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**SUBTITLE 26. ENFORCEMENT.****32-2601. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6-202 (“INSPECTIONS”);**
- (2) § 6-203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**
- (3) § 6-204 (“POWER TO SUMMON WITNESSES”);**
- (4) § 6-205 (“PEACE OFFICERS”);**
- (5) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);**
- (6) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);**
- (7) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);**
- (8) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND**
- (9) § 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”).**

**(B) VARIATION.**

**SECTION 6-211 (“FINES AND FORFEITURES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO §§ 32-2612 AND 32-2613 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 32–101

“State” § 1–101

### **32–2602. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

#### **(A) IN GENERAL.**

**THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED ESTABLISHMENT.**

#### **(B) REFUSAL OF SUBPOENA.**

**(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS REFUSES TO PRODUCE A SUBPOENAED RECORD.**

**(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A CASE PENDING BEFORE THE COURT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–410(c)(1)(x), (2), and (3).

In subsections (a) and (b)(1) of this section, the former references to “papers” are deleted as included in the references to “records” and “record”.

In subsection (b)(1) of this section, the phrase “may petition” is substituted for the former phrase “shall report the fact to” for clarity.

Also in subsection (b)(1) of this section, the former phrase “for the county” is deleted as surplusage.

In subsection (b)(2) of this section, the phrase “may proceed” is substituted for the former phrase “shall proceed” for clarity.

Also in subsection (b)(2) of this section, the former phrase “in all respects” is deleted as surplusage.

Defined term: “Board” § 32–101

### **32–2603. SEARCH WARRANTS.**

#### **(A) ISSUANCE OF WARRANT.**

**A JUDGE IN THE DISTRICT COURT MAY ISSUE A SEARCH WARRANT IF A POLICE OFFICER OR OTHER APPLICANT FILES A COMPLAINT OR AN AFFIDAVIT THAT:**

- (1) IS SWORN TO BY THE APPLICANT;
- (2) DESCRIBES WITH PARTICULARITY THE PLACE OR THING TO BE SEARCHED;
- (3) DESCRIBES WITH PARTICULARITY THE THINGS TO BE SEARCHED FOR; AND
- (4) STATES THAT THE APPLICANT HAS REASON TO BELIEVE THAT ALCOHOLIC BEVERAGES ARE SOLD OR KEPT TO BE SOLD OR OTHERWISE DISPOSED OF IN VIOLATION OF LAW.

**(B) CONTENTS; REQUIREMENTS.**

**A WARRANT ISSUED UNDER THIS SECTION SHALL:**

- (1) BE DIRECTED TO THE SHERIFF, DEPUTY SHERIFF, OR PROPER POLICE OFFICER;
- (2) INCLUDE A COPY OF THE AFFIDAVIT;
- (3) REQUIRE THE OFFICER TO WHOM THE WARRANT IS DIRECTED TO SEARCH THE PLACE OR THING DESCRIBED IN THE WARRANT, AND SEIZE ANY:
  - (I) ALCOHOLIC BEVERAGES FOUND IN QUANTITIES THAT SUGGEST THAT THEY ARE BEING KEPT FOR SALE;
  - (II) MEANS TO SELL ALCOHOLIC BEVERAGES, INCLUDING FURNITURE, IMPLEMENTS, AND EQUIPMENT;
  - (III) PARAPHERNALIA OF A BARROOM OR SALOON THAT SELLS ALCOHOLIC BEVERAGES; AND
  - (IV) UNITED STATES INTERNAL REVENUE TAX RECEIPTS FOR THE SALE OF ALCOHOLIC BEVERAGES DATED DURING THE TIME OF THE ALLEGED OFFENSE; AND
- (4) REQUIRE THE OFFICER TO REPORT IN WRITING ON THE SEARCH AND MAKE AN IMMEDIATE RETURN ON THE WARRANT.

**(C) FORM OF AFFIDAVIT, WARRANT, AND REPORT AND RETURN.**

AN AFFIDAVIT, A WARRANT FOR SEARCH, AND A REPORT AND RETURN SHALL BE SUBSTANTIALLY IN THE FOLLOWING FORM:

STATE OF MARYLAND, WICOMICO COUNTY, TO WIT:

TO: ....., OF WICOMICO COUNTY:

