

Vetoed Bills and Messages from the Governor of Maryland

A total of 197 bills were vetoed by the Governor following the 2015 Regular Session of the General Assembly. Of these vetoed bills, 100 originated in the Senate and 97 originated in the House of Delegates. In addition, one item in House Bill 71 (the Capital Budget) was vetoed (line item veto). Pursuant to the provisions of Article II, Section 17 of the Maryland Constitution, these bills will be returned to the General Assembly immediately after the Legislature has organized at the next Regular or Special Session to be reconsidered in order to determine whether the veto is sustained or overridden.

2015 Session

Legislative Document Management
of the Department of Legislative Services
General Assembly of Maryland
prepared this document.

For further information concerning this document contact:

Library and Information Services
Office of Policy Analysis
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401

Baltimore Area: (410-946-5400) Washington Area: (301-970-5400)

Other Areas: (1-800-492-7122)

TTY: (410-946-5401) (301-970-5401)

TTY users may also call the

Maryland Relay Service to contact the General Assembly.

E-Mail: <mailto:libr@mlis.state.md.us>

Home Page: <http://mgaleg.maryland.gov>

The Department of Legislative Services does not discriminate on the basis of age, ancestry, color, creed, marital status, national origin, race, religion, gender, gender identity, sexual orientation, or disability in the admission or access to its programs, services, or activities. The Department's Information Officer has been designated to coordinate compliance with the nondiscrimination requirements contained in Section 35.107 of the Department of Justice Regulations. Requests for assistance should be directed to the Information Officer at the telephone numbers shown above.

Contents

List of Senate Bills Vetoed	1
Vetoed Senate Bills and Messages.....	7
List of House Bills Vetoed	479
Vetoed House Bills and Messages.....	485

List of Senate Bills Vetoed

(Bill numbers in **bold** indicate policy vetoes. Bill numbers in *italics* indicate technical vetoes. All other vetoes are duplicative.)

Bill No.	Subject	Page
SB 1	Health Occupations – Pharmacists – Refills of Prescriptions During State of Emergency	7
SB 7	Electronic Cigarettes – Sale to Minors – Components, Supplies, and Enforcement.....	9
SB 11	Public Service Commission – Hearing Examiners – Change of Job Title.....	13
SB 14	Health Occupations – Board of Pharmacy – Pharmacist Rehabilitation Committee – Definition	17
SB 15	Task Force to Study the Implementation of a Dyslexia Education Program	19
SB 20	Kent County – Board of Elections – Membership.....	22
SB 21	Cecil County and Queen Anne’s County – Intergovernmental Cooperation and Acceptance of Funds.....	24
SB 25	Frederick Center for Research and Education in Science and Technology	25
SB 48	State Board of Physical Therapy Examiners – Failure to Pass Licensure Examination – Prohibition on Issuance of License.....	30
SB 49	State Board of Professional Counselors and Therapists – Examination of Applicants, Licensees, Certificate Holders, and Trainees	32
SB 54	Public Service Commission – Restrictions After Service.....	34
SB 59	State Board of Examiners of Nursing Home Administrators – Sunset Extension and Program Evaluation.....	37
SB 62	Clerks of the Circuit Courts – Water and Sewer Lien Registers – Fees	39
SB 71	County Superintendents of Schools – Reappointment Exemption in Washington County and Recruitment Recommendations.....	41
SB 87	Criminal Procedure – Transfer to Juvenile Court – Petition for Expungement.....	44
SB 89	City of Annapolis – Alcoholic Beverages – Election Days	46
SB 90	Guardianship of Disabled Persons and Revocation of Advance Directives.....	48
SB 92	Health Insurance – Assignment of Benefits and Reimbursement of Nonpreferred Providers – Repeal of Termination Date.....	52
SB 106	Chesapeake Bay Trust – Investment Options – Expansion.....	53
SB 116	Maryland Consolidated Capital Bond Loans of 2013 and 2014 – Baltimore City – Skatepark of Baltimore at Roosevelt Park	55

Bill No.	Subject	Page
SB 124	Vehicle Laws – Special Registration Plates and Parking Placards for Individuals With Disabilities – Licensed Physical Therapists....	57
SB 139	Kent County – Alcoholic Beverages – Class B Wine Shop and Lounge License	63
SB 160	State Board of Morticians and Funeral Directors – Cease and Desist Orders and Injunctive Relief – Authority	65
SB 172	Juveniles – Transfer Determinations – Confinement in Juvenile Facilities	68
SB 177	Estate Tax – Filing of Tax Returns	72
SB 186	Baltimore City – Residential Retention Property Tax Credit – Modification	73
SB 189	State Correctional Facilities – Correctional Officers – Polygraph Examination	75
SB 190	Sales and Use Tax – Taxable Price – Accommodations.....	77
SB 193	Election Law – Local Petitions – Advance Determination of Sufficiency of Local Law or Charter Amendment Summary.....	80
SB 198	Health Care Disparities, Cultural and Linguistic Competency, and Health Literacy – Recommended Courses	83
SB 203	Business Occupations and Professions – Real Estate Salespersons and Brokers – Formation of Business Entities and Payment of Commissions.....	87
SB 207	Telephone Companies – Streamlined Regulatory Requirements	90
SB 220	General Assembly – Mandated Reports by State Agencies.....	98
SB 243	State Personnel and Procurement – Service Contracts – Reporting and Audit Requirements	175
SB 251	Professional Standards and Teacher Education Board – School Counselors – Certification Renewal Requirement (Lauryn’s Law)...	179
SB 254	Department of General Services – Deep Creek Lake Buy Down Area Program – Extension.....	181
SB 258	Maryland Commission on Climate Change	184
SB 262	Maryland Building Performance Standards – Modifications – Energy Codes.....	194
SB 270	Protective Order and Peace Order Petitions – Maryland Residents	198
SB 286	Law Enforcement Officers’ Pension System – Division of Parole and Probation – Warrant Apprehension Unit Employees – Membership	202
SB 295	Prince George’s County – Education – Youth Wellness Leadership Pilot Program	210
SB 328	Private Detective Agencies – License Terms	213
SB 334	The Hunger-Free Schools Act of 2015	215

Bill No.	Subject	Page
SB 337	Public Health – Expedited Partner Therapy Program – Repeal of Termination Date	219
SB 340	Election Law – Voting Rights – Ex–Felons	221
SB 347	Health Occupations – Prescriber–Pharmacist Agreements and Therapy Management Contracts	231
SB 354	Alcoholic Beverages – Charles County and Queen Anne’s County ...	237
SB 355	Baltimore City – Housing Authority of Baltimore City – Subsidiary Entities.....	243
SB 361	Calvert County – Alcoholic Beverages – Bottle Clubs	246
SB 368	Workers’ Compensation Insurance – Cancellation and Nonrenewal – Notice	250
SB 403	Education – Maryland Council on Advancement of School–Based Health Centers	252
SB 408	Real Property – Residential Leases – Interest on Security Deposits	261
SB 417	Maryland Trust Act – Revocable Trusts – Creditors’ Claims – Limitations	266
SB 427	Criminal Procedure – Victims of Crime – Notification Regarding DNA Profile	271
SB 437	Nonprofit Health Service Plans – Hearing and Order – Impact of Law or Regulatory Action by Another State	277
SB 439	Baltimore City – Tax Sales	281
SB 451	Vehicle Laws – Title Fees – Rental Vehicles.....	294
SB 453	Public–Private Partnership Agreements – Construction Contracts – Security Requirements.....	296
SB 461	Insurance – Surplus Lines – Disability Insurance	298
SB 467	Department of Health and Mental Hygiene – Newborn Screening Program Fund – Establishment	301
SB 469	Public Health – Maryland Behavioral Health Crisis Response System.....	305
SB 484	Anne Arundel County Public Schools Funding Accountability and Transparency Act	311
SB 497	Commission to Review Maryland’s Use of Assessments and Testing in Public Schools.....	313
SB 501	Frederick County – Alcoholic Beverages – Sunday Permit – Hours of Sale.....	321
SB 503	Frederick County – Alcoholic Beverages – Notice for License Applications, Fees, and Inspectors	323
SB 510	Frederick County – Gaming Events	330
SB 513	Hospitals – Rate–Setting – Participation in 340B Program Under the Federal Public Health Service Act	335

Bill No.	Subject	Page
SB 515	Financial Institutions – Depository Institutions – Savings Promotion Raffles	338
SB 517	Criminal Law – Use and Possession of Marijuana and Drug Paraphernalia.....	345
SB 521	Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking.....	357
SB 523	Worcester County – Alcoholic Beverages – Limited Distillery License	361
SB 528	Criminal Procedure – Seizure and Forfeiture.....	365
SB 536	Certified Public Accountants – Definitions – Attest and Practice Certified Public Accountancy.....	375
SB 538	Blind or Visually Impaired Children – Individualized Education Programs – Orientation and Mobility Instruction.....	377
SB 551	Land Use – Plans – Development and Adoption.....	383
SB 561	Video Lottery Facility Payouts – Intercepts for Restitution Payments	387
SB 562	Tax Credits – Employment of Individuals With Disabilities	392
SB 576	9–1–1 Emergency Telephone System – Multiple–Line Telephone Systems – Direct Dial (Kari’s Law)	397
SB 579	Maryland Small Business Development Financing Authority – Small Business Surety Bond Program	399
SB 607	Joint Committee on Behavioral Health and Opioid Use Disorders ..	401
SB 610	Real Estate Brokers and Salespersons – Continuing Education – Requirements	409
SB 613	Self–Service Storage Facilities – Enforcement of Lien – Procedures	413
SB 630	Alcoholic Beverages – Washington County – Population Ratio Quota.....	417
SB 632	Washington County – Board of License Commissioners – Expungement of Violations.....	419
SB 633	Alcoholic Beverages – Washington County – Refillable Container Permit	421
SB 636	Washington County – County Clerk.....	426
SB 644	Alcoholic Beverages – Allegany County – Class B–MB (Micro–Brewery/Restaurant) License.....	428
SB 649	Real Property – Contract for Sale of New Home	431
SB 652	Criminal Procedure – Expungement of Records	433
SB 663	Carroll County – Public Facilities Bonds.....	435
SB 671	Motor Vehicle Administration – Commercial Driver’s License – Program for Veterans and Service Members (Troops to Trucks).....	441
SB 705	Criminal Law – Assault – First Responders.....	443

Bill No.	Subject	Page
SB 719	Carroll County – Alcoholic Beverages – Hours of Sale on Sundays for Holders of Class A Licenses.....	445
SB 723	Certified Nurse Practitioners – Authority to Practice.....	447
SB 750	Washington County – Alcoholic Beverages – Conversion of Class P Licenses.....	454
SB 798	Wicomico County – Alcoholic Beverages – Micro–Breweries – Annual Production Limit	465
SB 808	Natural Resources – Aquaculture – Liability for Trespass	467
SB 852	Public Information Act – List of Contact Information for Governmental Unit Representatives.....	470
SB 865	Edward T. and Mary A. Conroy and Jean B. Cryor Memorial Scholarship Programs – Eligibility.....	473
SB 937	Alcoholic Beverages – Powdered Alcoholic Beverages – Ban on Sales	477

Vetoed Senate Bills and Messages

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 1 – *Health Occupations – Pharmacists – Refills of Prescriptions During State of Emergency*.

This bill alters the circumstances under which a pharmacist, during a state of emergency, may refill a prescription for a drug for which the refill has not been authorized; provides that a pharmacist who is working in Maryland, instead of the area declared an emergency, may refill the prescription if the federal or any state government, instead of the federal or this State's government, has declared a state of emergency; and increases the maximum quantity from a 14-day to a 30-day supply that may be dispensed under the prescription refill.

House Bill 591, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 1.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 1

AN ACT concerning

Health Occupations – Pharmacists – Refills of Prescriptions During State of Emergency

FOR the purpose of altering the circumstances under which a pharmacist, during a state of emergency, may refill a prescription for a drug for which the refill has not been authorized; providing that a pharmacist who is working in Maryland, instead of the area declared an emergency, may refill the prescription if the federal or any state government, instead of the federal or this State's government, declares a state of emergency; increasing the maximum quantity of the drug that may be dispensed under the prescription refill; and generally relating to refills of prescriptions during a state of emergency.

BY repealing and reenacting, without amendments,

Article – Health Occupations
Section 1–101(a) and (k)
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–506(c)
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Health Occupations

1–101.

- (a) In this article the following words have the meanings indicated.
- (k) “State” means:
 - (1) A state, possession, or territory of the United States;
 - (2) The District of Columbia; or
 - (3) The Commonwealth of Puerto Rico.

12–506.

(c) If the federal or [State] **A STATE** government declares a state of emergency, a pharmacist working in [the area declared an emergency] **MARYLAND** may refill a prescription for a drug for which the refill has not been authorized if:

- (1) As a result of the emergency, the pharmacist is unable to obtain an authorization from the authorized prescriber;
- (2) The refill of the prescription is not for a controlled dangerous substance;
- (3) The quantity dispensed does not exceed a [14–day] **30–DAY** supply or unit of use; and
- (4) The pharmacist notifies the authorized prescriber of the refill of the prescription within 7 days of dispensing the drug.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 7 – *Electronic Cigarettes – Sale to Minors – Components, Supplies, and Enforcement*.

This bill clarifies that the prohibition against selling, distributing, or offering for sale an electronic device to a minor that can be used to deliver nicotine includes any component for the device or product used to refill or resupply the device; clarifies that the exception to the prohibition for devices approved by the U.S. Food and Drug Administration applies only to devices for sale as a tobacco cessation product; and changes a violation of the prohibition from a misdemeanor to a civil infraction.

House Bill 489, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 7.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 7

AN ACT concerning

Electronic Cigarettes – Sale to Minors – Components, Supplies, and Enforcement

FOR the purpose of clarifying that the prohibition against selling, distributing, or offering for sale a certain electronic device to a minor that can be used to deliver nicotine includes any component for the device or product used to refill or resupply the device; clarifying that the exception to the prohibition for devices approved by the United States Food and Drug Administration applies only to devices for sale as a certain tobacco cessation product; changing a violation of the prohibition from a misdemeanor to a civil infraction; ~~changing a violation of the prohibition from a misdemeanor to a civil infraction;~~ establishing certain civil penalties; providing that a sworn law enforcement officer, county health officer, or a designee of a county health officer may issue a certain civil citation for a violation of this Act; providing requirements for processing a certain citation; providing for a certain election to

stand trial; ~~authorizing a certain prosecution; authorizing the District Court to access certain costs;~~ requiring the District Court to remit certain collected penalties in a certain manner; clarifying that the adjudication of a violation of this Act is not a criminal conviction for any purpose; defining a certain term; and generally relating to electronic cigarettes.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 24–305
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – Health – General

24–305.

(a) This section does not apply to a tobacco product that is regulated under Title 16 of the Business Regulation Article.

(b) (1) Except as provided in paragraph (2) of this subsection, a person may not sell, distribute, or offer for sale to a minor an electronic device, **A COMPONENT FOR AN ELECTRONIC DEVICE, OR A PRODUCT USED TO REFILL OR RESUPPLY AN ELECTRONIC DEVICE** that can be used to deliver nicotine to the individual inhaling from the device, including an electronic cigarette, cigar, cigarillo, or pipe.

(2) This subsection does not apply to a nicotine device that contains or delivers nicotine intended for human consumption if the device has been approved by the United States Food and Drug Administration **FOR SALE AS A TOBACCO CESSATION PRODUCT AND IS BEING MARKETED AND SOLD SOLELY FOR THIS PURPOSE.**

(c) A person that violates this section ~~is guilty of a misdemeanor and on conviction~~ is subject to a ~~fine not exceeding \$1,000 for each violation~~ **OR A CIVIL PENALTY OF:**

(1) **EXCEPT AS PROVIDED IN ITEM (2) OF THIS SUBSECTION, \$300;**
AND

(2) **\$500 FOR ANY VIOLATION OCCURRING WITHIN 24 MONTHS AFTER A PREVIOUS VIOLATION.**

(d) In a prosecution for a violation of this section, it is a defense that the defendant examined the purchaser's or recipient's driver's license or other valid identification issued

by an employer, government unit, or institution of higher education that positively identified the purchaser or recipient as at least 18 years of age.

(E) (1) IN THIS SUBSECTION, “DESIGNEE” MEANS A RETIRED SWORN LAW ENFORCEMENT OFFICER EMPLOYED BY A COUNTY HEALTH OFFICER OR AN EMPLOYEE OF A LOCAL HEALTH DEPARTMENT TRAINED IN CIVIL ENFORCEMENT.

(2) A SWORN LAW ENFORCEMENT OFFICER, A COUNTY HEALTH OFFICER, OR A DESIGNEE OF A COUNTY HEALTH OFFICER MAY ISSUE A CIVIL CITATION FOR A VIOLATION OF THIS SECTION.

~~(2)~~ (3) A CITATION ISSUED UNDER THIS SECTION SHALL INCLUDE:

(I) THE NAME AND ADDRESS OF THE PERSON CHARGED;

(II) THE NATURE OF THE VIOLATION;

(III) THE LOCATION AND TIME OF THE VIOLATION;

(IV) THE AMOUNT OF THE CIVIL PENALTY;

(V) THE MANNER, LOCATION, AND TIME IN WHICH THE CIVIL PENALTY MAY BE PAID;

(VI) A NOTICE STATING THE PERSON’S RIGHT TO ELECT TO STAND TRIAL FOR THE VIOLATION; AND

(VII) A WARNING THAT FAILURE TO PAY THE CIVIL PENALTY OR TO CONTEST LIABILITY IN A TIMELY MANNER IN ACCORDANCE WITH THE CITATION:

1. IS AN ADMISSION OF LIABILITY; AND

2. MAY RESULT IN ENTRY OF A DEFAULT JUDGMENT THAT MAY INCLUDE THE CIVIL PENALTY, COURT COSTS, AND ADMINISTRATIVE EXPENSES.

~~(3)~~ (4) THE SWORN LAW ENFORCEMENT OFFICER, COUNTY HEALTH OFFICER, OR DESIGNEE SHALL RETAIN A COPY OF THE CITATION ISSUED UNDER THIS SECTION.

~~(4)~~ (5) (I) 1. A PERSON WHO RECEIVES A CITATION FROM A COUNTY HEALTH OFFICER OR DESIGNEE UNDER THIS SECTION MAY ELECT TO STAND TRIAL FOR THE VIOLATION BY FILING A NOTICE OF INTENTION TO STAND

TRIAL WITH THE COUNTY HEALTH OFFICER OR DESIGNEE AT LEAST 5 DAYS BEFORE THE DATE SET IN THE CITATION FOR THE PAYMENT OF THE CIVIL PENALTY.

2. AFTER RECEIVING A NOTICE OF INTENTION TO STAND TRIAL UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE COUNTY HEALTH OFFICER OR DESIGNEE SHALL FORWARD THE NOTICE AND A COPY OF THE CITATION TO THE DISTRICT COURT.

(II) A PERSON WHO RECEIVES A CITATION FROM A SWORN LAW ENFORCEMENT OFFICER UNDER THIS SECTION MAY ELECT TO STAND TRIAL FOR THE VIOLATION BY FILING A NOTICE OF INTENTION TO STAND TRIAL AND A COPY OF THE CITATION WITH THE DISTRICT COURT AT LEAST 5 DAYS BEFORE THE DATE SET IN THE CITATION FOR PAYMENT OF THE CIVIL PENALTY.

~~(5)~~ (6) (I) AFTER RECEIVING A CITATION AND NOTICE UNDER THIS SECTION, THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE DEFENDANT OF THE TRIAL DATE.

(II) IN A PROCEEDING BEFORE THE DISTRICT COURT, A VIOLATION OF THIS SECTION SHALL BE PROSECUTED IN THE SAME MANNER AND TO THE SAME EXTENT AS A MUNICIPAL INFRACTION UNDER §§ 6-108 THROUGH 6-115 OF THE LOCAL GOVERNMENT ARTICLE.

~~(III) THE GOVERNING BODY OF THE COUNTY IN WHICH THE VIOLATION OCCURRED MAY AUTHORIZE THE COUNTY ATTORNEY TO PROSECUTE A CIVIL INFRACTION UNDER THIS SECTION.~~

~~(6)~~ (7) (I) IF THE DISTRICT COURT FINDS THAT A PERSON HAS COMMITTED A CIVIL INFRACTION UNDER THIS SECTION, THE COURT MAY ASSESS THE COSTS OF THE PROCEEDINGS AGAINST THE PERSON.

~~(H)~~ THE DISTRICT COURT SHALL REMIT ANY PENALTIES COLLECTED FOR A VIOLATION OF THIS SECTION TO THE COUNTY IN WHICH THE VIOLATION OCCURRED.

~~(7)~~ (8) ADJUDICATION OF A VIOLATION OF THIS SECTION IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 11 – *Edward T. and Mary A. Conroy and Jean B. Cryor Memorial Scholarship Programs – Eligibility*.

The bill changes the name of the Edward T. Conroy Memorial Scholarship Program to the Edward T. and Mary A. Conroy Memorial Scholarship Program; and alters the eligibility requirements for the Edward T. and Mary A. Conroy Memorial Scholarship Program and the Jean B. Cryor Memorial Scholarship Program to include the stepchildren of specified individuals who are at least 16 years of age.

House Bill 11, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 11.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 11

AN ACT concerning

Public Service Commission – Hearing Examiners – Change of Job Title

FOR the purpose of changing the job title of “hearing examiners” of the Public Service Commission to “public utility law judges”; making conforming changes; and generally relating to the Public Service Commission.

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 2–105(c)(1), 2–108(d)(5) and (8)(ii)6. and (e)(5), 2–303(a), 2–306(b), 2–307(a),
2–308(a), 3–104(a), (b), and (d), 3–108, and 3–113(d)

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

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

Article – Public Utilities

2–105.

(c) The Executive Director shall:

(1) direct and coordinate the technical staff, except [hearing examiners] **PUBLIC UTILITY LAW JUDGES**, of the Commission; and

2–108.

(d) (5) (i) As required, the Commission shall hire [hearing examiners] **PUBLIC UTILITY LAW JUDGES**.

(ii) [Hearing examiners] **PUBLIC UTILITY LAW JUDGES** are a separate organizational unit and shall report directly to the Commission.

(8) (ii) The following are in the executive service, management service, or are special appointments in the State Personnel Management System:

6. the chief [hearing examiner] **PUBLIC UTILITY LAW JUDGE**; and

(e) The compensation of the following personnel shall be determined by the Commission and, if possible, in accordance with the State pay plan:

(5) the chief [hearing examiner] **PUBLIC UTILITY LAW JUDGE**;

2–303.

(a) This section applies to each individual subject to § 2–302 of this subtitle and to:

(1) each spouse, dependent child, parent, brother, or sister of each commissioner, the People’s Counsel, the General Counsel, and [a hearing examiner] **EACH PUBLIC UTILITY LAW JUDGE**; and

(2) each spouse or dependent child of each other officer or employee of the Commission or Office of People’s Counsel.

2–306.

(b) Until at least 1 year has passed after leaving service with the Commission as the General Counsel or a [hearing examiner] **PUBLIC UTILITY LAW JUDGE**, an individual may not:

- (1) represent a public service company before the Commission;
- (2) appear before the Commission on behalf of a party to a Commission proceeding; or
- (3) appear before the Commission on a matter within the jurisdiction of the Commission.

2–307.

(a) This section applies to each individual subject to § 2–302 of this subtitle and to:

(1) each spouse, dependent child, parent, brother, or sister of each commissioner, the People’s Counsel, the General Counsel, and [a hearing examiner] **EACH PUBLIC UTILITY LAW JUDGE**; and

(2) each spouse or dependent child of each other officer or employee of the Commission or Office of People’s Counsel.

2–308.

(a) This section applies to each individual subject to § 2–302 of this subtitle and to:

(1) each spouse, dependent child, parent, brother, or sister of each commissioner, the People’s Counsel, the General Counsel, and [a hearing examiner] **EACH PUBLIC UTILITY LAW JUDGE**; and

(2) each spouse or dependent child of each other officer or employee of the Commission or Office of People’s Counsel.

3–104.

(a) (1) The Commission shall institute and conduct proceedings reasonably necessary and proper to the exercise of its powers or the performance of its duties.

(2) The Commission shall conduct its proceedings en banc or in panels of:

(i) at least three commissioners; or

(ii) one [hearing examiner] **PUBLIC UTILITY LAW JUDGE** and at least two commissioners.

(3) A quorum consists of a majority of the Commission or a majority of a panel.

(b) (1) The Commission, a commissioner, or a [hearing examiner] **PUBLIC UTILITY LAW JUDGE** may conduct hearings, examine witnesses, administer oaths, and perform any other acts necessary to the conduct of proceedings.

(2) The Executive Secretary of the Commission may administer oaths.

(3) Each record of a proceeding of the Commission is a public record.

(d) (1) The Commission may delegate to a commissioner or to a [hearing examiner] **PUBLIC UTILITY LAW JUDGE** the authority to conduct a proceeding that is within the Commission's jurisdiction.

(2) In a delegated proceeding, the commissioner or [hearing examiner] **PUBLIC UTILITY LAW JUDGE** shall:

(i) conduct the hearing and any other proceeding that the commissioner or [hearing examiner] **PUBLIC UTILITY LAW JUDGE** considers necessary; and

(ii) file with the Commission, and simultaneously serve on all parties, a proposed order and findings of fact.

(3) The proposed order shall become final unless appealed as provided in § 3–113(d) of this subtitle.

3–108.

Unless notice is provided to each other party in a case before the Commission, a party or person acting on behalf of a party may not contact ex parte a commissioner or a [hearing examiner] **PUBLIC UTILITY LAW JUDGE** regarding the merits of the case.

3–113.

(d) (1) An order of a panel constituted under § 3–104(a) of this subtitle is final.

(2) (i) A proposed order of a commissioner or [hearing examiner] **PUBLIC UTILITY LAW JUDGE** under § 3–104(d) of this subtitle becomes final unless a party to the proceeding notes an appeal with the Commission within the time period for appeal designated in the proposed order.

(ii) The time period for appeal designated in the proposed order is 30 days unless the order specifies a shorter period of at least 7 days.

(3) On appeal, the Commission promptly shall:

(i) consider the matter on the record before the commissioner or [hearing examiner] **PUBLIC UTILITY LAW JUDGE**;

(ii) conduct any further proceedings that it considers necessary including requiring the filing of briefs and the holding of oral argument; and

(iii) issue a final order.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 14 – *Health Occupations – Board of Pharmacy – Pharmacist Rehabilitation Committee – Definition*.

This bill alters the definition of “pharmacist rehabilitation committee”, for purposes of provisions of law governing pharmacist rehabilitation committees, to provide that it is a group that includes at least one pharmacist instead of a group, the majority of which is composed of pharmacists.

House Bill 748, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 14.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 14

AN ACT concerning

**Health Occupations – Board of Pharmacy – Pharmacist Rehabilitation
Committee – Definition**

FOR the purpose of altering the definition of “pharmacist rehabilitation committee”, for purposes of provisions of law governing pharmacist rehabilitation committees, to provide that it is a group that includes at least one pharmacist instead of a group, the majority of which is comprised of pharmacists; and generally relating to pharmacist rehabilitation committees.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 12–317

Annotated Code of Maryland

(2014 Replacement Volume)

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

Article – Health Occupations

12–317.

(a) In this section, “pharmacist rehabilitation committee” means a group[, the majority of which is comprised of pharmacists, that is] **THAT:**

(1) INCLUDES AT LEAST ONE PHARMACIST; AND

(2) IS recognized by the Board.

(b) For purposes of this section, a pharmacist rehabilitation committee evaluates and provides assistance to any pharmacist, registered pharmacy intern, or registered pharmacy technician in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.

(c) (1) Except as otherwise provided in this section, the proceedings, records, and files of a pharmacist rehabilitation committee are not discoverable and are not admissible in evidence in any civil action arising out of matters that are being or have been reviewed and evaluated by the pharmacist rehabilitation committee.

(2) Paragraph (1) of this subsection does not apply to any record or document that is considered by the pharmacist rehabilitation committee and that otherwise would be subject to discovery and introduction into evidence in a civil trial.

(3) For purposes of this subsection, civil action does not include a proceeding before the Board or judicial review of a proceeding before the Board.

(d) A person who acts in good faith and within the scope of jurisdiction of a pharmacist rehabilitation committee is not civilly liable for any action as a member of the pharmacist rehabilitation committee or for giving information to, participating in, or contributing to the function of the pharmacist rehabilitation committee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 15 – *Task Force to Study the Implementation of a Dyslexia Education Program*.

This bill establishes the Task Force to Study the Implementation of a Dyslexia Education Program; provides for the composition of the Task Force including one representative each from the Public School Superintendents Association of Maryland, the Maryland State Education Association, and the Maryland School Psychologists' Association; and requires the Task Force to study specified matters and to report its findings and recommendations on or before December 30, 2015, to the Governor and specified committees of the General Assembly.

House Bill 278, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 15.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 15

AN ACT concerning

Task Force to Study the Implementation of a Dyslexia Education Program

FOR the purpose of establishing the Task Force to Study the Implementation of a Dyslexia Education Program; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study the Implementation of a Dyslexia Education Program.

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

(a) There is a Task Force to Study the Implementation of a Dyslexia Education Program.

(b) The Task Force consists of the following ~~10~~ 11 members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) the State Superintendent of Schools, or the Superintendent's designee;

(4) one representative of the Maryland Association of Boards of Education, appointed by the Executive Director of the Association; ~~and~~

(5) one representative of the Public School Superintendents Association of Maryland, appointed by the Executive Director of the Association; and

(6) one representative of the Maryland State Education Association, appointed by the Executive Director of the Association;

(7) one representative of the Maryland School Psychologists' Association, appointed by the President of the Association; and

~~(5)~~ ~~(6)~~ (8) the following ~~six~~ members, appointed by the Governor:

(i) one representative of an employee organization of public school teachers;

(ii) one representative of a local school system;

(iii) two representatives of the dyslexia education community;

(iv) one representative of an organization that certifies dyslexia identification methodologies; ~~and~~

(v) one consumer member who has experience with dyslexia identification, education, and treatment; and

(vi) one representative of Decoding Dyslexia Maryland.

(c) The Governor shall designate the chair of the Task Force.

(d) The State Department of Education shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) determine current practices for identifying and treating dyslexia in students in Maryland public schools;

(2) determine current practices for identifying and treating dyslexia in other states;

(3) determine the appropriate structure for establishing a dyslexia education program and make recommendations on:

(i) the feasibility of funding a dyslexia education program through the State Department of Education or alternative funding mechanisms and sources or both;

(ii) the methodologies that should be used to test students and identify dyslexia and pre-dyslexia tendencies in students;

(iii) the appropriate age to begin testing for dyslexia and pre-dyslexia tendencies; and

(iv) the best practices for treating and educating students identified as having dyslexia or pre-dyslexia tendencies; and

(4) develop a pilot program to initiate the implementation of the recommendations of the Task Force in an appropriately limited geographical area.

(g) On or before December 30, 2015, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State

Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 20 – *Kent County – Board of Elections – Membership*.

This bill alters the number of regular members of the Kent County Board of Elections; requires three regular members of the local board to be of the majority party, and two regular members to be of the principal minority party; requires that a vacancy on the local board be filled in a specified manner; and makes a conforming change.

House Bill 864, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 20.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 20

AN ACT concerning

Kent County – Board of Elections – Membership

FOR the purpose of altering the number of regular members of the Kent 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; making a

conforming change; and generally relating to the membership of the Kent 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 2014 Supplement)

BY repealing
 Article – Election Law
 Section 2–204(b)(2)(ii)3.
 Annotated Code of Maryland
 (2010 Replacement Volume and 2014 Supplement)

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

Article – Election Law

2–201.

(1) (1) In Allegany County, Baltimore City, Caroline County, Carroll County, Cecil County, Charles County, Frederick County, Harford County, **KENT COUNTY**, Queen Anne’s County, Somerset County, Talbot County, Washington County, Wicomico County, and Worcester County, the local board consists of five regular members.

(2) Three regular members shall be of the majority party, and two regular members shall be of the principal minority party.

(3) (i) If a vacancy occurs on the local board, the Governor shall appoint an eligible person from the same political party as the predecessor member to fill the vacancy in accordance with subsection (g) of this section for the remainder of the unexpired term and until a successor is appointed and qualifies.

(ii) An appointment made while the Senate of Maryland is not in session shall be considered temporary until the appointee is confirmed by the Senate.

2–204.

(b) (2) (ii) [3. In Kent County, a substitute member shall be paid at least \$50 for each meeting that the substitute member attends.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 21 – *Cecil County and Queen Anne’s County – Intergovernmental Cooperation and Acceptance of Funds*.

This bill applies to Cecil and Queen Anne’s counties specified provisions authorizing the governing body of a county to contract with another governmental entity for the joint or cooperative performance of any governmental function; and authorizes the governing body of a county to accept specified gifts or grants from the federal or State government and to use the gifts and grants for specified purposes.

House Bill 187, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 21.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 21

AN ACT concerning

Cecil County and Queen Anne’s County – Intergovernmental Cooperation and Acceptance of Funds

FOR the purpose of applying to Cecil County and Queen Anne’s County certain provisions authorizing the governing body of a county to contract with another governmental entity for certain purposes and authorizing the governing body of a county to accept certain gifts or grants from the federal or State government and to use the gifts and grants for certain purposes; and generally relating to the application to Cecil County and Queen Anne’s County of certain provisions relating to intergovernmental cooperation and the acceptance of certain funds.

BY repealing and reenacting, with amendments,
Article – Local Government
Section 1-902
Annotated Code of Maryland

(2013 Volume and 2014 Supplement)

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

Article – Local Government

1–902.

(a) This section applies to all counties except:

- (1) Anne Arundel County;
- (2) Baltimore City;
- (3) Baltimore County;
- (4) [Cecil County;
- (5)] Howard County; **AND**
- [(6)] (5)** Prince George’s County]; and
- (7) Queen Anne’s County].

(b) The governing body of a county may contract with another governmental entity for the joint or cooperative performance of any governmental function.

(c) The governing body of a county may:

- (1) accept any gift or grant from the federal or State government or any unit of federal or State government; and
- (2) use the gift or grant for any lawful purpose for which it was received.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H–107 State House

Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 25 – *Frederick Center for Research and Education in Science and Technology*.

This bill establishes the Frederick Center for Research and Education in Science and Technology; alters the name of the Frederick Center for Research and Education in Science and Technology (CREST) and the name of the Governing Board; alters the powers and duties of the Board to require the Board to operate and exercise general control over Frederick CREST; requires the Board to submit an adopted mission statement to the Maryland Higher Education Commission; and makes the Act an emergency measure.

House Bill 37, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 25.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 25

AN ACT concerning

Frederick Center for Research and Education in Science and Technology

FOR the purpose of establishing the Frederick Center for Research and Education in Science and Technology; altering the name of the Frederick Center for Research and Education in Science and Technology (CREST); altering the name of the Frederick Center for Research and Education in Science and Technology Governing Board; altering the powers and duties of the Board to require the Board to operate and exercise general control over the Frederick CREST; authorizing the Board to fix the salaries and terms of employment of the Director and other employees of Frederick CREST; authorizing the Board to purchase, lease, sell, or otherwise acquire or dispose of certain property; authorizing the Director of Frederick CREST or the chair of the Board to execute certain legal documents under certain circumstances; requiring the Board to submit an adopted mission statement to the Maryland Higher Education ~~Committee~~ Commission subject to certain Commission policies and guidelines; making this Act an emergency measure; and generally relating to the Frederick Center for Research and Education in Science and Technology.

BY repealing and reenacting, with amendments,

Article – Education

Section 24–1001, 24–1002, 24–1003(a), and 24–1004

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

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

Article – Education

24–1001.

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

(b) “Board” means the Frederick [Regional Higher Education Advisory] **CENTER FOR RESEARCH AND EDUCATION IN SCIENCE AND TECHNOLOGY GOVERNING Board**.

(c) [“Center” means the Frederick Regional Higher Education Center.

(d)] “Commission” means the Maryland Higher Education Commission.

(D) “FREDERICK CREST” MEANS THE FREDERICK CENTER FOR RESEARCH AND EDUCATION IN SCIENCE AND TECHNOLOGY.

(e) “Site” means a 4–year institution of higher education that offers Commission–approved undergraduate and graduate programs at ~~the Center~~ **FREDERICK CREST**.

24–1002.

There is a Frederick [Regional Higher Education Advisory] **CENTER FOR RESEARCH AND EDUCATION IN SCIENCE AND TECHNOLOGY THAT IS GOVERNED BY THE FREDERICK CENTER FOR RESEARCH AND EDUCATION IN SCIENCE AND TECHNOLOGY GOVERNING Board**.

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] **FREDERICK CREST** and at a site, appointed by the institution;

(2) The following 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;
4. Frederick County Office of Economic Development; and
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.

24-1004.

(a) In addition to the other powers expressly granted and duties imposed by this subtitle, and subject to the authority of the Commission, the Board has only the powers and duties set forth in this section.

(b) The Board shall:

(1) **OPERATE AND EXERCISE GENERAL CONTROL OVER FREDERICK CREST;**

(2) Assist and support the development of higher education in the Frederick region;

[(2)] (3) Assist in setting the missions of and accomplishing the goals and objectives of the sites in Frederick County;

[(3)] (4) Assist in establishing a Frederick [Regional Higher Education Center] **REGIONAL HIGHER EDUCATION CENTER TO BE NAMED THE FREDERICK CENTER FOR RESEARCH AND EDUCATION IN SCIENCE AND TECHNOLOGY;**

[(4)] (5) Provide guidance and support in identifying institutions and programs to serve higher education and workforce needs in Frederick County;

[(5)] (6) Assist with the marketing and promotion of programs offered at ~~the Center~~ **FREDERICK CREST** and sites;

[(6)] (7) Facilitate interactions among the business, nonprofit, education, military, and Frederick National Laboratory communities;

[(7)] (8) Keep separate records and minutes; and

[(8)] (9) Adopt reasonable rules, regulations, or bylaws to carry out the provisions of this subtitle.

(C) THE BOARD MAY FIX THE SALARIES AND TERMS OF EMPLOYMENT OF THE DIRECTOR AND OTHER EMPLOYEES OF FREDERICK CREST.

(D) THE BOARD MAY PURCHASE, LEASE, OR OTHERWISE ACQUIRE ANY PROPERTY IT CONSIDERS NECESSARY FOR THE OPERATION OF FREDERICK CREST.

(E) (1) THE BOARD MAY SELL, LEASE, OR OTHERWISE DISPOSE OF ASSETS OR PROPERTY OF FREDERICK CREST.

(2) THE DIRECTOR OF FREDERICK CREST OR THE CHAIR OF THE BOARD MAY EXECUTE A CONVEYANCE OR OTHER LEGAL DOCUMENT UNDER AN APPROPRIATE RESOLUTION OF THE BOARD.

[(c)] (F) The Board shall ensure that all academic programs and policies of [the Center] **FREDERICK CREST** and sites are in compliance with the policies of and approved by the Commission **FOR REGIONAL HIGHER EDUCATION CENTERS IN ACCORDANCE WITH § 11–105 OF THIS ARTICLE.**

(G) THE BOARD SHALL SUBMIT AN ADOPTED MISSION STATEMENT TO THE COMMISSION SUBJECT TO THE POLICIES AND GUIDELINES OF THE COMMISSION.

[(d)] (H) The Board may apply, accept, and expend any gift, appropriation, or grant from the State, county, or federal government or any other person.

[(e)] (I) The Board may make agreements with the federal, the State, or a county government or any other person if the Board considers the agreement advisable for the operation of [the Center] **FREDERICK CREST.**

[(f)] (J) The Board may adopt a corporate seal.

[(g)] (K) In addition to other reports that may be required by the Commission, the Board shall:

(1) Keep records that are consistent with sound business practices and accounting records that use generally accepted accounting principles;

(2) Cause an audit by an independent certified public accountant to be made of the accounts and transactions of [the Center] **FREDERICK CREST** at the conclusion of each fiscal year; and

(3) For any State money, be subject to an audit by the Office of Legislative Audits, in accordance with §§ 2–1220 through 2–1227 of the State Government Article.

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

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 48 – *State Board of Physical Therapy Examiners – Failure to Pass Licensure Examination – Prohibition on Issuance of License*.

This bill prohibits an applicant for licensure as a physical therapist or a physical therapist assistant who fails the examination for licensure six times from retaking the examination and being licensed by the State Board of Physical Therapy Examiners.

House Bill 179, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 48.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 48

AN ACT concerning

State Board of Physical Therapy Examiners – Failure to Pass Licensure Examination – Prohibition on Issuance of License

FOR the purpose of prohibiting an applicant for licensure as a physical therapist or a physical therapist assistant who fails the examination for licensure a certain number of times from retaking the examination and being licensed by the State Board of Physical Therapy Examiners; and generally relating to examination requirements for licensure by the State Board of Physical Therapy Examiners.

BY repealing and reenacting, with amendments,
 Article – Health Occupations
 Section 13–306
 Annotated Code of Maryland
 (2014 Replacement Volume)

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

Article – Health Occupations

13–306.

(a) **(1) [An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN** applicant who otherwise qualifies for a license is entitled to be examined for that license as provided in this section.

(2) AN APPLICANT WHO FAILS THE EXAMINATION FOR LICENSURE SIX TIMES MAY NOT:

(I) RETAKE THE EXAMINATION; OR

(II) BE LICENSED BY THE BOARD.

(b) The Board shall give examinations at least twice a year, at the times and places that the Board determines, to applicants for:

(1) A physical therapy license; and

(2) A physical therapist assistant license.

(c) The Board or its agent shall notify each qualified applicant of the time and place of the examination.

(d) The Board shall determine the subjects, scope, form, and passing score for examinations given under this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 49 – *State Board of Professional Counselors and Therapists – Examination of Applicants, Licensees, Certificate Holders, and Trainees*.

This bill requires the State Board of Professional Counselors and Therapists to require applicants, licensees, certificate holders, and trainees to submit to a mental health or physical examination under specified circumstances; provides that applicants, licensees, certificate holders, or trainees are deemed to have waived a claim of privilege under specified circumstances; and provides that a specified report or testimony of a health care practitioner is confidential, except under specified circumstances.

House Bill 805, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 49.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 49

AN ACT concerning

**State Board of Professional Counselors and Therapists – Examination of
Applicants, Licensees, Certificate Holders, and Trainees**

FOR the purpose of requiring the State Board of Professional Counselors and Therapists to require certain applicants, licensees, certificate holders, and trainees to submit to a mental health or physical examination under certain circumstances; providing that certain applicants, licensees, certificate holders, or trainees are deemed to have consented to submit to an examination and to have waived a certain claim of privilege under certain circumstances; providing that a certain report or testimony of a certain health care practitioner is confidential, except under certain circumstances; providing that the failure or refusal of a certain applicant, licensee, certificate holder, or trainee to submit to a certain examination is prima facie evidence of the inability to practice competently, unless the Board makes a certain finding; requiring the Board to pay the reasonable cost of certain examinations for certain licensees, certificate holders, or trainees; requiring certain applicants to pay the reasonable cost of a certain examination; and generally relating to the State Board of Professional Counselors and Therapists and examinations of applicants, licensees, certificate holders, and trainees.

BY adding to

Article – Health Occupations
Section 17–513.1
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Health Occupations

17–513.1.

(A) IF, WHILE REVIEWING AN APPLICATION FOR LICENSURE, CERTIFICATION, OR TRAINEE STATUS, OR INVESTIGATING AN ALLEGATION AGAINST A LICENSEE, CERTIFICATE HOLDER, OR TRAINEE UNDER THIS TITLE, THE BOARD FINDS REASONABLE EVIDENCE INDICATING THAT THE APPLICANT, LICENSEE, CERTIFICATE HOLDER, OR TRAINEE MAY CAUSE HARM TO A PERSON, THE BOARD SHALL REQUIRE THE APPLICANT, LICENSEE, CERTIFICATE HOLDER, OR TRAINEE TO SUBMIT TO A MENTAL HEALTH OR PHYSICAL EXAMINATION BY A HEALTH CARE PRACTITIONER, AS DEFINED IN § 1–301 OF THIS ARTICLE, DESIGNATED BY THE BOARD.

(B) (1) IN RETURN FOR THE PRIVILEGE TO PRACTICE COUNSELING AND THERAPY IN THE STATE, AN APPLICANT, A LICENSEE, OR A CERTIFICATE HOLDER IS DEEMED TO HAVE:

(I) CONSENTED TO SUBMIT TO AN EXAMINATION UNDER THIS SECTION, IF REQUESTED BY THE BOARD IN WRITING; AND

(II) WAIVED ANY CLAIM OF PRIVILEGE AS TO THE TESTIMONY OR REPORT OF A HEALTH CARE PRACTITIONER WHO EXAMINES THE APPLICANT, LICENSEE, OR CERTIFICATE HOLDER.

(2) IN RETURN FOR THE PRIVILEGE TO PRACTICE CLINICAL ALCOHOL AND DRUG COUNSELING IN THE STATE WITHOUT A LICENSE OR CERTIFICATION IN ACCORDANCE WITH § 17-406 OF THIS TITLE, A TRAINEE IS DEEMED TO HAVE:

(I) CONSENTED TO SUBMIT TO AN EXAMINATION UNDER THIS SECTION, IF REQUESTED BY THE BOARD IN WRITING; AND

(II) WAIVED ANY CLAIM OF PRIVILEGE AS TO THE TESTIMONY OR REPORT OF A HEALTH CARE PRACTITIONER WHO EXAMINES THE TRAINEE.

(C) A REPORT OR TESTIMONY REGARDING A REPORT OF A HEALTH CARE PRACTITIONER DESIGNATED BY THE BOARD IS CONFIDENTIAL EXCEPT AS TO CONTESTED CASE PROCEEDINGS AS DEFINED BY THE ADMINISTRATIVE PROCEDURE ACT.

(D) THE FAILURE OR REFUSAL OF AN APPLICANT, A LICENSEE, A CERTIFICATE HOLDER, OR A TRAINEE TO SUBMIT TO AN EXAMINATION REQUIRED UNDER THIS SECTION IS PRIMA FACIE EVIDENCE OF THE APPLICANT'S, LICENSEE'S, CERTIFICATE HOLDER'S, OR TRAINEE'S INABILITY TO PRACTICE COMPETENTLY, UNLESS THE BOARD FINDS THAT THE FAILURE OR REFUSAL WAS BEYOND THE CONTROL OF THE APPLICANT, LICENSEE, CERTIFICATE HOLDER, OR TRAINEE.

(E) THE BOARD SHALL PAY THE REASONABLE COST OF ANY EXAMINATION REQUIRED OF A LICENSEE, CERTIFICATE HOLDER, OR TRAINEE UNDER THIS SECTION.

(F) AN APPLICANT SHALL PAY THE REASONABLE COST OF ANY EXAMINATION REQUIRED OF THE APPLICANT UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

The Honorable Thomas V. Mike Miller, Jr.

President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 54 – *Public Service Commission – Restrictions After Service*.

This bill prohibits an individual from receiving financial benefit, that is not otherwise generally available to the public as a customer of a public service company, from public service companies, persons, or entities until at least 1 year has passed after the individual left service with the Public Service Commission as a commissioner; and applies the Act to an individual who serves as a commissioner of the Public Service Commission on or after January 1, 2015.

House Bill 140, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 54.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 54

AN ACT concerning

Public Service Commission – Restrictions After Service

FOR the purpose of prohibiting a certain individual from receiving a certain financial benefit from certain public service companies, persons, or entities until a certain time has passed after the individual has left service with the Public Service Commission as a commissioner; providing for the application of this Act; and generally relating to the Public Service Commission.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 1-101(a) and (x)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 2-306
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Public Utilities

1–101.

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

(x) (1) “Public service company” means a common carrier company, electric company, gas company, sewage disposal company, telegraph company, telephone company, water company, or any combination of public service companies.

(2) “Public service company” does not include:

(i) a campground that provides water, electric, gas, sewage, or telephone service to campers incident to the campground’s primary business of operating and maintaining the campground; or

(ii) a person that owns or operates equipment used for charging electric vehicles, including a person that owns or operates:

1. an electric vehicle charging station;

2. electric vehicle supply equipment; or

3. an electric vehicle charging station service company or provider.

2–306.

(a) Until at least 2 years have passed after leaving service as a commissioner or the People’s Counsel, an individual may not:

(1) represent a public service company before the Commission;

(2) appear before the Commission on behalf of a party to a Commission proceeding; or

(3) appear before the Commission on a matter within the jurisdiction of the Commission.

(b) Until at least 1 year has passed after leaving service with the Commission as the General Counsel or a hearing examiner, an individual may not:

(1) represent a public service company before the Commission;

(2) appear before the Commission on behalf of a party to a Commission proceeding; or

(3) appear before the Commission on a matter within the jurisdiction of the Commission.

(c) UNTIL AT LEAST 1 YEAR HAS PASSED AFTER LEAVING SERVICE WITH THE COMMISSION AS A COMMISSIONER, AN INDIVIDUAL MAY NOT RECEIVE FINANCIAL BENEFIT THAT IS NOT OTHERWISE GENERALLY AVAILABLE TO THE PUBLIC AS A CUSTOMER OF A PUBLIC SERVICE COMPANY FROM:

(1) A PUBLIC SERVICE COMPANY THAT IS SUBJECT TO THE JURISDICTION OF THE COMMISSION; OR

(2) A PERSON THAT DIRECTLY OR INDIRECTLY, OR THROUGH ONE OR MORE INTERMEDIARIES, CONTROLS, IS CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH A PUBLIC SERVICE COMPANY THAT IS SUBJECT TO THE JURISDICTION OF THE COMMISSION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to an individual who serves as a commissioner of the Public Service Commission on or after January 1, 2015.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 59 – *State Board of Examiners of Nursing Home Administrators – Sunset Extension and Program Evaluation*.

This bill continues the State Board of Examiners of Nursing Home Administrators by repealing the termination provisions relating to the statutory and regulatory authority of

the Board and requires that a preliminary evaluation of the Board and the statutes and regulations relating to the Board be performed on or before December 15, 2024.

House Bill 68, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 59.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 59

AN ACT concerning

State Board of Examiners of Nursing Home Administrators – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Examiners of Nursing Home Administrators in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by repealing 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; and generally relating to the State Board of Examiners of Nursing Home Administrators.

BY repealing

Article – Health Occupations
Section 9–502
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Government
Section 8–403(b)(37)
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Health Occupations

[9–502.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, 2017.]

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:

(37) Nursing Home Administrators, State Board of Examiners of (§ 9–201 of the Health Occupations Article: **[2014] 2024**);

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 62 – *Clerks of the Circuit Courts – Water and Sewer Lien Registers – Fees*.

This bill repeals a requirement that specified water and sewer authorities pay a fee of 5 cents for each entry to the clerk of a circuit court in the county where the specified real estate is located to record a lien in a specified lien register.

House Bill 49, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 62.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 62

AN ACT concerning

Clerks of the Circuit Courts – Water and Sewer Lien Registers – Fees

FOR the purpose of repealing a requirement that certain water and sewer authorities pay a certain fee to the clerk of a certain circuit court to record a lien in a certain lien register; and generally relating to real estate lien registers.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–949(d)
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Environment

9–949.

(d) [(1)] The clerk of the circuit court in the county where the real estate is located:

[(i)](1) Shall keep and make available for public inspection any lien register that an authority provides to the clerk under this section; AND

[(ii)](2) Shall record and index in the lien register any entry that the authority certifies[; and

(iii) Is entitled to a fee of 5 cents for each entry that the clerk makes under this section.

(2) To record a lien under this section, an authority shall pay to the clerk of the circuit court a fee of 5 cents for each entry.

(3) The amount of the fee paid for recording a lien shall be added to the amount of the lien].

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 71 – *County Superintendents of Schools – Reappointment Exemption in Washington County and Recruitment Recommendations*.

This bill exempts the Washington County Board of Education from specified requirements for appointment and reappointment of a Washington County Superintendent of Schools; and requires the State Superintendent of Schools, on or before November 1, 2015, to submit recommendations to the Governor and General Assembly on ways to improve the recruitment and retention of county superintendents of schools in the State.

House Bill 191, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 71.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 71

AN ACT concerning

~~Reappointment of Washington County Superintendent~~ **Superintendents of
Schools – Reappointment Exemption in Washington County and Recruitment
Recommendations**

FOR the purpose of exempting the Washington County Board of Education from certain requirements for the appointment and reappointment of a Washington County Superintendent of Schools; requiring the State Superintendent of Schools, on or before a certain date, to submit certain recommendations to the Governor and the General Assembly; and generally relating to ~~the Washington County Superintendent of Schools~~ county superintendents of schools.

BY repealing and reenacting, with amendments,
Article – Education
Section 4–201
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)

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

Article – Education

4–201.

(a) (1) This section does not apply to Baltimore City.

(2) Subsections (b), (c), (d), and (f) of this section do not apply in Prince George's County.

(3) SUBSECTIONS (B)(2) AND (3) OF THIS SECTION DO NOT APPLY IN WASHINGTON COUNTY.

(b) (1) The term of a county superintendent is 4 years beginning on July 1. A county superintendent continues to serve until a successor is appointed and qualifies.

(2) By February 1 of the year in which a term ends, the county superintendent shall notify the county board whether the superintendent is a candidate for reappointment.

(3) In the year in which a term begins, the county board shall appoint a county superintendent between February 1 and June 30. However, if the county board decides to reappoint the incumbent superintendent, the county board shall take final action at a public meeting no later than March 1 of that year.

(4) If a county board is unable to appoint a county superintendent by July 1 of a year in which a term begins, the provisions of subsection (d) of this section apply.

(c) (1) An individual may not be appointed as county superintendent unless he:

(i) Is eligible to be issued a certificate for the office by the State Superintendent;

(ii) Has graduated from an accredited college or university; and

(iii) Has completed 2 years of graduate work at an accredited college or university, including public school administration, supervision, and methods of teaching.

(2) The appointment of a county superintendent is not valid unless approved in writing by the State Superintendent.

(3) If the State Superintendent disapproves an appointment, he shall give his reasons for disapproval in writing to the county board.

(d) If a vacancy occurs in the office of county superintendent, the county board shall appoint an interim county superintendent who serves until July 1 after his appointment.

(e) (1) The State Superintendent may remove a county superintendent for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Insubordination;

(iv) Incompetency; or

(v) Willful neglect of duty.

(2) Before removing a county superintendent, the State Superintendent shall send the county superintendent a copy of the charges against the county superintendent and give the county superintendent an opportunity within 10 days to request a hearing.

(3) If the county superintendent requests a hearing within the 10-day period:

(i) The State Superintendent promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Superintendent sends the county superintendent a notice of the hearing; and

(ii) The county superintendent shall have an opportunity to be heard publicly before the State Superintendent in the county superintendent's own defense, in person or by counsel.

(f) On notification of pending criminal charges against a county superintendent as provided under § 4–206 of this subtitle, the county board may suspend the county superintendent with pay until the final disposition of the criminal charges.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before November 1, 2015, the State Superintendent of Schools shall submit recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on ways to improve the recruitment and retention of county superintendents of schools in the State.

~~SECTION 2.~~ SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 87 – *Criminal Procedure – Transfer to Juvenile Court – Petition for Expungement*.

This bill requires a petition for expungement of a criminal charge that has been transferred to the juvenile court to be filed in the court of original jurisdiction from which the order of transfer was entered.

House Bill 131, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 87.

Sincerely,

Governor Lawrence J. Hogan, Jr.

AN ACT concerning

Criminal Procedure – Transfer to Juvenile Court – Petition for Expungement

FOR the purpose of requiring a petition for expungement of a criminal charge that has been transferred to the juvenile court to be filed in the court of original jurisdiction from which the order of transfer was entered; and generally relating to expungement.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–105(b) and 10–106
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

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

Article – Criminal Procedure

10–105.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person shall file a petition in the court in which the proceeding began.

(2) (i) **[If] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF** the proceeding began in one court and was transferred to another court, the person shall file the petition in the court to which the proceeding was transferred.

(II) IF THE PROCEEDING BEGAN IN ONE COURT AND WAS TRANSFERRED TO THE JUVENILE COURT UNDER § 4–202 OR § 4–202.2 OF THIS ARTICLE, THE PERSON SHALL FILE THE PETITION IN THE COURT OF ORIGINAL JURISDICTION FROM WHICH THE ORDER OF TRANSFER WAS ENTERED.

(3) (i) If the proceeding in a court of original jurisdiction was appealed to a court exercising appellate jurisdiction, the person shall file the petition in the appellate court.

(ii) The appellate court may remand the matter to the court of original jurisdiction.

10–106.

(A) A person may file, and a court shall grant, a petition for expungement of a criminal charge transferred to the juvenile court under § 4–202 or § 4–202.2 of this article.

(B) A PETITION FOR EXPUNGEMENT FILED UNDER THIS SECTION SHALL BE FILED IN THE COURT OF ORIGINAL JURISDICTION FROM WHICH THE ORDER OF TRANSFER WAS ENTERED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 89 – *City of Annapolis – Alcoholic Beverages – Election Days*.

This bill adds the City of Annapolis to the list of subdivisions in which a holder of an alcoholic beverages license may exercise all of the privileges conferred by that license on the day of any election in that subdivision.

House Bill 447, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 89.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 89

AN ACT concerning

City of Annapolis – Alcoholic Beverages – Election Days

FOR the purpose of adding the City of Annapolis to the list of subdivisions in which a holder of an alcoholic beverages license may exercise all of the privileges conferred by that license on the day of any election in that subdivision; and generally relating to alcoholic beverages in the City of Annapolis.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages

Section 11–401(b)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

11–401.

(b) In the enumerated subdivisions below the holder of any license issued under the provisions of this article is permitted to exercise all of the privileges conferred by that license on the day of any election in that subdivision:

(1) Allegany County, but an alcoholic beverage licensee whose premises are also used as a polling place may not exercise any privilege conferred by that license on the day of any election during those hours the polls are open;

(2) THE CITY OF ANNAPOLIS;

[(2)] (3) Anne Arundel County;

[(3)] (4) Baltimore City;

[(4)] (5) Baltimore County;

[(5)] (6) Calvert County;

[(6)] (7) Caroline County;

[(7)] (8) Carroll County;

[(8)] (9) Cecil County;

[(9)] (10) Charles County;

[(10)] (11) Dorchester County;

[(11)] (12) Frederick County;

[(12)] (13) Garrett County;

[(13)] (14) Harford County;

[(14)] (15) Howard County;

- [(15)] **(16)** Kent County;
- [(16)] **(17)** Montgomery County;
- [(17)] **(18)** Prince George's County;
- [(18)] **(19)** Queen Anne's County;
- [(19)] **(20)** St. Mary's County;
- [(20)] **(21)** Somerset County;
- [(21)] **(22)** Washington County;
- [(22)] **(23)** Wicomico County; and
- [(23)] **(24)** Worcester County.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 90 – *Guardianship of Disabled Persons and Revocation of Advance Directives*.

This bill authorizes a court to appoint a guardian of the person of a disabled person for a limited period of time under specified circumstances; specifies that specified rights, duties, and powers that a court may order include the duty to file a specified report; and authorizes a declarant to waive specified rights when making an advance directive.

House Bill 293, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 90.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 90

AN ACT concerning

Guardianship, of Disabled Persons and Revocation of Advance Directives, and ~~Surrogates – Disabled Persons and Mental Health Services~~

FOR the purpose of authorizing a court to appoint a guardian of the person of a disabled person for a limited period of time under certain circumstances; specifying that certain rights, duties, and powers that a court may order include the duty to file a certain report; ~~providing that a revocation of an advance directive for mental health services by a certain declarant is not effective until a certain period of time after the request for revocation is made by the declarant; repealing the prohibition against certain surrogate decision makers authorizing treatment for a mental disorder authorizing a certain individual declarant to waive certain rights when making an advance directive; making conforming changes;~~ and generally relating to guardianship, and advance directives, ~~and surrogate decision making.~~

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 13–708(a) and (b)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 5–604 ~~and 5–605(d)~~
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – Estates and Trusts

13–708.

(a) (1) The court may grant to a guardian of a person only those powers necessary to provide for the demonstrated need of the disabled person.

(2) (I) The court may appoint a guardian of the person of a disabled person for the limited purpose of making one or more decisions related to the health care of that person.

(II) THE COURT MAY APPOINT A GUARDIAN OF THE PERSON OF A DISABLED PERSON FOR A LIMITED PERIOD OF TIME IF IT APPEARS PROBABLE THAT THE DISABILITY WILL CEASE WITHIN 1 YEAR OF THE APPOINTMENT OF THE GUARDIAN.

(b) Subject to subsection (a) of this section, the rights, duties, and powers which the court may order include, but are not limited to:

(1) The same rights, powers, and duties that a parent has with respect to an unemancipated minor child, except that the guardian is not liable solely by reason of the guardianship to third persons for any act of the disabled person;

(2) The right to custody of the disabled person and to establish his place of abode within and without the State, provided there is court authorization for any change in the classification of abode, except that no one may be committed to a mental facility without an involuntary commitment proceeding as provided by law;

(3) The duty to provide for care, comfort, and maintenance, including social, recreational, and friendship requirements, and, if appropriate, for training and education of the disabled person;

(4) The duty to take reasonable care of the clothing, furniture, vehicles, and other personal effects of the disabled person, and, if other property requires protection, the power to commence protective proceedings;

(5) If a guardian of the estate of the disabled person has not been appointed, the right to commence proceedings to compel performance by any person of his duty to support the disabled person, and to apply the estate to the support, care, and education of the disabled person, except that the guardian of the person may not obtain funds from the estate for room and board that the guardian, his spouse, parent, or child provide without a court order approving the charge, and the duty to exercise care to conserve any excess estate for the needs of the disabled person;

(6) If a guardian of the estate has been appointed, the duty to control the custody and care of the disabled person, to receive reasonable sums for room and board provided to the disabled person, and to account to the guardian of the estate for funds expended, and the right to ask the guardian of the estate to expend the estate in payment of third persons for care and maintenance of the disabled person;

(7) The duty to file an annual **OR BIENNIAL** report with the court indicating the present place of residence and health status of the ward, the guardian's plan for preserving and maintaining the future well-being of the ward, and the need for continuance or cessation of the guardianship or for any alteration in the powers of the guardian. The court shall renew the appointment of the guardian if it is satisfied that the grounds for the original appointment stated in § 13-705(b) of this subtitle continue to exist.

If the court believes such grounds may not exist, it shall hold a hearing, similar to that provided for in § 13–705 of this subtitle, at which the guardian shall be required to prove that such grounds exist. If the court does not make these findings, it shall order the discontinuance of the guardianship of the person. If the guardian declines to participate in the hearing, the court may appoint another guardian to replace him pursuant to the priorities in § 13–707(a) of this subtitle; and

(8) The power to give necessary consent or approval for:

(i) Medical or other professional care, counsel, treatment, or service, including admission to a hospital or nursing home or transfer from one medical facility to another;

(ii) Withholding medical or other professional care, counsel, treatment, or service; and

(iii) Withdrawing medical or other professional care, counsel, treatment, or service.

Article – Health – General

5–604.

(a) **(1) [An] ~~SUBJECT TO EXCEPT AS PROVIDED IN~~ PARAGRAPH (2) OF THIS SUBSECTION, AN advance directive may be revoked at any time by a declarant ~~THE INDIVIDUAL WHO MADE THE ADVANCE DIRECTIVE~~ a declarant by a signed and dated written or electronic document, by physical cancellation or destruction, by an oral statement to a health care practitioner or by the execution of a subsequent directive.**

~~(2) A REVOCATION OF AN ADVANCE DIRECTIVE FOR MENTAL HEALTH SERVICES BY A DECLARANT WHO HAS BEEN CERTIFIED INCAPABLE OF MAKING AN INFORMED DECISION UNDER § 5–602(E) OF THIS SUBTITLE IS NOT EFFECTIVE UNTIL 72 HOURS AFTER THE REQUEST FOR REVOCATION IS MADE BY THE DECLARANT.~~

(2) A ~~COMPETENT INDIVIDUAL~~ DECLARANT, KNOWINGLY AND VOLUNTARILY, MAY ELECT IN AN ADVANCE DIRECTIVE TO WAIVE THE RIGHT UNDER PARAGRAPH (1) OF THIS SUBSECTION TO REVOKE ANY PART OR ALL OF THE ADVANCE DIRECTIVE, INCLUDING THE APPOINTMENT OF AN AGENT, DURING A PERIOD IN WHICH THE ~~INDIVIDUAL~~ DECLARANT HAS BEEN CERTIFIED INCAPABLE OF MAKING AN INFORMED DECISION UNDER § 5–602(E) OF THIS SUBTITLE.

(b) If a declarant ~~AN INDIVIDUAL~~ a declarant revokes an advance directive by an oral statement to a health care practitioner, the practitioner and a witness to the oral revocation shall document the substance of the oral revocation in the ~~declarant's INDIVIDUAL'S~~ declarant's medical record.

(c) It shall be the responsibility of the ~~declarant~~ INDIVIDUAL declarant, to the extent reasonably possible, to notify any person to whom the ~~declarant~~ INDIVIDUAL ~~declarant~~ has provided a copy of the directive.

~~5-605.~~

~~(d) A surrogate may not authorize:~~

~~(1) Sterilization; or~~

~~(2) Treatment for a mental disorder.] STERILIZATION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 92 – *Health Insurance – Assignment of Benefits and Reimbursement of Nonpreferred Providers – Repeal of Termination Date*.

This bill repeals the termination date of specified provisions of law relating to the assignment of benefits and reimbursement of nonpreferred providers.

House Bill 230, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 92.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 92

AN ACT concerning

Health Insurance – Assignment of Benefits and Reimbursement of Nonpreferred Providers – Repeal of Termination Date

FOR the purpose of repealing the termination date of certain provisions of law relating to the assignment of benefits and reimbursement of nonpreferred providers; and generally relating to the assignment of benefits and reimbursement of nonpreferred providers.

BY repealing and reenacting, with amendments,
Chapter 537 of the Acts of the General Assembly of 2010
Section 7

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

Chapter 537 of the Acts of 2010

SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in Section 6 of this Act, this Act shall take effect October 1, 2010. [It shall remain effective for a period of 5 years and, at the end of September 30, 2015, 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 June 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 106 – *Chesapeake Bay Trust – Investment Options – Expansion*.

This bill authorizes the Chesapeake Bay Trust to invest any money of the Trust in marketable equity securities, marketable equity-related mutual funds, or debt-related mutual funds.

House Bill 207, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 106.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 106

AN ACT concerning

Chesapeake Bay Trust – Investment Options – Expansion

FOR the purpose of authorizing the Chesapeake Bay Trust to invest any money of the Trust in marketable equity securities, marketable equity–related mutual funds, or debt–related mutual funds; making stylistic changes; and generally relating to the Chesapeake Bay Trust.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–1909
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Natural Resources

8–1909.

(a) (1) All money received by the Trust shall be deposited, as directed by the Trust, in any State or national bank, or federally or State insured savings and loan associations located in the State having a total paid–in capital of at least \$1,000,000.

(2) The trust department of any State or national bank or savings and loan association may be designated as a depository to receive any securities acquired or owned by the Trust.

(3) The restriction with respect to paid–in capital may be waived for any qualifying bank or savings and loan association which agrees to pledge securities of the State or of the United States to protect the funds and securities of the Trust in amounts and under arrangements acceptable to the Trust.

(b) (1) Except as provided in paragraph (2) of this subsection, any money of the Trust, in its discretion and unless otherwise provided in any agreement or covenant between the Trust and the holders of any of its obligations limiting or restricting classes of investments, may be invested in [bonds] **THE FOLLOWING DEBT SECURITIES:**

- (I) **BONDS** or other obligations of the United States, the State, the political subdivisions or units of the State, OR direct or indirect federal agencies[, corporate];
- (II) **CORPORATE** bonds with a rating of BAA3/BBB[, or mortgage];
- (III) **MORTGAGE** backed and asset backed securities with a rating of AAA;
- (IV) **MARKETABLE EQUITY SECURITIES**;
- (V) **MARKETABLE EQUITY-RELATED MUTUAL FUNDS**; OR
- (VI) **DEBT-RELATED MUTUAL FUNDS**.

(2) The overall [investment] **DEBT SECURITY PORTION OF THE** portfolio of the Trust must have a rating of at least AA.

(c) The Trust shall make provision for a system of financial accounting, controls, audits, and reports.

(d) The books, records, and accounts of the Trust are subject to audit by the State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 116 – *Maryland Consolidated Capital Bond Loans of 2013 and 2014 – Baltimore City – Skatepark of Baltimore at Roosevelt Park*.

This bill amends the Maryland Consolidated Capital Bond Loans of 2013 and 2014 to change the grantees of the grants for the Skatepark of Baltimore at Roosevelt Park to the Mayor and City Council of the City of Baltimore; extends the deadline to June 1, 2016, for

the grantee to present evidence of a specified matching fund; and makes this Act an emergency measure.

House Bill 750, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 116.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 116

AN ACT concerning

Maryland Consolidated Capital Bond Loans of 2013 and 2014 – Baltimore City – Skatepark of Baltimore at Roosevelt Park

FOR the purpose of amending the Maryland Consolidated Capital Bond Loans of 2013 and 2014 to change the grantees of certain grants; extending the deadline for a grantee to present evidence of a certain matching fund; making this Act an emergency measure; and generally relating to amending the Maryland Consolidated Capital Bond Loans of 2013 and 2014.

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

BY repealing and reenacting, with amendments,
Chapter 463 of the Acts of the General Assembly of 2014
Section 1(3) Item ZA02(Z) and Item ZA03(X)

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

(W) Skatepark of Baltimore at Roosevelt Park. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the [Board of Directors of the Skatepark of Baltimore, Inc.] **MAYOR AND CITY COUNCIL OF THE CITY OF BALTIMORE** for the construction and capital equipping of the

Skatepark of Baltimore at Roosevelt Park. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2016, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Baltimore City)..... 75,000

Chapter 463 of the Acts of 2014

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

(3) ZA02 LOCAL SENATE INITIATIVES

(Z) Skatepark of Baltimore at Roosevelt Park. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the [Baltimore City Department of Recreation and Parks] **MAYOR AND CITY COUNCIL OF THE CITY OF BALTIMORE** for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Skatepark of Baltimore at Roosevelt Park. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Baltimore City)..... 75,000

ZA03 LOCAL HOUSE INITIATIVES

(X) Skatepark of Baltimore at Roosevelt Park. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the [Baltimore City Department of Recreation and Parks] **MAYOR AND CITY COUNCIL OF THE CITY OF BALTIMORE** for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Skatepark of Baltimore at Roosevelt Park. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Baltimore City)..... 50,000

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.

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 124 – *Vehicle Laws – Special Registration Plates and Parking Placards for Individuals With Disabilities – Licensed Physical Therapists*.

This bill authorizes a licensed physical therapist to certify specified medical conditions of an applicant for a special disability registration number and special disability registration plates and for specified parking placards. This bill also requires the State Board of Physical Therapy Examiners to be responsible for the development and maintenance of a database system with which the Motor Vehicle Administration can interface and verify licensure.

House Bill 201, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 124.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 124

AN ACT concerning

Vehicle Laws – Special Registration Plates and Parking Placards for Individuals With Disabilities – Licensed Physical Therapists

FOR the purpose of authorizing a licensed physical therapist to certify certain medical conditions of an applicant for a special disability registration number and special disability registration plates for a certain vehicle; requiring the State Board of Physical Therapy Examiners to be responsible for the development and maintenance of a database system with which the Motor Vehicle Administration can interface and verify licensure; authorizing a licensed physical therapist to certify the existence of certain permanent disabilities for applicants for a certain parking placard; authorizing a licensed physical therapist to certify the existence of a certain temporary disability of an applicant for a temporary parking placard; defining a certain term; making conforming changes; repealing certain obsolete provisions; and generally relating to special registration plates and parking placards for individuals with disabilities.

BY repealing and reenacting, with amendments,
Article – Transportation

Section 13–616(a), (b)(1) and (2), and (m), 13–616.1(a) and (k), and 13–616.2(a), (b), (c), and (i)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Transportation

13–616.

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

(2) “Certified nurse practitioner” means an individual who is licensed by the State Board of Nursing to practice registered nursing as described in § 8–101 of the Health Occupations Article and who is certified as a nurse practitioner by the State Board of Nursing.

(3) “Licensed chiropractor” means a chiropractor who is licensed by the State Board of Chiropractic and Massage Therapy Examiners to practice chiropractic or chiropractic with the right to practice physical therapy as described in § 3–301 of the Health Occupations Article.

(4) “Licensed optometrist” means an optometrist who is licensed by the State Board of Examiners in Optometry to practice optometry as described in § 11–101 of the Health Occupations Article.

(5) **“LICENSED PHYSICAL THERAPIST” MEANS A PHYSICAL THERAPIST WHO IS LICENSED BY THE STATE BOARD OF PHYSICAL THERAPY EXAMINERS TO PRACTICE PHYSICAL THERAPY AS DESCRIBED IN § 13–101 OF THE HEALTH OCCUPATIONS ARTICLE.**

(6) “Licensed physician” means a physician, including a doctor of osteopathy, who is licensed by the State Board of Physicians to practice medicine as described in § 14–101 of the Health Occupations Article.

[(6)] (7) “Licensed physician assistant” means an individual who is licensed under Title 15 of the Health Occupations Article to practice medicine with physician supervision.

[(7)] (8) “Licensed podiatrist” means a podiatrist who is licensed by the State Board of Podiatric Medical Examiners to practice podiatry as described in § 16–101 of the Health Occupations Article.

(b) (1) The owner of any vehicle described in paragraph (3) of this subsection may apply to the Administration for the assignment to that vehicle of a special disability registration number and special disability registration plates, if a certified nurse practitioner, licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, [or] licensed podiatrist, **OR LICENSED PHYSICAL THERAPIST** certifies, in accordance with paragraph (2) of this subsection, that the applicant:

(i) Has lung disease to such an extent that forced (respiratory) expiratory volume for one second when measured by spirometry is less than one liter, or arterial oxygen tension (PO₂) is less than 60 mm/hg on room air at rest;

(ii) Has cardiovascular disease limitations classified in severity as Class III or Class IV according to standards accepted by the American Heart Association;

(iii) Is unable to walk 200 feet without stopping to rest;

(iv) Is unable to walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, or other assistive device;

(v) Requires a wheelchair for mobility;

(vi) Has lost a foot, leg, hand, or arm;

(vii) Has lost the use of a foot, leg, hand, or arm;

(viii) Has a permanent impairment of both eyes so that:

1. The central visual acuity is 20/200 or less in the better eye, with corrective glasses; or

2. There is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye; or

(ix) Has a permanent disability that adversely impacts the ambulatory ability of the applicant and which is so severe that the person would endure a hardship or be subject to a risk of injury if the privileges accorded a person for whom a vehicle is specially registered under this section were denied.

