CONFLICTS OF INTEREST IN THAT SCHOOL SYSTEM.

(C) MINIMUM STANDARDS.

(1) (I) THIS SECTION DOES NOT COMPEL A SCHOOL BOARD TO REQUIRE AN INDIVIDUAL TO FILE A FINANCIAL DISCLOSURE STATEMENT EXCEPT:

1. WHEN THE PERSONAL INTEREST OF THE INDIVIDUAL WILL PRESENT A POTENTIAL CONFLICT WITH THE PUBLIC INTEREST IN CONNECTION WITH AN ANTICIPATED PUBLIC ACTION OF THE INDIVIDUAL; AND

2. AT LEAST ANNUALLY TO REPORT ON GIFTS RECEIVED BY THE INDIVIDUAL.

(II) THE REGULATIONS ADOPTED UNDER SUBSECTION (A)(1)(I) OF THIS SECTION SHALL REQUIRE THAT A STATEMENT FILED UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH BE FILED SUFFICIENTLY IN ADVANCE OF THE PUBLIC ACTION TO PROVIDE ADEQUATE DISCLOSURE TO THE PUBLIC.

(2) THE REGULATIONS ADOPTED UNDER SUBSECTION (A)(1)(II) OF THIS SECTION SHALL REQUIRE THAT A STATEMENT FILED BY A MEMBER OF A SCHOOL BOARD BE FILED ON OR BEFORE APRIL 30 OF EACH YEAR.

(D) APPLICABILITY.

EXCEPT AS PROVIDED FOR A SCHOOL BOARD MEMBER UNDER THIS PART, UNLESS A SCHOOL BOARD ADOPTS AND MAINTAINS FINANCIAL DISCLOSURE REGULATIONS UNDER THIS SUBTITLE, THE PROVISIONS ENACTED BY THE COUNTY UNDER § 5-809 OF THIS SUBTITLE SHALL APPLY TO:

(1) THE SUPERINTENDENT OF THAT SCHOOL SYSTEM; AND

(2) THE OTHER OFFICIALS AND EMPLOYEES OF THE SCHOOL SYSTEM DESIGNATED BY THE GOVERNING BODY OF THAT COUNTY.

REVISOR'S NOTE: This section formerly was SG § 15-813.

In the introductory language of subsection (c) of this section, the word "section" is substituted for the former word "paragraph" to correct an apparent drafting error that occurred in Chapter 277 of the Acts of 2010.

In the introductory language of subsection (d) of this section, the reference to a “school board member” is substituted for the former reference to a “member of a board of education” to use the appropriate defined term.

The only other changes are in style.

Defined terms: “County” § 1–107

“Employee” § 5–101

“Gift” § 5–101

“Official” § 5–101

“School board” § 5–101

“School system” § 5–101

“Superintendent” § 5–101

5–818. LOBBYING.

(A) ADOPTION OF REGULATIONS.

IN ACCORDANCE WITH THIS SECTION, A SCHOOL BOARD MAY ADOPT REGULATIONS RELATING TO LOBBYING OF MEMBERS OF THE SCHOOL BOARD AND OF OFFICIALS AND EMPLOYEES OF THE SCHOOL SYSTEM.

(B) SIMILARITY TO STATE ETHICS LAW.

THE LOBBYING REGULATIONS ADOPTED BY A SCHOOL BOARD UNDER SUBSECTION (A) OF THIS SECTION:

(1) SHALL BE SUBSTANTIALLY SIMILAR TO THE PROVISIONS OF SUBTITLE 7 OF THIS TITLE; BUT

(2) (I) MAY BE MODIFIED TO THE EXTENT NECESSARY TO MAKE THE PROVISIONS RELEVANT TO THAT SCHOOL SYSTEM; AND

(II) MAY BE FURTHER MODIFIED TO THE EXTENT CONSIDERED NECESSARY AND APPROPRIATE BY AND FOR THAT SCHOOL SYSTEM.

(C) APPLICABILITY OF COUNTY PROVISIONS.

UNLESS A SCHOOL BOARD ADOPTS AND MAINTAINS LOBBYING REGULATIONS UNDER THIS SUBTITLE, THE PROVISIONS ENACTED BY THE

COUNTY UNDER § 5-810 OF THIS SUBTITLE SHALL APPLY TO THAT SCHOOL SYSTEM.

REVISOR'S NOTE: This section formerly was SG § 15-814.

The only changes are in style.

Defined terms: "County" § 1-107

"Employee" § 5-101

"Lobbying" § 5-801

"Official" § 5-101

"School board" § 5-101

"School system" § 5-101

5-819. APPROVAL OF REGULATIONS.

(A) SUBMISSION.

A SCHOOL BOARD SHALL SUBMIT REGULATIONS ADOPTED UNDER THIS PART, AND AMENDMENTS TO ADOPTED REGULATIONS, TO THE ETHICS COMMISSION FOR REVIEW AND APPROVAL OR DISAPPROVAL.

(B) APPROVAL AND EFFECTIVE DATE.

IF THE ETHICS COMMISSION DOES NOT DISAPPROVE A REGULATION OR AN AMENDMENT TO A REGULATION WITHIN 60 DAYS AFTER ITS SUBMISSION, THE REGULATION OR AMENDMENT IS DEEMED TO HAVE BEEN APPROVED AND BECOMES EFFECTIVE.

(C) DISAPPROVAL.

(1) THE ETHICS COMMISSION MAY DISAPPROVE A REGULATION OR AN AMENDMENT TO A REGULATION ONLY IF THE ETHICS COMMISSION FINDS THAT THE REGULATION OR AMENDMENT IS NOT IN SUBSTANTIAL COMPLIANCE WITH THIS PART.

(2) IF THE ETHICS COMMISSION DISAPPROVES A REGULATION OR AN AMENDMENT, THE ETHICS COMMISSION SHALL PROMPTLY NOTIFY THE SCHOOL BOARD OF THE ACTION.

(D) ASSISTANCE FROM ETHICS COMMISSION.

ON REQUEST OF A SCHOOL BOARD, THE ETHICS COMMISSION SHALL ADVISE AND ASSIST THE SCHOOL BOARD IN PREPARING REGULATIONS THAT COMPLY WITH THIS TITLE.

REVISOR'S NOTE: This section formerly was SG § 15–815.

The only changes are in style.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that subsection (c)(1) of this section refers to regulations not being in compliance with this “part”, while subsection (d) of this section refers to regulations that comply with this “title”. It is not known by the committee if the references were meant to be different or if the intent was for them to be identical. If the General Assembly believes the latter to be true, one of the references should be amended accordingly.

Defined terms: “Ethics Commission” § 5–101

“School board” § 5–101

5–820. RESERVED.

5–821. RESERVED.

PART IV. PUBLIC ETHICS FOR BICOUNTY COMMISSIONS.

5–822. “COMMISSIONER” DEFINED.

IN THIS PART, “COMMISSIONER” MEANS A COMMISSIONER OF A BICOUNTY COMMISSION.

REVISOR'S NOTE: This section formerly was SG § 15–818.

The only changes are in style.

Defined term: “Bicounty commission” § 5–101

5–823. ADOPTION OF CONFLICT OF INTEREST REGULATIONS.

(A) IN GENERAL.

EACH BICOUNTY COMMISSION SHALL ADOPT REGULATIONS RELATING TO CONFLICTS OF INTEREST OF ITS EMPLOYEES.

(B) SIMILARITY TO STATE ETHICS LAW.

AT A MINIMUM, THE CONFLICT OF INTEREST STANDARDS APPLICABLE TO PUBLIC OFFICIALS UNDER SUBTITLE 5 OF THIS TITLE SHALL APPLY TO THE EMPLOYEES OF EACH BICOUNTY COMMISSION.

(C) COPY TO ETHICS COMMISSION.

EACH BICOUNTY COMMISSION SHALL FILE WITH THE ETHICS COMMISSION A COPY OF ITS REGULATIONS RELATING TO CONFLICTS OF INTEREST.

(D) ANNUAL REPORT.

EACH BICOUNTY COMMISSION SHALL:

(1) PREPARE AN ANNUAL REPORT ON ITS CONFLICT OF INTEREST ISSUES AND REGULATIONS DURING THE YEAR COVERED; AND

(2) SUBMIT THE REPORT TO THE GOVERNING BODY OF EACH COUNTY IN WHICH THE BICOUNTY COMMISSION OPERATES.

REVISOR'S NOTE: This section formerly was SG § 15-819.

In subsection (d)(2) of this section, the word "operates" is substituted for the former phrase "conducts its operations" for brevity.

No other changes are made.

Defined terms: "Bicounty commission" § 5-101

"Employee" § 5-101

"Ethics Commission" § 5-101

"Public official" § 5-101

5-824. FINANCIAL DISCLOSURE BY COMMISSIONERS.

(A) APPLICABILITY TO WASHINGTON SUBURBAN TRANSIT COMMISSION.

IN THIS SECTION, AS TO THE WASHINGTON SUBURBAN TRANSIT COMMISSION, "COMMISSIONER" INCLUDES THE MEMBERS APPOINTED FROM MONTGOMERY COUNTY OR PRINCE GEORGE'S COUNTY AND THE MEMBERS APPOINTED BY THE GOVERNOR.

(B) IN GENERAL.

(1) EACH COMMISSIONER AND EACH APPLICANT FOR APPOINTMENT TO A BICOUNTY COMMISSION SHALL FILE THE FINANCIAL DISCLOSURE STATEMENT REQUIRED BY § 5-601(A) OF THIS TITLE, EXCEPT THAT:

(I) REFERENCES TO “BUSINESS WITH THE STATE” ARE DEEMED TO REFER TO “BUSINESS WITH THE STATE, THE APPROPRIATE BICOUNTY COMMISSION, MONTGOMERY COUNTY, OR PRINCE GEORGE’S COUNTY”; AND

(II) REFERENCES TO “EMPLOYED BY THE STATE” ARE DEEMED TO REFER TO “EMPLOYED BY THE STATE, THE APPROPRIATE BICOUNTY COMMISSION, MONTGOMERY COUNTY, OR PRINCE GEORGE’S COUNTY”.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE STATEMENT SHALL BE FILED AS REQUIRED IN § 5-602 OF THIS TITLE.

(C) FORMS TO BE PROVIDED.

THE EXECUTIVE DIRECTOR OF A BICOUNTY COMMISSION SHALL:

(1) PROVIDE FORMS FOR THE STATEMENTS REQUIRED BY THIS SECTION;

(2) MAKE THE FORMS AVAILABLE IN THE OFFICE OF THE EXECUTIVE DIRECTOR; AND

(3) PROVIDE ENOUGH FORMS TO THE CHIEF ADMINISTRATIVE OFFICERS OF MONTGOMERY COUNTY AND PRINCE GEORGE’S COUNTY FOR USE BY APPLICANTS AND COMMISSIONERS.

(D) PLACE OF FILING.

(1) EACH COMMISSIONER SHALL FILE THE STATEMENT WITH THE CHIEF ADMINISTRATIVE OFFICER OF THE COUNTY FROM WHICH THE COMMISSIONER IS APPOINTED.

(2) COMMISSIONERS OF THE WASHINGTON SUBURBAN TRANSIT COMMISSION ALSO SHALL FILE A FINANCIAL DISCLOSURE STATEMENT WITH THE ETHICS COMMISSION.

(E) WASHINGTON SUBURBAN TRANSIT COMMISSION — ALTERNATE FILING.

(1) IF A COMMISSIONER OF THE WASHINGTON SUBURBAN TRANSIT COMMISSION HOLDS ANOTHER PUBLIC OFFICE AND IS REQUIRED TO FILE A FINANCIAL DISCLOSURE STATEMENT UNDER ANOTHER STATE OR LOCAL LAW, THE COMMISSIONER MAY COMPLY WITH SUBSECTION (B) OF THIS SECTION BY SUBMITTING A COPY OF THE STATEMENT FILED IN ACCORDANCE WITH THE OTHER LAW.

(2) THE STATEMENT SHALL BE SUPPLEMENTED TO INCLUDE ANY ADDITIONAL INFORMATION REQUIRED BY THIS SECTION.

REVISOR'S NOTE: This section formerly was SG § 15–820.

In subsection (c)(3) of this section, the reference to “enough” forms is substituted for the former reference to “a sufficient number of” forms for brevity.

The only other changes are in style.

Defined terms: “Bicounty commission” § 5–101

“Commissioner” § 5–822

“Ethics Commission” § 5–101

“Includes” § 1–110

“State” § 1–115

5–825. FINANCIAL DISCLOSURE BY COMMISSIONERS — APPLICANTS.

(A) IN GENERAL.

AN APPLICANT FOR APPOINTMENT AS COMMISSIONER SHALL FILE THE FINANCIAL DISCLOSURE STATEMENT REQUIRED BY THIS PART IN ACCORDANCE WITH THIS SECTION.

(B) PLACE OF FILING.

THE STATEMENT SHALL BE FILED WITH THE COUNTY COUNCIL AND THE CHIEF ADMINISTRATIVE OFFICER OF THE COUNTY FROM WHICH THE APPLICANT SEEKS APPOINTMENT.

(C) MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION APPLICANTS.

(1) (I) IN MONTGOMERY COUNTY, AN APPLICANT FOR APPOINTMENT OR REAPPOINTMENT TO THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION SHALL FILE THE STATEMENT AT LEAST 5 DAYS BEFORE THE INTERVIEW CONDUCTED UNDER § 15–104 OF THE LAND USE ARTICLE.

(II) THE STATEMENT SHALL COVER THE 12–MONTH PERIOD ENDING 60 DAYS BEFORE THE DAY THE STATEMENT IS FILED.

(2) (I) IN PRINCE GEORGE’S COUNTY, AN APPLICANT FOR APPOINTMENT TO THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION SHALL FILE THE STATEMENT AT LEAST 5 DAYS BEFORE THE CONFIRMATION HEARING CONDUCTED UNDER § 15–103 OF THE LAND USE ARTICLE.

(II) THE STATEMENT SHALL COVER THE 12–MONTH PERIOD ENDING 60 DAYS BEFORE THE INITIAL DATE SET FOR THE CONFIRMATION HEARING.

(D) WASHINGTON SUBURBAN SANITARY COMMISSION APPLICANTS.

(1) AN APPLICANT FOR APPOINTMENT TO THE WASHINGTON SUBURBAN SANITARY COMMISSION SHALL FILE THE STATEMENT AT LEAST 5 DAYS BEFORE THE INTERVIEW CONDUCTED UNDER § 17–103 OF THE PUBLIC UTILITIES ARTICLE.

(2) THE STATEMENT SHALL COVER THE 12–MONTH PERIOD ENDING 60 DAYS BEFORE THE DAY THE STATEMENT IS FILED.

(E) WASHINGTON SUBURBAN TRANSIT COMMISSION APPLICANTS.

(1) AN APPLICANT FOR APPOINTMENT TO THE WASHINGTON SUBURBAN TRANSIT COMMISSION SHALL FILE THE STATEMENT AT LEAST 10 DAYS BEFORE THE APPOINTMENT BECOMES EFFECTIVE.

(2) THE STATEMENT SHALL COVER THE 12–MONTH PERIOD ENDING NOT MORE THAN 60 DAYS BEFORE THE DAY THE STATEMENT IS FILED.

REVISOR’S NOTE: This section formerly was SG § 15–821.

The only changes are in style.

Defined term: “Commissioner” § 5–822

5-826. TRANSMITTAL AND RETENTION OF FINANCIAL DISCLOSURE STATEMENTS.**(A) TRANSMITTAL OF STATEMENTS.**

THE CHIEF ADMINISTRATIVE OFFICER OF A COUNTY SHALL TRANSMIT EACH FINANCIAL DISCLOSURE STATEMENT OF A COMMISSIONER OR APPOINTED APPLICANT TO:

- (1) THE ETHICS COMMISSION; AND**
- (2) THE EXECUTIVE DIRECTOR OF THE APPROPRIATE BICOUNTY COMMISSION.**

(B) RETENTION OF STATEMENTS.

THE EXECUTIVE DIRECTOR AND THE CHIEF ADMINISTRATIVE OFFICER SHALL RETAIN THE STATEMENT FOR THE ENTIRE TERM OF OFFICE OF THE COMMISSIONER.

(C) STATEMENTS OF APPLICANTS NOT APPOINTED.

WITHIN 15 DAYS AFTER AN APPOINTMENT TO A BICOUNTY COMMISSION HAS BECOME FINAL, THE COUNTY COUNCIL AND THE CHIEF ADMINISTRATIVE OFFICER OF THE COUNTY INVOLVED SHALL RETURN TO EACH APPLICANT WHO IS NOT APPOINTED THE ORIGINAL AND ALL COPIES OF THE STATEMENT SUBMITTED BY THAT APPLICANT.

REVISOR'S NOTE: This section formerly was SG § 15-822.

In the introductory language of subsection (a) of this section, the reference to each "financial disclosure" statement is added for clarity.

No other changes are made.

Defined terms: "Bicounty commission" § 5-101

"Commissioner" § 5-822

"Ethics Commission" § 5-101

5-827. EXAMINATION AND COPYING OF FINANCIAL DISCLOSURE STATEMENTS.**(A) PUBLIC INSPECTION.**

THE ETHICS COMMISSION, THE EXECUTIVE DIRECTOR OF EACH BICOUNTY COMMISSION, AND THE CHIEF ADMINISTRATIVE OFFICER OF EACH COUNTY:

(1) SHALL MAINTAIN FINANCIAL DISCLOSURE STATEMENTS OF COMMISSIONERS AND APPOINTED APPLICANTS RECEIVED UNDER THIS PART;

(2) SHALL MAKE THE STATEMENTS AVAILABLE TO THE PUBLIC FOR EXAMINATION AND COPYING DURING NORMAL OFFICE HOURS; AND

(3) MAY CHARGE A REASONABLE FEE AND ADOPT REASONABLE ADMINISTRATIVE PROCEDURES FOR THE EXAMINATION AND COPYING OF A STATEMENT.

(B) INFORMATION ABOUT EXAMINING OR COPYING STATEMENTS.

THE ETHICS COMMISSION, THE EXECUTIVE DIRECTOR OF EACH BICOUNTY COMMISSION, AND THE CHIEF ADMINISTRATIVE OFFICER OF EACH COUNTY SHALL REQUIRE THAT ANY PERSON EXAMINING OR COPYING A STATEMENT SHALL RECORD:

(1) THE PERSON’S NAME AND HOME ADDRESS; AND

(2) THE NAME OF THE INDIVIDUAL WHOSE STATEMENT WAS EXAMINED OR COPIED.

REVISOR’S NOTE: This section formerly was SG § 15–823.

In subsection (a)(1) of this section, the reference to “financial disclosure” statements is added for clarity.

The only other changes are in style.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that although this section requires any person examining or copying a financial statement to record the person’s name and home address and the name of the individual whose statement was examined or copied, it is not clear where the information is to be recorded. The General Assembly may wish to amend this section to clarify where the names and addresses are to be recorded.

Defined terms: “Bicounty commission” § 5–101

“Commissioner” § 5–822

“Ethics Commission” § 5–101

“Person” § 1–114

5-828. SUSPENSION OF COMPENSATION.

IF A MANDATORY INJUNCTION IS ISSUED AGAINST A COMMISSIONER UNDER SUBTITLE 9 OF THIS TITLE, THE APPROPRIATE BICOUNTY COMMISSION SHALL SUSPEND PAYMENT OF ANY SALARY OR OTHER COMPENSATION TO THE COMMISSIONER UNTIL THE COMMISSIONER COMPLIES FULLY WITH THE INJUNCTION.

REVISOR'S NOTE: This section formerly was SG § 15-824.

The phrase "until the commissioner complies fully with the injunction" is substituted for the former phrase "pending full compliance with the terms of the injunction" for clarity.

The only other changes are in style.

Defined terms: "Bicounty commission" § 5-101

"Commissioner" § 5-822

"Compensation" § 5-101

5-829. FINANCIAL DISCLOSURE BY EMPLOYEES.**(A) IN GENERAL.**

EACH BICOUNTY COMMISSION SHALL ADOPT REGULATIONS RELATING TO FINANCIAL DISCLOSURE BY ITS EMPLOYEES.

(B) SIMILARITY TO STATE STANDARDS.

THE REGULATIONS REQUIRED BY THIS SECTION:

(1) SHALL BE SUBSTANTIALLY SIMILAR TO THE STATE FINANCIAL DISCLOSURE PROVISIONS OF SUBTITLE 6 OF THIS TITLE; AND

(2) MAY NOT CONFLICT WITH THE FINANCIAL DISCLOSURE PROVISIONS FOR COMMISSIONERS AND APPLICANTS SPECIFIED IN §§ 5-824 THROUGH 5-828 OF THIS SUBTITLE.

(C) COPY TO ETHICS COMMISSION AND COUNTY GOVERNING BODY.

EACH BICOUNTY COMMISSION SHALL SUBMIT THE REGULATIONS ADOPTED UNDER THIS SECTION, AND ANY AMENDMENTS TO THE REGULATIONS, TO:

(1) THE ETHICS COMMISSION; AND

(2) THE GOVERNING BODY OF EACH COUNTY IN WHICH THE BICOUNTY COMMISSION OPERATES.

REVISOR'S NOTE: This section formerly was SG § 15–825.

In subsection (c)(2) of this section, the word “operates” is substituted for the former phrase “conducts its operations” for brevity.

The only other changes are in style.

Defined terms: “Bicounty commission” § 5–101

“Commissioner” § 5–822

“Employee” § 5–101

“Ethics Commission” § 5–101

“State” § 1–115

5–830. LOBBYING REGULATIONS FOR BICOUNTY COMMISSIONS.

(A) IN GENERAL.

EACH BICOUNTY COMMISSION SHALL ADOPT REGULATIONS RELATING TO LOBBYING OF THAT BICOUNTY COMMISSION.

(B) SIMILARITY TO STATE STANDARDS.

AT A MINIMUM, THE REGULATIONS ADOPTED BY A BICOUNTY COMMISSION SHALL BE SIMILAR TO THE PROVISIONS OF SUBTITLE 7 OF THIS TITLE.

(C) COPY TO ETHICS COMMISSION.

EACH BICOUNTY COMMISSION SHALL SUBMIT TO THE ETHICS COMMISSION A COPY OF ITS REGULATIONS RELATING TO LOBBYING.

(D) ANNUAL REPORT.

EACH BICOUNTY COMMISSION SHALL:

(1) PREPARE AN ANNUAL REPORT ON THE LOBBYING BEFORE THE BICOUNTY COMMISSION AND REGULATION OF THAT LOBBYING BY THE BICOUNTY COMMISSION; AND

(2) SUBMIT THE REPORT TO THE GOVERNING BODY OF EACH COUNTY IN WHICH THE BICOUNTY COMMISSION OPERATES.

REVISOR'S NOTE: This section formerly was SG § 15–826.

In subsection (d)(2) of this section, the word “operates” is substituted for the former phrase “conducts its operations” for brevity.

No other changes are made.

Defined terms: “Bicounty commission” § 5–101

“Ethics Commission” § 5–101

“Lobbying” § 5–801

5–831. RESERVED.

5–832. RESERVED.

PART V. REGIONAL DISTRICT — SPECIAL PROVISIONS FOR PRINCE GEORGE'S COUNTY.

5–833. DEFINITIONS.

(A) IN GENERAL.

IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was SG § 15–829(a).

The only changes are in style.

(B) AGENT.

(1) “AGENT” MEANS AN INDIVIDUAL OR A BUSINESS ENTITY HIRED OR RETAINED BY AN APPLICANT FOR ANY PURPOSE RELATING TO THE LAND THAT IS THE SUBJECT OF AN APPLICATION IF THE INDIVIDUAL OR BUSINESS ENTITY IS:

(I) AN ACCOUNTANT;

(II) AN ATTORNEY;

(III) AN ARCHITECT;

- (IV) AN ENGINEER;
- (V) A LAND USE CONSULTANT;
- (VI) AN ECONOMIC CONSULTANT;
- (VII) A REAL ESTATE AGENT;
- (VIII) A REAL ESTATE BROKER;
- (IX) A TRAFFIC CONSULTANT; OR
- (X) A TRAFFIC ENGINEER.

(2) “AGENT” INCLUDES:

(I) AS TO A CORPORATION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, ITS OFFICERS, DIRECTORS, AND MAJORITY STOCKHOLDERS WHO ARE ENGAGED IN SUBSTANTIVE ACTIVITIES PERTAINING SPECIFICALLY TO LAND DEVELOPMENT IN PRINCE GEORGE’S COUNTY AS A REGULAR PART OF THEIR ONGOING BUSINESS ACTIVITIES;

(II) AS TO A PARTNERSHIP OR LIMITED PARTNERSHIP DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, ITS GENERAL PARTNERS AND LIMITED PARTNERS WHO ARE ENGAGED IN SUBSTANTIVE ACTIVITIES PERTAINING SPECIFICALLY TO LAND DEVELOPMENT IN PRINCE GEORGE’S COUNTY AS A REGULAR PART OF THEIR ONGOING BUSINESS ACTIVITIES; AND

(III) AS TO A JOINT VENTURE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE PRINCIPAL MEMBERS OF THE JOINT VENTURE WHO ARE ENGAGED IN SUBSTANTIVE ACTIVITIES PERTAINING SPECIFICALLY TO LAND DEVELOPMENT IN PRINCE GEORGE’S COUNTY AS A REGULAR PART OF THEIR ONGOING BUSINESS ACTIVITIES.