GREETINGS: WHEREAS, THERE HAS BEEN FILED WITH THE UNDERSIGNED AN AFFIDAVIT, OF WHICH THE FOLLOWING IS A COPY, TO WIT: WHEREAS ON THIS .... DAY OF ....., 20..., BEFORE THE SUBSCRIBER, ... IN AND FOR SAID COUNTY, PERSONALLY APPEARED ....., AND MADE COMPLAINT AND OATH THAT THE APPLICANT HAS JUST AND REASONABLE CAUSE TO SUSPECT AND BELIEVE AND DOES SUSPECT AND BELIEVE THAT INTOXICATING LIQUOR IS SOLD, OR EXCEPT FOR THE PURPOSE OF BEING SOLD OR OTHERWISE DISPOSED OF IN VIOLATION OF THE LAW IN THE .... OF .... AT, IN .... OF SAID COUNTY, AND THAT IN AND UPON SAID PREMISES AND AT SAID PLACE AND HOUSE WILL BE FOUND UPON SEARCH THEREOF, THE FOLLOWING:

INTOXICATING LIQUORS, AND THE VESSELS AND BOTTLES IN WHICH THE SAME ARE CONTAINED, AND BARROOM, AND DRINKING SALOON PARAPHERNALIA, AND THE UNITED STATES INTERNAL REVENUE TAX RECEIPT FOR SALE OF INTOXICATING LIQUOR AT THIS TIME EFFECTIVE (AND ANY OTHER FACTS MATERIAL):

THESE ARE THEREFORE, IN THE NAME OF THE STATE OF MARYLAND, TO COMMAND YOU, TOGETHER WITH THE NECESSARY AND PROPER ASSISTANCE, TO ENTER INTO THE SAID .... OF THE SAID .... AT, IN .... IN THE COUNTY AFORESAID, AND THERE DILIGENTLY SEARCH FOR THE SAID INTOXICATING LIQUOR AND MEANS USED FOR THE SALE OF SAME, OR ANY PART THEREOF AS DESCRIBED IN THE AFOREGOING AFFIDAVIT OF COMPLAINT, AND THAT YOU BRING THE SAME, OR ANY PART THEREOF, FOUND IN SUCH SEARCH, AND THE PERSON OR PERSONS IN WHOSE CUSTODY THEY ARE FOUND FORTHWITH BEFORE ME TO BE DISPOSED OF AND DEALT WITH ACCORDING TO LAW; AND HAVE YOU THERE THIS WARRANT.

GIVEN UNDER MY HAND THIS .... DAY OF ....., 20...

.....  
JUDGE OF THE DISTRICT COURT

**REPORT AND RETURN**

TO HON. ...., JUDGE OF THE DISTRICT COURT IN WICOMICO COUNTY.

THIS RETURN AND REPORT, MADE THIS .... DAY OF ....., 20..., IS TO CERTIFY, THAT PURSUANT AND IN OBEDIENCE TO THE COMMANDS OF THE ANNEXED WARRANT TO ME DIRECTED, I DID ON THE .... DAY OF ....., 20..., ENTER AND SEARCH THE PLACE, HOUSE AND PREMISES DESCRIBED IN SAID WARRANT AND FOUND AND SEIZED THE FOLLOWING, TO WIT: (HERE SET FORTH WHAT WAS FOUND AND SEIZED), AND DO FORTHWITH BRING THE SAME, AND ONE .... THE PERSON IN WHOSE CUSTODY THE SAME WERE FOUND BEFORE YOU.

.....  
(PERSON SERVING WARRANT)

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–414(b) and, as it related to Wicomico County, (q).

In subsection (a) of this section, the former reference to a judge in the District Court “in the county” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to a “house, store, boat, motor vehicle, [or] aeroplane” is deleted as included in the reference to a “place”.

Also in subsection (a) of this section, the former phrase “does believe” is deleted in light of the reference to “has reason to believe”.

Also in subsection (a) of this section, the former reference to disposition “contrary to law” is deleted in light of the phrase “in violation of law”.

Also in subsection (a) of this section, the former reference to a judge issuing a warrant “to serve criminal process” is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to the affidavit “inserted therein, or annexed and referred to” is deleted as surplusage.

Also in subsection (b)(2) of this section, the former requirement that the warrant “particularly describe the thing to be searched for and the place, house or thing to be searched” is deleted as duplicative of the contents of the affidavit under subsection (a) of this section.

In the introductory language of subsection (b)(3) of this section, the former references to the “premises”, “house”, and “appurtenances thereof” are deleted as included in the reference to the “place or thing”.

In subsection (b)(3)(iii) of this section, the former reference to “part of” the paraphernalia is deleted in light of the reference to the “paraphernalia”.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (c) of this section, the meaning of the phrase “except for the purpose of being sold or otherwise disposed of in violation of the law” is unclear.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 32–101

“Person” § 1–101

### **32–2604. APPLICANT MAY ASSIST IN EXECUTION OF WARRANT.**

**AN APPLICANT FOR A WARRANT UNDER THIS SUBTITLE OR AN AGENT OF THE APPLICANT MAY:**

- (1) ACCOMPANY THE OFFICER WHO SERVES THE WARRANT;**
  - (2) POINT OUT AND ENTER THE PLACE OR THING TO BE SEARCHED;**
- AND**
- (3) ASSIST THE OFFICER IN SEARCHING THE PLACE OR THING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-414(g) and, as it related to Wicomico County, (q).