(2) For the purposes of this section, the qualifying disabilities specified in paragraph (1) of this subsection shall be certified as follows:

(i) A licensed physician, licensed physician assistant, or certified nurse practitioner may certify conditions specified in paragraph (1)(i) through (ix) of this subsection;

(ii) A licensed chiropractor [or a], licensed podiatrist, **OR LICENSED PHYSICAL THERAPIST** may certify conditions specified in paragraph (1)(iii) through (vii) and (ix) of this subsection;

(iii) A licensed optometrist may certify the condition specified in paragraph (1)(viii) of this subsection; and

(iv) Notwithstanding any provision of paragraph (1) of this subsection, the applicant may self-certify conditions specified in paragraph (1)(vi) of this subsection by appearing in person with proper identification at a full-service Motor Vehicle Administration office during normal business hours.

(m) In accordance with the provisions of this section, [by July 1, 2001,] each board for licensed physicians, licensed physician assistants, licensed chiropractors, licensed optometrists, [or] licensed podiatrists, **OR LICENSED PHYSICAL THERAPISTS** shall be responsible for the development and maintenance of a database system with which the Administration can interface and verify licensure.

13-616.1.

(a) A person may apply to the Administration for a parking placard on a form provided by the Administration if the applicant:

(1) Is a resident of the State; and

(2) (i) Has a permanent disability as described in § 13-616(b)(1) of this subtitle and as certified by a licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, [or] licensed podiatrist, **OR LICENSED PHYSICAL THERAPIST**, as defined in § 13-616(a) of this subtitle; or

(ii) Has a permanent disability as described in § 13-616(b)(1)(vi) of this subtitle and as self-certified as provided by § 13-616(b)(2)(iv) of this subtitle.

(k) In accordance with the provisions of this section, [by July 1, 2001,] each board for licensed physicians, licensed physician assistants, licensed chiropractors, licensed optometrists, [or] licensed podiatrists, **OR LICENSED PHYSICAL THERAPISTS** shall be responsible for the development and maintenance of a database system, with which the Administration can interface and verify licensure.

13-616.2.

(a) A person may apply to the Administration for a temporary parking placard on a form provided by the Administration if:

(1) The applicant, a dependent of the applicant, or any individual who depends on the applicant for transportation has a disability, as described in § 13–616(b)(1) of this subtitle; and

(2) A licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, [or] licensed podiatrist, **OR LICENSED PHYSICAL THERAPIST**, as defined in § 13–616(a) of this subtitle, certifies that the disability is not permanent but would substantially impair the applicant’s mobility or limit or impair the applicant’s ability to walk for at least 3 weeks, and is so severe that the applicant would endure a hardship or be subject to risk of injury if the temporary parking placard were denied.

(b) An application under subsection (a) of this section shall be accompanied by:

(1) Proof satisfactory to the Administration that the applicant, the dependent of the applicant, or the individual who depends on the applicant for transportation is a person with a disability under subsection (a) of this section; and

(2) The certification of a licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, [or] licensed podiatrist, **OR LICENSED PHYSICAL THERAPIST** that the applicant, the dependent of the applicant, or the individual who depends on the applicant for transportation is disabled, including an estimate of the length of time the disability will continue.

(c) (1) A temporary parking placard for a person with a disability issued under this section shall be valid for a period of time the licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, [or] licensed podiatrist, **OR LICENSED PHYSICAL THERAPIST** has determined that the applicant, the dependent of the applicant, or the individual who depends on the applicant for transportation is likely to have the disability, not to exceed 6 months.

(2) The person to whom a temporary parking placard was issued under this section shall return the placard to the Administration within 5 calendar days of the placard’s expiration.

(i) In accordance with the provisions of this section, [by July 1, 2001,] each board for licensed physicians, licensed physician assistants, licensed chiropractors, licensed optometrists, [or] licensed podiatrists, **OR LICENSED PHYSICAL THERAPISTS** shall be responsible for the development and maintenance of a database system with which the Administration can interface and verify licensure.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 139 – *Kent County – Alcoholic Beverages – Class B Wine Shop and Lounge License*.

This bill establishes a Class B wine shop and lounge license in Kent County; specifies that the license authorizes the holder to sell wine for consumption on and off the premises and to sell or serve specified foods; provides that the license holder is not subject to any requirement regarding the percentage of average daily receipts derived from the sale of food; allows an individual under the legal drinking age to enter the licensed premises; and provides for an annual license fee of \$300.

House Bill 877, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 139.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 139

AN ACT concerning

Kent County – Alcoholic Beverages – Class B Wine Shop and Lounge License

FOR the purpose of establishing a Class B wine shop and lounge license in Kent County; specifying that the license authorizes the holder to sell wine for consumption on and off the premises and to sell or serve certain foods; providing that the license holder is not subject to any requirement regarding the percentage of average daily receipts derived from the sale of food; allowing an individual under the legal drinking age to enter the licensed premises ~~if accompanied by an individual who is of the legal drinking age~~; setting an annual license fee; and generally relating to alcoholic beverages in Kent County.

BY adding to

Article 2B – Alcoholic Beverages

Section 4-301 to be under the new subtitle “Subtitle 3. Class B Wine Licenses”

Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

SUBTITLE 3. CLASS B WINE LICENSES.

4-301.

- (A) THIS SECTION APPLIES ONLY IN KENT COUNTY.**
- (B) THERE IS A CLASS B WINE SHOP AND LOUNGE LICENSE.**
- (C) THE LICENSE AUTHORIZES THE HOLDER TO:**
 - (1) SELL WINE FOR CONSUMPTION ON AND OFF THE PREMISES; AND**
 - (2) SELL OR SERVE:**
 - (I) BREAD AND OTHER BAKED GOODS;**
 - (II) CHILI;**
 - (III) CHOCOLATE;**
 - (IV) CRACKERS;**
 - (V) CURED MEAT;**
 - (VI) FRUITS (WHOLE AND CUT);**
 - (VII) SALADS AND VEGETABLES (WHOLE AND CUT);**
 - (VIII) HARD AND SOFT CHEESE (WHOLE AND CUT);**
 - (IX) ICE CREAM;**
 - (X) JELLY;**
 - (XI) JAM;**
 - (XII) VINEGAR;**

(XIII) PIZZA;

(XIV) PREPACKAGED SANDWICHES AND OTHER PREPACKAGED FOODS READY TO BE EATEN;

(XV) SOUP; AND

(XVI) CONDIMENTS.

(D) THE LICENSE HOLDER IS NOT SUBJECT TO ANY REQUIREMENT REGARDING THE PERCENTAGE OF AVERAGE DAILY RECEIPTS DERIVED FROM THE SALE OF FOOD.

(E) AN INDIVIDUAL UNDER THE LEGAL DRINKING AGE MAY ENTER THE LICENSED PREMISES ~~IF ACCOMPANIED BY AN INDIVIDUAL WHO IS OF THE LEGAL DRINKING AGE.~~

(F) THE ANNUAL LICENSE FEE IS \$300.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 160 – *State Board of Morticians and Funeral Directors – Cease and Desist Orders and Injunctive Relief – Authority*.

This bill authorizes the State Board of Morticians and Funeral Directors to issue a public cease and desist order or impose a civil fine of no more than \$5,000 per offense for (1) practicing mortuary science without a license or (2) misrepresentation to the public that a person is authorized to practice mortuary science. Each violation is a separate offense if it occurs at a different time, date, or location or on the same date and location at a different time.

House Bill 729, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 160.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 160

AN ACT concerning

State Board of Morticians and Funeral Directors – Cease and Desist Orders and Injunctive Relief – Authority

FOR the purpose of authorizing the State Board of Morticians and Funeral Directors to issue a public cease and desist order or ~~obtain injunctive relief~~ impose a civil fine of no more than a certain amount for certain violations of certain provisions of law under certain circumstances; ~~making a technical correction~~ providing that each violation of certain provisions of law is a separate offense under certain circumstances; and generally relating to the State Board of Morticians and Funeral Directors.

~~BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7-316.1
Annotated Code of Maryland
(2014 Replacement Volume)~~

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 7-501 and 7-502
Annotated Code of Maryland
(2014 Replacement Volume)

BY adding to
Article – Health Occupations
Section 7-509
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Health Occupations

~~7-316.1.~~

~~(a) THE BOARD MAY ISSUE A CEASE AND DESIST ORDER OR OBTAIN INJUNCTIVE RELIEF FOR A VIOLATION OF ANY PROVISION OF:~~

~~(1) § 5-513 OF THE HEALTH GENERAL ARTICLE; OR~~

~~(2) THIS TITLE.~~

~~(b) An action may be maintained in the name of the State or the Board to enjoin:~~

~~(1) The unauthorized practice of mortuary science; or~~

~~(2) Conduct that constitutes a ground for disciplinary action under [§ 7-315] § 7-316 of this subtitle.~~

~~(b)(c) An action under this section may be brought by:~~

~~(1) The Board;~~

~~(2) The Attorney General; or~~

~~(3) A State's Attorney.~~

~~(c)(d) An action under this section shall be brought in the county where the defendant:~~

~~(1) Resides; or~~

~~(2) Engages in the practice of mortuary science.~~

~~(d)(e) Proof of actual damage or proof that a person will sustain damage if an injunction is not granted is not required for an action under this section.~~

~~(e)(f) Criminal prosecution for the unauthorized practice of mortuary science under § 7-501 of this title or disciplinary action under § 7-316 of this subtitle does not prohibit an action to enjoin under this section.~~

7-501.

Except as otherwise provided in this title, a person may not practice, attempt to practice, offer to practice, or assist in the practice of mortuary science in this State unless licensed by the Board.

7-502.

Unless authorized to practice mortuary science under this title, a person may not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice mortuary science in this State.

7-509.

(A) SUBJECT TO SUBSECTION (C) OF THIS SECTION AND THE HEARING PROVISIONS OF § 7-319 OF THIS TITLE, AND IN ADDITION TO ANY OTHER SANCTION AUTHORIZED FOR A VIOLATION OF § 7-501 OR § 7-502 OF THIS SUBTITLE, THE BOARD MAY ISSUE A PUBLIC CEASE AND DESIST ORDER, IMPOSE A CIVIL FINE OF NOT MORE THAN \$5,000 PER OFFENSE, OR BOTH.

(B) FOR THE PURPOSES OF THIS SECTION, EACH VIOLATION IS A SEPARATE OFFENSE IF THE VIOLATION OCCURS:

(1) AT A DIFFERENT TIME, DATE, OR LOCATION; OR

(2) ON THE SAME DATE AND LOCATION AT A DIFFERENT TIME.

(C) THE BOARD MAY NOT ISSUE A PUBLIC CEASE AND DESIST ORDER TO A FUNERAL ESTABLISHMENT THAT WAS PREVIOUSLY LICENSED BY THE BOARD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 172 – *Juveniles – Transfer Determinations – Confinement in Juvenile Facilities*.

This bill requires a court exercising criminal jurisdiction in a case involving a child, or the District Court at a bail review or preliminary hearing involving a child, to order a specified child to be held in a secure juvenile facility pending a specified transfer determination except under specified circumstances; and requires the District Court to state the reasons

on the record for a finding that detention in a secure juvenile facility would pose a substantial risk of harm to the child or others.

House Bill 618, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 172.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 172

AN ACT concerning

Juveniles – Transfer Determinations – Confinement in Juvenile Facilities

FOR the purpose of requiring a court exercising criminal jurisdiction in a case involving a child, or the District Court at a bail review or preliminary hearing involving a child, to order a certain child to be held in a secure juvenile facility pending a certain transfer determination except under certain circumstances; requiring the District Court to state the reasons for a certain finding on the record under certain circumstances; and generally relating to the confinement of juveniles.

BY repealing and reenacting, with amendments,
 Article – Criminal Procedure
 Section 4–202
 Annotated Code of Maryland
 (2008 Replacement Volume and 2014 Supplement)

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

Article – Criminal Procedure

4–202.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Victim” has the meaning stated in § 11–104 of this article.
- (3) “Victim’s representative” has the meaning stated in § 11–104 of this article.

(b) Except as provided in subsection (c) of this section, a court exercising criminal jurisdiction in a case involving a child may transfer the case to the juvenile court before trial or before a plea is entered under Maryland Rule 4–242 if:

(1) the accused child was at least 14 but not 18 years of age when the alleged crime was committed;

(2) the alleged crime is excluded from the jurisdiction of the juvenile court under § 3–8A–03(d)(1), (4), or (5) of the Courts Article; and

(3) the court determines by a preponderance of the evidence that a transfer of its jurisdiction is in the interest of the child or society.

(c) The court may not transfer a case to the juvenile court under subsection (b) of this section if:

(1) the child was convicted in an unrelated case excluded from the jurisdiction of the juvenile court under § 3–8A–03(d)(1) or (4) of the Courts Article; or

(2) the alleged crime is murder in the first degree and the accused child was 16 or 17 years of age when the alleged crime was committed.

(d) In determining whether to transfer jurisdiction under subsection (b) of this section, the court shall consider:

(1) the age of the child;

(2) the mental and physical condition of the child;

(3) the amenability of the child to treatment in an institution, facility, or program available to delinquent children;

(4) the nature of the alleged crime; and

(5) the public safety.

(e) In making a determination under this section, the court may order that a study be made concerning the child, the family of the child, the environment of the child, and other matters concerning the disposition of the case.

(f) The court shall make a transfer determination within 10 days after the date of a transfer hearing.

(g) If the court transfers its jurisdiction under this section, the court may order the child held for an adjudicatory hearing under the regular procedure of the juvenile court.

(h) ~~{(1)}~~ Pending a determination under this section to transfer its jurisdiction, the court ~~[may]~~ **SHALL** order ~~[a]~~ **THE** child to be held in a secure juvenile facility[.

(2) A hearing on a motion requesting that a child be held in a juvenile facility pending a transfer determination shall be held not later than the next court day, unless extended by the court for good cause shown] **UNLESS:**

~~(1)~~ **(I) THE CHILD IS RELEASED ON BAIL, RECOGNIZANCE, OR OTHER CONDITIONS OF PRETRIAL RELEASE;**

~~(2)~~ **(II) THERE IS NOT AVAILABLE CAPACITY IN A SECURE JUVENILE FACILITY, AS DETERMINED BY THE DEPARTMENT OF JUVENILE SERVICES; OR**

~~(3)~~ **(III) THE CHILD WAS CHARGED WITH AN OFFENSE EXCLUDED FROM THE JURISDICTION OF THE JUVENILE COURT WHILE CONFINED IN A SECURE JUVENILE FACILITY THE COURT FINDS THAT DETENTION IN A SECURE JUVENILE FACILITY WOULD POSE A RISK OF HARM TO THE CHILD OR OTHERS.**

(2) IF THE COURT MAKES A FINDING UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION THAT DETENTION IN A SECURE JUVENILE FACILITY WOULD POSE A RISK OF HARM TO THE CHILD OR OTHERS, THE COURT SHALL STATE THE REASONS FOR THE FINDING ON THE RECORD.

(i) (1) A victim or victim's representative shall be given notice of the transfer hearing as provided under § 11-104 of this article.

(2) (i) A victim or a victim's representative may submit a victim impact statement to the court as provided in § 11-402 of this article.

(ii) This paragraph does not preclude a victim or victim's representative who has not filed a notification request form under § 11-104 of this article from submitting a victim impact statement to the court.

(iii) The court shall consider a victim impact statement in determining whether to transfer jurisdiction under this section.

(j) **(1) [At] REGARDLESS OF WHETHER THE DISTRICT COURT HAS JURISDICTION OVER THE CASE, AT** a bail review or preliminary hearing before the District Court involving a child whose case is eligible for transfer under subsection (b) of this section, the District Court:

~~(1)~~ **(I) may order that a study be made under the provisions of subsection (e) of this section[, or]; AND**

~~(2)~~ **(II) SHALL ORDER** that the child be held in a secure juvenile facility [under the provisions of subsection (h) of this section, regardless of whether the District Court has criminal jurisdiction over the case] **PENDING A TRANSFER DETERMINATION UNDER THIS SECTION UNLESS:**

~~(I)~~ **1. THE CHILD IS RELEASED ON BAIL, RECOGNIZANCE, OR OTHER CONDITIONS OF PRETRIAL RELEASE;**

~~(II)~~ **2. THERE IS NOT AVAILABLE CAPACITY AT A SECURE JUVENILE FACILITY AS DETERMINED BY THE DEPARTMENT OF JUVENILE SERVICES; OR**

~~(III)~~ **3. ~~THE CHILD WAS CHARGED WITH AN OFFENSE EXCLUDED FROM THE JURISDICTION OF THE JUVENILE COURT WHILE CONFINED IN A SECURE JUVENILE FACILITY~~ THE DISTRICT COURT FINDS THAT DETENTION IN A SECURE JUVENILE FACILITY WOULD POSE A RISK OF HARM TO THE CHILD OR OTHERS.**

(2) IF THE DISTRICT COURT MAKES A FINDING UNDER PARAGRAPH (1)(I)3 OF THIS SUBSECTION THAT DETENTION IN A SECURE JUVENILE FACILITY WOULD POSE A RISK OF HARM TO THE CHILD OR OTHERS, THE DISTRICT COURT SHALL STATE THE REASONS FOR THE FINDING ON THE RECORD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 177 – *Estate Tax – Filing of Tax Returns*.

This bill alters specified requirements for filing specified estate tax returns so as to require them to be filed 9 months after the date of death of the decedent and with the Comptroller only.

House Bill 828, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 177.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 177

AN ACT concerning

Estate Tax – Filing of Tax Returns

FOR the purpose of altering certain requirements for filing certain estate tax returns so as to require that they be filed with the Comptroller only; and generally relating to filing Maryland estate tax returns.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 7–305(a) and (b)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Tax – General

7–305.

(a) If a federal estate tax return is required to be filed, the person responsible for filing the federal estate tax return shall complete, under oath, and file a Maryland estate tax return with the Comptroller [or the register] 9 months after the date of the death of a decedent.

(b) If a federal estate tax return is not required to be filed but a federal estate tax return would be required to be filed if the applicable exclusion amount under § 2010(c) of the Internal Revenue Code were no greater than the applicable exclusion amount specified under § 7–309(b) of this subtitle, the person who would be responsible for filing the federal estate tax return shall complete, under oath, and file a Maryland estate tax return with the Comptroller [or the register] 9 months after the date of the death of the decedent.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 186 – *Baltimore City – Residential Retention Property Tax Credit – Modification*.

This bill provides an exemption from a prohibition against specified homeowners receiving specified property tax credits under specified circumstances and provides for the application and termination of the Act.

House Bill 123, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 186.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 186

AN ACT concerning

Baltimore City – Residential Retention Property Tax Credit – Modification

FOR the purpose of providing a certain exemption from a prohibition against certain homeowners receiving certain property tax credits under certain circumstances; providing for a delayed effective date; providing for the application and termination of this Act; and generally relating to a property tax credit in Baltimore City.

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 9-304(g)(2)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9-304(g)(6)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Tax – Property

9–304.

(g) (2) The Mayor and City Council of Baltimore City shall grant, by law, a property tax credit under this subsection against the county property tax imposed on a dwelling located in Baltimore City that is newly purchased by a homeowner who has received a credit under § 9–105 of this title for the preceding 5 years for a dwelling located in Baltimore City.

(6) In any year in which a homeowner receives a credit under this subsection, the homeowner may not receive:

(i) the local portion of the credit under § 9–105 of this title; or

(ii) **EXCEPT FOR THE PROPERTY TAX CREDIT PROVIDED UNDER § 9–221 OF THIS TITLE**, any other property tax credit provided by Baltimore City.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016, and shall be applicable to all taxable years beginning after June 30, 2016. It shall remain effective until the taking effect of the termination provision specified in Section 2 of Chapter 623 of the Acts of the General Assembly of 2014. If that termination provision takes effect, this Act shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 189 – *State Correctional Facilities – Correctional Officers – Polygraph Examination*.

This bill requires the Secretary of Public Safety and Correctional Services to require an individual to pass a polygraph examination before being appointed to serve as a correctional

officer in a correctional facility; and requires the Secretary to adopt regulations governing the administration of the polygraph examination required by the Act.

House Bill 200, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 189.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 189

AN ACT concerning

State Correctional Facilities – Correctional Officers – Polygraph Examination

FOR the purpose of requiring the Secretary of Public Safety and Correctional Services to require an individual to pass a polygraph examination before being appointed to serve as a correctional officer in a correctional facility; requiring the Secretary to adopt regulations governing the administration of the polygraph examination required by this Act; and generally relating to correctional officers.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 3–215(f)
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

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

Article – Correctional Services

3–215.

(f) (1) The [Division may] **SECRETARY SHALL** require an individual to pass a polygraph examination before being appointed to serve as a correctional officer in a correctional facility.

(2) The [Commissioner] **SECRETARY** shall adopt regulations governing the administration of the polygraph examination [authorized] **REQUIRED** under paragraph (1) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 22, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 190 – *Sales and Use Tax – Taxable Price – Accommodations*.

Senate Bill 190 attempts to clarify the application of the State sales and use tax as it applies to the sale or use of a hotel room or other accommodation facilitated by a vendor (defined in the bill as an “accommodations intermediary”). Under current law, the taxable price is the amount paid by the consumer for the accommodation.

The interpretation of current law as to whether accommodations intermediaries are required to collect and remit sales taxes on the amount paid by the consumer is actively being litigated by the Comptroller of Maryland (*Travelocity v. Comptroller*). The General Assembly should respect the long-standing practice of not passing legislation that would directly affect matters being litigated in a pending court case. As long as the Maryland Tax Court rules in a timely manner, the General Assembly should at that time consider the Court’s findings and determine whether a legislative remedy is necessary.

For this reason, I have vetoed Senate Bill 190.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 190

AN ACT concerning

Sales and Use Tax – Taxable Price – Accommodations

FOR the purpose of clarifying the definition of “taxable price” for the State sales and use tax as it applies to the sale or use of an accommodation facilitated by an accommodations intermediary; altering the definition of “vendor” under the State sales and use tax to include an accommodations intermediary; defining certain terms; making a conforming change; and generally relating to clarifying the taxable price for an accommodation under the State sales and use tax.

BY repealing and reenacting, without amendments,

Article – Tax – General
 Section 11–101(a) and (l)(1)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2014 Supplement)

BY adding to
 Article – Tax – General
 Section 11–101(a–1), (a–2), (a–3), ~~(a–4)~~, and (l)(5) and (6)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
 Article – Tax – General
 Section 11–101(k)(1) and (o)(1)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2014 Supplement)

Preamble

WHEREAS, The clear intent of the State’s existing sales and use tax law is to impose the tax on all consideration paid by transient guests in furtherance of the rental of sleeping accommodations; and

WHEREAS, The purpose of this Act is to affirm that intent by clarifying the scope of certain terms used in the sales and use tax law, thereby facilitating the full and proper collection of the tax as originally intended; now, therefore,

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

Article – Tax – General

11–101.

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

(A–1) “ACCOMMODATION” MEANS A RIGHT TO OCCUPY A ROOM OR LODGINGS AS A TRANSIENT GUEST.

~~**(A–2) (1) “ACCOMMODATION FEE” MEANS A FEE CHARGED BY AN ACCOMMODATIONS INTERMEDIARY TO A BUYER OF AN ACCOMMODATION FOR FACILITATING THE SALE OR USE OF THE ACCOMMODATION.**~~

~~**(2) “ACCOMMODATION FEE” DOES NOT INCLUDE A COMMISSION PAID BY AN ACCOMMODATIONS PROVIDER TO A PERSON AFTER FACILITATING THE SALE OR USE OF AN ACCOMMODATION.**~~

~~(A-3)~~ **(A-2)** (1) “ACCOMMODATIONS INTERMEDIARY” MEANS A PERSON, OTHER THAN AN ACCOMMODATIONS PROVIDER, WHO FACILITATES THE SALE OR USE OF AN ACCOMMODATION AND CHARGES A BUYER THE TAXABLE PRICE FOR THE ACCOMMODATION.

(2) FOR PURPOSES OF THIS SUBSECTION, A PERSON SHALL BE CONSIDERED TO FACILITATE THE SALE OR USE OF AN ACCOMMODATION IF THE PERSON BROKERS, COORDINATES, OR IN ANY OTHER WAY ARRANGES FOR THE SALE OR USE OF AN ACCOMMODATION BY A BUYER.

~~(A-4)~~ **(A-3)** “ACCOMMODATIONS PROVIDER” MEANS A PERSON THAT OWNS, OPERATES, OR MANAGES AN ACCOMMODATION AND MAKES THE ACCOMMODATION AVAILABLE FOR SALE OR USE TO A BUYER.

(k) (1) “Tangible personal property” means:

(i) corporeal personal property of any nature; or

(ii) [a right to occupy a room or lodgings as a transient guest] AN ACCOMMODATION.

(l) (1) “Taxable price” means the value, in money, of the consideration of any kind that is paid, delivered, payable, or deliverable by a buyer to a vendor in the consummation and complete performance of a sale without deduction for any expense or cost, including the cost of:

(i) any labor or service rendered;

(ii) any material used; or

(iii) any property sold.

(5) “TAXABLE PRICE” INCLUDES, FOR THE SALE OR USE OF AN ACCOMMODATION FACILITATED BY AN ACCOMMODATIONS INTERMEDIARY, THE FULL AMOUNT OF THE CONSIDERATION PAID BY A BUYER FOR THE SALE OR USE OF AN ACCOMMODATION, ~~INCLUDING ANY ACCOMMODATION FEE~~, BUT NOT INCLUDING ANY TAX THAT IS REMITTED TO A TAXING AUTHORITY.

(6) “TAXABLE PRICE” DOES NOT INCLUDE, FOR THE SALE OR USE OF AN ACCOMMODATION FACILITATED BY AN ACCOMMODATIONS INTERMEDIARY, A COMMISSION PAID BY AN ACCOMMODATIONS PROVIDER TO A PERSON AFTER FACILITATING THE SALE OR USE OF AN ACCOMMODATION.

(o) (1) “Vendor” means a person who:

- (i) engages in the business of an out-of-state vendor, as defined in § 11-701 of this title;
- (ii) engages in the business of a retail vendor, as defined in § 11-701 of this title; [or]
- (iii) holds a special license issued under § 11-707 of this title; **OR**
- (IV) IS AN ACCOMMODATIONS INTERMEDIARY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 193 – *Election Law – Local Petitions – Advance Determination of Sufficiency of Local Law or Charter Amendment Summary*.

This bill requires an election director of a local board of elections to determine the sufficiency of a summary of a local law or charter amendment contained in a petition when determining the sufficiency of the format of the petition; requires an election director to provide the sponsor of a petition with an explanation of the reasons for a determination that a summary of a local law or charter amendment is insufficient; and requires the election director to make the determination within a specified period of time.

House Bill 284, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 193.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 193

AN ACT concerning

**Election Law – Local Petitions – Advance Determination of Sufficiency of Local
~~Legislation~~ Law or Charter Amendment Summary**

FOR the purpose of ~~requiring a chief election official of an election authority who is determining the sufficiency of the format of a certain petition to determine the sufficiency of any summary of local legislation that is contained in the petition; requiring the chief election official to make a certain determination within a certain time period; requiring, under certain circumstances, the chief election official to provide the sponsor of a petition with an explanation of the reasons for a certain determination; and generally relating to notices of deficiencies in the information pages of local petitions~~ requiring an election director of a local board of elections to determine the sufficiency of a summary of a local law or charter amendment contained in a petition when determining the sufficiency of the format of the petition; requiring an election director to provide the sponsor of a petition with an explanation of the reasons for a determination that a summary of a local law or charter amendment is insufficient; authorizing an election director to seek the advice of certain persons in making the determination; requiring an election director to make the determination within a certain period of time; making a conforming change; and generally relating to an advance determination of the sufficiency of a summary of a local law or charter amendment contained in a petition.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 6–202 and 6–210(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Election Law

6–202.

(a) **(1)** The format of the petition prepared by a sponsor may be submitted to the chief election official of the appropriate election authority, in advance of filing the petition, for a determination of its sufficiency.

~~**(B) (1) WHEN DETERMINING THE SUFFICIENCY UNDER SUBSECTION (A) OF THIS SECTION OF A PETITION THAT SEEKS TO PLACE A QUESTION REGARDING LOCAL LEGISLATION ON A BALLOT, THE CHIEF ELECTION OFFICIAL OF THE**~~

~~APPROPRIATE ELECTION AUTHORITY SHALL DETERMINE THE SUFFICIENCY OF ANY SUMMARY OF THE LOCAL LEGISLATION THAT IS CONTAINED IN THE PETITION.~~

~~(2) THE CHIEF ELECTION OFFICIAL SHALL MAKE A DETERMINATION UNDER PARAGRAPH (1) OF THIS SECTION WITHIN 10 BUSINESS DAYS AFTER RECEIPT OF THE PETITION.~~

~~(3) IF THE CHIEF ELECTION OFFICIAL OF THE APPROPRIATE ELECTION AUTHORITY DETERMINES THAT THE SUMMARY OF LOCAL LEGISLATION IS INSUFFICIENT, THE CHIEF ELECTION OFFICIAL SHALL PROVIDE THE SPONSOR WITH AN EXPLANATION OF THE REASONS FOR THE DETERMINATION.~~

~~[(b)](c) In making the determination, the chief election official may seek the advice of the legal authority.~~

(2) IN MAKING THE DETERMINATION UNDER THIS SUBSECTION, THE CHIEF ELECTION OFFICIAL MAY SEEK THE ADVICE OF THE LEGAL AUTHORITY.

(B) (1) WHEN DETERMINING THE SUFFICIENCY UNDER SUBSECTION (A) OF THIS SECTION OF A PETITION THAT SEEKS TO PLACE A QUESTION REGARDING A LOCAL LAW OR CHARTER AMENDMENT ON A BALLOT, THE ELECTION DIRECTOR OF THE LOCAL BOARD SHALL DETERMINE THE SUFFICIENCY OF ANY SUMMARY OF THE LOCAL LAW OR CHARTER AMENDMENT THAT IS CONTAINED IN THE PETITION.

(2) IF THE ELECTION DIRECTOR DETERMINES THAT THE SUMMARY OF THE LOCAL LAW OR CHARTER AMENDMENT IS INSUFFICIENT, THE ELECTION DIRECTOR SHALL PROVIDE THE SPONSOR WITH A CLEAR, CONCISE, AND UNDERSTANDABLE EXPLANATION OF THE REASONS FOR THE DETERMINATION.

(3) IN MAKING THE DETERMINATION UNDER THIS SUBSECTION, THE ELECTION DIRECTOR MAY SEEK THE ADVICE OF:

(I) THE COUNSEL TO THE LOCAL BOARD; OR

(II) THE ATTORNEY GENERAL.

6-210.

(a) (1) A request for an advance determination under § 6-202 of this subtitle shall be submitted at least 30 days, but not more than 2 years and 1 month, prior to the deadline for the filing of the petition.

(2) [Within] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, WITHIN 5 business days of receiving [the] A request for an advance determination, the election authority shall make the determination.

(3) WITHIN 10 BUSINESS DAYS OF RECEIVING A REQUEST FOR AN ADVANCE DETERMINATION OF THE SUFFICIENCY OF A SUMMARY OF A LOCAL LAW OR CHARTER AMENDMENT CONTAINED IN A PETITION UNDER § 6-202(B) OF THIS SUBTITLE, THE ELECTION DIRECTOR SHALL MAKE THE DETERMINATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 198 – *Health Care Disparities, Cultural and Linguistic Competency, and Health Literacy – Recommended Courses*.

This bill requires the Office of Minority Health and Health Disparities to provide to specified health occupations boards a list of recommended courses in cultural and linguistic competency, health disparities, and health literacy. This bill also requires each board to post a course list prominently on the Board's Web site, provide information about the courses to specified health care professionals at the time of license renewal and advertise the availability of specified courses in specified newsletters and media.

House Bill 580, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 198.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 198

AN ACT concerning

Health Care Disparities, Cultural and Linguistic Competency, and Health Literacy – ~~Continuing Education~~ Recommended Courses

FOR the purpose of ~~requiring certain applicants and health care professionals to provide to certain boards evidence of completion of certain continuing education requirements; requiring certain boards, in consultation with the Office of Minority Health and Health Disparities and State experts, to adopt certain regulations; stating the intent of the General Assembly that the regulations require a certain percentage of the total required continuing education credits be in health care disparities, cultural and linguistic competency, and health literacy; requiring certain boards, on or before a certain date, to approve certain continuing education courses; requiring courses approved by a board to include certain instruction; authorizing a board to approve certain courses; requiring the Office of Minority Health and Health Disparities to provide to certain health occupations boards a list of certain recommended courses; requiring each board to post a certain list in a certain manner on the board's Web site, encourage certain applicants and health care professionals to take certain courses, provide information about the courses to certain health care professionals at a certain time, and advertise the availability of certain courses in certain newsletters and media; defining certain terms; and generally relating to continuing education recommended courses in health care disparities, cultural and linguistic competency, and health literacy for health care providers professionals.~~

BY adding to

Article – Health Occupations

Section 1-801 ~~through 1-804~~ and 1-802 to be under the new subtitle “Subtitle 8. Continuing Education in Health Care Disparities, Cultural and Linguistic Competency, and Health Literacy”

Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Health Occupations

SUBTITLE 8. CONTINUING EDUCATION IN HEALTH CARE DISPARITIES, CULTURAL AND LINGUISTIC COMPETENCY, AND HEALTH LITERACY.

1-801.

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

(B) “APPLICANT” MEANS AN INDIVIDUAL WHO APPLIES FOR LICENSURE TO PRACTICE AS A HEALTH CARE PROFESSIONAL.

(C) “BOARD” MEANS:

- (1) THE STATE BOARD OF DENTAL EXAMINERS;
 - (2) THE STATE BOARD OF NURSING;
 - (3) THE STATE BOARD OF EXAMINERS IN OPTOMETRY;
 - (4) THE STATE BOARD OF PHARMACY;
 - (5) THE STATE BOARD OF PHYSICIANS;
 - (6) THE STATE BOARD OF PODIATRIC MEDICAL EXAMINERS;
 - (7) THE STATE BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS;
 - (8) THE STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS; AND
 - (9) THE STATE BOARD OF SOCIAL WORK EXAMINERS.
- (D) "HEALTH CARE PROFESSIONAL" MEANS:
- (1) A DENTIST LICENSED BY THE STATE BOARD OF DENTAL EXAMINERS;
 - (2) A REGISTERED NURSE OR LICENSED PRACTICAL NURSE LICENSED BY THE STATE BOARD OF NURSING;
 - (3) AN OPTOMETRIST LICENSED BY THE STATE BOARD OF EXAMINERS IN OPTOMETRY;
 - (4) A PHARMACIST LICENSED BY THE STATE BOARD OF PHARMACY;
 - (5) A PHYSICIAN LICENSED BY THE STATE BOARD OF PHYSICIANS;
 - (6) A PODIATRIST LICENSED BY THE STATE BOARD OF PODIATRIC MEDICAL EXAMINERS;
 - (7) AN INDIVIDUAL LICENSED BY THE STATE BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS;
 - (8) A PSYCHOLOGIST LICENSED BY THE STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS; AND

(9) AN ASSOCIATE SOCIAL WORKER, A GRADUATE SOCIAL WORKER, A CERTIFIED SOCIAL WORKER, OR A CERTIFIED SOCIAL WORKER–CLINICAL LICENSED BY THE STATE BOARD OF SOCIAL WORK EXAMINERS.

1-802.

(A) THE OFFICE OF MINORITY HEALTH AND HEALTH DISPARITIES SHALL PROVIDE TO EACH BOARD A LIST OF RECOMMENDED COURSES IN CULTURAL AND LINGUISTIC COMPETENCY, HEALTH DISPARITIES, AND HEALTH LITERACY.

(B) EACH BOARD SHALL:

(1) POST THE LIST OF RECOMMENDED COURSES PROVIDED TO THE BOARD UNDER SUBSECTION (A) OF THIS SECTION PROMINENTLY ON THE BOARD'S WEB SITE;

~~(2) ENCOURAGE ALL APPLICANTS AND HEALTH CARE PROFESSIONALS TO TAKE ONE OR MORE OF THE RECOMMENDED COURSES;~~

~~(3) PROVIDE INFORMATION ABOUT THE RECOMMENDED COURSES TO HEALTH CARE PROFESSIONALS AT THE TIME OF RENEWAL OF LICENSURE; AND~~

~~(4) (3) ADVERTISE THE AVAILABILITY OF THE RECOMMENDED COURSES IN NEWSLETTERS AND ANY OTHER MEDIA PUBLISHED BY THE BOARD.~~

~~AN APPLICANT OR A HEALTH CARE PROFESSIONAL, AS A CONDITION OF LICENSURE OR RENEWAL OF LICENSURE, SHALL PROVIDE TO THE APPROPRIATE BOARD EVIDENCE THAT THE APPLICANT OR HEALTH CARE PROFESSIONAL HAS SUCCESSFULLY COMPLETED THE REQUIREMENTS OF THE BOARD FOR CONTINUING EDUCATION IN HEALTH CARE DISPARITIES, CULTURAL AND LINGUISTIC COMPETENCY, AND HEALTH LITERACY.~~

1-803.

~~(A) EACH BOARD, IN CONSULTATION WITH THE OFFICE OF MINORITY HEALTH AND HEALTH DISPARITIES AND OTHER STATE EXPERTS, SHALL ADOPT REGULATIONS REQUIRING AN APPLICANT OR A HEALTH CARE PROFESSIONAL, AS A CONDITION OF LICENSURE OR RENEWAL OF LICENSURE, TO DOCUMENT PARTICIPATION IN CONTINUING EDUCATION IN HEALTH CARE DISPARITIES, CULTURAL AND LINGUISTIC COMPETENCY, AND HEALTH LITERACY.~~

~~(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:~~

~~(1) THE NUMBER OF HOURS OF CONTINUING EDUCATION IN HEALTH CARE DISPARITIES, CULTURAL AND LINGUISTIC COMPETENCY, AND HEALTH LITERACY TO BE REQUIRED AS A CONDITION OF LICENSURE OR RENEWAL OF LICENSURE; AND~~

~~(2) THE CRITERIA TO BE USED BY A BOARD IN DETERMINING WHETHER TO GRANT AN APPLICANT OR A HEALTH CARE PROFESSIONAL A WAIVER FROM THE CONTINUING EDUCATION REQUIREMENT UNDER SUBSECTION (A) OF THIS SECTION, INCLUDING DEMONSTRATION TO THE SATISFACTION OF THE BOARD THAT THE APPLICANT OR HEALTH CARE PROFESSIONAL HAS ATTAINED EXPERIENCE THAT IS SUBSTANTIALLY EQUIVALENT TO THE REQUIRED NUMBER OF HOURS OF CONTINUING EDUCATION IN HEALTH CARE DISPARITIES, CULTURAL AND LINGUISTIC COMPETENCY, AND HEALTH LITERACY.~~

~~(C) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION REQUIRE THAT 5% TO 10% OF THE TOTAL REQUIRED CONTINUING EDUCATION CREDITS BE IN HEALTH CARE DISPARITIES, CULTURAL AND LINGUISTIC COMPETENCY, AND HEALTH LITERACY.~~

~~1-804.~~

~~(A) ON OR BEFORE JANUARY 1, 2016, EACH BOARD, IN CONSULTATION WITH THE OFFICE OF MINORITY HEALTH AND HEALTH DISPARITIES, SHALL APPROVE ONE OR MORE CONTINUING EDUCATION COURSES ADDRESSING HEALTH CARE DISPARITIES, CULTURAL AND LINGUISTIC COMPETENCY, AND HEALTH LITERACY.~~

~~(B) A COURSE APPROVED BY A BOARD UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE INSTRUCTION IN ADDRESSING RACIAL, ETHNIC, AND GENDER-BASED DISPARITIES IN HEALTH CARE TREATMENT DECISIONS.~~

~~(C) A BOARD MAY APPROVE A COURSE THAT IS INCLUDED IN A CONTINUING EDUCATION PROGRAM CERTIFIED BY A PROFESSIONAL ASSOCIATION OR SIMILAR ENTITY.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

The Honorable Thomas V. Mike Miller, Jr.

President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 203 – *Business Occupations and Professions – Real Estate Salespersons and Brokers – Formation of Business Entities and Payment of Commissions*.

This bill authorizes specified licensed real estate salespersons and licensed associate real estate brokers, with the consent of a specified licensed real estate broker, to form a specified business entity. This bill also authorizes payment of compensation for the provision of real estate brokerage services to a specified business entity under specified circumstances.

House Bill 1028, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 203.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 203

AN ACT concerning

Business Occupations and Professions – Real Estate Salespersons and Brokers – Formation of Business Entities and Payment of Commissions

FOR the purpose of authorizing certain licensed real estate salespersons and licensed associate real estate brokers, with the consent of a certain licensed real estate broker, to form a certain business entity; providing for the formation of a certain business entity; authorizing payment of a certain commission to a certain business entity under certain circumstances; authorizing payment of compensation for the provision of real estate brokerage services to a certain business entity under certain circumstances; and generally relating to real estate salespersons and brokers and the formation of business entities and payment of commissions.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 17-512 and 17-604
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Business Occupations and Professions

17–512.

(a) With the consent of a licensed real estate broker, one or more licensed real estate salespersons and licensed associate real estate brokers who are affiliated with the licensed real estate broker may:

(1) organize and wholly own a professional service corporation under the Maryland Professional Service Corporation Act; [or]

(2) form a limited liability company under the Maryland Limited Liability Company Act; **OR**

(3) FORM ANY OTHER BUSINESS ENTITY AUTHORIZED UNDER MARYLAND LAW.

(b) A professional service corporation may be organized and owned or a limited liability company **OR OTHER BUSINESS ENTITY** may be formed under this section by any number and any combination of licensed real estate salespersons and licensed associate real estate brokers. However, each shareholder in the corporation [or], member of the limited liability company, **OR OWNER OF ANY OTHER BUSINESS ENTITY** shall be either a licensed real estate salesperson or a licensed associate real estate broker.

(c) A licensed real estate salesperson or a licensed associate real estate broker who is a shareholder of a professional service corporation [or], a member of a limited liability company, **OR THE OWNER OF ANY OTHER BUSINESS ENTITY** may direct that any commission due the salesperson or associate broker be paid to the corporation [or], limited liability company, **OR OTHER BUSINESS ENTITY**.

17–604.

(a) Except as provided in subsection (b) of this section, a real estate broker, an associate real estate broker, or a real estate salesperson may not pay compensation, in any form, for the provision of real estate brokerage services to any person who is not licensed under this title.

(b) This section does not prohibit the payment of compensation to:

(1) an individual:

(i) who is licensed in another state; and

- (ii) who meets the requirements of § 17–513 of this title;
 - (2) a professional service corporation formed under § 17–512 of this title;
- [or]
- (3) a limited liability company formed under § 17–512 of this title; **OR**
 - (4) **A BUSINESS ENTITY FORMED UNDER § 17–512 OF THIS TITLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 207 – *Telephone Companies – Streamlined Regulatory Requirements*.

This bill narrows the types of services of a telephone company that are regulated by the Public Service Commission by altering a specified definition; provides that the Commission may allow a specified telephone company to provide a regulated service without requiring the telephone company to file a specified tariff schedule if the Commission finds that it is in the public interest; and requires the Commission to make a specified determination on specified services on or before September 1, 2015.

House Bill 472, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 207.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 207

AN ACT concerning

Telephone Companies – Streamlined Regulatory Requirements

FOR the purpose of narrowing the types of services of a telephone company that are regulated by the Public Service Commission by altering a certain definition; providing that the Commission may allow a certain telephone company to provide a regulated service without requiring the telephone company to file a certain tariff schedule under certain circumstances; providing that a telephone company that is regulated in a certain manner is not required to file with the Commission a certain tariff schedule for certain regulated retail services under certain circumstances; providing that a telephone company that is not regulated in a certain manner is not required to file with the Commission a certain tariff schedule for certain regulated retail services under certain circumstances; authorizing the Commission to issue certain orders or adopt certain regulations; providing that a certain merger of or transfer of stock or other ownership interest between a telephone company and another certain entity does not require a certain prior authorization from the Commission; providing that a certain transaction in which a telephone company is acquired by another certain entity does not require a certain prior authorization from the Commission; ~~allowing a telephone company to withdraw offering a certain retail service under certain circumstances after providing certain notice; requiring the Commission to make a certain determination on certain services on or before a certain date; requiring the Commission to study whether and how a telephone company should be authorized to withdraw certain services in the State; requiring the Commission to make a determination whether certain changes are needed to regulations to ensure that customers are properly and conspicuously notified of certain rate increases; requiring the Commission to report its findings and recommendations of a certain study and determination on or before a certain date;~~ and generally relating to regulatory requirements of telephone companies.

BY repealing and reenacting, without amendments,
 Article – Public Utilities
 Section 1–101(a)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
 Article – Public Utilities
 Section 1–101(l), 4–202, 5–203, and 6–101
 Annotated Code of Maryland
 (2010 Replacement Volume and 2014 Supplement)

~~BY adding to
 Article – Public Utilities
 Section 8–109
 Annotated Code of Maryland
 (2010 Replacement Volume and 2014 Supplement)~~

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

Article – Public Utilities

1–101.

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

(ll) (1) “Telephone company” means a public service company that:

(i) owns telephone lines to receive, transmit, or communicate **LOCAL EXCHANGE telephone SERVICES, EXCHANGE ACCESS TELEPHONE SERVICES,** or teletype communications; [or]

(ii) leases, licenses, or sells **LOCAL EXCHANGE TELEPHONE SERVICES, EXCHANGE ACCESS** telephone **SERVICES,** or teletype communications; **OR**

(III) OWNS TELEPHONE LINES TO RECEIVE, TRANSMIT, OR COMMUNICATE TELEPHONE SERVICES TO INMATE FACILITIES.

(2) “Telephone company” does not include a cellular telephone company.

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

Article – Public Utilities

4–202.

(a) **[A] ~~SUBJECT~~ EXCEPT AS PROVIDED IN SUBSECTION (C)(1) OF THIS SECTION AND SUBJECT TO SUBSECTION ~~(C)~~ (C)(2) OF THIS SECTION,** A public service company shall file with the Commission a tariff schedule of its rates and charges for its regulated services and for standard offer service as provided in § 7–505(b)(8) of this article.

(b) As ordered by the Commission, a public service company shall:

(1) plainly print the tariff schedule of its rates and charges for its regulated services;

(2) make available the tariff schedules for public inspection; and

(3) post the tariff schedules to make the tariff schedules readily accessible to and convenient for inspection by the public.

(C) (1) (I) A TELEPHONE COMPANY THAT IS REGULATED USING AN ALTERNATIVE FORM OF REGULATION UNDER § 4-301 OF THIS TITLE FOR BASKETS OF SERVICES IS NOT REQUIRED TO FILE WITH THE COMMISSION A TARIFF SCHEDULE OF ITS RATES AND CHARGES FOR ITS REGULATED RETAIL SERVICES THAT ARE INCLUDED IN BASKET 4 “DISCRETIONARY SERVICES” AND BASKET 5 “COMPETITIVE SERVICES”.

(II) A TELEPHONE COMPANY THAT IS NOT REGULATED USING AN ALTERNATIVE FORM OF REGULATION UNDER § 4-301 OF THIS TITLE FOR BASKETS OF SERVICES IS NOT REQUIRED TO FILE WITH THE COMMISSION A TARIFF SCHEDULE OF ITS RATES AND CHARGES FOR ITS REGULATED RETAIL SERVICES THAT, AS DETERMINED BY THE COMMISSION, ARE SIMILAR TO THE SERVICES INCLUDED IN BASKET 4 “DISCRETIONARY SERVICES” AND BASKET 5 “COMPETITIVE SERVICES”.

(e) (2) NOTWITHSTANDING ANY OTHER LAW, EXCEPT AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, IF THE COMMISSION FINDS AFTER NOTICE AND HEARING THAT IT IS IN THE PUBLIC INTEREST, THE COMMISSION MAY ALLOW A TELEPHONE COMPANY THAT HAS 20,000 OR FEWER SUBSCRIBERS TO PROVIDE A REGULATED SERVICE WITHOUT REQUIRING THE TELEPHONE COMPANY TO FILE A TARIFF SCHEDULE OF ITS RATES AND CHARGES FOR THE REGULATED SERVICE.

(3) THE COMMISSION MAY ISSUE ORDERS OR ADOPT REGULATIONS THAT THE COMMISSION DETERMINES NECESSARY TO REGULATE A SERVICE IN WHICH A TELEPHONE COMPANY IS NOT REQUIRED TO FILE A TARIFF SCHEDULE OF ITS RATES AND CHARGES UNDER THIS SUBSECTION.

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

Article – Public Utilities

5-203.

(A) THIS SECTION DOES NOT APPLY TO A MERGER OF OR TRANSFER OF STOCK OR OTHER OWNERSHIP INTEREST BETWEEN:

(1) A TELEPHONE COMPANY; AND

(2) ANOTHER ENTITY WITH A GREATER THAN 50% OWNERSHIP IN COMMON WITH THE TELEPHONE COMPANY.

[(a)] (B) Subject to § 6–101 of this article, without prior authorization of the Commission, a public service company may not purchase, acquire, take, or hold any part of the capital stock of another public service company that operates in Maryland.

[(b)] (C) (1) This subsection applies to corporations that operate in Maryland.

(2) Except as provided in paragraph (5) of this subsection, without prior authorization of the Commission, a public service company may not:

(i) assume or guarantee an obligation or liability with respect to stocks, bonds, securities, notes, or other evidence of indebtedness that is payable as a whole or in part to any person more than 12 months after the date of issuance; or

(ii) issue stocks, bonds, securities, notes, or other evidence of indebtedness payable as a whole or in part more than 12 months after the date of issuance.

(3) Stocks, bonds, securities, notes, or other evidence of indebtedness described under paragraph (2)(ii) of this subsection shall be issued in accordance with §§ 6–102 and 6–103 of this article.

(4) The Commission shall take action on an application for authorization under this section within a reasonable time after receipt.

(5) Prior authorization of the Commission is not required for an assumption or guarantee under paragraph (2)(i) of this subsection or an issuance under paragraph (2)(ii) of this subsection made by a gas company, electric company, or telephone company whose gross annual revenues, for the most recent calendar year for which data are available, are less than 3% of the total gross annual revenues of all public service companies in the State during the same calendar year, if the gas company, electric company, or telephone company:

(i) provides prior written notice to the Commission of the transaction; and

(ii) obtains approval of the transaction from the entity in another state that regulates the gas company, electric company, or telephone company.

6–101.

(a) (1) This subsection:

(I) applies only to corporations that operate in Maryland; AND

(II) DOES NOT APPLY TO A TRANSACTION IN WHICH THE CAPITAL STOCK OF A TELEPHONE COMPANY IS ACQUIRED BY ANOTHER ENTITY WITH A GREATER THAN 50% OWNERSHIP IN COMMON WITH THE TELEPHONE COMPANY.

(2) Except as provided in paragraph (4) of this subsection, a public service company shall obtain authorization from the Commission before the public service company:

(i) assumes or guarantees an obligation or liability with respect to stocks, bonds, securities, notes, or other evidence of indebtedness of any person that is payable wholly or partly more than 12 months after the date of the assumption or guarantee;

(ii) issues stocks, bonds, securities, notes, or other evidence of indebtedness that is payable wholly or partly more than 12 months after the date issued; or

(iii) lends money to an affiliate, as defined in § 7-501 of this article, at rates or on terms that are significantly more favorable to the affiliate than the rates or terms that are otherwise commercially available to the affiliate.

(3) An issuance under paragraph (2)(ii) of this subsection shall conform to §§ 6-102 and 6-103 of this subtitle.

(4) Prior authorization of the Commission is not required for an assumption or guarantee under paragraph (2)(i) of this subsection or an issuance under paragraph (2)(ii) of this subsection made by a gas company, electric company, or telephone company whose gross annual revenues, for the most recent calendar year for which data are available, are less than 3% of the total gross annual revenues of all public service companies in the State during the same calendar year, if the gas company, electric company, or telephone company:

(i) provides prior written notice to the Commission of the transaction; and

(ii) obtains approval of the transaction from the entity in another state that regulates the gas company, electric company, or telephone company.

(b) (1) Subject to the requirements of subsection (c) of this section, the Commission may authorize an act described under subsection (a)(2) of this section if the Commission finds that the act is consistent with the public convenience and necessity.

(2) Authorization under this subsection does not:

(i) revive a lapsed franchise, validate an invalid franchise, or add to the powers and privileges in a franchise; or

(ii) waive a forfeiture.

(c) (1) This subsection does not apply to the formation of a holding company by a public service company in a corporate reorganization that involves an exchange of stock of the public service company for stock in the holding company.

(2) In this subsection, a company controlling a public service company is deemed a public service company of the same class as the controlled public service company.

(3) Without prior authorization of the Commission, a public service company may not take, hold, or acquire any part of the capital stock of a public service company that:

- (i) operates in Maryland; and
- (ii) is of the same class as the acquiring company.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, a stock corporation may not take, hold, or acquire more than 10% of the total capital stock of a public service company that operates in Maryland unless:

- 1. the stock is acquired as collateral security; and
- 2. the Commission approves the acquisition.

(ii) The Commission may authorize a public service company of the same class to take, hold, or acquire more than 10% of the total capital stock of a public service company that operates in Maryland.

(5) A public service company may not be a party to a violation of this subsection.

(6) Notwithstanding paragraph (2) of this subsection, § 6–105 of this subtitle shall apply, and the provisions of this subsection do not apply, to the acquisition, ownership, or disposition of any capital stock or voting securities of a company that controls, directly or indirectly, a gas and electric company.

(7) Notwithstanding any other provision of this subsection, the Commission may authorize, in accordance with § 6–105 of this subtitle, the taking, holding, or acquiring of all or any part of the capital stock of a gas and electric company that operates in the State by a stock corporation or a public service company that is not of the same class as the gas and electric company.

~~§ 109.~~

~~(A) (1) IN THIS SECTION, “RETAIL SERVICE” MEANS ANY SERVICE PROVIDED TO END USER CUSTOMERS.~~

~~(2) "RETAIL SERVICE" DOES NOT INCLUDE EXCHANGE ACCESS TELEPHONE SERVICE.~~

~~(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND NOTWITHSTANDING ANY OTHER LAW, A TELEPHONE COMPANY MAY WITHDRAW OFFERING A RETAIL SERVICE:~~

~~(I) IF THE TELEPHONE COMPANY DOES NOT HAVE ANY CUSTOMERS OF THE RETAIL SERVICE IN THE STATE, 14 DAYS AFTER PROVIDING NOTICE TO THE COMMISSION; AND~~

~~(II) IF THE TELEPHONE COMPANY HAS CUSTOMERS OF THE RETAIL SERVICE IN THE STATE, 30 DAYS AFTER PROVIDING NOTICE TO THE COMMISSION AND THE CUSTOMERS OF THE SERVICE.~~

~~(2) WITHOUT PRIOR AUTHORIZATION OF THE COMMISSION, A TELEPHONE COMPANY MAY NOT WITHDRAW OFFERING TO ITS CUSTOMERS BASIC LOCAL SERVICE TO AN EXCHANGE.~~

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before September 1, 2015, the Public Service Commission shall determine, as provided under § 4-202(c)(1)(ii) of the Public Utilities Article, as enacted by Section 2 of this Act, which regulated retail services for a telephone company that is not regulated using an alternative form of regulation are similar to the regulated retail services included in Basket 4 "Discretionary Services" and Basket 5 "Competitive Services".

SECTION 5. AND BE IT FURTHER ENACTED, That, on or before September 1, 2015, the Public Service Commission shall:

(a) (1) study whether and how a telephone company should be authorized to withdraw a regulated retail service in the State; and

(2) determine whether any changes are necessary to current regulations to ensure that customers are properly and conspicuously notified of a rate increase of a regulated retail service; and

(b) report its findings and recommendations from its study under subsection (a)(1) of this section and from its determination under subsection (a)(2) of this section, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect September 1, 2015.

SECTION ~~7~~ 7. AND BE IT FURTHER ENACTED, That this Act, except as provided in Section 6 of this Act, shall take effect ~~October~~ July 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 220 – *General Assembly – Mandated Reports by State Agencies*.

This bill repeals provisions of law that require State agencies to submit reports to the General Assembly that are deemed obsolete, duplicative, impractical, inefficient, or otherwise unnecessary; combines specified reporting requirements with other more extensive annual reports required to be submitted by State agencies; and requires the Department of Legislative Services, in consultation with agencies of the State government, to periodically review and make recommendations regarding specified reports that may no longer be warranted.

House Bill 67, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 220.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 220

AN ACT concerning

General Assembly – Mandated Reports by State Agencies

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

agencies to submit certain reports at certain times and on certain matters to the General Assembly or Governor; and generally relating to reports to the General Assembly by certain State agencies.

BY repealing and reenacting, with amendments,

Article – Agriculture
Section 2–901(b)(2)
Annotated Code of Maryland
(2007 Replacement Volume and 2014 Supplement)

BY repealing

Article – Agriculture
Section 5–704(i)
Annotated Code of Maryland
(2007 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section 5–1002
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure
Section 11–1006(g)
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Economic Development
Section 2–123, 4–216(c)(3) and (d), 6–529(a), and 14–102
Annotated Code of Maryland
(2008 Volume and 2014 Supplement)

BY repealing

Article – Economic Development
Section 3–404(e), 5–315, 5–419, 5–512(c)(4), 5–555(h), ~~and 6–307~~, and 10–713
Annotated Code of Maryland
(2008 Volume and 2014 Supplement)

BY adding to

Article – Economic Development
Section 3–404(e), 5–315, 5–419, 5–512(c)(4), 5–555(h), and 6–307
Annotated Code of Maryland
(2008 Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section 16–106(d)
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)

BY repealing
Article – Environment
Section 2–1107
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

BY repealing
Article – Environment
Section 9–351
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–1309(f)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–207, 13–1002(g), 13–1004(d), 13–1102(h), 13–1104, 13–2105, 13–2504,
and 19–310.1(f)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

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

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

BY repealing

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

BY repealing and reenacting, with amendments,

Article – Human Services
Section 10–208(f) and 10–306
Annotated Code of Maryland
(2007 Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance
Section 11–326 and 14–102(e)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

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

BY repealing

Article – Labor and Employment
Section 8–422(g)
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 1–104(e), 1–706(a), 4–210(h), 4–210.1(d), 4–746, 5–103(h), 5–307(j),
5–1613, 8–1808.1(e)(4), and 8–2103
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing

Article – Natural Resources
Section 3–3A–04, 4–2A–04(g), and 8–1808.1(e)(3)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing

Article – State Finance and Procurement
Section 5–7B–09(d) and 5A–403(g)

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

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 7–314(g) and (j), 7–317(h), 14–505, and 17–204(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 7–317(a) and (f)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–506(b), 2–10A–03(f), 2–10A–13(f), ~~6–406(b)~~, and 9–1405(b)
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing
Article – State Government
Section 2–10A–07
Annotated Code of Maryland
(2014 Replacement Volume)

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

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

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

BY repealing
Article – Tax – General

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

BY adding to

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

BY repealing and reenacting, with amendments,

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

BY repealing and reenacting, with amendments,

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

BY repealing and reenacting, with amendments,

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

BY repealing

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

BY repealing

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

BY repealing

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

BY repealing

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

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

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

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

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

BY repealing and reenacting, with amendments,
Chapter 584 of the Acts of the General Assembly of 1995
Section 2

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

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

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

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

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

BY repealing

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

BY repealing

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

BY repealing

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

BY repealing

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

BY repealing

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

BY repealing

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

BY repealing

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

BY repealing

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

BY repealing

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

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

Article – Agriculture

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

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

DRAFTER’S NOTE:

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

5–704.

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

DRAFTER’S NOTE:

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

Article – Criminal Law

5–1002.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DRAFTER'S NOTE:

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

Article – Criminal Procedure

11–1006.

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

DRAFTER'S NOTE:

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

Article – Economic Development

2–123.

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

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

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

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

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

(i) the Film Production Activity Tax Credit;

(ii) the Job Creation Tax Credit;

(iii) the One Maryland Economic Development Tax Credit;

- (iv) the Invest Maryland Program;
- (v) the Biotechnology Investment Incentive Tax Credit; [and]
- (vi) the Research and Development Tax Credit;

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

(VIII) THE CYBERSECURITY INVESTMENT INCENTIVE TAX CREDIT.

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

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

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

- (i) the number of jobs created;
- (ii) the number of jobs retained;
- (iii) the estimated amount of State revenue generated; [and]

(IV) THE STATUS OF ANY SPECIAL FUND; AND

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

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

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

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

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

DRAFTER'S NOTE:

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

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

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

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

3–404.

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

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

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

(I) THE GOVERNOR’S WORKFORCE INVESTMENT BOARD; AND

(II) THE MARYLAND ECONOMIC DEVELOPMENT COMMISSION.

DRAFTER'S NOTE:

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

4-216.

(c) (3) The Comptroller shall:

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

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

(d) (1) On or before ~~October 1~~ **DECEMBER 1** of each year beginning in ~~2012~~ **2015**, in cooperation with the Board and the Maryland Association of Destination Marketing Organizations, the Department shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the effectiveness of the funding provided under subsections (b) and (c) of this section in increasing visitor attendance and visitor spending in Maryland.

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

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

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

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

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

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

DRAFTER'S NOTE:

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

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

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

[5-315.

Before January 1 of each year, the Department shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly on the number, amount, use, and economic benefits of financial assistance provided under this subtitle.]

5-315.

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

DRAFTER'S NOTE:

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

[5-419.

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

5-419.

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

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

DRAFTER'S NOTE:

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

5-512.

(c) The Authority shall:

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

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

DRAFTER'S NOTE:

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

5-555.

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

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

DRAFTER'S NOTE:

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

[6-307.

On or before December 31 of each year, the Department shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly

on the business entities certified as eligible for job creation tax credits in the preceding fiscal year.]

6–307.

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

DRAFTER’S NOTE:

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

6–529.

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

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

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

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

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

DRAFTER’S NOTE:

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

[10–713.

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

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

DRAFTER'S NOTE:

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

14-102.

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

DRAFTER'S NOTE:

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

Article – Education

16-106.

(d) (1) For purposes of this subsection, “displaced homemaker” is an individual who:

- (i) Is 30 years of age or older;
- (ii) Has worked for the family in the family home;
- (iii) Is not gainfully employed;
- (iv) Has had, or would have, difficulty finding employment;

(v) 1. Has depended on the income of a family member and has lost that income as the result of separation, divorce, or the death or disability of that family member; or

2. Has depended on government assistance as the parent of dependent children and is no longer eligible for such assistance; and

(vi) Has an annual income that does not exceed:

1. The federal Office of Management and Budget poverty income guidelines; or

2. The United States Department of Labor, Bureau of Labor Statistics, 70 percent lower living standard income level.

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

1. Shall be exempt from payment of tuition; and

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

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

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

(4) The Secretary of Higher Education shall:

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

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

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

DRAFTER'S NOTE:

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

Article – Environment

[2–1107.

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

DRAFTER'S NOTE:

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

[9–351.

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

(b) The Secretary's report shall include:

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

DRAFTER'S NOTE:

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

Article – Family Law

5–1309.

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

(2) [On or before January 1, 2008, and annually thereafter, the entity that enters into a memorandum of understanding with the Department, as required by this subtitle, subject to § 2–1246 of the State Government Article, shall report to the General Assembly on:

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

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

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

DRAFTER’S NOTE:

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

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

Article – Health – General

10–207.

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

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

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

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

(2) The comprehensive mental health plan shall:

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

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

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

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

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

(vi) Plan for the extent of the need for additional community–based support services, including rehabilitation, clinical treatment, case management, crisis and emergency services, mobile treatment, in–home intervention services, school–based,

after-school services, respite and family support services, and vocational services in order to implement the orderly transfer of institutionalized individuals who can live in the community and to serve those individuals presently in the community who are now underserved or unserved and at risk of institutionalization;

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

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

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

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

DRAFTER'S NOTE:

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

13–1002.

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

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

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

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

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

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

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

DRAFTER'S NOTE:

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

13-1004.

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

DRAFTER'S NOTE:

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

13-1013.

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

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

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

DRAFTER'S NOTE:

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

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

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

13-1102.

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

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

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

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

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

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

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

DRAFTER'S NOTE:

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

13–1104.

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

(b) The Biennial Cancer Study shall:

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

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

(c) The Department may:

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

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

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

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

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

DRAFTER'S NOTE:

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

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

13–2105.

The Advisory Board shall:

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

[(iii)] 3. Improving the coordination of services for individuals with traumatic brain injuries; and

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

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

DRAFTER'S NOTE:

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

13-21A-02.

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

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

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

(2) The Fund may be used to support:

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

- (vii) Evaluation and training related to the brain injury;
- (viii) Neurobehavioral health services;
- (ix) Nursing home transition services;
- (x) Community reentry services;
- (xi) Educational needs;
- (xii) Housing and residential services; and
- (xiii) Transportation services.

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

DRAFTER'S NOTE:

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

13–2504.

- (a) (1) The Office of Oral Health shall conduct an annual evaluation of the Program.
- (2) The evaluation required under this subsection shall include:
 - (i) Data on any progress resulting from each grant awarded under this subtitle;
 - (ii) Data on any progress of the overall Program;
 - (iii) Data demonstrating any increase in the use of restorative dental care among underserved populations; and

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

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

(1) The results of the Program;

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

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

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

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

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

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

DRAFTER'S NOTE:

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

15–102.4.

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

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

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

DRAFTER'S NOTE:

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

15–124.2.

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

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

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

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

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

DRAFTER'S NOTE:

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

19–310.1.

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

(1) The percentage and amount of the assessment charged to each nursing facility subject to this section;

(2) The number of nursing facilities subject to this section with a net loss;
and

(3) A comparison of the total amount provided in the Medicaid budget for nursing home reimbursement in the current fiscal year to the **ACTUAL** amount [proposed for the upcoming] **RECEIVED IN THE IMMEDIATELY PRIOR** fiscal year.

DRAFTER'S NOTE:

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

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

Article – Housing and Community Development

4–215.

(a) The Administration shall administer a home buyer assistance program that:

(1) assists home buyers to receive low–interest mortgage loans, with down payment and closing cost assistance options, for the purchase of homes near their place of employment; and

(2) coordinates with, and matches where appropriate, similar programs offered by private employers and county and municipal governments so as to maximize the total amount that home buyers can receive under the program.

(b) With reference to loans under this program, the Administration shall:

(1) allow home buyers to utilize the loans for the purchase of newly constructed or existing homes; and

(2) require a home purchased under this program to be occupied by the home buyer as a principal residence.

(c) The Administration shall facilitate the marketing of the program with private employers and county and municipal governments, and, where appropriate, other units of State government and nonprofit organizations.

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

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

DRAFTER’S NOTE:

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

Article – Human Services

[6–708.

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

DRAFTER’S NOTE:

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

10–208.

(f) The Commission shall:

- (1) exercise the powers and perform the duties specified in this title;
- (2) review:
 - (i) ongoing statewide programs and activities for seniors; and
 - (ii) new statewide programs for seniors before the programs are implemented; **AND**
- (3) make recommendations to the Secretary about statewide programs and activities for seniors]; and
- (4) prepare and submit an annual report to the Governor and the Secretary that includes recommendations for legislative or other actions to strengthen statewide programs and activities for seniors].

DRAFTER’S NOTE:

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

10-306.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DRAFTER'S NOTE:

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

Article – Insurance

11–326.

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

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

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

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

[(2)] (B) The Commissioner:

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

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

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

(2) The report shall provide information on:

(i) the number of insurers actively engaged in providing coverage in Baltimore City;

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

DRAFTER'S NOTE:

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

14-102.

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

DRAFTER'S NOTE:

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

Article – Labor and Employment

5-608.

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

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

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

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

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

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

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

- (1) the seriousness of the violation; and
- (2) any demonstrated good faith measures to comply with the provisions of this subtitle.

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

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

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

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

- [(g)] (F) (1) An employee may not:
- (i) make a groundless or malicious complaint to the Commissioner or an authorized representative of the Commissioner;
 - (ii) in bad faith, bring an action under this subtitle; or
 - (iii) in bad faith, testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle.

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

DRAFTER'S NOTE:

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

8-422.

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

(2) The report shall include:

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

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

DRAFTER'S NOTE:

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

9-312.

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

(b) The annual report shall include:

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

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

and

(3) statistical analyses of:

(i) the costs of workers' compensation;

(ii) experiences; and

(iii) industrial injuries.

DRAFTER'S NOTE:

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

10-219.

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

DRAFTER'S NOTE:

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

10-320.

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

DRAFTER'S NOTE:

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

Article – Natural Resources

1-104.

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

(1) A review of studies, deliberations, conclusions, and recommendations of the Department;

(2) The annual reports submitted by the separate units within the Department which shall be edited by the Secretary's staff; and

(3) A review of other natural resources activities of interest or concern to the State and its citizens.

DRAFTER'S NOTE:

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

1-706.

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

DRAFTER'S NOTE:

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

[3-3A-04.

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

(b) The report shall include:

(1) A description of activities undertaken in accordance with this subtitle;

(2) The costs of the activities undertaken in accordance with this subtitle;

(3) The findings of the research and monitoring program, including the current levels and anticipated significant adverse effects and future trends of acid deposition in the State;

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

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

DRAFTER'S NOTE:

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

4–210.

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

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

(ii) For a nonresident, \$100.

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

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

DRAFTER'S NOTE:

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

4–210.1.

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

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

DRAFTER'S NOTE:

The report required under subsection (d)(2) of this section is impractical and unnecessary. The dollar amounts for the fees are small and there is no apparent reason to

require reporting of this narrow source of revenue. Moreover, the underlying statute does not specify the entity to which the Department of Natural Resources is required to report this information. Nonetheless, even with the repeal of this provision of law, the information will still readily and publicly be available in budget documents, reports to the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission, and in various annual reports.

4-2A-04.

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

(2) The Secretary's report shall contain:

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

DRAFTER'S NOTE:

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

4-746.

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

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

DRAFTER'S NOTE:

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

5–103.

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

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

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

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

DRAFTER'S NOTE:

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

5–307.

(j) On or before [June] **SEPTEMBER 30** of each year, the Department shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee, in accordance with § 2–1246 of the State Government Article, on the use of funds credited to the Fund, including an identification of and the

reasons for those revenues derived from forestry practices on designated lands owned and managed by the Department that were not credited to the Fund.

DRAFTER'S NOTE:

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

5–1613.

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

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

DRAFTER'S NOTE:

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

8–1808.1.

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

1. Maintain records of all building permits issued under this subsection for additional dwelling units considered part of a primary dwelling unit; and

2. Provide this information on a quarterly basis to the Commission.

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

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

(i) Apply to density calculations only; and

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

DRAFTER’S NOTE:

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

Chapter 546 of 2004 addressed this problem by establishing strict standards related to size, location, and waste disposal for the construction of lawful accessory dwelling units (assuming the critical area jurisdiction allows accessory dwelling units in these areas in the first place). That legislation also required local jurisdictions to record any permitted accessory dwelling units in resource conservation areas and report this information quarterly to the Critical Area Commission. The Commission in turn was required to report this information annually to the General Assembly.

Since that legislation was enacted, only 4 jurisdictions (Charles, Kent, Talbot, and Worcester counties) have authorized lawful accessory dwelling units in resource conservation areas. In that same time period only twice has a critical area jurisdiction

approved construction of an accessory dwelling unit (both in Talbot County), and none have been approved in at least 6 years.

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

8–2103.

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

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

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

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

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

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

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

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

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

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

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

DRAFTER’S NOTE:

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

Article – State Finance and Procurement

5–7B–09.

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

DRAFTER'S NOTE:

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

5A–403.

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

DRAFTER'S NOTE:

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

7–314.

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

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

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

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

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

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

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

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

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

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

DRAFTER'S NOTE:

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

(a) There is a Cigarette Restitution Fund.

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

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

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

(iii) other programs that serve the following purposes:

1. reduction of the use of tobacco products by minors;
2. implementation of the Southern Maryland Regional Strategy–Action Plan for Agriculture adopted by the Tri–County Council for Southern Maryland with an emphasis on alternative crop uses for agricultural land now used for growing tobacco;
3. public and school education campaigns to decrease tobacco use with initial emphasis on areas targeted by tobacco manufacturers in marketing and promoting cigarette and tobacco products;
4. smoking cessation programs;
5. enforcement of the laws regarding tobacco sales;
6. the purposes of the Maryland Health Care Foundation under Title 20, Subtitle 5 of the Health – General Article;
7. primary health care in rural areas of the State and areas targeted by tobacco manufacturers in marketing and promoting cigarette and tobacco products;
8. prevention, treatment, and research concerning cancer, heart disease, lung disease, tobacco product use, and tobacco control, including operating costs and related capital projects;
9. substance abuse treatment and prevention programs; and
10. any other public purpose.

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

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

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

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

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

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

DRAFTER’S NOTE:

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

14–505.

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

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

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

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

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

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

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

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

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

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

DRAFTER'S NOTE:

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

17-204.

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

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

(2) includes:

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

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

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

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

Article – State Government

2–506.

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

(2) The report shall:

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

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

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

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

DRAFTER'S NOTE:

The report required under subsection (b)(2)(ii) of this section is repealed as unnecessary and obsolete. Staff for the Joint Committee on Administrative, Executive, and Legislative Review (AELR Committee) has no recollection or record that the AELR Committee has ever made a recommendation to the Legislative Policy Committee concerning the more effective operation of the branches of State government.

2–10A–03.

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

(1) cooperate fully with the Committee;

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

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

DRAFTER'S NOTE:

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

[2–10A–07.

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

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

(2) Of the 15 members:

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

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

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

1. 1 representative of the Maryland Port Administration;

2. 2 representatives of Maryland labor organizations;

3. 1 representative of the maritime/steamship industry;

4. 1 pilot licensed by the State Board of Pilots;

5. 1 docking master licensed by the State Board of Docking Masters;

6. 1 representative of a towing boat company serving the Port of Baltimore; and

7. 3 members of the public; and

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

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

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

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

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

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

(1) cooperate fully with the Committee; and

(2) keep the Committee fully informed as to issues affecting the Port of Baltimore.