REVISOR’S NOTE: This subsection formerly was SG § 15–829(b).

The only changes are in style.

Defined terms: “Applicant” § 5–833

“Application” § 5–833

“Business entity” § 5–833

“Includes” § 1–110

(C) APPLICANT.

(1) "APPLICANT" MEANS AN INDIVIDUAL OR A BUSINESS ENTITY THAT IS:

(I) A TITLE OWNER OR CONTRACT PURCHASER OF LAND THAT IS THE SUBJECT OF AN APPLICATION;

(II) A TRUSTEE THAT HAS AN INTEREST IN LAND THAT IS THE SUBJECT OF AN APPLICATION, EXCLUDING A TRUSTEE DESCRIBED IN A MORTGAGE OR DEED OF TRUST; OR

(III) A HOLDER OF AT LEAST A 5% INTEREST IN A BUSINESS ENTITY THAT HAS AN INTEREST IN LAND THAT IS THE SUBJECT OF AN APPLICATION BUT ONLY IF:

1. THE HOLDER OF AT LEAST A 5% INTEREST HAS SUBSTANTIVE INVOLVEMENT IN DIRECTING THE AFFAIRS OF THE BUSINESS ENTITY WITH AN INTEREST IN THE LAND THAT IS THE SUBJECT OF AN APPLICATION WITH SPECIFIC REGARD TO THE DISPOSITION OF THAT LAND; OR

2. THE HOLDER OF AT LEAST A 5% INTEREST IS ENGAGED IN SUBSTANTIVE ACTIVITIES SPECIFICALLY PERTAINING TO LAND DEVELOPMENT IN PRINCE GEORGE'S COUNTY AS A REGULAR PART OF THE BUSINESS ENTITY'S ONGOING BUSINESS ACTIVITIES.

(2) "APPLICANT" INCLUDES:

(I) ANY BUSINESS ENTITY IN WHICH A PERSON DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION HOLDS AT LEAST A 5% INTEREST; AND

(II) THE DIRECTORS AND OFFICERS 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 IMPROVEMENTS ON ANY LAND THAT IS THE SUBJECT OF AN APPLICATION;

(II) A MUNICIPAL CORPORATION OR PUBLIC CORPORATION;

(III) A PUBLIC AUTHORITY;

(IV) A PUBLIC UTILITY REGULATED BY THE PUBLIC SERVICE COMMISSION IN ANY INSTANCE WHERE THE UTILITY IS ENGAGED IN OR CONDUCTING REGULATED ACTIVITIES THAT HAVE BEEN APPROVED BY THE PUBLIC SERVICE COMMISSION OR ARE ALLOWED UNDER DIVISION I OF THE PUBLIC UTILITIES ARTICLE; OR

(V) THE DIRECTORS AND OFFICERS OF ANY ENTITY THAT DOES NOT HOLD TITLE TO THE LAND, OR IS NOT THE CONTRACT PURCHASER OF THE LAND, THAT IS THE SUBJECT OF AN APPLICATION.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former SG § 15-829(c).

In paragraph (1)(iii)1 of this subsection, the former reference to the disposition of the land "which is the subject of the application" is deleted as surplusage.

In paragraph (3)(i) of this subsection, the former reference to a "bank, savings and loan institution, or other" financial institution is deleted as included in the reference to a "financial institution".

Defined terms: "Application" § 5-833

"Business entity" § 5-833

"Entity" § 5-101

"Includes" § 1-110

"Interest" § 5-101

"Municipal corporation" § 5-101

"Person" § 1-114

(D) APPLICATION.

"APPLICATION" MEANS:

(1) AN APPLICATION FOR:

(I) A ZONING MAP AMENDMENT;

(II) A SPECIAL EXCEPTION;

(III) A DEPARTURE FROM DESIGN STANDARDS;

(IV) A REVISION TO A SPECIAL EXCEPTION SITE PLAN;

- (V) AN EXPANSION OF A LEGAL NONCONFORMING USE;
 - (VI) A REVISION TO A LEGAL NONCONFORMING USE SITE PLAN; OR
 - (VII) A REQUEST FOR A VARIANCE FROM THE ZONING ORDINANCE;
- (2) AN APPLICATION TO APPROVE:
- (I) A COMPREHENSIVE DESIGN PLAN;
 - (II) A CONCEPTUAL SITE PLAN; OR
 - (III) A SPECIFIC DESIGN PLAN; OR
- (3) PARTICIPATION IN ADOPTING AND APPROVING AN AREA MASTER PLAN OR SECTIONAL MAP AMENDMENT BY APPEARANCE AT A PUBLIC HEARING, FILING A STATEMENT IN THE OFFICIAL RECORD, OR OTHER SIMILAR COMMUNICATION TO A MEMBER OF THE COUNTY COUNCIL OR THE PLANNING BOARD, WHERE THE INTENT IS TO INTENSIFY THE ZONING CATEGORY APPLICABLE TO THE LAND OF THE APPLICANT.

REVISOR'S NOTE: This subsection formerly was SG § 15-829(d).

The only changes are in style.

Defined terms: "Applicant" § 5-833
 "County Council" § 5-833

(E) BUSINESS ENTITY.

"BUSINESS ENTITY" MEANS:

- (1) A CORPORATION;
- (2) A GENERAL PARTNERSHIP;
- (3) A JOINT VENTURE;
- (4) A LIMITED LIABILITY COMPANY;
- (5) A LIMITED PARTNERSHIP; OR

(6) A SOLE PROPRIETORSHIP.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former SG § 15–829(e).

(F) CANDIDATE.

“CANDIDATE” MEANS A CANDIDATE FOR ELECTION TO THE COUNTY COUNCIL WHO BECOMES A MEMBER.

REVISOR'S NOTE: This subsection formerly was SG § 15–829(f).

No changes are made.

Defined terms: “County Council” § 5–833
“Member” § 5–833

(G) CONTINUING POLITICAL COMMITTEE.

“CONTINUING POLITICAL COMMITTEE” MEANS A COMMITTEE SPECIFICALLY CREATED TO PROMOTE THE CANDIDACY OF A MEMBER RUNNING FOR ANY ELECTIVE OFFICE.

REVISOR'S NOTE: This subsection formerly was SG § 15–829(g).

No changes are made.

Defined term: “Member” § 5–833

(H) CONTRIBUTOR.

“CONTRIBUTOR” MEANS A PERSON OR BUSINESS ENTITY THAT MAKES A PAYMENT.

REVISOR'S NOTE: This subsection formerly was SG § 15–829(h).

No changes are made.

Defined terms: “Business entity” § 5–833
“Payment” § 5–833
“Person” § 1–114

(I) COUNTY COUNCIL.

“COUNTY COUNCIL” MEANS THE COUNTY COUNCIL OF PRINCE GEORGE’S COUNTY.

REVISOR’S NOTE: This subsection formerly was SG § 15–829(i).

No changes are made.

(J) COUNTY EXECUTIVE.

“COUNTY EXECUTIVE” MEANS THE COUNTY EXECUTIVE OF PRINCE GEORGE’S COUNTY.

REVISOR’S NOTE: This subsection formerly was SG § 15–829(j).

No changes are made.

(K) DISTRICT COUNCIL.

“DISTRICT COUNCIL” MEANS THE COUNTY COUNCIL OF PRINCE GEORGE’S COUNTY SITTING AS THE DISTRICT COUNCIL FOR THE PRINCE GEORGE’S COUNTY PORTION OF THE MARYLAND–WASHINGTON REGIONAL DISTRICT.

REVISOR’S NOTE: This subsection formerly was SG § 15–829(k).

No changes are made.

Defined term: “County Council” § 5–833

(L) MEMBER.

“MEMBER” INCLUDES ANY CANDIDATE OR PERSON DULY ELECTED OR APPOINTED WHO TAKES THE OATH OF OFFICE AS A MEMBER OF THE COUNTY COUNCIL FOR PRINCE GEORGE’S COUNTY AND WHO THEREBY SERVES ON THE DISTRICT COUNCIL.

REVISOR’S NOTE: This subsection formerly was SG § 15–829(l).

The former reference to a member “of the County Council” is deleted as surplusage. Most instances of the term in the former law used only “member”.

No other changes are made.

Defined terms: “Candidate” § 5–833

“County Council” § 5–833

“District Council” § 5–833

“Includes” § 1–110

“Person” § 1–114

(M) PAYMENT.

“PAYMENT” MEANS A PAYMENT OR CONTRIBUTION OF MONEY OR PROPERTY OR THE INCURRING OF A LIABILITY OR PROMISE OF ANYTHING OF VALUE TO A TREASURER OF A CANDIDATE, A CANDIDATE’S CONTINUING POLITICAL COMMITTEE, OR A SLATE TO WHICH THE CANDIDATE BELONGS.

REVISOR’S NOTE: This subsection formerly was SG § 15–829(m).

The only changes are in style.

Defined terms: “Candidate” § 5–833

“Continuing political committee” § 5–833

“Slate” § 5–833

“Treasurer” § 5–833

(N) PENDENCY OF THE APPLICATION.

(1) “PENDENCY OF THE APPLICATION” MEANS THE TIME BETWEEN THE ACCEPTANCE OF A FILING OF AN APPLICATION BY THE APPROPRIATE AGENCY AND EXPIRATION OF THE TIME UNDER WHICH AN APPEAL ON THE APPLICATION MAY BE TAKEN.

(2) “PENDENCY OF THE APPLICATION” DOES NOT INCLUDE A PERIOD DURING WHICH:

(I) ACTION ON THE APPLICATION IS UNDER JUDICIAL REVIEW; OR

(II) JUDICIAL REVIEW MAY BE REQUESTED.

REVISOR’S NOTE: This subsection formerly was SG § 15–829(n).

In paragraph (1) of this subsection, the former phrase “, subject to paragraph (2) of this subsection,” is deleted as surplusage.

No other changes are made.

Defined term: “Application” § 5–833

(O) POLITICAL ACTION COMMITTEE.

“POLITICAL ACTION COMMITTEE” MEANS A POLITICAL COMMITTEE THAT IS NOT:

(1) A POLITICAL PARTY;

(2) A CENTRAL COMMITTEE;

(3) A SLATE; OR

(4) A POLITICAL COMMITTEE ORGANIZED AND OPERATED BY, AND SOLELY ON BEHALF OF, AN INDIVIDUAL RUNNING FOR ANY ELECTIVE OFFICE OR A SLATE.

REVISOR'S NOTE: This subsection formerly was SG § 15–829(o).

No changes are made.

Defined term: “Slate” § 5–833

(P) SLATE.

“SLATE” MEANS A GROUP, COMBINATION, OR ORGANIZATION OF CANDIDATES CREATED UNDER THE ELECTION LAW ARTICLE.

REVISOR'S NOTE: This subsection formerly was SG § 15–829(p).

The only changes are in style.

Defined term: “Candidate” § 5–833

(Q) TREASURER.

(1) “TREASURER” HAS THE MEANING STATED IN § 1–101 OF THE ELECTION LAW ARTICLE.

(2) “TREASURER” INCLUDES A SUBTREASURER.

REVISOR'S NOTE: This subsection formerly was SG § 15–829(q).

The only changes are in style.

Defined term: “Includes” § 1–110

5-834. POWERS ENUMERATED IN LAND USE ARTICLE.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROVISIONS OF DIVISION II OF THE LAND USE ARTICLE AFFECTING THAT PART OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY SHALL BE CARRIED OUT IN ACCORDANCE WITH THIS PART.

REVISOR'S NOTE: This section formerly was SG § 15-830.

The only changes are in style.

5-835. APPLICATIONS.**(A) PROHIBITED PAYMENTS.**

AN APPLICANT OR AGENT OF THE APPLICANT MAY NOT MAKE A PAYMENT TO A MEMBER OR THE COUNTY EXECUTIVE, OR A SLATE THAT INCLUDES A MEMBER OR THE COUNTY EXECUTIVE, DURING THE PENDENCY OF THE APPLICATION.

(B) PARTICIPATION IN PROCEEDINGS; PAYMENTS DURING PRECEDING 36-MONTH PERIOD.

(1) AFTER AN APPLICATION HAS BEEN FILED, A MEMBER MAY NOT VOTE OR PARTICIPATE IN ANY WAY IN THE PROCEEDING ON THE APPLICATION IF THE MEMBER'S TREASURER OR CONTINUING POLITICAL COMMITTEE, OR A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 36-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, RECEIVED A PAYMENT DURING THE 36-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION OR DURING THE PENDENCY OF THE APPLICATION FROM ANY OF THE APPLICANTS OR THE AGENTS OF THE APPLICANTS.

(2) A MEMBER IS NOT SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION IF:

(I) A TRANSFER TO THE MEMBER'S TREASURER, A CONTINUING POLITICAL COMMITTEE, OR A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 36-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION WAS MADE BY A POLITICAL ACTION COMMITTEE TO WHICH AN APPLICANT OR AGENT HAD MADE A PAYMENT;

(II) THE APPLICANT OR AGENT MADE THE PAYMENT TO THE POLITICAL ACTION COMMITTEE WITHOUT ANY INTENT TO SUBVERT THE PURPOSES OF THIS SUBTITLE;

(III) THE APPLICANT'S OR AGENT'S PAYMENT TO THE POLITICAL ACTION COMMITTEE, AND THE POLITICAL ACTION COMMITTEE'S TRANSFER, ARE DISCLOSED IN AN AFFIDAVIT; AND

(IV) THE TRANSFER IS RETURNED TO THE POLITICAL ACTION COMMITTEE BY THE MEMBER, OR THE PAYMENT IS RETURNED TO THE APPLICANT OR AGENT BY THE POLITICAL ACTION COMMITTEE.

(C) AFFIDAVIT BY APPLICANT.

(1) AFTER AN APPLICATION IS FILED, THE APPLICANT SHALL FILE AN AFFIDAVIT UNDER OATH:

(I) 1. STATING TO THE BEST OF THE APPLICANT'S INFORMATION, KNOWLEDGE, AND BELIEF THAT DURING THE 36-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION AND DURING THE PENDENCY OF THE APPLICATION, THE APPLICANT HAS NOT MADE ANY PAYMENT TO A MEMBER'S TREASURER, A MEMBER'S CONTINUING POLITICAL COMMITTEE, OR A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 36-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION; OR

2. IF ANY SUCH PAYMENT WAS MADE, DISCLOSING THE NAME OF THE MEMBER TO WHOSE TREASURER OR CONTINUING POLITICAL COMMITTEE, OR SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 36-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, THE PAYMENT WAS MADE;

(II) 1. STATING TO THE BEST OF THE APPLICANT'S INFORMATION, KNOWLEDGE, AND BELIEF THAT DURING THE 36-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION AND DURING THE PENDENCY OF THE APPLICATION, THE APPLICANT HAS NOT SOLICITED ANY PERSON OR BUSINESS ENTITY TO MAKE A PAYMENT TO A MEMBER'S TREASURER, A MEMBER'S CONTINUING POLITICAL COMMITTEE, OR A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 36-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION; OR

2. IF ANY SUCH SOLICITED PAYMENT WAS MADE, DISCLOSING THE NAME OF THE MEMBER TO WHOSE TREASURER OR CONTINUING POLITICAL COMMITTEE, OR SLATE TO WHICH THE MEMBER

BELONGS OR BELONGED DURING THE 36-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, THE PAYMENT WAS MADE; AND

(III) 1. STATING TO THE BEST OF THE APPLICANT'S INFORMATION, KNOWLEDGE, AND BELIEF THAT DURING THE 36-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION AND DURING THE PENDENCY OF THE APPLICATION, A MEMBER OF THE APPLICANT'S HOUSEHOLD HAS NOT MADE A PAYMENT TO A MEMBER'S TREASURER, A MEMBER'S CONTINUING POLITICAL COMMITTEE, OR A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 36-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION; OR

2. IF ANY SUCH PAYMENT WAS MADE, DISCLOSING THE NAME OF THE MEMBER TO WHOSE TREASURER OR CONTINUING POLITICAL COMMITTEE, OR SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 36-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION, THE PAYMENT WAS MADE.

(2) THE AFFIDAVIT SHALL BE FILED AT LEAST 30 CALENDAR DAYS BEFORE CONSIDERATION OF THE APPLICATION BY THE DISTRICT COUNCIL.

(3) A SUPPLEMENTAL AFFIDAVIT SHALL BE FILED WHENEVER A PAYMENT IS MADE AFTER THE ORIGINAL AFFIDAVIT WAS FILED.

(4) (I) AN APPLICANT IS NOT REQUIRED TO MAKE ANY REPRESENTATIONS IN THE AFFIDAVIT PERTAINING TO THE ACTIONS OF ANYONE OTHER THAN THAT APPLICANT.

(II) ANYONE WITH AUTHORITY TO ACT ON BEHALF OF AND BIND A BUSINESS ENTITY MAY EXECUTE AN AFFIDAVIT ON BEHALF OF THE BUSINESS ENTITY.

(5) THE ONLY DISCLOSURES REQUIRED UNDER THE AFFIDAVIT ARE THOSE INVOLVING INDIVIDUALS OR BUSINESS ENTITIES THAT WOULD BE SUBJECT TO THIS SUBTITLE.

(D) AFFIDAVIT BY AGENT.

(1) AN AGENT SHALL FILE AN AFFIDAVIT IN AN APPLICATION ONLY IF:

(I) THE AGENT HAS ACTED ON BEHALF OF THE APPLICANT WITH REGARD TO THE SPECIFIC APPLICATION; AND

(II) DURING THE 36-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION AND DURING THE PENDENCY OF THE APPLICATION, AND AFTER BECOMING AN AGENT OF THE APPLICANT:

1. THE AGENT HAS MADE A PAYMENT TO A MEMBER, A MEMBER'S CONTINUING POLITICAL COMMITTEE, OR A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 36-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION; OR

2. THE AGENT HAS SOLICITED ANY PERSON TO MAKE A PAYMENT TO A MEMBER'S TREASURER, A MEMBER'S CONTINUING POLITICAL COMMITTEE, OR A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 36-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION.

(2) NOTWITHSTANDING PARAGRAPH (1)(II) OF THIS SUBSECTION, AN AGENT SHALL DISCLOSE IN THE AFFIDAVIT A PAYMENT MADE BEFORE BECOMING AN AGENT IF THE AGENT:

(I) MADE THE PAYMENT BY PREARRANGEMENT OR IN COORDINATION WITH ONE OR MORE APPLICANTS; OR

(II) ACTED AS AN AGENT AS TO ANY OTHER APPLICATION FILED DURING THE 36-MONTH PERIOD.

(E) APPLICABILITY OF PART.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A CONTRIBUTOR, A MEMBER, OR A POLITICAL ACTION COMMITTEE IS SUBJECT TO THIS PART IF A PAYMENT IS MADE BY THE CONTRIBUTOR OR A TRANSFER IS MADE BY THE POLITICAL ACTION COMMITTEE TO:

(I) THE CANDIDATE;

(II) THE CANDIDATE'S CONTINUING POLITICAL COMMITTEE;

OR

(III) A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 36-MONTH PERIOD BEFORE THE FILING OF THE APPLICATION.

(2) THIS PART DOES NOT APPLY TO:

(I) ANY TRANSFER TO THE CONTINUING POLITICAL COMMITTEE OF A MEMBER BY THE CONTINUING POLITICAL COMMITTEE OF ANOTHER INDIVIDUAL RUNNING FOR ELECTIVE OFFICE; OR

(II) A PAYMENT OR TRANSFER TO THE PRINCE GEORGE'S COUNTY OR STATE CENTRAL COMMITTEE OF A POLITICAL PARTY, EVEN IF THE CENTRAL COMMITTEE SUPPORTS A CANDIDATE.

(3) A PERSON MAY NOT MAKE A PAYMENT IN VIOLATION OF THIS PART.

(F) CIRCUMVENTING INTENT OF PART PROHIBITED.

AN APPLICANT OR AGENT MAY NOT TAKE ANY ACTION, DIRECTLY OR INDIRECTLY, WITH THE INTENT TO CIRCUMVENT THE INTENT OF THIS PART.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 15–831.

Throughout this section, the former references to a member “or candidate” are deleted as surplusage, as candidates are included in the definition of “member”.

In subsections (a), (b)(1), and (e)(1) and (2)(i) of this section, the former references to a member “of the County Council” are deleted as unnecessary in light of the defined term “member”.

In subsection (c)(2) of this section, the former reference to filing the affidavit “any time prior to consideration ... at the discretion of the applicant” is deleted as surplusage.

In subsection (c)(4)(ii) of this section, the former phrase “[i]n the case of business entities,” is deleted as surplusage.

Also in subsection (c)(4)(ii) of this section, the former reference to the business entity “itself” is deleted as surplusage.

In subsection (f) of this section, the reference to “this part” is substituted for the former reference to “this subtitle” to conform to the apparent intent.

Defined terms: “Agent” § 5–833

“Applicant” § 5–833

“Application” § 5–833
“Business entity” § 5–833
“Candidate” § 5–833
“Continuing political committee” § 5–833
“Contributor” § 5–833
“County Executive” § 5–833
“District Council” § 5–833
“Member” § 5–833
“Member of household” § 5–101
“Payment” § 5–833
“Pendency of the application” § 5–833
“Person” § 1–114
“Political action committee” § 5–833
“Slate” § 5–833
“Treasurer” § 5–833

5–836. DISCLOSURE OF EX PARTE COMMUNICATION.

(A) IN GENERAL.

AN EX PARTE COMMUNICATION CONCERNING A PENDING APPLICATION BETWEEN AN APPLICANT OR APPLICANT’S AGENT AND A MEMBER OR THE COUNTY EXECUTIVE SHALL BE DISCLOSED AS REQUIRED IN THIS SECTION.

(B) BY APPLICANT.

AN APPLICANT OR AGENT WHO COMMUNICATES EX PARTE DURING THE PENDENCY OF THE APPLICATION WITH A MEMBER OR WITH THE COUNTY EXECUTIVE SHALL FILE, FOR EACH EX PARTE COMMUNICATION, A SEPARATE DISCLOSURE WITH THE CLERK OF THE COUNTY COUNCIL WITHIN 5 WORKING DAYS AFTER THE COMMUNICATION WAS MADE OR RECEIVED, WHICHEVER IS LATER.

(C) BY COUNTY EXECUTIVE OR MEMBER.

THE COUNTY EXECUTIVE OR A MEMBER WHO COMMUNICATES EX PARTE DURING THE PENDENCY OF THE APPLICATION WITH AN APPLICANT OR AGENT SHALL FILE, FOR EACH EX PARTE COMMUNICATION, A SEPARATE DISCLOSURE WITH THE CLERK OF THE COUNTY COUNCIL WITHIN 5 WORKING DAYS AFTER THE COMMUNICATION WAS MADE OR RECEIVED, WHICHEVER IS LATER.

REVISOR’S NOTE: This section formerly was SG § 15–832.

Throughout this section, the former references to a member “of the County Council” are deleted as unnecessary in light of the defined term “member”.

In subsections (b) and (c) of this section, the references to each “ex parte” communication are substituted for the former reference to each “such” communication for clarity.

The only other changes are in style.

Defined terms: “Agent” § 5–833

“Applicant” § 5–833

“Application” § 5–833

“County Council” § 5–833

“County Executive” § 5–833

“Member” § 5–833

“Pendency of the application” § 5–833

5–837. EVIDENCE OF PAYMENTS OR EX PARTE COMMUNICATION.

AT ANY TIME BEFORE FINAL ACTION ON AN APPLICATION, A PARTY OF RECORD MAY FILE WITH THE CLERK OF THE COUNTY COUNCIL COMPETENT EVIDENCE OF:

(1) A PAYMENT OR CONTRIBUTION BY AN APPLICANT OR AGENT COVERED UNDER § 5–835 OF THIS SUBTITLE; OR

(2) AN EX PARTE COMMUNICATION COVERED UNDER § 5–836 OF THIS SUBTITLE.

REVISOR’S NOTE: This section formerly was SG § 15–833.

The only changes are in style.

Defined terms: “Agent” § 5–833

“Applicant” § 5–833

“Application” § 5–833

“County Council” § 5–833

“Payment” § 5–833

5–838. ENFORCEMENT OF PART.

(A) DIRECTION AND CONTROL OF ETHICS COMMISSION.