In the introductory language of this section, the reference to an "applicant" for a warrant is substituted for the former reference to the "person making affidavit" for a warrant for brevity.

Also in the introductory language of this section, the former reference to a warrant to search "any place or thing where intoxicating liquor is believed to be disposed of, kept, stored, deposited, hidden, secreted, handled or furnished contrary to this section" is deleted as included in the reference to a warrant "under this subtitle".

In item (3) of this section, the reference to "assist" is substituted for the former reference to "give information and assistance" for brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that item (3) of this section, which authorizes a private citizen to assist an officer in a search of a place or thing alleged to be involved in the illegal sale of alcoholic beverages, could result in a constitutional violation if the person's actions are not limited to assisting the officer in the execution of the warrant.

**32-2605. SEARCH OF RESIDENCE PROHIBITED; EXCEPTION.**

**(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A WARRANT MAY NOT BE ISSUED TO SEARCH A RESIDENCE UNLESS:**

- (1) THE RESIDENCE OR PART OF THE RESIDENCE IS USED AS A STORE, HOTEL, RESTAURANT, OR BOARDING HOUSE;**
- (2) THE RESIDENCE IS USED AS A PUBLIC RESORT; OR**

**(3) THE RESIDENCE IS USED TO KEEP, HIDE, OR PROVIDE ALCOHOLIC BEVERAGES TO SELL OR FOR ANOTHER USE THAT VIOLATES THE LAW.**

**(B) ISSUANCE BY JUDICIAL DISCRETION.**

**A JUDGE OF THE DISTRICT COURT MAY ISSUE A WARRANT AFTER DETERMINING THAT THE ISSUANCE WOULD BE PROPER, BASED ON AN EXAMINATION OF:**

**(1) THE APPLICANT FOR THE WARRANT; OR**

**(2) OTHER EVIDENCE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–414(f) and, as it related to Wicomico County, (q).

In the introductory language of subsection (a) of this section, the former reference to a residence “accepted as such” is deleted as surplusage.

In subsection (a)(2) of this section, the former reference to a “place of” public resort is deleted as surplusage.

In subsection (a)(3) of this section, the former references to “stor[e]”, “secret[e]”, “furnis[h]”, and “handl[e]” are deleted as included in the reference to “keep, hide, or provide”.

Also in subsection (a)(3) of this section, the reference to “violates the law” is substituted for the former reference to “contrary to this subtitle or contrary to law” for brevity.

In the introductory language of subsection (b) of this section, the reference to a judge of the District Court “determining” that the issuance of the warrant would be proper is substituted for the former reference to the judge “deem[ing] it” proper to issue the warrant, for brevity.

Also in the introductory language of subsection (b) of this section, the former phrase “in his discretion” is deleted in light of the reference to “may”.

Also in the introductory language of subsection (b) of this section, the former reference to a warrant “as hereinabove provided, for the searching of such a residence” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the “applicant for the warrant” is substituted for the former reference to “the party making the oath” to conform to the terminology of this subtitle.

In subsection (b)(2) of this section, the reference to “other evidence” is substituted for the former reference to “such other proof as may be produced” for brevity.

Defined terms: “Alcoholic beverage” § 1–101

“Hotel” § 1–101

“Restaurant” § 1–101

### **32–2606. WHEN POSTING OF COPY OF WARRANT IS REQUIRED.**

**IF AN OWNER OR OPERATOR OF THE ESTABLISHMENT OR THING FROM WHICH ALCOHOLIC BEVERAGES OR OTHER ITEMS ARE SEIZED CANNOT BE SERVED UNDER THIS SUBTITLE, THE OFFICER SEIZING THE ITEMS SHALL:**

**(1) POST A COPY OF THE WARRANT IN A CONSPICUOUS LOCATION AT THE PLACE SEARCHED AT OR NEAR THE THING SEARCHED; AND**

**(2) HOLD THE ITEMS SUBJECT TO THE ORDER OF THE COURT AND MAKE RETURN OF THAT ACTION.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 16–414(e) and, as it related to Wicomico County, (q).

In the introductory language of this section, the phrase “from which alcoholic beverages or other items are seized” is substituted for the former phrase “where intoxicating liquor may be found” for clarity.

Also in the introductory language of this section, the phrase “[i]f an owner or operator of the establishment or thing from which alcoholic beverages or other items are seized cannot be served” is substituted for the former phrase “[i]f no one is found in possession of the premises, place, or thing where intoxicating liquor may be found” for clarity.