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

DRAFTER'S NOTE:

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

2-10A-13.

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

DRAFTER'S NOTE:

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

2-1209.

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

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

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

DRAFTER'S NOTE:

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

~~§ 406.~~

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

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

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

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

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

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

~~DRAFTER'S NOTE:~~

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

9-1405.

(b) The Office shall:

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

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

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

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

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

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

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

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

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

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

DRAFTER’S NOTE:

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

Article – State Personnel and Pensions

21–104.

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

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

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

DRAFTER’S NOTE:

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

21–108.

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

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

1. a total of all travel expenses for the fiscal year ending immediately prior to September 1 for:

- A. members of the Board of Trustees; and
 - B. staff of the State Retirement Agency;
2. the destination, duration, and justification for the travel;
 3. for members of the Board of Trustees, a statement whether the travel was made for purposes of fiduciary educational training; and
 4. for staff of the Investment Division, a statement whether the travel was made for purposes of meeting with existing or prospective investment managers.]

DRAFTER'S NOTE:

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

21–123.

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

[(ii) On or before October 1 of each year, the Board of Trustees shall submit a report in accordance with § 2–1246 of the State Government Article to the Board of Public Works, the Senate Budget and Taxation Committee, the House Appropriations Committee, and the Joint Committee on Pensions that provides a list of all sales or purchases of directly held real estate approved by the Board of Trustees for the immediately preceding fiscal year.]

DRAFTER'S NOTE:

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

[21–125.1.

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

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

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

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

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

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

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

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

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

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

DRAFTER’S NOTE:

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

21–128.

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

DRAFTER’S NOTE:

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

Article – Tax – General

10–721.

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

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

DRAFTER’S NOTE:

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

10–725.

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

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

DRAFTER’S NOTE:

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

10–730.

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

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

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

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

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

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

DRAFTER'S NOTE:

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

10–732.

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

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

DRAFTER'S NOTE:

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

10–733.

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

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

DRAFTER'S NOTE:

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

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

Article – Tax – Property

9-102.

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

DRAFTER'S NOTE:

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

Article – Transportation

6-201.2.

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

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

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

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

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

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

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

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

DRAFTER'S NOTE:

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

[6–210.

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

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

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

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

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

DRAFTER'S NOTE:

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

8–309.

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

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

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

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

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

1. The appraised value of the land; or

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

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

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

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

1. Notify by registered mail any affected county or municipality of the offer for an exchange of a parcel;

2. Allow 60 days after notification for any affected county or municipality to make a request to acquire the parcel or part of the parcel located within the borders of the county or municipality and for the Administration to consider any such request; and

3. If any affected county or municipality makes an offer to acquire the parcel, or part thereof within that jurisdiction's borders, that is equal to or greater than, or includes land of an equal or greater value than, the appraised value of the parcel or applicable portion thereof, the Administration shall accept that offer;

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

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

(5) Before the exchange:

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

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

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

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

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

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

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

DRAFTER'S NOTE:

Section 2 of Chapter 597 of the Acts of 1995, which required the State Highway Administration (SHA) to submit a report every 6 months to certain committees of the General Assembly regarding certain land exchanges, is repealed as obsolete and unnecessary because of the very limited activity in this area over the years. However, since such land exchanges could occur in the future, the reporting requirement is retained and modified under this section to require a report when a SHA land exchange would fulfill the intent of the original enactment of the General Assembly; hence, an "as needed" reporting requirement is added under subsection (e)(8) of this section.

8-613.

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

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

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

(4) The program shall:

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

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

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

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

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

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

DRAFTER'S NOTE:

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

23–203.

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

(2) The special committee shall regularly report to the Legislative Policy Committee of the Maryland General Assembly on the administration of the emissions

control program and any contract awarded in accordance with the provisions of this section.]

DRAFTER'S NOTE:

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

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

[SECTION 2. AND BE IT FURTHER ENACTED, That, subject to Section 2-1312 of the State Government Article, The Department shall prepare and submit to the General Assembly, on or before February 1 of each year, a full report of the operation of the Motorcycle Safety Program for the preceding fiscal year. The General Assembly shall use these reports to evaluate the Motorcycle Safety Program every three years beginning July 1, 1988, to determine the cost effectiveness of the Motorcycle Safety Program in Maryland and the validity of continuing financial support of this program by the State. If the General Assembly's evaluation indicates that the Motorcycle Safety Program is not cost effective and continued financial support is not warranted, the General Assembly shall pass legislation to repeal this Act.]

DRAFTER'S NOTE:

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

Chapter 791 of the Acts of 1984

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

DRAFTER'S NOTE:

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

Chapter 640 of the Acts of 1991

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

DRAFTER'S NOTE:

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

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

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

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

DRAFTER'S NOTE:

Section 5 of Chapter 111 of the Acts of 1994, as amended by Chapter 471 of the Acts of 1997, is repealed and its reporting requirement is then transferred and combined with

the report by the Department of Business and Economic Development to the Governor and the General Assembly required under § 4–216(d) of the Economic Development Article, for transparency and clarity.

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

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

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

DRAFTER'S NOTE:

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

Chapter 414 of the Acts of 1994

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

DRAFTER'S NOTE:

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

Chapter 584 of the Acts of 1995

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

DRAFTER'S NOTE:

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

Chapter 597 of the Acts of 1995

[SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Department of Transportation shall, in accordance with § 2–1312 of the State Government Article, submit a report to the House Commerce and Government Matters Committee, the House Appropriations Committee, and the Senate Budget and Taxation Committee every 6 months, beginning December 1, 1995, that lists the parcels that have been obtained and disposed of through the process established under § 8–309(e) of the Transportation Article as enacted by this Act. The report shall identify the value of and include a description of each parcel that has been exchanged between the State Highway Administration and any other public or private entities.]

DRAFTER'S NOTE:

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

Chapter 96 of the Acts of 1996

[SECTION 2. AND BE IT FURTHER ENACTED, That the Office of Administrative Hearings shall report, in accordance with § 2–1312 of the State Government Article, the

following information to the Senate Judicial Proceedings Committee and the House Commerce and Government Matters Committee before October 1 of each year:

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

DRAFTER'S NOTE:

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

Chapter 294 of the Acts of 1997

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

DRAFTER'S NOTE:

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

Under Chapter 294 of the Acts 1997, the Maryland Insurance Administration is required to report annually to the Senate Finance Committee and the House Economic Matters Committee on the effects of the Maryland Health Insurance Portability and Accountability Act on rates in the individual health insurance market and any proposed changes to existing law. This report was to examine how the guarantee issue requirement in State law impacted the rates in the individual market. The report ceased to have meaning once the Maryland Health Insurance Plan (MHIP) was established, and Chapter 60 of the Acts of 2004 established MHIP as the alternative to the standard coverage for eligible individuals under the federal Health Insurance Portability and Accountability Act.

As Chapter 60 repealed the guarantee issue requirement, the law no longer had an impact on rates.

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

Chapter 692 of the Acts of 1999

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

DRAFTER'S NOTE:

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

Chapter 77 of the Acts of 2001

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

DRAFTER'S NOTE:

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

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

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

DRAFTER'S NOTE:

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

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

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

DRAFTER'S NOTE:

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

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

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

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

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

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

DRAFTER'S NOTE:

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

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

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

DRAFTER'S NOTE:

Section 3 of Chapter 84 of the Acts of 2004, as amended by Chapter 283 of the Acts of 2008, is repealed as redundant since all of the information called for under Section 3 is included in other reports on small business and minority business enterprises submitted to the General Assembly.

Chapter 206 of the Acts of 2004

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

DRAFTER'S NOTE:

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

Chapter 551 of the Acts of 2005

[SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Housing and Community Development shall report to the General Assembly on or before December

31 each year, in accordance with § 2–1246 of the State Government Article, on the implementation of this Act.]

DRAFTER’S NOTE:

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

Chapter 368 of the Acts of 2007

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

(1) Prior to awarding financial incentives to the Chief Investment Officer of the State Retirement Agency under Section 1 of this Act, the Board of Trustees of the State Retirement and Pension System shall submit for the review and comment of the Senate Budget and Taxation Committee, the House Appropriations Committee, and the Joint Committee on Pensions, in accordance with § 2–1246 of the State Government Article, a copy of the criteria established by the Board of Trustees for awarding financial incentives to the Chief Investment Officer as provided under § 21–118.1(d) of the State Personnel and Pensions Article, as enacted by Section 1 of this Act; and

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

DRAFTER’S NOTE:

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

Chapter 397 of the Acts of 2011

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

DRAFTER’S NOTE:

Section 30 of Chapter 397 of the Acts of 2011 is repealed as superfluous since the data requested of the Secretary of Budget and Management is available in annual

valuations prepared for the State Retirement and Pension System and which are readily available to the public.

Chapter 617 of the Acts of 2013

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

DRAFTER’S NOTE:

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

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

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

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

DRAFTER’S NOTE:

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

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

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 243 – *State Personnel and Procurement – Service Contracts – Reporting and Audit Requirements*.

This bill requires that specified units meet with the exclusive representative of the employees who may be affected by the service contract to discuss specified alternatives to service contracts under specified circumstances; requires that specified service contracts be subject to a legislative audit to determine compliance with specified requirements; and requires that the findings of the specified legislative audit be made available to the public.

House Bill 158, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 243.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 243

AN ACT concerning

State Personnel and Procurement – Service Contracts – Reporting and Audit Requirements

FOR the purpose of ~~altering the definition of “service contract”, for purposes of provisions of law governing procurement contracts for certain services, to include services provided within a State-owned facility; requiring that certain units submit a certain demonstration to a certain exclusive representative under certain circumstances;~~ requiring that certain units meet with a certain exclusive representative to discuss certain alternatives under certain circumstances; requiring that certain service contracts be subject to ~~an~~ a legislative audit to determine compliance with certain requirements; ~~requiring that certain audits be completed before the expiration of an initial term of certain service contracts;~~ requiring that a certain audit finding be made available to the public; requiring a unit in the Executive Branch of State government that has an independent personnel system to adopt certain rules and

regulations; and generally relating to service contracts, reporting requirements, and audits of service contracts.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 13–218.1(b)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, ~~with~~ without amendments,
 Article – State Personnel and Pensions
 Section 13–401 ~~and 13–405~~
 Annotated Code of Maryland
 (2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 13–405
Annotated Code of Maryland
(2009 Replacement Volume and 2014 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

13–218.1.

(b) (1) At least 60 days before the issuance of a solicitation for a service contract that is not exempt under § 13–403(c) or § 13–404(b) of the State Personnel and Pensions Article, the unit shall provide the exclusive representative of the employees who may be affected by the service contract with:

(I) written notice of:

[(i)] 1. work that is being proposed for contracting; and

[(ii)] 2. contracting procedures, requirements, timetables, and employee rights as provided in Title 13, Subtitle 4 of the State Personnel and Pensions Article; AND

(II) A REASONABLE OPPORTUNITY TO MEET AND DISCUSS ALTERNATIVES TO THE PROPOSED SERVICE CONTRACT.

Article – State Personnel and Pensions

13-401.

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

(b) “Service contract” means a procurement contract for services that:

(1) will be provided to a unit in the Executive Branch of State government;

(2) will be performed within a ~~STATE-OWNED OR~~ State-operated facility;

and

(3) in the estimation of the procurement officer, will exceed an annual cost of \$100,000.

(c) “Services” has the meaning stated in § 11-101 of the State Finance and Procurement Article.

(d) “Unit” has the meaning stated in § 11-101 of the State Finance and Procurement Article.

13-405.

(a) A unit that seeks to enter into a service contract that is not exempt under § 13-403(c) or § 13-404(b) of this subtitle shall submit to the Department the information required by this section.

(b) ~~{The} AT LEAST 60 DAYS BEFORE MAKING THE SUBMISSION UNDER SUBSECTION (A) OF THIS SECTION, THE~~ unit shall:

~~(1) submit a demonstration TO THE EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES AFFECTED BY THE SERVICE CONTRACT that the unit has taken formal and positive steps to consider alternatives to the service contract, including reorganization, reevaluation of service, and reevaluation of performance; AND~~

~~(2) PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH A REASONABLE OPPORTUNITY TO MEET AND DISCUSS ALTERNATIVES TO THE PROPOSED SERVICE CONTRACT.~~

(c) (1) The unit shall submit calculations that:

(i) compare the cost of the service contract with the cost of using State employees; and

(ii) show savings to this State, over the duration of the service contract, of 20% of the contract or \$200,000, whichever is less.

(2) In calculating the cost comparison required by this subsection, a unit shall include:

(i) direct costs, including fringe benefits;

(ii) indirect overhead costs, including the proportional share of existing administrative salaries and benefits, rent, equipment costs, utilities, and materials, but only to the extent that those costs are attributed solely to the service in question and would not exist if the service were not performed by State employees;

(iii) any continuing or transitional costs that would be directly associated with contracting for the services, including unemployment compensation and the cost of transitional services; and

(iv) additional costs of performance of the services by State employees, including salaries and benefits of additional staff and the cost of additional space, equipment, and materials needed to perform the services.

(d) (1) The unit shall submit a formal plan of assistance for all State employees who will be adversely affected by the service contract.

(2) The plan of assistance shall include:

(i) efforts to place affected employees in vacant positions in the unit or in another unit;

(ii) provisions in the service contract, if feasible, for the hiring by the contractor of displaced employees; and

(iii) prior notification to affected employees in accordance with § 13–218.1 of the State Finance and Procurement Article.

(E) (1) ~~(H)~~ A SERVICE CONTRACT THAT IS NOT EXEMPT UNDER § 13–403(C) OR § 13–404(B) OF THIS SUBTITLE SHALL BE SUBJECT TO AN A LEGISLATIVE AUDIT OF BOOKS, ACCOUNTS, OR RECORDS TO DETERMINE COMPLIANCE WITH PROJECTED COST SAVINGS UNDER SUBSECTION (C) OF THIS SECTION.

~~(H) THE LEGISLATIVE AUDIT REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE COMPLETED PRIOR TO THE EXPIRATION OF THE INITIAL TERM OF THE SERVICE CONTRACT.~~

(2) AUDIT FINDINGS FROM AN AUDIT CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE MADE AVAILABLE TO THE PUBLIC.

SECTION 2. AND BE IT FURTHER ENACTED, That any unit in the Executive Branch of State government with an independent personnel system shall adopt rules or regulations similar to the provisions of Section 1 of this Act.

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

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 251 – *Professional Standards and Teacher Education Board – School Counselors – Certification Renewal Requirement (Lauryn’s Law)*.

This bill requires the Professional Standards and Teacher Education Board to require, on or before July 1, 2016, specified certificate holders applying for renewal of a certificate as a school counselor to have obtained, by a method determined by the Board, specified knowledge and skills required to understand and respond to the social, emotional, and personal development of students.

House Bill 947, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 251.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 251

AN ACT concerning

**Professional Standards and Teacher Education Board – School Counselors –
Certification Renewal Requirement
(Lauryn’s Law)**

FOR the purpose of requiring the Professional Standards and Teacher Education Board to require, ~~beginning on or after~~ before a certain date, certain ~~applicants for certification~~ certificate holders applying for renewal of a certificate as a school counselor to have ~~successfully completed a certain course regarding the recognition of, initial screening for, and response to emotional and behavioral distress in students and other individuals; requiring a certain course to include certain information;~~ obtained, by a method determined by the Board, certain knowledge and skills required to understand and respond to the social, emotional, and personal development of students; requiring the Board to adopt certain regulations; and generally relating to a certification renewal requirement for school counselors by the Professional Standards and Teacher Education Board.

BY adding to

Article – Education

Section 6–704.1

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

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

Article – Education

6–704.1.

(A) ~~BEGINNING ON OR AFTER~~ ON OR BEFORE JULY 1, 2016, THE BOARD SHALL REQUIRE ~~AN APPLICANT FOR CERTIFICATION~~ A CERTIFICATE HOLDER APPLYING FOR RENEWAL OF A CERTIFICATE AS A SCHOOL COUNSELOR TO HAVE ~~SUCCESSFULLY COMPLETED AN EVIDENCE-BASED COURSE THAT PROVIDES~~ OBTAINED, BY A METHOD DETERMINED BY THE BOARD, THE KNOWLEDGE AND SKILL STANDARDS REGARDING THE RECOGNITION OF, INITIAL SCREENING FOR, AND RESPONSE TO EMOTIONAL AND BEHAVIORAL DISTRESS IN STUDENTS AND OTHER INDIVIDUALS, INCLUDING INDICATORS OF SUBSTANCE ABUSE, VIOLENCE, MENTAL ILLNESS, AND YOUTH SUICIDE.

(B) ~~THE COURSE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:~~

(1) ~~STRATEGIES FOR HELPING AN INDIVIDUAL EXPERIENCING A MENTAL HEALTH OR SUBSTANCE ABUSE CRISIS;~~

(2) ~~AN INTRODUCTION TO THE RISK FACTORS AND WARNING SIGNS FOR MENTAL ILLNESS AND SUBSTANCE ABUSE PROBLEMS;~~

~~(3) INFORMATION OF EVIDENCE-SUPPORTED TREATMENT AND SELF-HELP STRATEGIES; AND~~

~~(4) IDENTIFYING PROFESSIONAL HELP AND OTHER SUPPORTS AND RESOURCES FOR INDIVIDUALS IN CRISIS. SKILLS REQUIRED TO UNDERSTAND AND RESPOND TO THE SOCIAL, EMOTIONAL, AND PERSONAL DEVELOPMENT OF STUDENTS, INCLUDING KNOWLEDGE AND SKILLS RELATING TO:~~

(1) THE RECOGNITION OF INDICATORS OF MENTAL ILLNESS AND BEHAVIORAL DISTRESS, INCLUDING DEPRESSION, TRAUMA, VIOLENCE, YOUTH SUICIDE, AND SUBSTANCE ABUSE; AND

(2) THE IDENTIFICATION OF PROFESSIONAL RESOURCES TO HELP STUDENTS IN CRISIS.

~~(c)~~ (B) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 254 – *Department of General Services – Deep Creek Lake Buy Down Area Program – Extension*.

This bill authorizes the Department of General Services to establish the Deep Creek Lake Buy Down Area Program to offer the owners of properties adjoining Deep Creek Lake the right to purchase the land contiguous to their land at an amount equal to the State's cost of acquiring the land plus reasonable costs and expenses incurred by the State from the sale. This bill also provides that revenue from the sale of specified property be distributed to the Deep Creek Lake Recreation Maintenance and Management Fund for specified land purchases.

House Bill 356, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 254.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 254

AN ACT concerning

Department of General Services – Deep Creek Lake Buy Down Area Program – Extension

FOR the purpose of ~~authorizing~~ requiring the Department of General Services to establish ~~a program~~ the Deep Creek Lake Buy Down Area Program to offer the owners of certain properties adjoining Deep Creek Lake the right to purchase certain land at a certain price not to exceed a certain amount; requiring the ~~program~~ Program to be administered in a certain manner; exempting certain property transactions made under the Program from certain property requirements; providing that the parcels sold under the ~~program~~ Program are subject to the same covenants and restrictions as parcels sold under a similar program; providing that a portion of the proceeds received from the sale of any property under the program ~~Program~~ be disposed of used in a certain manner; providing that all proceeds in excess of a certain reimbursement amount be credited to the Deep Creek Lake Recreation Maintenance and Management Fund; providing that revenue from the sale of certain property distributed to the Deep Creek Lake Recreation Maintenance and Management Fund may be used only by the Department for certain land purchases; providing for the termination of certain provisions of this Act; and generally relating to the disposition of certain properties around Deep Creek Lake.

BY repealing and reenacting, without amendments,

Article – Natural Resources
Section 5–215(a) and (b)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 5–215(c)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

(a) (1) ~~The Department of General Services shall establish a program~~ the Deep Creek Lake Buy Down Area Program to offer the owners of properties adjoining Deep Creek Lake the right to purchase the land contiguous to their land at an amount ~~not to exceed the per square foot price the State paid to purchase the lake in February 2000~~ equal to the State's cost of acquiring the land plus reasonable costs and expenses incurred by the State from the sale.

(2) ~~The program~~ Program required under paragraph (1) of this subsection shall be administered in a manner substantially similar to the program authorized by the Board of Public Works on February 9, 2000, as Agenda Item 39-RP.

(3) Property transactions made under the Program shall be exempt from the requirements under §§ 5-310 and 10-305(b) of the State Finance and Procurement Article.

(b) The parcels sold under the ~~program~~ Program shall be subject to the same covenants and restrictions, including the State's retention conservation easement, as the parcels sold under the program authorized by the Board of Public Works on February 9, 2000, as Agenda Item 39-RP.

(c) (1) ~~The A portion of the proceeds of any sales received from any sale of property under this Act shall be disposed of as provided under § 10-306 of the State Finance and Procurement Article~~ used to reimburse the State for reasonable costs and expenses incurred from the sale.

(2) All proceeds in excess of the reimbursement amount specified in paragraph (1) of this subsection shall be credited to the Deep Creek Lake Recreation Maintenance and Management Fund established under § 5-215 of the Natural Resources Article.

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

Article – Natural Resources

5-215.

(a) In this section, "Fund" means the Deep Creek Lake Recreation Maintenance and Management Fund.

(b) There is a Deep Creek Lake Recreation Maintenance and Management Fund in the Department for the maintenance and management of the land, recreational facilities, and services that are related to Deep Creek Lake in Garrett County.

(c) (1) Except as provided in paragraphs (2) [and], (4), AND (5) of this subsection, the Department shall pay all fees collected for boat launching at Deep Creek Lake State Park, all funds collected from lake and buffer use permits, contracts, grants,

and gifts as a result of the Deep Creek Lake management program, and any investment earnings of the Fund, into the Fund.

(2) At the end of each quarter of the fiscal year, the Department shall pay 25% of the total revenue collected during the quarter under paragraph (1) of this subsection to the Board of County Commissioners of Garrett County.

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

(ii) Any investment earnings of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund.

(4) Moneys in the Fund may be used for administrative costs calculated in accordance with § 1–103(b)(2) of this article.

(5) REVENUE DISTRIBUTED TO THE FUND FROM THE SALE OF STATE PROPERTY MADE IN ACCORDANCE WITH THE DEEP CREEK LAKE BUY DOWN AREA PROGRAM MAY BE USED BY THE DEPARTMENT ONLY FOR THE PURCHASE OF LAND THAT PROVIDES PUBLIC ACCESS TO DEEP CREEK LAKE.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. It shall remain effective for a period of 1 year and 5 months and, at the end of October 31, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015. Section 1 of this Act shall remain effective for a period of 2 years and 1 month and, at the end of October 31, 2017, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect. Section 2 of this Act shall remain effective for a period of 4 years and 1 month and, at the end of October 31, 2019, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 258 – *Maryland Commission on Climate Change*.

This bill establishes the Commission on Climate Change in the Department of the Environment to advise the Governor and General Assembly on ways to mitigate the causes of, prepare for, and adapt to the consequences of climate change; establishes the membership of the Commission; requires the Commission to establish specified working groups; and requires the Commission members and working group members to be appointed and the Commission to be convened on or before July 1, 2016.

House Bill 514, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 258.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 258

AN ACT concerning

Maryland Commission on Climate Change

FOR the purpose of establishing the Commission on Climate Change in the Department of the Environment to advise the Governor and General Assembly on ways to mitigate the causes of, prepare for, and adapt to the consequences of climate change; establishing the membership of the Commission; providing for the terms of ~~a~~ an appointed member of the Commission; authorizing the Governor to remove a member of the Commission under certain circumstances; prohibiting a member of the Commission from receiving certain compensation, but authorizing a member to be reimbursed for certain expenses; requiring the Commission to establish certain working groups; requiring the Chair of the Commission to appoint working group members who represent certain public and private interests; requiring the Commission to prioritize certain working group actions; requiring the Commission, on or before a certain date each year, to report to the Governor and General Assembly; requiring each State agency to complete a certain review in accordance with certain requirements; requiring each State agency to identify and recommend certain changes to certain programs under certain circumstances; requiring certain State agencies to report annually to the Governor and General Assembly on the status of certain programs; requiring the University of Maryland Center for Environmental Science to establish and update certain sea level rise projections; requiring the sea level rise projections to include certain maps and to be made publicly available on the Internet; providing for the construction of this Act; establishing the intent of the General Assembly; requiring the Commission members and working group members to be appointed and the Commission to be convened ~~and the working group members to be appointed~~ on or before a certain date;

providing that nothing in this Act shall preclude the appointment of a certain member to the Commission; requiring each working group to meet and establish a work plan on or before a certain date; and generally relating to the Maryland Commission on Climate Change.

BY adding to

Article – Environment

Section 2–1301 through 2–1306 to be under the new subtitle “Subtitle 13. Maryland Commission on Climate Change”

Annotated Code of Maryland

(2013 Replacement Volume and 2014 Supplement)

Preamble

WHEREAS, As reported by the United Nations Intergovernmental Panel on Climate Change (IPCC) in March 2014, the effects of climate change are already occurring on all continents and across the oceans, and numerous opportunities exist to respond to and mitigate associated risks; and

WHEREAS, Maryland has already experienced some effects of climate change, including sea level rise of more than 1 foot in the last century, increasing water temperatures in the Chesapeake Bay, more rain and flooding in the winter and spring, and less in the summer; and

WHEREAS, Maryland has demonstrated its strong commitment to addressing the drivers and consequences of climate change by passing several laws, including the Healthy Air Act, the Maryland Clean Cars Act of 2007, the Greenhouse Gas Emissions Reduction Act of 2009, the Maryland Offshore Wind Energy Act of 2013, and the Coast Smart Council; and

WHEREAS, Although the Maryland Commission on Climate Change was created by Executive Order 01.01.2007.07 in 2007, and then strengthened by Executive Order 01.01.2014.14 in 2014, there is not a statutory body in the State whose sole purpose is to address climate change impacts and make recommendations to the Governor and General Assembly; now, therefore,

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

Article – Environment

SUBTITLE 13. MARYLAND COMMISSION ON CLIMATE CHANGE.

2–1301.

(A) THERE IS A COMMISSION ON CLIMATE CHANGE IN THE DEPARTMENT TO ADVISE THE GOVERNOR AND GENERAL ASSEMBLY ON WAYS TO MITIGATE THE

CAUSES OF, PREPARE FOR, AND ADAPT TO THE CONSEQUENCES OF CLIMATE CHANGE.

(B) THE DEPARTMENT AND THE DEPARTMENT OF NATURAL RESOURCES SHALL JOINTLY STAFF THE COMMISSION.

2-1302.

(A) THE COMMISSION'S MEMBERSHIP SHALL CONSIST OF THE FOLLOWING ~~20~~ MEMBERS:

(1) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

(2) ONE MEMBER OF THE SENATE, APPOINTED BY THE PRESIDENT OF THE SENATE;

(3) THE STATE TREASURER, OR THE STATE TREASURER'S DESIGNEE;

(4) THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY'S DESIGNEE;

(5) THE SECRETARY OF AGRICULTURE, OR THE SECRETARY'S DESIGNEE;

(6) THE SECRETARY OF NATURAL RESOURCES, OR THE SECRETARY'S DESIGNEE;

(7) THE SECRETARY OF PLANNING, OR THE SECRETARY'S DESIGNEE;

(8) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE STATE SUPERINTENDENT'S DESIGNEE;

(9) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S DESIGNEE;

(10) THE SECRETARY OF GENERAL SERVICES, OR THE SECRETARY'S DESIGNEE;

(11) THE DIRECTOR OF THE MARYLAND ENERGY ADMINISTRATION, OR THE DIRECTOR'S DESIGNEE;

(12) THE PRESIDENT OF THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE, OR THE PRESIDENT'S DESIGNEE;

(13) THE CHAIR OF THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, OR THE CHAIR'S DESIGNEE;

(14) ONE MEMBER APPOINTED BY THE FARM BUREAU REPRESENTING THE AGRICULTURE COMMUNITY;

~~(13) (14) (15)~~ ONE MEMBER APPOINTED BY THE ~~PRESIDENT OF THE SENATE~~ MARYLAND ASSOCIATION OF COUNTIES AND ONE MEMBER APPOINTED BY THE ~~SPEAKER OF THE HOUSE OF DELEGATES~~ MARYLAND MUNICIPAL LEAGUE TO REPRESENT LOCAL GOVERNMENTS;

~~(14) (15) (16)~~ ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES TO REPRESENT THE BUSINESS COMMUNITY;

~~(15) (16) (17)~~ ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES TO REPRESENT ENVIRONMENTAL NONPROFIT ORGANIZATIONS;

~~(17) (18)~~ ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE TO REPRESENT ORGANIZED LABOR ~~IN~~, ONE OF WHOM SHALL REPRESENT THE BUILDING OR CONSTRUCTION TRADES AND ONE OF WHOM SHALL REPRESENT THE MANUFACTURING INDUSTRY;

~~(18) (19)~~ ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE TO REPRESENT PHILANTHROPIC ORGANIZATIONS;

~~(16) (19) (20)~~ ONE CLIMATE CHANGE EXPERT APPOINTED BY THE GOVERNOR REPRESENTING A UNIVERSITY LOCATED IN MARYLAND; AND

~~(17) (20) (21)~~ ONE PUBLIC HEALTH EXPERT APPOINTED BY THE GOVERNOR REPRESENTING A UNIVERSITY LOCATED IN MARYLAND.

(B) ~~THE PRESIDENT OF THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE~~ SECRETARY OF THE ENVIRONMENT OR THE ~~PRESIDENT'S SECRETARY'S~~ DESIGNEE SHALL CHAIR THE COMMISSION.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE TERM OF ~~A AN APPOINTED MEMBER APPOINTED BY THE GOVERNOR, PRESIDENT OF THE SENATE, OR SPEAKER OF THE HOUSE OF DELEGATES~~ IS 2 YEARS.

(2) THE GOVERNOR, PRESIDENT OF THE SENATE, AND SPEAKER OF THE HOUSE OF DELEGATES SHALL STAGGER THE TERMS OF THE INITIAL APPOINTED MEMBERS.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR INCOMPETENCE, MISCONDUCT, OR FAILURE TO PERFORM THE DUTIES OF THE POSITION.

(D) A MEMBER OF THE COMMISSION MAY NOT RECEIVE COMPENSATION, BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

2-1303.

(A) THE COMMISSION SHALL ESTABLISH:

- (1) A SCIENTIFIC AND TECHNICAL WORKING GROUP;
- (2) A GREENHOUSE GAS MITIGATION WORKING GROUP;
- (3) AN ADAPTATION AND RESPONSE WORKING GROUP; AND
- (4) AN EDUCATION, COMMUNICATION, AND OUTREACH WORKING GROUP.

(B) THE COMMISSION MAY ESTABLISH OTHER WORKING GROUPS AS NEEDED.

(C) THE CHAIR OF THE COMMISSION SHALL APPOINT WORKING GROUP MEMBERS WHO REPRESENT BOTH PUBLIC AND PRIVATE INTERESTS IN CLIMATE CHANGE, INCLUDING REPRESENTATIVES OF:

- (1) ACADEMIC INSTITUTIONS;

(2) RENEWABLE AND TRADITIONAL ENERGY PROVIDERS;

(3) ENVIRONMENTAL ORGANIZATIONS;

(4) GOVERNMENT AGENCIES;

(5) LABOR ORGANIZATIONS; AND

(6) BUSINESS INTERESTS, INCLUDING THE INSURANCE ~~INDUSTRY~~
AND REAL ESTATE INDUSTRIES.

(D) THE COMMISSION SHALL PRIORITIZE WORKING GROUP ACTIONS, INCLUDING:

(1) STRENGTHENING AND MAINTAINING EXISTING STATE CLIMATE ACTION PLANS;

(2) DEVELOPING BROAD PUBLIC AND PRIVATE PARTNERSHIPS WITH LOCAL, STATE, AND FEDERAL AGENCIES;

(3) COMMUNICATING WITH AND EDUCATING CITIZENS ABOUT THE URGENCY OF ACTING TO REDUCE THE IMPACTS OF CLIMATE CHANGE;

(4) MAINTAINING AN INVENTORY OF MARYLAND'S GREENHOUSE GAS EMISSIONS SOURCES AND CARBON SINKS;

(5) ADDRESSING ANY DISPROPORTIONATE IMPACTS OF CLIMATE CHANGE ON LOW-INCOME AND VULNERABLE COMMUNITIES;

(6) ASSESSING THE IMPACTS THAT CLIMATE CHANGE MAY HAVE ON THE STATE'S ECONOMY, REVENUES, AND INVESTMENT DECISIONS;

(7) ASSESSING THE NEEDS FOR UTILITIES AND OTHER PUBLIC AND PRIVATE SERVICE PROVIDERS THROUGHOUT THE STATE TO ADJUST THEIR OPERATING PRACTICES AND INVESTMENT STRATEGIES TO MITIGATE THE IMPACTS OF CLIMATE CHANGE ON THEIR CUSTOMERS AND THE PUBLIC;

~~(7)~~ (8) ASSESSING THE IMPACTS THAT CLIMATE CHANGE MAY HAVE ON AGRICULTURE IN THE STATE;

~~(8)~~ (9) RECOMMENDING SHORT- AND LONG-TERM STRATEGIES AND INITIATIVES TO BETTER MITIGATE, PREPARE FOR, AND ADAPT TO THE CONSEQUENCES OF CLIMATE CHANGE;

~~(9)~~ **(10)** ASSISTING LOCAL GOVERNMENTS IN SUPPORTING COMMUNITY-SCALE CLIMATE VULNERABILITY ASSESSMENTS AND THE DEVELOPMENT AND INTEGRATION OF SPECIFIC STRATEGIES INTO LOCAL PLANS AND ORDINANCES;

~~(10)~~ **(11)** ESTABLISHING COMPREHENSIVE AND ACCOUNTABLE ANNUAL WORKING GROUP WORK PLANS THAT SET ANNUAL GOALS AND PERFORMANCE BENCHMARKS AND PRIORITIZE NEW AND EXISTING CLIMATE CHANGE MITIGATION AND PREPAREDNESS ACTIONS AND INITIATIVES;

~~(11)~~ **(12)** MAINTAINING A COMPREHENSIVE ACTION PLAN, WITH 5-YEAR BENCHMARKS, TO ACHIEVE SCIENCE-BASED REDUCTIONS IN MARYLAND'S GREENHOUSE GAS EMISSIONS;

~~(12)~~ **(13)** CONVENING REGULAR WORKING GROUP AND FULL COMMISSION MEETINGS TO ENSURE THAT SUFFICIENT PROGRESS IS BEING MADE ACROSS ALL SECTORS AND COMMUNITIES IN MARYLAND; AND

~~(13)~~ **(14)** CONSIDERING OTHER RELATED MATTERS AS THE COMMISSION DETERMINES TO BE NECESSARY.

2-1304.

ON OR BEFORE NOVEMBER 15 OF EACH YEAR, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE STATUS OF THE STATE'S EFFORTS TO MITIGATE THE CAUSES OF, PREPARE FOR, AND ADAPT TO THE CONSEQUENCES OF CLIMATE CHANGE, INCLUDING FUTURE PLANS AND RECOMMENDATIONS FOR LEGISLATION, IF ANY, TO BE CONSIDERED BY THE GENERAL ASSEMBLY.

2-1305.

(A) (1) EACH STATE AGENCY SHALL REVIEW ITS PLANNING, REGULATORY, AND FISCAL PROGRAMS TO IDENTIFY AND RECOMMEND ACTIONS TO MORE FULLY INTEGRATE THE CONSIDERATION OF MARYLAND'S GREENHOUSE GAS REDUCTION GOAL AND THE IMPACTS OF CLIMATE CHANGE.

(2) THE REVIEW SHALL INCLUDE THE CONSIDERATION OF:

(I) SEA LEVEL RISE;

(II) STORM SURGES AND FLOODING;

- (III) INCREASED PRECIPITATION AND TEMPERATURE; AND
- (IV) EXTREME WEATHER EVENTS.

(B) EACH STATE AGENCY SHALL IDENTIFY AND RECOMMEND SPECIFIC POLICY, PLANNING, REGULATORY, AND FISCAL CHANGES TO EXISTING PROGRAMS THAT DO NOT CURRENTLY SUPPORT THE STATE'S GREENHOUSE GAS REDUCTION EFFORTS OR ADDRESS CLIMATE CHANGE.

(C) (1) THE FOLLOWING STATE AGENCIES SHALL REPORT ANNUALLY ON THE STATUS OF PROGRAMS THAT SUPPORT THE STATE'S GREENHOUSE GAS REDUCTION EFFORTS OR ADDRESS CLIMATE CHANGE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE COMMISSION AND THE GOVERNOR:

- (I) THE DEPARTMENT;
- (II) THE DEPARTMENT OF AGRICULTURE;
- (III) THE DEPARTMENT OF GENERAL SERVICES;
- (IV) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT;
- (V) THE DEPARTMENT OF NATURAL RESOURCES;
- (VI) THE DEPARTMENT OF PLANNING;
- (VII) THE DEPARTMENT OF TRANSPORTATION;
- (VIII) THE MARYLAND ENERGY ADMINISTRATION;
- (IX) THE MARYLAND INSURANCE ADMINISTRATION;
- (X) THE PUBLIC SERVICE COMMISSION; AND
- (XI) THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE.

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

- (I) PROGRAM DESCRIPTIONS AND OBJECTIVES;

- (II) **IMPLEMENTATION MILESTONES, WHETHER OR NOT THEY HAVE BEEN MET;**
- (III) **ENHANCEMENT OPPORTUNITIES;**
- (IV) **FUNDING;**
- (V) **CHALLENGES;**
- (VI) **ESTIMATED GREENHOUSE GAS EMISSIONS REDUCTIONS, BY PROGRAM, FOR THE PRIOR CALENDAR YEAR; AND**
- (VII) **ANY OTHER INFORMATION THAT THE AGENCY CONSIDERS RELEVANT.**

2-1306.

(A) **THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE SHALL ESTABLISH SCIENCE-BASED SEA LEVEL RISE PROJECTIONS FOR MARYLAND'S COASTAL AREAS AND UPDATE THEM AT LEAST EVERY 5 YEARS.**

(B) **THE SCIENCE-BASED SEA LEVEL RISE PROJECTIONS SHALL INCLUDE MAPS THAT INDICATE THE AREAS OF THE STATE THAT MAY BE MOST AFFECTED BY STORM SURGES, FLOODING, AND EXTREME WEATHER EVENTS.**

(C) **THE SCIENCE-BASED SEA LEVEL RISE PROJECTIONS REQUIRED UNDER THIS SECTION SHALL BE MADE PUBLICLY AVAILABLE ON THE INTERNET.**

SECTION 2. AND BE IT FURTHER ENACTED, That, before June 1, 2016, nothing in this Act shall be construed to affect the current membership and duties of the Maryland Commission on Climate Change, established by Executive Order 01.01.2014.14. It is the intent of the General Assembly that the Maryland Commission on Climate Change, established by Executive Order 01.01.2014.14, shall continue to meet and complete its tasks for 1 year following the enactment of this Act and until members are appointed to the Maryland Commission on Climate Change, established by this Act, in accordance with Section 3 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before July 1, 2016, the members and working group members of the Maryland Commission on Climate Change, established in accordance with Section 1 of this Act, shall be appointed and a meeting shall be convened. Nothing in this Act shall preclude the appointment of a member to the Maryland Commission on Climate Change, established in accordance with this Act, who served as a member of the Maryland Commission on Climate Change, established by Executive Order 01.01.2014.14.

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before October 1, 2016, each working group established by Section 1 of this Act shall meet and establish a work plan.

~~SECTION 2. AND BE IT FURTHER ENACTED, That on or before September 1, 2015, the Commission shall be convened and working group members shall be appointed. On or before October 1, 2015, each working group shall meet and establish a work plan.~~

SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 262 – *Maryland Building Performance Standards – Modifications – Energy Codes*.

This bill requires the Department of Housing and Community Development, subject to specified provisions, to adopt modifications to the Maryland Building Performance Standards that allow any innovative approach, design, equipment, or method of construction that can be demonstrated to offer performance that is at least the equivalent to the requirements of specified international energy conservation and energy efficiency codes.

House Bill 323, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 262.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 262

AN ACT concerning

**Maryland Building Performance Standards – Modifications – Energy Codes –
~~Local Authority~~**

FOR the purpose of ~~authorizing a local jurisdiction to adopt local amendments~~ requiring the Department of Housing and Community Development, subject to certain provisions, to adopt modifications to the Maryland Building Performance Standards that ~~are~~ allow any innovative approach, design, equipment, or method of construction that can be demonstrated to offer performance that is at least the equivalent to the requirements of certain international energy conservation and energy efficiency codes; and generally relating to building performance standards.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section ~~12-504~~ 12-503
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Public Safety

12-503.

(a) (1) The Department shall adopt by regulation, as the Maryland Building Performance Standards, the International Building Code, including the International Energy Conservation Code, with the modifications incorporated by the Department under subsection (b) of this section.

(2) The Department shall adopt each subsequent version of the Standards within 12 months after it is issued.

(b) (1) Before adopting each version of the Standards, the Department shall:

(i) review the International Building Code to determine whether modifications should be incorporated in the Standards;

(ii) consider changes to the International Building Code to enhance energy conservation and efficiency;

(III) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2)(II) OF THIS SUBSECTION, ADOPT MODIFICATIONS TO THE STANDARDS THAT ALLOW ANY INNOVATIVE APPROACH, DESIGN, EQUIPMENT, OR METHOD OF CONSTRUCTION THAT CAN BE DEMONSTRATED TO OFFER PERFORMANCE THAT IS AT LEAST THE EQUIVALENT TO THE REQUIREMENTS OF:

1. THE INTERNATIONAL ENERGY CONSERVATION CODE;

2. CHAPTER 13, “ENERGY EFFICIENCY”, OF THE INTERNATIONAL BUILDING CODE; OR

3. CHAPTER 11, “ENERGY EFFICIENCY”, OF THE INTERNATIONAL RESIDENTIAL CODE;

~~[(iii)] (IV) accept written comments;~~

~~[(iv)] (V) consider any comments received; and~~

~~[(v)] (VI) hold a public hearing on each proposed modification.~~

(2) (i) Except as provided in subparagraph (ii) of this paragraph and § 12-510 of this subtitle, the Department may not adopt, as part of the Standards, a modification of a building code requirement that is more stringent than the requirement in the International Building Code.

(ii) The Department may adopt energy conservation requirements that are more stringent than the requirements in the International Energy Conservation Code, but may not adopt energy conservation requirements that are less stringent than the requirements in the International Energy Conservation Code.

(c) The Standards apply to each building or structure in the State for which a building permit application is received by a local jurisdiction on or after August 1, 1995.

(d) In addition to the Standards, the Department may adopt by regulation the International Green Construction Code.

~~12-504.~~

~~(a) (1) A local jurisdiction may adopt local amendments to the Standards if the local amendments do not:~~

~~(i) prohibit the minimum implementation and enforcement activities set forth in § 12-505 of this subtitle;~~

~~(ii) weaken energy conservation and efficiency provisions contained in the Standards;~~

~~(iii) except as provided in paragraph (3) of this subsection, weaken the automatic fire sprinkler systems provisions for townhouses and one and two family dwellings contained in the Standards; or~~

~~(iv) weaken wind design and wind-borne debris provisions contained in the Standards.~~

~~(2) (i) Regardless of whether the International Green Construction Code is adopted by the Department under § 12-503(d) of this subtitle, a local jurisdiction may adopt the International Green Construction Code.~~

~~(ii) A local jurisdiction may make local amendments to the International Green Construction Code.~~

~~(3) Paragraph (1)(iii) of this subsection does not apply to:~~

~~(i) standards governing issuance of a building permit for a property not connected to an electrical utility; or~~

~~(ii) until January 1, 2016, standards governing issuance of a building permit for a new one- or two-family dwelling constructed on:~~

~~1. a lot subject to a valid unexpired public works utility agreement that was executed before March 1, 2011; or~~

~~2. a lot served by an existing water service line from a water main to the property line that:~~

~~A. is less than a nominal 1-inch size;~~

~~B. is approved and owned by the public or private water system that owns the mains;~~

~~C. was installed before March 1, 2011; and~~

~~D. is fully operational from the public or private main to a curb stop or meter pit located at the property line.~~

~~(b) If a local jurisdiction adopts a local amendment to the Standards, the Standards as amended by the local jurisdiction apply in the local jurisdiction.~~

~~(c) (1) If a local amendment conflicts with the Standards, the local amendment prevails in the local jurisdiction.~~

~~(2) A LOCAL JURISDICTION MAY ADOPT LOCAL AMENDMENTS TO THE STANDARDS THAT ARE EQUIVALENT TO THE REQUIREMENTS OF:~~

~~(i) THE INTERNATIONAL ENERGY CONSERVATION CODE;~~

~~(H) CHAPTER 13, “ENERGY EFFICIENCY”, OF THE INTERNATIONAL BUILDING CODE; OR~~

~~(H) CHAPTER 11, “ENERGY EFFICIENCY”, OF THE INTERNATIONAL RESIDENTIAL CODE.~~

~~(d) A local jurisdiction that adopts a local amendment to the Standards shall ensure that the local amendment is adopted in accordance with applicable local law.~~

~~(e) To keep the database established under this subtitle current, a local jurisdiction that adopts a local amendment to the Standards shall provide a copy of the local amendment to the Department:~~

~~(1) at least 15 days before the effective date of the amendment; or~~

~~(2) within 5 days after the adoption of an emergency local amendment.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 270 – *Protective Order and Peace Order Petitions – Maryland Residents*.

This bill authorizes the filing of a protective order petition if the abuse is alleged to have occurred in the State or if the person eligible for relief is a resident of the State; authorizes the filing of a peace order petition if a specified act is alleged to have occurred in the State or if the petitioner is a resident of the State; and declares that it is the intent of the General Assembly that an order for protection issued by a court of this State shall be accorded full faith and credit by a court of another state.

House Bill 390, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 270.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 270

AN ACT concerning

Protective Order and Peace Order Petitions – Maryland Residents

FOR the purpose of authorizing the filing of a protective order petition if the abuse is alleged to have occurred in the State or if the person eligible for relief is a resident of the State; authorizing the filing of a peace order petition if a certain act is alleged to have occurred in the State or if the petitioner is a resident of the State; declaring that it is the intent of the General Assembly that an order for protection issued by a court of this State shall be accorded full faith and credit by a court of another state to the extent required by federal law; and generally relating to protective orders and peace orders.

BY repealing and reenacting, with amendments,
 Article – Family Law
 Section 4–504(a) and 4–508.1
 Annotated Code of Maryland
 (2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section 3–1503(a)
 Annotated Code of Maryland
 (2013 Replacement Volume and 2014 Supplement)

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

Article – Family Law

4–504.

(a) **(1)** A petitioner may seek relief from abuse by filing with a court, or with a commissioner under the circumstances specified in § 4–504.1(a) of this subtitle, a petition that alleges abuse of any person eligible for relief by the respondent.

(2) A PETITION MAY BE FILED UNDER THIS SUBTITLE IF:

(I) THE ABUSE IS ALLEGED TO HAVE OCCURRED IN THE STATE;

OR

(II) THE PERSON ELIGIBLE FOR RELIEF IS A RESIDENT OF THE STATE, REGARDLESS OF WHETHER THE ABUSE IS ALLEGED TO HAVE OCCURRED IN THE STATE.

4–508.1.

(a) (1) In this section, “order for protection” means a temporary or final order or injunction that:

(i) is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person;

(ii) is issued by a civil court in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection or by a criminal court; and

(iii) is obtained by filing an independent action or as a pendente lite order in another proceeding.

(2) “Order for protection” does not include a support or child custody order.

(b) An order for protection issued by a court of another state or a Native American tribe shall be accorded full faith and credit by a court of this State and shall be enforced:

(1) in the case of an ex parte order for protection, only to the extent that the order affords relief that is permitted under § 4–505 of this subtitle; and

(2) in the case of an order for protection, other than an ex parte order for protection, only to the extent that the order affords relief that is permitted under § 4–506(d) of this subtitle.

(c) A law enforcement officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of an order for protection that was issued by a court of another state or a Native American tribe and is in effect at the time of the violation if the person seeking the assistance of the law enforcement officer:

(1) has filed with the District Court or circuit court for the jurisdiction in which the person seeks assistance a copy of the order; or

(2) displays or presents to the law enforcement officer a copy of the order that appears valid on its face.

(d) A law enforcement officer acting in accordance with this section shall be immune from civil liability if the law enforcement officer acts in good faith and in a reasonable manner.

(E) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT AN ORDER FOR PROTECTION ISSUED BY A COURT OF THIS STATE SHALL BE ACCORDED FULL FAITH AND CREDIT BY A COURT OF ANOTHER STATE TO THE EXTENT REQUIRED BY FEDERAL LAW.

Article – Courts and Judicial Proceedings

3–1503.

(a) **(1)** A petitioner may seek relief under this subtitle by filing with the court, or with a commissioner under the circumstances specified in § 3–1503.1(a) of this subtitle, a petition that alleges the commission of any of the following acts against the petitioner by the respondent, if the act occurred within 30 days before the filing of the petition:

[(1)] (I) An act that causes serious bodily harm;

[(2)] (II) An act that places the petitioner in fear of imminent serious bodily harm;

[(3)] (III) Assault in any degree;

[(4)] (IV) Rape or sexual offense under §§ 3–303 through 3–308 of the Criminal Law Article or attempted rape or sexual offense in any degree;

[(5)] (V) False imprisonment;

[(6)] (VI) Harassment under § 3–803 of the Criminal Law Article;

[(7)] (VII) Stalking under § 3–802 of the Criminal Law Article;

[(8)] (VIII) Trespass under Title 6, Subtitle 4 of the Criminal Law Article; or

[(9)] (IX) Malicious destruction of property under § 6–301 of the Criminal Law Article.

(2) A PETITION MAY BE FILED UNDER THIS SUBTITLE IF:

(I) THE ACT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IS ALLEGED TO HAVE OCCURRED IN THE STATE; OR

(II) THE PETITIONER IS A RESIDENT OF THE STATE, REGARDLESS OF WHETHER THE ACT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IS ALLEGED TO HAVE OCCURRED IN THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 286 – *Law Enforcement Officers' Pension System – Division of Parole and Probation – Warrant Apprehension Unit Employees – Membership*.

This bill provides for the membership of employees of the Warrant Apprehension Unit in the Law Enforcement Officers' Pension System; authorizes specified employees of the Warrant Apprehension Unit to transfer membership to the Law Enforcement Officers' Pension System on or before December 31, 2015; and requires the Board of Trustees for the State Retirement and Pension System to transfer specified funds to the annuity savings fund of the Law Enforcement Officers' Pension System.

House Bill 694, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 286.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 286

AN ACT concerning

Law Enforcement Officers' Pension System – Division of Parole and Probation – Warrant Apprehension Unit Employees – Membership

FOR the purpose of providing for the membership of employees of the Warrant Apprehension Unit in the Law Enforcement Officers' Pension System; authorizing certain employees of the Warrant Apprehension Unit to transfer membership to the Law Enforcement Officers' Pension System by a certain date; requiring the Board of Trustees for the State Retirement and Pension System to transfer certain funds to

the accumulation fund of the Law Enforcement Officers' Pension System; requiring certain members of the Warrant Apprehension Unit to deposit certain amounts in the annuity savings fund of the Law Enforcement Officers' Pension System; requiring the Board of Trustees to transfer certain funds to the annuity savings fund of the Law Enforcement Officers' Pension System; providing that certain accumulated contributions shall reduce the amount of a required deposit to the annuity savings fund of the Law Enforcement Officers' Pension System; and generally relating to membership in the Law Enforcement Officers' Pension System.

BY repealing and reenacting, without amendments,

Article – Correctional Services

Section 6–106

Annotated Code of Maryland

(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 26–201(a), 26–202, and 26–203.1

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY adding to

Article – State Personnel and Pensions

Section 26–203.4

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

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

Article – Correctional Services

6–106.

(a) There is a Warrant Apprehension Unit in the Division of Parole and Probation.

(b) The Director may authorize parole and probation employees of the Warrant Apprehension Unit to:

(1) execute warrants for the retaking of offenders;

(2) execute warrants for the arrest of probationers for whom a warrant is issued for an alleged violation of probation;

(3) obtain and execute search warrants as authorized under § 6–109 of this subtitle; and

(4) arrest offenders in the program as authorized under § 2–207 of the Criminal Procedure Article.

(c) A parole and probation employee who is authorized to make arrests under this section shall:

(1) meet the minimum qualifications required by the Maryland Police Training Commission; and

(2) complete satisfactorily the training prescribed by the Maryland Police Training Commission.

(d) A parole and probation employee who is authorized to make arrests under this section may also exercise the powers of a peace officer and police officer.

Article – State Personnel and Pensions

26–201.

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

(1) an employee of the Department of Natural Resources commissioned by the Secretary of Natural Resources as:

(i) a Natural Resources police officer; or

(ii) a law enforcement officer, other than a Natural Resources police officer;

(2) a law enforcement officer employed by the Field Enforcement Bureau;

(3) a member of the Maryland Transportation Authority Police Force who has the powers granted to a police officer under § 4–208 of the Transportation Article;

(4) a deputy sheriff employed by the Baltimore City Sheriff's Department;

(5) a member of the University of Maryland Police Force who has the powers granted to a police officer under § 13–601 of the Education Article;

(6) a law enforcement officer or firefighter employed by a participating governmental unit that on or after July 1, 1999 has elected to participate in the Law Enforcement Officers' Pension System;

(7) the State Fire Marshal or a Deputy State Fire Marshal;

(8) a member of the Morgan State University Police Force who has the powers granted to a police officer under § 14–106 of the Education Article;

(9) a member of the BWI Airport Fire & Rescue Department;

(10) a member of the Department of General Services Police Force who has the powers granted to a police officer under § 4–605 of the State Finance and Procurement Article;

(11) an employee of the Department of Health and Mental Hygiene commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental Hygiene police officer;

(12) an employee of the Motor Vehicle Administration commissioned by the Secretary of Transportation as a Motor Vehicle Administration police officer;

(13) an employee of the Department of Labor, Licensing, and Regulation commissioned by the Secretary of Labor, Licensing, and Regulation as a Labor, Licensing, and Regulation police officer;

(14) a firefighter or law enforcement officer for the Martin State Airport employed by the Military Department;

(15) a police officer employed by the Division of Rehabilitation Services in the Department of Education, certified in accordance with the Maryland Police and Correctional Training Commissions;

(16) a firefighter or paramedic employed by the Salisbury Fire Department who is eligible to be a member as provided in Title 31, Subtitle 2A of this article;

(17) an aviator employed by the Department of State Police to operate an aircraft for the State Emergency Medical System;

(18) a member of the Maryland Transit Administration Police Force who has the powers granted to a police officer under § 7–207 of the Transportation Article;

(19) an individual who is elected or appointed as the Baltimore City Sheriff and who does not elect to join the Employees' Pension System under Title 23 of this article within 6 months of the date the individual begins serving as the Baltimore City Sheriff;

(20) a member of the Department of Public Safety and Correctional Services Intelligence and Investigative Division who has the powers granted to a police officer under § 10–701 of the Correctional Services Article; **[or]**

(21) a police officer employed by the Baltimore City Community College who has the power granted to a police officer under § 16–513 of the Education Article; **OR**

(22) AN EMPLOYEE OF THE WARRANT APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO HAS THE POWERS GRANTED TO A PEACE OFFICER OR POLICE OFFICER UNDER § 6-106 OF THE CORRECTIONAL SERVICES ARTICLE.

26-202.

(a) Except as provided in subsection (b) of this section, an individual described in § 26-201 of this subtitle is a member of the Law Enforcement Officers' Pension System as a condition of employment.

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

(i) who was employed by the Department of Natural Resources on July 1, 1990 and who elects membership on or before December 31, 2002;

(ii) who was employed by the Field Enforcement Division on June 30, 1995 and who elects membership on or before December 31, 2002;

(iii) who was employed by the Maryland Transportation Authority on June 30, 1997 and who elects membership on or before December 31, 2002;

(iv) who was employed by the Baltimore City Sheriff's Department on June 30, 1997 and who elects membership on or before December 31, 2002;

(v) who was employed by the University of Maryland Police Force on June 30, 1999 and who elects membership on or before December 31, 2002;

(vi) who is employed by a participating governmental unit on the effective date of participation on or after July 1, 1999 for that participating governmental unit and who elects membership within 6 months of the effective date of participation;

(vii) who was employed by the Maryland Port Administration Police Force and was subsequently transferred to and employed by the Maryland Transportation Authority Police Force on July 1, 1998 and who elects membership on or before December 31, 2002;

(viii) who was employed by the office of the State Fire Marshal on June 30, 1998 and who elects membership on or before December 31, 2002;

(ix) who was employed by the Morgan State University Police Force on June 30, 1999 and who elects membership on or before December 31, 2002;

(x) who was employed by the BWI Airport Fire & Rescue Department on June 30, 2000, and who elects membership on or before December 31, 2002;

(xi) who was employed by the Department of General Services, Department of Health and Mental Hygiene, Motor Vehicle Administration, and Department of Labor, Licensing, and Regulation Police Force on June 30, 2000 and who elects membership on or before December 31, 2002;

(xii) who was employed by the Military Department as a firefighter at Martin State Airport on June 30, 2001, and who elects membership on or before December 31, 2002;

(xiii) who was employed on June 30, 2002, by the Division of Rehabilitation Services in the Department of Education as a police officer certified in accordance with the Maryland Police and Correctional Training Commissions, and who elects membership on or before December 31, 2002;

(xiv) who was employed on June 30, 2004, by the Salisbury Fire Department as a firefighter or paramedic and who elects membership on or before December 31, 2004, if eligible under Title 31, Subtitle 2A of this article;

(xv) who was employed on June 30, 2005, by the Department of State Police as an aviator operating an aircraft for the State Emergency Medical System, and who elects membership on or before December 31, 2005;

(xvi) who was employed by the Military Department as a law enforcement officer at Martin State Airport on June 30, 2007, and who elects membership on or before December 31, 2007;

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

(xviii) who was employed on July 1, 2008, as a police officer by the Baltimore City Community College Police Force and who elects membership on or before December 31, 2008; OR

(XIX) WHO WAS AN EMPLOYEE OF THE WARRANT APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO HAS POWERS GRANTED TO A PEACE OFFICER OR POLICE OFFICER UNDER § 6–106 OF THE CORRECTIONAL SERVICES ARTICLE ON JUNE 30, 2015, AND WHO ELECTS MEMBERSHIP ON OR BEFORE DECEMBER 31, 2015.

(2) To elect to be a member of the Law Enforcement Officers' Pension System, an individual shall file a written application with the State Retirement Agency.

(3) If an individual does not elect membership during the applicable period specified under paragraph (1) of this subsection, the individual may not become a member of the Law Enforcement Officers' Pension System.

26–203.1.

(a) For members who transfer from the Employees' Pension System or the Employees' Retirement System, the Board of Trustees shall transfer to the accumulation fund of the Law Enforcement Officers' Pension System the employer contributions that were made to the Employees' Retirement System and the Employees' Pension System on behalf of those members who transferred, plus the interest earned on those contributions through the date of transfer.

(b) For those full-time employees of the BWI Airport Fire & Rescue Department who were employed on or after October 1, 1993 and who elect membership in the Law Enforcement Officers' Pension System on or before December 31, 2000, the Board of Trustees shall transfer to the accumulation fund of the Law Enforcement Officers' Pension System the employer contributions made to the Employees' Retirement System and the Employees' Pension System on behalf of those transferring members, plus the interest earned on those contributions through the date of transfer.

(c) (1) For members who transfer from a local pension system, the local pension system shall transfer to the Board of Trustees the employer contributions that were made to the local pension system on behalf of those members who transferred, plus the interest earned on those contributions through the date of transfer.

(2) The Board of Trustees shall deposit any funds transferred under paragraph (1) of this subsection in the accumulation fund of the Law Enforcement Officers' Pension System.

(d) (1) On or before January 1, 2006, for members who transfer from the Maryland Transit Administration Pension System established under § 7–603 of the Transportation Article, the Maryland Transit Administration shall transfer to the Board of Trustees the employer contributions made to the pension system established under § 7–603 of the Transportation Article on behalf of those members who transfer, plus the interest earned on those contributions through July 1, 2005.

(2) The Board of Trustees shall deposit any funds transferred under paragraph (1) of this subsection in the accumulation fund of the Law Enforcement Officers' Pension System.

(e) (1) This subsection applies to members of the Department of Public Safety and Correctional Services Intelligence and Investigative Division who:

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

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

(2) The Board of Trustees shall transfer to the accumulation fund of the Law Enforcement Officers' Pension System the employer contributions made to the Correctional Officers' Retirement System or the Employees' Pension System on behalf of those members under paragraph (1) of this subsection, plus the interest earned on those contributions through the date of transfer.

(F) (1) THIS SUBSECTION APPLIES TO A MEMBER OF THE WARRANT APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO:

(I) HAS THE POWERS GRANTED TO A PEACE OFFICER OR POLICE OFFICER UNDER § 6-106 OF THE CORRECTIONAL SERVICES ARTICLE; AND

(II) TRANSFERS TO THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM ON OR BEFORE DECEMBER 31, 2015.

(2) THE BOARD OF TRUSTEES SHALL TRANSFER TO THE ACCUMULATION FUND OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM THE EMPLOYER CONTRIBUTIONS MADE TO ~~THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM~~ OR THE EMPLOYEES' PENSION SYSTEM ON BEHALF OF THOSE MEMBERS UNDER PARAGRAPH (1) OF THIS SUBSECTION, PLUS THE INTEREST EARNED ON THOSE CONTRIBUTIONS THROUGH THE DATE OF TRANSFER.

26-203.4.

(A) THIS SECTION APPLIES TO AN EMPLOYEE OF THE WARRANT APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO:

(1) HAS THE POWERS GRANTED TO A PEACE OFFICER OR POLICE OFFICER UNDER § 6-106 OF THE CORRECTIONAL SERVICES ARTICLE; AND

(2) TRANSFERS TO THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM ON OR BEFORE DECEMBER 31, 2015.

(B) A MEMBER SHALL DEPOSIT IN THE ANNUITY SAVINGS FUND OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM:

(1) CONTRIBUTIONS AT THE RATES SPECIFIED UNDER § 26–204 OF THIS SUBTITLE; AND

(2) REGULAR INTEREST ON THE CONTRIBUTIONS REQUIRED UNDER ITEM (1) OF THIS SUBSECTION AT THE RATE OF 5% PER YEAR COMPOUNDED ANNUALLY.

(C) (1) THE BOARD OF TRUSTEES SHALL TRANSFER A MEMBER'S ACCUMULATED CONTRIBUTIONS FROM THE ANNUITY SAVINGS FUND OF THE EMPLOYEE'S PENSION SYSTEM TO THE ANNUITY SAVINGS FUND OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM.

(2) THE AMOUNT A MEMBER IS REQUIRED TO DEPOSIT UNDER SUBSECTION (B) OF THIS SECTION SHALL BE REDUCED BY THE AMOUNT OF ACCUMULATED CONTRIBUTIONS TRANSFERRED UNDER THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 295 – *Prince George's County – Education – Youth Wellness Leadership Pilot Program*.

This bill establishes the Youth Wellness Leadership Pilot Program in Prince George's County; requires the Prince George's County Board of Education, after consultation with the Department of Health and Mental Hygiene, to implement the Program for 125 students in public high schools in Prince George's County; authorizes the Board of Education to collaborate with specified local community organizations; specifies the purpose of the Program; and requires the Board of Education to report annually.

House Bill 197, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 295.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 295

AN ACT concerning

Prince George's County – Education – Youth Wellness Leadership Pilot Program

FOR the purpose of establishing the Youth Wellness Leadership Pilot Program in ~~the State Department of Education~~ Prince George's County; requiring the ~~Department~~ Prince George's County Board of Education, after consultation with the Department of Health and Mental Hygiene, to implement the Program for a certain number of students in public high schools in Prince George's County; authorizing the ~~State Department of Education~~ Prince George's County Board of Education to collaborate with certain local community organizations; specifying the purpose of the Program; defining a certain term; requiring the ~~State Department of Education~~ Prince George's County Board of Education to report annually to certain committees of the General Assembly; authorizing the Prince George's County Board of Education to use certain funds to implement certain provisions of law; providing for the termination of this Act; and generally relating to the Youth Wellness Leadership Pilot Program in Prince George's County.

BY adding to

Article – Education

Section 7–415.1

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

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

Article – Education

7–415.1.

(A) IN THIS SECTION, “PROGRAM” MEANS THE YOUTH WELLNESS LEADERSHIP PILOT PROGRAM IN ~~THE DEPARTMENT~~ PRINCE GEORGE'S COUNTY.

(B) THIS SECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

~~(B)~~ (C) THERE IS A YOUTH WELLNESS LEADERSHIP PILOT PROGRAM IN THE DEPARTMENT PRINCE GEORGE'S COUNTY.

~~(C)~~ (D) ~~THE DEPARTMENT~~ PRINCE GEORGE'S COUNTY BOARD OF EDUCATION, AFTER CONSULTATION WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, SHALL ESTABLISH THE PROGRAM FOR 125 STUDENTS IN PUBLIC HIGH SCHOOLS IN PRINCE GEORGE'S COUNTY.

~~(D)~~ (E) ~~THE DEPARTMENT~~ PRINCE GEORGE'S COUNTY BOARD OF EDUCATION MAY COLLABORATE WITH LOCAL COMMUNITY ORGANIZATIONS INVOLVED IN YOUTH-LED HEALTH AND WELLNESS ADVOCACY PROGRAMS.

~~(E)~~ (F) THE PURPOSE OF THE PROGRAM IS TO:

(1) PROMOTE YOUTH-LED HEALTH AND WELLNESS ADVOCACY SKILLS; AND

(2) TEACH STUDENTS WHO PARTICIPATE IN THE PROGRAM SKILLS IN THE FOLLOWING AREAS:

(I) HEALTH AND WELLNESS;

(II) ACADEMIC PERFORMANCE;

(III) PEER EDUCATION;

(IV) LEADERSHIP;

(V) CAREER DEVELOPMENT; AND

(VI) ECONOMIC WELL-BEING.

~~(F)~~ (G) ~~THE DEPARTMENT~~ PRINCE GEORGE'S COUNTY BOARD OF EDUCATION SHALL REPORT ANNUALLY TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE COMMITTEE ON WAYS AND MEANS, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE EFFECTIVENESS OF THE PROGRAM.

(H) TO IMPLEMENT THE PROVISIONS OF THIS SECTION, THE PRINCE GEORGE'S COUNTY BOARD OF EDUCATION MAY USE FUNDS DONATED FROM A LOCAL COMMUNITY ORGANIZATION SPECIFIED IN SUBSECTION (E) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015. It shall remain effective for a period of 3 years and, at the end of September

30, 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 328 – *Private Detective Agencies – License Terms*.

This bill alters the term of a license to conduct business to provide private detective services to 3 years.

House Bill 479, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 328.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 328

AN ACT concerning

Private Detective Agencies – License Terms

FOR the purpose of altering the term of a license to conduct business to provide private detective services; making a conforming change; and generally relating to private detective agencies.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 13–101(a), (f), and (l) and 13–301
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions
Section 13–308
Annotated Code of Maryland
(2010 Replacement Volume and 2014 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

13–101.

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

(f) “License” means, unless the context requires otherwise, a license issued by the Secretary to conduct a business to provide private detective services.

(l) “Secretary” means the Secretary of State Police.

13–301.

(a) Except as otherwise provided in this title, a person shall be licensed by the Secretary as a private detective agency before the person may:

(1) conduct a business that provides private detective services in the State;
and

(2) solicit to engage in a business that provides private detective services in the State.

(b) An individual or a firm may qualify for a license as a private detective agency.

13–308.

(a) By regulation, the Secretary shall stagger the terms of the licenses.

(b) Unless a license is renewed for a [2–year] **3–YEAR** term as provided in this section, the license expires on the day that the Secretary sets.

(c) At least 1 month before a license expires, the Secretary shall mail to the licensee, at the last known address of the licensee:

(1) a renewal application form; and

(2) a notice that states:

(i) the date on which the current license expires;

(ii) that the Secretary must receive the renewal application and the statements required under § 13–309 of this subtitle, at least 15 days before the license expiration date, for the renewal to be issued and mailed before the license expires;

(iii) the amount of the renewal fee;

(iv) that, if the statements required under § 13–309 of this subtitle are not received at least 15 days before the license expiration date, a fee of \$10 per day shall be charged against the licensee until the statements are received; and

(v) that the submission of a false statement in the renewal application or in the annual statements is cause for revocation of the license.

(d) A licensee periodically may renew the license for an additional [2-year] ~~3-YEAR~~ term, if the licensee:

(1) otherwise is entitled to be licensed;

(2) pays to the Secretary:

(i) a renewal fee of:

1. \$200, if the licensee is an individual; or

2. \$400, if the licensee is a firm; and

(ii) any late fee required under § 13–309 of this subtitle; and

(3) submits to the Secretary:

(i) a renewal application on the form that the Secretary provides;

and

(ii) the statements required under § 13–309 of this subtitle.

(e) The Secretary shall renew the license of each licensee who meets the requirements of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

The Honorable Thomas V. Mike Miller, Jr.

President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 334 – *The Hunger-Free Schools Act of 2015*.

This bill alters a specified definition for fiscal years 2017 and 2018 to determine the number of students used to calculate the State compensatory education grant for schools that participate in the federal community eligibility provision for school meals; and requires the State Department of Education, the Department of Budget and Management, and the Department of Legislative Services to submit a specified report to specified committees of the General Assembly on or before December 1, 2015.

House Bill 965, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 334.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 334

AN ACT concerning

The Hunger-Free Schools Act of 2015

FOR the purpose of altering a certain definition for ~~a certain fiscal year~~ years to determine the number of students used to calculate a certain grant for schools that participate in a certain federal program; ~~requiring the Maryland State Department of Education, in collaboration with certain local school systems, to report to certain committees of the General Assembly on or before a certain date;~~ requiring the State Department of Education, the Department of Budget and Management, and the Department of Legislative Services to submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to the compensatory education grant for primary and secondary education.

BY repealing and reenacting, with amendments,
Article – Education
Section 5-207(a)(3)
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)

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

Article – Education

5–207.

(a) (3) (i) Except as provided in subparagraph (ii) of this paragraph, “compensatory education enrollment count” means the number of students eligible for free or reduced price meals for the prior fiscal year.

(ii) [For fiscal year 2004, “compensatory education enrollment count” means the greater of:

1. The number of students eligible for free or reduced price meals for the prior fiscal year; or

2. The number of students eligible for free or reduced price meals for the second prior fiscal year] **FOR FISCAL YEAR ~~2017~~ YEARS 2017 THROUGH ~~2020~~ AND 2018, “COMPENSATORY EDUCATION ENROLLMENT COUNT” MEANS:**

1. THE NUMBER OF STUDENTS ELIGIBLE FOR FREE OR REDUCED PRICE MEALS FOR THE PRIOR FISCAL YEAR; OR

2. FOR COUNTY BOARDS THAT PARTICIPATE, IN WHOLE OR IN PART, IN THE UNITED STATES DEPARTMENT OF AGRICULTURE COMMUNITY ELIGIBILITY PROVISION, THE NUMBER OF STUDENTS EQUAL TO THE GREATER OF:

A. THE SUM OF THE NUMBER OF STUDENTS IN PARTICIPATING SCHOOLS IDENTIFIED BY DIRECT CERTIFICATION FOR THE PRIOR FISCAL YEAR, PLUS THE NUMBER OF STUDENTS IDENTIFIED BY THE INCOME INFORMATION PROVIDED BY THE FAMILY TO THE SCHOOL SYSTEM ON AN ALTERNATIVE FORM DEVELOPED BY THE DEPARTMENT FOR THE PRIOR FISCAL YEAR, PLUS THE NUMBER OF STUDENTS ELIGIBLE FOR FREE AND REDUCED PRICE MEALS FROM ANY SCHOOLS NOT PARTICIPATING IN THE COMMUNITY ELIGIBILITY PROVISION FOR THE PRIOR FISCAL YEAR; OR

B. SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE NUMBER OF STUDENTS ELIGIBLE FOR FREE AND REDUCED PRICE MEALS AT SCHOOLS NOT PARTICIPATING IN THE COMMUNITY ELIGIBILITY PROVISION FOR THE PRIOR FISCAL YEAR, PLUS THE PRODUCT OF THE PERCENTAGE OF STUDENTS ELIGIBLE FOR FREE AND REDUCED PRICE MEALS AT PARTICIPATING SCHOOLS FOR THE FISCAL YEAR PRIOR TO OPTING INTO THE ~~UNITED STATES DEPARTMENT OF AGRICULTURE~~ COMMUNITY ELIGIBILITY PROVISION MULTIPLIED BY THE PRIOR FISCAL YEAR ENROLLMENT.

(III) FOR THE PURPOSE OF THE CALCULATION UNDER SUBPARAGRAPH (II)2B OF THIS PARAGRAPH, THE SCHOOLS PARTICIPATING IN THE COMMUNITY ELIGIBILITY PROGRAM PROVISION DURING THE PILOT YEAR MAY USE THE PERCENTAGE OF STUDENTS IDENTIFIED FOR FREE AND REDUCED PRICE MEALS DURING THE PILOT YEAR.

~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2018, the Maryland State Department of Education, in collaboration with any local school system that opts into the United States Department of Agriculture community eligibility provision, shall report to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Committee on Ways and Means, in accordance with § 2-1246 of the State Government Article, on the impact of this Act on the amount of State aid provided to local school systems.~~

SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1, 2015, the State Department of Education, the Department of Budget and Management, and the Department of Legislative Services shall report to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Committee on Ways and Means, in accordance with § 2-1246 of the State Government Article, on:

(a) the research and analysis in the Adequacy of Funding for Education Study relating to using free and reduced-price meal eligibility as a proxy for representing economically disadvantaged students in the State compensatory education aid formula including:

(1) the proxies used in education formulas in other states, particularly states that participate in the Community Eligibility Provision of the federal Healthy, Hunger-Free Kids Act of 2010; and

(2) the identification and analysis of alternative indicators;

(b) the impact of the Community Eligibility Provision on the State compensatory aid program that uses free and reduced-price meal student count as a proxy for representing economically disadvantaged students in the State;

(c) trends in free and reduced-price meal student counts to compare the free and reduced-price meal student count used for school systems participating in the Community Eligibility Provision to the number of students who would be expected to qualify for free and reduced-price meals in the next 5 years based on past trends;

(d) preliminary recommendations on a new proxy or a revised free and reduced-price meal student count that could be used to represent economically disadvantaged students in the State compensatory education aid formula; and

(e) any proposed changes to the calculation under § 5-207(a)(3) of the Education Article, as enacted by Section 1 of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 337 – *Public Health – Expedited Partner Therapy Program – Repeal of Termination Date*.