IN THE ENFORCEMENT OF THIS PART, THE CLERK OF THE COUNTY COUNCIL SHALL BE SUBJECT TO THE DIRECTION AND CONTROL OF THE ETHICS COMMISSION OR ITS EXECUTIVE DIRECTOR AND, UNLESS OTHERWISE SPECIFICALLY DIRECTED BY THE ETHICS COMMISSION OR ITS EXECUTIVE DIRECTOR, MAY ONLY:

- (1) RECEIVE FILINGS;
- (2) MAINTAIN RECORDS;
- (3) REPORT VIOLATIONS; AND
- (4) PERFORM OTHER MINISTERIAL DUTIES NECESSARY TO ADMINISTER THIS PART.

(B) FILING OF AFFIDAVIT BY CORPORATION.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART, AS TO A CORPORATION LISTED ON A NATIONAL STOCK EXCHANGE OR REGULATED BY THE SECURITIES AND EXCHANGE COMMISSION, AND ANY SUBSIDIARY OF THE CORPORATION, THE FOLLOWING REQUIREMENTS APPLY IF THE FILING OF AN AFFIDAVIT IS OTHERWISE REQUIRED UNDER THIS PART:

(1) A DIRECTOR OR AN OFFICER IN THE CORPORATION OR ANY OF ITS SUBSIDIARIES, OR A STOCKHOLDER WHO HAS AT LEAST A 5% INTEREST IN THE CORPORATION OR ANY OF ITS SUBSIDIARIES, IS REQUIRED TO FILE AN AFFIDAVIT ONLY IF THE INDIVIDUAL HAS MADE A PAYMENT TO THE TREASURER OF A CANDIDATE OR CONTINUING POLITICAL COMMITTEE, OR IF THE INDIVIDUAL HAS SOLICITED ANYONE TO MAKE A PAYMENT TO THE TREASURER OF A CANDIDATE OR CONTINUING POLITICAL COMMITTEE; AND

(2) THE CORPORATION OR ITS SUBSIDIARY SHALL FILE A CORPORATE AFFIDAVIT STATING:

(i) 1. THAT THE CORPORATION HAS NOT MADE OR SOLICITED A PAYMENT TO THE TREASURER OF A CANDIDATE OR CONTINUING POLITICAL COMMITTEE; OR

2. IF SUCH A PAYMENT WAS MADE, THE NAME OF THE MEMBER TO WHOSE TREASURER OR CONTINUING POLITICAL COMMITTEE THE PAYMENT WAS MADE; AND

(II) THAT ALL DIRECTORS, OFFICERS, AND STOCKHOLDERS WITH AT LEAST A 5% INTEREST HAVE BEEN NOTIFIED OF THE DISCLOSURE REQUIREMENTS OF ITEM (1) OF THIS SUBSECTION.

(C) FILING OF AFFIDAVITS; SUMMARY REPORTS.

(1) THE AFFIDAVITS AND DISCLOSURES REQUIRED UNDER THIS PART SHALL BE FILED IN THE APPROPRIATE CASE FILE OF AN APPLICATION.

(2) THE CLERK OF THE COUNTY COUNCIL, 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 ETHICS COMMISSION.

REVISOR'S NOTE: This section formerly was SG § 15-834.

The only changes are in style.

Defined terms: "Application" § 5-833

"Candidate" § 5-833

"Continuing political committee" § 5-833

"County Council" § 5-833

"Ethics Commission" § 5-101

"Interest" § 5-833

"Member" § 5-833

"Payment" § 5-833

"Treasurer" § 5-833

5-839. INJUNCTIVE OR OTHER RELIEF; PENALTIES; PRESERVATION OF DOCUMENTS.

(A) PETITION FOR INJUNCTIVE OR OTHER RELIEF.

(1) THE ETHICS COMMISSION OR ANY OTHER AGGRIEVED PERSON MAY:

(I) FILE A PETITION FOR INJUNCTIVE OR OTHER RELIEF IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY TO REQUIRE COMPLIANCE WITH THIS PART; AND

(II) ASSERT AS ERROR ANY VIOLATION OF THIS PART IN JUDICIAL REVIEW REQUESTED UNDER § 22-407 OF THE LAND USE ARTICLE.

(2) THE COURT SHALL ISSUE AN ORDER VOIDING AN OFFICIAL ACTION TAKEN BY THE COUNTY COUNCIL IF:

(I) THE ACTION TAKEN BY THE COUNTY COUNCIL WAS IN VIOLATION OF THIS PART; AND

(II) THE LEGAL ACTION WAS BROUGHT WITHIN 30 DAYS AFTER THE OCCURRENCE OF THE OFFICIAL ACTION.

(3) THE COURT, AFTER HEARING AND CONSIDERING ALL THE CIRCUMSTANCES IN THE CASE AND VOIDING AN ACTION OF THE COUNTY COUNCIL, SHALL REVERSE, OR REVERSE AND REMAND, THE CASE TO THE DISTRICT COUNCIL FOR RECONSIDERATION.

(B) PENALTIES.

(1) A PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES THIS PART IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(2) IF THE PERSON IS A BUSINESS ENTITY AND NOT A NATURAL PERSON, EACH OFFICER AND PARTNER OF THE BUSINESS ENTITY WHO KNOWINGLY AUTHORIZED OR PARTICIPATED IN THE VIOLATION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO THE SAME PENALTIES AS THE BUSINESS ENTITY.

(3) A MEMBER IS GUILTY OF VIOLATING THIS PART ONLY IF THE MEMBER FAILS TO ABSTAIN FROM VOTING OR PARTICIPATING IN A PROCEEDING, BASED ON INFORMATION CONTAINED IN AN AFFIDAVIT FILED WITH THE COUNTY COUNCIL BY AN APPLICANT OR AGENT, IN VIOLATION OF § 5-835(B) OF THIS SUBTITLE.

(4) AN ACTION TAKEN IN RELIANCE ON AN OPINION OF THE ETHICS COMMISSION MAY NOT BE DEEMED A KNOWING AND WILLFUL VIOLATION.

(C) PRESERVATION OF DOCUMENTS.

(1) A PERSON WHO IS SUBJECT TO THIS PART SHALL PRESERVE ALL ACCOUNTS, BILLS, RECEIPTS, 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 OF THE ETHICS COMMISSION AFTER REASONABLE NOTICE.

REVISOR'S NOTE: This section formerly was SG § 15–835.

In subsection (c)(2) of this section, the former reference to “papers” is deleted as included in the reference to “documents”.

The only other changes are in style.

Defined terms: “Agent” § 5–833

“Applicant” § 5–833

“Application” § 5–833

“Business entity” § 5–833

“County Council” § 5–833

“District Council” § 5–833

“Ethics Commission” § 5–101

“Member” § 5–833

“Person” § 1–114

5–840. RESERVED.

5–841. RESERVED.

PART VI. REGIONAL DISTRICT — SPECIAL PROVISIONS FOR MONTGOMERY COUNTY.

5–842. DEFINITIONS.

(A) IN GENERAL.

IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was SG § 15–838(a).

The only changes are in style.

(B) APPLICANT.

(1) (I) "APPLICANT" MEANS AN INDIVIDUAL OR A BUSINESS ENTITY THAT IS:

1. A TITLE OWNER OR CONTRACT PURCHASER OF LAND THAT IS THE SUBJECT OF AN APPLICATION;

2. A TRUSTEE WHO HAS AN INTEREST IN LAND THAT IS THE SUBJECT OF AN APPLICATION, EXCLUDING A TRUSTEE DESCRIBED IN A MORTGAGE OR DEED OF TRUST; OR

3. A HOLDER OF AT LEAST A 5% INTEREST IN A BUSINESS ENTITY WHO HAS AN INTEREST IN LAND THAT IS THE SUBJECT OF AN APPLICATION.

(II) "APPLICANT" INCLUDES, IF THE APPLICANT IS A CORPORATION, THE DIRECTORS AND OFFICERS OF THE CORPORATION THAT ACTUALLY HOLDS TITLE TO THE LAND, OR IS A CONTRACT PURCHASER OF THE LAND, THAT IS THE SUBJECT OF AN APPLICATION.

(2) "APPLICANT" DOES NOT INCLUDE:

(I) A FINANCIAL INSTITUTION THAT HAS LOANED MONEY OR EXTENDED FINANCING FOR THE ACQUISITION, DEVELOPMENT, OR CONSTRUCTION OR IMPROVEMENTS ON THE LAND THAT IS THE SUBJECT OF AN APPLICATION;

(II) A MUNICIPAL CORPORATION OR PUBLIC CORPORATION;

(III) A PUBLIC AUTHORITY;

(IV) A PUBLIC SERVICE COMPANY ACTING WITHIN THE SCOPE OF DIVISION I 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.

REVISOR'S NOTE: This subsection formerly was SG § 15-838(b).

The only changes are in style.

Defined terms: “Application” § 5–842

“Business entity” § 5–842

“Includes” § 1–110

“Interest” § 5–101

“Municipal corporation” § 5–101

“Person” § 1–114

(C) APPLICATION.

“APPLICATION” MEANS AN APPLICATION FOR A LOCAL MAP AMENDMENT, INCLUDING A RECLASSIFICATION.

REVISOR’S NOTE: This subsection formerly was SG § 15–838(c).

No changes are made.

Defined term: “Including” § 1–110

(D) BUSINESS ENTITY.

“BUSINESS ENTITY” MEANS:

- (1) A CORPORATION;**
- (2) A GENERAL PARTNERSHIP;**
- (3) A JOINT VENTURE;**
- (4) A LIMITED LIABILITY COMPANY;**
- (5) A LIMITED PARTNERSHIP; OR**
- (6) A SOLE PROPRIETORSHIP.**

REVISOR’S NOTE: This subsection is new language derived without substantive change from former SG § 15–838(d).

(E) CANDIDATE.

“CANDIDATE” MEANS AN INDIVIDUAL WHO WINS AN ELECTION TO THE OFFICE OF COUNTY EXECUTIVE OR COUNTY COUNCIL OF MONTGOMERY COUNTY.

REVISOR’S NOTE: This subsection formerly was SG § 15–838(e).

No changes are made.

(F) CONTRIBUTION.

(1) (I) "CONTRIBUTION" MEANS:

1. A PAYMENT OR TRANSFER OF MONEY OR PROPERTY OF \$500 OR MORE, CALCULATED CUMULATIVELY DURING A 4-YEAR ELECTION CYCLE, TO THE TREASURER OF EITHER A CANDIDATE OR A POLITICAL COMMITTEE; OR

2. THE INCURRING OF ANY LIABILITY OR PROMISE OF ANYTHING OF VALUE OF \$500 OR MORE, CALCULATED CUMULATIVELY DURING A 4-YEAR ELECTION CYCLE, TO THE TREASURER OF EITHER A CANDIDATE OR A POLITICAL COMMITTEE.

(II) "CONTRIBUTION" INCLUDES A PAYMENT OR TRANSFER TO A SLATE WITH WHICH A CANDIDATE IS ASSOCIATED.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE \$500 CUMULATIVE THRESHOLD CONTRIBUTION IS CALCULATED SEPARATELY AS TO EACH CANDIDATE OR ELECTED OFFICIAL.

(II) FOR PURPOSES OF THIS PART, A CUMULATIVE CONTRIBUTION OF \$500 OR MORE TO A SLATE IS FULLY ATTRIBUTED TO EACH CANDIDATE ON THE SLATE.

REVISOR'S NOTE: This subsection formerly was SG § 15-838(f).

The only changes are in style.

Defined terms: "Candidate" § 5-842

"Elected official" § 5-842

"Includes" § 1-110

"Political committee" § 5-842

"Slate" § 5-842

"Treasurer" § 5-842

(G) CONTRIBUTOR.

"CONTRIBUTOR" MEANS AN INDIVIDUAL OR BUSINESS ENTITY THAT MAKES A CONTRIBUTION.

REVISOR'S NOTE: This subsection formerly was SG § 15-838(g).

No changes are made.

Defined terms: “Business entity” § 5–842
“Contribution” § 5–842

(H) ELECTED OFFICIAL.

“ELECTED OFFICIAL” MEANS AN INDIVIDUAL WHO HOLDS THE OFFICE OF COUNTY EXECUTIVE OR MEMBER OF THE COUNTY COUNCIL OF MONTGOMERY COUNTY.

REVISOR’S NOTE: This subsection formerly was SG § 15–838(h).

No changes are made.

(I) PARTY OF RECORD.

(1) “PARTY OF RECORD” MEANS AN INDIVIDUAL OR A BUSINESS ENTITY THAT IS GRANTED STANDING TO PARTICIPATE IN A LOCAL MAP AMENDMENT PROCEEDING BY THE COUNTY COUNCIL, SITTING AS THE DISTRICT COUNCIL, OR ITS HEARING EXAMINER.

(2) “PARTY OF RECORD” DOES NOT INCLUDE AN ATTORNEY, A CONSULTANT, AN EMPLOYEE, OR ANY OTHER AGENT OF A PARTY OF RECORD, INCLUDING AN AUTHORIZED REPRESENTATIVE OF A COMMUNITY ASSOCIATION WHO IS PARTICIPATING IN A PROCEEDING SOLELY ON BEHALF OF THE ASSOCIATION.

REVISOR’S NOTE: This subsection formerly was SG § 15–838(i).

No changes are made.

Defined terms: “Business entity” § 5–842
“Employee” § 5–101
“Including” § 1–110

(J) POLITICAL ACTION COMMITTEE.

“POLITICAL ACTION COMMITTEE” MEANS A POLITICAL COMMITTEE THAT IS NOT:

- (1) A POLITICAL PARTY;**
- (2) A CENTRAL COMMITTEE;**

(3) A SLATE; OR

(4) A POLITICAL COMMITTEE ORGANIZED AND OPERATED BY, AND SOLELY ON BEHALF OF, AN INDIVIDUAL RUNNING FOR AN ELECTIVE OFFICE OR A SLATE.

REVISOR'S NOTE: This subsection formerly was SG § 15–838(j).

The only changes are in style.

Defined terms: “Political committee” § 5–842
 “Slate” § 5–842

(K) POLITICAL COMMITTEE.

“POLITICAL COMMITTEE” MEANS ANY COMBINATION OF TWO OR MORE PERSONS APPOINTED BY A CANDIDATE OR ANY OTHER PERSON OR FORMED IN ANY OTHER MANNER THAT ASSISTS OR ATTEMPTS TO ASSIST IN ANY MANNER THE PROMOTION OF THE SUCCESS OR DEFEAT OF ANY CANDIDATE, CANDIDATES, POLITICAL PARTY, PRINCIPLE, OR PROPOSITION SUBMITTED TO A VOTE IN ANY ELECTION.

REVISOR'S NOTE: This subsection formerly was SG § 15–838(k).

The only changes are in style.

Defined terms: “Candidate” § 5–842
 “Person” § 1–114

(L) SLATE.

(1) “SLATE” MEANS A POLITICAL COMMITTEE OF TWO OR MORE CANDIDATES WHO JOIN TOGETHER TO CONDUCT AND PAY FOR JOINT ACTIVITIES.

(2) “SLATE” DOES NOT INCLUDE A POLITICAL PARTY OR A CENTRAL COMMITTEE.

REVISOR'S NOTE: This subsection formerly was SG § 15–838(l).

No changes are made.

Defined terms: “Candidate” § 5–842
 “Political committee” § 5–842

(M) TREASURER.

(1) “TREASURER” HAS THE MEANING STATED IN § 1-101 OF THE ELECTION LAW ARTICLE.

(2) “TREASURER” INCLUDES A SUBTREASURER.

REVISOR’S NOTE: This subsection formerly was SG § 15-838(m).

No changes are made.

Defined term: “Includes” § 1-110

5-843. DISCLOSURE STATEMENTS.

(A) IN GENERAL.

AN APPLICANT OR PARTY OF RECORD WHO MAKES A CONTRIBUTION DURING THE 4-YEAR ELECTION CYCLE BEFORE THE FILING OF THE APPLICATION OR DURING THE PENDENCY OF THE APPLICATION SHALL DISCLOSE THE CONTRIBUTION IN ACCORDANCE WITH THIS SECTION.

(B) CONTENTS; FILING; TIME LIMITATIONS.

(1) (I) ON FILING AN APPLICATION, AN APPLICANT SHALL SUBMIT A DISCLOSURE STATEMENT THAT:

1. NAMES EACH CANDIDATE OR ELECTED OFFICIAL TO WHOSE TREASURER OR POLITICAL COMMITTEE THE APPLICANT MADE A CONTRIBUTION; AND

2. STATES THE AMOUNT AND THE DATE OF THE CONTRIBUTION.

(II) IF A CONTRIBUTION WAS NOT MADE, THE DISCLOSURE STATEMENT SHALL SO STATE.

(2) THE DISCLOSURE STATEMENT SHALL BE FILED:

(I) ON A FORM APPROVED BY THE COUNTY COUNCIL, WHICH SHALL CONTAIN:

1. AN AFFIRMATION CLAUSE TO BE SIGNED BY THE APPLICANT UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE DISCLOSURE STATEMENT ARE TRUE TO THE BEST OF THE APPLICANT'S KNOWLEDGE, INFORMATION, AND BELIEF; AND

2. A NOTICE THAT NONCOMPLIANCE WITH THIS SUBTITLE MAY RESULT IN A FINE NOT EXCEEDING \$1,000; AND

(II) WITH THE CHIEF HEARING EXAMINER OF THE OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS, UNLESS THE COUNTY COUNCIL DETERMINES OTHERWISE.

(3) WITHIN 2 WEEKS AFTER ENTERING A PROCEEDING, A PARTY OF RECORD THAT HAS MADE A CONTRIBUTION SHALL SUBMIT A DISCLOSURE STATEMENT AS DESCRIBED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(4) A CONTRIBUTION MADE AFTER THE FILING OF THE INITIAL DISCLOSURE AND BEFORE THE FINAL DISPOSITION OF THE APPLICATION BY THE DISTRICT COUNCIL SHALL BE DISCLOSED WITHIN 5 BUSINESS DAYS AFTER THE CONTRIBUTION.

(C) APPLICABILITY OF PART.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A CONTRIBUTOR IS SUBJECT TO THIS PART IF THE CONTRIBUTOR MAKES A CONTRIBUTION TO A CANDIDATE, A SLATE, OR A CANDIDATE'S POLITICAL COMMITTEE.

(2) THIS PART DOES NOT APPLY TO A TRANSFER BY A POLITICAL ACTION COMMITTEE TO A CANDIDATE OR TO THE POLITICAL COMMITTEE OF A CANDIDATE OR AN ELECTED OFFICIAL.

(D) RECORDS — CUSTODIAN; INSPECTION.

(1) THE CHIEF HEARING EXAMINER OF THE OFFICE OF ZONING AND ADMINISTRATIVE APPEALS:

(I) IS THE OFFICIAL CUSTODIAN OF RECORDS FILED UNDER THIS PART; AND

(II) SHALL PREPARE A SUMMARY REPORT AT LEAST TWICE EACH CALENDAR YEAR COMPILING ALL AFFIDAVITS AND DISCLOSURES THAT HAVE BEEN FILED.

(2) A SUMMARY REPORT AND DISCLOSURE STATEMENT FILED UNDER THIS PART SHALL BE A MATTER OF PUBLIC RECORD AND AVAILABLE FOR INSPECTION ON WRITTEN REQUEST.

REVISOR'S NOTE: This section formerly was SG § 15–839.

The only changes are in style.

Defined terms: “Applicant” § 5–842
“Application” § 5–842
“Candidate” § 5–842
“Contribution” § 5–842
“Contributor” § 5–842
“Elected official” § 5–842
“Party of record” § 5–842
“Political action committee” § 5–842
“Political committee” § 5–842
“Slate” § 5–842
“Treasurer” § 5–842

5–844. VIOLATIONS; PENALTY; ENFORCEMENT.

(A) VIOLATIONS; PENALTY.

A PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES THIS PART IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

(B) VIOLATION BY BUSINESS ENTITY.

IF THE PERSON IS A BUSINESS ENTITY AND NOT A NATURAL PERSON, EACH OFFICER AND PARTNER OF THE BUSINESS ENTITY WHO KNOWINGLY AUTHORIZED OR PARTICIPATED IN THE VIOLATION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO THE SAME PENALTIES AS THE BUSINESS ENTITY.

(C) ENFORCEMENT.

THIS PART SHALL BE ENFORCED BY THE STATE'S ATTORNEY FOR MONTGOMERY COUNTY.

REVISOR'S NOTE: This section formerly was SG § 15–840.

The only changes are in style.

Defined terms: "Business entity" § 5-842
 "Person" § 1-114

5-845. ACCURACY OF DISCLOSURE STATEMENTS.

(A) NO LEGAL DUTY TO VERIFY.

THE COUNTY COUNCIL HAS NO LEGAL DUTY TO VERIFY THE ACCURACY OF ANY DISCLOSURE STATEMENT FILED UNDER THIS PART.

(B) NO GROUNDS TO INVALIDATE COUNTY COUNCIL DECISION.

FAILURE BY ANY PERSON, INCLUDING THE CHIEF HEARING EXAMINER OF THE OFFICE OF ZONING AND ADMINISTRATIVE APPEALS, TO COMPLY WITH THIS PART IS NOT GROUNDS FOR INVALIDATION OF ANY DECISION BY THE COUNTY COUNCIL, SITTING AS THE DISTRICT COUNCIL, FOR WHICH A DISCLOSURE STATEMENT IS REQUIRED.

REVISOR'S NOTE: This section formerly was SG § 15-841.

The only changes are in style.

Defined terms: "Including" § 1-110
 "Person" § 1-114

5-846. RESERVED.

5-847. RESERVED.

PART VII. LOBBYING DISCLOSURE — SPECIAL PROVISIONS FOR MONTGOMERY AND PRINCE GEORGE'S COUNTIES.

5-848. DEFINITIONS.

(A) IN GENERAL.

IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was SG § 15-844(a).

The only changes are in style.

(B) CANDIDATE.

“CANDIDATE” HAS THE MEANING STATED IN § 1–101 OF THE ELECTION LAW ARTICLE, BUT ONLY AS IT APPLIES TO A CANDIDATE SEEKING ELECTION AS A LOCAL OFFICIAL.

REVISOR’S NOTE: This subsection formerly was SG § 15–844(b).

No changes are made.

Defined term: “Local official” § 5–848

(C) CONTRIBUTION.

“CONTRIBUTION” HAS THE MEANING STATED IN § 1–101 OF THE ELECTION LAW ARTICLE.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former SG § 15–844(c), as it related to the definition of “contribution”.

(D) LOBBYIST.

“LOBBYIST” MEANS A PERSON REQUIRED TO REGISTER UNDER § 2–295 OF THE PRINCE GEORGE’S COUNTY CODE OR § 19A–21 OF THE MONTGOMERY COUNTY CODE.

REVISOR’S NOTE: This subsection formerly was SG § 15–844(d).

No changes are made.

Defined term: “Person” § 1–114

(E) LOCAL OFFICIAL.

“LOCAL OFFICIAL” MEANS:

(1) A MEMBER OF THE COUNTY COUNCIL OF PRINCE GEORGE’S COUNTY OR THE COUNTY EXECUTIVE OF PRINCE GEORGE’S COUNTY; OR

(2) A MEMBER OF THE COUNTY COUNCIL OF MONTGOMERY COUNTY OR THE COUNTY EXECUTIVE OF MONTGOMERY COUNTY.

REVISOR’S NOTE: This subsection formerly was SG § 15–844(e).

No changes are made.

(F) POLITICAL COMMITTEE.

“POLITICAL COMMITTEE” HAS THE MEANINGS STATED IN § 1-101 OF THE ELECTION LAW ARTICLE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former SG § 15-844(c), as it related to the definition of “political committee”.

5-849. RESTRICTIONS ON LOBBYING ACTIVITY.**(A) FUND-RAISING RESTRICTIONS.**

BEGINNING WITH THE EFFECTIVE DATE OF A LOBBYING REGISTRATION AND EXTENDING THROUGH THE ENDING DATE OF THE REGISTRATION PERIOD, A LOBBYIST WHO LOBBIES A LOCAL OFFICIAL, OR A PERSON ACTING ON BEHALF OF THE LOBBYIST, MAY NOT:

(1) SOLICIT OR TRANSMIT DIRECTLY OR INDIRECTLY A CONTRIBUTION FROM ANY PERSON, INCLUDING A POLITICAL COMMITTEE, FOR THE BENEFIT OF A LOCAL OFFICIAL OR CANDIDATE;

(2) SERVE ON A FUND-RAISING COMMITTEE OF, OR A POLITICAL COMMITTEE FOR THE BENEFIT OF, A LOCAL OFFICIAL OR CANDIDATE; OR

(3) ACT AS A TREASURER OR CHAIR OF A POLITICAL COMMITTEE FOR THE BENEFIT OF A LOCAL OFFICIAL OR CANDIDATE.

(B) ALLOWED ACTIVITIES.

THIS PART MAY NOT BE CONSTRUED TO PROHIBIT A LOBBYIST FROM:

(1) MAKING A PERSONAL CONTRIBUTION WITHIN THE LIMITATIONS ESTABLISHED UNDER THE ELECTION LAW ARTICLE; OR

(2) INFORMING THE LOBBYIST'S EMPLOYER OR OTHERS OF THE POSITIONS TAKEN BY A PARTICULAR CANDIDATE.