This bill establishes the Expedited Partner Therapy Program in the Baltimore City Health Department as a permanent program; authorizes a specified advanced practice registered nurse instead of a certified nurse practitioner to dispense or otherwise provide antibiotic therapy under specified circumstances; repeals a specified reporting requirement; repeals the termination date of the Program; and makes conforming and clarifying changes.

Senate Bill 599, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 337.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 337

AN ACT concerning

Public Health – Expedited Partner Therapy Program – Repeal of Termination Date

FOR the purpose of establishing the Expedited Partner Therapy Program in the Baltimore City Health Department as a permanent program; authorizing a certain advanced

practice registered nurse instead of a certified nurse practitioner to dispense or otherwise provide antibiotic therapy under certain circumstances; repealing a certain reporting requirement; repealing the termination date of the Program; making conforming and clarifying changes; and generally relating to the Expedited Partner Therapy Program.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–214.1
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Chapter 146 of the Acts of the General Assembly of 2007, as amended by Chapter
136 of the Acts of the General Assembly of 2010
Section 2

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

Article – Health – General

18–214.1.

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

(2) “Commissioner” means the Commissioner of Health of the Baltimore City Health Department.

(3) “Program” means the Expedited Partner Therapy [Pilot] Program.

(b) There is an Expedited Partner Therapy [Pilot] Program in the Baltimore City Health Department.

(c) The purpose of the Program is to provide antibiotic therapy to the partner of a patient diagnosed with a sexually transmitted infection identified in subsection (d) of this section in order to contain the infection and stop the further spread of it.

(d) Notwithstanding any other provision of law, in a public health clinic established by the Commissioner in Baltimore City, the following health care providers may dispense or otherwise provide antibiotic therapy to any sexual partner of a patient diagnosed with chlamydia or gonorrhea without making a personal physical assessment of the patient’s partner:

(1) A physician licensed under Title 14 of the Health Occupations Article;

(2) [A certified nurse practitioner] **AN ADVANCED PRACTICE REGISTERED NURSE WITH PRESCRIPTIVE AUTHORITY CERTIFIED UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE**, ACTING in accordance with § 8–508 of the Health Occupations Article; and

(3) An authorized physician assistant **LICENSED UNDER TITLE 15 OF THE HEALTH OCCUPATIONS ARTICLE**, ACTING in accordance with § 15–302.2 of the Health Occupations Article.

(e) The Secretary shall adopt regulations to implement the requirements of this section.

[(f) On or before December 31, 2007, and each year thereafter, the Baltimore City Health Department shall report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly, on the operation and performance of the Expedited Partner Therapy Pilot Program.]

Chapter 146 of the Acts of 2007, as amended by Chapter 136 of the Acts of 2010

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2007. [It shall remain effective for a period of 8 years 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.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

May 22, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 340 – *Election Law – Voting Rights – Ex-Felons*. This bill would allow a person convicted of a felony to register to vote when the individual is released from prison even if they are still subject to parole or probation.

In addition to criminal penalties that may be imposed at sentencing, there are many collateral consequences to felony convictions under Maryland law. Felony convictions result in the loss of certain voting privileges and the right to possess and own firearms. In addition, felony convictions limits one's ability to serve on a jury, enlist in the military, or obtain select employment and professional licenses.

The fact is that persons released from incarceration on parole or mandatory supervision are still serving their time as a debt to society for their actions. Section 7-308 of the Correctional Services Article of the Annotated Code of Maryland states that a "parolee remains in legal custody until the expiration of the parolee's full, undiminished term." Similarly, regarding mandatory supervision, Section 7-502 of that Article states that an ". . . individual on mandatory supervision remains in legal custody until the expiration of the individual's full term." In other words, parole and mandatory supervision are only conditional releases from incarceration because the released inmate must comply with the conditions of release imposed by the Parole Commission. Similarly, a felon on probation would likely be supervised and have conditions imposed, the violation of which may subject the individual to incarceration.

The Maryland General Assembly passed legislation in 2002 and 2007 to restore voting rights to those individuals convicted of a felony provided that the court-ordered sentence, including any terms of parole and probation, have been completed. The current law achieves the proper balance between the repayment of obligations to society for a felony conviction and the restoration of the various restricted rights as stated above.

For these reasons, I have vetoed Senate Bill 340.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 340

AN ACT concerning

Election Law – Voting Rights – Ex-Felons

FOR the purpose of altering certain qualifications for voter registration; providing that individuals discharged from incarceration are qualified to register to vote; *making a conforming change*; ~~requiring certain State authorities to notify certain individuals of their right to vote on release from incarceration; specifying that the notice include certain information; requiring the State Administrator of Elections to make arrangements with the Department of Public Safety and Correctional Services to receive certain monthly reports concerning certain individuals with criminal convictions who are released from incarceration; requiring certain courts to notify~~

~~certain defendants concerning their voting rights prior to accepting a guilty plea and before sentencing, and generally relating to voting rights and ex-felons.~~

BY repealing and reenacting, with amendments,

Article – Election Law

Section ~~3-102 and 16-202, 3-204, 3-504, and 16-202~~

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

~~BY adding to~~

~~Article – Criminal Procedure~~

~~Section 6-234~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2014 Supplement)~~

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

Article – Election Law

3-102.

(a) (1) Except as provided in subsection (b) of this section, an individual may become registered to vote if the individual:

- (i) is a citizen of the United States;
- (ii) is at least 16 years old;
- (iii) is a resident of the State as of the day the individual seeks to register; and
- (iv) registers pursuant to this title.

(2) Notwithstanding paragraph (1)(ii) of this subsection, an individual under the age of 18 years:

- (i) may vote in a primary election in which candidates are nominated for a general or special election that will occur when the individual is at least 18 years old; and
- (ii) may not vote in any other election.

(b) An individual is not qualified to be a registered voter if the individual:

(1) has been convicted of a felony and is [actually] CURRENTLY serving a court-ordered sentence of imprisonment[, including any term of parole or probation,] for the conviction;

(2) is under guardianship for mental disability and a court of competent jurisdiction has specifically found by clear and convincing evidence that the individual cannot communicate, with or without accommodations, a desire to participate in the voting process; or

(3) has been convicted of buying or selling votes.

16-202.

(a) A person who has been convicted of a felony and is [actually] CURRENTLY serving a court-ordered sentence of imprisonment[, including any term of parole or probation,] for the conviction, and has been rendered ineligible to vote pursuant to § 3-102(b) of this article, may not vote or attempt to vote during the time that the person is rendered ineligible to vote.

(b) A person who violates this section is guilty of a felony and is subject to imprisonment for not less than 1 year nor more than 5 years.

~~3-204.~~

~~(a) (1) The State Board shall designate public agencies and nongovernmental agencies as voter registration agencies where qualified individuals may apply to register to vote.~~

~~(2) The State Board shall designate the following offices as voter registration agencies:~~

~~(i) all offices in the State that provide public assistance;~~

~~(ii) all offices in the State that provide State funded programs primarily engaged in providing services to individuals with disabilities; [and]~~

~~(iii) all public institutions of higher education in the State; AND~~

~~(IV) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.~~

~~(3) The State Board and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the armed forces of the United States, which shall be deemed voter registration agencies.~~

~~(b) Except for a public institution of higher education in the State, which institution shall comply with the requirements of subsection (c) of this section, AND THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, WHICH SHALL COMPLY WITH SUBSECTION (1) OF THIS SECTION, each voter registration agency, as provided in subsection (a)(2) and (3) of this section, shall:~~

~~(1) distribute a voter registration application approved by the State Board or the Federal Election Commission with each application for service or assistance it renders and with each recertification, renewal, or change of address form relating to such service or assistance;~~

~~(2) provide a document to prospective registrants that includes:~~

~~(i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";~~

~~(ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";~~

~~(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote together with the statement (in close proximity to the boxes and in prominent type), "If you do not check either box, you will be considered to have decided not to register to vote at this time.";~~

~~(iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.";~~

~~(v) the statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the State Board of Elections."; and~~

~~(vi) the address and toll free telephone number of the State Board;~~

~~(3) provide each applicant who does not decline to register to vote and who accepts assistance the same degree of assistance with regard to completion of the registration application as is provided by the office with regard to the completion of its own applications, unless the applicant refuses such assistance; and~~

~~(4) accept the completed voter registration application for transmittal to the appropriate election board.~~

~~(e) At the time that an individual enrolls, registers, or pays for course work provided by a public institution of higher education in the State, the institution shall~~

~~provide the individual with an opportunity to request a voter registration application. If the individual requests a voter registration application, the institution shall provide, or cause to be provided, an application to the individual.~~

~~(d) An applicant may mail the voter registration application to the appropriate State election official or return it to the voter registration agency for transmittal to the appropriate election official.~~

~~(e) Within 5 days from the acceptance of a voter registration application, the voter registration agency shall forward the application to the appropriate State election official.~~

~~(f) (1) An applicant registering to vote at a voter registration agency may affirmatively consent to the use of an electronic copy of the individual's signature that is on file with the voter registration agency as the individual's signature for the application being submitted.~~

~~(2) If an applicant signs a voter registration application as provided in paragraph (1) of this subsection, the voter registration agency shall transmit an electronic copy of the applicant's signature to the State Board within 5 days after the day on which the agency accepted the application.~~

~~(g) If a voter registration agency is an office described in subsection (a)(2)(ii) of this section, which provides services to an individual with a disability at the individual's home, the agency shall provide the services described in subsection (b) of this section at the individual's home.~~

~~(h) (1) An individual who provides any service described in subsection (b) of this section may not:~~

~~(i) seek to influence an applicant's political preference or party registration;~~

~~(ii) display any political preference or party allegiance; or~~

~~(iii) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.~~

~~(2) No information relating to a declination to register to vote in connection with an application made at an office designated as a voter registration agency may be used for any purpose other than the maintenance of voter registration statistics.~~

~~(3) Notwithstanding § 3-501 of this title and § 4-401 of the General Provisions Article, the identity of a voter registration agency through which a particular voter has registered may not be disclosed to the public.~~

~~(I) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL MEET THE REQUIREMENTS OF SUBSECTION (A)(2)(IV) OF THIS SECTION BY ESTABLISHING A PROGRAM THAT:~~

~~(1) AS PART OF THE RELEASE LEADING TO AN INDIVIDUAL'S DISCHARGE FROM A CORRECTIONAL FACILITY:~~

~~(I) NOTIFIES THE INDIVIDUAL IN WRITING THAT VOTING RIGHTS WILL BE RESTORED; AND~~

~~(II) PROVIDES THE INDIVIDUAL WITH A VOTER REGISTRATION FORM AND A DOCUMENT THAT INCLUDES:~~

~~1. THE QUESTION, "WOULD YOU LIKE TO APPLY TO REGISTER TO VOTE HERE TODAY?";~~

~~2. BOXES FOR THE APPLICANT TO CHECK TO INDICATE WHETHER THE APPLICANT WOULD LIKE TO REGISTER OR DECLINES TO REGISTER TO VOTE TOGETHER WITH THE STATEMENT (IN CLOSE PROXIMITY TO THE BOXES AND IN PROMINENT TYPE), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";~~

~~3. THE STATEMENT, "IF YOU WOULD LIKE HELP IN FILLING OUT THE VOTER REGISTRATION APPLICATION FORM, WE WILL HELP YOU. THE DECISION WHETHER TO SEEK OR ACCEPT HELP IS YOURS. YOU MAY FILL OUT THE APPLICATION FORM IN PRIVATE.";~~

~~4. THE STATEMENT, "IF YOU BELIEVE THAT SOMEONE HAS INTERFERED WITH YOUR RIGHT TO REGISTER OR TO DECLINE TO REGISTER TO VOTE, YOUR RIGHT TO PRIVACY IN DECIDING WHETHER TO REGISTER OR IN APPLYING TO REGISTER TO VOTE, OR YOUR RIGHT TO CHOOSE YOUR OWN POLITICAL PARTY OR OTHER POLITICAL PREFERENCE, YOU MAY FILE A COMPLAINT WITH THE STATE BOARD OF ELECTIONS."; AND~~

~~5. THE ADDRESS AND TOLL FREE TELEPHONE NUMBER OF THE STATE BOARD;~~

~~(2) (I) NOTIFIES EACH INDIVIDUAL DISCHARGED FROM A CORRECTIONAL FACILITY BEFORE OCTOBER 1, 2015 AND WHO REMAINS UNDER THE DEPARTMENT'S SUPERVISION, THAT THE INDIVIDUAL IS ELIGIBLE TO HAVE VOTING RIGHTS RESTORED; AND~~

~~(II) PROVIDES THE INDIVIDUAL DESCRIBED UNDER ITEM (I) OF THIS ITEM WITH A VOTER REGISTRATION FORM AND THE DOCUMENT DESCRIBED IN~~

~~SUBSECTION (B)(2) OF THIS SECTION AND OFFERS THE INDIVIDUAL ASSISTANCE IN FILLING OUT THE APPROPRIATE FORM; AND~~

~~(3) PERMITS INCARCERATED INDIVIDUALS TO PARTICIPATE IN EDUCATIONAL PROGRAMS INFORMING THEM OF THEIR RIGHTS UNDER THIS SECTION BEFORE THEIR RELEASE FROM INCARCERATION.~~

~~[(i)] (J) Regulations necessary to carry out the requirements of this section and § 3-203 of this subtitle, including provisions for training the employees of voter registration agencies and the Motor Vehicle Administration, shall be adopted by the State Board in cooperation with each agency.~~

~~§ 504.~~

~~(a) (1) (i) Information from the agencies specified in this paragraph shall be reported to the State Administrator in a format and at times prescribed by the State Board.~~

~~(ii) The Department of Health and Mental Hygiene shall report the names and residence addresses (if known) of all individuals at least 16 years of age reported deceased within the State since the date of the last report.~~

~~(iii) The clerk of the circuit court for each county and the administrative clerk for each District Court shall report the names and addresses of all individuals convicted, in the respective court, of a felony since the date of the last report.~~

~~(iv) The clerk of the circuit court for each county shall report the former and present names and residence addresses (if known) of all individuals whose names have been changed by decree or order of the court since the date of the last report.~~

~~(2) The State Administrator shall make arrangements with the clerk of the United States District Court for the District of Maryland to receive reports of names and addresses, if available, of individuals convicted of a felony in that court.~~

~~(3) The State Administrator shall make arrangements with the United States Social Security Administration or an entity that receives information from the Social Security Administration and is approved by the State Administrator to receive reports of names and addresses, if available, of all Maryland residents at least 16 years of age who are reported deceased.~~

~~(4) THE STATE ADMINISTRATOR SHALL MAKE ARRANGEMENTS WITH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES TO RECEIVE MONTHLY REPORTS CONTAINING THE FOLLOWING INFORMATION ABOUT INDIVIDUALS WITH CRIMINAL CONVICTIONS WHO HAVE BECOME ELIGIBLE TO VOTE BECAUSE OF THEIR DISCHARGE FROM INCARCERATION:~~

- ~~(I) NAME;~~
- ~~(II) DATE OF BIRTH;~~
- ~~(III) DATE OF JUDGMENT OF CONVICTION;~~
- ~~(IV) DATE OF DISCHARGE FROM INCARCERATION; AND~~
- ~~(V) ANY ADDITIONAL IDENTIFYING INFORMATION.~~

~~(b) (1) The State Administrator shall transmit to the appropriate local board information gathered pursuant to subsection (a) of this section.~~

~~(2) Every agency or instrumentality of any county which acquires or condemns or razes or causes to be condemned or razed any building used as a residence within the county shall promptly report this fact and the location of the building to the local board in the county or city.~~

~~(3) Registration cancellation information provided by an applicant on any voter registration application shall be provided to the appropriate local board by the State Administrator or another local board.~~

~~(4) A local board may:~~

~~(i) make arrangements to receive change of address information from an entity approved by the State Board; and~~

~~(ii) pay a reasonable fee to the entity for the information.~~

~~(e) (1) (i) Except as provided in paragraph (2) of this subsection, whenever a local board becomes aware of an obituary or any other reliable report of the death of a registered voter, the election director shall mail a notice to the registered voter, as prescribed by the State Board, to verify whether the voter is in fact deceased.~~

~~(ii) On receipt of a verification of the death of a voter, provided in accordance with the notice mailed under subparagraph (i) of this paragraph, the election director may remove the voter from the statewide voter registration list under § 3-501 of this subtitle.~~

~~(2) (i) Whenever a local board receives a report obtained by the State Administrator under subsection (a)(3) of this section that includes a registered voter, the election director shall mail to the address shown on the statewide voter registration list, by regular U.S. mail, a notice that:~~

~~1. states that the registered voter has been reported by the Social Security Administration to have died; and~~

~~2. notifies the registered voter or a person attending the affairs of a deceased voter that the voter will be removed from the statewide voter registration list unless, within 2 weeks after the date of the letter, the registered voter or a representative:~~

~~A. objects to the removal; and~~

~~B. shows cause why the removal should not proceed.~~

~~(ii) If the registered voter or a representative timely objects and shows cause why the removal should not proceed, the election director may:~~

~~1. terminate the removal process and retain the registered voter on the statewide voter registration list; or~~

~~2. refer the matter to the local board for a hearing to determine the registered voter's status.~~

~~(iii) If the registered voter or a representative fails to timely object and show cause why the removal should not proceed, the registration shall be canceled and the registered voter removed from the statewide voter registration list.~~

~~16-202.~~

~~(a) A person who has been convicted of a felony and is [actually] CURRENTLY serving a court ordered sentence of imprisonment[, including any term of parole or probation,] for the conviction, and has been rendered ineligible to vote pursuant to § 3-102(b) of this article, may not vote or attempt to vote during the time that the person is rendered ineligible to vote.~~

~~(b) A person who violates this section is guilty of a felony and is subject to imprisonment for not less than 1 year nor more than 5 years.~~

~~Article Criminal Procedure~~

~~6-234.~~

~~(A) BEFORE IMPOSING A SENTENCE OF INCARCERATION FOR A FELONY CONVICTION, THE COURT SHALL ADVISE THE DEFENDANT ON THE RECORD THAT CONVICTION WILL RESULT IN THE LOSS OF THE RIGHT TO VOTE WHILE THE INDIVIDUAL IS SERVING A FELONY SENTENCE IN A CORRECTIONAL FACILITY.~~

~~(B) BEFORE ACCEPTING A DEFENDANT'S PLEA OF GUILTY TO A COUNT OR COUNTS OF AN INDICTMENT CHARGING A FELONY OFFENSE WHICH WILL IMPOSE A SENTENCE OF INCARCERATION, THE COURT SHALL ADVISE THE DEFENDANT ON THE~~

~~RECORD THAT CONVICTION WILL RESULT IN LOSS OF THE RIGHT TO VOTE WHILE THE INDIVIDUAL IS SERVING A FELONY SENTENCE IN A CORRECTIONAL FACILITY.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 347 – *Health Occupations – Prescriber–Pharmacist Agreements and Therapy Management Contracts*.

This bill authorizes licensed physicians, podiatrists, and advanced practice nurses to enter into prescriber–pharmacist agreements for therapy management contracts; requires the submission of specified documents to specified health occupations boards; requires specified contracts to include specified provisions; and provides that a protocol by a licensed physician and licensed pharmacist may authorize the initiation of specified drug therapy.

House Bill 716, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 347.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 347

AN ACT concerning

Health Occupations – Prescriber–Pharmacist Agreements and Therapy Management Contracts

FOR the purpose of authorizing certain ~~dentists,~~ physicians, podiatrists, ~~nurse midwives,~~ ~~and nurse practitioners~~ and advanced practice nurses to enter into certain agreements; requiring certain prescribers who wish to enter certain therapy

management contracts to have certain agreements; requiring certain prescribers and certain pharmacists to submit to certain health occupations boards certain documents; authorizing certain pharmacists to enter into certain agreements and certain contracts under certain circumstances; prohibiting certain pharmacists from employing or providing certain incentives to certain prescribers for certain purposes; providing that a ~~certain~~ protocol by a licensed physician and licensed pharmacist may authorize the initiation of certain drug therapy; ~~providing that certain protocols may authorize certain drug substitutions; repealing a certain prohibition against certain drug substitutions except under certain circumstances;~~ repealing a provision of law that provides for the termination of a therapy management contract after a certain time period unless there is a certain renewal; specifying that certain contracts apply only to conditions agreed to by certain prescribers; requiring certain contracts to include certain provisions; authorizing the Board of Pharmacy to assess certain fees for certain purposes; requiring certain prescribers to maintain certain records in a certain manner; requiring certain health occupations boards to jointly adopt certain regulations in consultation with certain other health occupations boards; requiring the regulations to include certain provisions; defining certain terms; making certain stylistic changes; and generally relating to prescriber-pharmacist agreements and therapy management contracts.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 12-6A-01, 12-6A-03 through 12-6A-08, and 12-6A-10

Annotated Code of Maryland

(2014 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 12-6A-02

Annotated Code of Maryland

(2014 Replacement Volume)

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

Article – Health Occupations

12-6A-01.

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

(B) “AUTHORIZED PRESCRIBER” MEANS A ~~LICENSED DENTIST,~~ LICENSED PHYSICIAN, LICENSED PODIATRIST, ~~CERTIFIED NURSE MIDWIFE TO THE EXTENT AUTHORIZED UNDER § 8-601 OF THIS ARTICLE, OR CERTIFIED NURSE PRACTITIONER TO THE EXTENT AUTHORIZED~~ OR CERTIFIED ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY UNDER § 8-508 OF THIS ARTICLE.

[(b)] (C) “Group model health maintenance organization” has the meaning stated in § 19–713.6 of the Health – General Article.

[(c)] (D) “Health maintenance organization” has the meaning stated in § 19–701(g) of the Health – General Article.

[(d)] (E) (1) “Institutional facility” means a facility other than a nursing home whose primary purpose is to provide a physical environment for patients to obtain inpatient or emergency care.

(2) “Institutional facility” does not include an urgent care facility that is not part of a facility.

[(e)] “Licensed physician” means an individual who is licensed to practice medicine under Title 14 of this article.]

(f) **[[“Physician–pharmacist agreement”] “PRESCRIBER–PHARMACIST AGREEMENT”]** means an agreement between **[a licensed physician] AN AUTHORIZED PRESCRIBER** and a licensed pharmacist that is disease–state specific and specifies the protocols that may be used.

(g) “Protocol” means a course of treatment predetermined by the **[licensed physician] AUTHORIZED PRESCRIBER** and licensed pharmacist according to generally accepted medical practice for the proper completion of a particular therapeutic or diagnostic intervention.

(h) **[(1)]** “Therapy management contract” means a voluntary, written arrangement that is **[disease–state]:**

(1) **DISEASE–STATE** specific **[signed];**

(2) **SIGNED** by **[each party to the arrangement between]:**

(i) One licensed pharmacist and the licensed pharmacist’s designated alternate licensed pharmacists;

(ii) One **[licensed physician] AUTHORIZED PRESCRIBER** and alternate designated **[licensed physicians] AUTHORIZED PRESCRIBERS** involved directly in patient care; and

(iii) One patient receiving care from **[a licensed physician] AN AUTHORIZED PRESCRIBER** and a licensed pharmacist pursuant to a **[physician–pharmacist] PRESCRIBER–PHARMACIST** agreement and protocol under this subtitle[.]; **AND**

~~[(2)] (3)~~ [A therapy management contract shall be related] **RELATED** to treatment using drug therapy, laboratory tests, or medical devices, under defined conditions or limitations for the purpose of improving patient outcomes.

12-6A-02.

A therapy management contract is not required for the management of patients in an institutional facility or in a group model health maintenance organization.

12-6A-03.

(a) [A licensed physician] **AN AUTHORIZED PRESCRIBER** and a licensed pharmacist who wish to enter into therapy management contracts shall have a [physician-pharmacist] **PRESCRIBER-PHARMACIST** agreement.

(b) (1) [A licensed physician] **AN AUTHORIZED PRESCRIBER** who has entered into a [physician-pharmacist] **PRESCRIBER-PHARMACIST** agreement shall submit to the [Board of Physicians] **HEALTH OCCUPATIONS BOARD THAT REGULATES THE AUTHORIZED PRESCRIBER** a copy of the [physician-pharmacist] **PRESCRIBER-PHARMACIST** agreement and any subsequent modifications made to the [physician-pharmacist] **PRESCRIBER-PHARMACIST** agreement or the protocols specified in the [physician-pharmacist] **PRESCRIBER-PHARMACIST** agreement.

(2) A licensed pharmacist who has entered into a [physician-pharmacist] **PRESCRIBER-PHARMACIST** agreement shall submit to the Board of Pharmacy a copy of the [physician-pharmacist] **PRESCRIBER-PHARMACIST** agreement and any subsequent modifications made to the [physician-pharmacist] **PRESCRIBER-PHARMACIST** agreement or the protocols specified in the [physician-pharmacist] **PRESCRIBER-PHARMACIST** agreement.

12-6A-04.

A pharmacist is authorized to enter into a [physician-pharmacist] **PRESCRIBER-PHARMACIST** agreement if the pharmacist:

- (1) Is a licensed pharmacist;
- (2) Has a Doctor of Pharmacy Degree or equivalent training as established in regulations adopted under this subtitle;
- (3) Is approved by the Board to enter into a [physician-pharmacist] **PRESCRIBER-PHARMACIST** agreement with [a licensed physician] **AN AUTHORIZED PRESCRIBER** in accordance with this subtitle; and

(4) Meets the requirements that are established by regulations adopted under this subtitle.

12-6A-05.

(a) Subject to the regulations adopted under this subtitle, a licensed pharmacist may enter into a therapy management contract initiated by [a licensed physician] **AN AUTHORIZED PRESCRIBER**.

(b) A licensed pharmacist may not employ or provide economic incentives to [a licensed physician] **AN AUTHORIZED PRESCRIBER** for the purpose of entering into a [physician-pharmacist] **PRESCRIBER-PHARMACIST** agreement or a therapy management contract.

12-6A-06.

(a) A protocol under this subtitle:

(1) May authorize:

(I) FOR PROTOCOLS BY A LICENSED PHYSICIAN AND LICENSED PHARMACIST, THE INITIATION OF DRUG THERAPY UNDER WRITTEN, DISEASE-STATE SPECIFIC PROTOCOLS;

~~(i)~~ **(II)** The ~~INITIATION,~~ modification, continuation, and discontinuation of drug therapy under written, disease-state specific protocols;

~~(ii)~~ **(III)** The ordering of laboratory tests; and

~~(iii)~~ **(IV)** Other patient care management measures related to monitoring or improving the outcomes of drug or device therapy; and

(2) May not authorize acts that exceed the scope of practice of the parties to the therapy management contract.

(b) A protocol ~~[shall prohibit]~~ ~~MAY AUTHORIZE~~ the substitution of a chemically dissimilar drug product by the pharmacist for the product prescribed by the ~~[physician]~~ **AUTHORIZED PRESCRIBER**, unless permitted in the therapy management contract ~~]~~ ~~AUTHORIZED PRESCRIBER~~.

12-6A-07.

(a) A therapy management contract shall apply only to conditions for which protocols have been agreed to by [a licensed physician] **AN AUTHORIZED PRESCRIBER** and a licensed pharmacist in accordance with the regulations adopted under this subtitle.

[(b) A therapy management contract shall terminate 1 year from the date of its signing, unless renewed by the licensed physician, licensed pharmacist, and patient.]

[(c) (B) A therapy management contract shall include:

(1) A statement that none of the parties involved in the therapy management contract have been coerced, given economic incentives, excluding normal reimbursement for services rendered, or involuntarily required to participate;

(2) Notice to the patient indicating [how]:

(I) THAT THE PATIENT MAY TERMINATE THE THERAPY MANAGEMENT CONTRACT AT ANY TIME; AND

(II) THE PROCEDURE BY WHICH the patient may terminate the therapy management contract;

(3) A procedure for periodic review by the [physician] AUTHORIZED PRESCRIBER, of the drugs modified pursuant to the agreement or changed with the consent of the [physician] AUTHORIZED PRESCRIBER; and

(4) Reference to a protocol, which will be provided to the patient [upon] ON request.

[(d) (C) Any party to the therapy management contract may terminate the contract at any time.

[(e) (D) The Board [of Pharmacy] may assess a fee, as established in regulation, for approval of a pharmacist to enter into a [physician–pharmacist] PRESCRIBER–PHARMACIST agreement.

12–6A–08.

(a) The [physician] AUTHORIZED PRESCRIBER shall maintain complete patient records with respect to the therapy management contract.

(b) The [licensed physician’s] AUTHORIZED PRESCRIBER’S patient record shall be fully updated in writing by the licensed pharmacist in a timely manner, as provided in the [physician–pharmacist] PRESCRIBER–PHARMACIST agreement.

12–6A–10.

~~(a) Subject to subsection (b) of this section, the Board [of Pharmacy], together with the Board of Physicians AND THE BOARD OF NURSING, shall jointly develop and adopt regulations to implement the provisions of this subtitle.~~

~~(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD SHALL JOINTLY DEVELOP AND ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE WITH THE BOARD OF PHYSICIANS AND IN CONSULTATION WITH THE BOARD OF PODIATRIC MEDICAL EXAMINERS, THE BOARD OF DENTAL EXAMINERS, AND THE BOARD OF NURSING.~~

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD, TOGETHER WITH THE BOARD OF PHYSICIANS AND IN CONSULTATION WITH THE BOARD OF PODIATRIC MEDICAL EXAMINERS AND THE BOARD OF NURSING, SHALL JOINTLY DEVELOP AND ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

(b) The regulations adopted under subsection (a) of this section:

(1) Shall include provisions that:

(i) Define the criteria for [physician–pharmacist] **PRESCRIBER–PHARMACIST** agreements; and

(ii) Establish guidelines concerning the use of protocols, including communication, documentation, and other relevant factors; and

(2) May not require [the Board of Physicians or the Board of Pharmacy] **A HEALTH OCCUPATIONS BOARD** to approve a [physician–pharmacist] **PRESCRIBER–PHARMACIST** agreement or the protocols specified in a [physician–pharmacist] **PRESCRIBER–PHARMACIST** agreement.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 354 – *Alcoholic Beverages – Charles County and Queen Anne’s County*.

This bill establishes refillable container permits for draft beer in Charles County and Queen Anne's County; authorizes the Charles County Board of License Commissioners and the Queen Anne's County Board of License Commissioners to issue the permits to holders of specified licenses under specified circumstances and conditions; and specifies that the permit authorizes the permit holders to sell draft beer for consumption off the licensed premises in a refillable container under specified circumstances and conditions.

House Bill 756, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 354.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 354

AN ACT concerning

Alcoholic Beverages – Charles County and Queen Anne's County ~~Alcoholic Beverages Act of 2015~~

FOR the purpose of establishing ~~a~~ refillable container ~~permit~~ *permits* for draft beer in Charles County and Queen Anne's County; authorizing the Charles County Board of License Commissioners and the Queen Anne's County Board of License Commissioners to issue the ~~permit~~ *permits* to ~~a holder of a certain license~~ *holders of certain licenses* under certain circumstances and conditions; specifying that the permit authorizes the permit ~~holder~~ *holders* to sell draft beer for consumption off the licensed premises in a refillable container under certain circumstances and conditions; requiring an applicant to complete a certain form and to pay a certain fee before the Board of License Commissioners of Charles County or the Board of License Commissioners of Queen Anne's County issues a refillable container permit; specifying certain hours of sale; restricting ~~a permit holder~~ *permit holders* to refill only certain containers that meet certain standards; authorizing the Board of License Commissioners of Charles County and the Board of License Commissioners of Queen Anne's County to adopt certain regulations; providing that a certain distance restriction does not apply to an establishment in Queen Anne's County for which a Class B (on-sale) hotel and restaurant alcoholic beverages license of any type is proposed; repealing a certain distance restriction in Queen Anne's County concerning a certain alcoholic beverages license; defining a certain term; and generally relating to alcoholic beverages licenses in Charles County and in Queen Anne's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–103 and 9–218(b)

Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY adding to

Article 2B – Alcoholic Beverages
Section ~~8-209~~ and 8-218.1
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages
Section 21-107
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

8-103.

(a) (1) This section applies with respect to draft beer in the following jurisdictions:

- (i) Baltimore County;
- (ii) Carroll County;
- (iii) **CHARLES COUNTY;**
- (IV)** Harford County;
- ~~(iv)~~ **(V)** Howard County;
- ~~(v)~~ **(VI)** Prince George’s County; [and]
- ~~(vi)~~ **(VII)** **QUEEN ANNE’S COUNTY; AND**
- ~~(vii)~~ **(VIII)** St. Mary’s County.

(2) This section applies with respect to wine in Howard County.

(b) There is a refillable container permit.

(c) With respect to the alcoholic beverages authorized for the local jurisdiction under subsection (a) of this section, a refillable container permit entitles the permit holder to sell draft beer or wine, respectively, for consumption off the licensed premises in a refillable container that meets the standards under § 21–107 of this article.

(d) The term of a refillable container permit is the same as that of the underlying alcoholic beverages license.

(e) Except as otherwise specifically provided, the hours of sale for a refillable container permit are the same as those for the underlying alcoholic beverages license.

(f) An applicant who holds an underlying alcoholic beverages license without an off-sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the underlying license.

(g) A holder of a refillable container permit may refill only a refillable container that meets the standards under § 21–107 of this article.

8–209.

(A) THIS SECTION APPLIES ONLY IN CHARLES COUNTY.

(B) IN THIS SECTION, “BOARD” MEANS THE CHARLES COUNTY BOARD OF LICENSE COMMISSIONERS.

(C) THERE IS A REFILLABLE CONTAINER PERMIT.

(D) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO A HOLDER OF A CLASS A, CLASS B, OR CLASS D ALCOHOLIC BEVERAGES LICENSE.

(E) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER PERMIT, THE APPLICANT SHALL:

(1) COMPLETE THE FORM THAT THE BOARD PROVIDES; AND

(2) PAY AN ANNUAL PERMIT FEE OF:

(I) \$500 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; OR

(II) \$50 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE HAS AN OFF-SALE PRIVILEGE.

(F) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:

(1) BEGIN AT THE SAME TIME AS THOSE FOR THE LICENSE ALREADY HELD BY THE PERSON TO WHOM THE REFILLABLE CONTAINER PERMIT IS ISSUED; AND

(2) END AT MIDNIGHT.

(G) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

8-218.1.

(A) (1) THIS SECTION APPLIES ONLY IN QUEEN ANNE'S COUNTY.

(2) IN THIS SECTION, "BOARD" MEANS THE QUEEN ANNE'S COUNTY BOARD OF LICENSE COMMISSIONERS.

(B) THERE IS A REFILLABLE CONTAINER PERMIT.

(C) (1) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO A HOLDER OF A CLASS A, CLASS B, CLASS C, OR CLASS D ALCOHOLIC BEVERAGES LICENSE.

(2) A REFILLABLE CONTAINER PERMIT ENTITLES THE HOLDER TO SELL DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A REFILLABLE CONTAINER THAT MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.

(3) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER PERMIT, THE APPLICANT SHALL:

(I) COMPLETE THE FORM THAT THE BOARD PROVIDES; AND

(II) PAY AN ANNUAL PERMIT FEE OF:

1. \$500, FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; OR

2. \$50, FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE HAS AN OFF-SALE PRIVILEGE.

(4) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:

(I) BEGIN AT THE SAME TIME AS THOSE FOR THE LICENSE ALREADY HELD BY THE PERSON TO WHOM THE REFILLABLE CONTAINER PERMIT IS ISSUED; AND

(II) END AT MIDNIGHT.

(5) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

9–218.

(b) (1) **(I) SUBPARAGRAPH (II) OF THIS PARAGRAPH DOES NOT APPLY TO AN ESTABLISHMENT FOR WHICH A CLASS B (ON–SALE) HOTEL AND RESTAURANT LICENSE OF ANY TYPE IS PROPOSED.**

(II) In Queen Anne’s County, the distance restriction requirement between an establishment proposed for licensure and a secondary or elementary school, church or other place of worship, public library, or a youth center that is sponsored or conducted by any governmental agency shall be[:

(i)] 500 feet[; or

(ii) For a Class B (on–sale) hotel and restaurant beer, wine and liquor license, 250 feet].

(2) Any distance restriction required under paragraph (1) of this subsection shall be measured from the nearest point of the building of the establishment for which a license is proposed to the nearest point of the property line of the school, place of worship, library, or youth center.

21–107.

(a) This section governs the standards for and use of containers that may be sold, filled, and refilled under the authority of a refillable container permit issued under this article.

(b) To be used as a refillable container for beer under the authority of a refillable container permit issued under this article, a container shall:

(1) Have a capacity of not less than 32 ounces and not more than 128 ounces;

(2) Be sealable;

(3) Be branded with an identifying mark of the seller of the container;

(4) Bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;

- (5) Display instructions for cleaning the container; and
 - (6) Bear a label stating that:
 - (i) Cleaning the container is the responsibility of the consumer; and
 - (ii) The contents of the container are perishable and should be refrigerated immediately and consumed within 48 hours after purchase.
- (c) To be used as a refillable container for wine under the authority of a refillable container permit issued under this article, a container shall:
- (1) Have a capacity of not less than 17 ounces and not more than 34 ounces;
 - (2) Be sealable;
 - (3) Be branded with an identifying mark of the seller of the container;
 - (4) Bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;
 - (5) Display instructions for cleaning the container; and
 - (6) Bear a label stating that cleaning the container is the responsibility of the consumer.
- (d) The Comptroller may adopt standards on containers that qualify for use under this section as refillable containers for beer and for wine, respectively, including containers originating from outside the State.
- (e) Notwithstanding any other provision of this article, the holder of a refillable container permit issued under this article may refill a refillable container originating from inside or outside the State that meets standards adopted by the Comptroller under this section for a beer container or a wine container, as appropriate.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

May 12, 2015

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

Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 355 – *Baltimore City – Housing Authority of Baltimore City – Subsidiary Entities*.

This bill provides that a not-for-profit entity shall be deemed controlled by the Housing Authority of Baltimore City under specified circumstances; and alters the applicability of specified tax exemption provisions for property of a subsidiary entity of a Baltimore Housing Authority entity.

House Bill 543, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 355.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 355

AN ACT concerning

Baltimore City – Housing Authority of Baltimore City – Subsidiary Entities

FOR the purpose of providing that a not-for-profit entity shall be deemed controlled by the Housing Authority of Baltimore City under certain circumstances; altering the applicability of certain tax exemption provisions for property of a subsidiary entity of a Baltimore Housing Authority entity; altering a certain definition; and generally relating to the Housing Authority of Baltimore City.

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 12–104
Annotated Code of Maryland
(2006 Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Housing and Community Development
Section 12–502(h)
Annotated Code of Maryland
(2006 Volume and 2014 Supplement)

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

Article – Housing and Community Development

12–104.

(a) In this section, “Baltimore Housing Authority entity” means an entity:

(1) that is **CONTROLLED OR** wholly owned by the Housing Authority of Baltimore City; or

(2) in which the Housing Authority of Baltimore City or an entity **CONTROLLED OR** wholly owned by the Housing Authority of Baltimore City has an ownership interest, **EITHER DIRECTLY OR INDIRECTLY, THROUGH ONE OR MORE WHOLLY OR PARTIALLY OWNED SUBSIDIARY ENTITIES.**

(B) A NOT-FOR-PROFIT ENTITY SHALL BE DEEMED CONTROLLED BY THE HOUSING AUTHORITY OF BALTIMORE CITY UNDER SUBSECTION (A) OF THIS SECTION IF:

(1) THE NOT-FOR-PROFIT ENTITY IS ESTABLISHED BY THE HOUSING AUTHORITY OF BALTIMORE CITY UNDER § 12-502(H) OF THIS TITLE; AND

(2) THE HOUSING AUTHORITY OF BALTIMORE CITY:

(I) HAS THE POWER TO APPOINT A MAJORITY OF THE BOARD OF DIRECTORS OF THE NOT-FOR-PROFIT ENTITY; OR

(II) IS THE SOLE MEMBER OF THE NOT-FOR-PROFIT ENTITY.

[(b)] (C) (1) In this subsection, “nonprofit housing corporation” means a nonprofit or charitable private corporation that provides safe and sanitary housing to persons of eligible income in such a way that the corporation works essentially like an authority under this Division II.

(2) Property is used for essential public and governmental purposes and is exempt from all taxes and special assessments of the State or a political subdivision if the property:

(i) belongs to an authority or a nonprofit housing corporation; or

(ii) is used as housing for persons of eligible income and **[(belongs to)] IS OWNED IN WHOLE OR IN PART, DIRECTLY OR INDIRECTLY, THROUGH ONE OR MORE WHOLLY OR PARTIALLY OWNED SUBSIDIARY ENTITIES OF** a Baltimore Housing Authority entity.

(3) In lieu of those taxes and special assessments, an authority, a nonprofit housing corporation, or a Baltimore Housing Authority entity shall pay the political subdivision in which a housing project is wholly or partly located an amount, if any, that may be set by mutual agreement and that does not exceed the amount of regular taxes levied on similar property.

[(c)] (D) (1) Except as provided in paragraph (2) or (3) of this subsection:

(i) all real property of an authority is exempt from levy and sale by virtue of an execution;

(ii) an execution or other judicial process may not issue against the real property; and

(iii) a judgment against an authority is not a charge or lien on the authority's real property.

(2) Paragraph (1) of this subsection does not limit a right to foreclose or otherwise enforce:

(i) a mortgage or deed of trust recorded against property of an authority; or

(ii) a pledge or lien given by an authority on its rents, fees, or revenues.

(3) This subsection does not deprive a political subdivision of its right to collect money agreed to be paid in lieu of taxes in the same manner as taxes are now or may be collected under State law and the laws of the political subdivision.

12-502.

(h) An authority may also establish and control not-for-profit entities, including corporations and limited liability companies, that may own, operate, and take steps necessary or convenient to develop or otherwise undertake housing projects in the authority's area of operation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

The Honorable Thomas V. Mike Miller, Jr.

President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 361 – *Calvert County – Alcoholic Beverages – Bottle Clubs*.

This bill defines a bottle club in Calvert County to mean an establishment that is a specified type of restaurant or nightclub and prohibits a bottle club in the county from giving, serving, dispensing, keeping, or allowing to be consumed on its premises, or on premises under its control or possession, any alcoholic beverages.

House Bill 544, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 361.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 361

AN ACT concerning

Calvert County – Alcoholic Beverages – Bottle Clubs – ~~Prohibited~~

FOR the purpose of defining a ~~“bottle club”~~ bottle club in Calvert County to mean ~~certain establishments where certain persons undertake certain activities under certain circumstances; prohibiting a person from operating a bottle club in the county; prohibiting certain activities with respect to alcoholic beverages at a bottle club in the county; providing that certain entities may not be considered a bottle club for certain purposes under certain conditions; providing a certain penalty for a violation of this Act; making this Act an emergency measure;~~ an establishment that is a certain type of restaurant or nightclub; prohibiting a bottle club in the county from giving, serving, dispensing, keeping, or allowing to be consumed on its premises, or on premises under its control or possession, any alcoholic beverages; and generally relating to alcoholic beverages in Calvert County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 20-103.1
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

20–103.1.

(a) ~~IN THIS SECTION, “BOTTLE CLUB” MEANS:~~

~~(1) A RESTAURANT OR EATERY:~~

~~(i) THAT:~~

~~1. IS NOT LICENSED UNDER THIS ARTICLE;~~

~~2. SERVES, GIVES, OR DISPENSES AN ALCOHOLIC BEVERAGE TO A MEMBER OR GUEST;~~

~~3. KEEPS AN ALCOHOLIC BEVERAGE FOR A MEMBER OR GUEST; AND~~

~~4. ALLOWS A MEMBER OR GUEST ON ITS PREMISES TO CONSUME AN ALCOHOLIC BEVERAGE THAT THE MEMBER OR GUEST RESERVES OR PURCHASES OR THAT THE MEMBER OR GUEST BRINGS TO THE PREMISES; AND~~

~~(ii) WHERE A PATRON IS SERVED, GIVEN, OR ALLOWED TO CONSUME AN ALCOHOLIC BEVERAGE AFTER LEGAL CLOSING HOURS FROM A SUPPLY THAT THE PATRON HAS PREVIOUSLY PURCHASED OR RESERVED; OR~~

~~(2) A NIGHTCLUB:~~

~~(i) THAT:~~

~~1. IS NOT LICENSED UNDER THIS ARTICLE;~~

~~2. PROVIDES OR OFFERS ANY FORM OF ENTERTAINMENT TO THE MEMBERS OF THE NIGHTCLUB OR TO THE PUBLIC;~~

~~3. SERVES, GIVES, OR DISPENSES AN ALCOHOLIC BEVERAGE TO A MEMBER OR GUEST;~~

~~4. KEEPS AN ALCOHOLIC BEVERAGE FOR A MEMBER OR GUEST; AND~~

~~5. ALLOWS A MEMBER OR GUEST ON THE PREMISES OF THE NIGHTCLUB TO CONSUME AN ALCOHOLIC BEVERAGE THAT THE MEMBER OR GUEST RESERVES OR PURCHASES OR THAT THE MEMBER OR GUEST BRINGS TO THE PREMISES; AND~~

~~(H) WHERE A PATRON IS SERVED, GIVEN, OR ALLOWED TO CONSUME AN ALCOHOLIC BEVERAGE AFTER LEGAL CLOSING HOURS FROM A SUPPLY THAT THE PATRON HAS PREVIOUSLY PURCHASED OR RESERVED.~~

~~(B)~~ This section applies only in Calvert County.

(B) IN CALVERT COUNTY, A BOTTLE CLUB IS EXPLICITLY DEFINED AS, AND LIMITED TO, AN ESTABLISHMENT THAT IS:

(1) A RESTAURANT THAT ACCOMMODATES THE PUBLIC AND IS EQUIPPED WITH A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS; OR

(2) A NIGHTCLUB THAT OFFERS TO THE PUBLIC MUSIC, DANCING, OR OTHER NIGHTTIME ENTERTAINMENT.

[(b)] (C) ~~[(1) [Except as provided in paragraph (2) of this subsection, an] AN establishment that is A BOTTLE CLUB AND IS not licensed by the Board of License Commissioners] A PERSON may not [give]:~~

~~(1) OPERATE A BOTTLE CLUB IN THE COUNTY; OR~~

~~(2) GIVE, serve, dispense, keep, or allow to be consumed on its premises, or on premises under its control or possession, any alcoholic beverages AT A BOTTLE CLUB IN THE COUNTY.~~

~~[(2)] (D) A volunteer fire department, rescue squad, or emergency medical services organization [may conduct] THAT CONDUCTS no more than four events each year to which individuals may bring alcoholic beverages to be consumed on the premises or on premises under the control or possession of the volunteer fire department, rescue squad, or emergency medical services organization MAY NOT BE CONSIDERED A BOTTLE CLUB FOR PURPOSES OF THIS SECTION.~~

[(c)] ~~(E)~~ (D) A person that violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10,000 or imprisonment not exceeding 2 years or both.

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 shall take effect July 1, 2015.~~

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 368 – *Workers' Compensation Insurance – Cancellation and Nonrenewal – Notice*.

This bill alters the time period from 30 to 45 days within which an insurer, except under specified circumstances, must serve a specified notice on an employer and file a copy of the notice with a specified individual if the insurer is canceling or refusing to renew a workers' compensation insurance policy before its expiration. This bill also provides for a delayed effective date.

House Bill 358, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 368.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 368

AN ACT concerning

Workers' Compensation Insurance – Cancellation and Nonrenewal – Notice

FOR the purpose of altering the time period within which an insurer, except under certain circumstances, must serve a certain notice on an employer and file a copy of the notice with a certain individual if the insurer is canceling or refusing to renew a workers' compensation insurance policy before its expiration; providing for a delayed effective date; and generally relating to cancellation and nonrenewal of workers' compensation insurance policies.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–406
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Insurance

19–406.

(a) Except for a cancellation for nonpayment of premium, an insurer may not cancel or refuse to renew a workers' compensation insurance policy before its expiration unless, at least [30] **45** days before the date of cancellation or nonrenewal, the insurer:

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

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

(b) Notice under this section may be given:

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2015~~ January 1, 2016.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 403 – *Education – Maryland Council on Advancement of School-Based Health Centers*.

This bill establishes the Maryland Council on Advancement of School-Based Health Centers; requires the Council to study and make recommendations on improving the health and educational outcomes of students who receive services from school-based health centers; authorizes the State Department of Education to seek the assistance of specified organizations to provide specified staffing resources; and requires the Council to report to specified entities on its findings and recommendations on or before December 31 of each year.

House Bill 375, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 403.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 403

AN ACT concerning

Education – Maryland Council on Advancement of School–Based Health Centers

FOR the purpose of repealing the Maryland School Board Health Center Policy Advising Committee and establishing the Maryland Council on Advancement of School–Based Health Centers; specifying the duties of the Council; providing for the composition, chair, and staffing of the Council; authorizing the State Department of Education to seek the assistance of certain organizations to provide certain staffing resources; prohibiting a member of the Council from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Council to study and make recommendations regarding certain matters; requiring the Council to report its findings and recommendations to certain State agencies and the General Assembly on or before a certain date each year; requiring the Council to include certain information and recommendations in a certain report that is due on a certain date; repealing obsolete provisions of law; specifying the terms of the initial members of the Council; requiring the Department to formalize certain duties in writing under certain circumstances; and generally relating to the Maryland Council on Advancement of School–Based Health Centers.

BY repealing

Article – Education
Section 7–4A–01 and 7–4A–05
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)

BY adding to

Article – Education
Section 7–4A–01 and 7–4A–05
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section 7–4A–02, 7–4A–03, and 7–4A–04
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)

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

Article – Education

[7-4A-01.

In this subtitle, “Council” means the Maryland School–Based Health Center Policy Advisory Council.]

7-4A-01.

IN THIS SUBTITLE, “COUNCIL” MEANS THE MARYLAND COUNCIL ON ADVANCEMENT OF SCHOOL–BASED HEALTH CENTERS.

7-4A-02.

(a) There is a Maryland [School–Based Health Center Policy Advisory] Council **ON ADVANCEMENT OF SCHOOL–BASED HEALTH CENTERS** in the Department.

(B) THE PURPOSE OF THE COUNCIL IS TO IMPROVE THE HEALTH AND EDUCATIONAL OUTCOMES OF STUDENTS WHO RECEIVE SERVICES FROM SCHOOL–BASED HEALTH CENTERS BY ADVANCING THE INTEGRATION OF SCHOOL–BASED HEALTH CENTERS INTO:

(1) THE HEALTH CARE SYSTEM AT THE STATE AND LOCAL LEVELS;
AND

(2) THE EDUCATIONAL SYSTEM AT THE STATE AND LOCAL LEVELS.

[(b)] (C) (1) Staff support for the Council shall be provided by the Department.

(2) THE DEPARTMENT MAY SEEK THE ASSISTANCE OF ORGANIZATIONS WITH EXPERTISE IN SCHOOL–BASED HEALTH CARE OR OTHER MATTERS WITHIN THE DUTIES OF THE COUNCIL PROVIDED IN § 7-4A-05 OF THIS SUBTITLE TO PROVIDE ADDITIONAL STAFFING RESOURCES TO THE DEPARTMENT AND THE COUNCIL.

7-4A-03.

[(a)] The Council consists of the following 25 members:

(1) The Special Secretary of the Office for Children, Youth, and Families or the Special Secretary’s designee;

(2) The State Superintendent of Schools or the State Superintendent’s designee;

- designee;
- (3) The Secretary of Health and Mental Hygiene or the Secretary's designee;
 - (4) The Secretary of Juvenile Services or the Secretary's designee;
 - (5) The Secretary of Human Resources or the Secretary's designee;
 - (6) The Secretary of Budget and Management or the Secretary's designee;
 - (7) One member of the Senate of Maryland appointed by the President of the Senate;
 - (8) One member of the House of Delegates of Maryland appointed by the Speaker of the House;
 - (9) The following members appointed by the Governor:
 - (i) One individual with experience or expertise with the Maryland Medical Assistance Program;
 - (ii) One local health officer;
 - (iii) One local superintendent of schools;
 - (iv) Three individuals from local jurisdictions, including at least one representative of a local management board;
 - (v) Three individuals who represent community leaders from organizations and faith communities that have experience or expertise with the services offered in school-based health centers;
 - (vi) Three consumers of school-based health care including students and their parents;
 - (vii) A pediatrician;
 - (viii) A nurse practitioner who serves children in a school-based health center;
 - (ix) A member of the Maryland Assembly of School-Based Health Centers;
 - (x) A dental health professional; and
 - (xi) A representative of the Behavioral Health Administration or a core service agency.]

(A) THE COUNCIL CONSISTS OF THE FOLLOWING ~~13~~ 15 VOTING MEMBERS AND ~~5~~ 6 EX OFFICIO MEMBERS:

(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE, AS AN EX OFFICIO MEMBER;

(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE, AS AN EX OFFICIO MEMBER;

(3) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR A DESIGNEE OF THE SECRETARY, AS AN EX OFFICIO MEMBER;

(4) THE STATE SUPERINTENDENT OF SCHOOLS AS AN EX OFFICIO MEMBER;

(5) THE EXECUTIVE DIRECTOR OF THE MARYLAND HEALTH BENEFIT EXCHANGE AS AN EX OFFICIO MEMBER; ~~AND~~

(6) THE CHAIRMAN OF THE MARYLAND COMMUNITY HEALTH RESOURCES COMMISSION, OR A DESIGNEE OF THE CHAIRMAN, AS AN EX OFFICIO MEMBER; AND

~~(6)~~ (7) THE FOLLOWING ~~13~~ 15 MEMBERS, APPOINTED BY THE GOVERNOR:

(I) THE PRESIDENT OF THE MARYLAND ASSEMBLY ON SCHOOL-BASED HEALTH CARE, OR A DESIGNEE OF THE PRESIDENT;

(II) THREE REPRESENTATIVES OF SCHOOL-BASED HEALTH CENTERS, NOMINATED BY THE MARYLAND ASSEMBLY ON SCHOOL-BASED HEALTH CARE:

1. FROM A DIVERSE ARRAY OF SPONSORING ORGANIZATIONS; AND

2. FOR AT LEAST ONE OF THE REPRESENTATIVES, FROM A NURSING BACKGROUND;

(III) ONE REPRESENTATIVE OF THE PUBLIC SCHOOLS SUPERINTENDENTS ASSOCIATION OF MARYLAND;

(IV) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF BOARDS OF EDUCATION;

~~(IV)~~ (V) ONE ELEMENTARY SCHOOL PRINCIPAL OF A SCHOOL THAT HAS A SCHOOL-BASED HEALTH CENTER;

~~(V)~~ (VI) ONE SECONDARY SCHOOL PRINCIPAL OF A SCHOOL THAT HAS A SCHOOL-BASED HEALTH CENTER;

~~(VI)~~ (VII) ONE REPRESENTATIVE OF THE MARYLAND HOSPITAL ASSOCIATION;

~~(VII)~~ (VIII) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF COUNTY HEALTH OFFICERS;

~~(VIII)~~ (IX) ONE REPRESENTATIVE OF A FEDERALLY QUALIFIED HEALTH CENTER, NOMINATED BY THE MID-ATLANTIC ASSOCIATION OF COMMUNITY HEALTH CENTERS;

~~(IX)~~ (X) ONE REPRESENTATIVE OF A MANAGED CARE ORGANIZATION;

~~(X)~~ (XI) ONE REPRESENTATIVE OF A COMMERCIAL HEALTH INSURANCE CARRIER; ~~AND~~

(XII) ONE PEDIATRICIAN, NOMINATED BY THE MARYLAND CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS; AND

~~(XI)~~ (XIII) ONE PARENT OR GUARDIAN OF A STUDENT WHO UTILIZES SERVICES AT A SCHOOL-BASED HEALTH CENTER.

(b) In making the appointments required under this section, the Governor shall ensure that the Council is representative of:

- (1) The geographic regions of the State; and
- (2) Minority populations of the State.

(c) (1) The term of a member appointed under subsection (a) of this section is 3 years.

(2) The terms of VOTING members are staggered as required by the terms provided for members of the Council on October 1, [2002] **2015**.

(3) At the end of a term, a member shall continue to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun shall serve for the rest of the term or until a successor is appointed and qualifies.

(d) The Governor shall appoint a successor in the event of a vacancy on the Council.

(e) From among the members of the Council, the [Governor] **VOTING MEMBERS OF THE COUNCIL** shall [designate] **ELECT** a [chairman] **CHAIR** for a 2-year term.

(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.

7-4A-04.

(a) A majority of the members then serving on the Council is a quorum.

(b) The Council shall determine the times and places of its meetings and any other necessary operating procedures [which may include the establishment of subcommittees, consultant panels, or work groups utilizing the expertise of noncouncil and nonpanel members] **IN ACCORDANCE WITH THE OPEN MEETINGS ACT.**

(C) (1) THE COUNCIL MAY ESTABLISH WORKGROUPS TO ADVISE THE COUNCIL ON SPECIFIC ISSUES, INCLUDING BEHAVIORAL HEALTH, ORAL HEALTH, AND PRIMARY CARE.

(2) (I) THE CHAIR OF THE COUNCIL SHALL APPOINT THE MEMBERS OF A WORKGROUP ESTABLISHED BY THE COUNCIL UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(II) THE CHAIR OF THE COUNCIL MAY APPOINT THE FOLLOWING INDIVIDUALS TO A WORKGROUP:

1. MEMBERS OF THE COUNCIL WITH EXPERTISE IN THE ISSUE TO BE STUDIED; AND

2. MEMBERS OF THE PUBLIC, INCLUDING CONSUMERS AND STAKEHOLDER GROUP REPRESENTATIVES, WITH EXPERTISE IN THE AREA TO BE STUDIED.

[7-4A-05.

(a) The purpose of the Council is to coordinate the interagency effort to develop, sustain, and promote quality school-based health centers in Maryland.

(b) In consultation with appropriate State agencies and other interested organizations, including representatives from academic institutions, health care providers, and payors, the Council shall:

- (1) Monitor the activities and range of services of the school-based health centers;
- (2) Recommend legislative initiatives;
- (3) Develop and update a compendium of technical assistance experts that will be used as a reference when local requests for assistance come to the State;
- (4) Monitor the development of notifications of available funds;
- (5) Participate in the review of grants to local jurisdictions for the development of school-based health care programs;
- (6) Develop strategies for funding and reimbursement of care delivered in school-based health centers;
- (7) Develop a consistent outcome measurement tool to be used by all school-based health centers in the State and assess the progress of all school-based health centers based on the information collected;
- (8) Establish standards of practice within school-based health centers;
- (9) Encourage the development of models of excellence in school-based health centers;
- (10) Prepare an annual report to the State Department of Education and the Department of Health and Mental Hygiene; and
- (11) Perform other activities identified that impact on the development, sustainability, or quality of school-based health care in Maryland.]

7-4A-05.

(A) THE COUNCIL SHALL DEVELOP POLICY RECOMMENDATIONS TO IMPROVE THE HEALTH AND EDUCATIONAL OUTCOMES OF STUDENTS WHO RECEIVE SERVICES FROM SCHOOL-BASED HEALTH CENTERS BY:

- (1) SUPPORTING LOCAL COMMUNITY EFFORTS TO ESTABLISH OR EXPAND SCHOOL-BASED HEALTH CENTER CAPACITY IN PRIMARY CARE, BEHAVIORAL HEALTH, AND ORAL HEALTH;**

(2) INTEGRATING SCHOOL-BASED HEALTH CENTERS INTO EXISTING AND EMERGING PATIENT-CENTERED MODELS OF CARE;

(3) PROMOTING THE INCLUSION OF SCHOOL-BASED HEALTH CENTERS IN NETWORKS OF MANAGED CARE ORGANIZATIONS AND COMMERCIAL HEALTH INSURANCE CARRIERS;

(4) ADVANCING THE PUBLIC HEALTH GOALS OF STATE AND LOCAL HEALTH OFFICIALS;

(5) PROMOTING THE INCLUSION OF SCHOOL-BASED HEALTH CENTERS INTO NETWORKS OF SCHOOL HEALTH SERVICES AND COORDINATED STUDENT SERVICE MODELS FOR THE RANGE OF SERVICES OFFERED IN SCHOOL SETTINGS;

(6) SUPPORTING STATE AND LOCAL INITIATIVES TO PROMOTE STUDENT SUCCESS;

(7) REVIEWING AND REVISING BEST PRACTICE GUIDELINES; AND

(8) SUPPORTING THE LONG-TERM SUSTAINABILITY OF SCHOOL-BASED HEALTH CENTERS.

(B) THE COUNCIL SHALL REVIEW THE COLLECTION AND ANALYSIS OF SCHOOL-BASED HEALTH CENTER DATA COLLECTED BY THE DEPARTMENT TO:

(1) MAKE RECOMMENDATIONS ON BEST PRACTICES FOR THE COLLECTION AND ANALYSIS OF THE DATA; AND

(2) PROVIDE GUIDANCE ON THE DEVELOPMENT OF FINDINGS AND RECOMMENDATIONS BASED ON THE DATA.

(C) THE COUNCIL SHALL CONDUCT OTHER ACTIVITIES THE COUNCIL CONSIDERS APPROPRIATE TO MEET THE PURPOSE OF THE COUNCIL.

(D) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE COUNCIL SHALL REPORT THE FINDINGS AND RECOMMENDATIONS OF THE COUNCIL TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE STATE DEPARTMENT OF EDUCATION, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON IMPROVING THE HEALTH AND EDUCATIONAL OUTCOMES OF STUDENTS WHO RECEIVE SERVICES FROM SCHOOL-BASED HEALTH CENTERS.

SECTION 2. AND BE IT FURTHER ENACTED, That, the Maryland Council on Advancement of School–Based Health Centers shall include in its annual report that is due on or before December 31, 2016, as required under Section 1 of this Act, information on the number and location of school–based health centers that are colocated with behavioral health services and recommendations on:

(a) The ~~establishment of a~~ streamlining of the existing process for the review and approval of new school–based health centers, including the Maryland Medical Assistance Program enrollment process for school–based health centers, and the expansion of the scope of existing school–based health centers by the State Department of Education and the Department of Health and Mental Hygiene;

(b) The identification and elimination of barriers for managed care organizations to reimburse for services provided by school–based health centers by managed care organizations; and

(c) Health reform initiatives under the Maryland Medicare Waiver and patient–centered medical home initiatives.

SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial voting members of the Maryland Council on Advancement of School–Based Health Centers shall expire as follows:

(1) ~~four~~ five members in 2016;

(2) five members in 2017; and

(3) ~~four~~ five members in 2018.

SECTION 4. AND BE IT FURTHER ENACTED, That if the State Department of Education uses the staffing resources of other organizations under § 7–4A–02 of the Education Article, as enacted by Section 1 of this Act, the Department shall formalize the duties to be performed by the organization in writing.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 408 – *Real Property – Residential Leases – Interest on Security Deposits*.

This bill alters the calculation of the interest rate paid on a security deposit under a residential lease or a mobile home park rental agreement; alters the requirements for a customized calculator that the Department of Housing and Community Development is required to maintain on its Web site; and applies the Act to any interest accruing on a security deposit under a residential lease or mobile home park rental agreement on or after January 1, 2015.

House Bill 782, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 408.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 408

AN ACT concerning

Real Property – Residential Leases – Interest on Security Deposits

FOR the purpose of altering the calculation of the interest rate paid on a security deposit under a residential lease at the end of a tenancy; altering the calculation of the interest rate paid on a security deposit under a residential lease when an evicted or ejected tenant makes a timely written demand for return of the security deposit; altering the calculation of the interest rate paid by a mobile home park owner on a security deposit at the end of a tenancy; altering the requirements for a certain calculator that the Department of Housing and Community Development is required to maintain on its Web site; providing for the application of this Act; and generally relating to the interest paid on security deposits under residential leases and mobile home park rental agreements.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–203(e), (h), and (k) and 8A–1001(f)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Real Property
Section 8–203(l) and 8A–1001(h)
Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

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

Article – Real Property

8–203.

(e) (1) [(i)] Within 45 days after the end of the tenancy, the landlord shall return the security deposit to the tenant together with simple interest which has accrued at the daily U.S. Treasury yield curve rate for 1 year, as of the first business day of each year, or 1.5% **A YEAR**, whichever is greater, less any damages rightfully withheld.

[(ii)] For any year in which the landlord has held the security deposit for less than the full year, the landlord shall pay an amount of interest calculated by:

1. Multiplying the amount of the deposit by the daily U.S. Treasury yield curve rate for 1 year that was in effect as of the first business day of that calendar year, or 1.5%, whichever is greater; and

2. Multiplying the result obtained under item 1 of this subparagraph by a fraction, the numerator of which is the number of months that the deposit was held that year and the denominator of which is 12.]

(2) (I) [Interest] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, INTEREST** shall accrue at [six–month] **MONTHLY** intervals from the day the tenant gives the landlord the security deposit. Interest is not compounded.

(II) NO INTEREST IS DUE OR PAYABLE:

1. UNLESS THE LANDLORD HAS HELD THE SECURITY DEPOSIT FOR AT LEAST 6 MONTHS; OR

2. FOR ANY PERIOD LESS THAN A FULL MONTH.

(3) Interest shall be payable only on security deposits of \$50 or more.

(4) If the landlord, without a reasonable basis, fails to return any part of the security deposit, plus accrued interest, within 45 days after the termination of the tenancy, the tenant has an action of up to threefold of the withheld amount, plus reasonable attorney's fees.

(h) (1) The provisions of subsections (e)(1) and (4) and (g)(1) and (2) of this section are inapplicable to a tenant who has been evicted or ejected for breach of a condition

or covenant of a lease prior to the termination of the tenancy or who has abandoned the premises prior to the termination of the tenancy.

(2) (i) A tenant specified in paragraph (1) of this subsection may demand return of the security deposit by giving written notice by first-class mail to the landlord within 45 days of being evicted or ejected or of abandoning the premises.

(ii) The notice shall specify the tenant's new address.

(iii) [1.] The landlord, within 45 days of receipt of such notice, shall present, by first-class mail to the tenant, a written list of the damages claimed under subsection (f)(1) of this section together with a statement of the costs actually incurred and shall return to the tenant the security deposit together with simple interest which has accrued at the daily U.S. Treasury yield curve rate for 1 year, as of the first business day of each year, or 1.5% A YEAR, whichever is greater, less any damages rightfully withheld.

[2. For any year in which the landlord has held the security deposit for less than the full year, the landlord shall pay an amount of interest calculated by:

A. Multiplying the amount of the deposit by the daily U.S. Treasury yield curve rate for 1 year that was in effect as of the first business day of that calendar year, or 1.5%, whichever is greater; and

B. Multiplying the result obtained under item A of this subsubparagraph by a fraction, the numerator of which is the number of months that the deposit was held that year and the denominator of which is 12.]

(3) (i) If a landlord fails to send the list of damages required by paragraph (2) of this subsection, the right to withhold any part of the security deposit for damages is forfeited.

(ii) If a landlord fails to return the security deposit as required by paragraph (2) of this subsection, the tenant has an action of up to threefold of the withheld amount, plus reasonable attorney's fees.

(4) Except to the extent specified, this subsection may not be interpreted to alter the landlord's duties under subsections (e) and (g) of this section.

(k) The Department of Housing and Community Development shall maintain on its Web site:

(1) A list of daily U.S. Treasury yield curve rates for 1 year, as of the first business day of each year, to be used in calculating the interest on a security deposit; or

(2) A customized calculator that calculates the interest due on a security deposit by allowing a user to enter [a tenancy start date] **THE DATE THAT THE SECURITY DEPOSIT WAS GIVEN TO THE LANDLORD**, a tenancy end date, and the amount of the security deposit.

(l) A landlord is entitled to rely on the list of yield curve rates or the customized calculator maintained by the Department of Housing and Community Development under subsection (k) of this section when calculating the interest on a security deposit.

8A-1001.

(f) (1) [(i)] Within 45 days after the end of the tenancy, the park owner shall return the security deposit to the resident together with simple interest which has accrued at the daily U.S. Treasury yield curve rate for 1 year, as of the first business day of each year, or 1.5% **A YEAR**, whichever is greater, less any damages rightfully withheld.

[(ii)] For any year in which the park owner has held the security deposit for less than the full year, the landlord shall pay an amount of interest calculated by:

1. Multiplying the amount of the deposit by the daily U.S. Treasury yield curve rate for 1 year that was in effect as of the first business day of that calendar year, or 1.5%, whichever is greater; and

2. Multiplying the result obtained under item 1 of this subparagraph by a fraction, the numerator of which is the number of months that the deposit was held that year and the denominator of which is 12.]

(2) (I) [Interest] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, INTEREST** shall accrue at [6-month] **MONTHLY** intervals from the day the resident gives the park owner the security deposit. Interest is not compounded.

(II) NO INTEREST IS DUE OR PAYABLE:

1. **UNLESS THE PARK OWNER HAS HELD THE SECURITY DEPOSIT FOR AT LEAST 6 MONTHS; OR**

2. **FOR ANY PERIOD LESS THAN A FULL MONTH.**

(3) Interest shall be payable only on security deposits of \$50 or more.

(4) If the park owner, without a reasonable basis, fails to return any part of the security deposit, plus accrued interest, within 45 days after the termination of the tenancy, the resident has an action of up to threefold of the withheld amount, plus reasonable attorney's fees.

(h) A park owner is entitled to rely on the list of yield curve rates or the customized calculator maintained by the Department of Housing and Community Development under § 8–203(k) of this article when calculating the interest on a security deposit.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to any interest accruing on a security deposit under a residential lease or mobile home park rental agreement on or after January 1, 2015.

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

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 417 – *Maryland Trust Act – Revocable Trusts – Creditors’ Claims – Limitations*.

This bill provides that, under specified circumstances, property of a specified trust is not subject to, and a trustee and beneficiaries of that trust may not be held liable for, specified claims of creditors of the settlor; and provides that the publication of specified notice by the trustee in a specified manner shall afford the trust property, the trustee, and the beneficiaries specified protections under specified provisions of law barring specified claims after a specified period of time.

House Bill 666, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 417.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 417

AN ACT concerning

Maryland Trust Act – Revocable Trusts – Creditors’ Claims – Limitations

FOR the purpose of providing that, under certain circumstances, property of a certain revocable trust is not subject to, and a trustee and beneficiaries of that trust may not be held liable for, certain claims of creditors of the settlor; providing that, if a certain proceeding has not been commenced, the publication of certain notice by a certain trustee in a certain manner shall afford the trust property, the trustee, and the trust beneficiaries certain protections under certain provisions of law barring certain claims after a certain period of time; barring certain claims against the trust property, the trustee, and the trust beneficiaries unless, within a certain time period, a certain creditor files a certain action and serves certain notice on the trustee or presents to the trustee a certain claim; providing that a claim may not be deemed to have been presented to the trustee under certain circumstances; providing that, except under certain circumstances, a claimant is forever barred to the extent of a certain disallowance; and generally relating to certain creditors’ claims against certain trust property.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 14.5–508

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

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

Article – Estates and Trusts

14.5–508.

(a) The following rules apply, whether or not the terms of a trust contain a spendthrift provision:

(1) During the lifetime of the settlor, the property of a revocable trust is subject to claims of the creditors of the settlor;

(2) With respect to an irrevocable trust, a creditor or an assignee of the settlor may reach only the lesser of:

(i) The claim of the creditor or assignee; and

(ii) The maximum amount that can be distributed to or for the benefit of the settlor;

(3) If a trust has more than one settlor, the amount the creditor or assignee of a particular settlor may reach may not exceed the interest of the settlor in the portion of the trust attributable to the contribution of that settlor;

(4) With respect to a trust described in 42 U.S.C. § 1396p(d)(4)(A) or (C), the court may limit the award of the creditor of a settlor under items (1) and (2) of this subsection to the relief that is appropriate under the circumstances, considering among other factors determined appropriate by the court, the supplemental needs of the beneficiary; and

(5) After the death of a settlor, and subject to **SUBSECTION (B) OF THIS SECTION AND** the right of the settlor to direct the source from which liabilities will be paid, the property of a trust that was revocable at the death of the settlor is subject to claims of the creditors of the settlor.

(B) (1) WHETHER OR NOT THE TERMS OF A TRUST CONTAIN A SPENDTHRIFT PROVISION, IF A PROCEEDING OTHER THAN FOR A SMALL ESTATE UNDER TITLE 5, SUBTITLE 6 OF THIS ARTICLE IS COMMENCED TO ADMINISTER THE ESTATE OF A DECEASED SETTLOR AS PROVIDED IN TITLE 5 OF THIS ARTICLE, PROPERTY OF A TRUST THAT WAS REVOCABLE AT THE DEATH OF THE SETTLOR IS NOT SUBJECT TO, AND THE TRUSTEE AND BENEFICIARIES OF THAT TRUST MAY NOT BE HELD LIABLE FOR, CLAIMS OF THE CREDITORS OF THE SETTLOR THAT ARE NOT PROPERLY PRESENTED IN THE ESTATE PROCEEDING WITHIN THE TIME PERIODS SPECIFIED IN § 8–103 OF THIS ARTICLE OR THAT ARE DISALLOWED AND BARRED AS PROVIDED IN § 8–107 OF THIS ARTICLE.

(2) (I) IF A PROCEEDING AS DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION HAS NOT BEEN COMMENCED, THE TRUSTEE OF THE TRUST OF WHICH THE DECEDENT WAS A SETTLOR MAY PUBLISH A NOTICE ONCE A WEEK FOR 3 SUCCESSIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN WHAT WOULD OTHERWISE BE THE PROPER VENUE FOR AN ADMINISTRATIVE OR JUDICIAL PROBATE FOR THAT DECEDENT UNDER § 5–103 OF THIS ARTICLE.

(II) THE NOTICE SHALL:

- 1. ANNOUNCE THE DEATH OF THE DECEDENT;**
- 2. PROVIDE THE NAME AND ADDRESS OF THE TRUSTEE;**
- 3. NOTIFY CREDITORS OF THE DECEDENT TO PRESENT THEIR CLAIMS TO THE TRUSTEE; AND**
- 4. BE SUBSTANTIALLY IN THE FOLLOWING FORM:**

NOTICE TO CREDITORS OF A SETTLOR OF A REVOCABLE TRUST

TO ALL PERSONS INTERESTED IN THE TRUST OF _____:

THIS IS TO GIVE NOTICE THAT _____ DIED ON OR ABOUT _____ . BEFORE THE DECEDENT’S DEATH, THE DECEDENT CREATED A REVOCABLE TRUST FOR WHICH THE UNDERSIGNED, _____, WHOSE ADDRESS IS _____, IS NOW A TRUSTEE.

TO HAVE A CLAIM SATISFIED FROM THE PROPERTY OF THIS TRUST, A PERSON WHO HAS A CLAIM AGAINST THE DECEDENT MUST PRESENT THE CLAIM ON OR BEFORE THE DATE THAT IS 6 MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE TO THE UNDERSIGNED TRUSTEE AT THE ADDRESS STATED ABOVE. THE CLAIM MUST INCLUDE THE FOLLOWING INFORMATION:

- A VERIFIED WRITTEN STATEMENT OF THE CLAIM INDICATING ITS BASIS;**
- THE NAME AND ADDRESS OF THE CLAIMANT;**
- IF THE CLAIM IS NOT YET DUE, THE DATE ON WHICH IT WILL BECOME DUE;**
- IF THE CLAIM IS CONTINGENT, THE NATURE OF THE CONTINGENCY;**
- IF THE CLAIM IS SECURED, A DESCRIPTION OF THE SECURITY; AND**
- THE SPECIFIC AMOUNT CLAIMED.**

ANY CLAIM NOT PRESENTED TO THE TRUSTEE ON OR BEFORE THAT DATE OR ANY EXTENSION PROVIDED BY LAW IS UNENFORCEABLE.

TRUSTEE

DATE OF FIRST PUBLICATION: _____.

(3) THE PUBLICATION OF A NOTICE IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION SHALL AFFORD THE TRUST PROPERTY, THE TRUSTEE, AND THE BENEFICIARIES OF THE TRUST THOSE PROTECTIONS UNDER § 8-103 OF THIS ARTICLE AFFORDED TO A DECEDENT’S ESTATE, PERSONAL REPRESENTATIVE, AND HEIRS AND LEGATEES AGAINST CLAIMS PRESENTED MORE THAN 6 MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THE NOTICE.

(4) CLAIMS AGAINST A DECEASED SETTLOR ARE FOREVER BARRED AS AGAINST THE TRUST PROPERTY, THE TRUSTEE, AND THE TRUST BENEFICIARIES UNLESS, WITHIN 6 MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF A NOTICE IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, THE CREDITOR:

(I) FILES AN ACTION AGAINST THE TRUSTEE ON THE CREDITOR'S CLAIM AND SERVES A COPY OF THE COMPLAINT ON THE TRUSTEE WITHIN 30 DAYS OF THE FILING; OR

(II) PRESENTS TO THE TRUSTEE AT THE ADDRESS PROVIDED IN THE NOTICE:

1. A VERIFIED WRITTEN STATEMENT OF THE CLAIM INDICATING ITS BASIS;

2. THE NAME AND ADDRESS OF THE CLAIMANT;

3. IF THE CLAIM IS NOT YET DUE, THE DATE ON WHICH IT WILL BECOME DUE;

4. IF THE CLAIM IS CONTINGENT, THE NATURE OF THE CONTINGENCY;

5. IF THE CLAIM IS SECURED, A DESCRIPTION OF THE SECURITY; AND

6. THE SPECIFIC AMOUNT CLAIMED.

(5) A CLAIM MAY NOT BE DEEMED TO HAVE BEEN PRESENTED TO THE TRUSTEE UNLESS THE CLAIMANT HAS PROVIDED ALL THE INFORMATION SPECIFIED IN PARAGRAPH (4) OF THIS SUBSECTION.

(6) (I) IF A CLAIM IS PRESENTED TO THE TRUSTEE AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION AND THE TRUSTEE DISALLOWS THE CLAIM WHOLLY OR IN A STATED AMOUNT, THE CLAIMANT IS FOREVER BARRED TO THE EXTENT OF THE DISALLOWANCE UNLESS THE CLAIMANT FILES AN ACTION AGAINST THE TRUSTEE OR AGAINST ANY PERSON TO WHOM TRUST PROPERTY HAS BEEN DISTRIBUTED.

(II) AN ACTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE FILED WITHIN 60 DAYS AFTER THE MAILING OF THE NOTICE OF DISALLOWANCE BY THE TRUSTEE TO THE CLAIMANT.

(III) THE NOTICE INFORMING THE CLAIMANT OF THE DISALLOWANCE SHALL CONTAIN A WARNING TO THE CLAIMANT CONCERNING THE TIME LIMITATION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH FOR COMMENCING AN ACTION.

[(b)](C) (1) During the period the power of withdrawal may be exercised, the holder of a power of withdrawal shall be treated in the same manner as the settlor of a revocable trust to the extent of the property subject to that power.

(2) After the lapse, waiver, or release of a power of withdrawal, the former power holder shall no longer be considered a settlor of the trust.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 427 – *Criminal Procedure – Victims of Crime – Notification Regarding DNA Profile*.

This bill requires a specified law enforcement agency or unit, under specified circumstances, to give a specified victim or victim's representative timely notice as to specified matters relating to a DNA profile; and requires the State Board of Victim Services to develop pamphlets to notify victims and victims' representatives of how to request information regarding an unsolved case.

House Bill 501, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 427.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 427

AN ACT concerning

Criminal Procedure – Victims of Crime – Notification Regarding DNA Profile

FOR the purpose of requiring a certain law enforcement agency or unit, under certain circumstances, to give a certain victim or victim's representative timely notice as to certain matters relating to a certain DNA profile ~~of a certain alleged perpetrator or perpetrators~~; requiring the State Board of Victim Services to develop certain pamphlets to notify victims and victims' representatives of how to request information regarding an unsolved case; defining certain terms; and generally relating to victims of crime.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–104 and 11–914
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–1002(b)(8)
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

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

Article – Criminal Procedure

11–104.

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

(2) “DNA” HAS THE MEANING STATED IN § 2–501 OF THE PUBLIC SAFETY ARTICLE.

(3) “STATEWIDE DNA DATABASE SYSTEM” HAS THE MEANING STATED IN § 2–501 OF THE PUBLIC SAFETY ARTICLE.

[(2)] **(4)** “Victim” means a person who suffers actual or threatened physical, emotional, or financial harm as a direct result of a crime or delinquent act.

[(3)] **(5)** “Victim’s representative” includes a family member or guardian of a victim who is:

- (i) a minor;
- (ii) deceased; or
- (iii) disabled.

(b) On first contact with a victim or victim's representative, a law enforcement officer, District Court commissioner, or juvenile intake officer shall give the victim or the victim's representative the pamphlet described in § 11-914(9)(i) of this title.

(c) **UNLESS TO DO SO WOULD IMPEDE OR COMPROMISE AN ONGOING INVESTIGATION OR THE VICTIM'S REPRESENTATIVE IS A SUSPECT OR A PERSON OF INTEREST IN THE CRIMINAL INVESTIGATION OF THE CRIME INVOLVING THE VICTIM, ON WRITTEN REQUEST OF A VICTIM OF A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE OR THE VICTIM'S REPRESENTATIVE, ~~A THE INVESTIGATING LAW ENFORCEMENT AGENCY OR UNIT WITH JURISDICTION OVER THE CRIME~~ SHALL GIVE THE VICTIM OR THE VICTIM'S REPRESENTATIVE TIMELY NOTICE AS TO:**

(1) ~~WHETHER A DNA PROFILE OF THE ALLEGED PERPETRATOR OR PERPETRATORS~~ AN EVIDENTIARY DNA PROFILE WAS OBTAINED FROM EVIDENCE IN THE CASE;

(2) WHEN ANY EVIDENTIARY DNA PROFILE ~~OF AN ALLEGED PERPETRATOR~~ DEVELOPED IN THE CASE WAS ENTERED INTO THE ~~STATEWIDE~~ DNA DATABASE SYSTEM; AND

(3) WHEN ANY CONFIRMED MATCH OF THE DNA PROFILE OF AN ALLEGED PERPETRATOR, OFFICIAL DNA CASE REPORT, OR DNA HIT REPORT IS RECEIVED.

(D) (1) Within 10 days after the filing or the unsealing of an indictment or information in circuit court, whichever is later, the prosecuting attorney shall:

(i) mail or deliver to the victim or victim's representative the pamphlet described in § 11-914(9)(ii) of this title and the notification request form described in § 11-914(10) of this title; and

(ii) certify to the clerk of the court that the prosecuting attorney has complied with this paragraph or is unable to identify the victim or victim's representative.

(2) If the prosecuting attorney files a petition alleging that a child is delinquent for committing an act that could only be tried in the circuit court if committed by an adult, the prosecuting attorney shall:

(i) inform the victim or victim's representative of the right to request restitution under § 11-606 of this title;

(ii) mail or deliver to the victim or victim's representative the notification request form described in § 11-914(10) of this title; and

(iii) certify to the clerk of the juvenile court that the prosecuting attorney has complied with this paragraph or is unable to identify the victim or victim's representative.

(3) For cases described under this subsection, the prosecuting attorney may provide a State's witness in the case with the guidelines for victims, victims' representatives, and witnesses available under §§ 11–1001 through 11–1004 of this title.

[(d)] (E) (1) A victim or victim's representative may:

(i) file a completed notification request form with the prosecuting attorney; or

(ii) follow the MDEC system protocol to request notice.

(2) (i) If the jurisdiction has not implemented the MDEC system, the prosecuting attorney shall send a copy of the completed notification request form to the clerk of the circuit court or juvenile court.

(ii) If the jurisdiction has implemented the MDEC system and the victim or victim's representative has filed a completed notification request form, the prosecuting attorney shall electronically file the form with the clerk of the circuit court or juvenile court in the MDEC system.

(3) By filing a completed notification request form or completing the MDEC system protocol, a victim or victim's representative complies with Article 47 of the Maryland Declaration of Rights and each provision of the Code that requires a victim or victim's representative to request notice.

(4) To keep the address and electronic mail address of a victim or victim's representative confidential, the victim or victim's representative shall:

(i) designate in the notification request form a person who has agreed to receive notice for the victim or victim's representative; or

(ii) request as part of the MDEC system protocol, without filing a motion to seal, that the address and electronic mail address remain confidential and available, as necessary to only:

1. the court;

2. the prosecuting attorney;

3. the Department of Public Safety and Correctional Services;

4. the Department of Juvenile Services;
5. the attorney of the victim or victim's representative;
6. the State's Victim Information and Notification Everyday vendor; and
7. a commitment unit that a court orders to retain custody of an individual.

[(e)] (F) (1) Unless provided by the MDEC system, the prosecuting attorney shall send a victim or victim's representative prior notice of each court proceeding in the case, of the terms of any plea agreement, and of the right of the victim or victim's representative to submit a victim impact statement to the court under § 11-402 of this title if:

(i) prior notice is practicable; and

(ii) the victim or victim's representative has filed a notification request form or followed the MDEC system protocol under subsection **[(d)](E)** of this section.

(2) (i) If the case is in a jurisdiction in which the office of the clerk of the circuit court or juvenile court has an automated filing system, the prosecuting attorney may ask the clerk to send the notice required by paragraph (1) of this subsection.

(ii) If the case is in a jurisdiction that has implemented the MDEC system, the victim may follow the MDEC system protocol to receive notice by electronic mail, to notify the prosecuting attorney, and to request additional notice available through the State's Victim Information and Notification Everyday vendor.

(3) As soon after a proceeding as practicable, the prosecuting attorney shall tell the victim or victim's representative of the terms of any plea agreement, judicial action, and proceeding that affects the interests of the victim or victim's representative, including a bail hearing, change in the defendant's pretrial release order, dismissal, nolle prosequi, setting of charges, trial, disposition, and postsentencing court proceeding if:

(i) the victim or victim's representative has filed a notification request form or followed the MDEC system protocol under subsection **[(d)](E)** of this section and prior notice to the victim or victim's representative is not practicable; or

(ii) the victim or victim's representative is not present at the proceeding.

(4) Whether or not the victim or victim's representative has filed a notification request form or followed the MDEC system protocol under subsection **[(d)](E)** of this section, the prosecuting attorney may give the victim or victim's representative

information about the status of the case if the victim or victim's representative asks for the information.

[(f)] (G) If a victim or victim's representative has filed a notification request form or followed the MDEC system protocol under subsection **[(d)](E)** of this section, the clerk of the circuit court or juvenile court:

(1) shall include a copy of the form with any commitment order or probation order that is passed or electronically transmit the form or the registration information for the victim or the victim's representative through the MDEC system; and

(2) if an appeal is filed, shall send a copy of the form or electronically transmit the form or the registration information for the victim or the victim's representative through the MDEC system to the Attorney General and the court to which the case has been appealed.

[(g)] (H) This section does not prohibit a victim or victim's representative from filing a notification request form with a unit to which a defendant or child respondent has been committed.

[(h)] (I) (1) After filing a notification request form under subsection **[(d)](E)** of this section, a victim or victim's representative may discontinue further notices by filing a written request with:

(i) the prosecuting attorney, if the case is still in a circuit court or juvenile court; or

(ii) the unit to which the defendant or child respondent has been committed, if a commitment order has been issued in the case.

(2) After following the MDEC system protocol for electronic notices, a victim or victim's representative may discontinue further notices by following the MDEC system protocol to terminate notice.

11-914.

Subject to the authority of the Executive Director, the Board shall:

(1) submit to the Governor an annual written report of its activities, including its administration of the Fund;

(2) monitor the service needs of victims;

(3) advise the Governor on the needs of victims;

(4) recommend the appointment of the Victim Services Coordinator to the Executive Director;

(5) review and approve the Victim Services Coordinator's plans and annual reports, and the Victim Services Coordinator's implementation, operation, and revision of programs;

(6) approve or disapprove each grant application submitted by the Governor's Office of Crime Control and Prevention;

(7) advise the State's Attorneys' Coordination Council on the adoption of regulations governing the administration of the Victim and Witness Protection and Relocation Program established under § 11-902 of this subtitle;

(8) advise the State's Attorneys' Coordinator on the administration of the Victim and Witness Protection and Relocation Program;

(9) develop pamphlets to notify victims and victim's representatives of the rights, services, and procedures provided under Article 47 of the Maryland Declaration of Rights or State law **AND HOW TO REQUEST INFORMATION REGARDING AN UNSOLVED CASE**, including:

(i) one pamphlet relating to the MDEC system protocol registration process and the time before and after the filing of a charging document other than an indictment or information in circuit court; and

(ii) a second pamphlet relating to the time after the filing of an indictment or information in circuit court; and

(10) develop a notification request form and an MDEC system protocol in consultation with the Administrative Office of the Courts, through which a victim or victim's representative may request to be notified under § 11-104 of this title.

11-1002.

(b) A victim of a crime, victim's representative, or witness:

(8) on written request, should be kept reasonably informed by the police or the State's Attorney of the arrest of a suspect and closing of the case, and should be told which office to contact for information about the case;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 437 – *Nonprofit Health Service Plans – Hearing and Order – Impact of Law or Regulatory Action by Another State*.

This bill authorizes the Maryland Insurance Commissioner to conduct an examination relating to the impact of a law of another state on a nonprofit health service plan operating in this State and adds a regulatory action by another state to the circumstances in which the Commissioner may hold a hearing or conduct an examination to review and evaluate the impact of the law or regulation on the nonprofit health service plan in this State.

House Bill 859, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 437.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 437

AN ACT concerning

Nonprofit Health Service Plans – Hearing and Order – Impact of Law or Regulatory Action by Another State

FOR the purpose of ~~requiring, instead of authorizing, the Maryland Insurance Commissioner to hold a certain hearing relating to the impact of a law of another state on a nonprofit health service plan operating in this State; authorizing the Commissioner to conduct an examination instead of holding a hearing~~ authorizing the Maryland Insurance Commissioner to conduct an examination relating to the impact of a law of another state on a nonprofit health service plan operating in this State; adding a regulatory action by another state to the circumstances that require in which the Commissioner to ~~to~~ may hold a hearing or conduct an examination; adding a requirement by another state that a nonprofit health service plan operating in this State distribute or reduce its surplus to the circumstances ~~that require in which~~ the Commissioner to ~~to~~ may hold a hearing or conduct an examination; authorizing an order issued by the Commissioner to include certain actions; prohibiting a nonprofit health service plan from distributing or reducing its surplus under certain circumstances except with ~~certain~~ the approval of the Commissioner; making certain

conforming changes; making this Act an emergency measure; and generally relating to the impact of a law or regulatory action by another state on a nonprofit health service plan operating in this State and actions by the Maryland Insurance Commissioner.

BY repealing and reenacting, with amendments,
 Article – Insurance
 Section 14–124
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

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

Article – Insurance

14–124.

(a) (1) The Commissioner may conduct any investigation or hearing that the Commissioner considers necessary to enforce this subtitle.

(2) In conducting a hearing or investigation under this section, the Commissioner has the same powers with respect to nonprofit health service plans as are granted to the Commissioner under Titles 2 and 4 of this article with respect to any other activity regulated under this article.

(3) If another state enacts a law **OR TAKES A REGULATORY ACTION** that requires a nonprofit health service plan operating in this State to provide a program or benefits for the residents of the other state **OR TO DISTRIBUTE OR REDUCE ITS SURPLUS ON THE GROUNDS THAT THE SURPLUS IS EXCESSIVE IN WHOLE OR IN PART**, the Commissioner ~~may~~ **SHALL** hold a quasi-legislative hearing or a hearing under Title 2 of this article **OR CONDUCT AN EXAMINATION** to review and evaluate the impact of the law **OR REGULATORY ACTION** on the nonprofit health service plan, including the impact on:

- (i) surplus;
- (ii) premium rates for policies issued or delivered in this State; and
- (iii) solvency.

(4) Based on the review and evaluation under paragraph (3) of this subsection, the Commissioner shall determine whether the impact on the nonprofit health service plan is harmful to the interests of subscribers covered by policies issued or delivered in this State.

(5) (i) If the Commissioner determines the program or benefits for the residents of another state **OR THE SURPLUS DISTRIBUTION OR REDUCTION** have an impact on the nonprofit health service plan that is harmful to the interests of subscribers covered by policies issued or delivered in this State, the Commissioner shall issue an appropriate order to protect the subscribers.

(ii) The order issued under subparagraph (i) of this paragraph may include:

1. a prohibition on the nonprofit health service plan subsidizing the program or benefits for the residents of another state through:

[1.] A. premiums charged to subscribers under policies issued or delivered in this State; or

[2.] B. use of any surplus earned through policies issued or delivered in this State;

2. **A PROHIBITION ON THE NONPROFIT HEALTH SERVICE PLAN DISTRIBUTING OR REDUCING ITS SURPLUS FOR THE BENEFIT OF RESIDENTS OF ANOTHER STATE; OR**

3. **ANY OTHER ACTION THE COMMISSIONER CONSIDERS NECESSARY TO PROTECT THE INTERESTS OF THE SUBSCRIBERS COVERED BY POLICIES ISSUED OR DELIVERED IN THIS STATE.**

(6) A NONPROFIT HEALTH SERVICE PLAN MAY NOT DISTRIBUTE OR REDUCE ITS SURPLUS UNDER A LAW OR REGULATORY ACTION THE IMPACT OF WHICH IS SUBJECT TO A HEARING OR AN EXAMINATION UNDER PARAGRAPH (3) OF THIS SUBSECTION, EXCEPT WITH THE APPROVAL OF THE COMMISSIONER ~~AFTER THE HEARING IS HELD OR THE EXAMINATION IS CONDUCTED.~~

(b) The Commissioner may adopt regulations to carry out this subtitle.

(c) The Commissioner may commence a delinquency proceeding against a corporation operating under this subtitle for any of the reasons set forth in § 9–211(a) and (b) of this article.

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

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 439 – *Baltimore City – Tax Sales*.

This bill requires the tax collector in Baltimore City to withhold specified owner-occupied residential property from a tax sale when the taxes on the property are under \$750. This bill also exempts a person redeeming specified owner-occupied residential property in Baltimore City from the requirement that the person pay the tax collector any taxes, interest, and penalties accruing after the date of the tax sale.

House Bill 1035, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 439.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 439

AN ACT concerning

Baltimore City – Tax Sales

FOR the purpose of requiring the tax collector in Baltimore City to withhold certain owner-occupied residential property from a tax sale when the taxes on the property are under a certain amount; exempting a person redeeming certain owner-occupied residential property in Baltimore City from the requirement that the person pay the tax collector any taxes, interest, and penalties accruing after the date of the tax sale; altering the time at which a holder of a certificate of sale may file to foreclose the right of redemption on certain owner-occupied residential property in Baltimore City; altering the time at which a certain notice of intent to foreclose the right of redemption on certain owner-occupied residential property in Baltimore City may be sent; authorizing an owner of certain owner-occupied residential property in Baltimore City to request the holder of a certificate of sale to provide certain information; requiring the request to be sent in a certain manner;

requiring the holder of a certificate of sale who receives a certain request to provide in a certain manner certain information within a certain number of days; prohibiting a holder of a certificate of sale who receives a certain request from filing a complaint to foreclose the right of redemption on certain owner-occupied residential property in Baltimore City until a certain amount of time has passed; providing that a certain payoff amount provided by the holder of a certificate of sale for owner-occupied residential property in Baltimore City shall be deemed valid for a certain period of time; prohibiting the application of certain restrictions on the filing of a complaint to foreclose the right of redemption for certain owner-occupied residential property in Baltimore City under certain circumstances; altering the amount of time that has to pass before a holder of a certificate of sale of certain owner-occupied residential property in Baltimore City may be reimbursed for certain expenses when the property is redeemed; prohibiting a plaintiff or holder of a certificate of sale of certain owner-occupied residential property in Baltimore City from being reimbursed for certain expenses incurred before a certain period of time has passed; authorizing the Mayor and City Council of Baltimore City to establish, by law, a process to make property redemption payments for certain owner-occupied residential properties by installment; requiring a court to include certain information in a final order in an action to foreclose the right of redemption of certain owner-occupied residential property in Baltimore City; ~~altering the amount of a lien for unpaid water and sewer service which would authorize Baltimore City to sell the property at a tax sale;~~ authorizing Baltimore City to sell certain owner-occupied residential property at a tax sale for a certain lien for unpaid water and sewer service under certain circumstances; defining a certain term; providing for the application of this Act; making conforming changes; and generally relating to tax sales of certain owner-occupied residential property in Baltimore City.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section ~~14-801~~, 14-811, ~~14-828(a)~~, 14-833, 14-843, 14-844, and 14-849.1

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

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

Article – Tax – Property

14-801.

(a) In §§ 14-801 through 14-854 of this subtitle, the following words have the meanings indicated.

(b) “Other taxing agency” means any municipal corporation or other public or quasi-public corporation that may impose a tax of any kind which is or may become a lien on real property.

(c) “OWNER–OCCUPIED RESIDENTIAL PROPERTY” MEANS, WITH RESPECT TO A PROPERTY LOCATED IN BALTIMORE CITY, THE PRINCIPAL RESIDENCE OF A HOMEOWNER AS DEFINED IN § 9–105(A)(7) OF THIS ARTICLE.

(D) (1) “Tax” means any tax, or charge of any kind due to the State or any of its political subdivisions, or to any other taxing agency, that by law is a lien against the real property on which it is imposed or assessed.

(2) “Tax” includes interest, penalties, and service charges.

14–811.

(A) [The] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE collector may withhold from sale any property, when the total taxes on the property, including interest and penalties, amount to less than \$250 in any 1 year.

(B) IN BALTIMORE CITY, THE COLLECTOR SHALL WITHHOLD FROM SALE ~~ANY OWNER–OCCUPIED RESIDENTIAL~~ PROPERTY, WHEN THE TOTAL TAXES ON THE PROPERTY, INCLUDING INTEREST AND PENALTIES, AMOUNT TO LESS THAN ~~\$500~~ \$750.

14–828.

(a) If the property is redeemed, the person redeeming shall pay the collector:

(1) the total lien amount paid at the tax sale for the property together with interest;

(2) any taxes, interest, and penalties paid by any holder of the certificate of sale;

(3) EXCEPT FOR OWNER–OCCUPIED RESIDENTIAL PROPERTY IN BALTIMORE CITY, any taxes, interest, and penalties accruing after the date of the tax sale;

(4) in the manner and by the terms required by the collector, any expenses or fees for which the plaintiff or the holder of a certificate of sale is entitled to reimbursement under § 14–843 of this subtitle; and

(5) for vacant and abandoned property sold under § 14–817 of this subtitle for a sum less than the amount due, the difference between the price paid and the unpaid taxes, interest, penalties, and expenses.

14–833.

(a) (1) Except as provided in PARAGRAPH (2) OF THIS SUBSECTION AND subsections [(a-1), (e), (f), and (g)] (A-1) AND (E) of this section, at any time after 6 months from the date of sale a holder of any certificate of sale may file a complaint to foreclose all rights of redemption of the property to which the certificate relates.

(2) EXCEPT AS PROVIDED IN SUBSECTIONS (A-1), (E), (F), AND (G) OF THIS SECTION, AT ANY TIME AFTER ~~12~~ 9 MONTHS FROM THE DATE OF SALE OF OWNER-OCCUPIED RESIDENTIAL PROPERTY LOCATED IN BALTIMORE CITY, A HOLDER OF ANY CERTIFICATE OF SALE MAY FILE A COMPLAINT TO FORECLOSE ALL RIGHTS OF REDEMPTION OF THE PROPERTY TO WHICH THE CERTIFICATE RELATES.

(a-1) (1) The holder of a certificate of sale may not file a complaint to foreclose the right of redemption until at least 2 months after sending the first notice and at least 30 days after sending the second notice required under this subsection to:

(i) the person who last appears as owner of the property on the collector's tax roll; and

(ii) 1. the current mortgagee of the property, assignee of a mortgagee of record, or servicer of the current mortgage; or

2. the current holder of a beneficial interest in a deed of trust recorded against the property.

(2) The holder of a certificate of sale is not required to provide the notices under this subsection if subsection (e), (f), or (g) of this section applies to the property.

(3) The notices required under this subsection shall include at least the following:

(i) a statement of the fact of the issuance of a certificate of sale;

(ii) a copy of the certificate of sale, if the holder of the certificate of sale received the certificate of sale before the notice was sent under this paragraph;

(iii) a statement that the owner, a mortgage holder, or any other person that has an estate or interest in the property may redeem the property at any time until the right of redemption has been finally foreclosed under the provisions of this subtitle;

(iv) a statement that the holder of the certificate of sale may file an action to foreclose the right of redemption at any time after 2 months from the date of the first notice;

(v) a statement that if the property is redeemed before an action to foreclose the right of redemption is filed, the amount that shall be paid to redeem the property is:

1. the total lien amount on the property at the time of sale, with interest;
2. any taxes, interest, and penalties paid by the holder of the certificate of sale;
3. any taxes, interest, and penalties accruing after the date of the tax sale; and
4. the following expenses incurred by the holder of the certificate of sale:
 - A. costs for recording the certificate of sale;
 - B. a title search fee, not to exceed \$250;
 - C. the postage and certified mailing costs actually incurred for the notices; and
 - D. reasonable attorney's fees, not to exceed \$500;

(vi) a statement that if the property is redeemed after an action to foreclose the right of redemption has been filed, the amount that shall be paid to redeem the property is the sum of:

1. the total lien amount on the property at the time of sale, with interest;
2. any taxes, interest, and penalties paid by the holder of the certificate of sale;
3. any taxes, interest, and penalties accruing after the date of the tax sale; and
4. attorney's fees and expenses to which the holder of the certificate of sale may be entitled under § 14–843(a)(4) and (5) of this subtitle;

(vii) the provisions of § 14–843(a) of this subtitle, reproduced as they appear in the Code;

(viii) a statement that, in Baltimore City only, the holder of the certificate of sale is entitled to taxes, interest, and penalties paid in accordance with §

14–843(c) of this subtitle and interest at the rate of redemption under § 14–820 of this subtitle from the date of payment to the date of redemption; and

(ix) the name, address, and telephone number of:

1. the holder of the certificate of sale, or the holder's agent or attorney; and

2. the collector who made the sale.

(4) (i) 1. **[The] EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE first of the two notices required under this subsection may not be sent until 4 months after the date of sale.**

2. IN BALTIMORE CITY, FOR OWNER–OCCUPIED RESIDENTIAL PROPERTY, THE FIRST OF THE TWO NOTICES REQUIRED UNDER THIS SUBSECTION MAY NOT BE SENT UNTIL ~~10~~ 7 MONTHS AFTER THE DATE OF SALE.

(ii) The second of the two notices required under this section shall be sent:

1. to the persons listed in paragraph (1) of this subsection; and

2. no earlier than 1 week after the first notice required under this subsection is sent.

(5) (I) If a certificate of sale is assigned after the first notice required under this subsection is sent and before an action to foreclose the right of redemption is filed, the assignee:

[(i)] 1. at any time after the assignment, shall send one additional notice under this subsection reflecting the new holder of the certificate; and

[(ii)] 2. may not file a complaint to foreclose the right of redemption until at least 2 months after the additional notice has been sent.

(II) 1. **IN BALTIMORE CITY, FOR OWNER–OCCUPIED RESIDENTIAL PROPERTY, PRIOR TO THE FILING OF A COMPLAINT TO FORECLOSE THE RIGHT OF REDEMPTION, AN OWNER OF PROPERTY SOLD UNDER THIS SUBTITLE MAY SEND A REQUEST FOR THE CURRENT PAYOFF AMOUNT TO REDEEM THE PROPERTY.**

2. A REQUEST MADE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL BE SENT TO THE HOLDER OF THE CERTIFICATE OF

SALE BY FIRST-CLASS CERTIFIED MAIL, POSTAGE PREPAID, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE.

3. WITHIN 10 DAYS OF DELIVERY OF A NOTICE SENT UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE HOLDER OF A CERTIFICATE OF SALE SHALL SEND THE OWNER OF THE PROPERTY, BY FIRST-CLASS CERTIFIED MAIL, POSTAGE PREPAID, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE, THE CURRENT PAYOFF AMOUNT TO REDEEM THE PROPERTY, AS OF THE DATE THE REQUEST WAS MADE.

4. A EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 6 OF THIS SUBPARAGRAPH, A HOLDER OF A CERTIFICATE OF SALE WHO RECEIVES A REQUEST FOR A CURRENT PAYOFF AMOUNT TO REDEEM PROPERTY UNDER THIS SUBPARAGRAPH MAY NOT FILE A COMPLAINT TO FORECLOSE THE RIGHT OF REDEMPTION UNTIL THE LATER OF:

A. 20 DAYS AFTER THE REQUEST UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IS ~~SENT~~ RECEIVED BY THE HOLDER OF THE CERTIFICATE OF SALE;

B. 10 DAYS AFTER THE HOLDER OF THE CERTIFICATE OF SALE SENDS THE OWNER OF THE PROPERTY THE CURRENT PAYOFF AMOUNT TO REDEEM THE PROPERTY; OR

C. THE DATE ON WHICH A HOLDER OF THE CERTIFICATE OF SALE MAY FILE A COMPLAINT TO FORECLOSE THE RIGHT OF REDEMPTION UNDER PARAGRAPHS (1) AND (4) OF THIS SUBSECTION.

5. THE PAYOFF AMOUNT TO REDEEM THE PROPERTY PROVIDED BY THE HOLDER OF THE CERTIFICATE OF SALE IN ACCORDANCE WITH SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH SHALL BE DEEMED VALID FOR A PERIOD OF 30 DAYS FROM THE DATE THE HOLDER OF THE CERTIFICATE OF SALE SENDS THE OWNER OF THE PROPERTY THE PAYOFF AMOUNT.

6. IF THE OWNER OF PROPERTY SENDS MORE THAN 2 REQUESTS UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE RESTRICTIONS ON FILING A COMPLAINT TO FORECLOSE THE RIGHT OF REDEMPTION MAY NOT APPLY TO A THIRD OR SUBSEQUENT REQUEST.

(6) (i) The first of the two notices required under this subsection shall be sent:

1. by first-class certified mail, postage prepaid, return receipt requested, bearing a postmark from the United States Postal Service; and

2. in an envelope prominently marked on the outside with the following phrase “Notice of Delinquent Property Tax”.

(ii) The second of the two notices required under this subsection shall be sent:

1. by first-class certified mail, postage prepaid, return receipt requested, bearing a postmark from the United States Postal Service; and

2. in an envelope prominently marked on the outside with the following phrase “Notice of Delinquent Property Tax”.

(7) The notice required under this subsection shall be sent to each person at the person’s last address known to the holder of the certificate of sale, as obtained from:

(i) the last deed or mortgage relating to the property recorded among the land records in the county in which the property is located;

(ii) the tax rolls of the collector who made the sale, as to the property described in the certificate of sale; and

(iii) with respect to the address of the resident agent and the principal office of the current mortgagee of record, the Department of Assessments and Taxation.

(8) In a proceeding to foreclose the right of redemption, if the holder of a certificate of sale, the holder’s agent, or the attorney of the holder of a certificate of sale, files an affidavit, before the court enters a final judgment foreclosing the right of redemption, attesting to the fact that the affiant has complied with the notice provisions of this subsection and provides evidence that the second of the two notices required under this subsection was sent by certified mail as required under paragraph (6)(ii) of this subsection, then:

(i) the notice provisions of this subsection shall be deemed satisfied; and

(ii) the failure of the owner, mortgagee, or beneficiary of a deed of trust to receive the required notice does not invalidate the proceeding to foreclose the right of redemption or the final judgment of the court.

(b) The right to redeem shall continue until finally barred by decree of the circuit court in which the foreclosure proceeding is filed.

(c) (1) The certificate is void unless a proceeding to foreclose the right of redemption is filed within 2 years of the date of the certificate of sale.

(2) In Baltimore City a certificate for abandoned property sold under § 14–817(c) of this subtitle with a minimum bid less than the lien amount reverts to the Mayor and City Council and is void as to the private purchaser at tax sale unless:

(i) a proceeding to foreclose the right of redemption is filed within 3 months of the date of the certificate of sale; and

(ii) unless the holder is granted an extension by the court due to a showing of extraordinary circumstances beyond the certificate holder's control, the holder secures a decree from the circuit court in which the foreclosure proceeding was filed within 18 months from the date of the filing of the foreclosure proceeding.

(d) (1) If a certificate is void under subsection (c) of this section, then any right, title, and interest of the holder of the certificate of sale, in the property sold shall cease and all money received by the collector on account of the sale shall be deemed forfeited, and shall be applied by the collector on the taxes in arrears on the property.

(2) If a certificate for abandoned property reverts to the Mayor and City Council of Baltimore City under this section, the Mayor and City Council may:

(i) file a foreclosure proceeding in its own name; or

(ii) 1. resell the certificate; and

2. apply all money received on account of the sale to any outstanding balance remaining after the sale on the tax debt owed by the previous owner of the abandoned property.

(e) If any building or structure is sold and purchased under this subtitle, and the appropriate government agency certifies that the particular building or structure involved requires, or within 6 months shall require, substantial repairs to comply with the applicable building code:

(1) the holder of any certificate of sale may at any time after 60 days from the date of sale file a complaint to foreclose all rights of redemption of the property to which the certificate relates; and

(2) the certificate of the appropriate government agency shall be a part of the complaint to foreclose the rights of redemption.

(f) The holder of a certificate of sale for abandoned property in Baltimore City sold under § 14–817(c) of this subtitle with a minimum bid less than the lien amount may file a complaint to foreclose all rights of redemption in the property at any time after the date of sale.

(g) When the Mayor and City Council of Baltimore City becomes the holder of a certificate of sale purchased in accordance with § 14–824 of this subtitle, the Mayor and

City Council of Baltimore City may file a complaint, at any time after the date of sale, to foreclose all rights of redemption in abandoned property consisting of:

- (1) a vacant lot; or
- (2) improved property cited as vacant and unfit for habitation on a housing or building violation notice.

14–843.

(a) (1) Except as provided in subsection (b) of this section, on redemption, the plaintiff or the holder of a certificate of sale may be reimbursed for expenses incurred in any action or in preparation for any action to foreclose the right of redemption as provided in this section.

(2) The plaintiff or holder of a certificate of sale is not entitled to be reimbursed for any other expenses or attorney’s fees that are not included in this section.

(3) (I) **[If] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF** an action to foreclose the right of redemption has not been filed, and the property is redeemed more than 4 months after the date of the tax sale, the holder of a certificate of sale may be reimbursed for the following expenses actually incurred:

- [(i)] 1. costs for recording the certificate of sale;
- [(ii)] 2. a title search fee, not to exceed \$250;
- [(iii)] 3. the postage and certified mailing costs for the notices required under § 14–833(a–1) of this title; and
- [(iv)] 4. reasonable attorney’s fees, not to exceed \$500.

(II) IN BALTIMORE CITY, FOR OWNER–OCCUPIED RESIDENTIAL PROPERTY, IF AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION HAS NOT BEEN FILED, AND THE PROPERTY IS REDEEMED MORE THAN ~~10~~ 7 MONTHS AFTER THE DATE OF THE TAX SALE, THE HOLDER OF A CERTIFICATE OF SALE MAY BE REIMBURSED FOR THE FOLLOWING EXPENSES ACTUALLY INCURRED:

- 1. COSTS FOR RECORDING THE CERTIFICATE OF SALE;
- 2. A TITLE SEARCH FEE, NOT TO EXCEED \$250;
- 3. THE POSTAGE AND CERTIFIED MAILING COSTS FOR THE NOTICES REQUIRED UNDER § 14–833(A–1) OF THIS SUBTITLE; AND

4. REASONABLE ATTORNEY'S FEES, NOT TO EXCEED \$500.

(4) If an action to foreclose the right of redemption has been filed, the plaintiff or holder of a certificate of sale may be reimbursed for:

(i) attorney's fees in the amount of:

1. \$1,300 if an affidavit of compliance has not been filed, which amount shall be deemed reasonable for both the preparation and filing of the action to foreclose the right of redemption; or

2. \$1,500 if an affidavit of compliance has been filed, which amount shall be deemed reasonable for both the preparation and filing of the action to foreclose the right of redemption;

(ii) reasonable attorney's fees, not to exceed \$1,200, incurred by the plaintiff or holder of a certificate of sale for opening an estate for purposes of service of process and notice on a defendant's estate;

(iii) in exceptional circumstances, other reasonable attorney's fees incurred and specifically requested by the plaintiff or holder of a certificate of sale and approved by the court, on a case by case basis; and

(iv) if the plaintiff or holder of a certificate of sale provides a signed affidavit attesting to the fact that the expenses were actually incurred, the following expenses actually incurred by the plaintiff or holder of a certificate of sale:

1. filing fee charged by the circuit court for the county in which the property is located;

2. service of process fee, including fees incurred attempting to serve process;

3. a title search fee, not to exceed \$250;

4. if a second title search is conducted more than 6 months after the initial title search, a title search update fee, not to exceed \$75;

5. publication fee charged by a newspaper of general circulation in the county in which the property is located;

6. posting fee;

7. postage and certified mail;

8. substantial repair order fee, not to exceed the fee charged by the government agency issuing the certificate of substantial repair;

9. expenses and costs incurred for opening an estate of a deceased defendant for purposes of service of process and notice, not to exceed \$1,200; and

10. any court approved expense for stabilization or conversion of the property under § 14–830 of this subtitle or in accordance with an action taken against the property by the county in which the property is located in accordance with the applicable building, fire, health, or safety codes.

(5) In addition to the expenses and attorney's fees under paragraph (3) or (4) of this subsection, the plaintiff or holder of a certificate of sale may be reimbursed for:

(i) taxes paid at the tax sale, together with redemption interest, arising after the date of sale to the date of redemption;

(ii) the high bid premium paid at the tax sale, if applicable; and

(iii) in Baltimore City only, taxes, interest, and penalties paid in accordance with subsection (c) of this section and interest at the rate of redemption provided in § 14–820 of this subtitle from the date of payment to the date of redemption.

(b) (1) **(I)** Except as provided in **SUBPARAGRAPH (II) OF THIS PARAGRAPH AND** paragraph (2) of this subsection, in Allegany County, Anne Arundel County, ~~¶~~Baltimore City,~~¶~~ Baltimore County, Calvert County, Caroline County, Carroll County, Cecil County, Charles County, Dorchester County, Frederick County, Garrett County, Harford County, Howard County, Kent County, Montgomery County, Prince George's County, Queen Anne's County, St. Mary's County, Somerset County, Washington County, Wicomico County, and Worcester County, the plaintiff or holder of a certificate of sale may not be reimbursed for expenses incurred within 4 months after the date of sale.

(II) IN BALTIMORE CITY, FOR OWNER–OCCUPIED RESIDENTIAL PROPERTY, THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE MAY NOT BE REIMBURSED FOR EXPENSES INCURRED WITHIN ~~10~~ 7 MONTHS AFTER THE DATE OF SALE.

(2) This subsection does not apply to property for which the holder:

(i) may file a complaint any time after 60 days from the date of sale, pursuant to § 14–833(e) of this subtitle; or

(ii) must file a complaint within 3 months from the date of sale, pursuant to § 14–833(c)(2) of this subtitle.

(c) In Baltimore City, on or after October 1 of each year, the plaintiff or holder of a certificate of sale may pay taxes, interest, and penalties that become due after the date of the sale on the property described in the tax sale certificate and that have not been paid by the owner of the property.

(D) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY ESTABLISH, BY LAW, A PROCESS BY WHICH AN OWNER OF OWNER-OCCUPIED RESIDENTIAL PROPERTY SOLD AT TAX SALE IN ACCORDANCE WITH THIS SUBTITLE MAY REDEEM THE PROPERTY THROUGH AN INSTALLMENT PAYMENT PLAN.

14-844.

(a) After the time limit set in the order of publication and in the summons expires, the court shall enter judgment foreclosing the right of redemption. An interlocutory order is not necessary. The judgment is final and conclusive on the defendants, their heirs, devisees, and personal representatives and they or any of their heirs, devisees, executors, administrators, assigns, or successors in right, title, or interest, and all defendants are bound by the judgment as if they had been named in the proceedings and personally served with process.

(b) If the court finds for the plaintiff, the judgment vests in the plaintiff an absolute and indefeasible title in fee simple in the property, free and clear of all alienations and descents of the property occurring before the date of the judgment and encumbrances on the property, except taxes that accrue after the date of sale and easements of record and any other easement that may be observed by an inspection of the property to which the property is subject.

(c) If the collector sold the property subject to a ground rent or the plaintiff elected not to include the ground rent holder as a party, the judgment vests a leasehold interest in the plaintiff.

(d) Once a judgment is granted, the plaintiff immediately becomes liable for the payment of all taxes due and payable after the judgment. The plaintiff may be sued in an action under § 14-864 of this subtitle to collect all taxes due and payable after the judgment and it is not a defense that a deed to the property has not been recorded. On the entry of judgment, the plaintiff shall pay the collector any surplus bid and all taxes together with interest and penalties on the taxes due on the property.

(e) In Baltimore City where abandoned property has been sold for a sum less than the amount due under § 14-817 of this subtitle, in a foreclosure proceeding brought by the Mayor and City Council, the final order may include a judgment in favor of the city and against the person liable for taxes prior to the sale, in the amount of the unpaid taxes, interest, penalties, and expenses otherwise due in a tax sale.

(F) IN BALTIMORE CITY, FOR A PROCEEDING CONCERNING AN OWNER-OCCUPIED RESIDENTIAL PROPERTY, IF THE COURT FINDS FOR THE

PLAINTIFF, THE FINAL JUDGMENT SHALL STATE WHETHER THERE IS A BID BALANCE AS A RESULT OF THE TAX SALE AND THAT THE FORMER OWNER'S PORTION OF THE BID BALANCE MAY BE OBTAINED BY CONTACTING THE BALTIMORE CITY BUREAU OF REVENUE COLLECTIONS.

14-849.1.

(a) In Baltimore City, the Mayor and City Council may not sell a property solely to enforce a lien for unpaid charges for water and sewer service unless:

(1) **(I) FOR A PROPERTY OTHER THAN OWNER-OCCUPIED RESIDENTIAL PROPERTY,** the lien is for at least ~~[\$350]~~ **\$500**; **OR**

(II) FOR AN OWNER-OCCUPIED RESIDENTIAL PROPERTY, THE LIEN IS FOR AT LEAST \$750; and

(2) the unpaid charges for water and sewer service are at least 3 quarters in arrears.

(b) **(1)** Notwithstanding subsection ~~(a)~~ **(A)(1)(I)** of this section, the Mayor and City Council may enforce a lien on a property **OTHER THAN OWNER-OCCUPIED RESIDENTIAL PROPERTY** for unpaid water and sewer service that is less than ~~[\$350]~~ **\$500** if the property is being sold to enforce another lien.

(2) NOTWITHSTANDING SUBSECTION (A)(1)(II) OF THIS SECTION, THE MAYOR AND CITY COUNCIL MAY ENFORCE A LIEN ON OWNER-OCCUPIED RESIDENTIAL PROPERTY FOR UNPAID WATER AND SEWER SERVICE THAT IS LESS THAN \$750 IF THE PROPERTY IS BEING SOLD TO ENFORCE ANOTHER LIEN.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any tax sale certificate issued before the effective date of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 451 – *Vehicle Laws – Title Fees – Rental Vehicles*.

This bill makes permanent a \$50 fee for a certificate of title for a rental vehicle.

House Bill 203, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 451.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 451

AN ACT concerning

Vehicle Laws – Title Fees – Rental Vehicles

FOR the purpose of making permanent a certain fee for a certificate of title for a rental vehicle; ~~requiring the Motor Vehicle Administration, on application by an owner of a rental vehicle titled during a certain period of time, to refund a certain amount of the title fee collected from the owner; stating the intent of the General Assembly;~~ and generally relating to rental vehicles and title fees.

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 13–802
 Annotated Code of Maryland
 (2012 Replacement Volume and 2014 Supplement)

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

Article – Transportation

13–802.

(a) Except as provided in subsection (b) of this section and § 13–805 of this subtitle, the fee for each certificate of title issued under this title is \$100.

(b) (1) [For fiscal years 2012 through 2016 only, the] **THE** fee for each certificate of title issued for a rental vehicle is \$50.

(2) The fee for each certificate of title issued for a motor scooter or a moped is \$20.

(3) On the death of a joint owner of a vehicle, the Administration may not charge a fee for a new certificate of title issued for the vehicle to another joint owner who is the surviving spouse.

~~SECTION 2. AND BE IT FURTHER ENACTED, That on application by an owner of a rental vehicle that was titled on or after July 1, 2014, but before the effective date of this Act, the Motor Vehicle Administration shall refund any amount collected from the owner in excess of the title fee established under § 13-802(b)(1) of the Transportation Article.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly in enacting this Act to:~~

~~(1) Ratify and continue the extension of the reduction in the fee on the issuance of certificates of title for rental vehicles under § 13-802 of the Transportation Article, as enacted by Ch. 464 of the Acts of 2014, which was not implemented on advice of the Attorney General in the Bill Review Letter for S.B. 172 (Ch. 464, Acts of 2014), dated May 14, 2014; and~~

~~(2) Require rebates to owners of rental vehicles of overpayments of the fee under § 13-802 of the Transportation Article that were collected on and after July 1, 2014, as a result of the failure to implement the extension of the reduction in the fee as enacted by Ch. 464, Acts of 2014.~~

~~SECTION 4. 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.~~

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 453 – *Public-Private Partnership Agreements – Construction Contracts – Security Requirements*.

This bill clarifies the value on which requirements for the amount of the payment security and specified performance security shall be based in a public-private partnership agreement for a construction contract.

House Bill 936, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 453.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 453

AN ACT concerning

Public-Private Partnership Agreements – ~~Performance Security~~ – Construction Contracts – Security Requirements

FOR the purpose of ~~altering the requirement that a public-private partnership agreement include, under certain circumstances, a certain provision regarding performance and payment security to require that requirements for performance security for construction contracts be in accordance with certain provisions of law~~ the amount of any performance security in a certain form for certain contracts be based on the value of certain construction elements of a public-private partnership agreement and not on the total value of the agreement; making a conforming change clarifying changes clarifying the value on which requirements for the amount of the payment security and certain performance security shall be based in a public-private partnership agreement for a construction contract; and generally relating to ~~performance security in~~ public-private partnership agreements for construction contracts.

BY repealing and reenacting, with amendments,
 Article – State Finance and Procurement
 Section 10A-401(a)(12)
 Annotated Code of Maryland
 (2009 Replacement Volume and 2014 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

10A-401.

(a) Whenever applicable, a public-private partnership agreement shall include the following provisions:

(12) requirements for the private entity to provide performance SECURITY and payment security in a form and in an amount determined by the responsible public entity, except that:

(I) requirements for the ~~PERFORMANCE AND~~ payment security for construction contracts shall be in accordance with Title 17, Subtitle 1 of this article, ~~including; AND~~

(II) REQUIREMENTS FOR the ~~requirement that PERFORMANCE AND AMOUNT OF THE~~ payment security AND ANY PERFORMANCE SECURITY IN THE FORM OF A PERFORMANCE BOND FOR CONSTRUCTION CONTRACTS A CONSTRUCTION CONTRACT shall be ~~established~~ BASED on the value of the RESPECTIVE construction elements of the public-private partnership agreement and not on the total value of the public-private partnership agreement.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 461 – *Insurance – Surplus Lines – Disability Insurance*.

This bill authorizes the use of surplus lines insurance for disability insurance coverage under specified circumstances; provides that the procurement of specified disability insurance through surplus lines insurance is subject to specified requirements; and provides that the Act applies to all policies and contracts of surplus lines insurance for disability insurance issued, delivered, or renewed in the State on or after October 1, 2015.

House Bill 565, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 461.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 461

AN ACT concerning

Insurance – Surplus Lines – Disability Insurance

FOR the purpose of authorizing the use of surplus lines insurance for certain disability insurance coverage under certain circumstances; providing for the application of certain provisions to certain disability insurance; providing that the procurement of certain disability insurance through surplus lines insurance is subject to certain requirements; providing for the application of this Act; and generally relating to surplus lines insurance and disability insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 3–302
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY adding to
Article – Insurance
Section 3–306.2
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Insurance

3–302.

(a) This subtitle does not apply to:

- (1) life insurance;
- (2) health insurance, **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION;**
- (3) annuities;
- (4) reinsurance;
- (5) wet marine and transportation insurance, except as provided in subsection (b) of this section;

(6) insurance on a subject that is located, resident, or to be performed wholly outside the State;

(7) insurance on vehicles or aircraft owned and principally garaged outside the State;

(8) insurance on property or operation of railroads engaged in interstate commerce;

(9) insurance:

(i) on aircraft owned or operated by aircraft manufacturers or operated in scheduled interstate flight;

(ii) on cargo of the aircraft described in subitem (i) of this item; or

(iii) against liability arising out of the ownership, maintenance, or use of the aircraft described in subitem (i) of this item, other than workers' compensation or employer's liability; or

(10) medical stop-loss insurance, as defined in § 15-129 of this article.

(b) This subtitle applies to wet marine and transportation insurance on:

(1) a pleasure craft under 60 feet in length that is owned and used for pleasure and not for business, hire, or other commercial use;

(2) fishing vessels under 50 gross tons that are not part of a fleet of 3 or more vessels; and

(3) charter or head boats under 50 gross tons that are not part of a fleet of 3 or more vessels.

(C) SUBJECT TO § 3-306.2 OF THIS SUBTITLE, THIS SUBTITLE APPLIES TO DISABILITY INSURANCE THAT:

(1) PROVIDES FOR LOST INCOME, REVENUE, OR PROCEEDS IN THE EVENT THAT AN ILLNESS, ACCIDENT, OR INJURY RESULTS IN A DISABILITY THAT IMPAIRS AN INSURED'S ABILITY TO WORK OR OTHERWISE GENERATE INCOME, REVENUE, OR PROCEEDS THAT THE INSURANCE IS INTENDED TO REPLACE; AND

(2) DOES NOT INCLUDE PAYMENT FOR MEDICAL EXPENSES, DISMEMBERMENT, OR ACCIDENTAL DEATH.

3-306.2.

(A) **DISABILITY INSURANCE UNDER § 3-302(C) OF THIS SUBTITLE MAY BE PROCURED FROM A NONADMITTED INSURER IF THE COVERAGE PROCURED IS IN EXCESS OF COVERAGE AVAILABLE FROM, OR IS NOT AVAILABLE FROM, AN ADMITTED INSURER THAT WRITES THAT PARTICULAR KIND AND CLASS OF INSURANCE IN THE STATE.**

(B) **PROCUREMENT OF DISABILITY INSURANCE UNDER THIS SECTION FROM A NONADMITTED INSURER IS SUBJECT TO:**

(1) **THE DILIGENT SEARCH REQUIREMENTS OF §§ 3-306 AND 3-306.1 OF THIS SUBTITLE; AND**

(2) **ALL OTHER REQUIREMENTS OF THIS SUBTITLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies and contracts of surplus lines insurance for disability insurance issued, delivered, or renewed in the State on or after October 1, 2015.

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

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 467 – *Department of Health and Mental Hygiene – Newborn Screening Program Fund – Establishment*.

This bill establishes the Newborn Screening Program Fund; requires the Secretary of Health and Mental Hygiene to administer the Fund; requires the Secretary to pay specified fees to the Comptroller; requires the Comptroller to distribute the specified fees to the Newborn Screening Program Fund; requires interest earnings of the Fund to be credited to the Fund; and exempts the Fund from a specified provision of law requiring interest on State money in special funds to accrue to the General Fund of the State.

House Bill 5, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 467.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 467

AN ACT concerning

Department of Health and Mental Hygiene – Newborn Screening Program Fund – Establishment

FOR the purpose of establishing the Newborn Screening Program Fund; requiring the Secretary of Health and Mental Hygiene to administer the Fund; providing for the uses, purposes, sources of funding, investment of money, and auditing of the Fund; providing that the Fund is a continuing, nonlapsing fund not subject to certain provisions of law; requiring the Secretary to pay certain fees to the Comptroller; requiring the Comptroller to distribute certain fees to the Fund; requiring interest earnings of the Fund to be credited to the Fund; exempting the Fund from a certain provision of law requiring interest on State money in special funds to accrue to the General Fund of the State; defining a certain term; ~~making this Act an emergency measure;~~ and generally relating to the Newborn Screening Program Fund in the Department of Health and Mental Hygiene.

BY adding to

Article – Health – General
Section 13–111(f) and 13–113
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
Section 6–226(a)(2)(ii)81. and 82.
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY adding to

Article – State Finance and Procurement

Section 6-226(a)(2)(ii)83.
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – Health – General

13-111.

(F) (1) THE SECRETARY SHALL PAY ALL FEES COLLECTED UNDER THE PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.

(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE NEWBORN SCREENING PROGRAM FUND ESTABLISHED UNDER § 13-113 OF THIS SUBTITLE.

13-113.

(A) IN THIS SECTION, “FUND” MEANS THE NEWBORN SCREENING PROGRAM FUND.

(B) THERE IS A NEWBORN SCREENING PROGRAM FUND.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING FOR THE SCREENING OF NEWBORN INFANTS IN THE STATE FOR CERTAIN HEREDITARY AND CONGENITAL DISORDERS.

(D) THE SECRETARY SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(F) THE FUND CONSISTS OF:

(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 13-111(F) OF THIS SUBTITLE;

(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

~~AND~~

(3) INTEREST EARNINGS OF THE FUND; AND

~~(3)~~ **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.**

(G) THE FUND MAY BE USED ONLY TO COVER THE ADMINISTRATIVE, LABORATORY, AND FOLLOW-UP COSTS ASSOCIATED WITH THE PERFORMANCE OF NEWBORN SCREENING TESTS CONDUCTED UNDER THIS SUBTITLE.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(J) ~~THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND TRANSACTIONS OF THE FUND~~ ACCOUNTS AND TRANSACTIONS OF THE FUND SHALL BE SUBJECT TO AUDIT BY THE LEGISLATIVE AUDITOR AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

Article – State Finance and Procurement

6-226.

(a) (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:

81. the Cybersecurity Investment Fund; [and]

82. the Northeastern Maryland Additive Manufacturing Innovation Authority Fund; AND

83. THE NEWBORN SCREENING PROGRAM FUND.

~~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 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 shall take effect July 1, 2015.~~

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 469 – *Public Health – Maryland Behavioral Health Crisis Response System*.

This bill alters the name of the Maryland Mental Health Crisis Response System to be the Maryland Behavioral Health Crisis Response System and requires the Crisis Response System to evaluate the outcomes of services through the annual collection of data on behavioral health calls received by police, attempted and completed suicides, unnecessary hospitalizations, hospital diversions, arrests and detentions and diversion of arrests and detentions of individuals with behavioral health diagnoses.

House Bill 367, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 469.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 469

AN ACT concerning

Public Health – Maryland Behavioral Health Crisis Response System

FOR the purpose of altering the name of the Maryland Mental Health Crisis Response System to be the Maryland Behavioral Health Crisis Response System; establishing the Crisis Response System in the Behavioral Health Administration; ~~requiring~~ authorizing certain services to be provided by the Crisis Response System; ~~requiring~~

~~authorizing~~ *requiring* the Crisis Response System to include an evaluation of outcomes of services through the annual collection of certain data; ~~requiring the Administration to maintain a certain bed registry;~~ requiring the Administration to implement the Crisis Response System in collaboration with the core service agency serving each jurisdiction; repealing a prohibition against the State spending more than a certain amount of State general funds in each fiscal year to implement the Crisis Response System; providing that community benefit includes certain support of the Crisis Response System; making certain conforming changes; defining a certain term; repealing a certain provision of law that makes the Crisis Response System contingent on the receipt of certain funding; and generally relating to a behavioral health crisis response system.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 10–1401 through 10–1405 to be under the amended subtitle “Subtitle 14.

Maryland Behavioral Health Crisis Response System”

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

(As enacted by Chapter 371 of the Acts of the General Assembly of 2002)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–303(a)(3)

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY repealing

Chapter 371 of the Acts of the General Assembly of 2002

Section 2

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

Article – Health – General

Subtitle 14. Maryland [Mental] **BEHAVIORAL** Health Crisis Response System.

10–1401.

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

(B) “ADMINISTRATION” MEANS THE BEHAVIORAL HEALTH ADMINISTRATION.

[(b)] (C) “Core service agency” has the meaning stated in § 10–1201 of this title.

[(c)] (D) “Crisis Response System” means the Maryland **[Mental] BEHAVIORAL** Health Crisis Response System.

10–1402.

(a) There is a Maryland **[Mental] BEHAVIORAL** Health Crisis Response System in the Behavioral Health Administration.

(b) The Crisis Response System shall:

(1) Operate a statewide network utilizing existing resources and coordinating interjurisdictional services to develop efficient and effective crisis response systems to serve all individuals in the State, 24 hours a day and 7 days a week;

(2) Provide skilled clinical intervention to help prevent suicides, homicides, unnecessary hospitalizations, and arrests or detention, and to reduce dangerous or threatening situations involving individuals in need of **[mental] BEHAVIORAL** health services; and

(3) Respond quickly and effectively to community crisis situations.

(c) The Administration shall consult with consumers of **[mental] BEHAVIORAL** health services, family members, and **[mental] BEHAVIORAL** health advocates in the development of the Crisis Response System.

10–1403.

(a) The Crisis Response System shall include:

(1) ~~A WALK-IN crisis communication center THAT IS OPEN 24 HOURS A DAY AND 7 DAYS A WEEK~~ in each jurisdiction or region to provide:

(i) A single point of entry to the Crisis Response System;

(ii) Coordination with the local core service agency, police, emergency medical service personnel, and **[mental] BEHAVIORAL** health providers; ~~and~~

~~(iii) TRANSPORTATION COORDINATION TO ACCESS SERVICES, INCLUDING TRANSPORTATION TO URGENT APPOINTMENTS OR TO EMERGENCY PSYCHIATRIC FACILITIES; AND~~

~~(iii)] (iv)~~ **[Services] PROGRAMS** that ~~may~~ **SHALL** include:

1. A **[hotline] CLINICAL CRISIS TELEPHONE LINE** for suicide prevention and crisis intervention;

2. A [telephone service] **HOTLINE** for [mental] **BEHAVIORAL** health information, referral, and assistance;

3. [Triage for initial assessment and referral;

4. Referral to treatment, family and peer support groups, and other services as needed;

5. Follow-up for up to 1 month] **CLINICAL CRISIS WALK-IN SERVICES, INCLUDING:**

A. TRIAGE FOR INITIAL ASSESSMENT;

B. CRISIS STABILIZATION UNTIL ADDITIONAL SERVICES ARE AVAILABLE;

C. LINKAGE TO TREATMENT SERVICES AND FAMILY AND PEER SUPPORT GROUPS; AND

D. LINKAGE TO OTHER HEALTH AND HUMAN SERVICES PROGRAMS;

[6.]4. [Coordination of] **CRITICAL INCIDENT STRESS MANAGEMENT TEAMS, PROVIDING** disaster [mental] **BEHAVIORAL** health [teams] **SERVICES**, critical incident stress management, and [maintenance of] an on-call system for these services;

5. CRISIS RESIDENTIAL BEDS TO SERVE AS AN ALTERNATIVE TO HOSPITALIZATION;

~~7.~~ **6.** A community crisis bed and hospital bed registry, including a daily tally of empty beds;

~~8.~~ **7.** Transportation coordination, ensuring transportation of patients to urgent appointments or to emergency psychiatric facilities; ~~and~~

~~9.~~ ~~Linkage to 911 emergency systems and other telephone systems providing public or social services;~~

~~(2)~~ ~~Emergency services including:~~

~~(1)~~ ~~6.~~ **8.** Mobile crisis teams **OPERATING 24 HOURS A DAY AND 7 DAYS A WEEK** to provide assessments, crisis intervention, [treatment] **STABILIZATION**, follow-up, and referral to urgent care, and to arrange appointments for individuals to obtain [public mental] **BEHAVIORAL** health services;

[(ii) Urgent care; and

(iii) Emergency psychiatric services;

(3) Follow-up services including:

(i) Mobile treatment teams to provide outreach services on location;]

~~7. 9.~~ 23-HOUR HOLDING BEDS;

~~8. 10.~~ EMERGENCY PSYCHIATRIC SERVICES;

~~9. 11.~~ URGENT CARE CAPACITY;

~~10. 12.~~ EXPANDED CAPACITY FOR ASSERTIVE COMMUNITY TREATMENT;

~~11. 13.~~ CRISIS INTERVENTION TEAMS WITH CAPACITY TO RESPOND IN EACH JURISDICTION 24 HOURS A DAY AND 7 DAYS A WEEK; AND

[(ii)] ~~12. 14.~~ Individualized family intervention teams; [and

(iii) Residential crisis services;]

[(4)] (2) Community awareness promotion and training programs; and

[(5)] (3) An evaluation of outcomes of services through:

(I) [an] AN annual survey by the Administration of consumers and family members who have received services from the Crisis Response System; AND

(II) ANNUAL DATA COLLECTION ON THE NUMBER OF BEHAVIORAL HEALTH CALLS RECEIVED BY POLICE, ATTEMPTED AND COMPLETED SUICIDES, UNNECESSARY HOSPITALIZATIONS, HOSPITAL DIVERSIONS, ARRESTS AND DETENTIONS OF INDIVIDUALS WITH BEHAVIORAL HEALTH DIAGNOSES, AND DIVERSION OF ARRESTS AND DETENTIONS OF INDIVIDUALS WITH BEHAVIORAL HEALTH DIAGNOSES.

~~(B) THE ADMINISTRATION SHALL MAINTAIN A COMMUNITY CRISIS BED AND HOSPITAL BED REGISTRY, INCLUDING A DAILY TALLY OF EMPTY BEDS.~~

~~[(b)] (C)~~ The Crisis Response System services shall be implemented as determined by **THE ADMINISTRATION IN COLLABORATION WITH** the core service agency serving each jurisdiction.

~~[(c)] (D)~~ An advance directive for mental health services under § 5–602.1 of this article shall apply to the delivery of services under this subtitle.

~~[(d)] (E)~~ This subtitle may not be construed to affect petitions for emergency evaluations under § 10–622 of this title.

10–1404.

[(a)] The State may not expend more than \$250,000 in State general funds in each fiscal year to implement the Maryland Mental Health Crisis Response System.

[(b)] The Administration shall implement the Crisis Response System, in collaboration with core service agencies, on a regional or jurisdictional basis as federal funding or funding from other sources becomes available.

10–1405.

The Crisis Response System providers shall contract with service providers who employ individuals who use or have used **[mental] BEHAVIORAL** health services.

19–303.

(a) (3) “Community benefit” means an activity that is intended to address community needs and priorities primarily through disease prevention and improvement of health status, including:

(i) Health services provided to vulnerable or underserved populations such as Medicaid, Medicare, or Maryland Children’s Health Program enrollees;

(ii) Financial or in-kind support of public health programs;

(iii) Donations of funds, property, or other resources that contribute to a community priority;

(iv) Health care cost containment activities; **[and]**

(v) Health education, screening, and prevention services; **AND**

(VI) FINANCIAL OR IN-KIND SUPPORT OF THE MARYLAND BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM.

[SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act is contingent on the receipt of federal funding or funding from any other private or public source to implement the Maryland Mental Health Crisis Response System established under Section 1 of this Act. The Mental Hygiene Administration, within 15 days after the receipt of federal funding or other sources of funding for the Maryland Mental Health Crisis Response System, shall give written notice to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland, of the receipt of funding. Section 1 of this Act shall take effect 5 days after the date of the written notice from the Administration.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 484 – *Anne Arundel County Public Schools Funding Accountability and Transparency Act*.

This bill requires the Anne Arundel County Board of Education to develop and operate a specified Web site that includes specified information about specified payments; specifies the parameters of the Web site; and requires the Board to post the required payment data in a timely manner.

House Bill 848, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 484.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 484

AN ACT concerning

**Anne Arundel County Public Schools Funding Accountability and
Transparency Act**

FOR the purpose of requiring the Anne Arundel County Board of Education to develop and operate a certain Web site that includes certain information about certain payments; specifying certain parameters of the Web site; requiring the Board to post certain information in a timely manner; defining certain terms; and generally relating to the development and operation of a searchable Web site by the Anne Arundel County Board of Education.

BY adding to
Article – Education
Section 5–119
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)

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

Article – Education

5–119.

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

(2) (I) “PAYEE” MEANS ANY PARTY WHO RECEIVES FROM THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION AN AGGREGATE PAYMENT OF \$25,000 IN A FISCAL YEAR.

(II) “PAYEE” DOES NOT INCLUDE:

1. AN ANNE ARUNDEL COUNTY PUBLIC SCHOOL EMPLOYEE WITH RESPECT TO THE EMPLOYEE’S COMPENSATION; OR

2. AN ANNE ARUNDEL COUNTY PUBLIC SCHOOL RETIREE WITH RESPECT TO THE RETIREE’S RETIREMENT ALLOWANCE.

(3) “SEARCHABLE WEB SITE” MEANS A WEB SITE CREATED IN ACCORDANCE WITH THIS SECTION THAT DISPLAYS AND SEARCHES PAYMENT DATA OF THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION.

(B) ON OR BEFORE JANUARY 1, 2017, THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION SHALL DEVELOP AND OPERATE A SINGLE SEARCHABLE WEB SITE ACCESSIBLE TO THE PUBLIC AT NO COST THROUGH THE INTERNET.

(C) THE SEARCHABLE WEB SITE SHALL CONTAIN ANNE ARUNDEL COUNTY BOARD OF EDUCATION PAYMENT DATA INCLUDING:

- (1) THE NAME OF A PAYEE RECEIVING A PAYMENT;**
- (2) THE LOCATION OF A PAYEE BY ZIP CODE; AND**
- (3) THE AMOUNT OF ~~EACH PAYMENT MADE IN A FISCAL YEAR~~ A PAYMENT.**

(D) THE SEARCHABLE WEB SITE SHALL ALLOW THE USER TO:

- (1) SEARCH DATA FOR FISCAL YEAR 2016 AND EACH YEAR THEREAFTER; AND**
- (2) SEARCH BY THE FOLLOWING DATA FIELDS:**
 - (I) A PAYEE RECEIVING A PAYMENT; AND**
 - (II) THE ZIP CODE OF A PAYEE RECEIVING A PAYMENT.**

(E) THE BOARD SHALL POST IN A TIMELY MANNER ON THE SEARCHABLE WEB SITE THE PAYMENT DATA REQUIRED UNDER THIS SECTION.

(F) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL UNDER FEDERAL, STATE, OR LOCAL LAW.

(G) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE ANNE ARUNDEL COUNTY PUBLIC SCHOOLS FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 497 – *Commission to Review Maryland's Use of Assessments and Testing in Public Schools*.

This bill establishes the Commission to Review Maryland's Use of Assessments and Testing in Public Schools; requires the State Department of Education to survey and assess specified data relating to local, State and federally mandated assessments; and requires the Department to report specified results to the State Board of Education, each county board of education, specified educational organizations, and specified legislative committees on or before August 31, 2015; etc.

House Bill 452, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 497.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 497

AN ACT concerning

Commission to Review Maryland's Use of Assessments and Testing in Public Schools

FOR the purpose of establishing the Commission to Review Maryland's Use of Assessments and Testing in Public Schools; providing for the composition, chair, and staffing of the Commission; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to survey, assess, review, and make recommendations regarding certain matters; requiring the Commission to report its findings and recommendations to the State Board of Education ~~and~~, certain county boards of education, and the General Assembly, on or before a certain date; requiring the State Board and certain county boards to review and consider the Commission's findings and make certain comments or recommendations on or before a certain date; requiring the State Department of Education to survey and assess certain data relating to local, State, and federally mandated assessments; requiring the Department to report certain results to the State Board of Education, each county board of education, certain educational organizations and certain legislative committees on or before a certain date; requiring each county board and certain educational organizations to review and consider certain results and make certain comments on or before a certain date; requiring the State Board to review and consider certain results, make certain comments, and submit a certain compilation; requiring certain county boards to

make certain comments and recommendations available to the public on request; requiring the State Board to submit a certain compilation to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Commission to Review Maryland's Use of Assessments and Testing in Public Schools.

Preamble

WHEREAS, Maryland has been recognized nationally for its leadership in education; and

WHEREAS, It is of crucial importance to assess children so that local school systems and states can gain formative information on student achievement levels and how students compare to other students locally, statewide, and nationwide; and

WHEREAS, Because of Maryland's nationally recognized success in education, we can play an integral part in both the State's and the nation's efforts in developing greater efficiency and efficacy around administering local, State, and federally mandated assessments; and

WHEREAS, While assessing children is necessary to continue to make educational gains, there is a need to examine the interplay between and the possible duplication of local, State, and federally mandated assessments; and

WHEREAS, All assessments administered to children should have instructional value and a stated purpose; now, therefore,

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

(a) (1) In this section, "assessment" means a local, State, or federally mandated test that is intended to measure a student's academic readiness, learning progress, and skill acquisition.

(2) "Assessment" does not include a teacher-developed quiz or test.

(b) There is a Commission to Review Maryland's Use of Assessments and Testing in Public Schools.

(c) The Commission consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

- (3) the State Superintendent of Schools, or the Superintendent's designee;
- (4) the Governor, or the Governor's designee;
- (5) one member of the State Board of Education, appointed by the President of the State Board; and
- (6) the following members, appointed by the Governor:
 - (i) one representative of the Maryland State Education Association;
 - (ii) one representative of the Baltimore Teachers Union;
 - (iii) one representative of a local education association;
 - (iv) one county school board member;
 - (v) two county superintendents, at least one of whom is from a local school system with over 120,000 students;
 - (vi) one principal of a public school;
 - (vii) one National Board Certified teacher who teaches in the State;
 - (viii) two parents of children who attend a public school in the State who:
 - 1. are active in the local school system; and
 - 2. have a background in education policy; and
 - (ix) two nationally recognized education experts in the field of student assessment, at least one of whom specializes in duplicative testing.
- (d) The Governor shall designate the chair of the Commission.
- (e) The State Department of Education shall provide staff for the Commission.
- (f) A member of the Commission:
 - (1) may not receive compensation as a member of the Commission; but
 - (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.
- (g) The Commission shall:

(1) survey and assess how much time is spent in each grade and in each local school system on administering local, State, and federally mandated assessments;

(2) review the purpose of all local, State, and federally mandated assessments administered by local school systems, whether summative or formative, and determine whether some assessments are duplicative or otherwise unnecessary;

(3) review and analyze the local school systems' and the Department's interests in requiring assessments and attempt to develop a statewide approach to administering assessments;

(4) determine whether the current local and State schedules for administering assessments allots enough time between administering a formative assessment and receiving the results of the formative assessment to meaningfully inform instruction;

(5) survey and assess if the testing windows implemented by the local school systems and the State have any negative ancillary effects on instruction, materials and equipment use, and school calendars;

(6) consider the implications for the State if changes were to be made to the Elementary and Secondary Education Act that would allow for more flexibility in administering assessments;

(7) make recommendations on:

(i) how local school systems and the State can improve the process in which local, State, and federally mandated assessments are administered and used to inform instruction;

(ii) if the Commission finds that the allotted time for administering assessments is resulting in reduced instruction time, the most efficient and effective methods to ensure that adequate time is allotted to both administering assessments and instruction; ~~and~~

(iii) which developmentally appropriate elements, if any, should be included in an assessment administered to kindergarten students; and

~~(iii)~~ *(iv)* any other relevant issue identified by the Commission;
and

(8) ensure that any recommendation retains the ability to compare student achievement across local school systems, the State, and the nation.

(h) (1) On or before ~~April~~ ~~September~~ *July* 1, 2016, the Commission shall report its findings and recommendations to the State Board of Education ~~and~~, each county board

of education, and the General Assembly in accordance with § 2–1246 of the State Government Article.

(2) On or before ~~June~~ ~~November~~ September 1, 2016, ~~the State Board and~~ each county board of education shall:

(i) review and consider the Commission's findings and recommendations; ~~and~~

(ii) make comments and recommendations related to whether they accept or reject the Commission's findings and recommendations to the ~~General Assembly in accordance with § 2–1246 of the State Government Article~~ State Board; and

(iii) make the comments and recommendations available to the public on request.

(3) On or before ~~August~~ October 1, 2016, the State Board shall:

(i) review and consider the Commission's findings and recommendations;

(ii) make comments and recommendations related to whether they accept or reject the Commission's findings and recommendations; and

(iii) submit a compilation to the ~~General Assembly~~ Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means of their comments and recommendations and the comments and recommendations of each county board of education under paragraph (2) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The State Department of Education shall:

(1) survey and assess how much time is spent in each grade and in each local school system on administering local, State, and federally mandated assessments; and

(2) compile the results of the survey referred to in item (1) of this subsection into documents that are consistent across local school systems and grade levels.