(C) VIOLATION; PENALTIES.

(1) A PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES THIS PART IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(2) IF THE PERSON IS A BUSINESS ENTITY AND NOT A NATURAL PERSON, EACH OFFICER AND PARTNER OF THE BUSINESS ENTITY WHO KNOWINGLY AUTHORIZED OR PARTICIPATED IN THE VIOLATION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO THE SAME PENALTIES AS THE BUSINESS ENTITY.

REVISOR'S NOTE: This section formerly was SG § 15–845.

In subsection (b)(2) of this section, the former reference to a candidate “for office” is deleted as surplusage.

The only other changes are in style.

Defined terms: “Business entity” § 5–101

“Candidate” § 5–848

“Contribution” § 5–848

“Employer” § 5–101

“Including” § 1–110

“Lobbying” § 5–801

“Lobbyist” § 5–848

“Local official” § 5–848

“Person” § 1–114

“Political committee” § 5–848

5–850. RESERVED.

5–851. RESERVED.

PART VIII. SPECIAL PROVISIONS FOR HOWARD COUNTY.

5–852. DEFINITIONS.

(A) IN GENERAL.

IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was SG § 15–848(a).

The only changes are in style.

(B) APPLICANT.

(1) “APPLICANT” MEANS AN INDIVIDUAL OR A BUSINESS ENTITY THAT IS, WITH REGARD TO THE LAND THAT IS THE SUBJECT OF AN APPLICATION:

(I) A TITLE OWNER, AN ASSIGNEE, OR A CONTRACT PURCHASER OF THE LAND;

(II) A TRUSTEE THAT HAS AN INTEREST IN THE LAND, EXCLUDING A TRUSTEE DESCRIBED IN A MORTGAGE OR DEED OF TRUST; OR

(III) A HOLDER OF AT LEAST A 5% INTEREST IN A BUSINESS ENTITY THAT HAS AN INTEREST IN THE LAND IF:

1. THE INTEREST HOLDER IS INVOLVED SIGNIFICANTLY IN DIRECTING THE AFFAIRS OF THE BUSINESS ENTITY, INCLUDING THE DISPOSITION OF THE LAND; OR

2. THE INTEREST HOLDER IS ENGAGED IN SUBSTANTIVE ACTIONS SPECIFICALLY PERTAINING TO LAND DEVELOPMENT IN HOWARD COUNTY AS A REGULAR PART OF THE ACTIVITY OF THE BUSINESS ENTITY.

(2) "APPLICANT" INCLUDES:

(I) ANY OTHER BUSINESS ENTITY IN WHICH AN INDIVIDUAL OR BUSINESS ENTITY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION HOLDS AT LEAST A 3% INTEREST;

(II) AN OFFICER OR A DIRECTOR OF A CORPORATION WHO ACTUALLY HOLDS TITLE TO, OR IS THE CONTRACT PURCHASER OR ASSIGNEE OF, THE LAND THAT IS THE SUBJECT OF AN APPLICATION IF:

1. THE CORPORATION IS LISTED ON A NATIONAL SECURITIES EXCHANGE AND THE OFFICER OR DIRECTOR OWNS AT LEAST 5% OF ITS STOCK; OR

2. IN THE CASE OF ANY OTHER CORPORATION, THE OFFICER OR DIRECTOR OWNS ANY INTEREST IN THE CORPORATION; OR

(III) AS TO AN APPLICATION FOR A ZONING REGULATION, ANY PERSON AUTHORIZED TO SIGN THE APPLICATION.

(3) "APPLICANT" DOES NOT INCLUDE:

(I) A FINANCIAL INSTITUTION THAT HAS LOANED MONEY OR EXTENDED FINANCING FOR THE ACQUISITION, DEVELOPMENT, OR

CONSTRUCTION OF IMPROVEMENTS ON THE LAND THAT IS THE SUBJECT OF AN APPLICATION;

(II) A MUNICIPAL CORPORATION OR PUBLIC CORPORATION;

(III) A PUBLIC AUTHORITY;

(IV) A PUBLIC SERVICE COMPANY ACTING WITHIN THE SCOPE OF DIVISION I OF THE PUBLIC UTILITIES ARTICLE; OR

(V) A PERSON WHO IS:

1. LESS THAN A FULL-TIME EMPLOYEE OF A PERSON DESCRIBED IN PARAGRAPH (1) OR (2) OF THIS SUBSECTION; AND

2. 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.

REVISOR'S NOTE: This subsection formerly was SG § 15-848(b).

The only changes are in style.

Defined terms: "Application" § 5-852

"Business entity" § 5-852

"Employee" § 5-101

"Includes", "Including" § 1-110

"Interest" § 5-101

"Municipal corporation" § 5-101

"Person" § 1-114

(C) APPLICATION.

"APPLICATION" MEANS:

(1) AN APPLICATION FOR A ZONING MAP AMENDMENT;

(2) AN APPLICATION FOR A ZONING REGULATION AMENDMENT;

OR

(3) PARTICIPATION IN THE ADOPTION AND APPROVAL OF A COMPREHENSIVE ZONING PLAN BY APPEARING AT A PUBLIC HEARING, FILING A STATEMENT IN AN OFFICIAL RECORD, OR ENGAGING IN OTHER SIMILAR

COMMUNICATION WITH AN ELECTED OFFICIAL, WHERE THE INTENT IS TO CHANGE THE CLASSIFICATION OR INCREASE THE DENSITY OF THE LAND OF THE APPLICANT.

REVISOR'S NOTE: This subsection formerly was SG § 15-848(c).

No changes are made.

Defined terms: "Applicant" § 5-852
"Elected official" § 5-852

(D) BUSINESS ENTITY.

"BUSINESS ENTITY" MEANS:

- (1) A CORPORATION;**
- (2) A GENERAL PARTNERSHIP;**
- (3) A JOINT VENTURE;**
- (4) A LIMITED LIABILITY COMPANY;**
- (5) A LIMITED PARTNERSHIP; OR**
- (6) A SOLE PROPRIETORSHIP.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from former SG § 15-848(d).

(E) CANDIDATE.

"CANDIDATE" MEANS A CANDIDATE FOR ELECTION AS HOWARD COUNTY EXECUTIVE, OR TO THE HOWARD COUNTY COUNCIL, WHO BECOMES AN ELECTED OFFICIAL.

REVISOR'S NOTE: This subsection formerly was SG § 15-848(e).

The only changes are in style.

Defined term: "Elected official" § 5-852

(F) CONTRIBUTION.

“CONTRIBUTION” MEANS ANY PAYMENT OR TRANSFER OF MONEY OR PROPERTY OR THE INCURRING OF ANY LIABILITY OR PROMISE OF ANYTHING OF VALUE TO THE TREASURER OF A CANDIDATE, A POLITICAL COMMITTEE, OR A SLATE.

REVISOR’S NOTE: This subsection formerly was SG § 15–848(f).

No changes are made.

Defined terms: “Candidate” § 5–852

“Political committee” § 5–852

“Slate” § 5–852

“Treasurer” § 5–852

(G) CONTRIBUTOR.

“CONTRIBUTOR” MEANS AN INDIVIDUAL OR BUSINESS ENTITY THAT MAKES A CONTRIBUTION.

REVISOR’S NOTE: This subsection formerly was SG § 15–848(g).

No changes are made.

Defined terms: “Business entity” § 5–852

“Contribution” § 5–852

(H) ELECTED OFFICIAL.

“ELECTED OFFICIAL” MEANS AN INDIVIDUAL WHO SERVES AS HOWARD COUNTY EXECUTIVE OR AS A MEMBER OF THE HOWARD COUNTY COUNCIL.

REVISOR’S NOTE: This subsection formerly was SG § 15–848(h).

No changes are made.

(I) ENGAGING IN BUSINESS.

(1) “ENGAGING IN BUSINESS” MEANS ENTERING INTO:

(I) A SALE, A PURCHASE, A LEASE, OR OTHER TRANSACTION INVOLVING GOODS, SERVICES, OR REAL PROPERTY; OR

(II) A CONTRACT, AN AWARD, A LOAN, AN EXTENSION OF CREDIT, OR ANY OTHER FINANCIAL TRANSACTION.

(2) “ENGAGING IN BUSINESS” DOES NOT INCLUDE THE SALE OF GOODS TO AN INDIVIDUAL FOR THE USE OR CONSUMPTION OF THE INDIVIDUAL OR OTHERS FOR PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES, AS DISTINGUISHED FROM INDUSTRIAL, COMMERCIAL, OR AGRICULTURAL PURPOSES.

REVISOR’S NOTE: This subsection formerly was SG § 15–848(i).

The only changes are in style.

(J) FAMILY MEMBER.

“FAMILY MEMBER” MEANS THE SPOUSE OR CHILD OF EITHER AN APPLICANT OR A PARTY OF RECORD WHO HAS MADE A CONTRIBUTION WITH THE KNOWLEDGE AND CONSENT OF THE APPLICANT OR PARTY OF RECORD.

REVISOR’S NOTE: This subsection formerly was SG § 15–848(j).

No changes are made.

Defined terms: “Applicant” § 5–852

“Contribution” § 5–852

“Party of record” § 5–852

(K) PARTY OF RECORD.

“PARTY OF RECORD” MEANS AN INDIVIDUAL OR BUSINESS ENTITY THAT PARTICIPATES IN A MAP AMENDMENT PROCEEDING BY THE COUNTY COUNCIL OR THE ZONING BOARD, OR WHO PARTICIPATES IN THE ADOPTION AND APPROVAL OF A COMPREHENSIVE ZONING PLAN BY APPEARING AT A PUBLIC HEARING, FILING A STATEMENT IN AN OFFICIAL RECORD, OR ENGAGING IN OTHER SIMILAR COMMUNICATION WITH AN ELECTED OFFICIAL WHERE THE INTENT IS TO OPPOSE A CHANGE IN CLASSIFICATION OR AN INCREASE IN DENSITY OF THE LAND OF AN APPLICANT.

REVISOR’S NOTE: This subsection formerly was SG § 15–848(k).

No changes are made.

Defined terms: “Applicant” § 5–852

“Business entity” § 5–852

“Elected official” § 5–852

(L) POLITICAL ACTION COMMITTEE.

“POLITICAL ACTION COMMITTEE” MEANS A POLITICAL COMMITTEE THAT IS NOT:

- (1) A POLITICAL PARTY;**
- (2) A CENTRAL COMMITTEE;**
- (3) A SLATE; OR**

(4) A POLITICAL COMMITTEE ORGANIZED AND OPERATED BY, AND SOLELY ON BEHALF OF, AN INDIVIDUAL RUNNING FOR ANY ELECTIVE OFFICE OR A SLATE.

REVISOR’S NOTE: This subsection formerly was SG § 15–848(l).

No changes are made.

Defined terms: “Political committee” § 5–852
“Slate” § 5–852

(M) POLITICAL COMMITTEE.

“POLITICAL COMMITTEE” MEANS A COMMITTEE, WHETHER CONTINUING OR NONCONTINUING, SPECIFICALLY CREATED TO PROMOTE THE CANDIDACY OF A PERSON RUNNING FOR ELECTIVE OFFICE.

REVISOR’S NOTE: This subsection formerly was SG § 15–848(m).

The only changes are in style.

Defined term: “Person” § 1–114

(N) SLATE.

“SLATE” MEANS A GROUP, COMBINATION, OR ORGANIZATION OF CANDIDATES CREATED UNDER THE ELECTION LAW ARTICLE.

REVISOR’S NOTE: This subsection formerly was SG § 15–848(n).

The only changes are in style.

Defined term: “Candidate” § 5–852

(O) TREASURER.

(1) "TREASURER" HAS THE MEANING STATED IN § 1-101 OF THE ELECTION LAW ARTICLE.

(2) "TREASURER" INCLUDES A SUBTREASURER.

REVISOR'S NOTE: This subsection formerly was SG § 15-848(o).

The only changes are in style.

Defined term: "Includes" § 1-110

5-853. CONTRIBUTIONS MADE BY APPLICANTS.

(A) AFFIDAVIT.

(1) WHEN AN APPLICATION IS FILED, THE APPLICANT SHALL FILE AN AFFIDAVIT, UNDER OATH, STATING WHETHER THE APPLICANT:

(I) HAS MADE ANY CONTRIBUTION OR CONTRIBUTIONS HAVING A CUMULATIVE VALUE OF AT LEAST \$500 TO THE TREASURER OF A CANDIDATE OR THE TREASURER OF A POLITICAL COMMITTEE DURING THE 48-MONTH PERIOD BEFORE THE APPLICATION IS FILED, TO THE BEST OF THE APPLICANT'S INFORMATION, KNOWLEDGE, AND BELIEF; OR

(II) CURRENTLY IS ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL.

(2) (I) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, IF THE APPLICANT OR A PARTY OF RECORD OR A FAMILY MEMBER HAS MADE A CONTRIBUTION OR CONTRIBUTIONS HAVING A CUMULATIVE VALUE OF AT LEAST \$500 DURING THE 48-MONTH PERIOD BEFORE THE APPLICATION WAS FILED OR DURING THE PENDENCY OF THE APPLICATION, THE APPLICANT OR THE PARTY OF RECORD SHALL FILE A DISCLOSURE PROVIDING THE NAME OF THE CANDIDATE OR ELECTED OFFICIAL TO WHOSE TREASURER OR POLITICAL COMMITTEE THE CONTRIBUTION WAS MADE, THE AMOUNT, AND THE DATE OF THE CONTRIBUTION.

2. IF THE PARTY OF RECORD IS A COMMUNITY ASSOCIATION, THE ASSOCIATION IS NOT REQUIRED TO POLL ITS MEMBERS TO DISCLOSE INDIVIDUAL CONTRIBUTIONS.

(II) A CONTRIBUTION MADE BETWEEN THE FILING OF THE APPLICATION AND THE DISPOSITION OF THE APPLICATION SHALL BE DISCLOSED WITHIN 5 BUSINESS DAYS AFTER THE CONTRIBUTION.

(3) AN APPLICANT WHO BEGINS ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL BETWEEN THE FILING OF THE APPLICATION AND THE DISPOSITION OF THE APPLICATION SHALL FILE THE AFFIDAVIT AT THE TIME OF ENGAGING IN BUSINESS WITH THE ELECTED OFFICIAL.

(B) FILING.

EXCEPT AS PROVIDED IN SUBSECTION (A)(3) OF THIS SECTION, THE AFFIDAVIT OR DISCLOSURE SHALL BE FILED AT LEAST 30 CALENDAR DAYS BEFORE ANY CONSIDERATION OF THE APPLICATION BY AN ELECTED OFFICIAL.

(C) DISCLOSURE.

WITHIN 2 WEEKS AFTER ENTERING A PROCEEDING, A PARTY OF RECORD THAT HAS MADE A CONTRIBUTION SHALL SUBMIT A DISCLOSURE AS DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION.

(D) APPLICABILITY OF PART.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A CONTRIBUTOR AND AN ELECTED OFFICIAL ARE SUBJECT TO THIS PART IF THE CONTRIBUTOR MAKES A CONTRIBUTION TO:

(I) THE CANDIDATE;

(II) A SLATE; OR

(III) THE CANDIDATE'S POLITICAL COMMITTEE.

(2) THIS PART DOES NOT APPLY TO A TRANSFER BY A POLITICAL ACTION COMMITTEE TO A CANDIDATE OR THE CANDIDATE'S CONTINUING POLITICAL COMMITTEE.

(E) FORM.

(1) AN AFFIDAVIT OR A DISCLOSURE REQUIRED UNDER THIS PART SHALL BE IN A FORM ESTABLISHED BY THE HOWARD COUNTY SOLICITOR AND APPROVED BY THE COUNTY COUNCIL.

(2) THE COMPLETED FORM SHALL BE FILED IN THE APPROPRIATE CASE FILE OF AN APPLICATION.

(3) THE DISCLOSURE FORM SHALL REPEAT THE PENALTY PROVISION IN § 5-854(A) OF THIS SUBTITLE.

(F) LATER CONTRIBUTIONS.

A CONTRIBUTION MADE AFTER THE FILING OF THE INITIAL DISCLOSURE AND BEFORE FINAL DISPOSITION OF THE APPLICATION BY THE COUNTY COUNCIL SHALL BE DISCLOSED WITHIN 5 BUSINESS DAYS AFTER THE CONTRIBUTION.

(G) ENFORCEMENT.

IN THE ENFORCEMENT OF THIS PART, THE ADMINISTRATIVE ASSISTANT TO THE ZONING BOARD OR THE ADMINISTRATOR OF THE COUNTY COUNCIL, AS APPROPRIATE, CONSIDERING AN APPLICATION SHALL BE SUBJECT TO THE AUTHORITY OF THE HOWARD COUNTY ETHICS COMMISSION AND, UNLESS OTHERWISE DIRECTED BY THE ETHICS COMMISSION, SHALL:

(1) RECEIVE FILINGS OF AFFIDAVITS AND DISCLOSURES;

(2) MAINTAIN FILED AFFIDAVITS AND DISCLOSURES AS PUBLIC RECORDS AVAILABLE FOR REVIEW BY THE GENERAL PUBLIC DURING NORMAL BUSINESS HOURS;

(3) REPORT VIOLATIONS TO THE HOWARD COUNTY ETHICS COMMISSION; AND

(4) PERFORM MINISTERIAL DUTIES NECESSARY TO ADMINISTER THIS PART.

(H) SUMMARY REPORT.

(1) PROMPTLY ON RECEIPT, THE ADMINISTRATIVE ASSISTANT TO THE ZONING BOARD AND THE ADMINISTRATOR OF THE COUNTY COUNCIL SHALL PREPARE A SUMMARY REPORT COMPILING ALL AFFIDAVITS AND DISCLOSURES FILED UNDER THIS PART.

(2) THE SUMMARY REPORT SHALL BE A PUBLIC RECORD AND AVAILABLE FOR IMMEDIATE INSPECTION ON WRITTEN REQUEST.

REVISOR'S NOTE: This section formerly was SG § 15-849.

In subsection (a)(2)(i)2 of this section, the phrase "the association is not required" to poll its members is substituted for the former phrase "this

paragraph may not be construed to require the association” to poll its members for brevity.

In the introductory language of subsection (g) of this section, the reference to the “administrative assistant” is substituted for the former reference to the “administrative clerk” to conform to the terminology used in subsection (h) of this section and to the practices of the zoning board.

In subsection (h)(2) of this section, the former reference to the summary report being a “matter of” public record is deleted as surplusage.

The only other changes are in style.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that although this revision retains the provision in subsection (g) of this section that authorizes the “Ethics Commission” to provide certain direction to the administrative assistant to the Howard County zoning board or the administrator of the Howard County Council when considering an application, the State Ethics Commission has indicated that it is the policy of the Commission not to intervene in local commission matters. The Commission believes that the term “Ethics Commission” refers to the Howard County Ethics Commission, rather than the State Ethics Commission. The General Assembly may wish to clarify the Ethics Commission to which this subsection refers.

The General Provisions Article Review Committee also notes, for consideration by the General Assembly, that subsection (h) of this section requires the administrative assistant to the zoning board and the administrator of the County Council to prepare a certain summary report compiling affidavits and disclosures “promptly on receipt”. However, the section does not indicate what is to be received. The General Assembly may wish to amend subsection (h) for clarity.

- Defined terms: “Applicant” § 5–852
“Application” § 5–852
“Candidate” § 5–852
“Contribution” § 5–852
“Contributor” § 5–852
“Elected official” § 5–852
“Engaging in business” § 5–852
“Family member” § 5–852
“Party of record” § 5–852
“Political action committee” § 5–852
“Political committee” § 5–852
“Slate” § 5–852
“Treasurer” § 5–852

5-854. VIOLATIONS.**(A) PENALTY.**

(1) A PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES THIS PART IS SUBJECT TO A FINE NOT EXCEEDING \$5,000.

(2) IF THE PERSON IS NOT AN INDIVIDUAL, EACH OFFICER AND PARTNER WHO KNOWINGLY AUTHORIZED OR PARTICIPATED IN THE VIOLATION IS SUBJECT TO THE PENALTY SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.

(B) PRESERVATION OF DOCUMENTS.

(1) A PERSON WHO IS SUBJECT TO THIS PART SHALL PRESERVE ALL ACCOUNTS, BILLS, RECEIPTS, 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 TO THE HOWARD COUNTY ETHICS COMMISSION, AFTER REASONABLE NOTICE.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 15-850.

In subsection (b)(2) of this section, the former reference to "papers" is deleted as included in the reference to "documents".

Defined terms: "Application" § 5-852
"Person" § 1-114

5-855. RESERVED.**5-856. RESERVED.****PART IX. SPECIAL PROVISIONS FOR FREDERICK COUNTY.****5-857. DEFINITIONS.****(A) IN GENERAL.**

IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was SG § 15–853(a).

The only changes are in style.

(B) AGGRIEVED PARTY.

“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.

REVISOR'S NOTE: This subsection formerly was SG § 15–853(b).

No changes are made.

(C) APPLICANT.

(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.

REVISOR'S NOTE: This subsection formerly was SG § 15-853(c).

The only changes are in style.

Defined terms: "Application" § 5-857

"Includes" § 1-110

"Interest" § 5-101

"Municipal corporation" § 5-101

"Person" § 1-114

(D) APPLICATION.**"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 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.

REVISOR'S NOTE: This subsection formerly was SG § 15-853(d).

No changes are made.

Defined terms: "Board" § 5-857

"Interest" § 5-101

(E) BOARD.

"BOARD" MEANS THE BOARD OF COUNTY COMMISSIONERS FOR FREDERICK COUNTY.

REVISOR'S NOTE: This subsection formerly was SG § 15-853(e).

No changes are made.

(F) BOARD MEMBER.

"BOARD MEMBER" INCLUDES AN INDIVIDUAL ELECTED OR APPOINTED TO THE BOARD OR A CANDIDATE WHO TAKES THE OATH OF OFFICE FOR THE BOARD.

REVISOR'S NOTE: This subsection formerly was SG § 15-853(f).

No changes are made.

Defined terms: "Board" § 5-857

"Candidate" § 5-857

"Includes" § 1-110

(G) BUSINESS ENTITY.

"BUSINESS ENTITY" MEANS:

- (1) A CORPORATION;
- (2) A LIMITED LIABILITY COMPANY;
- (3) A PARTNERSHIP; OR
- (4) A SOLE PROPRIETORSHIP.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former SG § 15-853(g).

Defined term: "Partnership" § 5-857

(H) CANDIDATE.

"CANDIDATE" MEANS A CANDIDATE FOR THE BOARD WHO BECOMES A MEMBER OF THE BOARD.

REVISOR'S NOTE: This subsection formerly was SG § 15-853(h).

No changes are made.

Defined term: "Board" § 5-857

(I) CONTRIBUTION.

"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.

REVISOR'S NOTE: This subsection formerly was SG § 15-853(i).

No changes are made.

Defined terms: "Application" § 5-857

"Candidate" § 5-857

"Pendency of the application" § 5-857

"Political committee" § 5-857

"Treasurer" § 5-857

(J) PARTNERSHIP.

"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.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former SG § 15–853(j).

Defined term: “Includes” § 1–110

(K) PARTY OF RECORD.

“PARTY OF RECORD” MEANS A PERSON THAT PARTICIPATED IN A PROCEEDING ON AN APPLICATION BEFORE THE BOARD BY APPEARING AT A PUBLIC HEARING OR FILING A STATEMENT IN AN OFFICIAL RECORD.

REVISOR'S NOTE: This subsection formerly was SG § 15–853(k).

No changes are made.

Defined terms: “Application” § 5–857

“Board” § 5–857

“Person” § 1–114

(L) PENDENCY OF THE APPLICATION.

“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 HAS TAKEN FINAL ACTION ON THE APPLICATION; OR
 - (II) THE APPLICATION IS WITHDRAWN.

REVISOR'S NOTE: This subsection formerly was SG § 15-853(l).

In item (1) of this subsection, the phrase "after the acceptance of the application" is added for clarity.

The only other changes are in style.

Defined terms: "Application" § 5-857

"Board" § 5-857

(M) POLITICAL COMMITTEE.

"POLITICAL COMMITTEE" MEANS A COMMITTEE SPECIFICALLY CREATED TO PROMOTE THE CANDIDACY OF A BOARD MEMBER WHO IS RUNNING FOR AN ELECTIVE OFFICE.

REVISOR'S NOTE: This subsection formerly was SG § 15-853(m).

No changes are made.

Defined term: "Board member" § 5-857

(N) TREASURER.

"TREASURER" HAS THE MEANING STATED IN § 1-101 OF THE ELECTION LAW ARTICLE.

REVISOR'S NOTE: This subsection formerly was SG § 15-853(n).

No changes are made.

5-858. PROHIBITED ACTIONS.

(A) CONTRIBUTIONS.

AN APPLICANT MAY NOT MAKE A CONTRIBUTION TO A BOARD MEMBER DURING THE PENDENCY OF THE APPLICATION.