(b) (1) The compilation referred to in subsection (a)(2) of this section shall include the following information for each assessment administered in a local school system, in matrix form:

(i) the title of the assessment;

(ii) the purpose of the assessment;

- (iii) if the assessment is a local, State, or federal assessment;
- (iv) the grade level to which the test is administered;
- (v) the subject area of the assessment;
- (vi) the testing window of the assessment;
- (vii) how long a student has to complete the assessment; and
- (viii) if the assessment requires a change in the school schedule.

(2) The compilation referred to in subsection (a)(2) of this section shall include the following information for each assessment administered in a local school system, in narrative form:

- (i) if the assessment requires any test preparation;
- (ii) if the assessment must be taken by pencil and paper or by electronic device;
- (iii) if the assessment must be taken by electronic device, the student to electronic device ratio;
- (iv) if the assessment is a high-stakes assessment;
- (v) the date the assessments are turned in to receive results;
- (vi) the date the results of the assessment is or was released;
- (vii) to whom the results of the assessment is or was released;
- (viii) how much time passes between administration of the assessment and the receipt of the results of the assessment;
- (ix) if the assessment requires proctors or other personnel to administer the assessment;
- (x) if the assessment requires technological support to administer the assessment;
- (xi) if the assessment allows for accommodations for students with disabilities; and
- (xii) if the assessment is available in other languages for English language learners.

(c) (1) On or before August 31, 2015, and October 15, 2015, the Department shall submit the documents referred to in subsection (b)(1) and (2) of this section, respectively, to:

(i) the State Board of Education;

(ii) each county board of education;

(iii) the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means; and

(iv) the Maryland Association of Boards of Education, Maryland State Education Association, Maryland PTA, Public School Superintendents Association of Maryland, and any other educational organization in the State that the Governor chooses.

(2) (i) On or before November 30, 2015, each county board of education and each organization listed in paragraph (1)(iv) of this subsection shall:

1. review and consider the results of the Department's surveys;

2. make comments and recommendations related to the results of the Department's surveys to the State Board; and

3. make the comments and recommendations available to the public on request.

(ii) The organizations listed in paragraph (1)(iv) of this subsection shall provide comments and recommendations that are one to three pages in length.

(3) On or before December 31, 2015, the State Board shall:

(i) review and consider the results of the Department's surveys;

(ii) make comments and recommendations related to the results of the Department's surveys; and

(iii) submit a compilation to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means, in accordance with § 2-1246 of the State Government Article, of the comments and recommendations of the State Board, each county board of education, and each organization listed in paragraph (1)(iv) of this subsection.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. It shall remain effective for a period of ~~3~~ 2 years and, at the end of May 31,

~~2018~~ 2017, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 501 – *Frederick County – Alcoholic Beverages – Sunday Permit – Hours of Sale*.

This bill authorizes a holder of a specified alcoholic beverages license in Frederick County who has been granted a Sunday opening permit to sell specified alcoholic beverages for on-premises consumption at a specified event that the Frederick County Board of License Commissioners has approved; provides that the board set the hours for the event; and makes the Act an emergency measure.

House Bill 245, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 501.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 501

AN ACT concerning

Frederick County – Alcoholic Beverages – Sunday Permit – Hours of Sale

FOR the purpose of authorizing a holder of a certain alcoholic beverages license in Frederick County who has been granted a Sunday opening permit to sell certain alcoholic beverages for ~~off-premises~~ on-premises consumption at a certain event that the Frederick County Board of License Commissioners has approved; providing that the Board set the hours for the event; making this Act an emergency measure; and generally relating to alcoholic beverages in Frederick County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages
Section 11–511(a) and (b)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–511(c)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

11–511.

(a) This section applies only in Frederick County.

(b) This section does not apply to holders of Class E licenses.

(c) (1) Notwithstanding any other provision of this subtitle, the privilege conferred by every class of “on–sale” license may be exercised during the hours from 6 a.m. to 2 a.m. daily, except Sundays.

(2) On Sundays the hours are:

(i) On–sale [–]:

1. FROM 11 a.m. to 2 a.m.; OR

2. FOR A SPECIFIC EVENT THAT THE BOARD OF LICENSE COMMISSIONERS HAS APPROVED, THE HOURS FOR THE EVENT THAT ARE SET BY THE BOARD; and

(ii) Off–sale – 1 p.m. to 2 a.m.

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

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 503 – *Frederick County – Alcoholic Beverages – Notice for License Applications, Fees, and Inspectors*.

This bill authorizes the Board of License Commissioners for Frederick County to fulfill a notice requirement for license applications by posting online a completed application with all submitted documents on or before a specified date; eliminates the fees for a specified certificate of permission and a specified license; repeals the requirement that the Governor appoint a full-time inspector; and authorizes the Board to appoint a chief inspector and one full-time or two part-time inspectors.

House Bill 246, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 503.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 503

AN ACT concerning

Frederick County – Alcoholic Beverages – Notice for License Applications, Fees, and Inspectors

FOR the purpose of authorizing the Board of License Commissioners for Frederick County to fulfill a certain notice requirement for license applications by posting online a completed application with all submitted documents on or before a certain date; eliminating the fees for a certain certificate of permission and a certain new license; repealing the requirement that the Governor appoint for the County a full-time alcoholic beverages inspector; repealing the qualifications for appointment and term of the inspector; repealing the authority of the Governor to remove the inspector; repealing the grounds for removing the inspector; authorizing the Board to appoint a chief alcoholic beverages inspector and a certain number of full-time or part-time alcoholic beverages inspectors; specifying the qualifications and duties of the

inspectors; specifying an additional duty of the chief inspector; providing for the compensation and travel reimbursement for inspectors; making certain technical and clarifying corrections; and generally relating to alcoholic beverages licenses and inspectors in Frederick County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 10–202(a)(1), 10–506(a), and 15–103
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

10–202.

(a) (1) (i) **[Before] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, 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) IN FREDERICK COUNTY, THE BOARD OF LICENSE COMMISSIONERS MAY FULFILL THE NOTICE REQUIREMENT OF SUBPARAGRAPH (I) OF THIS PARAGRAPH BY POSTING ONLINE A COMPLETED APPLICATION WITH ALL SUBMITTED DOCUMENTS AT LEAST 14 DAYS BEFORE THE HEARING DATE.

[(ii)] (III) 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)] (IV) The hearing may not be less than seven nor more than 30 days after the last publication.

[(iv)] (V) 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.

10-506.

(a) **(1)** [Upon] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON** the death of the holder of any license issued under this article other than Class E, Class F and Class G licenses, the license shall expire.

(2) (I) [However,] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH,** upon application to the Comptroller or local licensing board, as the case may be, that granted the license, and upon the payment of a fee of one dollar (\$1.00), made by the executors or administrators of the deceased licensee to the Comptroller or local collecting agent, as the case may be, a certificate of permission may be granted for the continuation of the business in the name of the executors or administrators for the benefit of the estate of the deceased.

(II) IN FREDERICK COUNTY, A FEE MAY NOT BE CHARGED FOR A CERTIFICATE OF PERMISSION.

(3) The certificate of permission may be granted for a period not exceeding 18 months from the date of the granted permission, unless the license expires earlier.

(4) If the license does expire earlier, upon application by the executor or administrator, a renewal license may be granted for a period not exceeding 18 months after the death of the license holder.

(5) Such certificates of permission and renewal licenses issued will be subject to the right of protest, revocation, suspension and restriction as in other cases, upon the payment of a pro rata license fee for such period, and during the period of such continuation the said license and the executors or administrators of the deceased shall be subject to the provisions of the Tax – General Article that relate to the alcoholic beverage tax and all of the provisions of this article.

(6) The said administrator or executor to which the aforesaid certificate of permission has been granted may assign or transfer said license for the benefit of said estate, and upon the approval of the application for said transfer or assignment, the said license shall be considered reinstated upon the payment of the balance of the license fee which might be due to the expiration of the license year.

(7) If the business of the licensee be not continued as above provided, or if the said license be not transferred or assigned, his executors or administrators shall be authorized to apply for and obtain any refund to which the deceased would have been entitled if his license had been surrendered for cancellation upon the date of his death.

(8) No Class E, Class F or Class G license shall expire or become inoperative because of the death and/or incompetency of one or more, but less than all, of the persons to whom it is issued for a company.

(9) (I) [If] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF all of the persons to whom it is so issued shall die and/or become incompetent during its term, such license shall expire ten days thereafter, but, upon application within such ten days, accompanied by a fee payment of \$1.00 by a person on behalf of such company, the Comptroller shall issue a new license replacing, and containing the privileges of, such license to the end of the license year.

(II) IN FREDERICK COUNTY, A FEE MAY NOT BE CHARGED FOR A NEW LICENSE.

15–103.

- (a) (1) There is a Board of License Commissioners in Frederick County.
 - (2) The Board consists of 3 members.
 - (3) The Governor shall appoint the members of the Board.
 - (4) To qualify for appointment to the Board, a person:
 - (i) Shall be of good moral character and integrity;
 - (ii) Shall reasonably reflect the citizenry of the county; and
 - (iii) Shall be a registered voter of the county and shall continue to be a registered voter of the county during the person's term of office.
 - (5) The term of a member is 5 years.
 - (6) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 1989.
 - (7) A member who is appointed after a term has begun serves only until a successor is appointed and qualifies.
 - (8) The Governor may remove a member for incompetence, misconduct, neglect of a duty required by law, unprofessional conduct, or dishonorable conduct.
 - (9) The removal procedure is as provided in this article.
- (b) From among its members, the Board shall elect a chairperson.
 - (c) (1) A majority of the members then serving on the Board is a quorum.
 - (2) The Board shall meet at least once a month.

(3) The chairperson of the Board shall receive an annual compensation of \$7,000 and be reimbursed for reasonable expenses.

(4) The members shall receive an annual compensation of \$6,500 and be reimbursed for reasonable expenses.

(d) [(1) The Governor shall appoint 1 alcoholic beverages inspector, with the advice and consent of:

(i) The Senate; or

(ii) If there is no resident Senator, then with the consent of the members of the Frederick County delegation of the General Assembly.

(2) To qualify for appointment as an alcoholic beverages inspector, a person:

(i) Shall be of high moral character;

(ii) Shall possess a sound reputation for sobriety, honesty, and integrity; and

(iii) Shall devote full time to the duties of the office.

(3) (i) The term of an inspector is 5 years.

(ii) An inspector who is appointed after a term has begun serves only until a successor is appointed.

(4) The Governor may remove an inspector with the advice and consent of:

(i) The Senate; or

(ii) If there is no resident Senator, then with the consent of the members of the Frederick County delegation of the General Assembly.

(5) Grounds for removal are:

(i) Incompetence;

(ii) Misconduct while performing the duties as an inspector;

(iii) Neglect of a duty required by law; or

(iv) Unprofessional or dishonorable conduct in performing the duties as an inspector.

(6) (i) An inspector shall receive an annual salary as set by the County Commissioners, be reimbursed for reasonable expenses, and receive mileage at the standard rate set by the County Commissioners.

(ii) Mileage does not include travel to and from the inspector's home and office.

(7) An inspector shall:

(i) Possess the power of a peace officer of this State with respect to the enforcement of the alcoholic beverages laws of Frederick County;

(ii) Make monthly reports in writing to the Board covering the activities and setting forth any complaints or violations that may have been observed or reported;

(iii) Assist the Board in enforcing the alcoholic beverages laws; and

(iv) Have any other duties as the Board may prescribe.

(e) (1) The Board may appoint [not]:

(I) **ONE CHIEF ALCOHOLIC BEVERAGES INSPECTOR; AND**

(II) **NOT** more than [two]:

**1. ONE FULL-TIME ALCOHOLIC BEVERAGES INSPECTOR
IN ADDITION TO THE CHIEF ALCOHOLIC BEVERAGES INSPECTOR; OR**

2. TWO part-time alcoholic beverages inspectors.

(2) To qualify for appointment as [a part-time] AN alcoholic beverages inspector **OF ANY TYPE**, a person shall:

(i) Be of high moral character; and

(ii) Possess a sound reputation for sobriety, honesty, and integrity.

(3) [A part-time] AN alcoholic beverages inspector **OF ANY TYPE** shall:

(i) Possess the power of a peace officer of the State with respect to the enforcement of the alcoholic beverages laws of Frederick County;

(ii) Make monthly reports in writing to the Board covering the activities and setting forth any complaints or violations that may have been observed or reported;

- (iii) Assist the Board in enforcing the alcoholic beverages laws; and
- (iv) Have any other duties that the Board may require.

(4) IN ADDITION TO THE DUTIES LISTED IN PARAGRAPH (3) OF THIS SUBSECTION, THE CHIEF ALCOHOLIC BEVERAGES INSPECTOR SHALL DETERMINE THE HOURS AND ASSIGNMENTS OF ALL ALCOHOLIC BEVERAGES INSPECTORS.

[(4) (5) [A part-time] AN ALCOHOLIC BEVERAGES inspector OF ANY TYPE shall:

- (i) Receive the compensation set by the **GOVERNING BODY OF THE County [Commissioners]** and provided for in the county budget;
- (ii) Be reimbursed for reasonable expenses; and
- (iii) Receive reimbursement for mileage at the standard rate set by the **GOVERNING BODY OF THE County [Commissioners]**.

[(5) (6) Reimbursement for mileage does not include travel to and from the [part-time] inspector's home and office.

[(f) (E) The chairperson of the Board, with the approval of the GOVERNING BODY OF THE County [Commissioners], may employ the clerical assistants necessary to carry out the duties of the Board and the salary of the clerical assistants shall be set by the GOVERNING BODY OF THE County [Commissioners] and provided for in the county budget.

[(g) (F) (1) (i) A Commissioner, THE CHIEF ALCOHOLIC BEVERAGES INSPECTOR, A full-time [or] ALCOHOLIC BEVERAGES INSPECTOR, A part-time ALCOHOLIC BEVERAGES inspector, or AN employee of the Board may not:

1. Have any interest, directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or in any other manner, in or to any premises where alcoholic beverages are manufactured or sold;
2. Have any interest, directly or indirectly, in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages; or
3. Own any stock in any corporation which has any interest, proprietary or otherwise, directly or indirectly, in any premises where alcoholic beverages are manufactured or sold or in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages, or hold any other public office or employment.

(ii) A Commissioner, **THE CHIEF ALCOHOLIC BEVERAGES INSPECTOR**, A full-time [or] **ALCOHOLIC BEVERAGES INSPECTOR**, A part-time **ALCOHOLIC BEVERAGES** inspector, or AN employee of the Board may not solicit or receive, directly or indirectly, any commission, remuneration, or gift whatsoever from any person or corporation engaged in the manufacture or sale of beer or other alcoholic beverages, from any licensee, licensed under the provisions of this article.

(iii) A person or corporation engaged in the manufacture or sale of beer or other alcoholic beverages, any agent or employee of that person or corporation, and any licensee licensed under the provisions of this article may not, directly or indirectly, offer to pay any commission, profit, or remuneration or make any gift to any Commissioner, **THE CHIEF ALCOHOLIC BEVERAGES INSPECTOR**, A full-time [or] **ALCOHOLIC BEVERAGES INSPECTOR**, A part-time **ALCOHOLIC BEVERAGES** inspector, or AN employee of the Board.

(2) Violations of this subsection are a misdemeanor punishable by a fine of not more than \$1,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 510 – *Frederick County – Gaming Events*.

This bill authorizes specified organizations in Frederick County to conduct a card game, card tournament, or casino event under specified circumstances; requires an organization to obtain a permit from the Frederick County Department of Permits and Inspections; requires an individual who participates in a card game, card tournament, or casino event to be at least 21 years of age; and requires a permit holder to submit a financial report and specified information about the winners of specified prizes.

House Bill 274, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 510.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 510

AN ACT concerning

Frederick County – Gaming Events

FOR the purpose of authorizing certain organizations in Frederick County to conduct a card game, card tournament, or casino event under certain circumstances; requiring an organization to obtain a permit from the County Department of Permits and Inspections before conducting a card game, card tournament, or casino event; requiring an organization that seeks a permit to meet certain requirements; specifying that a card game, card tournament, or casino event may be managed and organized by certain organizations; requiring an individual who participates in or ~~helps operate~~ volunteers as an operator of a card game, card tournament, or casino event to be of a certain age; specifying that a permit holder may receive a certain maximum number of permits in a calendar year; providing a certain time limit on a card game, card tournament, or casino event; specifying that a permit is not transferable; requiring that proceeds from a card game, card tournament, or casino event be used for certain purposes and may not be used for certain other purposes subject to a certain exception; specifying that the operation of a card game, card tournament, or casino event may not occur during a certain time; authorizing a permit holder under this Act to charge only a preset entrance fee; requiring participants in a card game, card tournament, or casino event to use tokens and not cash for wagering under certain circumstances; prohibiting a permit holder from exchanging tokens under certain circumstances; requiring a permit holder to submit a financial report and certain information about winners of certain prizes to the County Department of Permits and Inspections under certain circumstances; ~~requiring the Department to forward a certain report to the State Lottery and Gaming Control Commission;~~ authorizing the County Executive and County Council to adopt certain regulations; providing a certain penalty; defining certain terms; and generally relating to gaming in Frederick County.

BY adding to

Article – Criminal Law

Section 13–1304.1

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

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

Article – Criminal Law

13-1304.1.

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

(2) “CASINO EVENT” INCLUDES THE PLAY OF CARD GAMES, DICE GAMES, AND ROULETTE.

(3) “PERMIT” MEANS A PERMIT TO CONDUCT A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT.

(B) BEFORE AN ORGANIZATION MAY CONDUCT A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT, THE ORGANIZATION SHALL OBTAIN A PERMIT FROM THE COUNTY DEPARTMENT OF PERMITS AND INSPECTIONS.

(C) TO QUALIFY FOR A PERMIT, AN ORGANIZATION SHALL BE A BONA FIDE:

(1) AMATEUR ATHLETIC ORGANIZATION;

(2) CHARITABLE ORGANIZATION;

(3) CIVIC ORGANIZATION;

(4) FRATERNAL ORGANIZATION;

(5) HOSPITAL;

(6) RELIGIOUS ORGANIZATION;

(7) VOLUNTEER FIRE COMPANY; OR

(8) WAR VETERANS’ ORGANIZATION.

(D) (1) A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT MAY BE:

(I) MANAGED AND OPERATED BY THE ORGANIZATION THAT IS THE PERMIT HOLDER; OR

(II) MANAGED BY THE ORGANIZATION THAT IS THE PERMIT HOLDER AND OPERATED BY ANOTHER ORGANIZATION LISTED IN SUBSECTION (C) OF THIS SECTION.

(2) (I) AN OPERATOR OF A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT MAY NOT RECEIVE COMPENSATION.

(II) TO VOLUNTEER AS AN OPERATOR OF A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT, AN INDIVIDUAL SHALL BE AT LEAST 18 YEARS OLD.

(III) TO PARTICIPATE IN ~~OR HELP OPERATE~~ A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT, AN INDIVIDUAL SHALL BE AT LEAST 21 YEARS OLD.

(E) (1) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY RECEIVE NOT MORE THAN FOUR PERMITS IN A CALENDAR YEAR.

(2) A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT MAY NOT LAST LONGER THAN 24 CONSECUTIVE HOURS.

(F) A PERMIT IS NOT TRANSFERABLE.

(G) (1) PROCEEDS FROM A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT CONDUCTED UNDER THIS SECTION:

(I) SHALL BE USED TO BENEFIT A CHARITY OR TO FURTHER THE PURPOSE OF THE PERMIT HOLDER; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, MAY NOT ~~BENEFIT FINANCIALLY OR BE USED FOR THE~~ BE USED FOR THE FINANCIAL BENEFIT OR PERSONAL USE OF AN INDIVIDUAL OR A GROUP OF INDIVIDUALS.

(2) ON APPROVAL OF THE COUNTY EXECUTIVE OR DESIGNEE OF THE COUNTY EXECUTIVE, PROCEEDS MAY BE USED TO BENEFIT A FAMILY WITH MEDICAL NEEDS.

(H) A PERMIT MAY NOT AUTHORIZE THE OPERATION OF A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT AFTER 1 A.M. ON SUNDAY.

(I) (1) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY CHARGE ONLY A PRESET ENTRANCE FEE FOR A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT.

(2) PARTICIPANTS IN A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT SHALL RECEIVE TOKENS FOR WAGERING IN EXCHANGE FOR THE ENTRANCE FEE.

(3) A PARTICIPANT MAY PURCHASE ADDITIONAL TOKENS, AT A TOTAL COST NOT EXCEEDING 100% OF THE ENTRANCE FEE, DURING A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT.

(4) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY NOT ALLOW CASH TO BE USED FOR WAGERING.

(J) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY NOT EXCHANGE TOKENS USED FOR WAGERING FOR:

(1) AN ITEM OF MERCHANDISE THAT IS WORTH MORE THAN \$10,000;

(2) MONEY; OR

(3) AN ITEM OF MERCHANDISE HAVING A VALUE THAT IS DIFFERENT FROM THE FAIR MARKET RETAIL VALUE OF THE ITEM OF MERCHANDISE THAT WAS RECEIVED FOR THE TOKENS.

(K) ~~(1)~~ WITHIN 60 DAYS AFTER HOLDING A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT, THE ORGANIZATION THAT IS THE PERMIT HOLDER SHALL SUBMIT TO THE COUNTY DEPARTMENT OF PERMITS AND INSPECTIONS:

(1) A FINANCIAL REPORT THAT LISTS THE RECEIPTS AND EXPENDITURES FOR THE CARD GAME, CARD TOURNAMENT, OR CASINO EVENT; AND

(2) THE NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF A PARTICIPANT THAT IS DECLARED THE WINNER AT A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT OF A PRIZE FOR WHICH THE ISSUANCE OF INTERNAL REVENUE SERVICE FORM W-2G OR A SUBSTANTIALLY EQUIVALENT FORM IS REQUIRED.

~~(2) THE COUNTY DEPARTMENT OF PERMITS AND INSPECTIONS SHALL FORWARD THE FINANCIAL REPORTS TO THE STATE LOTTERY AND GAMING CONTROL COMMISSION.~~

(L) AN ORGANIZATION THAT IS FOUND TO HAVE VIOLATED THIS SECTION IS INELIGIBLE TO RECEIVE A PERMIT UNDER THIS SECTION FOR A PERIOD ~~NOT~~ EXCEEDING OF 5 YEARS.

(M) THE COUNTY EXECUTIVE MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING REGULATIONS TO GOVERN:

(1) THE ISSUING OF PERMITS; AND

~~(2)~~ ~~PERMIT FEES; AND~~

~~(3)~~ (2) THE CONDUCT AND MANAGEMENT OF A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT IN A MANNER TO PREVENT FRAUD AND PROTECT THE PUBLIC.

(N) THE COUNTY COUNCIL MAY ADOPT REGULATIONS TO GOVERN PERMIT FEES UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 513 – *Hospitals – Rate-Setting – Participation in 340B Program Under the Federal Public Health Service Act*.

This bill alters the definition of “hospital services” to include a hospital outpatient service that meets specified criteria for the purpose of making it possible for the hospital outpatient service to participate in the federal 340B Program under rates set by the State Health Services Cost Review Commission.

House Bill 613, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 513.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 513

AN ACT concerning

**Hospitals – Rate-Setting – Participation in 340B Program Under the Federal
Public Health Service Act**

FOR the purpose of altering the definition of “hospital services” to include a ~~certain~~ hospital outpatient service ~~of a certain hospital~~ that meets certain criteria for the purpose of ~~allowing~~ making it possible for the hospital outpatient service ~~to continue~~ to participate in a certain federal program under rates set by the State Health Services Cost Review Commission; and generally relating to rates for hospital outpatient services.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–201
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–219(a) and (b)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – Health – General

19–201.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Commission” means the State Health Services Cost Review Commission.
- (c) “Facility” means, whether operated for a profit or not:
 - (1) Any hospital; or
 - (2) Any related institution.
- (d) (1) “Hospital services” means:
 - (i) Inpatient hospital services as enumerated in Medicare Regulation 42 C.F.R. § 409.10, as amended;
 - (ii) Emergency services, including services provided at:

1. Freestanding medical facility pilot projects authorized under Subtitle 3A of this title prior to January 1, 2008; and

2. A freestanding medical facility issued a certificate of need by the Maryland Health Care Commission after July 1, 2015;

(iii) Outpatient services provided at the hospital; and

(iv) Identified physician services for which a facility has Commission–approved rates on June 30, 1985.

(2) “HOSPITAL SERVICES” INCLUDES A HOSPITAL OUTPATIENT SERVICE:

(I) OF A HOSPITAL THAT, ON OR BEFORE JUNE 1, 2015, IS UNDER A MERGED ASSET HOSPITAL SYSTEM; AND

(II) THAT IS DESIGNATED AS A PART OF ANOTHER HOSPITAL UNDER THE SAME MERGED ASSET HOSPITAL SYSTEM TO ALLOW MAKE IT POSSIBLE FOR THE HOSPITAL OUTPATIENT SERVICE TO CONTINUE TO PARTICIPATE IN THE 340B PROGRAM UNDER THE FEDERAL PUBLIC HEALTH SERVICE ACT; AND

(III) THAT COMPLIES WITH ALL FEDERAL REQUIREMENTS FOR THE 340B PROGRAM AND APPLICABLE PROVISIONS OF 42 C.F.R. § 413.65.

[(2)] (3) “Hospital services” does not include:

(i) Outpatient renal dialysis services; or

(ii) Outpatient services provided at a limited service hospital as defined in § 19–301 of this title, except for emergency services.

(e) (1) “Related institution” means an institution that is licensed by the Department as:

(i) A comprehensive care facility that is currently regulated by the Commission; or

(ii) An intermediate care facility–intellectual disability.

(2) “Related institution” includes any institution in paragraph (1) of this subsection, as reclassified from time to time by law.

(a) The Commission may review the costs, and rates, quality, and efficiency of facility services, and make any investigation that the Commission considers necessary to assure each purchaser of health care facility services that:

(1) The total costs of all hospital services offered by or through a facility are reasonable;

(2) The aggregate rates of the facility are related reasonably to the aggregate costs of the facility; and

(3) The rates are set equitably among all purchasers or classes of purchasers without undue discrimination or preference.

(b) (1) To carry out its powers under subsection (a) of this section, the Commission may review and approve or disapprove the reasonableness of any rate or amount of revenue that a facility sets or requests.

(2) A facility shall:

(i) Charge for services only at a rate set in accordance with this subtitle; and

(ii) Comply with the applicable terms and conditions of Maryland's all-payer model contract approved by the federal Center for Medicare and Medicaid Innovation.

(3) In determining the reasonableness of rates, the Commission may take into account objective standards of efficiency and effectiveness.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 515 – *Financial Institutions – Depository Institutions – Savings Promotion Raffles*.

This bill alters the circumstances under which specified depository institutions may conduct a savings promotion raffle; repeals a requirement that a depository institution that offers a savings promotion raffle must post in specified locations and disclose in specified materials a specified statement describing the terms and conditions of the raffle; and repeals a requirement that the Commissioner of Financial Regulation must approve a savings promotion raffle conducted by a banking institution.

House Bill 558, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 515.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 515

AN ACT concerning

Financial Institutions – Depository Institutions – Savings Promotion Raffles

FOR the purpose of altering the circumstances under which certain depository institutions may conduct a savings promotion raffle; repealing a requirement that a depository institution that offers a savings promotion raffle must post in certain locations and disclose in certain materials a certain statement describing the terms and conditions of the savings promotion raffle; repealing a requirement that a savings promotion raffle conducted by a banking institution must be approved by the Commissioner of Financial Regulation; repealing certain provisions of law relating to savings promotion raffles conducted by State-chartered credit unions made unnecessary by certain provisions of this Act; altering certain definitions; making certain conforming changes; and generally relating to savings promotion raffles conducted by depository institutions.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–305(a)
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 12–106(c)
Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 1–101(a) and (i)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 1–211
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing
Article – Financial Institutions
Section 6–716
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Commercial Law

13–305.

(a) This section does not apply to:

(1) Trading stamps, as defined by § 13–101 of the Business Regulation Article;

(2) State lottery tickets issued under the authority of Title 9, Subtitle 1 of the State Government Article;

(3) Retail promotions, not involving the offer of gifts and prizes, which offer savings on consumer goods or services including “one-cent sales”, “two-for-the-price-of-one-sales”, or manufacturer’s “cents-off” coupons;

(4) Games of skill competition not involving sales promotion efforts; or

(5) A savings promotion raffle conducted by a [credit union under § 6–716 of the Financial Institutions Article or by a] depository institution under § 1–211 of the Financial Institutions Article.

Article – Criminal Law

12-106.

(c) [(1) Notwithstanding any other provision of this article, a credit union organized under Title 6 of the Financial Institutions Article may conduct a savings promotion raffle under § 6-716 of the Financial Institutions Article.

(2) Notwithstanding any other provision of this article, a depository institution, as defined in § 1-211 of the Financial Institutions Article, may conduct a savings promotion raffle under § 1-211 of the Financial Institutions Article.

Article – Financial Institutions

1-101.

(a) In this article, unless the context clearly requires otherwise, the following words have the meanings indicated.

(i) “Financial institution” means any financial institution of the type supervised under this article, whether or not State-chartered.

1-211.

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

(2) “Depository institution” means [any State-chartered or federally chartered financial institution, other-state bank, or foreign bank] **A FINANCIAL INSTITUTION** that:

(i) Is located in this State or maintains a branch in this State; and

(ii) Is authorized to maintain qualifying [deposit] accounts.

(3) “Eligible customer” means an individual who:

(I) MAINTAINS A QUALIFYING ACCOUNT AT A DEPOSITORY INSTITUTION;

[(i)] (II) Is an adult; and

[(ii)] (III) Is a resident of this State.

(4) “Qualifying [deposit] account” means a savings account, **SHARE ACCOUNT, OR OTHER** savings **PRODUCT OR** program[, or other time deposit offered to an eligible customer]:

(I) OFFERED BY A DEPOSITORY INSTITUTION;

(II) INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION, THE NATIONAL CREDIT UNION ADMINISTRATION, OR A CREDIT UNION SHARE GUARANTY CORPORATION THAT IS APPROVED BY THE COMMISSIONER; AND

(III) THROUGH WHICH ELIGIBLE CUSTOMERS MAY OBTAIN CHANCES TO WIN PRIZES IN A SAVINGS PROMOTION RAFFLE.

(5) “Savings promotion raffle” means a contest **IN WHICH:**

- (i) Associated with one or more qualified deposit accounts;
- (ii) Conducted by a depository institution, alone or together with other businesses; and
- (iii) In which eligible customers are offered one or more chances to win specified prizes.]

(I) THE SOLE CONSIDERATION REQUIRED FOR A CHANCE OF WINNING DESIGNATED PRIZES IS OBTAINED BY THE DEPOSIT OF A SPECIFIED AMOUNT OF MONEY IN A QUALIFYING ACCOUNT; AND

(II) EACH TICKET OR ENTRY HAS AN EQUAL CHANCE OF BEING DRAWN.

(b) **[(1)]** A depository institution may conduct a savings promotion raffle **FOR THE EXCLUSIVE BENEFIT OF ELIGIBLE CUSTOMERS** if:

- [(i)]** A requirement for a chance to win a specified prize is:
 1. The deposit of a minimum specified amount of money in a qualifying deposit account according to the terms and conditions developed for the savings promotion raffle; or
 2. The submission of any entry according to the terms and conditions developed for the savings promotion raffle with no deposit or purchase necessary;
- [(ii)]** Each entry in the savings promotion raffle has an equal chance of being drawn;
- [(iii)] (1)** The depository institution maintains books and records relating to the savings promotion raffle; and

[(iv)] **(2)** The savings promotion raffle will not:

[1.] **(I)** Harm the depository institution's ability to operate in a safe and sound manner; or

[2.] **(II)** Mislead the depository institution's customers.

[(2) A depository institution offering a savings promotion raffle under this section shall post in any location where entries may be submitted and disclose in any materials promoting the raffle a statement describing the terms and conditions of the raffling including that:

(i) No purchase is necessary;

(ii) Making deposits or purchasing goods or services will not improve the odds of winning; and

(iii) The odds of winning will be determined based on the number of entries received.

(3) In addition to the requirements under paragraph (1) of this subsection, a savings promotion raffle conducted by a banking institution must be approved by the Commissioner.]

(c) Except as preempted by federal law, the Commissioner may:

(1) Examine the conduct of a savings promotion raffle; and

(2) Issue a cease and desist order under § 5-808 of this article for a violation of this section.

[6-716.

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

(2) "Eligible credit union member" means an individual member of a credit union who:

(i) Maintains a qualifying share certificate account at a credit union participating in a savings promotion raffle;

(ii) Is a member in good standing;

(iii) Is an adult; and

(iv) Is a resident of this State.

(3) “Qualifying share certificate account” means a savings account, savings program, or other time deposit offered to an eligible credit union member.

(4) “Savings promotion raffle” means a contest:

(i) Associated with one or more qualified share certificate accounts;

(ii) Conducted by a credit union, alone or together with other businesses; and

(iii) In which eligible credit union members are offered one or more chances to win specified prizes.

(b) Subject to the approval of the Commissioner, a credit union may conduct a savings promotion raffle for the exclusive benefit of eligible credit union members if:

(1) A requirement for a chance to win a specified prize is:

(i) The deposit of a minimum specified amount of money in a qualifying share certificate account according to the terms and conditions developed for the savings promotion raffle; or

(ii) The submission of an entry according to the terms and conditions developed for the savings promotion raffle with no deposit or purchase necessary;

(2) Each entry in the savings promotion raffle has an equal chance of being drawn;

(3) The credit union maintains books and records relating to the savings promotion raffle; and

(4) The savings promotion raffle will not:

(i) Harm the credit union’s ability to operate in a safe and sound manner; or

(ii) Mislead the credit union’s members.

(c) A credit union offering a savings promotion raffle under this section shall post in any location where entries may be submitted and disclose in any materials promoting the raffle a statement describing the terms and conditions of the raffle including that:

(1) No purchase is necessary;

(2) Making deposits or purchasing goods or services will not improve the odds of winning; and

(3) The odds of winning will be determined based on the number of entries received.

(d) The Commissioner may:

(1) Examine the conduct of a savings promotion raffle; and

(2) Issue a cease and desist order under § 6–906 of this title for a violation of this section.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

May 22, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 517 – *Criminal Law – Use and Possession of Marijuana and Drug Paraphernalia*. This bill establishes that smoking marijuana in a public place is a civil offense, punishable by a fine of up to \$500. The bill also legalizes the possession of marijuana-related paraphernalia by eliminating criminal penalties.

During the 2014 legislative session, the General Assembly enacted legislation that decriminalized the use and possession of less than 10 grams of marijuana, making this a civil offense subject to a fine not exceeding: (1) \$100 for a first offense; (2) \$250 for a second offense; and (3) \$500 for a third or subsequent offense.

With Senate Bill 517, the General Assembly attempts to correct the unintended consequences from last year’s law but in doing so creates legal uncertainties including the elimination of criminal sanctions for the use of marijuana while operating a motor vehicle or in a public setting.

Smoking marijuana while driving is a serious threat to public safety. The National Highway Traffic Safety Administration states: “While alcohol is clearly the predominant drug in fatal crashes, marijuana is the next drug most frequently found in crash-involved

drivers. . . . Marijuana, even in low to moderate doses, negatively affects driving performance in real situations.”

If Senate Bill 517 became law, State and local law enforcement would be left with no authority to make a traffic stop if they see someone smoking marijuana while driving. Based upon this uncertainty, the Maryland State’s Attorneys’ Association, the Maryland Chiefs of Police Association, and the Maryland Sheriffs’ Association have requested a veto of Senate Bill 517.

For these reasons, I have vetoed Senate Bill 517.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 517

AN ACT concerning

Criminal Law – Use and Possession of Marijuana and Drug Paraphernalia

FOR the purpose of ~~repealing a certain criminal prohibition on the use or possession of marijuana; establishing that certain civil penalties apply to the use or possession of any quantity of marijuana; establishing a civil penalty for the smoking of marijuana in a public place; requiring a court to dismiss a certain use or possession of marijuana charge if the court finds that the person used or possessed marijuana because of a certain medical necessity; providing that the provisions of this Act may not be construed to authorize certain activities; establishing that certain procedures regarding the issuance of a citation for the use or possession of marijuana apply to all amounts and not just certain amounts of marijuana; establishing that a certain criminal prohibition on the use or possession of drug paraphernalia does not apply to the use or possession of drug paraphernalia involving the use or possession of marijuana; repealing a certain affirmative defense regarding a certain medical necessity as it relates to a certain offense prohibiting the use and possession of drug paraphernalia; prohibiting the use of marijuana in a vehicle while on a highway; providing for certain penalties for a violation of this Act; providing for the application of certain provisions of this Act;~~ and generally relating to the use and possession of marijuana and drug paraphernalia.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section ~~5-601, 5-601.1, 5-601(c)(1)~~ and 5-619

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

~~BY adding to~~

~~Article – Transportation~~

~~Section 21-903.1 and 27-116
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)~~

BY adding to

Article – Criminal Law
Section 5-601(c)(4)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Criminal Law

5-601.

~~(a) Except as otherwise provided in this title, a person may not:~~

~~(1) possess or administer to another a controlled dangerous substance, unless obtained directly or by prescription or order from an authorized provider acting in the course of professional practice; or~~

~~(2) obtain or attempt to obtain a controlled dangerous substance, or procure or attempt to procure the administration of a controlled dangerous substance by:~~

~~(i) fraud, deceit, misrepresentation, or subterfuge;~~

~~(ii) the counterfeiting or alteration of a prescription or a written order;~~

~~(iii) the concealment of a material fact;~~

~~(iv) the use of a false name or address;~~

~~(v) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or~~

~~(vi) making, issuing, or presenting a false or counterfeit prescription or written order.~~

~~(b) Information that is communicated to a physician in an effort to obtain a controlled dangerous substance in violation of this section is not a privileged communication.~~

(c) (1) Except as provided in paragraphs (2) ~~and (3), (3), AND (4)~~ of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding \$25,000 or both.

~~(2) (i) Except as provided in subparagraph [(i)] (III) of this paragraph, a [person whose] violation of this section [involves] INVOLVING the use or possession of marijuana is A CIVIL OFFENSE subject to [imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.];~~

~~[(ii)] 1. [A] FOR A first violation, [of this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by] a fine not exceeding \$100[.];~~

~~2. [A] FOR A second violation, [of this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by] a fine not exceeding \$250[.]; AND~~

~~3. [A] FOR A third or subsequent violation, [of this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by] a fine not exceeding \$500.~~

~~[4. A.] (H) 1. In addition to a fine, a court shall order a person under the age of 21 years who commits a violation punishable under [subsubparagraph 1, 2, or 3 of this] subparagraph (I) OF THIS PARAGRAPH to attend a drug education program approved by the Department of Health and Mental Hygiene, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.~~

~~[B.] 2. In addition to a fine, a court shall order a person at least 21 years old who commits a violation punishable under [subsubparagraph 3 of this] subparagraph (I) 3 OF THIS PARAGRAPH to attend a drug education program approved by the Department of Health and Mental Hygiene, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.~~

~~(H) (4) A VIOLATION OF THIS SECTION INVOLVING THE SMOKING OF MARIJUANA IN A PUBLIC PLACE IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$1,000 \$500 .~~

~~(3) (i) 1. In this paragraph the following words have the meanings indicated.~~

~~2. “Bona fide physician-patient relationship” means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a patient’s medical condition.~~

~~3. “Caregiver” means an individual designated by a patient with a debilitating medical condition to provide physical or medical assistance to the patient, including assisting with the medical use of marijuana, who:~~

- ~~A. is a resident of the State;~~
- ~~B. is at least 21 years old;~~
- ~~C. is an immediate family member, a spouse, or a domestic partner of the patient;~~
- ~~D. has not been convicted of a crime of violence as defined in § 14-101 of this article;~~
- ~~E. has not been convicted of a violation of a State or federal controlled dangerous substances law;~~
- ~~F. has not been convicted of a crime of moral turpitude;~~
- ~~G. has been designated as caregiver by the patient in writing that has been placed in the patient’s medical record prior to arrest;~~
- ~~H. is the only individual designated by the patient to serve as caregiver; and~~
- ~~I. is not serving as caregiver for any other patient.~~

~~4. “Debilitating medical condition” means a chronic or debilitating disease or medical condition or the treatment of a chronic or debilitating disease or medical condition that produces one or more of the following, as documented by a physician with whom the patient has a bona fide physician-patient relationship:~~

- ~~A. cachexia or wasting syndrome;~~
- ~~B. severe or chronic pain;~~
- ~~C. severe nausea;~~
- ~~D. seizures;~~
- ~~E. severe and persistent muscle spasms; or~~
- ~~F. any other condition that is severe and resistant to conventional medicine.~~

~~(ii) 1. In a prosecution for the use or possession of marijuana, the defendant may introduce and the court shall consider as a mitigating factor any evidence of medical necessity.~~

~~2. Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or possessed marijuana because of medical necessity, [on conviction of a violation of this section, the maximum penalty that the court may impose on the person is a fine not exceeding \$100] **THE COURT SHALL DISMISS THE CHARGE.**~~

~~(iii) 1. In a prosecution for the use or possession of marijuana under this section, it is an affirmative defense that the defendant used or possessed marijuana because:~~

~~A. the defendant has a debilitating medical condition that has been diagnosed by a physician with whom the defendant has a bona fide physician-patient relationship;~~

~~B. the debilitating medical condition is severe and resistant to conventional medicine; and~~

~~C. marijuana is likely to provide the defendant with therapeutic or palliative relief from the debilitating medical condition.~~

~~2. A. In a prosecution for the possession of marijuana under this section, it is an affirmative defense that the defendant possessed marijuana because the marijuana was intended for medical use by an individual with a debilitating medical condition for whom the defendant is a caregiver.~~

~~B. A defendant may not assert the affirmative defense under this subsubparagraph unless the defendant notifies the State's Attorney of the defendant's intention to assert the affirmative defense and provides the State's Attorney with all documentation in support of the affirmative defense in accordance with the rules of discovery provided in Maryland Rules 4-262 and 4-263.~~

~~3. An affirmative defense under this subparagraph may not be used if the defendant was:~~

~~A. using marijuana in a public place or assisting the individual for whom the defendant is a caregiver in using the marijuana in a public place; or~~

~~B. in possession of more than 1 ounce of marijuana.~~

~~(d) The provisions of subsection [(c)(2)(ii)] **(C)(2)(I)** of this section making the possession of marijuana a civil offense may not be construed to:~~

~~(1) affect the laws relating to:~~

~~[(1)] (I) operating a vehicle or vessel while under the influence of or while impaired by a controlled dangerous substance; or~~

~~[(2)] (II) SEARCH, seizure and forfeiture OF A VEHICLE, VESSEL, OR REAL PROPERTY; OR~~

~~(2) AUTHORIZE A PERSON TO ENGAGE IN:~~

~~(I) SMOKING MARIJUANA IN ANY PUBLIC PLACE;~~

~~(II) SMOKING MARIJUANA IN A MOTOR VEHICLE; OR~~

~~(III) UNDERTAKING ANY TASK UNDER THE INFLUENCE OF MARIJUANA, WHEN DOING SO WOULD CONSTITUTE NEGLIGENCE OR PROFESSIONAL MALPRACTICE.~~

~~§ 601.1.~~

~~(a) A police officer shall issue a citation to a person who the police officer has probable cause to believe has committed a violation of § 5-601 of this part involving the use or possession of [less than 10 grams of] marijuana.~~

~~(b) (1) A violation of § 5-601 of this part involving the use or possession of [less than 10 grams of] marijuana is a civil offense.~~

~~(2) Adjudication of a violation under § 5-601 of this part involving the use or possession of [less than 10 grams of] marijuana:~~

~~(i) is not a criminal conviction for any purpose; and~~

~~(ii) does not impose any of the civil disabilities that may result from a criminal conviction.~~

~~(c) (1) A citation issued for a violation of § 5-601 of this part involving the use or possession of [less than 10 grams of] marijuana shall be signed by the police officer who issues the citation and shall contain:~~

~~(i) the name and address of the person charged;~~

~~(ii) the date and time that the violation occurred;~~

~~(iii) the location at which the violation occurred;~~

~~(iv) the fine that may be imposed;~~

~~(v) a notice stating that prepayment of the fine is allowed, except as provided in paragraph (2) of this subsection; and~~

~~(vi) a notice in boldface type that states that the person shall:~~

~~1. pay the full amount of the preset fine; or~~

~~2. request a trial date at the date, time, and place established by the District Court by writ or trial notice.~~

~~(2) (i) If a citation for a violation of § 5-601 of this part involving the use or possession of [less than 10 grams of] marijuana is issued to a person under the age of 21 years, the court shall summon the person for trial.~~

~~(ii) If the court finds that a person at least 21 years old has committed a third or subsequent violation of § 5-601 of this part involving the use or possession of [less than 10 grams of] marijuana, the court shall summon the person for trial.~~

~~(d) The form of the citation shall be uniform throughout the State and shall be prescribed by the District Court.~~

~~(e) The Chief Judge of the District Court shall establish a schedule for the prepayment of the fine.~~

~~(f) A person issued a citation for a violation of § 5-601 of this part involving the use or possession of [less than 10 grams of] marijuana who is under the age of 18 years shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.~~

~~(g) A citation for a violation of § 5-601 of this part involving the use or possession of [less than 10 grams of] marijuana and the official record of a court regarding the citation are not subject to public inspection and may not be included on the public Web site maintained by the Maryland Judiciary.~~

5-619.

(a) To determine whether an object is drug paraphernalia, a court shall consider, among other logically relevant factors:

(1) any statement by an owner or a person in control of the object concerning its use;

(2) any prior conviction of an owner or a person in control of the object under a State or federal law relating to a controlled dangerous substance;

(3) the proximity of the object, in time and space, to a direct violation of this section or to a controlled dangerous substance;

(4) a residue of a controlled dangerous substance on the object;

(5) direct or circumstantial evidence of the intent of an owner or a person in control of the object to deliver it to another who, the owner or the person knows or should reasonably know, intends to use the object to facilitate a violation of this section;

(6) any instructions, oral or written, provided with the object concerning its use;

(7) any descriptive materials accompanying the object that explain or depict its use;

(8) national and local advertising concerning use of the object;

(9) the manner in which the object is displayed for sale;

(10) whether the owner or a person in control of the object is a licensed distributor or dealer of tobacco products or other legitimate supplier of related items to the community;

(11) direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

(12) the existence and scope of legitimate uses for the object in the community; and

(13) expert testimony concerning use of the object.

(b) The innocence of an owner or a person in control of the object as to a direct violation of this section does not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.

(c) (1) **THIS SUBSECTION DOES NOT APPLY TO THE USE OR POSSESSION OF DRUG PARAPHERNALIA INVOLVING THE USE OR POSSESSION OF MARIJUANA.**

(2) Unless authorized under this title, a person may not use or possess with intent to use drug paraphernalia to:

(i) plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled dangerous substance; or

(ii) inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.

[(2)] (3) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding \$500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

[(3)] (4) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating subsection (d)(4) of this section is subject to the penalty specified under paragraph **[(2)(ii)] (3)(II)** of this subsection.

[(4) (i) 1. In this paragraph the following words have the meanings indicated.

2. “Bona fide physician–patient relationship” means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a patient’s medical condition.

3. “Caregiver” means an individual designated by a patient with a debilitating medical condition to provide physical or medical assistance to the patient, including assisting with the medical use of marijuana, who:

A. is a resident of the State;

B. is at least 21 years old;

C. is an immediate family member, a spouse, or a domestic partner of the patient;

D. has not been convicted of a crime of violence as defined in § 14–101 of this article;

E. has not been convicted of a violation of a State or federal controlled dangerous substances law;

F. has not been convicted of a crime of moral turpitude;

G. has been designated as caregiver by the patient in writing that has been placed in the patient’s medical record prior to arrest;

H. is the only individual designated by the patient to serve as caregiver; and

I. is not serving as caregiver for any other patient.

4. “Debilating medical condition” means a chronic or debilitating disease or medical condition or the treatment of a chronic or debilitating disease or medical condition that produces one or more of the following, as documented by a physician with whom the patient has a bona fide physician–patient relationship:

- A. cachexia or wasting syndrome;
- B. severe or chronic pain;
- C. severe nausea;
- D. seizures;
- E. severe and persistent muscle spasms; or
- F. any other condition that is severe and resistant to conventional medicine.

(ii) 1. In a prosecution under this subsection involving drug paraphernalia related to marijuana, the defendant may introduce and the court shall consider as a mitigating factor any evidence of medical necessity.

2. Notwithstanding paragraph (2) of this subsection, if the court finds that the person used or possessed drug paraphernalia related to marijuana because of medical necessity, on conviction of a violation of this subsection, the maximum penalty that the court may impose on the person is a fine not exceeding \$100.

(iii) 1. In a prosecution under this subsection involving drug paraphernalia related to marijuana, it is an affirmative defense that the defendant used or possessed drug paraphernalia related to marijuana because:

A. the defendant has a debilitating medical condition that has been diagnosed by a physician with whom the defendant has a bona fide physician–patient relationship;

B. the debilitating medical condition is severe and resistant to conventional medicine; and

C. marijuana is likely to provide the defendant with therapeutic or palliative relief from the debilitating medical condition.

2. A. In a prosecution under this subsection involving drug paraphernalia related to marijuana, it is an affirmative defense that the defendant possessed drug paraphernalia related to marijuana because the drug paraphernalia related to marijuana was intended for medical use by an individual with a debilitating medical condition for whom the defendant is a caregiver.

B. A defendant may not assert the affirmative defense under this subparagraph unless the defendant notifies the State's Attorney of the defendant's intention to assert the affirmative defense and provides the State's Attorney with all documentation in support of the affirmative defense in accordance with the rules of discovery provided in Maryland Rules 4-262 and 4-263.

3. An affirmative defense under this subparagraph may not be used if the defendant was:

A. using marijuana in a public place or assisting the individual for whom the defendant is a caregiver in using the marijuana in a public place; or

B. in possession of more than 1 ounce of marijuana.]

(d) (1) Unless authorized under this title, a person may not deliver or sell, or manufacture or possess with intent to deliver or sell, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that the drug paraphernalia will be used to:

(i) plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled dangerous substance; or

(ii) inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding \$500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

(3) A person who is convicted of violating this subsection for the first time and who previously has been convicted of violating paragraph (4) of this subsection is subject to imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

(4) If a person who is at least 18 years old violates paragraph (1) of this subsection by delivering drug paraphernalia to a minor who is at least 3 years younger than the person, the person is guilty of a separate misdemeanor and on conviction is subject to imprisonment not exceeding 8 years or a fine not exceeding \$15,000 or both.

(e) (1) A person may not advertise in a newspaper, magazine, handbill, poster, sign, mailing, or other writing or publication, or by sound truck, knowing, or under

circumstances where one reasonably should know, that the purpose of the advertisement, wholly or partly, is to promote the sale or delivery of drug paraphernalia.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding \$500; and

(ii) for each subsequent violation, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both.

~~Article — Transportation~~

~~21-903.1.~~

~~(A) THIS SECTION APPLIES TO A MOTOR VEHICLE THAT IS DRIVEN, STOPPED, STANDING, OR OTHERWISE LOCATED ON A HIGHWAY.~~

~~(B) A PERSON MAY NOT USE MARIJUANA IN A MOTOR VEHICLE ON A HIGHWAY.~~

~~(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROHIBITION CONTAINED IN THIS SECTION APPLIES THROUGHOUT THE STATE.~~

~~27-116.~~

~~ANY PERSON CONVICTED OF A VIOLATION OF § 21-903.1 OF THIS ARTICLE IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$1,000.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 521 – *Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking*.

This bill establishes the Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking; specifies the purpose of the Workgroup; provides for the composition, chair, and staffing of the Workgroup; prohibits a member of the Workgroup from receiving specified compensation, but authorizes the reimbursement of specified expenses; establishes the duties of the Workgroup; and requires the Workgroup to report its findings and recommendations to the Governor and the General Assembly on or before December 1, 2015.

House Bill 456, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 521.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 521

AN ACT concerning

Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking

FOR the purpose of establishing the Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking; specifying the purpose of the Workgroup; providing for the composition, chair, and staffing of the Workgroup; prohibiting a member of the Workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; establishing the duties of the Workgroup; requiring the Workgroup to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking.

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

(a) There is a Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking.

(b) The purpose of the Workgroup is to study:

(1) legal protections for youth victims of human trafficking; and

(2) the provision of services for youth victims of human trafficking.

(c) The Workgroup consists of the following members:

- (1) one member of the Senate of Maryland, appointed by the President of the Senate;
- (2) one member of the House of Delegates, appointed by the Speaker of the House;
- (3) the Secretary of Human Resources, or the Secretary's designee;
- (4) the Secretary of Juvenile Services, or the Secretary's designee;
- (5) the Secretary of Health and Mental Hygiene, or the Secretary's designee;
- (6) the State Superintendent of Schools, or the Superintendent's designee;
- (7) the Secretary of State Police, or the Secretary's designee;
- (8) the Secretary of State, or the Secretary's designee;

~~(8)~~ (9) one representative from the Office of the Public Defender, Juvenile Division, appointed by the Public Defender; and

~~(9)~~ (10) the following members, appointed by the Governor:

- (i) one representative of the Maryland Coalition Against Sexual Assault;
- (ii) one representative of the Governor's Office for Children;
- (iii) one representative of the Governor's Office of Crime Control and Prevention;
- (iv) one representative of the Maryland State's Attorneys' Association;
- (v) one representative of a local law enforcement agency;
- (vi) one representative of the National Center for Missing and Exploited Children;
- (vii) one representative of Turnaround, Inc.;
- ~~(viii) one teacher who teaches in a Maryland school;~~

(viii) one educator who works in a student service capacity and who is nominated by the Maryland State Education Association;

(ix) two representatives of the Maryland Human Trafficking Task Force;

(x) two representatives of national organizations that support victims of human trafficking; and

(xi) two survivors of human trafficking.

(d) The Governor shall designate the chair of the Workgroup.

(e) The Governor's Office of Crime Control and Prevention shall provide staff for the Workgroup.

(f) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) The Workgroup shall:

(1) compile existing information on and identify the needs of youth victims of human trafficking and identify the public and private sector programs and resources currently available to meet those needs;

(2) identify gaps in public and private sector programs and resources currently available to meet the needs of youth victims of human trafficking;

(3) collect and compile data on the number of youth victims of human trafficking in the State, including the number of youth victims in each jurisdiction of the State;

(4) evaluate current State safe harbor policies and legal protections for youth victims of human trafficking; and

(5) make recommendations regarding:

(i) legislation and policy initiatives to address the provision of services and legal protections for youth victims of human trafficking in the State;

(ii) the collection of data to identify youth victims of human trafficking in the State;

(iii) funding requirements and budgetary priorities to address the needs of youth victims of human trafficking in the State; and

(iv) any other relevant issues or considerations identified by the Workgroup.

(h) On or before December 1, 2015, the Workgroup shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 523 – *Worcester County – Alcoholic Beverages – Limited Distillery License*.

This bill establishes a Class 9 limited distillery license in Worcester County; sets a license fee of \$500; provides that the State Comptroller issue the Class 9 license only to a holder of a Class D beer, wine and liquor license in the County for use on the premises for which the Class D license was issued; and authorizes a holder of a Class 9 license to establish and operate a plant for distilling, rectifying, and bottling brandy, rum, whiskey, alcohol, and neutral spirits under specified circumstances.

House Bill 689, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 523.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 523

AN ACT concerning

Worcester County – Alcoholic Beverages – ~~Craft~~ Limited Distillery License

FOR the purpose of establishing a Class 9 ~~craft~~ limited distillery license in Worcester County; setting a license fee; providing that the State Comptroller issue the Class 9 license only to a holder of a Class D beer, wine and liquor license in the County for use on the premises for which the Class D license was issued; authorizing a holder of a Class 9 license to establish and operate a plant for distilling, rectifying, and bottling brandy, rum, whiskey, alcohol, and neutral spirits under certain circumstances; authorizing a holder of a Class 9 license to acquire bulk alcoholic beverages, to store, sell, and deliver product, to conduct guided tours, and to serve a certain number of samples to certain persons; prohibiting a holder of a Class 9 license from taking certain actions; requiring a holder of a Class 9 license to abide by all trade practice restrictions applicable to distilleries; requiring a holder of a Class 9 license to take certain actions to distill more than a certain amount of gallonage; and generally relating to Class 9 distillery licenses in Worcester County.

BY repealing and reenacting, with amendments,
 Article 2B – Alcoholic Beverages
 Section 2–201(a)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

BY adding to
 Article 2B – Alcoholic Beverages
 Section 2–202.1
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

2–201.

(a) The annual fees for manufacturer’s licenses are as follows:

Class 1	Distillery.....	\$ 2,000
Class 2	Rectifying.....	600
Class 3	Winery	750
Class 4	Limited Winery	200
Class 5	Brewery	1,500
Class 6	Pub–Brewery.....	500

Class 7	Micro-Brewery	500
Class 8	Farm Brewery	200
CLASS 9	CRAFT LIMITED DISTILLERY	500

2-202.1.

(A) THERE IS A CLASS 9 ~~CRAFT~~ LIMITED DISTILLERY LICENSE.

(B) THE LICENSE SHALL BE ISSUED:

(1) BY THE STATE COMPTROLLER; AND

(2) ONLY TO A HOLDER OF A CLASS D BEER, WINE AND LIQUOR LICENSE IN WORCESTER COUNTY FOR USE ON THE PREMISES FOR WHICH THE CLASS D LICENSE WAS ISSUED.

(C) (1) A HOLDER OF A CLASS 9 ~~CRAFT~~ LIMITED DISTILLERY LICENSE:

(I) MAY ESTABLISH AND OPERATE A PLANT IN THIS STATE FOR DISTILLING, RECTIFYING, AND BOTTLING BRANDY, RUM, WHISKEY, ALCOHOL, AND NEUTRAL SPIRITS IF THE HOLDER:

1. MAINTAINS ONLY ONE BRAND AT ANY ONE TIME FOR EACH PRODUCT OF BRANDY, RUM, WHISKEY, ALCOHOL, AND NEUTRAL SPIRITS THAT IS DISTILLED, RECTIFIED, AND SOLD; AND

2. DOES NOT MANUFACTURE OR RECTIFY PRODUCT OF ANY OTHER BRAND FOR ANOTHER ENTITY;

(II) MAY ACQUIRE BULK ALCOHOLIC BEVERAGES FROM THE HOLDER OF A DISTILLERY OR RECTIFYING LICENSE IN THIS STATE OR FROM THE HOLDER OF A NONRESIDENT DEALER'S PERMIT;

(III) AFTER ACQUIRING AN INDIVIDUAL STORAGE PERMIT, MAY STORE ON THE LICENSED PREMISES THOSE PRODUCTS MANUFACTURED UNDER THE CLASS 9 ~~CRAFT~~ LIMITED DISTILLERY LICENSE;

(IV) MAY SELL AND DELIVER THOSE PRODUCTS MANUFACTURED UNDER THE CLASS 9 ~~CRAFT~~ LIMITED DISTILLERY LICENSE ONLY TO A LICENSED WHOLESALER IN THIS STATE OR PERSON AUTHORIZED TO ACQUIRE DISTILLED SPIRITS IN ANOTHER STATE AND NOT TO A COUNTY DISPENSARY;

(V) MAY SELL THE PRODUCTS MANUFACTURED UNDER THE CLASS 9 ~~CRAFT~~ LIMITED DISTILLERY LICENSE AT RETAIL IN A MANNER CONSISTENT WITH THE UNDERLYING CLASS D LICENSE;

(VI) MAY CONDUCT GUIDED TOURS OF THAT PORTION OF THE LICENSED PREMISES USED FOR THE ~~CRAFT~~ LIMITED DISTILLERY OPERATION; AND

(VII) MAY SERVE NOT MORE THAN THREE SAMPLES OF PRODUCTS MANUFACTURED AT THE LICENSED PREMISES, WITH EACH SAMPLE CONSISTING OF NOT MORE THAN ONE-HALF OUNCE FROM A SINGLE PRODUCT, TO PERSONS WHO:

1. HAVE ATTAINED THE LEGAL DRINKING AGE;
2. PARTICIPATED IN A GUIDED TOUR; AND
3. ARE PRESENT ON THAT PORTION OF THE PREMISES USED FOR THE ~~CRAFT~~ LIMITED DISTILLERY OPERATION.

(2) A HOLDER OF A CLASS 9 ~~CRAFT~~ LIMITED DISTILLERY LICENSE MAY NOT:

(I) APPLY FOR OR POSSESS A MARYLAND WHOLESALER'S LICENSE;

(II) SELL BOTTLES OF THE PRODUCTS MANUFACTURED AT THE CLASS 9 ~~CRAFT~~ LIMITED DISTILLERY ON THAT PART OF THE PREMISES USED FOR THE DISTILLERY OPERATION;

(III) DISTILL, RECTIFY, BOTTLE, OR SELL MORE THAN 100,000 GALLONS OF BRANDY, RUM, WHISKEY, ALCOHOL, AND NEUTRAL SPIRITS EACH CALENDAR YEAR;

(IV) SELL AT RETAIL ON THE PREMISES OF THE CLASS D LICENSE, FOR ON- OR OFF-SALE CONSUMPTION, MORE THAN 15,500 GALLONS OF THE PRODUCTS MANUFACTURED UNDER THE CLASS 9 ~~CRAFT~~ LIMITED DISTILLERY LICENSE EACH CALENDAR YEAR; AND

(V) OWN, OPERATE, OR BE AFFILIATED IN ANY MANNER WITH ANOTHER MANUFACTURER.

(3) A HOLDER OF A CLASS 9 ~~CRAFT~~ LIMITED DISTILLERY LICENSE SHALL ABIDE BY ALL TRADE PRACTICE RESTRICTIONS APPLICABLE TO DISTILLERIES.

(D) TO DISTILL MORE THAN THE GALLONAGE SPECIFIED IN SUBSECTION (C)(2)(III) OF THIS SECTION, A HOLDER OF A CLASS 9 ~~CRAFT~~ LIMITED DISTILLERY LICENSE SHALL DIVEST ITSELF OF ANY CLASS D RETAIL LICENSE AND OBTAIN A CLASS 1 MANUFACTURER'S LICENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

May 22, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 528 – *Criminal Procedure – Seizure and Forfeiture*. This bill establishes a \$300 threshold before money can be seized under most circumstances; eliminates presumptions and alters certain burdens related to forfeiture of money, weapons, and proceeds; requires notice to the owner of seized property; and prohibits the transfer of seized property to the federal government unless there is a federal criminal charge or the owner consents.

Senate Bill 528, as amended, would greatly inhibit local law enforcement agencies from pursuing asset forfeiture from drug dealers. In addition, the bill poses new restrictions that would interfere with joint federal and State task forces investigating drug crimes. For these reasons, the Maryland State's Attorneys' Association, the Maryland Chiefs of Police Association, and the Maryland Sheriffs' Association have requested a veto of Senate Bill 528.

Moreover, Maryland is currently facing a heroin epidemic. The individuals involved in the manufacture and sale of drugs are profiting from the deaths and ruined lives they are creating. The asset forfeiture law helps to ensure that these criminals do not reap any economic benefit from their crimes. Further, persons who deal in illegal drugs also frequently deal in illegal weapons and human trafficking. If this bill becomes law, it would detrimentally impact law enforcement efforts to deal with these crimes as well.

Asset forfeiture laws can be abused by those in charge of their implementation. For this reason, I am directing the Governor's Office of Crime Control and Prevention and the Police Training Commission to form a working group to include, at a minimum, the Department of State Police, local law enforcement, the Maryland State's Attorneys' Association, the Office of Attorney General, and the Office of the Public Defender. The working group will also invite its federal partners, who would otherwise have been adversely affected by Senate Bill 528, to participate. This working group will review the current forfeiture law and, if warranted, make any recommendations for changes that prevent abuses, provide protections for innocent persons, and ensure that law enforcement has the necessary enforcement tools to fight illegal drugs.

For these reasons, I have vetoed Senate Bill 528.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 528

AN ACT concerning

Criminal Procedure – Seizure and Forfeiture

FOR the purpose of establishing a certain minimum amount of money that is subject to forfeiture in connection with a controlled dangerous substance violation under certain circumstances; repealing a certain presumption that certain money or weapons are forfeitable; altering a certain provision of law so as to provide that certain property may not be forfeited unless the State establishes by a preponderance of the evidence that a violation of a certain law was committed with the property owner's actual knowledge, rather than that the property may not be forfeited if the owner establishes by a preponderance of the evidence that the violation of law was committed without the owner's actual knowledge; requiring a certain seizing authority to send certain information to the owner of certain property at a certain time; prohibiting a certain seizing authority or prosecuting authority from directly or indirectly transferring seized property to a federal law enforcement authority or agency, with a certain ~~exception~~ exceptions; ~~providing that if the owner of seized property is not charged with a violation of a certain law in connection with the seizure of the property within a certain amount of time, the property shall be immediately returned to the owner~~; repealing a certain rebuttable presumption that certain property is subject to forfeiture as proceeds; ~~requiring a certain law enforcement agency to report, on an annual basis, certain information about each individual seizure and forfeiture completed by the agency under State or federal forfeiture law~~; authorizing the Maryland Statistical Analysis Center (MSAC) to ~~require a law enforcement agency to provide relevant information not specified in this Act~~; ~~requiring a certain law enforcement agency to file a certain report for the agency and the corresponding prosecutor's office with MSAC~~; ~~requiring MSAC to develop a certain form, a process, and deadlines for certain data entry~~; ~~requiring~~

~~MSAC to compile certain submissions and issue a certain report; requiring MSAC to make certain reports available in a certain manner; requiring the Governor's Office of Crime Control and Prevention (GOCCP) to submit a certain report to the Governor, the General Assembly, and each law enforcement agency before a certain date each year; authorizing GOCCP to include in a certain report certain recommendations; requiring GOCCP to report information on law enforcement agencies not in compliance with this Act to the Police Training Commission; requiring the Police Training Commission to contact a certain law enforcement agency and request certain compliance; requiring GOCCP and the Police Training Commission to report certain noncompliance to the Governor and the Legislative Policy Committee of the General Assembly under certain circumstances; authorizing MSAC to recoup certain costs in a certain manner; authorizing a certain law enforcement agency to use forfeiture proceeds to pay the cost of compiling and reporting information required under this Act; defining certain terms; and generally relating to seizure and forfeiture.~~

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 12-102, 12-103(a), ~~12-301~~, and 12-312

Annotated Code of Maryland

(2008 Replacement Volume and 2014 Supplement)

BY adding to

Article – Criminal Procedure

~~Section 12-211; and 13-601 to be under the new subtitle “Subtitle 6. Reporting”~~

Section 12-104 and 12-212

Annotated Code of Maryland

(2008 Replacement Volume and 2014 Supplement)

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

Article – Criminal Procedure

12-102.

(a) The following are subject to forfeiture:

(1) controlled dangerous substances manufactured, distributed, dispensed, acquired, or possessed in violation of the Controlled Dangerous Substances law;

(2) raw materials, products, and equipment used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting a controlled dangerous substance in violation of the Controlled Dangerous Substances law;

(3) property used or intended for use as a container for property described in item (1) or (2) of this subsection;

(4) except as provided in § 12–103 of this subtitle, conveyances, including aircraft, vehicles, or vessels used or intended to be used to transport, or facilitate the transportation, sale, receipt, possession, or concealment of property described in item (1) or (2) of this subsection;

(5) books, records, and research, including formulas, microfilm, tapes, and data used or intended for use in violation of the Controlled Dangerous Substances law;

(6) subject to subsection (b) of this section, money **OF MORE THAN \$300** or weapons used or intended to be used in connection with the unlawful manufacture, distribution, dispensing, or possession of a controlled dangerous substance or controlled paraphernalia;

(7) **SUBJECT TO SUBSECTION (B) OF THIS SECTION, ANY AMOUNT OF MONEY THAT IS DIRECTLY CONNECTED TO THE UNLAWFUL DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE;**

~~(8)~~ (8) drug paraphernalia under § 5–619 of the Criminal Law Article;

~~(9)~~ (9) controlled paraphernalia under § 5–620 of the Criminal Law Article;

~~(10)~~ (10) except as provided in § 12–103 of this subtitle, the remaining balance of the proceeds of a sale by a holder of an installment sale agreement under § 12–626 of the Commercial Law Article of goods seized under this subtitle;

~~(11)~~ (11) except as provided in § 12–103 of this subtitle, real property; and

~~(12)~~ (12) everything of value furnished, or intended to be furnished, in exchange for a controlled dangerous substance in violation of the Controlled Dangerous Substances law, all proceeds traceable to the exchange, and all negotiable instruments and securities used, or intended to be used, to facilitate any violation of the Controlled Dangerous Substances law.

(b) (1) [(i) Money or weapons that are found in close proximity to a contraband controlled dangerous substance, controlled paraphernalia, or forfeitable records of the importation, manufacture, or distribution of controlled dangerous substances are contraband and presumed to be forfeitable.

(ii) A claimant of money or weapons has the burden to rebut the presumption.

(2)] All rights in, title to, and interest in the money or weapons immediately shall vest in:

- (i) the State, if the seizing authority was a State unit;
- (ii) the county in which the money or weapons were seized, if the seizing authority was a county law enforcement unit, including a sheriff's office; or
- (iii) the municipal corporation in which the money or weapons were seized, if the seizing authority was a law enforcement unit of a municipal corporation.

~~[(3)]~~ **(2)** The money or weapons may be returned to the claimant only as this title provides.

12-103.

(a) Property or an interest in property described in ~~§ 12-102(a)(4), (10), and (11)~~ **§ 12-102(A)(4), (11), AND (12)** of this subtitle may not be forfeited [if the owner] **UNLESS THE STATE** establishes by a preponderance of the evidence that the violation of the Controlled Dangerous Substances law was committed [without] **WITH** the owner's actual knowledge.

12-104.

(A) WITHIN 30 DAYS AFTER THE SEIZURE OF PROPERTY BY A SEIZING AUTHORITY, THE SEIZING AUTHORITY SHALL SEND BY FIRST-CLASS MAIL WRITTEN INFORMATION TO THE OWNER OF THE SEIZED PROPERTY, IF KNOWN, PROVIDING:

(1) THE LOCATION AND DESCRIPTION OF THE SEIZED PROPERTY; AND

(2) THE NAME AND CONTACT INFORMATION OF AN INDIVIDUAL OR OFFICE WITHIN THE SEIZING AUTHORITY THAT CAN PROVIDE FURTHER INFORMATION CONCERNING THE SEIZED PROPERTY, INCLUDING INFORMATION ON HOW THE PROPERTY MAY BE RETURNED TO THE OWNER.

(B) THE WRITTEN INFORMATION REQUIRED UNDER THIS SECTION SHALL STATE: "SEIZURE AND FORFEITURE OF PROPERTY IS A LEGAL MATTER. NOTHING IN THIS DOCUMENT MAY BE CONSTRUED AS LEGAL ADVICE. YOU MAY WISH TO CONSULT AN ATTORNEY CONCERNING THIS MATTER."

~~12-211.~~ 12-212.

A SEIZING AUTHORITY OR PROSECUTING AUTHORITY MAY NOT DIRECTLY OR INDIRECTLY TRANSFER SEIZED PROPERTY TO A FEDERAL LAW ENFORCEMENT AUTHORITY OR AGENCY UNLESS ~~THE CASE:~~

(1) A CRIMINAL CASE RELATED TO THE SEIZURE IS PROSECUTED IN THE FEDERAL COURT SYSTEM UNDER FEDERAL LAW; OR

(2) THE OWNER OF THE PROPERTY CONSENTS TO THE FORFEITURE.~~12-301.~~

~~(A) Except as provided in § 12-304(e) of this subtitle, if property is seized under § 12-202(a)(2)(iv) and (v) of this title because there is probable cause to believe that the property is directly or indirectly dangerous to health or safety and that the property was or will be used to violate this title, forfeiture proceedings under this subtitle shall be filed promptly.~~

~~(B) IF THE OWNER OF SEIZED PROPERTY IS NOT CHARGED WITH A VIOLATION OF THE CONTROLLED DANGEROUS SUBSTANCES LAW IN CONNECTION WITH THE SEIZURE OF THE PROPERTY WITHIN 90 180 DAYS, THE PROPERTY SHALL BE IMMEDIATELY RETURNED TO THE OWNER.~~

12-312.

(a) [(1)] Except as provided in subsection (b) of this section, [there is a rebuttable presumption that] property or part of a property in which a person has an ownership interest is subject to forfeiture as proceeds, if the State establishes by clear and convincing evidence that:

[(i)] (1) the person has violated §§ 5-602 through 5-609, §§ 5-612 through 5-614, § 5-617, § 5-618, or § 5-628 of the Criminal Law Article or has attempted or conspired to violate Title 5 of the Criminal Law Article;

[(ii)] (2) the property was acquired by the person during the violation or within a reasonable time after the violation; and

[(iii)] (3) there was no other likely source for the property.

[(2)] A claimant of the property has the burden of proof to rebut the presumption in paragraph (1) of this subsection.]

(b) Real property used as the principal family residence may not be forfeited under this section unless:

(1) an owner of the real property was convicted of a crime described under subsection (a)(1) of this section; or

(2) the real property is covered by § 12-103(d)(2) of this title.

SUBTITLE 6. REPORTING.~~13-601.~~

~~(A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) "GOCCP" MEANS THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.~~

~~(3) "LAW ENFORCEMENT AGENCY" MEANS A POLICE FORCE, A MULTIJURISDICTIONAL TASK FORCE, A FIRE DEPARTMENT, OR ANY OTHER LOCAL, COUNTY, OR STATE AGENCY THAT HAS THE AUTHORITY UNDER STATE LAW OR OPERATES IN COOPERATION WITH A FEDERAL AGENCY UNDER FEDERAL LAW TO ENGAGE IN SEIZURE AND FORFEITURE.~~

~~(4) "MSAC" MEANS THE MARYLAND STATISTICAL ANALYSIS CENTER OF GOCCP.~~

~~(B) ON AN ANNUAL BASIS, EACH LAW ENFORCEMENT AGENCY SHALL REPORT THE FOLLOWING INFORMATION ABOUT EACH INDIVIDUAL SEIZURE AND FORFEITURE COMPLETED BY THE AGENCY UNDER STATE FORFEITURE LAW AND FEDERAL FORFEITURE LAW:~~

~~(1) DATA ON SEIZURES AND FORFEITURES, INCLUDING:~~

~~(I) THE DATE THAT CURRENCY, VEHICLES, HOUSES, OR OTHER TYPES OF PROPERTY WERE SEIZED;~~

~~(II) THE TYPE OF PROPERTY SEIZED, INCLUDING YEAR, MAKE, AND MODEL, AS APPLICABLE;~~

~~(III) THE TYPE OF ALLEGED CRIME ASSOCIATED WITH THE SEIZURE OF THE PROPERTY;~~

~~(IV) THE OUTCOME OF RELATED CRIMINAL ACTION, INCLUDING WHETHER CHARGES WERE BROUGHT, A PLEA BARGAIN WAS REACHED, A CONVICTION WAS OBTAINED, OR AN ACQUITTAL WAS ISSUED;~~

~~(V) WHETHER THE PROCEDURE WAS A CRIMINAL FORFEITURE OR CIVIL FORFEITURE;~~

~~(VI) IF THE PROCEDURE WAS A CIVIL FORFEITURE, WHETHER THE PROCEDURE WAS ADMINISTRATIVE, JUDICIAL, OR OTHER;~~

~~(VII) WHETHER THE VENUE OF THE FORFEITURE CASE WAS AN ADMINISTRATIVE AGENCY, A SMALL CLAIMS COURT, A CIVIL COURT, A CRIMINAL COURT, OR ANY OTHER VENUE;~~

~~(VIII) WHETHER THE PROPERTY OWNER WAS REPRESENTED BY AN ATTORNEY IN THE FORFEITURE CASE;~~

~~(IX) THE MARKET VALUE OF THE PROPERTY SEIZED;~~

~~(X) THE GROSS AMOUNT RECEIVED FROM THE FORFEITURE;~~

~~(XI) THE TOTAL ADMINISTRATIVE AND OTHER EXPENSES DEDUCTED AS PART OF THE FORFEITURE PROCESS;~~

~~(XII) THE NET AMOUNT RECEIVED FROM THE FORFEITURE;~~

~~(XIII) THE DISPOSITION OF THE PROPERTY FOLLOWING SEIZURE, INCLUDING WHETHER THE PROPERTY WAS:~~

~~1. RETURNED TO THE OWNER;~~

~~2. DESTROYED; OR~~

~~3. SOLD OR RETAINED AFTER FORFEITURE; AND~~

~~(XIV) THE DATE OF THE DISPOSITION OF PROPERTY; AND~~

~~(2) DATA ON EXPENDITURES OF FORFEITURE FUNDS BY THE LAW ENFORCEMENT AGENCY, INCLUDING FUNDS SPENT ON:~~

~~(I) CRIME, GANG, AND SUBSTANCE ABUSE PREVENTION PROGRAMS;~~

~~(II) WITNESS PROTECTION;~~

~~(III) VICTIM REPARATIONS;~~

~~(IV) INFORMANT FEES AND BUY MONEY;~~

~~(V) REGULAR TIME SALARIES, OVERTIME PAY, AND EMPLOYEE BENEFITS FOR PROSECUTORS;~~

~~(VI) REGULAR TIME SALARIES, OVERTIME PAY, AND EMPLOYEE BENEFITS FOR SWORN LAW ENFORCEMENT AGENCY PERSONNEL OTHER THAN PROSECUTORS;~~

~~(VII) REGULAR TIME SALARIES, OVERTIME PAY, AND EMPLOYEE BENEFITS FOR UNSWORN LAW ENFORCEMENT AGENCY PERSONNEL OTHER THAN PROSECUTORS;~~

~~(VIII) PROFESSIONAL OR OUTSIDE SERVICES, INCLUDING SERVICES RELATED TO AUDITING, COURT REPORTING, EXPERT WITNESSES, AND OTHER COURT COSTS;~~

~~(IX) TRAVEL AND MEALS;~~

~~(X) ENTERTAINMENT;~~

~~(XI) TRAINING;~~

~~(XII) CONFERENCES;~~

~~(XIII) VEHICLE PURCHASES;~~

~~(XIV) CANINES, FIREARMS, AND EQUIPMENT, INCLUDING TACTICAL GEAR;~~

~~(XV) CAPITAL EXPENDITURES, INCLUDING FURNITURE, COMPUTERS, AND OFFICE EQUIPMENT; AND~~

~~(XVI) OTHER USES.~~

~~(C) MSAC MAY REQUIRE A LAW ENFORCEMENT AGENCY TO PROVIDE RELEVANT INFORMATION NOT SPECIFIED IN SUBSECTION (B) OF THIS SECTION.~~

~~(D) (1) EACH LAW ENFORCEMENT AGENCY SHALL FILE WITH MSAC THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION FOR THE LAW ENFORCEMENT AGENCY AND THE CORRESPONDING PROSECUTOR'S OFFICE.~~

~~(2) THE LAW ENFORCEMENT AGENCY SHALL FILE SEPARATE REPORTS FOR FORFEITURES COMPLETED UNDER STATE FORFEITURE LAW AND FEDERAL FORFEITURE LAW.~~

~~(3) A NULL REPORT SHALL BE FILED BY A LAW ENFORCEMENT AGENCY THAT DID NOT ENGAGE IN SEIZURES OR FORFEITURES DURING THE REPORTING PERIOD.~~

~~(E) (1) MSAC SHALL DEVELOP A STANDARD FORM, A PROCESS, AND DEADLINES FOR ELECTRONIC DATA ENTRY FOR ANNUAL SUBMISSION OF FORFEITURE DATA BY LAW ENFORCEMENT AGENCIES.~~

~~(2) MSAC SHALL COMPILE THE SUBMISSIONS AND ISSUE AN AGGREGATE REPORT OF ALL FORFEITURES IN THE STATE.~~

~~(F) (1) BY MARCH 1 OF EACH YEAR, MSAC SHALL MAKE AVAILABLE ON MSAC'S WEB SITE THE REPORTS SUBMITTED BY LAW ENFORCEMENT AGENCIES AND MSAC'S AGGREGATE REPORT.~~

~~(2) GOCCP SHALL SUBMIT THE AGGREGATE REPORT TO THE GOVERNOR, THE GENERAL ASSEMBLY, AS PROVIDED IN § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AND EACH LAW ENFORCEMENT AGENCY BEFORE SEPTEMBER 1 OF EACH YEAR.~~

~~(G) GOCCP MAY INCLUDE, WITH MSAC'S AGGREGATE REPORT, RECOMMENDATIONS TO THE LEGISLATURE TO IMPROVE FORFEITURE STATUTES TO BETTER ENSURE THAT FORFEITURE PROCEEDINGS ARE REPORTED AND HANDLED IN A MANNER THAT IS FAIR TO CRIME VICTIMS, INNOCENT PROPERTY OWNERS, SECURED INTEREST HOLDERS, CITIZENS, AND TAXPAYERS.~~

~~(H) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE REPORTING PROVISIONS OF THIS SECTION, GOCCP SHALL REPORT THE NONCOMPLIANCE TO THE POLICE TRAINING COMMISSION.~~

~~(2) THE POLICE TRAINING COMMISSION SHALL CONTACT THE LAW ENFORCEMENT AGENCY AND REQUEST THAT THE AGENCY COMPLY WITH THE REQUIRED REPORTING PROVISIONS.~~

~~(3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE REQUIRED REPORTING PROVISIONS WITHIN 30 DAYS AFTER BEING CONTACTED BY THE POLICE TRAINING COMMISSION, GOCCP AND THE POLICE TRAINING COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE TO THE GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL ASSEMBLY.~~

~~(I) (1) MSAC MAY RECOUP ITS COSTS BY CHARGING A FEE TO LAW ENFORCEMENT AGENCIES THAT ENGAGE IN SEIZURES OR FORFEITURES DURING THE REPORTING PERIOD.~~

~~(2) A LAW ENFORCEMENT AGENCY MAY USE FORFEITURE PROCEEDS TO PAY THE COST OF COMPILING AND REPORTING DATA UNDER THIS SUBTITLE, INCLUDING ANY FEE IMPOSED BY MSAC.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 536 – *Certified Public Accountants – Definitions – Attest and Practice Certified Public Accountancy*.

This bill alters the definitions of the terms “attest” and “practice certified public accountancy” as they relate to the Maryland Public Accountancy Act to include specified services and procedures performed in accordance with the Statements on Standards for Attestation Engagements issued by the American Institute of Certified Public Accountants.

House Bill 878, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 536.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 536

AN ACT concerning

Certified Public Accountants – Definitions – Attest and Practice Certified Public Accountancy

FOR the purpose of altering the definitions of “attest” and “practice certified public accountancy” as they relate to the Maryland Public Accountancy Act to include certain services and procedures performed in accordance with the Statements on Standards for Attestation Engagements issued by a certain organization; and generally relating to the regulation of certified public accountants.

BY repealing and reenacting, without amendments,

Article – Business Occupations and Professions
 Section 2–101(a) and (b)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
 Article – Business Occupations and Professions
 Section 2–101(c) and (m)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2014 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

2–101.

- (a) In this title the following words have the meanings indicated.
- (b) “AICPA” means the American Institute of Certified Public Accountants.
- (c) “Attest” means to provide the following [financial statement] services:

(1) an audit or other engagement performed in accordance with the Statements on Auditing Standards issued by AICPA;

(2) a review of a financial statement performed in accordance with the Statements on Standards for Accounting and Review Services issued by AICPA;

(3) a compilation;

(4) [an examination of prospective financial information] **ANY EXAMINATION, REVIEW, OR ~~AGREED-ON~~ AGREED-UPON PROCEDURES ENGAGEMENT TO BE** performed in accordance with the Statements on Standards for Attestation Engagements issued by AICPA; and

(5) any engagement performed in accordance with the Auditing Standards of the Public Company Accounting Oversight Board.

(m) “Practice certified public accountancy” means to perform any of the following accountancy services:

- (1) conducting an audit, review, ~~for~~ compilation ~~of financial statements~~;

(2) CONDUCTING ANY EXAMINATION, REVIEW, OR ~~AGREED-ON~~ ~~AGREED-UPON~~ PROCEDURES ENGAGEMENT TO BE PERFORMED IN ACCORDANCE WITH THE STATEMENTS ON STANDARDS FOR ATTESTATION ENGAGEMENTS ISSUED BY AICPA; or

~~(2)~~ **(3)** 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 538 – *Blind or Visually Impaired Children – Individualized Education Programs – Orientation and Mobility Instruction*.

This bill requires individualized education programs for blind or visually impaired children to provide orientation and mobility instruction under specified circumstances; and establishes a specified process for a specified individualized education program team to make a specified determination as to whether specified orientation and mobility instruction is appropriate for a specified child and to include it in a specified child's individualized education program.

House Bill 535, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 538.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 538

AN ACT concerning

**Blind or Visually Impaired Children – Individualized Education Programs –
Orientation and Mobility Instruction**

FOR the purpose of requiring certain individualized education programs for certain blind or visually impaired children to include certain orientation and mobility instruction under certain circumstances; establishing a certain process for a certain individualized education program team to make a certain determination as to whether certain orientation and mobility instruction is appropriate for a certain child and to include it in a certain child's individualized education program; requiring certain orientation and mobility ~~evaluations~~ assessments to be ~~provided~~ conducted under certain circumstances; requiring a certain orientation and mobility ~~evaluation~~ assessment to contain, at a minimum, certain content; requiring certain local school systems to provide certain parents and guardians with a certain verbal and written notice at a certain time; requiring certain orientation and mobility instruction to be provided by a certain qualified individual; requiring the State Department of Education to adopt certain regulations and provide certain guidelines on or before certain dates; defining certain terms; making certain stylistic changes; and generally relating to orientation and mobility instruction in individualized education programs for blind or visually impaired children.

BY repealing and reenacting, with amendments,
Article – Education
Section 8–408
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)

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

Article – Education

8–408.

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

(2) “ASSESSMENT” MEANS THE PROCESS OF COLLECTING DATA TO BE USED BY AN IEP TEAM TO DETERMINE A STUDENT’S NEED FOR SPECIAL EDUCATION AND RELATED SERVICES.

(3) “BRAILLE” MEANS THE SYSTEM OF READING AND WRITING THROUGH TOUCH COMMONLY KNOWN AS STANDARD ENGLISH CONTRACTED BRAILLE.

~~(2)~~ **(4)** “Child who is blind or visually impaired” means a child who:

(i) Has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision so that the widest diameter of the visual field subtends an angle no greater than 20 degrees;

(ii) Has a medically indicated expectation of visual deterioration; or

(iii) Has a medically diagnosed limitation in visual functioning that restricts the child’s ability to read and write standard print at levels expected of other children of comparable ability and grade level.

~~(3) “Braille” means the system of reading and writing through touch commonly known as Standard English Contracted Braille.~~

~~(4)~~ **(5)** “Individualized education program” and “IEP team” have the same meaning as provided by the Individuals with Disabilities Education Act.

~~(5)~~ **(6)** “National Instructional Materials Access Center” means the center established under § 674(e) of the federal Individuals with Disabilities Education Improvement Act of 2004.

~~(6)~~ **(7)** “NIMAS” means the National Instructional Materials Accessibility Standard established by the federal Secretary for Education under 20 U.S.C. 1412 to be used in the preparation of electronic files suitable and used solely for efficient conversion into specialized formats.

~~(7)~~ **(8)** **“ORIENTATION AND MOBILITY” MEANS INSTRUCTION PROVIDED TO A CHILD WHO IS BLIND OR VISUALLY IMPAIRED TO ENABLE THE CHILD TO ATTAIN SYSTEMATIC ORIENTATION TO AND SAFE MOVEMENT WITHIN THE CHILD’S SCHOOL, HOME, AND COMMUNITY ENVIRONMENTS.**

~~(7)~~ ~~(8)~~ **(9)** “Print instructional materials” means printed textbooks and related printed core materials that are written and published primarily for use in elementary school and secondary school instruction and are required by the Department or county board for use by students in the classroom.

~~(8)~~ ~~(9)~~ **(10)** “Specialized formats” means braille, large print, audio, or digital text that is used by blind or visually impaired individuals.

(b) (1) In developing the individualized education program for a child who is blind or visually impaired, provisions shall be made for instruction in braille and the use of braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media, including an evaluation of the child's future needs for instruction in braille or the use of braille, that such instruction or use is not appropriate for the child.

[(2)] (I) A child may not be denied the opportunity for instruction in braille reading and writing solely because the child has some remaining vision.

[(3)] (II) This section does not require the exclusive use of braille if other reading and writing media are appropriate to the child's educational needs. The use of other reading and writing media does not preclude the use of braille or the instruction of braille.

[(c)] (2) For the purpose of achieving successful implementation of this [section] SUBSECTION, the State Board and the Professional Standards and Teacher Education Board shall adopt certification standards for teachers of blind and visually impaired students.

[(d) (1)] (3) (I) The Department shall collaborate with and provide support to the Instructional Resources Center to develop procedures to coordinate the statewide availability of textbooks and supplementary instructional materials that may be accessed using specialized formats that use NIMAS.

[(2) (i)] (II) 1. The procedures developed under [paragraph (1) of this subsection] SUBPARAGRAPH (I) OF THIS PARAGRAPH shall require the Department and a county board to include, in any procurement contract or other document or agreement used to purchase print instructional materials from a publisher, a provision that requires the publisher to:

[1.] A. On or before the delivery of the print instructional materials, prepare and provide the National Instructional Materials Access Center electronic files containing the contents of the print instructional materials using NIMAS; or

[2.] B. Purchase instructional materials from that publisher that are produced in, or may be rendered in, specialized formats.

[(ii)] 2. A publisher may not be required to provide an electronic copy of any instructional material copyrighted before July 1, 2007.

[(3)] (III) The State Board shall coordinate with the National Instructional Materials Access Center to facilitate the timely transfer to the Instructional Resources Center of:

[(i)] 1. Electronic files or instructional materials sent by publishers for the Instructional Resources Center to convert the instructional materials into specialized formats; and

[(ii)] 2. Electronic files or instructional materials purchased from a publisher in a specialized format.

[(4)] (IV) Beginning on July 1, 2007, the Instructional Resources Center shall make reasonable efforts to provide the instructional materials in specialized formats to students who are blind or visually impaired for use on the first day of classes each year or in a timely manner.

[(e)] (4) Beginning in fiscal year 2008 and annually thereafter, the Governor shall include \$150,000 in the annual budget submission for the Instructional Resources Center established by the Department.

[(f)] The State Board shall adopt regulations consistent with § 7–910 of this article to implement the provisions of this section.]

[(g)] (5) On or before September 1, 2012, the State Board shall establish standards for the mastery of braille for use in English, language arts, and mathematics instruction of blind and visually impaired students in pre-kindergarten through grade 12.

(c) (1) (i) **ORIENTATION AND MOBILITY INSTRUCTION SHALL BE INCLUDED IN THE INDIVIDUALIZED EDUCATION PROGRAM OF A CHILD WHO IS BLIND OR VISUALLY IMPAIRED, UNLESS THE IEP TEAM DETERMINES, ~~AFTER:~~**

~~**1. AFTER AN EVALUATION, IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, THAT ORIENTATION AND MOBILITY INSTRUCTION IS NOT APPROPRIATE FOR THE CHILD; OR**~~

~~**2. THAT THE CHILD HAS SIGNIFICANT COGNITIVE, MOTOR, OR SPEECH-LANGUAGE PATHOLOGY DISABILITIES.**~~

(ii) **A CHILD MAY NOT BE DENIED ORIENTATION AND MOBILITY INSTRUCTION SOLELY BECAUSE THE CHILD HAS SOME REMAINING VISION.**

(2) (i) 1. IF THE IEP TEAM OBJECTS TO THE INCLUSION OF ORIENTATION AND MOBILITY INSTRUCTION IN THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM BECAUSE THE IEP TEAM HAS DETERMINED THAT ORIENTATION AND MOBILITY INSTRUCTION IS NOT APPROPRIATE FOR THE CHILD, THE IEP TEAM SHALL ORDER AN ORIENTATION AND MOBILITY ASSESSMENT TO BE CONDUCTED IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION.

2. AN ORIENTATION AND MOBILITY ASSESSMENT SHALL BE CONDUCTED BY A QUALIFIED INDIVIDUAL IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.

(II) WITHIN 30 DAYS AFTER THE DATE OF RECEIPT OF AN ORIENTATION AND MOBILITY ASSESSMENT, THE IEP TEAM THAT ORDERED THE ASSESSMENT SHALL MEET TO CONSIDER THE RESULTS OF THE ASSESSMENT AND DETERMINE WHETHER ORIENTATION AND MOBILITY INSTRUCTION IS APPROPRIATE FOR THE CHILD.

(III) IF THE IEP TEAM DETERMINES THAT ORIENTATION AND MOBILITY INSTRUCTION IS NOT APPROPRIATE FOR THE CHILD, THE IEP TEAM MAY NOT INCLUDE ORIENTATION AND MOBILITY INSTRUCTION IN THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM.

(IV) THE DETERMINATION OF AN IEP TEAM REGARDING THE PROVISION OF ORIENTATION AND MOBILITY INSTRUCTION UNDER THIS PARAGRAPH SHALL BE BINDING FOR THE ENTIRE SCHOOL YEAR IN WHICH THE DETERMINATION IS MADE, UNLESS THERE ARE SIGNIFICANT CHANGES IN THE CIRCUMSTANCES OF THE CHILD.

(2) (3) AN ~~INITIAL~~ ORIENTATION AND MOBILITY ~~EVALUATION~~ ASSESSMENT, AT A MINIMUM, SHALL:

(I) ~~BE PROVIDED TO A CHILD WHO IS BLIND OR VISUALLY IMPAIRED IF A MEMBER OF THE CHILD'S IEP TEAM STATES THAT ORIENTATION AND MOBILITY INSTRUCTION IS NOT APPROPRIATE FOR THE CHILD;~~

(II) (I) CONTAIN INPUT FROM THE CHILD'S PARENT OR GUARDIAN;

(III) (II) CONTAIN INPUT FROM THE CHILD'S CLASSROOM TEACHER; AND

(IV) (III) CONSIDER, AT A MINIMUM, THE CHILD'S:

1. AGE;

2. CURRENT AND FUTURE NEEDS;

3. ABILITY TO FUNCTION IN FAMILIAR AND UNFAMILIAR AREAS; AND

4. ABILITY TO FUNCTION UNDER VARIOUS LIGHTING CONDITIONS.

~~(3)~~ (4) EACH LOCAL SCHOOL SYSTEM SHALL PROVIDE VERBAL AND WRITTEN NOTICE TO THE PARENT OR GUARDIAN OF A CHILD WHO IS BLIND OR VISUALLY IMPAIRED OF THE AVAILABILITY OF ORIENTATION AND MOBILITY INSTRUCTION AT LEAST ONE TIME EACH YEAR.

~~(4)~~ (5) (I) ORIENTATION AND MOBILITY INSTRUCTION PROVIDED IN ACCORDANCE WITH THIS SUBSECTION SHALL BE PROVIDED BY A QUALIFIED INDIVIDUAL.

(II) 1. ON OR BEFORE ~~AUGUST 1, 2016~~ JANUARY 1, 2017, THE DEPARTMENT SHALL ADOPT REGULATIONS THAT DEFINE HOW AN INDIVIDUAL IS DEEMED QUALIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

2. THE DEPARTMENT MAY NOT ADOPT A REGULATION UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH THAT HAS THE EFFECT OF PROHIBITING A BLIND OR VISUALLY IMPAIRED INDIVIDUAL FROM BEING QUALIFIED TO PROVIDE ORIENTATION AND MOBILITY INSTRUCTION OR CONDUCT AN ORIENTATION AND MOBILITY ASSESSMENT.

(D) ON OR BEFORE ~~SEPTEMBER 1, 2016~~ MARCH 1, 2017, THE DEPARTMENT SHALL PROVIDE GUIDELINES TO EACH LOCAL SCHOOL SYSTEM ON CONDUCTING ORIENTATION AND MOBILITY ~~EVALUATIONS~~ ASSESSMENTS IN ACCORDANCE WITH SUBSECTION ~~(C)(2)~~ (C)(3) OF THIS SECTION.

(E) THE STATE BOARD SHALL ADOPT REGULATIONS:

- (1) CONSISTENT WITH § 7-910 OF THIS ARTICLE; AND
- (2) TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

May 12, 2015

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

Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 551 – *Land Use – Plans – Development and Adoption*.

This bill authorizes the legislative body of a local jurisdiction to adopt, modify, remand, or disapprove a specified plan or part of a plan, a plan for one or more geographic sections or divisions of the local jurisdiction, or an amendment to the plan; authorizes and requires the legislative body to hold a public hearing before taking specified actions; and requires a planning commission to hold a public hearing before submitting a new recommended plan under specified circumstances.

House Bill 919, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 551.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 551

AN ACT concerning

Land Use – Plans – Development and Adoption

FOR the purpose of authorizing the legislative body of a local jurisdiction to adopt, modify, remand, or disapprove a certain plan or part of a plan, a plan for one or more geographic sections or divisions of the local jurisdiction, or an amendment ~~or extension of or addition~~ to the plan; authorizing and requiring the legislative body to hold a public hearing before taking certain actions; requiring a certain planning commission to hold a public hearing before submitting a new recommended plan under certain circumstances; providing that a certain recommendation of a planning commission shall be considered approved if the legislative body of a certain local jurisdiction fails to ~~take action on the recommendation~~ approve, modify, remand, or disapprove the recommended plan within a certain time period; authorizing the legislative body of a local jurisdiction, by resolution, to extend a certain deadline for a certain period of time if the legislative body makes a certain determination; making a certain technical correction; and generally relating to the development and adoption of certain land use plans.

BY repealing and reenacting, with amendments,
Article – Land Use
Section 3–204 and 3–205
Annotated Code of Maryland

(2012 Volume and 2014 Supplement)

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

Article – Land Use

3–204.

(a) Each local jurisdiction shall adopt a plan that includes:

- (1) the elements required under Subtitle 1 of this title; and
- (2) the visions set forth in § 1–201 of this article.

(b) (1) Except as provided in paragraph (2) of this subsection, only a legislative body that has adopted a plan may adopt regulations implementing the visions stated in § 1–201 of this article in the plan.

(2) This subsection does not limit the Department of Planning from exercising any authority granted under the State Finance and Procurement Article.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LEGISLATIVE BODY MAY ADOPT, MODIFY, REMAND, OR DISAPPROVE:

(I) THE WHOLE PLAN OR PART OF THE PLAN;

(II) A PLAN FOR ONE OR MORE GEOGRAPHIC SECTIONS OR DIVISIONS OF THE LOCAL JURISDICTION; OR

(III) AN AMENDMENT ~~OR EXTENSION OF OR ADDITION~~ TO THE PLAN.

(2) THE LEGISLATIVE BODY MAY HOLD A PUBLIC HEARING BEFORE REMANDING OR DISAPPROVING AND SHALL HOLD A PUBLIC HEARING BEFORE ADOPTING OR MODIFYING:

(I) THE WHOLE PLAN OR PART OF THE PLAN;

(II) A PLAN FOR ONE OR MORE GEOGRAPHIC SECTIONS OR DIVISIONS OF THE LOCAL JURISDICTION; OR

(III) AN AMENDMENT ~~OR EXTENSION OF OR ADDITION~~ TO THE PLAN.

(3) THE PLANNING COMMISSION SHALL HOLD A PUBLIC HEARING BEFORE SUBMITTING A NEW RECOMMENDED PLAN TO THE LEGISLATIVE BODY, IF THE LEGISLATIVE BODY REMANDS OR DISAPPROVES:

(I) THE WHOLE PLAN OR PART OF THE PLAN;

(II) A PLAN FOR ONE OR MORE GEOGRAPHIC SECTIONS OR DIVISIONS OF THE LOCAL JURISDICTION; OR

(III) AN AMENDMENT ~~OR EXTENSION OF OR ADDITION~~ TO THE PLAN.

(4) (I) THE RECOMMENDATION OF THE PLANNING COMMISSION SHALL BE CONSIDERED APPROVED IF THE LEGISLATIVE BODY FAILS TO ~~ACT~~ APPROVE, MODIFY, REMAND, OR DISAPPROVE THE RECOMMENDED PLAN IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION WITHIN 90 DAYS AFTER THE DATE ~~THE RECOMMENDATION IS SUBMITTED~~ THAT THE PLANNING COMMISSION CERTIFIES AN ATTESTED COPY OF THE RECOMMENDED PLAN TO THE LEGISLATIVE BODY IN ACCORDANCE WITH § 3-203(F) OF THIS SUBTITLE.

(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, IF THE LEGISLATIVE BODY DETERMINES THAT THERE ARE EXIGENT CIRCUMSTANCES SO THAT THE LEGISLATIVE BODY IS UNABLE TO ACT IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, BY RESOLUTION THE LEGISLATIVE BODY MAY EXTEND THE DEADLINE IN SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR NO MORE THAN ONE 60-DAY EXTENSION.

3-205.

(a) This section applies only to a local jurisdiction where the legislative body has adopted a whole plan or a plan for one or more geographic sections or divisions of the local jurisdiction.

(b) A publicly or privately owned street, square, park, or other public way, ground, or open space, a public building or structure, or a public utility may not be authorized or constructed in the local jurisdiction or in a geographic section of the local jurisdiction until the planning commission has approved the location, character, and extent of the development as consistent with the plan.

(c) (1) The planning commission shall communicate its decision and the reasons for its decision to the legislative body or to the body that has jurisdiction over the financing of the public way, ground, space, building, structure, or utility.

(2) The submission to the planning commission shall be considered approved if the planning commission fails to act on the submission within 60 days after the date it was submitted.

(3) The legislative body or other body having jurisdiction may overrule the decision of the planning commission by a recorded vote of at least two-thirds of its entire membership.

[(d) (1) The legislative body may adopt:

- (i) the whole plan;
- (ii) a plan for one or more geographic sections or divisions of the local jurisdiction; or
- (iii) an amendment or extension of or addition to the plan.

(2) The recommendation of the planning commission shall be considered approved if the legislative body fails to act within 60 days after the date the recommendation is submitted.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 561 – *Video Lottery Facility Payouts – Intercepts for Restitution Payments*.

This bill requires video lottery operation licensees to provide specified notices to obligors who win specified prizes and who owe restitution; requires video lottery operation licensees to make specified payments, withhold specified amounts, honor specified requests in a specified order, and transfer specified amounts under specified circumstances; and authorizes specified obligors to appeal specified proposed transfers.

House Bill 549, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 561.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 561

AN ACT concerning

Video Lottery Facility Payouts – Intercepts for Restitution Payments

FOR the purpose of requiring certain video lottery operation licensees to provide certain notices to certain obligors who win certain prizes and who owe restitution; requiring certain video lottery operation licensees to make certain payments, withhold certain amounts, honor certain requests in a certain manner, and transfer certain amounts under certain circumstances; authorizing certain obligors to appeal certain proposed transfers; requiring the Central Collection Unit to notify the video lottery operation licensee on the distribution of certain prizes; prohibiting a video lottery operation licensee from being held liable for certain acts or omissions; defining certain terms; providing for the application of this Act; and generally relating to video lottery facility payouts and restitution payments.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–616(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–616(b) and 11–618
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

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

Article – Criminal Procedure

11–616.

(a) The Division or the Department of Juvenile Services:

(1) in addition to other actions authorized under Part I of this subtitle, may refer an overdue restitution account for collection to the Central Collection Unit; and

(2) if probation or other supervision is terminated and restitution is still owed, shall refer the overdue restitution account for collection to the Central Collection Unit.

(b) Subject to subsection (c) of this section, the Central Collection Unit may:

(1) collect overdue restitution in accordance with Title 3, Subtitle 3 of the State Finance and Procurement Article; and

(2) certify a restitution obligor who is in arrears on restitution payments exceeding \$30 under the judgment of restitution to:

(i) the Comptroller for income tax refund interception in accordance with Title 13, Subtitle 9, Part III of the Tax – General Article; and

(ii) the State Lottery and Gaming Control Agency for State lottery prize AND VIDEO LOTTERY FACILITY PRIZE PAYOUT interception in accordance with § 11-618 of this subtitle.

11-618.

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

(2) “VIDEO LOTTERY FACILITY” HAS THE MEANING STATED IN § 9-1A-01 OF THE STATE GOVERNMENT ARTICLE.

(3) “VIDEO LOTTERY OPERATION LICENSEE” HAS THE MEANING STATED IN § 9-1A-01 OF THE STATE GOVERNMENT ARTICLE.

[(a)] (B) A certification of arrearage on restitution payments that the Central Collection Unit sends to the State Lottery and Gaming Control Agency under § 11-616 of this subtitle shall contain:

(1) the full name of the restitution obligor and any other name known to be used by the restitution obligor;

(2) the Social Security number of the restitution obligor; and

(3) the amount of the arrearage.

[(b)] (C) If a restitution obligor who is overdue in restitution payments wins a lottery prize to be paid by check directly by the State Lottery and Gaming Control Agency,

the State Lottery and Gaming Control Agency shall send a notice to the restitution obligor that:

- (1) the restitution obligor has won a prize to be paid by the State Lottery and Gaming Control Agency;
- (2) the State Lottery and Gaming Control Agency has received notice from the Central Collection Unit of the restitution obligor's restitution arrearage in the specified amount;
- (3) State law requires the State Lottery and Gaming Control Agency to withhold the prize and to pay it towards the restitution obligor's restitution arrearage;
- (4) the restitution obligor may appeal to the Central Collection Unit if the restitution obligor disputes the existence or the amount of the arrearage; and
- (5) if an appeal is not filed within 15 days after the date of the notice, the State Lottery and Gaming Control Agency will transfer the prize or the part of the prize that equals the restitution arrearage to the Central Collection Unit.

(D) IF A RESTITUTION OBLIGOR WHO IS OVERDUE IN RESTITUTION PAYMENTS WINS A PRIZE AT A VIDEO LOTTERY FACILITY REQUIRING THE ISSUANCE OF INTERNAL REVENUE SERVICE FORM W-2G OR A SUBSTANTIALLY EQUIVALENT FORM BY A VIDEO LOTTERY OPERATION LICENSEE, THE VIDEO LOTTERY OPERATION LICENSEE SHALL SEND A NOTICE TO THE RESTITUTION OBLIGOR THAT:

- (1) THE RESTITUTION OBLIGOR HAS WON A PRIZE TO BE PAID BY THE VIDEO LOTTERY OPERATION LICENSEE;**
- (2) THE STATE LOTTERY AND GAMING CONTROL AGENCY HAS RECEIVED NOTICE FROM THE CENTRAL COLLECTION UNIT OF THE RESTITUTION OBLIGOR'S RESTITUTION ARREARAGE IN THE SPECIFIED AMOUNT;**
- (3) STATE LAW REQUIRES THE VIDEO LOTTERY OPERATION LICENSEE TO WITHHOLD THE PRIZE AND PAY IT TOWARDS THE RESTITUTION OBLIGOR'S RESTITUTION ARREARAGE;**
- (4) THE RESTITUTION OBLIGOR MAY APPEAL TO THE CENTRAL COLLECTION UNIT IF THE RESTITUTION OBLIGOR DISPUTES THE EXISTENCE OR THE AMOUNT OF THE ARREARAGE; AND**
- (5) IF AN APPEAL IS NOT FILED WITHIN 15 DAYS AFTER THE DATE OF THE NOTICE, THE VIDEO LOTTERY OPERATION LICENSEE WILL TRANSFER THE PRIZE OR THE PART OF THE PRIZE THAT EQUALS THE RESTITUTION ARREARAGE TO THE CENTRAL COLLECTION UNIT.**

[(c)] (E) (1) The State Lottery and Gaming Control Agency **OR THE VIDEO LOTTERY OPERATION LICENSEE** shall withhold all or part of the prize up to the amount of the arrearage until the Central Collection Unit notifies the State Lottery and Gaming Control Agency **OR THE VIDEO LOTTERY OPERATION LICENSEE** as to whom the withheld prize money is to be paid.

(2) The State Lottery and Gaming Control Agency **AND A VIDEO LOTTERY OPERATION LICENSEE** shall honor [lottery prize] interception requests in the following order:

- (i) an interception request under § 10–113.1 of the Family Law Article;
- (ii) an interception request under this section; and
- (iii) an interception request under § 3–307 of the State Finance and Procurement Article.

[(d)] (F) (1) On receipt of a notice from the State Lottery and Gaming Control Agency **OR A VIDEO LOTTERY OPERATION LICENSEE**, a restitution obligor who disputes the existence or amount of the arrearage may appeal the proposed transfer.

(2) If an appeal is not filed within 15 days after the date of the notice, the State Lottery and Gaming Control Agency **OR VIDEO LOTTERY OPERATION LICENSEE** shall transfer the amount of the prize withheld to the Central Collection Unit.

(3) If the restitution obligor appeals the proposed transfer, after a hearing the Central Collection Unit shall notify the State Lottery and Gaming Control Agency **OR VIDEO LOTTERY OPERATION LICENSEE** that the withheld prize shall be:

- (i) paid to the restitution obligor;
- (ii) transferred to the Central Collection Unit; or
- (iii) in specified amounts, partly paid to the restitution obligor and partly transferred to the Central Collection Unit.

[(e)] (G) The Secretary of Budget and Management and the Director of the State Lottery and Gaming Control Agency may jointly adopt regulations to carry out this section.

(H) A VIDEO LOTTERY OPERATION LICENSEE MAY NOT BE HELD LIABLE FOR AN ACT OR OMISSION TAKEN IN GOOD FAITH TO COMPLY SUBSTANTIALLY WITH THE REQUIREMENTS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not apply to a prize won at a video lottery facility on or before June 1, 2016.

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

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 562 – *Tax Credits – Employment of Individuals with Disabilities*.

This bill alters the amount of a credit against specified State taxes for wages and child care or transportation expenses related to qualified employees with disabilities; and applies the Act to taxable years beginning after December 31, 2014.

House Bill 473, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 562.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 562

AN ACT concerning

Tax Credits – Employment of Individuals With Disabilities

FOR the purpose of altering the amount of certain credits against the State income tax, insurance premium tax, financial institution franchise tax, and public service company franchise tax for certain wages paid and certain child care or transportation expenses incurred by certain business entities with respect to certain employees with disabilities; repealing a certain obsolete provision of law; providing for the application of this Act; and generally relating to tax credits for wages paid and child care or transportation expenses incurred by a business entity with respect to the employment of individuals with disabilities.

BY repealing and reenacting, with amendments,
Article – Education
Section 21–309
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)

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

Article – Education

21–309.

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

(2) “Business entity” means:

(i) A person conducting or operating a trade or business in Maryland; or

(ii) An organization operating in Maryland that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code.

(3) “Division” means the Division of Rehabilitation Services of the Maryland State Department of Education.

(4) “Qualified child care or transportation expenses” means:

(i) State regulated child care expenses that are incurred by a business entity to enable a qualified employee with a disability to be gainfully employed; or

(ii) Transportation expenses that are incurred by a business entity to enable a qualified employee with a disability to travel to and from work.

(5) (i) “Qualified employee with a disability” means an individual who:

1. Meets the definition of an individual with a disability as defined by the Americans with Disabilities Act;

2. Has a disability that presently constitutes an impediment to obtaining or maintaining employment or to transitioning from school to work;

3. Is ready for employment; and

4. Has been determined by the Division or the Department of Labor, Licensing, and Regulation, in consultation with the Division, as having met the criteria of a qualified employee with a disability established under this section.

(ii) “Qualified employee with a disability” includes:

1. An individual who has been determined by the Department of Labor, Licensing, and Regulation, in consultation with the United States Veterans Administration, as having been discharged or released from active duty in the armed forces of the United States for a service-connected disability; and

2. Any other individual meeting the definition of subparagraph (i) of this paragraph, whether or not the individual receives services from the Division.

(6) “Wages” means wages, within the meaning of § 51(c)(1), (2), and (3) of the Internal Revenue Code without regard to § 51(c)(4) of the Internal Revenue Code that are paid by a business entity to an employee for services performed in a trade or business of the employer.

(b) (1) Except as provided in subsection (e) of this section, a business entity may claim a tax credit in the amounts determined under subsections (c) and (d) of this section for the wages and qualified child care or transportation expenses with respect to a qualified employee with a disability that are paid in the taxable year for which the business entity claims the credit.

(2) The same tax credit cannot be applied more than once against different taxes by the same taxpayer.

(c) For each taxable year, for the wages paid to each qualified employee with a disability, a credit is allowed in an amount equal to[

(1)] 30% of up to the first [\$6,000] **\$9,000** of the wages paid to the qualified employee with a disability during **EACH OF** the [1st year] **FIRST 2 YEARS** of employment[; and

(2) 20% of up to the first \$6,000 of the wages paid to the qualified employee with a disability during the 2nd year of employment].

(d) For each taxable year, for child care provided or paid for by a business entity for the children of a qualified employee with a disability, or transportation expenses that are incurred by a business entity to enable a qualified employee with a disability to travel to and from work, a credit is allowed in an amount equal to[

(1) Up] UP to [\$600] **\$900** of the qualified child care or transportation expenses incurred for each qualified employee with a disability during **EACH OF** the first [year] **2 YEARS** of employment]; and

(2) Up to \$500 of the qualified child care or transportation expenses incurred for each qualified employee with a disability during the second year of employment].

(e) (1) A business entity may not claim the credit under this section for an employee:

(i) Who is hired to replace a laid-off employee or to replace an employee who is on strike; or

(ii) For whom the business entity simultaneously receives federal or State employment training benefits.

(2) A business entity may not claim the credit under this section until it has notified the Division that a qualified employee with a disability has been hired.

(3) A business entity may claim a credit in the amount provided in paragraph [(5)] **(4)** of this subsection for an employee whose employment lasts less than 1 year if the employee:

(i) Voluntarily terminates employment with the employer;

(ii) Is unable to continue employment due to a further disability or death; or

(iii) Is terminated for cause.

(4) [A business entity may not claim the credit under this section if the business entity is claiming a tax credit for the same employee under § 10-704.3 of the Tax – General Article.

(5)] (i) If a business entity is entitled to a tax credit for an employee who is employed for less than 1 year because the employee voluntarily terminates employment with the employer to take another job, the business entity may claim a tax credit of 30% of up to the first [\$6,000] **\$9,000** of the wages paid to the employee during the course of employment.

(ii) If a business entity is entitled to a tax credit for an employee who is employed for less than 1 year for a reason other than that described in subparagraph (i) of this paragraph, the amount of the credit shall be reduced by the proportion of a year that the employee did not work.

(f) If the credit allowed under this section in any taxable year exceeds the total tax otherwise payable by the business entity for that taxable year, a business entity may apply the excess as a credit for succeeding taxable years until the earlier of:

(1) The full amount of the excess is used; or

(2) The expiration of the 5th taxable year after the taxable year in which the wages or qualified child care or transportation expenses for which the credit is claimed are paid.

(g) If a credit is claimed under this section, the claimant must make the addition required in § 10–205 or § 10–306 of the Tax – General Article.

(h) (1) Subject to the provisions of this subsection, the Department of Labor, Licensing, and Regulation and the State Department of Education shall jointly adopt regulations necessary to carry out the provisions of this section.

(2) The Comptroller shall adopt regulations to provide for the computation and carryover of the credit under § 10–704.7 of the Tax – General Article.

(3) The State Department of Assessments and Taxation shall adopt regulations to provide for the computation and carryover of the credit under §§ 8–216 and 8–413 of the Tax – General Article.

(4) The Maryland Insurance Commissioner shall adopt regulations to provide for the computation and carryover of the credit under § 6–115 of the Insurance Article.

(i) The Department of Labor, Licensing, and Regulation shall administer the tax credit and report to the Governor, and, subject to § 2–1246 of the State Government Article, to the General Assembly, before January 15 of each year on:

(1) Marketing activities for the credit under this section;

(2) The number of business entities who hired a qualified employee with a disability during the preceding year;

(3) The number of qualified employees with disabilities:

(i) Hired in each business sector for the preceding year; and

(ii) Hired during the preceding year and employed for less than 1 year;

(4) A summary of the average hourly wages paid to qualified employees with disabilities for the preceding year;

(5) The number and amount of credits claimed during the preceding year; and

(6) The number and amount of credits claimed for child care or transportation expenses, including a summary of the types of transportation expenses incurred by business entities.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015, and shall be applicable to all taxable years beginning after December 31, 2014.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 576 – *9-1-1 Emergency Telephone System – Multiple-Line Telephone Systems – Direct Dial (Kari's Law)*.

This bill requires that, on or before December 31, 2017, a person that installs or operates a multiple-line telephone system ensures that the system is connected to the public switched telephone network in such a way that an individual dialing 9-1-1 is connected to the public safety answering point without requiring the individual to dial any other number or set of numbers; and provides a specified exception for a unit of the Executive Branch of State government.

House Bill 1080, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 576.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 576

AN ACT concerning

**9–1–1 Emergency Telephone System – Multiple–Line Telephone Systems – Direct
Dial
(Kari’s Law)**

FOR the purpose of requiring that, on or before a certain date, a person that installs or operates a multiple–line telephone system ensures that the system is connected to the public switched telephone network in such a way that an individual dialing 9–1–1 is connected to the public safety answering point without requiring the individual to dial any other number or set of numbers; providing a certain exception for a unit of the Executive Branch of State government; defining a certain term; and generally relating to access to the 9–1–1 emergency telephone system and multiple–line telephone systems.

BY adding to

Article – Public Safety

Section 1–314

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

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

Article – Public Safety

1–314.

(A) IN THIS SECTION, “MULTIPLE–LINE TELEPHONE SYSTEM” MEANS A SYSTEM THAT:

(1) CONSISTS OF COMMON CONTROL UNITS, TELEPHONE SETS, CONTROL HARDWARE AND SOFTWARE, AND ADJUNCT SYSTEMS, INCLUDING NETWORK AND PREMISES–BASED SYSTEMS; AND

(2) IS DESIGNED TO AGGREGATE MORE THAN ONE INCOMING VOICE COMMUNICATION CHANNEL FOR USE BY MORE THAN ONE TELEPHONE.

(B) (1) ~~ON OR BEFORE DECEMBER 31, 2015,~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE DECEMBER 31, 2017, A PERSON THAT INSTALLS OR OPERATES A MULTIPLE–LINE TELEPHONE SYSTEM SHALL ENSURE THAT THE SYSTEM IS CONNECTED TO THE PUBLIC SWITCHED TELEPHONE NETWORK IN SUCH A WAY THAT WHEN AN INDIVIDUAL USING THE SYSTEM DIALS 9–1–1, THE CALL CONNECTS TO THE PUBLIC SAFETY ANSWERING POINT WITHOUT REQUIRING THE USER TO DIAL ANY OTHER NUMBER OR SET OF NUMBERS.

(2) A UNIT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT SHALL COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION ON THE DATE THAT THE MULTIPLE-LINE TELEPHONE SYSTEM OF THE UNIT IS NEXT UPGRADED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 579 – *Maryland Small Business Development Financing Authority – Small Business Surety Bond Program*.

This bill increases from \$1,350,000 to \$2,250,000 the maximum amount that the Maryland Small Business Development Financing Authority may guarantee a surety under the Small Business Surety Bond Program; and increases from \$1,000,000 to \$2,500,000 the maximum amount of specified bonds that the Financing Authority may execute and perform as a surety under its surety program.

House Bill 844, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 579.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 579

AN ACT concerning

Maryland Small Business Development Financing Authority – Small Business Surety Bond Program

FOR the purpose of increasing the maximum amount that the Maryland Small Business Development Financing Authority may guarantee a surety under the Small Business

Surety Bond Program; increasing the maximum amount of certain bonds that the Financing Authority may execute and perform as a surety under its surety program; and generally relating to the Maryland Small Business Development Financing Authority.

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 5–568 and 5–569
Annotated Code of Maryland
(2008 Volume and 2014 Supplement)

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

Article – Economic Development

5–568.

(a) The Authority may guarantee a surety up to the lesser of 90% or **[\$1,350,000] \$2,250,000** of its loss under a bid bond, payment bond, or performance bond on a contract financed by the federal government, a state government, a local government, a private entity, or a utility that the Public Service Commission regulates.

(b) The term of a guaranty under this part may not exceed the contract term, including:

- (1) the maintenance or warranty period required by the contract; and
- (2) the period during which the surety may be liable for latent defects.

(c) The Authority may vary the terms and conditions of a guaranty based on:

- (1) the Authority's history of experience with a surety; and
- (2) any other factor the Authority considers relevant.

5–569.

(a) The Authority may execute and perform a bid bond, performance bond, and payment bond as a surety for the benefit of a principal in connection with a contract financed by the federal government or a state government, a local government, a private entity, or a utility regulated by the Public Service Commission.

(b) (1) This subsection does not apply if the sources of funding for the bonds are grants.

- (2) The bonds may not exceed **[\$1,000,000] \$2,500,000** each.

(c) Bonds are subject to the approval of the Authority based on the bond worthiness of the principal.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 607 – *Joint Committee on Behavioral Health and Opioid Use Disorders*.

This bill establishes the Joint Committee on Behavioral Health and Opioid Use Disorders and specifies the purposes of the Joint Committee are to review the final report of the Governor's Heroin and Opioid Emergency Task Force, review and monitor the activities of the Governor's Inter-Agency Heroin and Opioid Coordinating Council, monitor the effectiveness of specified programs, policies, and practices, review compliance with specified federal and State laws by health insurance carriers, and identify areas of concern and corrective measures.

House Bill 896, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 607.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 607

AN ACT concerning

~~**Maryland Opioid Use Disorder Consortium**~~
Joint Committee on Behavioral Health and Opioid Use Disorders

FOR the purpose of establishing the ~~Maryland Opioid Use Disorder Consortium~~ Joint Committee on Behavioral Health and Opioid Use Disorders; providing for the ~~composition, cochairs, and staffing of the Consortium~~ membership and cochairs of the Committee; ~~prohibiting a member of the Consortium from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Consortium to develop, monitor implementation of, and revise a certain plan through a certain process; requiring the Consortium to convene a certain Policy Academy to identify certain focus areas and draft certain recommendations; requiring the Consortium to hold certain roundtables; requiring the Consortium to convene a final Policy Academy for a certain purpose; requiring the Consortium to submit certain reports to the Governor and the General Assembly on or before certain dates specifying the duties and purposes of the Committee; providing for the termination of this Act; and generally relating to the Maryland Opioid Use Disorder Consortium~~ Joint Committee on Behavioral Health and Opioid Use Disorders.

~~BY adding to~~

~~Article – Health – General~~

~~Section 24-1701 to be under the new subtitle “Subtitle 17. Maryland Opioid Use Disorder Consortium”~~

~~Annotated Code of Maryland~~

~~(2009 Replacement Volume and 2014 Supplement)~~

BY adding to

Article – State Government

Section 2-10A-02

Annotated Code of Maryland

(2014 Replacement Volume)

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

~~Article – Health – General~~

~~SUBTITLE 17. MARYLAND OPIOID USE DISORDER CONSORTIUM.~~

~~24-1701.~~

~~(A) THERE IS A MARYLAND OPIOID USE DISORDER CONSORTIUM.~~

~~(B) THE CONSORTIUM 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 SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE SECRETARY'S DESIGNEE;~~

~~(4) THE CHIEF OF STAFF FROM THE OFFICE OF THE GOVERNOR, OR THE CHIEF OF STAFF'S DESIGNEE;~~

~~(5) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

~~(6) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE FOR CHILDREN, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

~~(7) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE;~~

~~(8) THE SUPERINTENDENT OF STATE POLICE, OR THE SUPERINTENDENT'S DESIGNEE;~~

~~(9) THE DEAN OF THE UNIVERSITY OF MARYLAND, BALTIMORE, SCHOOL OF MEDICINE, OR THE DEAN'S DESIGNEE;~~

~~(10) THE DEAN OF THE UNIVERSITY OF MARYLAND, BALTIMORE, SCHOOL OF NURSING, OR THE DEAN'S DESIGNEE;~~

~~(11) THE DEAN OF THE UNIVERSITY OF MARYLAND, BALTIMORE, SCHOOL OF PHARMACY, OR THE DEAN'S DESIGNEE;~~

~~(12) THE DEAN OF THE UNIVERSITY OF MARYLAND, COLLEGE PARK, SCHOOL OF PUBLIC HEALTH, OR THE DEAN'S DESIGNEE;~~

~~(13) THE DEAN OF THE JOHNS HOPKINS UNIVERSITY SCHOOL OF PUBLIC HEALTH, OR THE DEAN'S DESIGNEE;~~

~~(14) ONE PHYSICIAN, APPOINTED BY THE MEDICAL AND CHIRURGICAL FACULTY OF MARYLAND;~~

~~(15) TWO SUBSTANCE USE DISORDER DIRECT CARE PROVIDERS, APPOINTED BY THE GOVERNOR BASED ON RECOMMENDATIONS OF ORGANIZATIONS OR ASSOCIATIONS REPRESENTING DIRECT CARE PROVIDERS; AND~~

~~(16) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:~~

~~(i) TWO REPRESENTATIVES OF LOCAL GOVERNMENT;~~

~~(H) ONE REPRESENTATIVE OF LOCAL LAW ENFORCEMENT;~~

~~(HH) TWO REPRESENTATIVES OF SUBSTANCE USE DISORDER TREATMENT PROGRAMS, ONE EACH FROM AN INPATIENT SETTING AND AN OUTPATIENT SETTING;~~

~~(IV) TWO REPRESENTATIVES WITH EXPERIENCE AS FAMILY MEMBERS OF INDIVIDUALS WITH OPIOID USE DISORDERS; AND~~

~~(V) ONE REPRESENTATIVE WHO IS AN INDIVIDUAL IN RECOVERY FROM AN OPIOID USE DISORDER WHO HAS EXPERIENCE WITH MEDICATION ASSISTED TREATMENT.~~

~~(C) (1) THE PRESIDENT OF THE SENATE SHALL DESIGNATE ONE OF THE MEMBERS APPOINTED FROM THE SENATE AS COCHAIR OF THE CONSORTIUM.~~

~~(2) THE SPEAKER OF THE HOUSE SHALL DESIGNATE ONE OF THE MEMBERS APPOINTED FROM THE HOUSE AS COCHAIR OF THE CONSORTIUM.~~

~~(D) THE DEPARTMENT OF LEGISLATIVE SERVICES, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, AND THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL PROVIDE STAFF FOR THE CONSORTIUM.~~

~~(E) A MEMBER OF THE CONSORTIUM:~~

~~(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE CONSORTIUM; BUT~~

~~(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

~~(F) (1) THE CONSORTIUM SHALL DEVELOP A STRATEGIC STATEWIDE PLAN TO TREAT AND REDUCE OPIOID USE DISORDERS IN THE STATE.~~

~~(2) THE STRATEGIC STATEWIDE PLAN SHALL INCLUDE A TIMELINE FOR FUTURE ACTIONS TO TREAT AND REDUCE OPIOID USE DISORDERS IN THE STATE.~~

~~(G) THE CONSORTIUM SHALL:~~

~~(1) USE A STRATEGIC STATEWIDE PLAN DEVELOPMENT PROCESS SIMILAR TO THE PROCESS USED IN COLORADO IN 2013 TO DEVELOP THE "COLORADO PLAN TO REDUCE PRESCRIPTION DRUG ABUSE"; AND~~

~~(2) SEEK TECHNICAL ASSISTANCE FROM THE NATIONAL GOVERNOR'S ASSOCIATION AND OTHER APPROPRIATE ENTITIES TO DEVELOP THE STRATEGIC STATEWIDE PLAN.~~

~~(H) (1) THE CONSORTIUM SHALL CONVENE AN INITIAL POLICY ACADEMY TO IDENTIFY FOCUS AREAS AND DRAFT INITIAL RECOMMENDATIONS FOR THE STRATEGIC STATEWIDE PLAN.~~

~~(2) THE INITIAL POLICY ACADEMY SHALL CONSIST OF WORKGROUPS, INCLUDING:~~

~~(I) THE PRESCRIPTION DRUG MONITORING PROGRAM WORKGROUP;~~

~~(II) THE PRESCRIBER AND PROVIDER EDUCATION WORKGROUP;~~

~~(III) THE TREATMENT WORKGROUP;~~

~~(IV) THE PUBLIC EDUCATION AND AWARENESS WORKGROUP;~~

AND

~~(V) THE DATA ANALYSIS WORKGROUP.~~

~~(3) THE MEMBERSHIP OF THE INITIAL POLICY ACADEMY WORKGROUPS:~~

~~(I) SHALL INCLUDE MEMBERS OF THE CONSORTIUM; AND~~

~~(II) MAY INCLUDE EXPERTS WHO ARE NOT MEMBERS OF THE CONSORTIUM, APPOINTED BY THE COCHAIRS OF THE CONSORTIUM.~~

~~(I) THE CONSORTIUM SHALL HOLD ROUNDTABLES ACROSS THE STATE TO RECEIVE INPUT FROM LOCAL OFFICIALS AND EXPERTS TO REFINE, EXPAND, OR MODIFY THE INITIAL RECOMMENDATIONS FOR THE STRATEGIC STATEWIDE PLAN DRAFTED UNDER SUBSECTION (H) OF THIS SECTION.~~

~~(J) (1) THE CONSORTIUM SHALL CONVENE A FINAL POLICY ACADEMY TO REVISE ITS RECOMMENDATIONS, FINALIZE THE STRATEGIC STATEWIDE PLAN, AND ESTABLISH A TIMELINE FOR IMPLEMENTATION OF THE STRATEGIC STATEWIDE PLAN.~~

~~(2) AFTER SUBMISSION OF THE STRATEGIC STATEWIDE PLAN FINALIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE CONSORTIUM SHALL MEET, AS NECESSARY, TO MONITOR THE IMPLEMENTATION OF THE STRATEGIC STATEWIDE PLAN AND REVISE THE PLAN AS NEEDED.~~

~~(3) THE CONSORTIUM SHALL CONVENE THE WORKGROUPS ESTABLISHED UNDER SUBSECTION (H) OF THIS SECTION, AS NECESSARY, TO:~~

~~(I) COMPLETE THE WORK OF THE FINAL POLICY ACADEMY UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND~~

~~(II) MONITOR IMPLEMENTATION OF AND MAKE REVISIONS TO THE STRATEGIC STATEWIDE PLAN SUBMITTED UNDER PARAGRAPH (2) OF THIS SUBSECTION.~~

~~(K) IN DEVELOPING, MONITORING THE IMPLEMENTATION OF, AND REVISING THE STRATEGIC STATEWIDE PLAN, THE CONSORTIUM SHALL COORDINATE WITH ORGANIZATIONS OR WORK TO MAXIMIZE THE IMPACT OF ORGANIZATIONS, INITIATIVES, AND TOOLS ALREADY IN PLACE IN THE STATE TO TREAT OR REDUCE OPIOID USE DISORDERS, INCLUDING:~~

~~(1) THE CONTROLLED DANGEROUS SUBSTANCES UNIT IN THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;~~

~~(2) THE RAPID RESPONSE TEAM AT THE UNIVERSITY OF MARYLAND SCHOOL OF PHARMACY;~~

~~(3) THE STATE OVERDOSE PREVENTION PLAN DEVELOPED IN 2013 AND UPDATED IN 2014, WHICH INCLUDES PRESCRIBER EDUCATION AND DATA ANALYSIS AND THE USE OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE VIRTUAL DATA UNIT;~~

~~(4) LOCAL OVERDOSE PREVENTION PLANS;~~

~~(5) THE OVERDOSE PREVENTION MEDIA CAMPAIGN WITHIN THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE BEHAVIORAL HEALTH ADMINISTRATION;~~

~~(6) EFFORTS TO ENHANCE OVERDOSE RESPONSE LAWS, REGULATIONS, AND TRAINING;~~

~~(7) LAWS ESTABLISHING LOCAL OVERDOSE FATALITY REVIEW TEAMS;~~

~~(8) PRESCRIBER EDUCATION TRAINING APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION, INCLUDING TRAINING HELD STATEWIDE BY THE MEDICAL AND CHIRURGICAL FACULTY OF MARYLAND AND THE MARYLAND SOCIETY FOR ADDICTION MEDICINE; AND~~

~~(9) THE PRESCRIPTION DRUG MONITORING PROGRAM AND EFFORTS TO EXPAND ITS USE BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AS A PUBLIC HEALTH TOOL FOR MONITORING AND RESPONDING TO PRESCRIBING PATTERNS ACROSS THE STATE.~~

~~(L) THE CONSORTIUM SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY:~~

~~(1) ON OR BEFORE JANUARY 1, 2016, A REPORT THAT INCLUDES ANY INITIAL RECOMMENDATIONS OF THE CONSORTIUM FOR THE STRATEGIC STATEWIDE PLAN;~~

~~(2) ON OR BEFORE JANUARY 1, 2017, A REPORT THAT INCLUDES THE FINALIZED STRATEGIC STATEWIDE PLAN AND ANY RECOMMENDATIONS FOR LEGISLATIVE ACTION TO IMPLEMENT THE PLAN; AND~~

~~(3) ON OR BEFORE JANUARY 1, 2018, AND ON JANUARY 1 OF EACH YEAR THEREAFTER, A REPORT THAT INCLUDES AN UPDATE ON IMPLEMENTATION OF THE STRATEGIC STATEWIDE PLAN AND ANY REVISIONS THAT HAVE BEEN MADE TO THE STRATEGIC STATEWIDE PLAN BY THE CONSORTIUM.~~

Article – State Government

2-10A-02.

(A) THERE IS A JOINT COMMITTEE ON BEHAVIORAL HEALTH AND OPIOID USE DISORDERS.

(B) (1) THE COMMITTEE CONSISTS OF 10 MEMBERS.

(2) OF THE 10 MEMBERS:

(I) 5 SHALL BE MEMBERS OF THE SENATE, APPOINTED BY THE PRESIDENT OF THE SENATE; AND

(II) 5 SHALL BE MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE.

(C) THE MEMBERS OF THE COMMITTEE SERVE AT THE PLEASURE OF THE PRESIDING OFFICER WHO APPOINTED THEM.

(D) THE PRESIDENT AND THE SPEAKER JOINTLY SHALL APPOINT A SENATOR AND A DELEGATE TO SERVE AS COCHAIRS.

(E) THE COMMITTEE SHALL HAVE OVERSIGHT OVER:

(1) THE PRESCRIPTION DRUG MONITORING PROGRAM;

(2) STATE AND LOCAL PROGRAMS TO TREAT AND REDUCE BEHAVIORAL HEALTH DISORDERS; AND

(3) STATE AND LOCAL PROGRAMS TO TREAT AND REDUCE OPIOID USE DISORDERS.

(F) THE PURPOSES OF THE COMMITTEE ARE TO:

(1) REVIEW THE FINAL REPORT OF THE GOVERNOR'S HEROIN AND OPIOID EMERGENCY TASK FORCE;

(2) REVIEW AND MONITOR THE ACTIVITIES OF THE GOVERNOR'S INTER-AGENCY HEROIN AND OPIOID COORDINATING COUNCIL;

(3) ~~EVALUATE~~ MONITOR THE EFFECTIVENESS OF PROGRAMS, POLICIES, AND PRACTICES, INCLUDING:

(i) THE STATE'S BEHAVIORAL HEALTH SYSTEM;

(ii) ~~THE CONTROLLED DANGEROUS SUBSTANCES UNIT IN THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;~~

(iii) ~~THE RAPID RESPONSE TEAM AT THE UNIVERSITY OF MARYLAND SCHOOL OF PHARMACY;~~

(iv) ~~THE STATE OVERDOSE PREVENTION PLAN DEVELOPED IN 2013 AND UPDATED IN 2014, WHICH INCLUDES PRESCRIBER EDUCATION AND DATA ANALYSIS AND THE USE OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE VIRTUAL DATA UNIT;~~

(v) (iii) LOCAL OVERDOSE PREVENTION PLANS;

(vi) (iv) STRATEGIC PLANNING PRACTICES TO REDUCE PRESCRIPTION DRUG ABUSE IN THE STATE;

~~(VII) THE OVERDOSE PREVENTION MEDIA CAMPAIGN IN THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE BEHAVIORAL HEALTH ADMINISTRATION;~~

~~(VIII) (V) EFFORTS TO ENHANCE OVERDOSE RESPONSE STATUTORY LAWS, REGULATIONS, AND TRAINING;~~

~~(IX) (VI) LAWS ESTABLISHING LOCAL OVERDOSE FATALITY REVIEW TEAMS; AND~~

~~(X) PRESCRIBER EDUCATION TRAINING APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION, INCLUDING TRAINING HELD STATEWIDE BY MEDCH, THE MARYLAND STATE MEDICAL SOCIETY, AND THE MARYLAND SOCIETY FOR ADDICTION MEDICINE; AND~~

~~(XI) (VII) EFFORTS TO EXPAND USE OF THE PRESCRIPTION DRUG MONITORING PROGRAM BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AS A PUBLIC HEALTH TOOL FOR MONITORING AND RESPONDING TO PRESCRIBING PATTERNS ACROSS THE STATE;~~

(4) REVIEW THE EXTENT TO WHICH HEALTH INSURANCE CARRIERS IN THE STATE ARE COMPLYING WITH FEDERAL AND STATE MENTAL HEALTH AND ADDICTION PARITY LAWS; AND

(5) IDENTIFY AREAS OF CONCERN AND, AS APPROPRIATE, RECOMMEND CORRECTIVE MEASURES TO THE GOVERNOR AND THE GENERAL ASSEMBLY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. It shall remain effective for a period of 6 years and, at the end of May 31, 2021, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 610 – *Real Estate Brokers and Salespersons – Continuing Education – Requirements*.

This bill repeals a provision of law that requires specified licensed realtors to complete fewer overall clock hours of continuing education instruction than are generally required during specified licensing periods. This bill also requires that specified mandated subject matter for continuing education courses be taken by a licensee during each licensing period.

House Bill 1056, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 610.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 610

AN ACT concerning

Real Estate Brokers and Salespersons – Continuing Education – Requirements

FOR the purpose of repealing a provision of law that requires certain licensed real estate brokers, associate real estate brokers, and real estate salespersons to complete fewer overall clock hours of continuing education instruction than the number generally required during certain licensing periods; requiring that certain mandated subject matter for continuing education courses be taken by a licensee each licensing period; making conforming changes; and generally relating to continuing education requirements for real estate brokers and salespersons.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 17–301(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 17–315(a) and (b)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Business Occupations and Professions

17–301.

(a) (1) Except as otherwise provided in this title, an individual shall be licensed by the Commission as a real estate broker before the individual may provide real estate brokerage services in the State.

(2) Except as otherwise provided in this title, an individual shall be licensed by the Commission as an associate real estate broker or a real estate salesperson before the individual, while acting on behalf of a real estate broker, may provide real estate brokerage services in the State.

17–315.

(a) (1) To qualify for renewal of a license under this subtitle, a licensee shall complete at least 15 clock hours of continuing education instruction, as provided in subsection (b) of this section, during the preceding 2–year term.

(2) [Notwithstanding paragraph (1) of this subsection, a licensee shall complete at least 7.5 clock hours of continuing education instruction as provided for in subsection (b) of this section if the licensee:

(i) 1. possesses a graduate degree in law from an accredited law school; or

2. possesses a graduate degree in real estate from an accredited college or university; and

(ii) is not a broker, an associate broker, or a salesperson designated as a branch office manager or team leader.

(3)] For a licensee who provides real estate brokerage services solely in connection with nonresidential real estate, of the clock hours required under paragraph (1) of this subsection, 1.5 clock hours may be satisfied by a course regarding fair housing laws and regulations or the federal Americans with Disabilities Act.

[(4) A licensee who is required to complete continuing education instruction under paragraph (2) of this subsection shall complete the requirements of subsection (b)(2)(ii) and (v) of this section in alternate licensing periods.

(5)] (3) A licensee holding a license from another state must complete at least the number of clock hours of continuing education instruction required under

paragraph (1) of this subsection during each 2–year license term and may substitute clock hours of continuing education instruction earned in another state, if those clock hours:

- (i) are approved as real estate continuing education in that state;
- and
- (ii) meet the distribution requirements of subsection (b)(2) of this section.

[(6)] (4) The Commission shall grant the substitution of clock hours in **[paragraph (5)] PARAGRAPH (3)** of this subsection only if the other state permits the substitution of clock hours of continuing education instruction approved by the Commission for a licensee of this State.

(b) (1) The Commission shall approve the form, substance, and, as provided under paragraph (2) of this subsection, subject matter of all continuing education courses.

(2) The subject matter approved by the Commission shall:

(i) relate to real estate or to a subject matter intended to assist a licensee in providing real estate brokerage services to the public in a more efficient and effective manner, provided that the subject matter is related to helping the public buy or sell real estate;

(ii) every 2 years, include at least one 3 clock hour course that outlines relevant changes that have occurred in federal, State, or local laws and regulations, court cases and industry trends that have an impact on those laws and regulations, or any combination of those laws, regulations, court cases, and industry trends;

(iii) every 2 years, include at least one 1.5 clock hour course that outlines federal, State, and local fair housing laws and regulations, including fair housing advertising;

(iv) every 2 years, include at least one 3 clock hour ethics course that includes the Maryland Code of Ethics and a discussion of the practices of flipping and predatory lending;

(v) every **[4] 2** years, include at least one 3 clock hour course that includes the principles of agency and agency disclosure; and

(vi) every **[4] 2** years for the renewal of a real estate broker license and the renewal of the license of an individual designated as a branch office manager or a team leader, include at least one 3 clock hour course that includes the requirements of broker supervision.

(3) The requirement of paragraph (2)(iii) of this subsection does not apply to a licensee who provides real estate brokerage services solely in connection with nonresidential real estate.

(4) To be acceptable for credit as a continuing education course under this section, the course shall cover 1 or more topics approved by the Commission.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 613 – *Self-Service Storage Facilities – Enforcement of Lien – Procedures*.

This bill alters specified notice procedures required to enforce a lien on specified property stored in a leased space at a self-service storage facility; requires a specified agreement to contain a specified statement; establishes that the balance of proceeds from a specified sale is presumed abandoned under specified circumstances; and alters specified procedures required for the administration of specified proceeds from a specified sale.

House Bill 786, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 613.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 613

AN ACT concerning

**Self-Service Storage Facilities – Enforcement of Lien – ~~Advertisement of Sale~~
Procedures**

FOR the purpose of ~~authorizing a sale to enforce a lien on personal property stored in a leased space at a self-service storage facility to be advertised in any commercially reasonable manner specified in the rental agreement or a written change to the rental agreement; establishing that the manner of advertisement shall be deemed commercially reasonable under certain circumstances; defining a certain term;~~ altering certain notice procedures required to enforce a lien on certain property stored in a leased space at a self-service storage facility; requiring a certain agreement to contain a certain statement; establishing that the balance of proceeds from a certain sale is presumed abandoned under certain circumstances; altering certain procedures required for the administration of certain proceeds from a certain sale; and generally relating to self-service storage facilities.

BY adding to

Article – Commercial Law

Section 17–307.1

Annotated Code of Maryland

(2013 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article – Commercial Law

Section 18–504(a)

Annotated Code of Maryland

(2013 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section ~~18–504(b)~~ 18–503 and 18–504(b) and (e)

Annotated Code of Maryland

(2013 Replacement Volume and 2014 Supplement)

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

Article – Commercial Law

17–307.1.

THE BALANCE OF THE PROCEEDS FROM THE SALE OF PERSONAL PROPERTY STORED AT A SELF-SERVICE STORAGE FACILITY THAT IS UNCLAIMED AFTER THE EXPIRATION OF THE 1 YEAR PERIOD SPECIFIED IN § 18–504(E) OF THIS ARTICLE IS PRESUMED ABANDONED.

18–503.

(a) The operator of a self-service storage facility has a lien on all personal property stored within each leased space for rent, labor, or other charges, and for expenses reasonably incurred in its sale, as provided in this subtitle.

(b) The rental agreement shall contain a statement, in bold type, advising the occupant:

(1) Of the existence of the lien;

(2) That personal property stored in the leased space may be sold to satisfy the lien if the occupant is in default; [and]

(3) That personal property stored in the leased space may be towed or removed from the self-service storage facility if:

(i) The personal property is a motor vehicle or watercraft; and

(ii) The occupant is in default for more than 60 days; AND

(4) THAT A SALE OF PERSONAL PROPERTY STORED IN THE LEASED SPACE TO SATISFY THE LIEN IF THE OCCUPANT IS IN DEFAULT MAY BE ADVERTISED:

(I) IN A NEWSPAPER OF GENERAL CIRCULATION IN THE JURISDICTION WHERE THE SALE IS TO BE HELD;

(II) BY ELECTRONIC MAIL; OR

(III) ON AN ONLINE WEB SITE.

18-504.

(a) (1) If the occupant is in default for a period of more than 60 days, the operator may enforce the lien by selling the personal property stored in the leased space at a public sale, for cash.

(2) Proceeds from the sale shall be applied to satisfy the lien, and any surplus shall be disbursed as provided in subsection (e) of this section.

(b) (1) Before conducting a sale under subsection (a) of this section, the operator shall, subject to paragraph (2) of this subsection, notify the occupant of the default by hand delivery, verified mail, or electronic mail at the occupant's last known address.

(2) (i) The operator may not notify the occupant of the default by electronic mail unless:

1. the rental agreement, or a written change to the rental agreement, specifies, **IN BOLD TYPE**, that notice may be given by electronic mail; **AND**

2. **THE OCCUPANT PROVIDES THE OCCUPANT'S INITIALS NEXT TO THE STATEMENT IN THE RENTAL AGREEMENT SPECIFYING THAT NOTICE OF DEFAULT MAY BE GIVEN BY ELECTRONIC MAIL.**

(ii) If the operator notifies the occupant of the default by electronic mail at the occupant's last known address and does not receive a response or a confirmation of delivery sent from the occupant's electronic mail address, the operator shall send a second notice of default to the occupant by verified mail to the occupant's last known postal address.

(3) The notice shall include:

(i) A statement that the contents of the occupant's leased space are subject to the operator's lien;

(ii) A statement of the operator's claim, indicating the charges due on the date of the notice, the amount of any additional charges which shall become due before the date of sale, and the date those additional charges shall become due;

(iii) A demand for payment of the charges due within a specified time, not less than 14 days after the date that the notice was mailed;

(iv) A statement that unless the claim is paid within the time stated, the contents of the occupant's space will be sold at a specified time and place; and

(v) The name, street address, and telephone number of the operator, or his designated agent, whom the occupant may contact to respond to the notice.

(4) (I) ~~At~~ **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,** AT least 3 days before conducting a sale under this section, the operator shall advertise the time, place, and terms of the sale ~~in~~ [a]:

1. ~~A~~ **IN A** newspaper of general circulation in the jurisdiction where the sale is to be held; ~~OR~~

2. ~~ANY OTHER COMMERCIALY REASONABLE MANNER SPECIFIED IN THE RENTAL AGREEMENT OR A WRITTEN CHANGE TO THE RENTAL AGREEMENT~~ **BY ELECTRONIC MAIL; OR**

3. **ON AN ONLINE WEB SITE.**

~~(II) 1. IN THIS SUBPARAGRAPH, "INDEPENDENT BIDDER" MEANS A BIDDER WHO IS NOT RELATED TO AND HAS NO CONTROLLING INTEREST IN, OR COMMON PECUNIARY INTEREST WITH, THE OPERATOR OR ANY OTHER BIDDER.~~

~~2. THE MANNER OF ADVERTISEMENT OF A SALE UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH SHALL BE DEEMED COMMERCIALY REASONABLE IF AT LEAST THREE INDEPENDENT BIDDERS ATTEND THE SALE AT THE TIME AND PLACE ADVERTISED. THE OPERATOR MAY NOT ADVERTISE THE SALE IN THE MANNER PROVIDED UNDER SUBPARAGRAPH (I)2 OR 3 OF THIS PARAGRAPH UNLESS THE OCCUPANT PROVIDES THE OCCUPANT'S INITIALS NEXT TO THE STATEMENT IN THE RENTAL AGREEMENT REQUIRED UNDER § 18-503(B)(4) OF THIS SUBTITLE.~~

(e) (1) If a sale is held under this section, the operator shall:

~~[(1)]~~ (I) Satisfy the lien from the proceeds of the sale; and

~~[(2)]~~ Hold the balance, if any, for delivery on demand to the occupant or any other recorded lienholders] (II) MAIL THE BALANCE, IF ANY, BY CERTIFIED MAIL TO THE OCCUPANT OR ANY OTHER RECORDED LIENHOLDER AT THE LAST KNOWN ADDRESS OF THE OCCUPANT OR LIENHOLDER.