(B) VOTING.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AFTER AN APPLICATION HAS BEEN FILED, A BOARD MEMBER 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) COMPREHENSIVE ZONING OR REZONING PROCEEDINGS.

A BOARD MEMBER MAY PARTICIPATE IN A COMPREHENSIVE ZONING OR REZONING PROCEEDING.

REVISOR'S NOTE: This section formerly was SG § 15–854.

In subsection (c) of this section, the former phrase “[n]otwithstanding subsection (b) of this section” is deleted as unnecessary in light of the phrase “[e]xcept as provided in subsection (c) of this section” in subsection (b) of this section.

No other changes are made.

Defined terms: “Applicant” § 5–857
“Application” § 5–857
“Board member” § 5–857
“Contribution” § 5–857
“Pendency of the application” § 5–857
“Political committee” § 5–857
“Treasurer” § 5–857

5–859. EX PARTE COMMUNICATIONS.

(A) APPLICATION OF SECTION.

THIS SECTION DOES NOT APPLY TO A COMMUNICATION BETWEEN A BOARD MEMBER AND AN EMPLOYEE OF THE FREDERICK COUNTY GOVERNMENT WHOSE DUTIES INVOLVE GIVING AID OR ADVICE TO A BOARD MEMBER CONCERNING A PENDING APPLICATION.

(B) DISCLOSURE.

A BOARD MEMBER WHO COMMUNICATES EX PARTE WITH AN INDIVIDUAL CONCERNING A PENDING APPLICATION DURING THE PENDENCY OF THE APPLICATION SHALL FILE WITH THE COUNTY MANAGER A SEPARATE DISCLOSURE FOR EACH COMMUNICATION WITHIN THE LATER OF 7 DAYS AFTER THE COMMUNICATION WAS MADE OR RECEIVED.

REVISOR'S NOTE: This section formerly was SG § 15–855.

No changes are made.

Defined terms: "Application" § 5-857
"Board member" § 5-857
"Employee" § 5-101
"Pendency of the application" § 5-857

5-860. AFFIDAVIT.

AT ANY TIME BEFORE FINAL ACTION ON AN APPLICATION, A PARTY OF RECORD MAY FILE WITH THE COUNTY MANAGER 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.

REVISOR'S NOTE: This section formerly was SG § 15-856.

The only changes are in style.

Defined terms: "Applicant" § 5-857
"Application" § 5-857
"Contribution" § 5-857
"Party of record" § 5-857

5-861. ENFORCEMENT.

(A) IN GENERAL.

IN THE ENFORCEMENT OF THIS PART, THE COUNTY MANAGER 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) FILINGS; SUMMARY REPORTS.

(1) THE AFFIDAVITS AND DISCLOSURES REQUIRED UNDER THIS PART SHALL BE FILED IN THE APPROPRIATE CASE FILE OF AN APPLICATION.

(2) THE COUNTY MANAGER, 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.

REVISOR'S NOTE: This section formerly was SG § 15–857.

The only changes are in style.

Defined term: “Application” § 5–857

5–862. VIOLATIONS; PENALTIES.

(A) PROCEDURAL ERROR.

(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 FOR RECONSIDERATION.

(B) PENALTIES.

(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) PRESERVATION OF DOCUMENTS.

(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.

REVISOR'S NOTE: This section formerly was SG § 15-858.

In subsection (c)(2) of this section, the former reference to "papers" is deleted as included in the reference to "documents".

The only other changes are in style.

Defined terms: "Aggrieved party" § 5-857

"Application" § 5-857

"Board" § 5-857

"Business entity" § 5-857

"Party of record" § 5-857

"Person" § 1-114

GENERAL REVISOR'S NOTE TO SUBTITLE

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that for Parts V and VIII of this subtitle, "slate" is defined as "a group, combination, or organization of candidates". "Candidate" is defined for the parts to mean a candidate for Prince George's County Council "who becomes a member" and a candidate for Howard County Executive or Howard County Council "who becomes an elected official", respectively. See §§ 5-833(f) and (p) and 5-852(e) and (n) of this subtitle. Similarly, for Part VI of this subtitle, "slate" is defined, in part, as "two or more candidates". "Candidate"

is defined for the part to mean an individual “who wins an election” for Montgomery County Executive or Montgomery County Council. *See* § 5–842(e) and (l) of this subtitle. These definitions would therefore exclude a slate (as defined in the Election Law Article) that had only one “candidate”, as defined for these parts, but included one or more candidates for other offices (such as the General Assembly).

SUBTITLE 9. ENFORCEMENT.

5–901. PETITION BY ETHICS COMMISSION.

TO COMPEL COMPLIANCE WITH AN ORDER, OR TO SEEK OTHER RELIEF AUTHORIZED BY THIS SUBTITLE, THE ETHICS COMMISSION MAY FILE A PETITION IN A CIRCUIT COURT WITH VENUE OVER THE PROCEEDING.

REVISOR’S NOTE: This section formerly was SG § 15–901.

No changes are made.

Defined term: “Ethics Commission” § 5–101

5–902. JUDICIAL RELIEF.

(A) IN GENERAL.

THE COURT MAY COMPEL COMPLIANCE WITH THE ETHICS COMMISSION’S ORDER BY:

(1) ISSUING AN ORDER TO CEASE AND DESIST FROM THE VIOLATION; OR

(2) GRANTING OTHER INJUNCTIVE RELIEF.

(B) SPECIAL RELIEF.

(1) THE COURT MAY ALSO:

(I) IMPOSE A FINE:

1. NOT EXCEEDING \$5,000 FOR A VIOLATION OF THIS TITLE;

2. WITH EACH DAY THAT THE VIOLATION OCCURS BEING A SEPARATE OFFENSE; AND

3. WHICH SHALL BE PAID TO THE STATE TREASURER AND DEPOSITED IN THE GENERAL FUND; OR

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, VOID AN OFFICIAL ACT OF AN OFFICIAL OR EMPLOYEE IF:

1. THE OFFICIAL OR EMPLOYEE HAD A CONFLICT OF INTEREST THAT IS PROHIBITED BY THIS TITLE;

2. THE ACT AROSE FROM OR CONCERNED THE SUBJECT MATTER OF THE CONFLICT;

3. THE PROCEEDING WAS BROUGHT WITHIN 90 DAYS AFTER THE ACT OCCURRED; AND

4. THE COURT DETERMINES THAT THE CONFLICT HAD AN IMPACT ON THE ACT.

(2) THE COURT MAY NOT VOID AN OFFICIAL ACT THAT:

(I) APPROPRIATES PUBLIC FUNDS;

(II) IMPOSES A TAX; OR

(III) PROVIDES FOR THE ISSUANCE OF A BOND, A NOTE, OR ANY OTHER EVIDENCE OF PUBLIC OBLIGATION.

(c) SCOPE OF RELIEF.

AFTER HEARING THE CASE, THE COURT MAY GRANT ALL OR PART OF THE RELIEF SOUGHT.

REVISOR'S NOTE: This section formerly was SG § 15-902.

In subsection (b)(2)(ii) of this section, the reference to "impos[ing]" a tax is substituted for the former reference to "lev[ying]" a tax to conform to the terminology used in other recently revised articles of the Code.

The only other changes are in style.

Defined terms: "Employee" § 5-101

"Ethics Commission" § 5-101

"Official" § 5-101

5–903. CRIMINAL PENALTIES.**(A) IN GENERAL.**

EXCEPT AS PROVIDED IN § 5–716 OF THIS TITLE, A PERSON THAT KNOWINGLY AND WILLFULLY VIOLATES SUBTITLE 7 OF THIS TITLE 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) OFFICERS AND PARTNERS.

IF THE PERSON IS NOT AN INDIVIDUAL, EACH OFFICER OR PARTNER WHO KNOWINGLY AUTHORIZES OR PARTICIPATES IN A VIOLATION OF SUBTITLE 7 OF THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO THE PENALTY SPECIFIED IN SUBSECTION (A) OF THIS SECTION.

REVISOR'S NOTE: This section formerly was SG § 15–903.

The only changes are in style.

Defined term: “Person” § 1–114

5–904. DISCIPLINARY ACTION.

IN ADDITION TO ANY OTHER PENALTY UNDER THIS TITLE, A PUBLIC OFFICIAL OR EMPLOYEE FOUND BY THE ETHICS COMMISSION OR A COURT TO HAVE VIOLATED THIS TITLE:

(1) MAY BE REMOVED OR SUBJECTED TO OTHER DISCIPLINARY ACTION; AND

(2) IF SUBJECT TO AN ORDER OF THE ETHICS COMMISSION OR A COURT DIRECTING COMPLIANCE, MAY NOT RECEIVE SALARY OR OTHER COMPENSATION UNTIL THE INDIVIDUAL COMPLIES FULLY WITH THE ORDER.

REVISOR'S NOTE: This section formerly was SG § 15–904.

In item (2) of this section, the phrase “until the individual complies fully” is substituted for the former phrase “pending full compliance” for clarity.

The only other changes are in style.

Defined terms: “Compensation” §§ 5–101, 5–701
“Employee” § 5–101

“Ethics Commission” § 5–101

“Public official” § 5–101

SUBTITLE 10. SHORT TITLE.

5–1001. SHORT TITLE.

THIS TITLE MAY BE CITED AS THE MARYLAND PUBLIC ETHICS LAW.

REVISOR’S NOTE: This section formerly was SG § 15–1001.

No changes are made.

TITLE 6. UNITED STATES.

SUBTITLE 1. ACQUISITION OF LAND BY UNITED STATES.

6–101. CONSENT OF STATE — GENERALLY.

SUBJECT TO THE LIMITATIONS IN THIS TITLE, THE STATE GIVES THE CONSENT FOR THE ACQUISITION OF LAND THAT CONGRESS NEEDS UNDER ARTICLE I, § 8, CLAUSE 17 OF THE UNITED STATES CONSTITUTION TO EXERCISE JURISDICTION OVER THE LAND.

REVISOR’S NOTE: This section is new language derived without substantive change from former SG § 14–101.

Defined term: “State” § 1–115

6–102. CONSENT OF STATE — NAVIGATIONAL AID.

(A) “NAVIGATIONAL AID” DEFINED.

IN THIS SECTION, “NAVIGATIONAL AID” MEANS A BEACON, LIGHTHOUSE, OR OTHER AID TO NAVIGATION.

(B) LIMITATION ON ACQUISITION.

THIS SUBTITLE DOES NOT AUTHORIZE THE ACQUISITION OF MORE THAN 5 ACRES TO BE USED FOR A NAVIGATIONAL AID.

(C) CONSENT.

IF LAND THAT IS NEEDED FOR A NAVIGATIONAL AID IS UNDER NAVIGABLE WATERS AND THE UNITED STATES SUBMITS TO THE GOVERNOR AN APPLICATION THAT DESCRIBES THE SITE, THE GOVERNOR MAY:

- (1) CEDE JURISDICTION OVER THE LAND; AND**
- (2) CONVEY ANY TITLE THAT THE STATE HOLDS IN THE LAND.**

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 14–105.

In subsection (b) of this section, the word “subtitle” is substituted for the former word “title” for accuracy.

In the introductory language of subsection (c) of this section, the former reference to navigable waters “in the State” is deleted as implicit.

Also in the introductory language of subsection (c) of this section, the former reference to “an agent of” the United States is deleted as surplusage.

Defined term: “State” § 1–115

6–103. RECORDATION.

WHEN THE UNITED STATES ACQUIRES LAND, THE UNITED STATES SHALL RECORD EACH DEED OR DOCUMENT OF TITLE TO THE LAND IN THE LAND RECORDS OF THE COUNTY WHERE THE LAND IS LOCATED.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 14–103.

Defined term: “County” § 1–107

6–104. CONDEMNATION.

- (A) PROCEDURE.**

CONDEMNATION OF PRIVATE PROPERTY BY THE UNITED STATES SHALL BE IN ACCORDANCE WITH TITLE 12 OF THE REAL PROPERTY ARTICLE.

- (B) LIMITATION; EXCEPTION.**

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS SUBTITLE DOES NOT AUTHORIZE CONDEMNATION OF ANY TRACT OF LAND THAT EXCEEDS 10 ACRES.

(2) THE UNITED STATES MAY CONDEMN A TRACT OF LAND THAT EXCEEDS 10 ACRES TO BUILD AN ARSENAL, A COASTAL DEFENSE, A FORT, OR A MAGAZINE, INCLUDING A BARRACKS FOR STAFF.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 14-104.

In subsection (b)(1) of this section, the word "subtitle" is substituted for the former word "title" for accuracy.

Also in subsection (b)(1) of this section, the former reference to "acquisition, by" condemnation is deleted as surplusage.

In subsection (b)(2) of this section, the reference to "a tract of land that exceeds 10 acres" is substituted for the former phrase "more than 10 acres" for clarity and consistency with subsection (b)(1) of this section.

Defined term: "Including" § 1-110

SUBTITLE 2. JURISDICTION.

6-201. JURISDICTION RESERVED BY STATE.

(A) IN GENERAL.

WITH RESPECT TO LAND THAT THE UNITED STATES OR ANY UNIT OF THE UNITED STATES LEASES OR OTHERWISE HOLDS IN THE STATE, THE STATE RESERVES JURISDICTION AND AUTHORITY OVER THE LAND, AND PERSONS, PROPERTY, AND TRANSACTIONS ON THE LAND, TO THE FULLEST EXTENT THAT IS:

(1) ALLOWED BY THE UNITED STATES CONSTITUTION; AND

(2) NOT INCONSISTENT WITH THE GOVERNMENTAL PURPOSE FOR WHICH THE LAND IS HELD.

(B) EXCLUSIONS.

THIS SECTION DOES NOT AFFECT THE JURISDICTION AND AUTHORITY OF THE STATE OVER LAND, OR PERSONS, PROPERTY, AND TRANSACTIONS ON THE

LAND, THAT THE UNITED STATES OR A UNIT OF THE UNITED STATES ACQUIRED ON OR BEFORE MAY 31, 1943, TO THE EXTENT THAT THE STATE CEDED JURISDICTION UNDER:

(1) CHAPTER 193, §§ 3 AND 4, OF THE ACTS OF THE GENERAL ASSEMBLY OF 1874;

(2) CHAPTER 395, §§ 13 AND 14, OF THE ACTS OF THE GENERAL ASSEMBLY OF 1874;

(3) CHAPTER 67, § 21, OF THE ACTS OF THE GENERAL ASSEMBLY OF 1900;

(4) CHAPTER 743, §§ 2 AND 3, OF THE ACTS OF THE GENERAL ASSEMBLY OF 1906;

(5) CHAPTER 194 OF THE ACTS OF THE GENERAL ASSEMBLY OF 1908; OR

(6) ANY OTHER ACT IN WHICH THE STATE GAVE CONSENT FOR THE ACQUISITION OF PROPERTY AND CEDED JURISDICTION WITH RESPECT TO THE PROPERTY.

REVISOR'S NOTE: This section formerly was SG § 14–102(a) and (b).

In subsection (b)(6) of this section, the reference to “the State” giving consent is added for clarity.

The only other changes are in style.

Defined terms: “Person” § 1–114

“State” § 1–115

6–202. AGREEMENTS ON CONCURRENT JURISDICTION.

NOTWITHSTANDING § 6–201(A) OF THIS SUBTITLE, FOR THE PURPOSE OF ENFORCING THE CIVIL OR CRIMINAL LAWS OF THE STATE, THE GOVERNOR MAY ENTER INTO AN AGREEMENT WITH THE UNITED STATES TO ESTABLISH FULL OR PARTIAL CONCURRENT JURISDICTION OF THE STATE AND THE UNITED STATES OVER ANY LAND IN THE STATE HELD BY THE UNITED STATES.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 14–102(c).

Defined term: "State" § 1-115

6-203. FORT GEORGE G. MEADE MILITARY RESERVATION.

(A) EXCLUSIVE JURISDICTION OF UNITED STATES; DESCRIPTION OF LAND.

(1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AND FOR AS LONG AS THE UNITED STATES SHALL OWN THE LAND, THE STATE CEDES EXCLUSIVE JURISDICTION TO THE UNITED STATES OVER ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATE IN ANNE ARUNDEL COUNTY, BEING A PORTION OF THE FORT GEORGE G. MEADE MILITARY RESERVATION, LANDS OWNED BY THE UNITED STATES AS DESIGNATED BY TRACT NUMBERS 170-1, 171, 172, AND 174, COMPRISING APPROXIMATELY 265 ACRES AND HEREINAFTER REFERRED TO BY THE TRACT NUMBER AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT CONCRETE MONUMENT NUMBER 77 IN THE FORT GEORGE G. MEADE MILITARY RESERVATION BOUNDARY LINE, BEING AN ORIGINAL CORNER OF THE FORT GEORGE G. MEADE MILITARY RESERVATION BOUNDARY LINE, SAID CORNER BEING COMMON TO TRACT NUMBER 170-1 AND THE ORIGINAL RESERVATION, BOTH BEING LANDS OF SAID MILITARY RESERVATION OWNED BY THE UNITED STATES; THENCE CROSSING SAID MILITARY RESERVATION BY RUNNING AND BINDING ALONG THE ORIGINAL MILITARY RESERVATION LINE, SAID LINE COMMON TO THE EASTERLY LINE OF SAID TRACT NUMBER 170-1 THE FOLLOWING 16 COURSES:

**(I) SOUTH 05 DEGREES 48 MINUTES 40 SECONDS WEST
665.51 FEET,**

**(II) SOUTH 21 DEGREES 08 MINUTES 19 SECONDS WEST
1,586.36 FEET,**

**(III) SOUTH 61 DEGREES 34 MINUTES 06 SECONDS WEST
784.82 FEET,**

**(IV) SOUTH 61 DEGREES 45 MINUTES 24 SECONDS WEST
243.08 FEET,**

**(V) SOUTH 17 DEGREES 49 MINUTES 32 SECONDS EAST
377.50 FEET,**

(VI) SOUTH 72 DEGREES 10 MINUTES 13 SECONDS WEST, PASSING CONCRETE MONUMENT NUMBER 65 AT 300.00 FEET, IN ALL 849.95 FEET TO CONCRETE MONUMENT NUMBER 64,

(VII) SOUTH 18 DEGREES 03 MINUTES 44 SECONDS EAST 100.16 FEET, TO CONCRETE MONUMENT NUMBER 63,

(VIII) SOUTH 73 DEGREES 03 MINUTES 24 SECONDS WEST 246.48 FEET,

(IX) SOUTH 53 DEGREES 53 MINUTES 26 SECONDS EAST 108.71 FEET, TO CONCRETE MONUMENT NUMBER 61,

(X) SOUTH 29 DEGREES 19 MINUTES 41 SECONDS WEST 198.24 FEET, TO CONCRETE MONUMENT NUMBER 60,

(XI) SOUTH 44 DEGREES 57 MINUTES 02 SECONDS WEST 1,201.77 FEET, TO CONCRETE MONUMENT NUMBER 58,

(XII) NORTH 61 DEGREES 38 MINUTES 35 SECONDS WEST 148.49 FEET, TO CONCRETE MONUMENT NUMBER 57,

(XIII) SOUTH 42 DEGREES 41 MINUTES 45 SECONDS WEST 1,087.75 FEET,

(XIV) SOUTH 59 DEGREES 02 MINUTES 46 SECONDS WEST 619.72 FEET,

(XV) SOUTH 36 DEGREES 20 MINUTES 02 SECONDS WEST 453.33 FEET, TO CONCRETE MONUMENT NUMBER 54,

(XVI) SOUTH 46 DEGREES 48 MINUTES 10 SECONDS WEST 136.61 FEET, TO AN IRON PIPE LOCATED IN THE NORTHERN RIGHT-OF-WAY LINE OF STATE ROUTE 32; THENCE LEAVING SAID ORIGINAL MILITARY RESERVATION LINE OF FORT GEORGE G. MEADE AND RUNNING AND BINDING ALONG THE FORT GEORGE G. MEADE MILITARY RESERVATION BOUNDARY LINE BEING THE SOUTHERLY LINE OF SAID TRACT NUMBER 170-1, AND SAID NORTHERLY ROAD RIGHT-OF-WAY,

NORTH 24 DEGREES 40 MINUTES 07 SECONDS WEST 1,027.36 FEET, TO A CORNER COMMON TO SAID NORTHERN ROAD RIGHT-OF-WAY LINE OF STATE ROUTE 32 AND THE EASTERLY RIGHT-OF-WAY LINE OF COLONY SEVEN ROAD;

THENCE CONTINUING ALONG SAID MILITARY RESERVATION BOUNDARY LINE, BEING A PORTION OF THE WESTERLY LINE OF SAID TRACT NUMBER 170-1, AND LEAVING SAID STATE ROUTE 32 NORTHERN RIGHT-OF-WAY LINE AND RUNNING AND BINDING ALONG SAID COLONY SEVEN ROAD EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES AND DISTANCES:

(I) NORTH 05 DEGREES 08 MINUTES 30 SECONDS EAST
93.49 FEET,

(II) NORTH 37 DEGREES 00 MINUTES 50 SECONDS EAST
408.54 FEET;

THENCE LEAVING SAID COLONY SEVEN ROAD EASTERLY RIGHT-OF-WAY LINE AND CONTINUING RUNNING AND BINDING ALONG SAID MILITARY RESERVATION BOUNDARY LINE AND SAID WESTERLY LINE OF TRACT NUMBER 170-1 THE FOLLOWING TWO COURSES AND DISTANCES:

(I) NORTH 15 DEGREES 08 MINUTES 34 SECONDS EAST
505.57 FEET,

(II) NORTH 49 DEGREES 50 MINUTES 53 SECONDS EAST
478.74 FEET TO A POINT IN THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROUTE 295, COMMONLY KNOWN AS THE BALTIMORE-WASHINGTON PARKWAY, SAID POINT BEING A CORNER COMMON TO TRACT NUMBERS 170-1 AND 174 OF SAID MILITARY RESERVATION;

THENCE CONTINUING RUNNING AND BINDING ALONG SAID MILITARY RESERVATION BOUNDARY LINE BEING COMMON TO THE WESTERLY LINES OF SAID TRACT NUMBERS 170-1 AND 174 AND SAID PARKWAY EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING NINE COURSES AND DISTANCES:

(I) NORTH 49 DEGREES 42 MINUTES 59 SECONDS EAST
311.11 FEET,

(II) NORTH 47 DEGREES 19 MINUTES 55 SECONDS EAST
1,441.09 FEET,

(III) NORTH 47 DEGREES 23 MINUTES 45 SECONDS EAST
290.05 FEET,

(IV) NORTH 45 DEGREES 09 MINUTES 58 SECONDS EAST,
CROSSING THE CENTER LINE OF THE OLD SEVERN-ANNAPOLIS JUNCTION ROAD AT 27.00 FEET, IN ALL 220.64 FEET,

- (V) NORTH 36 DEGREES 46 MINUTES 58 SECONDS EAST
319.80 FEET,
- (VI) SOUTH 63 DEGREES 38 MINUTES 32 SECONDS EAST
200.28 FEET,
- (VII) NORTH 25 DEGREES 51 MINUTES 09 SECONDS EAST
997.62 FEET,
- (VIII) NORTH 30 DEGREES 20 MINUTES 54 SECONDS EAST
1,542.06 FEET,
- (IX) NORTH 29 DEGREES 35 MINUTES 54 SECONDS EAST
1,721.68 FEET;

THENCE LEAVING SAID PARKWAY EASTERLY RIGHT-OF-WAY LINE AND CONTINUING RUNNING AND BINDING ALONG SAID MILITARY RESERVATION BOUNDARY LINE BEING COMMON TO THE NORTHERLY AND EASTERLY LINES OF SAID TRACT NUMBER 170-1 THE FOLLOWING SIX COURSES AND DISTANCES:

- (I) SOUTH 50 DEGREES 05 MINUTES 05 SECONDS EAST
87.89 FEET,
- (II) NORTH 86 DEGREES 29 MINUTES 26 SECONDS EAST
123.40 FEET,
- (III) SOUTH 04 DEGREES 51 MINUTES 50 SECONDS EAST
635.41 FEET,
- (IV) SOUTH 75 DEGREES 17 MINUTES 41 SECONDS EAST
86.63 FEET,
- (V) SOUTH 02 DEGREES 22 MINUTES 05 SECONDS EAST
866.38 FEET,
- (VI) NORTH 88 DEGREES 17 MINUTES 30 SECONDS EAST
278.48 FEET TO THE POINT OF BEGINNING, CONTAINING 265.45 ACRES, MORE OR LESS.

(2) THE BEARINGS USED ARE REFERENCED TO THE MARYLAND STATE PLANE COORDINATE SYSTEM, 1927 NORTH AMERICAN DATUM.

(B) INTENT OF DESCRIPTION OF LAND.