(2) (I) IF THE BALANCE IS RETURNED TO THE OPERATOR AFTER THE OPERATOR MAILED THE BALANCE IN THE MANNER REQUIRED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE OPERATOR SHALL HOLD THE BALANCE FOR 1 YEAR AFTER THE DATE OF SALE FOR DELIVERY ON DEMAND TO THE OCCUPANT OR ANY OTHER RECORDED LIENHOLDER.

(II) AFTER EXPIRATION OF THE 1 YEAR PERIOD, THE BALANCE IS PRESUMED ABANDONED UNDER § 17-307.1 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 630 – *Alcoholic Beverages – Washington County – Population Ratio Quota*.

This bill alters the population ratio quota from 1 license per 1,000 to 1 license per 3,000 individuals that applies to the issuance of specified alcoholic beverages licenses in Washington County.

House Bill 797, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 630.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 630

AN ACT concerning

Alcoholic Beverages – Washington County – Population Ratio Quota

FOR the purpose of altering the population ratio quota that applies to the issuance of certain alcoholic beverages licenses in Washington County; and generally relating to alcoholic beverages in Washington County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–222(b)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

9–222.

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

(ii) “Population ratio quota” means 1 license for each [1,000] **3,000** individuals, excluding individuals detained or confined in a correctional facility as defined under § 1–101(d) of the Correctional Services Article, who reside in the election district where the license will be issued as determined by the last federal population census.

(iii) "Restaurant" means an establishment that:

1. Is located in a permanent building;
2. Regularly sells and serves food to the general public;
3. Has a seating capacity of at least:
 - A. 75 persons for a Class B alcoholic beverages (on-sale) license; or
 - B. 50 persons for a Class P alcoholic beverages (on-sale) license; and

4. Has on an annual basis, gross sales of food and nonalcoholic beverages that exceed its annual gross sales of alcoholic beverages.

(2) In Washington County, except for a Class P alcoholic beverages (on-sale) license issued to a restaurant and any class of alcoholic beverages license renewed or transferred for the same premises, an alcoholic beverages license may not be issued within an election district if the number of alcoholic beverages licenses exceeds the population ratio quota.

(3) (i) If the Washington County Board of License Commissioners determines that there is a public need including governmentally sanctioned economic revitalization for the issuance of a license notwithstanding the population ratio quota, the license may be issued by the Board.

(ii) The Board shall state in the order granting the issuance of the license the reasons for its decision to exceed the population ratio quota.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 632 – *Washington County – Board of License Commissioners – Expungement of Violations*.

This bill requires, in Washington County, violations of the alcoholic beverages laws of the State or any regulation adopted under those laws to be expunged by the Washington County Board of License Commissioners after 5 years from the date the violation occurred.

House Bill 795, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 632.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 632

AN ACT concerning

Washington County – Board of License Commissioners – Expungement of Violations

FOR the purpose of requiring, in Washington County, violations of the alcoholic beverages laws of the State to be expunged by the Washington County Board of License Commissioners after a certain period of time; and generally relating to the expungement of violations by the Washington County Board of License Commissioners.

BY adding to

Article 2B – Alcoholic Beverages

Section 16–508.1

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

16–508.1.

(A) THIS SECTION APPLIES ONLY IN WASHINGTON COUNTY.

(B) A VIOLATION OF THIS ARTICLE OR OF ANY REGULATION ADOPTED UNDER THIS ARTICLE SHALL BE EXPUNGED BY THE BOARD OF LICENSE COMMISSIONERS AFTER 5 YEARS FROM THE DATE THE VIOLATION OCCURRED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 633 – *Alcoholic Beverages – Washington County – Refillable Container Permit*.

This bill establishes a refillable container permit in Washington County; authorizes the Washington County Board of License Commissioners to issue a refillable container permit to the holders of specified licenses for specified fees and subject to specified requirements; specifies permit fees; and specifies that the hours of sale for the permit begin at the same time as those for the license already held by the person to whom the refillable container permit is issued.

House Bill 835, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 633.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 633

AN ACT concerning

Alcoholic Beverages – Washington County – Refillable Container Permit

FOR the purpose of establishing a refillable container permit in Washington County; authorizing the Washington County Board of License Commissioners to issue a refillable container permit to the holders of certain licenses for certain fees and

subject to certain requirements; specifying that the permit entitles the holders to sell draft beer for consumption off the licensed premises in a certain type of container; specifying certain standards that a refillable container must meet; specifying that the permit is the same as that of the underlying license; specifying certain permit fees; specifying certain advertising, posting of notice, and public hearing requirements; specifying the hours of sale for the permit; authorizing a permit holder to refill only a container that meets certain standards; authorizing the Board to adopt certain regulations; making conforming changes; defining a certain term; and generally relating to alcoholic beverages in Washington County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 8–103

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 8–222.1

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 21–107

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

8–103.

(a) (1) This section applies with respect to draft beer in the following jurisdictions:

(i) Baltimore County;

(ii) Carroll County;

(iii) Harford County;

(iv) Howard County;

(v) Prince George’s County; [and]

(vi) St. Mary's County; AND

(VII) WASHINGTON COUNTY.

(2) This section applies with respect to wine in Howard County.

(b) There is a refillable container permit.

(c) With respect to the alcoholic beverages authorized for the local jurisdiction under subsection (a) of this section, a refillable container permit entitles the permit holder to sell draft beer or wine, respectively, for consumption off the licensed premises in a refillable container that meets the standards under § 21-107 of this article.

(d) The term of a refillable container permit is the same as that of the underlying alcoholic beverages license.

(e) Except as otherwise specifically provided, the hours of sale for a refillable container permit are the same as those for the underlying alcoholic beverages license.

(f) An applicant who holds an underlying alcoholic beverages license without an off-sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the underlying license.

(g) A holder of a refillable container permit may refill only a refillable container that meets the standards under § 21-107 of this article.

8-222.1.

(A) THIS SECTION APPLIES ONLY IN WASHINGTON COUNTY.

(B) IN THIS SECTION, "BOARD" MEANS THE BOARD OF LICENSE COMMISSIONERS.

(C) THERE IS A REFILLABLE CONTAINER PERMIT.

(D) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO A HOLDER OF A CLASS A, CLASS B, OR CLASS D LICENSE.

(E) ~~(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A REFILLABLE CONTAINER PERMIT ENTITLES THE LICENSE HOLDER TO SELL DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A REFILLABLE CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE THAN 128 OUNCES.~~

~~(2) TO BE USED AS A REFILLABLE CONTAINER UNDER PARAGRAPH (1) OF THIS SUBSECTION, A CONTAINER SHALL MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.~~

~~(F)~~ (1) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER PERMIT TO AN APPLICANT, THE APPLICANT SHALL:

~~(H)~~ (1) COMPLETE THE FORM THAT THE BOARD PROVIDES;
AND

~~(H)~~ (2) PAY AN ANNUAL PERMIT FEE OF:

~~1. (I) \$500 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; OR~~

~~2. (II) \$50 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE HAS AN OFF-SALE PRIVILEGE.~~

~~(2) AN APPLICANT THAT HOLDS A LICENSE WITHOUT AN OFF-SALE PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING REQUIREMENTS AS THOSE FOR THE LICENSE THAT THE APPLICANT HOLDS.~~

~~(G) THE TERM OF A REFILLABLE CONTAINER PERMIT ISSUED TO A SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE THAT THE APPLICANT HOLDS.~~

~~(H)~~ (F) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:

(1) BEGIN AT THE SAME TIME AS THOSE FOR THE LICENSE ALREADY HELD BY THE PERSON TO WHOM THE REFILLABLE CONTAINER PERMIT IS ISSUED;
AND

(2) END AT MIDNIGHT.

~~(I) A HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL ONLY A REFILLABLE CONTAINER THAT MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.~~

~~(J)~~ (G) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

(a) This section governs the standards for and use of containers that may be sold, filled, and refilled under the authority of a refillable container permit issued under this article.

(b) To be used as a refillable container for beer under the authority of a refillable container permit issued under this article, a container shall:

(1) Have a capacity of not less than 32 ounces and not more than 128 ounces;

(2) Be sealable;

(3) Be branded with an identifying mark of the seller of the container;

(4) Bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;

(5) Display instructions for cleaning the container; and

(6) Bear a label stating that:

(i) Cleaning the container is the responsibility of the consumer; and

(ii) The contents of the container are perishable and should be refrigerated immediately and consumed within 48 hours after purchase.

(c) To be used as a refillable container for wine under the authority of a refillable container permit issued under this article, a container shall:

(1) Have a capacity of not less than 17 ounces and not more than 34 ounces;

(2) Be sealable;

(3) Be branded with an identifying mark of the seller of the container;

(4) Bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;

(5) Display instructions for cleaning the container; and

(6) Bear a label stating that cleaning the container is the responsibility of the consumer.

(d) The Comptroller may adopt standards on containers that qualify for use under this section as refillable containers for beer and for wine, respectively, including containers originating from outside the State.

(e) Notwithstanding any other provision of this article, the holder of a refillable container permit issued under this article may refill a refillable container originating from inside or outside the State that meets standards adopted by the Comptroller under this section for a beer container or a wine container, as appropriate.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 636 – *Washington County – County Clerk*.

This bill alters the duties of the County Clerk of Washington County; repeals a requirement that the County Clerk execute a specified bond before beginning the duties of the office; repeals requirements that each Washington County agency file with the County Clerk the names and addresses of all attorneys representing the agency and of all members of the agency who are attorneys; and repeals requirements that the County Clerk maintain specified lists of names filed by each Washington County agency.

House Bill 793, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 636.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 636

AN ACT concerning

Washington County – County Clerk

FOR the purpose of altering the duties of the County Clerk of Washington County; repealing a requirement that the County Clerk execute a certain bond before

beginning the duties of the office; repealing a requirement that the bond of the County Clerk be recorded and be liable for a certain default or misappropriation of certain money or funds; repealing a requirement that each Washington County agency file with the County Clerk the names and addresses of all attorneys representing the agency; repealing a requirement that each Washington County agency file with the County Clerk the names and addresses of all members of the agency who are attorneys; repealing requirements that the County Clerk maintain certain lists of names filed by each Washington County agency; and generally relating to the County Clerk of Washington County.

BY repealing and reenacting, with amendments,
 The Public Local Laws of Washington County
 Section 1-202(a), 3-602, and 3-603
 Article 22 – Public Local Laws of Maryland
 (2007 Edition and October 2010 Supplement, as amended)

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

Article 22 – Washington County

1-202.

(a) (1) The County Clerk shall:

(i) Keep careful and accurate minutes of the proceedings of the County Commissioners;

(ii) Keep all records, papers and documents of the county in safe custody; and

(iii) Perform other duties imposed upon clerks of County Commissioners by any general or local law and other clerical duties required of the County Clerk by order of the County Commissioners.

(2) [(i) Before beginning the duties of the office of the County Clerk, the County Clerk shall execute a \$10,000 bond to the State of Maryland, to be approved by a judge of the Circuit Court of Washington County, conditioned on the true and faithful performance of the duties of the office. The bond shall provide that the County Clerk shall well and faithfully account for and pay to the proper person all money, orders, or funds coming into the County Clerk's hands.

(ii) The bond shall be liable for any default by the County Clerk or misappropriation of any of the county's money or funds which are entrusted to the County Clerk, and shall be recorded in the office of the Clerk of the Circuit Court for Washington County.

(3) All necessary books and stationery required by the County Clerk shall be supplied by the County Commissioners and shall remain the property of the County Commissioners.

3–602.

[(a) Any attorney who represents any agency or any member of that attorney's firm may not represent a person in any proceeding before or with the agency.

[(b) (1) Each agency shall file with the Clerk of the County Commissioners the names and addresses of any and all attorneys representing the agencies.

(2) The Clerk shall maintain a list of such names, which shall be a matter of public record and open to inspection by the public during normal office hours.]

3–603.

[(a) An attorney who is a member of any agency or any member of that attorney's firm may not represent a person in any proceeding before or with the agency.

[(b) (1) Each agency shall file with the Clerk of the County Commissioners the names and addresses of any and all members of the agency who are attorneys.

(2) The Clerk shall maintain a list of such names, which shall be a matter of public record and open to inspection by the public during normal office hours.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 644 – *Alcoholic Beverages – Allegany County – Class B–MB (Micro–Brewery/Restaurant) License*.

The bill creates in Allegany County a Class B–MB (micro–brewery/restaurant) license; providing that the Class B–MB license authorizes the license holder to sell at retail beer and light wine by the drink or by the bottle and liquor by the drink for on–premises consumption; providing that the Class B–MB license authorizes the license holder to sell at retail beer and light wine by the bottle for off–premises consumption; specifying specified days and hours of sale; establishing an annual fee for the license of \$900; etc.

House Bill 515, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 644.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 644

AN ACT concerning

Alcoholic Beverages – Allegany County – Class B–MB (Micro–Brewery/Restaurant) License

FOR the purpose of creating in Allegany County a Class B–MB (micro–brewery/restaurant) license; specifying that the Board of License Commissioners may issue a Class B–MB license to a holder of a Class 7 manufacturer’s license; providing that the Class B–MB license authorizes the license holder to sell at retail beer and light wine by the drink or by the bottle and liquor by the drink only for consumption on the licensed premises, including in certain areas; providing that the Class B–MB license authorizes the license holder to sell at retail beer and light wine by the bottle for off–premises consumption; specifying certain days and hours of sale for the Class B–MB license; specifying a certain annual fee; and generally relating to alcoholic beverages in Allegany County.

BY repealing and reenacting, without amendments,
 Article 2B – Alcoholic Beverages
 Section 6–201(a)(1) and (b)(1)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

BY adding to
 Article 2B – Alcoholic Beverages
 Section ~~6–201(b–1)(9)~~ 6–201(b)(4)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

6–201.

(a) (1) A Class B beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located, and the license authorizes its holder to keep for sale and sell all alcoholic beverages at retail at any hotel or restaurant at the place described, for consumption on the premises or elsewhere, or as provided in this section.

(b) (1) The provisions of this subsection apply only in Allegany County.

~~(b-1) (9)~~ (4) (I) THERE IS A SPECIAL CLASS B–MB (MICRO–BREWERY/RESTAURANT) LICENSE.

(II) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A SPECIAL CLASS B–MB LICENSE TO A HOLDER OF A CLASS 7 MANUFACTURER’S LICENSE.

(III) THE HOLDER OF A CLASS B–MB LICENSE MAY SELL AT RETAIL BEER AND LIGHT WINE BY THE DRINK OR BY THE BOTTLE AND LIQUOR BY THE DRINK FOR CONSUMPTION ON THE PREMISES, INCLUDING:

1. IN A BANQUET ROOM OR BANQUET FACILITY THAT IS ON THE LICENSED PREMISES; AND

2. ON A PATIO THAT IS PART OF THE LICENSED PREMISES AS EVIDENCED BY LEASE DOCUMENTS OR BY AGREEMENT OF THE OWNER OF THE LICENSED PREMISES.

(IV) THE HOLDER OF A CLASS B–MB LICENSE MAY SELL AT RETAIL BEER AND LIGHT WINE BY THE BOTTLE FOR OFF–PREMISES CONSUMPTION.

(V) THE HOURS OF SALE ARE:

1. FOR CONSUMPTION ON THE PREMISES:

A. ON MONDAY THROUGH SATURDAY, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

B. ON SUNDAY, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY; AND

2. FOR CONSUMPTION OFF THE PREMISES ON MONDAY THROUGH SATURDAY, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY.

(VI) THE ANNUAL FEE FOR A CLASS B-MB LICENSE IS \$900.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 649 – *Real Property – Contract for Sale of New Home*.

This bill requires a contract for the initial sale of a new home to include a specified provision under specified circumstances; authorizes a seller or purchaser to declare a specified contract void and of no effect under specified circumstances; requires a seller to return to a purchaser any deposit paid under a specified contract under specified circumstances; and requires a deposit held by a licensed real estate broker to be distributed in accordance with specified provisions of law.

House Bill 1183, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 649.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 649

AN ACT concerning

Real Property – Contract for Sale of New Home

FOR the purpose of ~~repealing a certain exception to the requirement that a contract for the initial sale of a new home be contingent on the purchaser obtaining a written commitment for a loan secured by the property; making a conforming change requiring a contract for the initial sale of a new home to include a certain provision under certain circumstances; authorizing a seller or a purchaser to declare a certain contract void and of no effect under certain circumstances; requiring a seller to return to a purchaser any deposit paid under a certain contract under certain circumstances; requiring a deposit held by a licensed real estate broker to be distributed in accordance with certain provisions of law;~~ and generally relating to contracts for the sale of property.

BY repealing and reenacting, with amendments,
 Article – Real Property
 Section 14–117(j–1)
 Annotated Code of Maryland
 (2010 Replacement Volume and 2014 Supplement)

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

Article – Real Property

14–117.

(j–1) (1) A contract for the initial sale of a new home, as defined in the Maryland Home Builder Registration Act, shall be contingent on the purchaser obtaining a written commitment for a loan secured by the property~~], unless the contract contains a provision expressly stating that it is not contingent].~~

(2) ~~If the contract is contingent on the purchaser obtaining a written commitment for a loan secured by the property, the] **THE** contract shall state ~~the~~:~~

(I) **THE** maximum loan interest rate the purchaser is obligated to accept; **AND**

(II) **THE TIME PERIOD WITHIN WHICH THE PURCHASER MUST OBTAIN A WRITTEN COMMITMENT FOR A LOAN.**

(3) **IF A PURCHASER DOES NOT OBTAIN A WRITTEN COMMITMENT FOR A LOAN IN ACCORDANCE WITH THE TERMS OF THE CONTRACT, INCLUDING TERMS RELATING TO THE TIME PERIOD FOR OBTAINING THE WRITTEN COMMITMENT:**

(I) **AT THE SELLER’S ELECTION AND ON WRITTEN NOTICE TO THE PURCHASER, THE SELLER MAY DECLARE THE CONTRACT VOID AND OF NO EFFECT; OR**

(II) ON WRITTEN NOTICE TO THE SELLER ACCOMPANIED BY WRITTEN DOCUMENTATION FROM A LENDER EVIDENCING THE PURCHASER'S INABILITY TO OBTAIN A LOAN IN ACCORDANCE WITH THE TERMS OF THE CONTRACT, THE PURCHASER MAY DECLARE THE CONTRACT VOID AND OF NO EFFECT.

(4) (I) THE SELLER SHALL RETURN TO THE PURCHASER ANY DEPOSIT PAID UNDER THE CONTRACT IF:

~~(A)~~ 1. THE PURCHASER HAS COMPLIED WITH THE PURCHASER'S OBLIGATIONS UNDER THE CONTRACT; AND

~~(B)~~ 2. THE PURCHASER OR THE SELLER HAS DECLARED THE CONTRACT VOID AND OF NO EFFECT UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(II) IF THE DEPOSIT IS HELD BY A LICENSED REAL ESTATE BROKER, THE DEPOSIT SHALL BE DISTRIBUTED IN ACCORDANCE WITH § 17-505 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 652 – *Criminal Procedure – Expungement of Records*.

This bill repeals a provision of law that provides that a person is not entitled to expungement of the person's record if the petition for expungement is based on a specified case disposition other than a specified entry of probation before judgment within 3 years and the person, since the disposition, has been convicted of a crime other than a minor traffic violation or a specified crime; and provides that a person is not entitled to expungement of the person's record if the person is a defendant in a pending criminal proceeding.

House Bill 304, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 652.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 652

AN ACT concerning

Criminal Procedure – Expungement of Records

FOR the purpose of ~~repealing~~ ~~altering~~ *repealing* a provision of law that provides that a person is not entitled to expungement of the person's record if the petition for expungement is based on a certain case disposition *other than a certain entry of a probation before judgment within a certain period* and the person, since the disposition, has been convicted of a crime other than a minor traffic violation *or a certain crime; or is a defendant in a pending criminal proceeding; establishing a certain exception to a provision of law that provides a person is not entitled to an expungement under certain circumstances* *providing that a person is not entitled to expungement of the person's record if the person is a defendant in a pending criminal proceeding, regardless of the basis of the petition;* and generally relating to expungement of records.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–105(e)
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

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

Article – Criminal Procedure

10–105.

(e) (1) If the State's Attorney files a timely objection to the petition, the court shall hold a hearing.

(2) If the court at the hearing finds that the person is entitled to expungement, the court shall order the expungement of all police records and court records about the charge.

(3) If the court finds that the person is not entitled to expungement, the court shall deny the petition.

~~¶~~(4) The person is not entitled to expungement if:

(i) the petition is based on the entry of probation before judgment, **EXCEPT A PROBATION BEFORE JUDGMENT FOR A CRIME WHERE THE ACT ON WHICH THE CONVICTION IS BASED IS NO LONGER A CRIME**, ~~a nolle prosequi, a stet, including a nolle prosequi with the requirement of drug or alcohol treatment or a stet with the requirement of drug or alcohol abuse treatment, a conviction for a crime specified in subsection (a)(9) of this section, a finding of not criminally responsible, or the grant of a pardon by the Governor;~~ and

~~(ii)~~ the person:

~~1. since the full and unconditional pardon, entry, OR finding of not criminally responsible WITHIN 3 YEARS OF THE ENTRY OF THE PROBATION BEFORE JUDGMENT, or conviction~~ has been convicted of a crime other than:

~~A.~~ a minor traffic violation; ~~OR~~

~~B.~~ OR A CRIME WHERE THE ACT ON WHICH THE CONVICTION WAS IS BASED IS NO LONGER A CRIME; or

~~2. (II)~~ THE PERSON is a defendant in a pending criminal proceeding. ~~¶~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 663 – *Carroll County – Public Facilities Bonds*.

This bill authorizes and empowers the County Commissioners of Carroll County, from time to time, to borrow not more than \$17,000,000 in order to finance the construction, improvement, or development of specified public facilities in Carroll County, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds.

House Bill 296, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 663.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 663

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 \$17,000,000 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 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 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, \$17,000,000 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, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 671 – *Motor Vehicle Administration – Commercial Driver’s License – Program for Veterans and Service Members (Troops to Trucks)*.

This bill requires the Motor Vehicle Administration to establish a program to assist veterans and members of the military transitioning out of military service to obtain a commercial driver’s license. The bill also requires the Administration, as part of the program, to waive a specified skills test for specified program participants and coordinate and consult with specified entities to explore the feasibility of providing a commercial driver’s license training course on military bases in the State.

House Bill 846, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 671.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 671

AN ACT concerning

**Motor Vehicle Administration – Commercial Driver’s License – Program for
Veterans and Service Members**

(Troops to Trucks)

FOR the purpose of requiring the Motor Vehicle Administration to establish a program to assist veterans and members of the military transitioning out of military service to obtain a commercial driver's license ~~and find employment~~; requiring the Administration, as part of the program, to waive a certain skills test for certain program participants, and coordinate and consult with certain ~~persons~~ entities to ~~provide~~ explore the feasibility of providing certain education courses a commercial driver's license training course on military bases in the State, ~~and establish a certain process, requiring~~; authorizing the Administration to adopt certain regulations; making a conforming change; and generally relating to commercial drivers' licenses.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 16–807(b)

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

BY adding to

Article – Transportation

Section 16–807.1

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

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

Article – Transportation

16–807.

(b) (1) **[An] EXCEPT AS PROVIDED IN § 16–807.1 OF THIS SUBTITLE, AN** individual may not be issued a commercial driver's license until the individual has passed the knowledge and skill tests for driving a commercial motor vehicle which complies with the minimum federal standards established by the federal Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99–570), and has satisfied all other requirements of that act as well as any other requirements of this title.

(2) The tests shall be prescribed and conducted at the direction of the Administration.

(3) The Administration shall adopt regulations to waive the skill test required under paragraph (1) of this subsection in a manner consistent with 49 C.F.R. § 383.77.

16–807.1.

(A) THE ADMINISTRATION SHALL ESTABLISH A PROGRAM TO ASSIST VETERANS AND MEMBERS OF THE MILITARY WHO ARE TRANSITIONING OUT OF MILITARY SERVICE TO OBTAIN A COMMERCIAL DRIVER'S LICENSE ~~AND FIND EMPLOYMENT.~~

(B) AS PART OF THE PROGRAM, THE ADMINISTRATION SHALL:

(1) WAIVE THE SKILLS TEST REQUIRED UNDER § 16-807(B) OF THIS SUBTITLE FOR PROGRAM PARTICIPANTS WHO MEET ELIGIBILITY CRITERIA ESTABLISHED BY THE ADMINISTRATION, CONSISTENT WITH FEDERAL LAW; AND

(2) COORDINATE AND CONSULT WITH MILITARY BASES THROUGHOUT THE STATE, COMMUNITY COLLEGES THAT OFFER COMMERCIAL DRIVER EDUCATION DRIVER'S LICENSE TRAINING COURSES, THE MARYLAND MOTOR TRUCK ASSOCIATION, INC., AND ANY OTHER APPROPRIATE PARTY THAT THE ADMINISTRATION DETERMINES IS APPROPRIATE TO PROVIDE EXPLORE THE FEASIBILITY OF PROVIDING A COMMERCIAL DRIVER EDUCATION COURSES DRIVER'S LICENSE TRAINING COURSE ON MILITARY BASES IN THE STATE; AND

~~(3) ESTABLISH A PROCESS TO ASSIST PROGRAM PARTICIPANTS TO FIND EMPLOYMENT.~~

(C) THE ADMINISTRATION ~~SHALL~~ MAY ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 705 – *Criminal Law – Assault – First Responders*.

This bill prohibits a person from intentionally causing physical injury to another if the person knows or has reason to know that the other is a firefighter, an emergency medical technician, a rescue squad member, or any other first responder engaged in providing emergency medical care or rescue services; and applies specified penalties.

House Bill 236, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 705.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 705

AN ACT concerning

Criminal Law – Assault – First Responders

FOR the purpose of prohibiting a person from intentionally causing physical injury to another if the person knows or has reason to know that the other is a firefighter, an emergency medical technician, a rescue squad member, or any other first responder engaged in providing emergency medical care or rescue services; applying certain penalties; and generally relating to assaults on first responders.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–203
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Criminal Law

3–203.

(a) A person may not commit an assault.

(b) Except as provided in subsection (c) of this section, a person who violates subsection (a) of this section is guilty of the misdemeanor of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$2,500 or both.

(c) (1) In this subsection, “physical injury” means any impairment of physical condition, excluding minor injuries.

(2) A person may not intentionally cause physical injury to another if the person knows or has reason to know that the other is:

(i) a law enforcement officer engaged in the performance of the officer's official duties; [or]

(ii) a parole or probation agent engaged in the performance of the agent's official duties; **OR**

(III) A FIREFIGHTER, AN EMERGENCY MEDICAL TECHNICIAN, A RESCUE SQUAD MEMBER, OR ANY OTHER FIRST RESPONDER ENGAGED IN PROVIDING EMERGENCY MEDICAL CARE OR RESCUE SERVICES.

(3) A person who violates paragraph (2) of this subsection is guilty of the felony of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 719 – *Carroll County – Alcoholic Beverages – Hours of Sale on Sundays for Holders of Class A Licenses*.

This bill alters the hours of sale on Sundays from between 11 a.m. and 11 p.m. to between 8 a.m. and 11 p.m. for holders of Class A licenses in Carroll County.

House Bill 117, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 719.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 719

AN ACT concerning

Carroll County – Alcoholic Beverages – Hours of Sale on Sundays for Holders of Class A Licenses

FOR the purpose of altering the hours of sale on Sundays for holders of Class A licenses in Carroll County; clarifying language; and generally relating to alcoholic beverages in Carroll County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–507
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

11–507.

(a) This section applies only in Carroll County.

(b) (1) The following restrictions, limitations, and regulations apply.

(2) (i) Holders of “on–sale” licenses authorized under this article may sell, offer for sale, or dispense alcoholic beverages between 8 a.m. and 1 a.m. the following day and no other hours. Holders of these licenses may not sell, offer to sell or dispense any alcoholic beverages on Sunday except:

1. When the holder of that license is open for business on Saturday at midnight the licensee may remain open until 1 a.m. the Sunday immediately following;

2. Holders of Class C and H beer, wine and liquor licenses may reopen and may sell alcoholic beverages on Sundays between 11 a.m. and 1 a.m. the following Monday;

3. Holders of Class B beer, wine and liquor licenses may reopen and may sell alcoholic beverages on Sundays between 11 a.m. and 1 a.m. the following Monday; and

4. Holders of Class B beer and light wine, 7–day licenses may conduct “on–sales” of alcoholic beverages on Sundays between 11 a.m. and 1 a.m. the following Monday.

(ii) In all cases in which a closing time is indicated in this subsection a licensee may not permit the drinking of any alcoholic beverage on the premises 15 minutes following the closing time indicated.

(3) (i) Holders of **CLASS A** “off–sale” licenses under this article may sell, offer for sale, or dispense the beverages defined in this article between 8 a.m. and 11 p.m. [on Monday through Saturday, and between 11 a.m. and 11 p.m. on Sunday] **EVERY DAY OF THE WEEK.**

(ii) Holders of Class B beer and light wine, 7–day licenses may conduct “off–sales” of alcoholic beverages only between 8 a.m. and 11 p.m. on Monday through Saturday, and between 11 a.m. and 11 p.m. on Sunday.

(4) A Class A wine licensee may sell wine on Sundays.

(5) The hours established in this subtitle for the sale of alcoholic beverages in Carroll County are hereby declared to be in accordance with Eastern Standard Time when such time is effective and the hours are declared to be in accordance with daylight time when such time is effective.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 723 – *Certified Nurse Practitioners – Authority to Practice.*

This bill repeals a prohibition against a certified nurse practitioner practicing in the State unless the nurse practitioner has an approved attestation that the nurse practitioner has an agreement for collaboration and consulting with a specified physician and will practice in accordance with specified standards. The bill also requires applicants for initial

certification as a nurse practitioner to identify, on the certification application, a certified nurse practitioner or licensed physician to act as mentor for 18 months.

House Bill 999, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 723.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 723

AN ACT concerning

~~Nurse Practitioner Full Practice Authority Act of 2015~~

Certified Nurse Practitioners – Authority to Practice

FOR the purpose of repealing a certain prohibition against a certified nurse practitioner practicing in the State unless the nurse practitioner has an approved attestation that the nurse practitioner has an agreement for collaboration and consulting with a certain physician and will practice in accordance with certain standards; requiring a nurse practitioner to practice in accordance with certain standards; ~~repealing a requirement that the State Board of Nursing maintain a certain attestation and make the attestation available to the State Board of Physicians; requiring the State Board of Nursing, in consultation with the State Board of Physicians, to develop a certain plan~~ requiring certain applicants for initial certification as a nurse practitioner to identify, on a certain application, a certified nurse practitioner or a licensed physician to act as a mentor for a certain time period; altering the definition of “practice as a nurse practitioner” to include consulting and collaborating with a certain physician or any other health care provider as needed; defining a certain term; requiring the State Board of Nursing to adopt certain regulations; and generally relating to the practice of nurse practitioners in the State.

BY adding to

Article – Health Occupations
Section 8–101(j)
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health Occupations
Section 8–101(j) through (n) and 8–302(b)
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, without amendments,
 Article – Health Occupations
 Section 8–302(a)
 Annotated Code of Maryland
 (2014 Replacement Volume)

~~BY repealing and reenacting, with amendments,
 Article – Health Occupations
 Section 8–302(b)
 Annotated Code of Maryland
 (2014 Replacement Volume)~~

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

Article – Health Occupations

8–101.

(J) “MENTOR” MEANS A CERTIFIED NURSE PRACTITIONER OR A LICENSED PHYSICIAN:

(1) WHO HAS 3 OR MORE YEARS OF CLINICAL PRACTICE EXPERIENCE;

AND

(2) WITH WHOM AN INDIVIDUAL APPLYING FOR CERTIFICATION AS A CERTIFIED NURSE PRACTITIONER WILL CONSULT AND COLLABORATE WITH AS NEEDED IN ACCORDANCE WITH § 8–302(B)(5)(I) OF THIS TITLE.

[(j)] (K) “Nurse practitioner” means an individual who:

(1) Is licensed by the Board to practice registered nursing; and

(2) Is certified by the Board to practice as a nurse practitioner.

[(k)] (L) “Practice as a nurse practitioner” means to independently:

(1) Perform an act under subsection [(m)](N) of this section;

(2) Conduct a comprehensive physical assessment of an individual;

(3) Establish a medical diagnosis for common chronic stable or short-term health problems;

(4) Order, perform, and interpret laboratory tests;

(5) Prescribe drugs as provided under § 8–508 of this title;

(6) Perform diagnostic, therapeutic, or corrective measures;

(7) [Refer] CONSULT AND COLLABORATE WITH, OR REFER an individual to, an appropriate licensed physician or ANY other health care provider AS NEEDED; and

(8) Provide emergency care.

[(1)] (M) “Practice licensed practical nursing” means to perform in a team relationship an act that requires specialized knowledge, judgment, and skill based on principles of biological, physiological, behavioral, or sociological science to:

(1) Administer treatment or medication to an individual;

(2) Aid in the rehabilitation of an individual;

(3) Promote preventive measures in community health;

(4) Give counsel to an individual;

(5) Safeguard life and health;

(6) Teach or supervise; or

(7) Perform any additional acts authorized by the Board under § 8–205 of this title.

[(m)] (N) (1) “Practice registered nursing” means the performance of acts requiring substantial specialized knowledge, judgment, and skill based on the biological, physiological, behavioral, or sociological sciences as the basis for assessment, nursing diagnosis, planning, implementation, and evaluation of the practice of nursing in order to:

(i) Maintain health;

(ii) Prevent illness; or

(iii) Care for or rehabilitate the ill, injured, or infirm.

(2) For these purposes, “practice registered nursing” includes:

(i) Administration;

(ii) Teaching;

(iii) Counseling;

(iv) Supervision, delegation and evaluation of nursing practice;

(v) Execution of therapeutic regimen, including the administration of medication and treatment;

(vi) Independent nursing functions and delegated medical functions;
and

(vii) Performance of additional acts authorized by the Board under § 8–205 of this title.

[(n)] (O) “Registered nurse” means, unless the context requires otherwise, an individual who is licensed by the Board to practice registered nursing.

8–302.

(a) Except as otherwise provided in this title, to qualify for a license or certification, an applicant shall be an individual who submits to a criminal history records check in accordance with § 8–303 of this subtitle and meets the requirements of this section.

(b) (1) An applicant for certification as an advanced practice nurse shall:

(i) Be a registered nurse;

(ii) Complete an education program approved by the Board;

(iii) Submit to the Board:

1. A completed application for certification as a nurse practitioner, nurse anesthetist, nurse midwife, nurse psychotherapist, or clinical nurse specialist for each area in which certification is sought;

2. Documentation of an active license in good standing as a registered nurse in the State;

3. Documentation that the applicant has graduated from an accredited program for advanced practice nursing for nurse practitioners, nurse anesthetists, nurse midwives, nurse psychotherapists, or clinical nurse specialists; and

4. Documentation of certification as a nurse practitioner, nurse anesthetist, nurse midwife, nurse psychotherapist, or clinical nurse specialist by a nationally recognized certifying body approved by the Board; and

(iv) Meet any other requirements that the Board sets.

(2) (i) An individual certified as a nurse practitioner by a national certifying body prior to October 1, 2010 who is certified by the Board and in good standing shall be deemed to meet the education requirements under subsection (b)(1)(iii)3 of this section.

(ii) An individual certified as a nurse anesthetist, nurse midwife, nurse psychotherapist, or clinical nurse specialist who is certified by the Board and in good standing prior to October 1, 2012, shall be deemed to meet the education requirements under subsection (b)(1)(iii)3 of this section.

(3) In addition to the requirements for renewal of a license under § 8–312 of this subtitle, the Board may establish continuing education or competency requirements for the renewal of a certificate under this subsection.

(4) (i) Subject to the provisions of this subsection, the Board may waive any requirement of this subsection for an applicant who is licensed or certified to practice as a nurse practitioner, nurse anesthetist, nurse midwife, nurse psychotherapist, or clinical nurse specialist in any other state or country.

(ii) The Board may grant a waiver under this paragraph only if the applicant:

1. Pays the application fee required by the Board under § 8–304 of this subtitle;
2. Became licensed or certified in the other state or country under requirements substantially equivalent to the certification requirements of this title; and
3. Meets any other qualifications established by the Board.

~~(5) [(i) A certified nurse practitioner may not practice in the State unless the nurse practitioner has an approved attestation that:~~

~~1. The nurse practitioner has an agreement for collaboration and consulting with a physician licensed under Title 14 of this article and will refer to and consult with physicians and other health care providers as needed; and~~

~~2. The] A nurse practitioner [will] SHALL practice in accordance with the standards of practice of the American [Academy] ASSOCIATION of Nurse Practitioners or any other national certifying body recognized by the Board.~~

~~[(ii) The Board shall:~~

- ~~1. Maintain an approved attestation; and~~

~~2. Make the approved attestation available to the State Board of Physicians on the request of the State Board of Physicians.~~

(5) (I) AN APPLICANT FOR INITIAL CERTIFICATION AS A NURSE PRACTITIONER WHO HAS NOT BEEN CERTIFIED BY THE BOARD OR ANY OTHER BOARD OF NURSING SHALL IDENTIFY ON THE APPLICATION FOR CERTIFICATION A MENTOR WHO WILL CONSULT AND COLLABORATE WITH THE APPLICANT FOR 18 MONTHS BEGINNING ON THE DATE THE APPLICATION FOR CERTIFICATION IS RECEIVED BY THE BOARD.

(II) A CERTIFIED NURSE PRACTITIONER SHALL PRACTICE IN ACCORDANCE WITH THE STANDARDS OF PRACTICE OF THE AMERICAN ASSOCIATION OF NURSE PRACTITIONERS OR ANY OTHER NATIONAL CERTIFYING BODY RECOGNIZED BY THE BOARD.

(6) Unless authorized to practice as a nurse practitioner under this title, a person may not:

(i) Represent to the public by title or by description of services, methods, or procedures, or otherwise, that the person is authorized to practice as a nurse practitioner in this State;

(ii) Use as a title or describe the services the person provides by use of the words “nurse practitioner” or “certified registered nurse practitioner”; or

(iii) Use the abbreviation “N.P.”, “C.R.N.P.”, or any other words, letters, or symbols with the intent to represent that the person practices as a nurse practitioner.

(7) Unless authorized to practice as a nurse anesthetist under this title, a person may not:

(i) Practice nurse anesthesia unless certified by the Board in accordance with this section; or

(ii) Use the title “certified nurse anesthetist”, “nurse anesthetist”, or any other words, letters, or symbols with the intent to represent that the person practices as a nurse anesthetist.

(8) Unless authorized to practice as a nurse midwife under this title, a person may not:

(i) Practice nurse midwifery unless certified by the Board in accordance with this section; or

(ii) Use the title “certified nurse midwife”, “nurse midwife”, or any other words, letters, or symbols with the intent to represent that the person practices as a nurse midwife.

(9) Unless authorized to practice as a nurse psychotherapist under this title, a person may not:

(i) Practice as a nurse psychotherapist unless certified by the Board in accordance with this section; or

(ii) Use the title “advanced practice nurse”, “certified nurse psychotherapist”, “registered nurse/psychiatric mental health”, “nurse psychotherapist”, or any other words, letters, or symbols with the intent to represent that the person practices as a nurse psychotherapist.

(10) Unless authorized to practice as a clinical nurse specialist under this title, a person may not:

(i) Practice as a clinical nurse specialist unless certified by the Board in accordance with this section; or

(ii) Use the title “certified clinical nurse specialist”, “clinical nurse specialist”, “clinical registered nurse specialist”, “clinical nurse specialist graduate”, or any other words, letters, or symbols with the intent to represent that the person practices as a clinical nurse specialist.

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

~~(a) The State Board of Nursing, in consultation with the State Board of Physicians, shall develop a plan for implementing the provisions of this Act.~~

~~(b) The plan developed under subsection (a) of this section shall provide for the repeal of obsolete regulations and the notification of certified nurse practitioners in the State of the effect of this Act.~~

SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Nursing shall adopt the regulations necessary to carry out the provisions of §§ 8-101(l)(7) and 8-302(b)(5)(i) of the Health Occupations Article, as enacted by Section 1 of this Act.

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

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 750 – *Washington County – Alcoholic Beverages – Conversion of Class P Licenses*.

This bill establishes in Washington County a Class B beer (on-sale) license, a Class B beer and light wine (on-sale) license, and a Class B beer, wine and liquor (on-sale) license; specifies license fees; repeals provisions concerning a Class P pouring license; and authorizes the Washington County Board of License Commissioners to issue a sidewalk cafe license to a holder of specified Class B licenses under specified circumstances.

House Bill 801, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 750.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 750

AN ACT concerning

Washington County – Alcoholic Beverages – Conversion of Class P Licenses

FOR the purpose of establishing in Washington County a Class B beer (on-sale) license, a Class B beer and light wine (on-sale) license, and a Class B beer, wine and liquor (on-sale) license; specifying certain license fees; repealing provisions of law concerning a Class P pouring license; authorizing the Washington County Board of License Commissioners to issue a sidewalk cafe license to a holder of certain Class B licenses under certain circumstances; authorizing the Board to issue certain Class B (on-sale) licenses only if an applicant is a restaurant that meets certain requirements; specifying that certain Class B (on-sale) licenses are not subject to certain population ratio quota requirements; specifying that the Class B (on-sale) licenses authorize the holder to sell certain alcoholic beverages for on-premises consumption; specifying the term of Class B (on-sale) licenses; requiring a license holder to comply with a request from the Board to submit certain information for a certain report under certain circumstances; specifying standards for the information contained in a certain report submitted to the Board; providing for the conversion of certain Class P licenses to Class B (on-sale) licenses or Class D (on-sale) licenses on

a certain date; requiring a license holder, as a condition of having a Class P license converted, to submit a certain report under certain circumstances; requiring a certain applicant to attest that the applicant will comply with a certain requirement under certain circumstances; making conforming changes; defining certain terms; and generally relating to alcoholic beverages licenses in Washington County.

BY repealing and reenacting, without amendments,
 Article 2B – Alcoholic Beverages
 Section 3–201(a), 5–201(a), and 6–201(a)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
 Article 2B – Alcoholic Beverages
 Section 3–201(w), 5–201(w), 6–201(w), 6–709, 8–222, and 9–222
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

BY adding to
 Article 2B – Alcoholic Beverages
 Section 8–222.1
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

3–201.

(a) (1) A Class B license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer at retail at any hotel or restaurant at the place described in the license for consumption on the premises or elsewhere.

(2) The annual fee for the license shall be paid to the local collecting agent before any license is issued, for distribution as provided.

(w) In Washington County, the annual license fee **FOR A LICENSE WITH:**

(1) ~~ON AND OFF-SALE PRIVILEGES~~ ON-SALE PRIVILEGES, AS PROVIDED FOR UNDER § 8-222.1 OF THIS ARTICLE, is \$50; OR

(2) ~~ON-SALE PRIVILEGES, AS PROVIDED FOR UNDER § 8-222.1 OF THIS ARTICLE~~, ON- AND OFF-SALE PRIVILEGES IS \$350.

5-201.

(a) (1) A Class B beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The holder may keep for sale and sell beer and light wines at retail at any hotel or restaurant, at the place described in the license, for consumption on the premises or elsewhere.

(2) The annual fee shall be paid to the local collecting agent before any license is issued.

(w) In Washington County, the annual license fee **FOR A LICENSE WITH:**

(1) ~~ON AND OFF-SALE PRIVILEGES~~ ON-SALE PRIVILEGES, AS PROVIDED FOR UNDER § 8-222.1 OF THIS ARTICLE, is \$200; OR

(2) ~~ON-SALE PRIVILEGES, AS PROVIDED FOR UNDER § 8-222.1 OF THIS ARTICLE~~, ON- AND OFF-SALE PRIVILEGES IS \$400.

6-201.

(a) (1) A Class B beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located, and the license authorizes its holder to keep for sale and sell all alcoholic beverages at retail at any hotel or restaurant at the place described, for consumption on the premises or elsewhere, or as provided in this section.

(2) The annual fee for this license is payable to the local collecting agent before any license is issued, for distribution as provided in this article.

(3) (i) Except in Montgomery County or in the case of a contrary provision in this subtitle, this license shall be issued, on approval of the application by the board of license commissioners in any county in which a license may be issued for the sale of beer, wine, and liquor, to the owner of any hotel which meets the following minimum provisions:

1. The hotel building shall be originally constructed for hotel purposes; be at least three stories in height; and contain at least one passenger elevator;

2. The hotel shall contain no less than 100 rooms for the accommodation of the public;

3. The hotel shall contain a dining room with facilities for preparing and serving regular meals for at least 125 persons at one seating; and

4. The capital investment in the hotel facility may not be less than \$500,000.

(ii) The annual fee for this license is \$2,000.

(w) (1) This subsection applies only in Washington County.

(2) The annual license fee **FOR A LICENSE WITH:**

(I) ON- AND OFF-SALE PRIVILEGES is \$1,000; OR

(II) ON-SALE PRIVILEGES, AS PROVIDED FOR UNDER § 8-222.1 OF THIS ARTICLE, IS \$750.

(3) (i) There is a Class B-theater license.

(ii) The annual license fee is \$200.

(iii) The Board of License Commissioners may issue a Class B beer, wine and liquor on-sale license for use in a theater.

(iv) To qualify for a license under this paragraph the theater shall:

1. Be operated by a nonprofit organization;

2. Appear on the National Register of Historic Places;

3. Accommodate at least 1,400 persons; and

4. Be located on the south side of Hagerstown.

(v) The holder of a license issued under this paragraph is authorized to sell beer, wine, and liquor for on-premises consumption only to persons who are attending a performance or an event that is held at the theater.

6-709.

(a) (1) This section applies only in Washington County.

(2) In this section, “Board” means the Board of License Commissioners.

(b) The Board may issue a caterer’s license to a holder of a [pouring license or a] Class B restaurant or hotel (on and off-sale) beer, wine and liquor license.

(c) The annual license fee is \$1,500.

(d) A caterer's license issued under this section authorizes the holder to provide alcoholic beverages at events that are held off the premises covered by the [pouring license or the] Class B restaurant or hotel **(ON- AND OFF-SALE)** license.

(e) The holder shall prepare, deliver, and provide food as well as alcoholic beverages for consumption at the catered event.

(f) Before a caterer's license may be issued, reissued, or renewed, the county health department shall approve the facilities that prepare the food.

(g) A holder may exercise the privileges under this license only during the hours and days that are allowed under this article for the underlying [pouring license or] Class B restaurant or hotel **(ON- AND OFF-SALE)** license.

(h) This section does not require a holder of an existing [pouring license or] Class B restaurant or hotel **(ON- AND OFF-SALE)** license to have a caterer's license for catering on the premises that is covered by the existing license.

(i) The holder of a caterer's license shall:

(1) Provide all the service employees to serve the alcoholic beverages at the catered event; and

(2) Ensure that at least one of those employees is certified by an alcohol awareness program and on the premises at all times during the catered event.

8-222.

(a) This section applies only in Washington County.

(b) (1) The operators of any amusement park, whether individual, association of individuals, or a corporation, may be entitled to a license for the sale of beer within the confines of its park.

(2) The fee for such license shall be one hundred dollars (\$100) each calendar year, and shall entitle the holder to sell beer at one or more locations within the park from 8 a.m. to midnight on every day from May 1 to September 30 of each year, except Sundays and election days.

(3) Such licensees shall be subject to all laws, rules and regulations applicable in the county to the sale of beer, not inconsistent with the provisions of this section; nothing contained in § 9-102 of this article shall apply to any license issued pursuant to this section.

[(c) (1) A separate license, called a Class P "pouring license" may be issued countywide by the Board of License Commissioners.

(2) The holder of a Class P “pouring license” may only sell alcoholic beverages for consumption on the premises.

(3) The annual fee for each Class P “pouring license” is:

- (i) \$350 for a beer license;
- (ii) \$400 for a beer and light wine license;
- (iii) \$750 for a beer, light wine, and liquor license; and
- (iv) \$250 for a Sunday sale license.]

[(d)] (C) (1) In this subsection, “premises” includes the entire stadium facility and the stadium parking lots.

(2) The Board of License Commissioners may issue a stadium (on-sale) license to the owner of a professional baseball team franchise.

(3) The franchise may be in any form of business organization, including partnership, corporation, and limited liability company.

(4) The annual fee is \$2,000.

(5) A license entitles the holder to sell beer and light wine:

(i) Subject to paragraph (4) of this subsection, for consumption on the licensed premises to persons present at any event held in the stadium;

(ii) In plastic, Styrofoam, or paper containers; and

(iii) From the time the stadium opens for the event until the event ends.

(6) The written approval of the Board of License Commissioners is required before beer and light wine may be sold, served, or consumed:

(i) On the parking lots of the stadium; or

(ii) During any event other than a baseball game in which the team of the license holder is playing.

(7) Except for a wholesaler or distributor of beer and light wine that is conducting business with the license holder, the license holder may not allow any person to carry alcoholic beverages onto or from the licensed premises.

[(e)] (D) (1) The Board of License Commissioners may issue a sidewalk cafe license to a holder of a Class B [or Class P “pouring license”] **LICENSE OF ANY KIND.**

(2) A license entitles the holder to sell and serve alcoholic beverages in an area on the sidewalk directly in front of the licensed establishment.

(3) The annual fee is \$500.

(4) A sidewalk cafe license may be issued only with an application for a Class B license [or Class P “pouring license”] **OF ANY KIND.**

(5) To maintain a sidewalk cafe license, a holder:

(i) Shall comply with all rules and regulations applicable to the issuance of the underlying Class B license [or Class P “pouring license”] **OF ANY KIND** and with all municipal ordinances and fire and health department regulations;

(ii) Shall ensure that at least one employee is certified by an alcohol awareness program and on the premises at all times during the operation of the sidewalk cafe; and

(iii) Shall keep the kitchen open during all hours of operation and have prepared meals available to be served in the sidewalk cafe.

(6) A holder may sell or serve alcoholic beverages in the sidewalk cafe from noon to midnight, every day of the week.

8-222.1.

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

(II) “BOARD” MEANS THE WASHINGTON COUNTY BOARD OF LICENSE COMMISSIONERS.

(III) “CLASS B (ON-SALE) LICENSE OF ANY TYPE” MEANS:

1. A CLASS B (ON-SALE) BEER LICENSE;

2. A CLASS B (ON-SALE) BEER AND LIGHT WINE LICENSE; OR

3. A CLASS B (ON-SALE) BEER, WINE AND LIQUOR LICENSE.

(2) THIS SECTION APPLIES ONLY IN WASHINGTON COUNTY.

(B) (1) A CLASS B (ON-SALE) LICENSE OF ANY TYPE:

(I) MAY BE ISSUED COUNTYWIDE BY THE BOARD; AND

(II) IS NOT SUBJECT TO THE POPULATION RATIO QUOTA REQUIREMENTS UNDER § 9-222 OF THIS ARTICLE.

(2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE BOARD MAY ISSUE A CLASS B (ON-SALE) LICENSE OF ANY TYPE IF THE ESTABLISHMENT FOR WHICH THE LICENSE IS ISSUED IS A RESTAURANT THAT:

(I) IS LOCATED IN A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS;

(II) COMMONLY OFFERS HOT AND COLD MEALS THAT ARE PREPARED, SOLD, AND SERVED TO THE PUBLIC DURING REGULAR BUSINESS HOURS;

(III) HAS A DINING AREA WITH REGULAR SEATING CAPACITY AT TABLES, CHAIRS, AND BOOTHS, THAT, EXCLUDING SEATS AT BARS OR COUNTERS, CAN ACCOMMODATE AT LEAST 50 PATRONS; AND

(IV) IS EQUIPPED WITH SUFFICIENT KITCHEN AND DINING FACILITIES FOR REGULARLY PREPARING AND SERVING MEALS TO THE PUBLIC;

(V) MAINTAINS A MENU THAT ADVERTISES A VARIETY OF FOOD THAT THE ESTABLISHMENT SERVES;

(VI) SERVES FOOD AT ALL TIMES WHENEVER ALCOHOLIC BEVERAGES ARE BEING SERVED OR CONSUMED; AND

(VII) HAS, ON AN ANNUAL BASIS, GROSS SALES OF FOOD AND NONALCOHOLIC BEVERAGES THAT EXCEED ITS GROSS SALES OF ALCOHOLIC BEVERAGES.

(C) (1) A CLASS B BEER (ON-SALE) LICENSE AUTHORIZES THE HOLDER TO SELL BEER FOR ON-PREMISES CONSUMPTION.

(2) A CLASS B BEER AND LIGHT WINE (ON-SALE) LICENSE AUTHORIZES THE HOLDER TO SELL BEER AND LIGHT WINE FOR ON-PREMISES CONSUMPTION.

(3) A CLASS B BEER, WINE AND LIQUOR (ON-SALE) LICENSE AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION.

(D) THE TERM OF A CLASS B (ON-SALE) LICENSE OF ANY TYPE IS 1 YEAR AND BEGINS ON MAY 1 OF EACH YEAR.

(E) (1) (I) ONCE PER LICENSING CYCLE, A LICENSE HOLDER SHALL COMPLY WITH A REQUEST FROM THE BOARD TO SUBMIT A FOOD ALCOHOL RATION REPORT COVERING 2 PRECEDING QUARTERS THAT THE BOARD SELECTS TO DEMONSTRATE COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT UNDER SUBSECTION (B) OF THIS SECTION.

(II) TO ENFORCE THIS PARAGRAPH, THE BOARD MAY:

1. REQUEST THAT A LICENSE HOLDER PROVIDE SUPPORTING DATA OR ADDITIONAL INFORMATION;

2. ISSUE A FINE; OR

3. SUSPEND A LICENSE.

(2) AS A PREREQUISITE FOR THE RENEWAL OF A LICENSE UNDER THIS SUBSECTION, AN APPLICANT FOR A CLASS B (ON-SALE) LICENSE OF ANY TYPE SHALL HAVE DEMONSTRATED COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT UNDER SUBSECTION (B) OF THIS SECTION.

(3) WHEN SUBMITTING A FOOD ALCOHOL RATION REPORT, THE APPLICANT SHALL INCLUDE A CURRENT MENU AND INFORMATION ON HOURS OF OPERATION AND SALES AMOUNTS AND PERCENTAGES FOR THE SPECIFIED QUARTERS FOR FOOD, NONALCOHOLIC BEVERAGES, AND ALCOHOLIC BEVERAGES.

(4) THE APPLICANT OR THE APPLICANT'S ACCOUNTANT SHALL COMPLETE, SIGN, AND PROVIDE FOR THE NOTARIZATION OF THE FOOD ALCOHOL RATION REPORT.

(F) THE ANNUAL LICENSE FEE:

(1) FOR A CLASS B (ON-SALE) BEER LICENSE IS SET OUT IN § 3-201(W) OF THIS ARTICLE;

(2) FOR A CLASS B (ON-SALE) BEER AND LIGHT WINE LICENSE IS SET OUT IN § 5-201(W) OF THIS ARTICLE;

(3) FOR A CLASS B (ON-SALE) BEER, WINE AND LIQUOR LICENSE IS SET OUT IN § 6-201(W) OF THIS ARTICLE; AND

(4) FOR A SPECIAL SUNDAY (ON-SALE) LICENSE IS \$250.

9-222.

(a) In Washington County, except for a special or temporary license or a certificate of permission or renewal license issued to a personal representative under § 10-506 of this article, the Board of License Commissioners may not issue a license to sell alcoholic beverages:

(1) Until all outstanding gaming proceeds, payments, and fines that are due and owing by the licensee or applicant have been paid or judicially satisfied; and

(2) For any premises that previously have been licensed under this article, until all county taxes that are due and owing by the licensee for the operation of the business under the previous license have been paid or judicially satisfied.

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

(ii) “Population ratio quota” means 1 license for each 1,000 individuals, excluding individuals detained or confined in a correctional facility as defined under § 1-101(d) of the Correctional Services Article, who reside in the election district where the license will be issued as determined by the last federal population census.

(iii) “Restaurant” means an establishment that:

1. Is located in a permanent building;

2. Regularly sells and serves food to the general public;

3. Has a seating capacity of at least:

A. 75 persons for a Class B alcoholic beverages (on- AND

OFF-sale) license; or

B. 50 persons for a Class [P] B alcoholic beverages (on-sale)

license; and

4. Has on an annual basis, gross sales of food and nonalcoholic beverages that exceed its annual gross sales of alcoholic beverages.

(2) In Washington County, except for a Class [P] B alcoholic beverages (on-sale) license issued to a restaurant UNDER § 8-222.1 OF THIS ARTICLE and any class

of alcoholic beverages license renewed or transferred for the same premises, an alcoholic beverages license may not be issued within an election district if the number of alcoholic beverages licenses exceeds the population ratio quota.

(3) (i) If the Washington County Board of License Commissioners determines that there is a public need including governmentally sanctioned economic revitalization for the issuance of a license notwithstanding the population ratio quota, the license may be issued by the Board.

(ii) The Board shall state in the order granting the issuance of the license the reasons for its decision to exceed the population ratio quota.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On May 1, 2016, unless the Board of License Commissioners for Washington County determines that a Class P license shall convert to a Class D (on-sale) license, a Class P license shall convert to a Class B beer (on-sale) license, Class B beer and light wine (on-sale) license, or Class B beer, wine and liquor (on-sale) license as appropriate.

(b) (1) As a condition of having a Class P license converted to a Class B (on-sale) license or a Class D (on-sale) license, a license holder shall, on request from the Board, submit a Food Alcohol Ration Report covering 2 quarters that the Board selects of the 12-month period immediately preceding the application year to demonstrate compliance with the annual gross sales requirement under § 8-222.1(b), as enacted by Section 1 of this Act.

(2) If an applicant for a Class B (on-sale) license did not hold an alcoholic beverages license during the 12-month period immediately preceding the application for a Class B (on-sale) license, the applicant shall, on request from the Board, attest in a sworn statement that the applicant will comply with the annual gross sales requirement under § 8-222.1(b), as enacted by Section 1 of this Act.

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

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 798 – *Wicomico County – Alcoholic Beverages – Micro-Breweries – Annual Production Limit*.

This bill raises in Wicomico County from 22,500 to 45,000 the limit on the number of barrels of malt beverages that a micro-brewery may collectively brew, bottle, or contract for in a calendar year.

House Bill 1039, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 798.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 798

AN ACT concerning

Wicomico County – Alcoholic Beverages – ~~Annual Production Limit for~~ Micro-Breweries – Annual Production Limit

FOR the purpose of raising in Wicomico County the limit on the number of barrels of malt beverages that a micro-brewery may collectively brew, bottle, or contract for in a calendar year; and generally relating to micro-breweries in Wicomico County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–208(c)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 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.

- (c) (1) A holder of a Class 7 micro-brewery license:
 - (i) May brew and bottle malt beverages at the license location;

(ii) May obtain a Class 2 rectifying license for a premises located within 1 mile of the existing Class 7 micro-brewery location to bottle malt beverages brewed at the micro-brewery location only;

(iii) May contract with the holder of a Class 2 rectifying license held under § 2-203 of this subtitle, a Class 5 brewery license, a Class 7 micro-brewery license, or a Class 8 farm brewery license, or the holder of a nonresident dealer's permit to brew and bottle malt beverages on their behalf;

(iv) May store the finished product under an individual storage permit or at a licensed public storage facility for subsequent sale and delivery to a licensed wholesaler, an authorized person outside this State, and for shipment back to the micro-brewery location for sale on the retail premises;

(v) May not collectively brew, bottle, or contract for more than:

1. EXCEPT AS PROVIDED IN ITEM 2 OF THIS ITEM, 22,500 barrels of malt beverages each calendar year; [and] OR

2. IN WICOMICO COUNTY, 45,000 BARRELS OF MALT BEVERAGES EACH CALENDAR YEAR; AND

(vi) May enter into a temporary delivery agreement with a distributor only for delivery of beer to a beer festival or wine and beer festival and the return of any unused beer if:

1. The beer festival or wine and beer festival is in a sales territory for which the holder does not have a franchise with a distributor under the Beer Franchise Fair Dealing Act; and

2. The temporary delivery agreement is in writing.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 808 – *Natural Resources – Aquaculture – Liability for Trespass*.

This bill establishes specified damages for which specified persons are liable for entering an area leased to another person for aquaculture purposes to harvest, damage, or transfer shellfish or to alter, damage, or remove any markings or equipment; and requires a person who enters an area leased to another person for aquaculture purposes to display a shellfish aquaculture harvester registration card or an operator card for the lease area on the request of a law enforcement officer.

House Bill 287, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 808.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 808

AN ACT concerning

Natural Resources – Aquaculture – Liability for Trespass

FOR the purpose of establishing certain damages for which certain persons are liable for entering an area leased to another person for aquaculture purposes to harvest, damage, or transfer shellfish or to alter, damage, or remove any markings or equipment; requiring a person who enters an area leased to another person for aquaculture purposes and engages in certain acts to display certain documentation on the request of a law enforcement officer; providing for the application of certain provisions of this Act; and generally relating to liability for trespass on areas leased for aquaculture purposes.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–11A–16
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY adding to
Article – Natural Resources
Section 4–11A–16.1
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Natural Resources

4–11A–16.

(a) (1) A person, other than the leaseholder, may not willfully and without authority catch oysters on any aquaculture or submerged land lease area, or willfully destroy or transfer oysters on this land in any manner.

(2) The Department shall request the office of the local State's Attorney or the Attorney General to bring a criminal action under § 7–104 of the Criminal Law Article against a person found to be in violation of this subsection provided that the leased area is designated and marked with buoys and other signage or the person knew or should have known that the harvest of oysters from the area was unlawful.

(3) (i) On conviction of a person for a violation of this subsection, the Department may suspend all existing tidal fish licenses issued to that person for a period not to exceed:

1. 1 year for a first conviction; or
2. 2 years for a second or subsequent conviction.

(ii) Before suspending any license under this section, the Department shall give the licensee written notice of the right to request a hearing.

(iii) A licensee may request a hearing within 15 days from the date that the notice required by this section is mailed.

(iv) The Department shall hold a hearing within 30 days of the date of the request and render a decision within 30 days of the hearing.

(b) A person, other than a leaseholder, may not remove, alter, transfer, or destroy any marker, shellfish, equipment, or structures on any aquaculture or submerged land lease area.

(c) A person, other than an aquaculture or submerged land leaseholder, while he is in default in payment of any rent or fee, may not use for any purpose any submerged land of the State.

4–11A–16.1.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PERSON WHO WILLFULLY, NEGLIGENTLY, RECKLESSLY, WRONGFULLY, OR MALICIOUSLY ENTERS ANY AREA LEASED TO ANOTHER PERSON UNDER THIS SUBTITLE TO HARVEST,

DAMAGE, OR TRANSFER SHELLFISH OR TO ALTER, DAMAGE, OR REMOVE ANY MARKINGS OR EQUIPMENT IS LIABLE TO THE LEASEHOLDER FOR DAMAGES IN AN AMOUNT OF:

(1) THREE TIMES THE VALUE OF THE SHELLFISH HARVESTED, DAMAGED, OR TRANSFERRED;

(2) THE ACTUAL RESTORATION COSTS FOR THE LEASED AREA AND ANY ALTERED, DAMAGED, OR REMOVED MARKINGS OR EQUIPMENT; AND

(3) ANY ATTORNEY FEES OR COURT COSTS INCURRED BY THE LEASEHOLDER IN THE MATTER.

(B) SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A PERSON ENGAGING IN AQUACULTURE ACTIVITY ON A LEASED AREA IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF:

(1) A SHELLFISH AQUACULTURE HARVESTER REGISTRATION CARD THAT IS IN THE PERSON'S POSSESSION; OR

(2) AN OPERATOR CARD THAT IS IN THE POSSESSION OF THE PERSON OR ANOTHER PERSON PRESENT IN THE LEASE AREA.

(C) ON THE REQUEST OF A LAW ENFORCEMENT OFFICER, A PERSON WHO ENTERS AN AREA LEASED TO ANOTHER PERSON UNDER THIS SUBTITLE AND ENGAGES IN ANY ACT SPECIFIED IN SUBSECTION (A) OF THIS SECTION SHALL DISPLAY A SHELLFISH AQUACULTURE HARVESTER REGISTRATION CARD OR AN OPERATOR CARD FOR THE LEASE AREA.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 852 – *Public Information Act – List of Contact Information for Governmental Unit Representatives*.

This bill requires each governmental unit that maintains public records to identify a representative who a member of the public should contact to request a public record, to maintain specified contact information and post the information on the unit's Web site or keep the information in a specified place, and annually update the information and submit it to the Office of the Attorney General. The bill also requires the Office to post specified information on the Office's Web site and include specified information in a specified manual.

House Bill 674, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 852.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 852

AN ACT concerning

Public Information Act – List of Contact Information for Governmental Unit Representatives

FOR the purpose of requiring certain governmental entities to identify a representative who a member of the public should contact to request a public record, maintain certain contact information, post the information on the unit's Web site or keep the information in a certain place, and annually update the information and submit it to the Office of the Attorney General; requiring the Office to post certain information on the Office's Web site and include certain information in a certain manual; and generally relating to a list of contact information for representatives of governmental units that maintain public records.

BY adding to

Article – General Provisions

Section 4–503

Annotated Code of Maryland

(2014 Volume)

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

Article – General Provisions

4-503.

(A) EACH GOVERNMENTAL UNIT THAT MAINTAINS PUBLIC RECORDS SHALL:

(1) IDENTIFY A REPRESENTATIVE WHO A MEMBER OF THE PUBLIC SHOULD CONTACT TO REQUEST A PUBLIC RECORD FROM THE GOVERNMENTAL UNIT;

(2) MAINTAIN CONTACT INFORMATION FOR THE GOVERNMENTAL UNIT'S REPRESENTATIVE THAT INCLUDES:

(I) THE REPRESENTATIVE'S NAME;

(II) THE REPRESENTATIVE'S BUSINESS ADDRESS;

(III) THE REPRESENTATIVE'S BUSINESS PHONE NUMBER;

~~**(IV) THE REPRESENTATIVE'S BUSINESS FAX NUMBER;**~~

~~**(V) (IV) THE REPRESENTATIVE'S BUSINESS ELECTRONIC MAIL ADDRESS; AND**~~

~~**(VI) (V) THE INTERNET ADDRESS OF THE GOVERNMENTAL UNIT;**~~

(3) (I) POST THE CONTACT INFORMATION MAINTAINED UNDER ITEM (2) OF THIS SUBSECTION IN A USER-FRIENDLY FORMAT ON THE WEB SITE OF THE GOVERNMENTAL UNIT; OR

(II) IF THE GOVERNMENTAL UNIT DOES NOT HAVE A WEB SITE, KEEP THE CONTACT INFORMATION MAINTAINED UNDER ITEM (2) OF THIS SUBSECTION AT A PLACE EASILY ACCESSIBLE BY THE PUBLIC;

(4) ANNUALLY UPDATE THE CONTACT INFORMATION MAINTAINED UNDER ITEM (2) OF THIS SUBSECTION; AND

(5) ANNUALLY SUBMIT THE CONTACT INFORMATION MAINTAINED UNDER ITEM (2) OF THIS SUBSECTION TO THE OFFICE OF THE ATTORNEY GENERAL.

(B) THE OFFICE OF THE ATTORNEY GENERAL SHALL:

(1) POST THE CONTACT INFORMATION SUBMITTED UNDER SUBSECTION (A)(5) OF THIS SECTION IN A USER-FRIENDLY FORMAT ON THE WEB SITE OF THE OFFICE OF THE ATTORNEY GENERAL; AND

(2) INCLUDE THE CONTACT INFORMATION SUBMITTED UNDER SUBSECTION (A)(5) OF THIS SECTION IN ANY PUBLIC INFORMATION ACT MANUAL PUBLISHED BY THE OFFICE OF THE ATTORNEY GENERAL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 865 – *Edward T. and Mary A. Conroy and Jean B. Cryor Memorial Scholarship Programs – Eligibility*.

This bill changes the name of the Edward T. Conroy Memorial Scholarship Program to the Edward T. and Mary A. Conroy Memorial Scholarship Program; and alters the eligibility requirements for the Edward T. and Mary A. Conroy Memorial Scholarship Program and the Jean B. Cryor Memorial Scholarship Program to include the stepchildren of specified individuals who are at least 16 years of age.

House Bill 11, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 865.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 865

AN ACT concerning

**Edward T. and Mary A. Conroy and Jean B. Cryor Memorial Scholarship
Programs – Eligibility**

FOR the purpose of altering the name of the Edward T. Conroy Memorial Scholarship Program; altering the eligibility requirements for the Edward T. Conroy and Jean B. Cryor Memorial Scholarship Programs to include the stepchildren of certain individuals; and generally relating to eligibility for certain memorial scholarship programs.

BY repealing and reenacting, with amendments,
Article – Education
Section 18–601(c)
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 18–601(d)
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)
(As enacted by Chapter 395 of the Acts of the General Assembly of 2013)

BY repealing and reenacting, without amendments,
Article – Education
Section 18–601(e)
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)

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

Article – Education

18–601.

(c) (1) The program for military and public safety personnel and their eligible dependents is the Edward T. **AND MARY A.** Conroy Memorial Scholarship Program.

(2) The program for eligible dependents of public and nonpublic school employees is the Jean B. Cryor Memorial Scholarship Program.

(d) A person may apply to an eligible postsecondary institution for a scholarship under this section if the person:

(1) (i) Is a resident of Maryland at the time of application; or
(ii) Was a resident of Maryland when an event described in paragraph (3) of this subsection occurred;

(2) (i) Is accepted for admission or enrolled in the regular undergraduate, graduate or professional program at an eligible institution; or

(ii) Is enrolled in a 2-year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution; and

(3) (i) Is at least 16 years old and a son [or], daughter, **STEPSON, OR STEPDAUGHTER** of a member of the armed forces who:

1. Died as a result of military service after December 7, 1941;

2. Suffered a service connected 100% permanent disability after December 7, 1941; or

3. Was declared to be a prisoner of war or missing in action, if that occurred on or after January 1, 1960, as a result of the Vietnam conflict, and if the child was born prior to or while the parent was a prisoner of war or missing in action;

(ii) Was a prisoner of war or missing in action, if that occurred on or after January 1, 1960, as a result of the Vietnam conflict and was a resident of this State at the time the person was declared to be a prisoner of war or missing in action;

(iii) 1. Is at least 16 years old and a son [or], daughter, **STEPSON, OR STEPDAUGHTER** of any State or local public safety employee killed in the line of duty; or

2. Is the surviving spouse of any State or local public safety employee killed in the line of duty;

(iv) 1. Is a disabled public safety employee;

2. Is at least 16 years old and a son [or], daughter, **STEPSON, OR STEPDAUGHTER** of a disabled public safety employee who sustains an injury in the line of duty that renders the public safety employee 100% disabled; or

3. Is the surviving spouse of a disabled public safety employee who sustains an injury in the line of duty that renders the public safety employee 100% disabled;

(v) Is a veteran, as defined under § 9-901 of the State Government Article, who:

1. Suffers a service connected disability of 25% or greater;

and

2. Has exhausted or is no longer eligible for federal veterans' educational benefits;

(vi) Is the surviving spouse of a member of the armed forces who suffered a service connected 100% permanent disability;

(vii) Is at least 16 years old and a son [or], daughter, **STEPSON, OR STEPDAUGHTER** of or the surviving spouse of a victim of the September 11, 2001, terrorist attacks;

(viii) Is at least 16 years old and a son [or], daughter, **STEPSON, OR STEPDAUGHTER** of a school employee who, as a result of an act of violence:

1. Died in the line of duty; or

2. Sustained an injury in the line of duty that rendered the school employee 100% disabled; or

(ix) Is the surviving spouse of a school employee who, as a result of an act of violence:

1. Died in the line of duty; or

2. Sustained an injury in the line of duty that rendered the school employee 100% disabled.

(e) A scholarship awarded under this section:

(1) May be used for the tuition and mandatory fees at any eligible institution; and

(2) May not:

(i) Exceed the equivalent annual tuition and mandatory fees of a resident undergraduate student at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore, with the highest annual expenses for a full-time resident undergraduate; and

(ii) Be less than the lesser of:

1. \$3,000; or

2. The equivalent annual tuition and mandatory fees of a resident of the institution attended by the recipient of the scholarship.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

May 12, 2015

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 937 – *Alcoholic Beverages – Powdered Alcoholic Beverages – Ban on Sales*.

This bill prohibits a person from selling or offering to sell alcoholic beverages that are sold in a powder or crystalline form for direct use or use in combination with water or any other substance; and provides for a penalty of up to \$1,000 for a violation of the Act. This bill also provides for the termination of the Act.

House Bill 1288, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 937.

Sincerely,

Governor Lawrence J. Hogan, Jr.

Senate Bill 937

AN ACT concerning

Alcoholic Beverages – Powdered Alcoholic Beverages – Ban on Sales

FOR the purpose of prohibiting a person from selling or offering to sell alcoholic beverages that are sold in a powder or crystalline form for direct use or use in combination with water or any other substance; providing a certain penalty; ~~making this Act an emergency measure~~; providing for the termination of this Act; and generally relating to a prohibition on the sale of powdered alcohol.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 1-102(a)(1) and (2)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY adding to

Article 2B – Alcoholic Beverages
Section 16–505.3
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article 2B – Alcoholic Beverages

1–102.

(a) (1) In this article the following words have the meanings indicated.

(2) (i) “Alcoholic beverages” means alcohol, brandy, whiskey, rum, gin, cordial, beer, ale, porter, stout, wine, cider, and any other spirituous, vinous, malt or fermented liquor, liquid, or compound, by whatever name called, which contains, except as provided in subparagraph (ii) of this paragraph, one-half of one percent or more of alcohol by volume, which is fit for beverage purposes.

(ii) “Alcoholic beverages” does not include a confectionery food product that contains up to 5 percent of alcohol by volume and is regulated by the Department of Health and Mental Hygiene under § 21–209 of the Health – General Article.

16–505.3.

(A) A PERSON MAY NOT SELL OR OFFER FOR SALE ALCOHOLIC BEVERAGES THAT ARE SOLD IN POWDER OR CRYSTALLINE FORM FOR DIRECT USE OR USE IN COMBINATION WITH WATER OR ANY OTHER SUBSTANCE.

(B) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

(2) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective for a period of 2 years from the date it is enacted and, at the end of the 2-year period shall take effect June 1, 2015. It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2016,~~ with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.