IT IS THE INTENT THAT THE DESCRIPTION IN SUBSECTION (A) OF THIS SECTION INCLUDE ALL THE SAME LANDS ACQUIRED BY THE UNITED STATES AND AS FILED AND RECORDED IN THE LAND RECORDS OF ANNE ARUNDEL COUNTY FOR THE FOLLOWING FOUR TRACTS:

(1) TRACTS 170-1 AND 170-2 – BY DECLARATION OF TAKING, CIVIL NUMBER WN 87-2810, FILED OCTOBER 19, 1987;

(2) TRACT 171 – FROM JOHN CRONMILLER, ET AL., BY DEED DATED AUGUST 22, 1988, DEED BOOK 4676, PAGE 779;

(3) TRACT 172 – FROM NANCY V. ALLAN AND ALEXANDER V. ALLAN, BY DEED DATED FEBRUARY 23, 1988, DEED BOOK 4555, PAGE 846; AND

(4) TRACT 174 – FROM COLONY 7 MOTOR INN LIMITED PARTNERSHIP, PARTY OF THE FIRST PART, AND ARTHUR C. GRANT, FRIEDA C. GRANT, WILLIAM A. GRANT, HAROLD POLLIN, ELAINE KORN, AND RICHARD POLLIN, TRUSTEES AND NOMINEES OF COLONY 7 MOTOR INN LIMITED PARTNERSHIP I, BY DEED DATED JULY 11, 1980, DEED BOOK 5129, PAGE 168.

(C) RIGHTS RETAINED BY STATE.

NOTWITHSTANDING THE GRANT OF EXCLUSIVE JURISDICTION CEDED BY THE STATE UNDER SUBSECTION (A) OF THIS SECTION, THE STATE RETAINS THE RIGHT TO:

(1) SERVE ALL CIVIL AND CRIMINAL PROCESS OF THE COURTS OF THE STATE; AND

(2) ENFORCE AND ENSURE COMPLIANCE WITH ALL APPLICABLE ENVIRONMENTAL AND PUBLIC SERVICE COMMISSION LAWS AND REGULATIONS.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 14-102(d).

Defined terms: "County" § 1-107
"State" § 1-115

SUBTITLE 3. REVERSIONS.**6-301. GEORGE WASHINGTON MEMORIAL PARKWAY.**

ANY LAND THAT IS WITHIN THE GEORGE WASHINGTON MEMORIAL PARKWAY AND WAS TRANSFERRED TO THE UNITED STATES UNDER CHAPTER 378 OF THE ACTS OF THE GENERAL ASSEMBLY OF 1941 REVERTS TO THE STATE IF THE UNITED STATES CEASES TO USE THE LAND FOR PARK PURPOSES.

REVISOR'S NOTE: This section formerly was SG § 14–201.

No changes were made.

Defined term: “State” § 1–115

6–302. OTHER LAND.

JURISDICTION CEDED TO THE UNITED STATES REVERTS TO THE STATE IF THE UNITED STATES CEASES TO HOLD LAND ACQUIRED UNDER:

(1) CHAPTER 394 OF THE ACTS OF THE GENERAL ASSEMBLY OF 1910;

(2) CHAPTER 59, §§ 36A AND 36B, OF THE ACTS OF THE GENERAL ASSEMBLY OF 1950; OR

(3) CHAPTER 158 OF THE ACTS OF THE GENERAL ASSEMBLY OF 1953.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 14–202.

In the introductory language of this section, the phrase “[j]urisdiction ... reverts to the State” is substituted for the former phrase “[j]urisdiction ... ceases” for clarity and consistency with § 6–301 of this subtitle.

Defined term: “State” § 1–115

TITLE 7. EMBLEMS; DESIGNATIONS; COMMEMORATIVE DAYS AND MONTHS.

SUBTITLE 1. STATE SEAL.

7–101. ADOPTION AND USE.

(A) IN GENERAL.

THE GREAT SEAL OF MARYLAND IS THE STATE SEAL.

(B) OFFICIAL USE.

THE REVERSE OF THE STATE SEAL SHALL BE USED OFFICIALLY.

REVISOR'S NOTE: This section formerly was SG § 13-101(a) and the first sentence of (b).

No changes are made.

The second sentence of former SG § 13-101(b), which stated that "[t]he obverse has not been used officially", is deleted as surplusage.

Defined term: "State" § 1-115

7-102. DESCRIPTION.**(A) OBVERSE.****(1) THE OBVERSE OF THE GREAT SEAL OF MARYLAND DEPICTS:**

(I) AN EQUESTRIAN FIGURE OF THE LORD PROPRIETARY ARRAYED IN COMPLETE ARMOR AND HOLDING A DRAWN SWORD;

(II) A HORSE WEARING CAPARISONS ADORNED WITH THE FAMILY COAT OF ARMS FOR LORD BALTIMORE; AND

(III) ON THE GROUND BELOW THE EQUESTRIAN FIGURE, A SPARSE GROWTH OF GRASS ON SANDY SOIL AND A FEW SMALL BLUE AND YELLOW FLOWERS.

(2) THE CIRCLE SURROUNDING THE OBVERSE OF THE GREAT SEAL OF MARYLAND CONTAINS THE LATIN INSCRIPTION "CAECILIUS ABSOLUTUS DOMINUS TERRAE MARIAE ET AVALONIAE BARO DE BALTEMORE", WHICH MEANS "CECIL ABSOLUTE LORD OF MARYLAND AND AVALON BARON OF BALTIMORE", REFERRING TO LORD BALTIMORE'S FIRST SETTLEMENT IN THE NEW WORLD, ON THE AVALON PENINSULA OF NEWFOUNDLAND.

(B) REVERSE.**(1) THE REVERSE OF THE GREAT SEAL OF MARYLAND DEPICTS:**

(I) THE FAMILY COAT OF ARMS FOR LORD BALTIMORE, AS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION;

(II) AN EARL'S CORONET PLACED ABOVE THE SHIELD INDICATING GEORGE CALVERT'S STATUS AS AN EARL OR A COUNT PALATINE IN MARYLAND, THOUGH ONLY A BARON IN ENGLAND;

(III) ABOVE THE EARL'S CORONET, A HELMET SET FULL-FACED;

(IV) ABOVE THE HELMET, THE CALVERT CREST, WHICH CONSISTS OF TWO PENNONS, OR PENNANTS, SUPPORTED BY GULES (RED) STAFFS, ISSUING FROM THE DUCAL CORONET:

1. THE DEXTER (RIGHT) PENNON, OF OR (GOLD);
AND

2. THE OTHER PENNON, OF SABLE (BLACK);

(V) A PLOWMAN WEARING A HIGH-CROWNED, BROAD-BRIMMED BEAVER HAT AND HOLDING ONE SIDE OF THE SHIELD WITH HIS LEFT HAND AND A SPADE IN HIS RIGHT HAND;

(VI) A FISHERMAN WEARING A KNITTED CAP SOMEWHAT RESEMBLING A STOCKING CAP AND HOLDING ONE SIDE OF THE SHIELD WITH HIS RIGHT HAND AND IN HIS LEFT HAND A FISH THAT IS NOT SPECIFIC TO ANY SPECIES; AND

(VII) AT THE FEET OF THE PLOWMAN AND FISHERMAN, A RIBBON CONTAINING, IN ITALIAN, THE CALVERT FAMILY MOTTO, "FATTI MASCHII PAROLE FEMINE", LOOSELY TRANSLATED AS "MANLY DEEDS, WOMANLY WORDS".

(2) (I) THE FAMILY COAT OF ARMS FOR LORD BALTIMORE IS DIVIDED INTO QUARTERS.

(II) THE FIRST AND FOURTH QUARTERS:

1. APPEAR IN THE TOP-LEFT AND BOTTOM-RIGHT QUARTERS;

2. REPRESENT THE COAT OF ARMS OF THE CALVERT FAMILY; AND

3. ARE A PALY OF SIX PIECES, OR (GOLD) AND SABLE (BLACK), AND A BEND DEXTER (RIGHT DIAGONAL BAND) COUNTERCHANGED, SO THAT THEY CONSIST OF SIX ALTERNATING GOLD AND BLACK VERTICAL BARS WITH A DIAGONAL BAND ON WHICH THE COLORS ARE REVERSED.

(III) THE SECOND AND THIRD QUARTERS:

1. APPEAR IN THE TOP-RIGHT AND BOTTOM-LEFT QUARTERS;

2. SHOW THE COAT OF ARMS OF THE CROSSLAND FAMILY, WHICH CECIL CALVERT INHERITED FROM HIS GRANDMOTHER, ALICIA, WIFE OF LEONARD CALVERT, THE FATHER OF GEORGE CALVERT, THE FIRST LORD BALTIMORE; AND

3. ARE QUARTERED ARGENT (SILVER) AND GULES (RED), A CROSS BOTTONY COUNTERCHANGED, SO THAT THEY CONSIST OF A QUARTERED FIELD OF SILVER AND RED, CHARGED WITH A CROSS BOTTONY THAT HAS ARMS TERMINATING IN A BUTTON OR A THREE-LEAF CLOVER AND OPPOSITE COLORING.

(3) BEHIND AND SURROUNDING THE DEPICTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION ARE:

(I) AN ERMINE-LINED MANTLE;

(II) A CIRCLE AROUND THE SEAL CONTAINING THE WORDS "SCUTO BONAE VOLUNTATIS TUAE CORONASTI NOS", MEANING "WITH FAVOR WILT THOU COMPASS US AS WITH A SHIELD" (PSALM 5:12); AND

(III) THE DATE 1632, THE YEAR THE MARYLAND CHARTER WAS GRANTED.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 13-102.

In subsection (a)(1)(ii) of this section, the reference to the family coat of arms "for Lord Baltimore" is added for clarity.

In subsection (a)(1)(iii) of this section, the reference to the ground below "the equestrian figure" is added for clarity.

In subsection (a)(2) of this section, the reference to the Avalon "Peninsula" is added for clarity.

In subsection (b)(1)(i) of this section, the reference to the “family” coat of arms is substituted for the former reference to the “hereditary” coat of arms for consistency with subsection (a)(1)(ii) of this section.

In subsection (b)(1)(ii) of this section, the reference to “George” Calvert is added for clarity.

In subsection (b)(1)(iv) of this section, the reference to “pennants” is added for clarity.

In subsection (b)(1)(v) and (vi) of this section, the references to “a plowman ... holding one side of the shield with his left hand” and “a fisherman ... holding one side of the shield with his right hand”, respectively, are substituted for the former reference to “[t]he supporters of the shield are a plowman and a fisherman with their hands on the shield” for clarity.

In subsection (b)(1)(vi) of this section, the reference to a fish “that is not specific to any species” is substituted for the former reference to the fish “[being] heraldic and cannot, therefore, be identified as to any species” for brevity and clarity.

In subsection (b)(2)(i) of this section, the statement that “[t]he family coat of arms for Lord Baltimore is divided into quarters” is added for clarity and consistency with § 7–202(a) of this title, which describes the same design on the State flag.

In subsection (b)(2)(ii)3 of this section, the reference to a bend “dexter” counterchanged is added for consistency with § 7–202(b) of this title, which describes the same design on the State flag.

Also in subsection (b)(2)(ii)3 of this section, the parenthetical reference to a “right diagonal band” is added for clarity.

Also in subsection (b)(2)(ii)3 of this section, the reference to the first and fourth quarters “consist[ing] of six alternating ... vertical bars with a diagonal band on which the colors are reversed” is added for clarity and consistency with § 7–202(b) of this title, which describes the same design on the State flag.

Also in subsection (b)(2)(ii)3 of this section, the former phrase “described in heraldic language” is deleted as surplusage.

In subsection (b)(2)(iii)1 of this section, the reference to the second and third quarters “appear[ing] in the top–right and bottom–left quarters” is

added for clarity and consistency with subsection (b)(2)(ii)1 of this section.

In subsection (b)(2)(iii)2 of this section, the references to Cecil “Calvert” and George “Calvert” are added for clarity.

In subsection (b)(2)(iii)3 of this section, the reference to the second and third quarters “consist[ing] of a quartered field ..., charged with a cross bottony that has arms terminating” is substituted for the former reference to “buotonne, ... at the end of each radius of the cross” for clarity and consistency with § 7–202(c) of this title, which describes the same design on the State flag.

In the introductory language of subsection (b)(3) of this section, the reference to “the depiction described in paragraph (1) of this subsection” is substituted for the former reference to “both shield and supporters” for clarity.

In subsection (b)(3)(iii) of this section, the reference to the “Maryland” charter is added for clarity.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that in subsection (b)(2)(iii)3 of this section, the translation of the heraldic term “argent” is “silver”; however, in § 7–202(c) of this title, it is translated as “white”. The General Assembly may wish to remedy this inconsistency.

7–103. CUSTODY.

THE SECRETARY OF STATE SHALL HAVE CUSTODY OF THE STATE SEAL.

REVISOR’S NOTE: This section formerly was SG § 13–103.

No changes are made.

Defined term: “State” § 1–115

7–104. USE.

(A) BY GOVERNOR.

(1) THE GOVERNOR MAY HAVE THE STATE SEAL:

(I) TO AFFIX IT TO A CERTIFIED COPY OF A LAW OR RESOLUTION;

(II) TO AFFIX IT TO A COMMUNICATION FROM THE STATE TO THE UNITED STATES, ANOTHER STATE, OR A FOREIGN COUNTRY; OR

(III) AS NEEDED FOR ANY OTHER PURPOSE PROVIDED BY LAW.

(2) UNLESS THE GOVERNOR SIGNS THE DOCUMENT, THE GOVERNOR MAY NOT AFFIX THE STATE SEAL TO A DOCUMENT OR ALLOW THE STATE SEAL TO BE AFFIXED TO A DOCUMENT ISSUED BY THE EXECUTIVE BRANCH OF THE STATE GOVERNMENT.

(B) BY SECRETARY OF SENATE AND CHIEF CLERK OF HOUSE.

THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF THE HOUSE MAY HAVE THE STATE SEAL TO AFFIX IT TO A BILL AS REQUIRED BY LAW.

REVISOR'S NOTE: This section formerly was SG §§ 13–104 and 13–105.

The only changes are in style.

Defined term: "State" § 1–115

SUBTITLE 2. FLAGS.

7–201. ADOPTION OF STATE FLAG.

THE MARYLAND FLAG IS THE STATE FLAG.

REVISOR'S NOTE: This section formerly was SG § 13–201.

No changes are made.

Defined term: "State" § 1–115

7–202. DESCRIPTION OF STATE FLAG.

(A) IN GENERAL.

THE STATE FLAG IS DIVIDED INTO QUARTERS.

(B) FIRST AND FOURTH QUARTERS.

THE FIRST AND FOURTH QUARTERS ARE A PALY OF SIX PIECES, OR (GOLD) AND SABLE (BLACK), AND A BEND DEXTER (RIGHT DIAGONAL BAND)

COUNTERCHANGED, SO THAT THEY CONSIST OF SIX ALTERNATING GOLD AND BLACK VERTICAL BARS WITH A DIAGONAL BAND ON WHICH THE COLORS ARE REVERSED.

(C) SECOND AND THIRD QUARTERS.

THE SECOND AND THIRD QUARTERS ARE QUARTERED ARGENT (WHITE) AND GULES (RED), A CROSS BOTTONY COUNTERCHANGED, SO THAT THEY CONSIST OF A QUARTERED FIELD OF WHITE AND RED, CHARGED WITH A GREEK CROSS THAT HAS ARMS TERMINATING IN TREFOILS AND OPPOSITE COLORING SO THAT RED IS ON THE WHITE QUARTERS AND WHITE IS ON THE RED QUARTERS, AS REPRESENTED ON THE ESCUTCHEON OF THE STATE SEAL.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 13–202.

In subsection (a) of this section, the reference to the State flag being “divided into quarters” is substituted for the former reference to the State flag being “quartered” for clarity.

In subsection (b) of this section, the parenthetical reference to a “right diagonal band” is added for clarity.

Also in subsection (b) of this section, the word “alternating” is substituted for the former word “alternately” for clarity.

In subsection (c) of this section, the reference to “counterchanged” is substituted for the former reference to “countersigned” for consistency with § 7–102(b)(1) of this title, which describes the same design on the State seal.

The General Provision Article Review Committee notes, for consideration by the General Assembly, that in subsection (c) of this section, the translation of the heraldic term “argent” is “white”; however, in § 7–102(b)(2)(iii)3 of this title, it is translated as “silver”. The General Assembly may wish to remedy this inconsistency.

Defined term: “State” § 1–115

7–203. ORNAMENT FOR STATE FLAG.

ONLY A GOLD CROSS BOTTONY MAY BE USED AS AN ORNAMENT ON THE TOP OF A FLAGSTAFF THAT CARRIES THE STATE FLAG.

REVISOR'S NOTE: This section formerly was SG § 13–203.

No changes are made.

Defined term: “State” § 1–115

7–204. DISPLAY ON STATE HOUSE — FLAG OF THE UNITED STATES AND STATE FLAG.

(A) IN GENERAL.

THE FLAG OF THE UNITED STATES AND THE STATE FLAG SHALL BE FLOWN FROM THE STATE HOUSE AS PROVIDED IN THIS SECTION.

(B) SESSION.

WHEN THE GENERAL ASSEMBLY IS IN SESSION, THE FLAG OF THE UNITED STATES AND THE STATE FLAG SHALL BE FLOWN CONTINUOUSLY.

(C) INTERIM.

WHEN THE GENERAL ASSEMBLY IS NOT IN SESSION, THE FLAG OF THE UNITED STATES AND THE STATE FLAG SHALL BE FLOWN:

(1) CONTINUOUSLY ON EACH DAY THAT THE GOVERNOR DESIGNATES AS A PUBLIC OCCASION; AND

(2) BETWEEN SUNRISE AND SUNSET ON ANY OTHER DAY WHEN THE WEATHER PERMITS.

(D) ARRANGEMENT OF STATE FLAG.

THE STATE FLAG SHALL BE FLOWN WITH THE BLACK STRIPE ON THE DIAGONAL BANDS OF THE FIRST QUARTER AT THE TOP OF THE FLAGSTAFF, AS SHOWN IN THE ILLUSTRATION OF THE STATE FLAG IN “CHRONICLES OF COLONIAL MARYLAND”.

REVISOR’S NOTE: This section is new language derived without substantive change from former SG § 13–204.

In subsection (b) and the introductory language of subsection (c) of this section, the references to “the flag of the United States and the State flag” are substituted for the former references to “the flags” for clarity.

Defined term: “State” § 1–115

7-205. DISPLAY ON STATE HOUSE — ARMED FORCES FLAGS.**(A) DEFINITIONS.**

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

(2) “FLAG TO HONOR AND REMEMBER MEMBERS OF THE ARMED FORCES WHO DIED IN THE LINE OF DUTY” MEANS:

(I) A FLAG CREATED BY HONOR AND REMEMBER, INC.; OR

(II) THE FLAG DESIGNATED BY THE UNITED STATES CONGRESS AS THE OFFICIAL SYMBOL TO HONOR AND REMEMBER MEMBERS OF THE ARMED FORCES WHO DIED IN THE LINE OF DUTY.

(3) “POW/MIA FLAG” MEANS THE PRISONERS OF WAR/MISSING IN ACTION (POW/MIA) FLAG OF THE NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA.

(B) DISPLAY.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH YEAR, THE POW/MIA FLAG AND A FLAG TO HONOR AND REMEMBER MEMBERS OF THE ARMED FORCES WHO DIED IN THE LINE OF DUTY SHALL BE FLOWN ON THE STATE HOUSE GROUNDS ON:

(I) THE THIRD SATURDAY IN MAY, FOR ARMED FORCES DAY;

(II) MAY 30, FOR MEMORIAL DAY;

(III) THE DAY THAT THE UNITED STATES CONGRESS DESIGNATES FOR THE OBSERVANCE OF MEMORIAL DAY, IF OTHER THAN MAY 30;

(IV) THE SATURDAY AND SUNDAY THAT ARE CLOSEST TO MAY 30, UNLESS THE UNITED STATES CONGRESS DESIGNATES ANOTHER DAY FOR THE OBSERVANCE OF MEMORIAL DAY, IN WHICH CASE, THE SATURDAY AND SUNDAY THAT ARE CLOSEST TO THE DAY DESIGNATED BY THE UNITED STATES CONGRESS;

(V) JULY 4, FOR INDEPENDENCE DAY;

(VI) THE THIRD FRIDAY IN SEPTEMBER, FOR POW/MIA RECOGNITION DAY;

(VII) NOVEMBER 11, FOR VETERANS' DAY;

(VIII) THE DAY THAT THE UNITED STATES CONGRESS DESIGNATES FOR THE OBSERVANCE OF VETERANS' DAY, IF OTHER THAN NOVEMBER 11; AND

(IX) THE SATURDAY AND SUNDAY THAT ARE CLOSEST TO NOVEMBER 11, UNLESS THE UNITED STATES CONGRESS DESIGNATES ANOTHER DAY FOR THE OBSERVANCE OF VETERANS' DAY, IN WHICH CASE, THE SATURDAY AND SUNDAY THAT ARE CLOSEST TO THE DAY DESIGNATED BY THE UNITED STATES CONGRESS.

(2) IF THE UNITED STATES CONGRESS DESIGNATES A FLAG AS THE OFFICIAL SYMBOL TO HONOR AND REMEMBER MEMBERS OF THE ARMED FORCES WHO DIED IN THE LINE OF DUTY, THE FLAG DESIGNATED BY CONGRESS INSTEAD OF THE FLAG CREATED BY HONOR AND REMEMBER, INC., SHALL BE FLOWN IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.

REVISOR'S NOTE: This section formerly was SG § 13–205.

In subsection (a)(3) of this section, the reference to the “Prisoners of War/Missing in Action (POW/MIA) flag” is substituted for the former reference to the “POW/MIA flag” for clarity.

In subsection (b)(2) of this section, the phrase “instead of the flag created by Honor and Remember, Inc.,” is added to clarify that subsection (b)(2) requires a flag described under subsection (a)(2)(ii) of this section to be displayed, rather than a flag described under subsection (a)(2)(i) of this section.

No other changes are made.

Defined term: “State” § 1–115

7–206. MANUFACTURING REQUIREMENTS — FLAG OF THE UNITED STATES AND STATE FLAG.

A FLAG OF THE UNITED STATES OR A STATE FLAG THAT IS DISPLAYED ON STATE PROPERTY AND PURCHASED WITH STATE MONEY MUST BE MANUFACTURED IN THE UNITED STATES.

REVISOR'S NOTE: This section formerly was SG § 13–206.

No changes are made.

Defined term: "State" § 1–115

SUBTITLE 3. ADDITIONAL EMBLEMS; DESIGNATIONS.

PART I. ANIMALS, PLANTS, AND WILDLIFE.

7–301. BIRD.

THE BALTIMORE ORIOLE (ICTERUS GALBULA) IS THE STATE BIRD.

REVISOR'S NOTE: This section formerly was SG § 13–302.

No changes are made.

Defined term: "State" § 1–115

7–302. CAT.

THE CALICO CAT IS THE STATE CAT.

REVISOR'S NOTE: This section formerly was SG § 13–317.

No changes are made.

Defined term: "State" § 1–115

7–303. CRUSTACEAN.

THE MARYLAND BLUE CRAB (CALLINECTES SAPIDUS) IS THE STATE CRUSTACEAN.

REVISOR'S NOTE: This section formerly was SG § 13–301(b).

No changes are made.

Defined term: "State" § 1–115

7-304. DOG.

THE CHESAPEAKE BAY RETRIEVER IS THE STATE DOG.

REVISOR'S NOTE: This section formerly was SG § 13-303.

The only changes are in style.

Defined term: "State" § 1-115

7-305. FISH.

THE STRIPED BASS OR ROCKFISH (MORONE SAXATILIS) IS THE STATE FISH.

REVISOR'S NOTE: This section formerly was SG § 13-304.

No changes are made.

Defined term: "State" § 1-115

7-306. FLOWER.

THE BLACK-EYED SUSAN (RUDBECKIA HIRTA) IS THE STATE FLOWER.

REVISOR'S NOTE: This section formerly was SG § 13-305.

The only changes are in style.

Defined term: "State" § 1-115

7-307. HORSE.

THE THOROUGHBRED HORSE IS THE STATE HORSE.

REVISOR'S NOTE: This section formerly was SG § 13-318.

The only changes are in style.

Defined term: "State" § 1-115

7-308. INSECT.

THE BALTIMORE CHECKERSPOT BUTTERFLY (EUPHYDRYAS PHAETON) IS THE STATE INSECT.

REVISOR'S NOTE: This section formerly was SG § 13-301(a).

No changes are made.

Defined term: "State" § 1-115

7-309. REPTILE.

THE DIAMONDBACK TERRAPIN (MALACLEMYS TERRAPIN) IS THE STATE REPTILE.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 13-313, as it related to the designation of the State reptile.

Defined term: "State" § 1-115

7-310. TREE.

THE WHITE OAK (QUERCUS ALBA) IS THE STATE TREE.

REVISOR'S NOTE: This section formerly was SG § 13-310.

No changes are made.

Defined term: "State" § 1-115

7-311. RESERVED.

7-312. RESERVED.

PART II. ARTS, CULTURE, AND FOOD.

7-313. DESSERT.

SMITH ISLAND CAKE IS THE STATE DESSERT.

REVISOR'S NOTE: This section formerly was SG § 13-320.

No changes are made.

Defined term: "State" § 1-115

7-314. DRINK.

MILK IS THE STATE DRINK.

REVISOR'S NOTE: This section formerly was SG § 13–315.

No changes are made.

Defined term: “State” § 1–115

7–315. FOLK DANCE.**SQUARE DANCING IS THE STATE FOLK DANCE.**

REVISOR'S NOTE: This section formerly was SG § 13–314.

No changes are made.

Defined term: “State” § 1–115

7–316. MASCOT.**THE DIAMONDBACK TERRAPIN (MALACLEMYS TERRAPIN) IS THE OFFICIAL MASCOT OF THE UNIVERSITY OF MARYLAND, COLLEGE PARK.**

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 13–313, as it related to the designation of the official mascot of the University of Maryland, College Park.

The reference to the “University of Maryland, College Park” is substituted for the former reference to the “State’s flagship university at College Park” to reflect the terminology used in the Education Article. *See, e.g.*, ED § 12–101.

7–317. POET LAUREATE.**(A) DESIGNATION AUTHORIZED.****THE GOVERNOR MAY DESIGNATE A CITIZEN OF THE STATE AS ITS POET LAUREATE.****(B) COMPENSATION; REIMBURSEMENT FOR EXPENSES.****(1) THE POET LAUREATE:**

(I) MAY NOT RECEIVE COMPENSATION AS POET LAUREATE;
BUT

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IS ENTITLED TO REIMBURSEMENT FOR ANY EXPENSES INCURRED IN THE PERFORMANCE OF DUTIES AS POET LAUREATE.

(2) REIMBURSEMENT UNDER THIS SUBSECTION:

(I) SHALL BE PAID FROM THE GENERAL EMERGENCY FUND OF THE BOARD OF PUBLIC WORKS; AND

(II) MAY NOT EXCEED \$1,000 IN ANY 1 FISCAL YEAR.

REVISOR'S NOTE: This section formerly was SG § 13-306.

In subsection (b)(1)(i) of this section, the reference to receiving compensation "as Poet Laureate" is added for clarity.

No other changes are made.

Defined term: "State" § 1-115

7-318. SONG.

(A) DESIGNATION.

THE POEM "MARYLAND! MY MARYLAND!", WRITTEN BY JAMES RYDER RANDALL IN 1861 AND SET TO THE TUNE OF "LAURIGER HORATIUS", IS THE STATE SONG.

(B) WORDS.

THE WORDS OF THE STATE SONG ARE:

I
THE DESPOT'S HEEL IS ON THY SHORE,
MARYLAND!
HIS TORCH IS AT THY TEMPLE DOOR,
MARYLAND!
AVENGE THE PATRIOTIC GORE
THAT FLECKED THE STREETS OF BALTIMORE,
AND BE THE BATTLE QUEEN OF YORE,
MARYLAND! MY MARYLAND!

II

HARK TO AN EXILED SON'S APPEAL,
MARYLAND!
MY MOTHER STATE! TO THEE I KNEEL,
MARYLAND!
FOR LIFE AND DEATH, FOR WOE AND WEAL,
THY PEERLESS CHIVALRY REVEAL,
AND GIRD THY BEAUTEOUS LIMBS WITH STEEL,
MARYLAND! MY MARYLAND!

III

THOU WILT NOT COWER IN THE DUST,
MARYLAND!
THY BEAMING SWORD SHALL NEVER RUST,
MARYLAND!
REMEMBER CARROLL'S SACRED TRUST,
REMEMBER HOWARD'S WARLIKE THRUST,—
AND ALL THY SLUMBERERS WITH THE JUST,
MARYLAND! MY MARYLAND!

IV

COME! 'TIS THE RED DAWN OF THE DAY,
MARYLAND!
COME WITH THY PANOPLIED ARRAY,
MARYLAND!
WITH RINGGOLD'S SPIRIT FOR THE FRAY,
WITH WATSON'S BLOOD AT MONTEREY,
WITH FEARLESS LOWE AND DASHING MAY,
MARYLAND! MY MARYLAND!

V

COME! FOR THY SHIELD IS BRIGHT AND STRONG,
MARYLAND!
COME! FOR THY DALLIANCE DOES THEE WRONG,
MARYLAND!
COME TO THINE OWN HEROIC THRONG,
STALKING WITH LIBERTY ALONG,
AND CHAUNT THY DAUNTLESS SLOGAN SONG,
MARYLAND! MY MARYLAND!

VI

DEAR MOTHER! BURST THE TYRANT'S CHAIN,

MARYLAND!
 VIRGINIA SHOULD NOT CALL IN VAIN,
 MARYLAND!
 SHE MEETS HER SISTERS ON THE PLAIN—
 “SIC SEMPER!” ’TIS THE PROUD REFRAIN
 THAT BAFFLES MINIONS BACK AGAIN,
 MARYLAND! MY MARYLAND!

VII
 I SEE THE BLUSH UPON THY CHEEK,
 MARYLAND!
 FOR THOU WAST EVER BRAVELY MEEK,
 MARYLAND!
 BUT LO! THERE SURGES FORTH A SHRIEK
 FROM HILL TO HILL, FROM CREEK TO CREEK—
 POTOMAC CALLS TO CHESAPEAKE,
 MARYLAND! MY MARYLAND!

VIII
 THOU WILT NOT YIELD THE VANDAL TOLL,
 MARYLAND!
 THOU WILT NOT CROOK TO HIS CONTROL,
 MARYLAND!
 BETTER THE FIRE UPON THEE ROLL,
 BETTER THE BLADE, THE SHOT, THE BOWL,
 THAN CRUCIFIXION OF THE SOUL,
 MARYLAND! MY MARYLAND!

IX
 I HEAR THE DISTANT THUNDER–HUM,
 MARYLAND!
 THE OLD LINE’S BUGLE, FIFE, AND DRUM,
 MARYLAND!
 SHE IS NOT DEAD, NOR DEAF, NOR DUMB—
 HUZZA! SHE SPURNS THE NORTHERN SCUM!
 SHE BREATHES! SHE BURNS! SHE’LL COME! SHE’LL COME!
 MARYLAND! MY MARYLAND!

REVISOR’S NOTE: This section is new language derived without substantive change from former SG § 13–307.

Subsection (a) of this section is revised to clarify that the State song, “Maryland! My Maryland!”, is a combination of the poem “Maryland! My Maryland!” and the tune of “Lauriger Horatius”.

Defined term: “State” § 1–115

7–319. THEATERS.

(A) STATE THEATER.

CENTER STAGE IN BALTIMORE CITY IS THE STATE THEATER.

(B) SUMMER THEATER.

OLNEY THEATRE IN MONTGOMERY COUNTY IS THE STATE SUMMER THEATER.

REVISOR’S NOTE: This section formerly was SG § 13–309.

No changes are made.

Defined term: “State” § 1–115

7–320. RESERVED.

7–321. RESERVED.

PART III. NATURAL HISTORY.

7–322. DINOSAUR.

THE ASTRODON JOHNSTONI IS THE STATE DINOSAUR.

REVISOR’S NOTE: This section formerly was SG § 13–316.

No changes are made.

Defined term: “State” § 1–115

7–323. FOSSIL SHELL.

THE ECPHORA GARDNERAE GARDNERAE (WILSON) IS THE STATE FOSSIL SHELL.

REVISOR’S NOTE: This section formerly was SG § 13–311.

No changes are made.

Defined term: "State" § 1-115

7-324. GEM.

THE PATUXENT RIVER STONE IS THE STATE GEM.

REVISOR'S NOTE: This section formerly was SG § 13-319.

No changes are made.

Defined term: "State" § 1-115

7-325. RESERVED.

7-326. RESERVED.

PART IV. SPORTS AND RECREATION.

7-327. BOAT.

THE SKIPJACK IS THE STATE BOAT.

REVISOR'S NOTE: This section formerly was SG § 13-312.

The only changes are in style.

Defined term: "State" § 1-115

7-328. EXERCISE.

WALKING IS THE STATE EXERCISE.

REVISOR'S NOTE: This section formerly was SG § 13-321.

No changes are made.

Defined term: "State" § 1-115

7-329. SPORTS.

(A) STATE SPORT.

JOUSTING IS THE STATE SPORT.

(B) TEAM SPORT.

LACROSSE IS THE STATE TEAM SPORT.

REVISOR'S NOTE: This section formerly was SG § 13–308.

No changes are made.

Defined term: “State” § 1–115

SUBTITLE 4. COMMEMORATIVE DAYS.**7–401. ASIAN LUNAR NEW YEAR DAY.****(A) PROCLAMATION.**

THE GOVERNOR ANNUALLY SHALL PROCLAIM THE DAY DESIGNATED AS NEW YEAR ON THE ASIAN LUNAR CALENDAR AS ASIAN LUNAR NEW YEAR DAY.

(B) IN RECOGNITION OF CONTRIBUTIONS.

ASIAN LUNAR NEW YEAR DAY IS IN RECOGNITION OF THE ECONOMIC AND CULTURAL CONTRIBUTIONS OF THE MANY MARYLANDERS FOR WHOM THE LUNAR NEW YEAR HOLDS SPECIAL SIGNIFICANCE.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 13–405.

7–402. CRIME VICTIM AND ADVOCATE COMMEMORATIVE DAY.**THE GOVERNOR ANNUALLY SHALL:**

(1) PROCLAIM APRIL 3 AS CRIME VICTIM AND ADVOCATE COMMEMORATIVE DAY TO HONOR THE INDIVIDUALS IN THE STATE WHO HAVE BECOME CRIME VICTIMS AND THE ADVOCATES WHO SERVE THOSE VICTIMS; AND

(2) TAKE APPROPRIATE STEPS TO PUBLICIZE CRIME VICTIM AND ADVOCATE COMMEMORATIVE DAY.

REVISOR'S NOTE: This section formerly was SG § 13–410.

No changes are made.

Defined term: “State” § 1–115

7-403. JOHN HANSON'S BIRTHDAY.

THE GOVERNOR ANNUALLY SHALL PROCLAIM APRIL 13 AS JOHN HANSON'S BIRTHDAY AND DEDICATE APRIL 13 TO HIM.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 13-401.

7-404. LAW DAY.

THE GOVERNOR ANNUALLY SHALL PROCLAIM MAY 1 AS LAW DAY U.S.A.

REVISOR'S NOTE: This section formerly was SG § 13-402.

No changes are made.

7-405. MARYLAND CENTENARIANS DAY.

THE GOVERNOR ANNUALLY SHALL PROCLAIM THE SECOND THURSDAY IN MAY AS MARYLAND CENTENARIANS DAY IN RECOGNITION OF THE LIVES OF THE STATE'S CITIZENS WHO HAVE REACHED THE LANDMARK AGE OF 100 YEARS.

REVISOR'S NOTE: This section formerly was SG § 13-411.

The only changes are in style.

Defined term: "State" § 1-115

7-406. NEGRO BASEBALL LEAGUE DAY.

THE GOVERNOR ANNUALLY SHALL PROCLAIM THE SECOND SATURDAY IN MAY AS NEGRO BASEBALL LEAGUE DAY.

REVISOR'S NOTE: This section formerly was SG § 13-408.

No changes are made.

7-407. MEMORIAL DAY MOMENT OF SILENCE.

THE GOVERNOR ANNUALLY SHALL ISSUE A PROCLAMATION ENCOURAGING THE MEDIA, GOVERNMENT UNITS, BUSINESS AND RECREATIONAL FACILITIES, AND CITIZENS OF THE STATE TO UNITE IN REMEMBRANCE AND COMMEMORATE THE HEROIC ACTS AND EFFORTS OF

MARYLANDERS WHO HAVE SERVED AND DIED IN THE UNITED STATES ARMED FORCES BY OBSERVING A MOMENT OF SILENCE AT 3 P.M. ON MEMORIAL DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former SG § 13–404.

The reference to “units” is substituted for the former reference to “departments and agencies”. The term “unit” is used as the general term for a government entity because it is inclusive enough to include the other entities. *See* General Revisor's Note to article.

Defined term: “State” § 1–115

7–408. FIRE, RESCUE, AND EMERGENCY SERVICES WORKERS DAY.

(A) PROCLAMATION.

THE GOVERNOR ANNUALLY SHALL PROCLAIM THE FIRST SUNDAY IN JUNE AS THE DAY TO HONOR THE FIRE, RESCUE, AND EMERGENCY SERVICES WORKERS OF THE STATE WHO MADE THE ULTIMATE SACRIFICE IN THE PERFORMANCE OF THEIR DUTIES.

(B) OBSERVANCE.

THE GOVERNOR ANNUALLY SHALL ORDER THE STATE FLAG TO BE FLOWN AT HALF-STAFF ON THE FIRST SUNDAY IN JUNE.

(C) MEMORIAL PLAQUES.

ON THE FIRST SUNDAY IN JUNE EACH YEAR, MEMORIAL PLAQUES CONTAINING THE NAMES OF THE FIRE, RESCUE, AND EMERGENCY SERVICES WORKERS WHO MADE THE ULTIMATE SACRIFICE SHALL BE PLACED ON THE MARYLAND FIRE-RESCUE SERVICES MEMORIAL IN THE CITY OF ANNAPOLIS BY THE MARYLAND FIRE-RESCUE SERVICES MEMORIAL FOUNDATION, INC.

REVISOR'S NOTE: This section formerly was SG § 13–409.

The only changes are in style.

Defined term: “State” § 1–115

7–409. MARYLAND CHARTER DAY.

THE GOVERNOR ANNUALLY SHALL PROCLAIM JUNE 20 AS MARYLAND CHARTER DAY.

REVISOR'S NOTE: This section formerly was SG § 13-406.

No changes are made.

7-410. POETRY DAY.

(A) PROCLAMATION.

THE GOVERNOR ANNUALLY SHALL PROCLAIM OCTOBER 15 AS POETRY DAY IN RECOGNITION OF THE CULTURAL AND HUMAN VALUES OF POETRY AND POETIC EXPRESSION.

(B) OBSERVANCE.

THE PROCLAMATION SHALL URGE CULTURAL, EDUCATIONAL, PATRIOTIC, AND RELIGIOUS ORGANIZATIONS TO OBSERVE POETRY DAY PROPERLY.

REVISOR'S NOTE: This section formerly was SG § 13-403.

The only changes are in style.

7-411. MARYLAND EMANCIPATION DAY.

THE GOVERNOR ANNUALLY SHALL PROCLAIM NOVEMBER 1 AS MARYLAND EMANCIPATION DAY IN RECOGNITION OF THE EMANCIPATION OF THE SLAVES IN THE STATE.

REVISOR'S NOTE: This section formerly was SG § 13-412.

The only changes are in style.

Defined term: "State" § 1-115

7-412. ANNAPOLIS CHARTER DAY.

THE GOVERNOR ANNUALLY SHALL PROCLAIM DECEMBER 17 AS ANNAPOLIS CHARTER DAY.

REVISOR'S NOTE: This section formerly was SG § 13-407.

No changes are made.

SUBTITLE 5. COMMEMORATIVE MONTHS.**7-501. BLACK HISTORY MONTH.****(A) PROCLAMATION.**

THE GOVERNOR ANNUALLY SHALL PROCLAIM THE MONTH OF FEBRUARY AS BLACK HISTORY MONTH IN RECOGNITION OF THE HISTORICAL CONTRIBUTIONS THAT BLACK AMERICANS HAVE MADE TO THE STATE.

(B) OBSERVANCE.

THE PROCLAMATION SHALL URGE EDUCATIONAL AND CULTURAL ORGANIZATIONS TO OBSERVE BLACK HISTORY MONTH PROPERLY WITH APPROPRIATE PROGRAMS, CEREMONIES, AND ACTIVITIES.

REVISOR'S NOTE: This section formerly was SG § 13-502.

The only changes are in style.

Defined term: "State" § 1-115

7-502. IRISH-AMERICAN HERITAGE MONTH.**(A) PROCLAMATION.**

THE GOVERNOR ANNUALLY SHALL PROCLAIM THE MONTH OF MARCH AS IRISH-AMERICAN HERITAGE MONTH IN RECOGNITION OF THE CONTRIBUTIONS THAT IRISH AMERICANS HAVE MADE TO THE STATE.

(B) OBSERVANCE.

THE PROCLAMATION SHALL URGE EDUCATIONAL AND CULTURAL ORGANIZATIONS TO OBSERVE IRISH-AMERICAN HERITAGE MONTH PROPERLY WITH APPROPRIATE PROGRAMS, CEREMONIES, AND ACTIVITIES.

REVISOR'S NOTE: This section formerly was SG § 13-504.

The only changes are in style.

Defined term: "State" § 1-115

7-503. WOMEN'S HISTORY MONTH.

(A) PROCLAMATION.

THE GOVERNOR ANNUALLY SHALL PROCLAIM THE MONTH OF MARCH AS WOMEN'S HISTORY MONTH IN RECOGNITION OF THE HISTORICAL CONTRIBUTIONS THAT WOMEN HAVE MADE TO THE STATE.

(B) OBSERVANCE.

THE PROCLAMATION SHALL URGE EDUCATIONAL AND CULTURAL ORGANIZATIONS TO OBSERVE WOMEN'S HISTORY MONTH PROPERLY WITH APPROPRIATE PROGRAMS, CEREMONIES, AND ACTIVITIES.

REVISOR'S NOTE: This section formerly was SG § 13-501.

The only changes are in style.

Defined term: "State" § 1-115

7-504. HISPANIC HERITAGE MONTH.

(A) PROCLAMATION.

THE GOVERNOR ANNUALLY SHALL PROCLAIM THE MONTH FROM SEPTEMBER 15 TO OCTOBER 15, BOTH INCLUSIVE, AS HISPANIC HERITAGE MONTH IN RECOGNITION OF THE CONTRIBUTIONS THAT HISPANIC AMERICANS HAVE MADE TO THE STATE.

(B) OBSERVANCE.

THE PROCLAMATION SHALL URGE EDUCATIONAL AND CULTURAL ORGANIZATIONS TO OBSERVE HISPANIC HERITAGE MONTH PROPERLY WITH APPROPRIATE PROGRAMS, CEREMONIES, AND ACTIVITIES.

REVISOR'S NOTE: This section formerly was SG § 13-503.

The only changes are in style.

Defined term: "State" § 1-115

7-505. GERMAN-AMERICAN HERITAGE MONTH.

(A) PROCLAMATION.

THE GOVERNOR ANNUALLY SHALL PROCLAIM THE MONTH OF OCTOBER AS GERMAN–AMERICAN HERITAGE MONTH IN RECOGNITION OF THE CONTRIBUTIONS THAT GERMAN AMERICANS HAVE MADE TO THE STATE.

(B) OBSERVANCE.

THE PROCLAMATION SHALL URGE EDUCATIONAL AND CULTURAL ORGANIZATIONS TO OBSERVE GERMAN–AMERICAN HERITAGE MONTH PROPERLY WITH APPROPRIATE PROGRAMS, CEREMONIES, AND ACTIVITIES.

REVISOR’S NOTE: This section formerly was SG § 13–505.

The only changes are in style.

Defined term: “State” § 1–115

GENERAL REVISOR’S NOTE TO ARTICLE

The Department of Legislative Services is charged with revising the law in a clear, concise, and organized manner, without changing the effect of the law. One precept of revision has been that, once something is said, it should be said in the same way every time. To that end, the General Provisions Article Review Committee conformed the language and organization of this article to that of previously enacted revised articles to the extent possible. It is the manifest intent both of the General Assembly and the General Provisions Article Review Committee that this bulk revision of certain substantive laws of the State render no substantive change. The guiding principle of the preparation of this article is that stated in *Welch v. Humphrey*, 200 Md. 410, 417 (1952):

[T]he principal function of a Code is to reorganize the statutes and state them in simpler form. Consequently any changes made in them by a Code are presumed to be for the purpose of clarity rather than change of meaning. Therefore even a change in the phraseology of a statute by a codification thereof will not ordinarily modify the law, unless the change is so radical and material that the intention of the Legislature to modify the law appears unmistakably from the language of the Code. (citations omitted)

Accordingly, except to the extent that changes, which are noted in Revisor’s Notes, clarify the former law, the enactment of this article in no way is intended to make any change to the substantive law of Maryland. This intent is further stated in uncodified language included in the enactment of this article. See § 4 of Ch. 94, Acts of 2014.

Throughout this article, as in other revised articles, the word “regulations” generally is substituted for former references to “rules and regulations” to distinguish, to the extent possible, between regulations of executive units and rules of judicial or

legislative units and to establish consistency in the use of the words. This substitution conforms to the practice of the Division of State Documents.

Also throughout this article, as in other revised articles, the term “unit” is substituted for former references to State entities such as “agency”, “board”, “commission”, and “department”. In revised articles of the Code, the term “unit” is used as the general term for an organization in the State government because it is broad enough to include all such entities.

Some apparently obsolete provisions allocated to the General Provisions Article are transferred to Session Laws for historical purposes or to avoid any inadvertent substantive effect their repeal might have.

In some instances, the staff of the Department of Legislative Services may create “Special Revisor’s Notes” to reflect the substantive effect of legislation enacted during the 2014 Session on some provisions of this article.

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 1, 2, and 4 of Article 1 – Rules of Interpretation of the Annotated Code of Maryland be repealed and reenacted, without amendments, and transferred to the Sessions Laws, to read as follows:

Effect of Adoption of Code

1.

The adoption of this Code shall not affect or impair any right, vested or acquired and existing at the time of its adoption, nor shall it impair, discharge or release any existing contract, obligation, duty or liability of any kind whatsoever. All pending suits, actions and prosecutions for crimes or misdemeanors, including all civil and criminal proceedings whatsoever, shall be prosecuted and proceeded with to final determination, and judgment entered therein as if this Code had not been adopted.

2.

If any crime, misdemeanor or other violation of law hath been committed and no prosecution or other proceeding hath been commenced against the offender before the adoption of this Code, then such offender may be proceeded against by indictment or otherwise, and punished in the same manner as if this Code had not been adopted.

3.

No rights, property or privileges held under a charter or grant from this State shall be in any manner impaired or affected by the adoption of this Code.

REVISOR’S NOTE: These sections formerly were Art. 1, §§ 1, 2, and 4.

Former Art. 1, §§ 1, 2, and 4, which provided for the effect of the adoption of the Code, were originally enacted as part of the Maryland Code of 1860 and reenacted in the Code of 1888. The parties to any then existing contracts or pending litigation would be long dead. They are being transferred to the Session Laws to conform to modern bill drafting conventions, under which such provisions would typically be uncodified.

SECTION 4. AND BE IT FURTHER ENACTED, That it is the intention of the General Assembly that, except as expressly provided in this Act, this Act shall be construed as a nonsubstantive revision, and may not otherwise be construed to render any substantive change in the law of the State.

SECTION 5. AND BE IT FURTHER ENACTED, That the catchlines, captions, Revisor's Notes, Special Revisor's Notes, and General Revisor's Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 6. AND BE IT FURTHER ENACTED, That nothing in this Act affects the term of office of an appointed or elected member of any commission, board, office, department, agency, or other unit. An individual who is a member of a unit on the effective date of this Act shall remain a member for the balance of the term to which appointed or elected, unless the member sooner dies, resigns, or is removed under provisions of law.

SECTION 7. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, any transaction or employment status affected by or flowing from any change of nomenclature or any statute amended, repealed, or transferred by this Act remains valid after the effective date of this Act and may be terminated, completed, consummated, or enforced as required or allowed by any statute amended, repealed, or transferred by this Act as though the repeal, amendment, or transfer had not occurred. If a change in nomenclature involves a change in name or designation of any State unit, the successor unit shall be considered in all respects as having the powers and obligations granted the former unit.

SECTION 8. AND BE IT FURTHER ENACTED, That the continuity of every commission, board, office, department, agency, or other unit is retained. The personnel records, files, furniture, fixtures, and other properties and all appropriations, credits, assets, liabilities, and obligations of each retained unit are continued as the personnel, records, files, furniture, fixtures, properties, appropriations, credits, assets, liabilities, and obligations of the unit under the laws enacted by this Act.

SECTION 9. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, any person licensed, registered, certified, or issued a permit or certificate by any commission, office, department, agency, or other unit established or continued by any statute amended, repealed, or transferred by this Act is considered for all purposes to be licensed, registered, certified, or issued a permit or certificate by the appropriate unit continued under this Act or the duration of the term

for which the license, registration, certification, or permit was issued, and may renew that authorization in accordance with the appropriate renewal provisions of this Act.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act does not rescind, supersede, change, or modify any rule adopted by the Court of Appeals that is or was in effect on the effective date of this Act concerning the practice and procedure in and the administration of the appellate courts and the other courts of the State.

SECTION 11. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2014 that affects provisions enacted by this Act. The publisher shall adequately describe such correction in an editor's note following the section affected.

SECTION 12. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 8, 2014.

Chapter 95

(House Bill 300)

AN ACT concerning

Charles County – Alcoholic Beverages – Licenses

FOR the purpose of specifying that a certain provision of law that prohibits the Charles County Board of License Commissioners from issuing certain licenses to sell alcoholic beverages in any building located within a certain distance of the property line of certain schools applies to licenses with on-sale privileges; prohibiting the Board of License Commissioners from issuing certain licenses with off-sale privileges to sell alcoholic beverages in any building located within a certain distance of the property line of certain schools; specifying that certain provisions of law do not apply to, affect, or prohibit the renewal or transfer of certain alcoholic beverages licenses issued prior to a certain date; altering the size of a sign the Charles County Board of License Commissioners is required to supply to certain applicants for alcoholic beverages licenses; requiring that certain contact information be included on a sign the Charles County Board of License Commissioners is required to supply to certain applicants for alcoholic beverages licenses; requiring certain license applicants, under certain circumstances, to post an additional notice on certain premises at a location that is easily accessible to the public; making stylistic changes; making this Act

an emergency measure; and generally relating to alcoholic beverages licenses in Charles County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–209(a) and (c) and 10–202(a)(1) and (2) and (a–1)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–209(d) and (e) and 10–202(b)(3)
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

9–209.

(a) This section applies only in Charles County.

(c) When application for a liquor license is made to sell alcoholic beverages in a building which is not completed, the Board of License Commissioners may give tentative approval of the application on the basis of plans and specifications accompanying the application. Upon completion of the building in accordance with the plans and specifications, the Board may issue the license.

(d) (1) Except as provided in paragraphs (2) and (3) of this subsection, the Board of License Commissioners may not issue any license:

(i) WITH AN ON–SALE PRIVILEGE, to sell alcoholic beverages in any building the nearest wall of which measured in a direct line is within 500 feet of the property line of any school accredited by the State Board of Education; **AND**

(ii) WITH AN OFF–SALE PRIVILEGE, TO SELL ALCOHOLIC BEVERAGES IN ANY BUILDING THE NEAREST WALL OF WHICH MEASURED IN A DIRECT LINE IS WITHIN 1,000 FEET OF THE PROPERTY LINE OF ANY SCHOOL ACCREDITED BY THE STATE BOARD OF EDUCATION.

(2) This subsection is not applicable in the event the school locates its building within 500 feet of any licensed premises after the licensed premises are located there.

(3) This subsection does not apply to a Class B (on-sale) beer, wine and liquor license that is issued for a premises located in a municipal corporation in Charles County.

(e) Subsections (c) and (d) **OF THIS SECTION** do not apply to [or], affect, or prohibit, in any manner, the renewal or transfer of any license issued prior to [June 1, 1959] **MAY 1, 2014**.

10-202.

(a) (1) (i) Before the Board of License Commissioners for Baltimore City or any county approves any application for a license, the Board shall cause a notice of the application to be published two times in two successive weeks:

1. For Baltimore City licensee applicants – in three newspapers of general circulation in Baltimore City.

2. For county licensee applicants – in two newspapers of general circulation in the county where two newspapers are published, and if not, then in one newspaper having a general circulation in the county.

(ii) The notice shall specify the name of the applicant, the kind of license for which application is made, the location of the place of business proposed to be licensed, and the time and place fixed by the board for a hearing on the application.

(iii) The hearing may not be less than seven nor more than 30 days after the last publication.

(iv) At the time fixed by the notice for a hearing on the application or on any postponement of the time, any person shall be heard on either side of the question.

(2) (i) Before approving an application and issuing a license, the board shall consider:

1. The public need and desire for the license;

2. The number and location of existing licensees and the potential effect on existing licensees of the license applied for;

3. The potential commonality or uniqueness of the services and products to be offered by the applicant's business;

4. The impact on the general health, safety, and welfare of the community, including issues relating to crime, traffic conditions, parking, or convenience; and

5. Any other necessary factors as determined by the board.

(ii) The application shall be disapproved and the license for which application is made shall be refused if the Board of License Commissioners for the City or any county determines that:

1. The granting of the license is not necessary for the accommodation of the public;

2. The applicant is not a fit person to receive the license for which application is made;

3. The applicant has made a material false statement in his application;

4. The applicant has practiced fraud in connection with the application;

5. The operation of the business, if the license is granted, will unduly disturb the peace of the residents of the neighborhood in which the place of business is to be located; or

6. There are other reasons, in the discretion of the board, why the license should not be issued.

(iii) Except as otherwise provided in this section, if no such findings are made by the board, then the application shall be approved and the license issuing authority shall issue the license for which application is made upon payment of the fee required to the local collecting agent.

(a-1) Notwithstanding the provisions of subsection (a) of this section, in Charles County, before the Board of License Commissioners approves any license, the Board shall cause notice of the application to be published 2 times in 2 successive weeks, in 1 newspaper of general circulation in Charles County.

(b) (3) (i) In addition to the requirements set forth in subsection (a-1) of this section in Charles County, upon application for a new license, transfer of an existing license, or upgrade of an existing license, the applicant shall pay to the Board of License Commissioners a onetime posting fee of \$35.

(ii) The Board shall supply the applicant with the notice on a sign that:

1. Is not less than ~~12 by 18~~ **24 BY 36** inches in size; and

2. Includes the following information:
 - A. Class of license for which application is made;
 - B. Name and trade name of the applicant; [and]
 - C. Time, date, and place of the hearing; AND
 - D. CONTACT INFORMATION FOR THE APPLICANT.**

(iii) For 20 consecutive days before the hearing, the applicant shall post the notice in a conspicuous place on the premises described in the application.

(IV) IF THE PREMISES DESCRIBED IN THE APPLICATION IS UNDER CONSTRUCTION OR RENOVATION OR IS NOT EASILY ACCESSIBLE TO THE PUBLIC, THE APPLICANT SHALL POST AN ADDITIONAL NOTICE AT A LOCATION ON THE PERIMETER OF THE PREMISES THAT IS EASILY ACCESSIBLE TO THE PUBLIC, SUCH AS:

- 1. THE ENTRANCE TO THE PREMISES;**
- 2. A DRIVEWAY TO THE PREMISES; OR**
- 3. THE CURB OF THE PREMISES.**

[(iv)] **(V)** Failure to comply with the posting requirements of this paragraph (3) shall not divest the Board with jurisdiction to conduct the hearing and to take action provided the applicant demonstrates by a preponderance of the evidence that the applicant has substantially complied with the notice requirement.

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

Approved by the Governor, April 8, 2014.

Chapter 96
(House Bill 315)

**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.

Approved by the Governor, April 8, 2014.

Chapter 97

(House Bill 329)

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.

Approved by the Governor, April 8, 2014.

Chapter 98**(House Bill 346)**

AN ACT concerning

Maryland Historical Trust – Review of Capital Projects – Duties of Director

FOR the purpose of clarifying certain duties of the Director of the Maryland Historical Trust with respect to the review of certain capital projects; clarifying the applicability of certain review requirements to certain categories of capital projects; making stylistic changes; and generally relating to the duties of the Director of the Maryland Historical Trust in reviewing capital projects.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 5A–325 and 5A–326
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

5A–325.

(a) (1) To the extent feasible, a State unit that submits a request or is otherwise responsible for a capital project shall consult with the [Trust] **DIRECTOR** to determine whether the project will adversely affect any property listed in or eligible for listing in the Historic Register.

(2) The consultation shall occur:

(i) before the State unit submits a request for the capital project to the Department of Budget and Management under § 3–602 of this article;

(ii) before or as part of the final project planning phase for a major transportation capital project as defined in § 2–103.1 of the Transportation Article; or

(iii) as early in the planning process as possible for a capital project that uses nonbudgeted money and is subject to the reporting requirements of § 3–602 of this article.

(b) (1) State units that own or control properties may consult with the [Trust] **DIRECTOR** to develop plans or interagency agreements to identify, evaluate,

and manage any of those properties that are listed in or eligible to be listed in the Historic Register.

(2) Capital projects undertaken in accordance with a plan approved by the Trust or an interagency agreement are not subject to further review under this section.

(c) (1) This subsection applies to a capital project that:

- (i) is not being carried out by a State unit;
- (ii) uses the proceeds of State general obligation bonds; and
- (iii) is not otherwise reviewed by the Trust under this section.

(2) Before the Board of Public Works may approve the use of bond proceeds for the project, the Department of Budget and Management or another State unit responsible for the project shall consult with the [Trust] **DIRECTOR** to determine whether the project will adversely affect any property listed in or eligible to be listed in the Historic Register.

(d) (1) Within 30 days after a State unit notifies the Director of a proposed capital project under this section, the Director shall determine whether the project would adversely affect any property listed in or eligible to be listed in the Historic Register.

(2) If the Director finds that the proposed capital project would have a significant adverse effect on a listed or eligible property, the Director and the State unit shall consult to determine whether a practicable plan exists to avoid, mitigate, or satisfactorily reduce the adverse effect.

(3) If the Director and the State unit cannot agree on a plan, the State unit shall submit to the Council a report of the consultations and the findings and recommendations of the State unit.

(4) Within 30 days after receiving the report, the Council shall submit to the State unit comments:

- (i) accepting the adverse effect; or
- (ii) recommending practicable alternatives to avoid, mitigate, or satisfactorily reduce the adverse effect.

(5) The State unit may:

- (i) incorporate in the project the alternatives recommended by the Council; or

(ii) disagree with the comments of the Council.

(6) If the State unit disagrees with the comments of the Council, the State unit:

(i) shall respond in writing to the Council, explaining why the State unit refuses to adopt the measures included in the comments of the Council; and

(ii) may not proceed with the project for at least 10 working days after responding.

(e) Except for the cost of studies and surveys, a State unit may include the capital costs of preservation activities required under this subtitle as eligible project costs of any project undertaken or financed by the State unit.

(f) The Trust shall adopt regulations that establish procedures and standards for:

(1) administrative review and comment under this section, including time frames for Trust action **BY THE TRUST OR THE DIRECTOR** on specific categories of projects;

(2) exempting specific projects, categories of projects, or categories of programs from any requirement of this section, if the exemption is found to be consistent with the purposes of this subtitle and the best interests of the State, considering the magnitude of the exemption and the risk of impairing historic properties; and

(3) participation by State units, political subdivisions, private organizations, and other entities in proceedings under this section that may affect their interests.

(g) In accordance with regulations adopted under subsection (f) of this section, this section may be applied to any undertaking that is subject to the National Historic Preservation Act, 16 U.S.C. § 470f.

(h) Failure by a State unit to comply with this section does not create a private cause of action under State law.

5A-326.

(a) In cooperation with the Trust and subject to available resources, each State unit shall:

(1) establish a program to identify, document, and nominate to the Trust each property owned or controlled by the State unit that appears to qualify for the Historic Register;

(2) ensure that no property listed in or eligible to be listed in the Historic Register is inadvertently transferred, sold, demolished, destroyed, substantially altered, or allowed to deteriorate significantly; and

(3) use any available historic building under its control to the extent prudent and practicable before acquiring, constructing, or leasing a building to carry out its responsibilities.

(b) If it is prudent, practicable, and in the State's best interest to do so, a State unit that transfers a surplus property listed in or eligible to be listed in the Historic Register shall ensure that the transfer provides for the preservation or enhancement of the property.

(c) If a historic property is to be altered substantially or destroyed by State action or with financial assistance from a State unit, the State unit shall cause timely steps to be taken to:

(1) make appropriate investigations and records;

(2) salvage appropriate objects and materials; and

(3) deposit with the Trust the results of the investigations, the records, and the recovered objects and materials.

(d) **(1)** A State unit that issues permits or licenses or provides financial assistance **FOR ANY UNDERTAKING** shall cooperate with the Trust by:

[(1)] (I) giving notice to the **[Trust] DIRECTOR**, on request, of each application for a permit, a license, or financial assistance; and

[(2)] (II) requiring that, where appropriate, an applicant for a permit, a license, or financial assistance consult with the **[Trust] DIRECTOR** before the State unit takes final action on the application.

[(e) (1)] (2) After consulting with the **[Trust] DIRECTOR**, and to avoid, mitigate, or satisfactorily reduce any significant adverse effect on a property listed in or eligible to be listed in the Historic Register, a State unit may:

(I) put reasonable conditions on a license, permit, or award of financial assistance~~].~~; **AND**

[(2) A State unit may] **(II)** seek guidance from the Council before imposing ANY conditions on a license, permit, or award of financial assistance.

(3) A person may appeal **IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT** the reasonableness of a condition imposed **BY A STATE UNIT UNDER THIS SUBSECTION** on a license or permit [in accordance with the Administrative Procedure Act].

[(f)] (E) By regulation, the Trust shall establish professional standards, guidelines, and procedures to preserve historic properties owned, controlled, regulated, or assisted by State units, to minimize the need for [Trust] **DIRECTOR** review, and to avoid duplication and delays.

[(g)] (F) This section may be applied to any undertaking that is subject to the National Historic Preservation Act, 16 U.S.C. § 470f.

[(h)] (G) Failure by a State unit to comply with this section does not create a private cause of action under State law.

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

Approved by the Governor, April 8, 2014.

Chapter 99

(House Bill 459)

AN ACT concerning

Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants

FOR the purpose of expanding the scope of the Maryland Loan Assistance Repayment Program for Physicians to provide certain education loan repayments to physician assistants who provide primary care in certain designated professional shortage areas under certain circumstances; expanding the definition of “primary care” to include women’s health; and generally relating to the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants.

BY repealing and reenacting, with amendments,
Article – Education

Section 18–2801 and 18–2803 through 18–2805 to be under the amended subtitle “Subtitle 28. Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants”

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 14–207(c) and 15–206(b)

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

Subtitle 28. Maryland Loan Assistance Repayment Program for Physicians AND
PHYSICIAN ASSISTANTS.

18–2801.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Department” means the Department of Health and Mental Hygiene.
- (c) “Education loan” means any loan that is obtained for tuition, educational expenses, or living expenses for undergraduate or graduate study leading to practice as a physician **OR PHYSICIAN ASSISTANT.**
- (d) “Fund” means the Maryland Loan Assistance Repayment Program Fund.
- (e) “Primary care” includes:
 - (1) Primary care;
 - (2) Family medicine;
 - (3) Internal medicine;
 - (4) Obstetrics;
 - (5) Pediatrics;
 - (6) Geriatrics;
 - (7) Emergency medicine; [and]

(8) **WOMEN’S HEALTH; AND**

~~[(8)]~~ (9) **Psychiatry.**

(f) “Program” means the Maryland Loan Assistance Repayment Program for Physicians **AND PHYSICIAN ASSISTANTS**.

18–2803.

There is a Maryland Loan Assistance Repayment Program for Physicians **AND PHYSICIAN ASSISTANTS** in the State.

18–2804.

(a) (1) In this section, “eligible field of employment” means employment by an organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code of 1986.

(2) “Eligible field of employment” includes employment by the State or any local government in the State.

(b) The Office shall assist in the repayment with the funds transferred to the Office by the Comptroller under § 14–207(c)(2)(i) of the Health Occupations Article of the amount of education loans owed by a physician **OR PHYSICIAN ASSISTANT** who:

(1) (i) Practices primary care in an eligible field of employment in a geographic area of the State that has been federally designated; or

(ii) Is a medical resident specializing in primary care who agrees to practice for at least 2 years as a primary care physician in an eligible field of employment in a geographic area of the State that has been federally designated; and

(2) Meets any other requirements established by the Office, in consultation with the Department.

(c) Any unspent portions of the money that is transferred to the Office for use under this subtitle from the Board of Physicians Fund may not be transferred to or revert to the General Fund of the State, but shall remain in the Fund maintained by the Office to administer the Program.

18–2805.

(a) In addition to the assistance provided under § 18–2804 of this subtitle, the Office may, subject to the availability of money in the Fund, assist in the repayment of an education loan owed by a physician **OR PHYSICIAN ASSISTANT** who:

(1) Practices a medical specialty that has been identified by the Department as being in shortage in the geographic area of the State where the physician **OR PHYSICIAN ASSISTANT** practices that specialty; and

(2) Commits to practicing in the area for a period of time determined by the Office.

(b) The Office shall prioritize funding for the repayment of education loans through the Program in the following order:

(1) Physicians **AND PHYSICIAN ASSISTANTS** that meet the requirements under § 18–2804(b) of this subtitle;

(2) Physicians **AND PHYSICIAN ASSISTANTS** practicing primary care in a geographic area where the Department has identified a shortage of primary care physicians **OR PHYSICIAN ASSISTANTS**; and

(3) Physicians **AND PHYSICIAN ASSISTANTS** practicing a medical specialty other than primary care in a geographic area where the Department has identified a shortage of that specialty.

Article – Health Occupations

14–207.

(c) (1) The Board shall pay all fees collected under the provisions of this title to the Comptroller of the State.

(2) (i) If the Governor does not include in the State budget at least \$750,000 for the operation of the Health Personnel Shortage Incentive Grant Program under § 18–803 of the Education Article and the Maryland Loan Assistance Repayment Program for Physicians **AND PHYSICIAN ASSISTANTS** under Title 18, Subtitle 28 of the Education Article, as administered by the Maryland Higher Education Commission, the Comptroller shall distribute:

1. Except as provided in subparagraph (ii) of this paragraph, 12 percent of the fees received from the Board to the Office of Student Financial Assistance to be used as follows:

A. One-half to make grants under the Health Personnel Shortage Incentive Grant Program under § 18–803 of the Education Article; and

B. One-half to make grants under the Maryland Loan Assistance Repayment Program for Physicians **AND PHYSICIAN ASSISTANTS** under Title 18, Subtitle 28 of the Education Article to physicians **AND PHYSICIAN**

ASSISTANTS engaged in primary care or to medical residents specializing in primary care who agree to practice for at least 2 years as primary care physicians in a geographic area of the State that has been designated by the Secretary of Health and Mental Hygiene as being medically underserved; and

2. The balance of the fees to the Board of Physicians Fund.

(ii) For fiscal 2008, if the Governor does not include in the State budget the funds specified under subparagraph (i) of this paragraph, the Comptroller shall distribute 14 percent of the fees received from the Board to the Office of Student Financial Assistance to be used as provided under subparagraph (i) of this paragraph.

(iii) If the Governor includes in the State budget at least \$750,000 for the operation of the Health Personnel Shortage Incentive Grant Program under § 18–803 of the Education Article and the Maryland Loan Assistance Repayment Program for Physicians AND PHYSICIAN ASSISTANTS of the Education Article, as administered by the Maryland Higher Education Commission, the Comptroller shall distribute the fees to the Board of Physicians Fund.

15–206.

(b) (1) The Board shall pay all fees collected under this title to the Comptroller of the State.

(2) (i) If the Governor does not include in the State budget at least \$750,000 for the operation of the Health Personnel Shortage Incentive Grant Program under § 18–803 of the Education Article and the Maryland Loan Assistance Repayment Program for Physicians AND PHYSICIAN ASSISTANTS under Title 18, Subtitle 28 of the Education Article, as administered by the Maryland Higher Education Commission, the Comptroller shall distribute:

1. 12 percent of the fees received from the Board to the Office of Student Financial Assistance to be used as follows:

A. One-half to make grants under the Health Personnel Shortage Incentive Grant Program under § 18–803 of the Education Article; and

B. One-half to make grants under the Maryland Loan Assistance Repayment Program for Physicians AND PHYSICIAN ASSISTANTS under Title 18, Subtitle 28 of the Education Article to physicians AND PHYSICIAN ASSISTANTS engaged in primary care or to medical residents specializing in primary care who agree to practice for at least 2 years as primary care physicians in a geographic area of the State that has been designated by the Secretary of Health and Mental Hygiene as being medically underserved; and

2. The balance of the fees to the Board of Physicians Fund.

(ii) If the Governor includes in the State budget at least \$750,000 for the operation of the Health Personnel Shortage Incentive Grant Program under § 18-803 of the Education Article and the Maryland Loan Assistance Repayment Program for Physicians AND PHYSICIAN ASSISTANTS under Title 18, Subtitle 28 of the Education Article, as administered by the Maryland Higher Education Commission, the Comptroller shall distribute the fees to the Board of Physicians Fund.

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

Approved by the Governor, April 8, 2014.

Chapter 100

(House Bill 467)

AN ACT concerning

Labor and Employment – Employment of Minors

FOR the purpose of repealing certain provisions of law regarding the issuance of a work permit by the Commissioner of Labor and Industry or a county superintendent of schools; authorizing a parent or guardian of a minor to apply for a work permit by completing a certain online application; authorizing the Commissioner to issue a work permit under certain circumstances; making conforming changes; and generally relating to the employment of minors and the Commissioner of Labor and Industry.

BY repealing and reenacting, with amendments,
 Article – Labor and Employment
 Section 3–206
 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

3–206.

[(a) A work permit shall be issued:

(1) by the Commissioner; or

(2) in accordance with the requirements of the Commissioner, by a county superintendent of schools or designee of the superintendent.

(b) Before issuing a work permit, the issuing officer shall confirm the age of the minor for whom the permit is sought by examining:

(1) a baptismal certificate for the minor;

(2) a birth certificate or other official government document that attests to the age of the minor; or

(3) a school record for the minor.

(c) The official to whom an application for a work permit is submitted shall issue the work permit, by signing and dating the application, if:

(1) the document submitted under subsection (b) of this section attests to the age stated on the application; and

(2) the employment is allowed under this subtitle for the minor for whom the permit is sought.]

(A) A PARENT OR GUARDIAN OF A MINOR MAY APPLY FOR A WORK PERMIT BY COMPLETING AN ONLINE APPLICATION THAT INCLUDES:

(1) VERIFICATION OF THE MINOR'S AGE;

(2) A DESCRIPTION OF THE WORK TO BE PERFORMED BY THE MINOR;

(3) APPROVAL BY THE PARENT OR GUARDIAN OF THE MINOR'S EMPLOYMENT; AND

(4) ANY OTHER INFORMATION THE COMMISSIONER MAY REQUIRE.

(B) AFTER REVIEWING AN ONLINE APPLICATION FOR A WORK PERMIT, THE COMMISSIONER MAY ISSUE THE PERMIT IF THE EMPLOYMENT IS ALLOWED UNDER THIS SUBTITLE FOR THE MINOR FOR WHOM THE PERMIT IS SOUGHT.

[(d)] (C) (1) **[An official] THE COMMISSIONER** may issue a work permit that authorizes a minor to be employed in an occupation that otherwise would be restricted under § 3–213 of this subtitle, if the minor:

(i) is exempted, under § 7–301(d)(2)(i) of the Education Article, from attendance in public school because the emotional, mental, or physical condition of the minor makes instruction detrimental to the progress of the minor;

(ii) is to be employed only in office work;

(iii) is to be employed in work that is performed outside of all rooms where goods are manufactured or processed; or

(iv) is to be employed in work that a county school system obtains and supervises as part of a work–study, student–learner, or similar program for which the employment is an integral part of the course of study.

(2) **[An official] THE COMMISSIONER** shall issue a work permit that authorizes a minor to be employed:

(i) in an occupation that otherwise would be restricted under § 3–213 of this subtitle if the minor is granted an exception by the Commissioner because, after investigation, the Commissioner determines that neither the work nor the work site where the work is to be performed is hazardous to the minor; or

(ii) in an occupation that otherwise would be restricted under § 3–213(c)(1) or (2) of this subtitle, if the minor:

1. has completed a course of study in that occupation at an accredited school and has been graduated from the school; or

2. is granted an exception by the Commissioner because employment in that occupation is part of a work–study, student–learner, or apprentice program under a federal, State, or local governmental agency.

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

Approved by the Governor, April 8, 2014.

Chapter 101

(House Bill 582)

AN ACT concerning

Licensed Tree Experts – Notification

FOR the purpose of requiring a licensed tree expert to provide certain notice to the Department of Natural Resources of the status of any company that engages in the business or work of the treatment, care, or removal of trees under the tree expert's license and of the liability and property damage insurance and workers' compensation insurance carried by each company; and generally relating to required notifications by licensed tree experts.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–417
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 – Natural Resources

5–417.

(A) (1) A person may not engage in the work or business of a tree expert without a license issued under the provisions of this part.

(2) An employee under the supervision of a licensed tree expert may not be required to have a license in the name of the employee.

(B) A LICENSED TREE EXPERT SHALL WITHIN A TIME PERIOD ESTABLISHED BY THE DEPARTMENT NOTIFY THE DEPARTMENT ELECTRONICALLY OF:

(1) ANY COMPANY THAT ENGAGES IN THE BUSINESS OR WORK OF THE TREATMENT, CARE, OR REMOVAL OF TREES FOR COMPENSATION UNDER THE TREE EXPERT'S LICENSE, AND ANY CHANGES TO THAT STATUS; AND

(2) THE LIABILITY AND PROPERTY DAMAGE INSURANCE AND WORKERS' COMPENSATION INSURANCE CARRIED BY ~~ANY~~ ANY COMPANY THAT ENGAGES OR WORKS UNDER THE TREE EXPERT'S LICENSE, AND ANY CHANGES TO THE INSURANCE.

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

Approved by the Governor, April 8, 2014.