Also in the introductory language of this section, the reference to the officer “seizing the items” is substituted for the former reference to the officer “taking the same” for clarity.

In item (2) of this section, the reference to “that action” is substituted for the former reference to “his doing thereto” for clarity.

Also in item (2) of this section, the former phrase “take possession of such liquor and means used for the sale of the same” is deleted as surplusage.

Defined term: “Alcoholic beverage” § 1–101

### **32–2607. REQUIREMENTS FOR PROSECUTION.**

#### **IN A PROSECUTION UNDER THIS TITLE:**

##### **(1) IT IS NOT NECESSARY TO:**

**(I) DESCRIBE THE PLACE WHERE THE ALCOHOLIC BEVERAGE IS SOLD OR HANDLED;**

**(II) SHOW KNOWLEDGE ON THE PART OF THE PRINCIPAL TO CONVICT FOR THE ACTS OF THE AGENT; OR**

**(III) STATE THE NAME OF ANY PERSON TO WHOM THE ALCOHOLIC BEVERAGE IS SOLD; BUT**

**(2) IT IS SUFFICIENT TO STATE THAT THE VIOLATION CHARGED TOOK PLACE IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 16–414(c)(2) and, as it related to Wicomico County, (q).

In the introductory language of this section, the former reference to a prosecution “by charge, indictment or otherwise” is deleted as surplusage.

In item (1)(i) of this section, the former reference to the place where an alcoholic beverage is “involved” is deleted as included in the reference to “sold or handled”.

In item (1)(ii) of this section, the former reference to a “servant” is deleted as included in the reference to an “agent”.

The former provision stating that it shall “not be necessary to state the kind of liquor sold, handled or involved” is deleted as redundant of § 6–206 of this article.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 32–101

“Person” § 1–101

**32-2608. RECEIPT IS PRIMA FACIE EVIDENCE OF SALE.**

**IN A PROSECUTION UNDER THIS ARTICLE, A RECEIPT ISSUED BY THE UNITED STATES IN THE COUNTY TO A PERSON AS A WHOLESALER OR RETAIL DEALER IN ALCOHOLIC BEVERAGES OR MALT LIQUOR IS PRIMA FACIE EVIDENCE OF THE SALE OF THE CLASS OF ALCOHOLIC BEVERAGES OR MALT LIQUOR AUTHORIZED TO BE SOLD UNDER THE RECEIPT:**

- (1) BY THE PERSON;**
- (2) IN THE COUNTY OR A PLACE OF BUSINESS OF THE PERSON WHERE THE RECEIPT IS POSTED; AND**
- (3) AT THE TIME CHARGED IN A SUIT OR PROSECUTION UNDER THIS ARTICLE, IF THE TIME IS WITHIN THE LIFE OF THE RECEIPT.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 16-414(c)(2) and, as it related to Wicomico County, (q).

The former reference to an "internal revenue service special tax stamp" is deleted as obsolete.

The former phrase "in any place" in the County is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"County" § 32-101

"Person" § 1-101

"Retail dealer" § 1-101

"Wholesaler" § 1-101

**32-2609. ITEMS SEIZED AS EVIDENCE.**

- (A) IN GENERAL.**

**ALCOHOLIC BEVERAGES AND ITEMS USED TO SELL ALCOHOLIC BEVERAGES THAT ARE SEIZED SHALL BE HELD SUBJECT TO THE ORDER OF THE COURT TO BE USED AS EVIDENCE IN THE PROSECUTION OF A VIOLATION OF THIS ARTICLE.**

- (B) PRIMA FACIE EVIDENCE.**

**PRIMA FACIE EVIDENCE OF THE VIOLATION OF THIS ARTICLE INCLUDES:**

**(1) ALCOHOLIC BEVERAGES AND ITEMS USED TO SELL ALCOHOLIC BEVERAGES;**

**(2) THE MEANS OR MATERIALS TO MANUFACTURE, TRANSPORT, OR DISPOSE OF THE ALCOHOLIC BEVERAGES; AND**

**(3) THE PARAPHERNALIA OF A BARROOM OR SALOON.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 16–414(c)(1) and, as it related to Wicomico County, (q).

In subsection (a) of this section, the reference to “items used to sell alcoholic beverages” is substituted for the former reference to “means used for the sale of the same” for clarity.

Also in subsection (a) of this section, the former phrase “of any case” is deleted as surplusage.

In the introductory language of subsection (b) of this section, the reference to “this article” is substituted for the former reference to “this subtitle” to conform to the terminology used in subsection (a) of this section.

In subsection (b)(2) of this section, the former reference to “instrumentalities” is deleted as included in the reference to “materials”.

Also in subsection (b)(2) of this section, the former reference to “dispens[e], handl[e]” is deleted in light of the reference to “dispose”.

Also in subsection (b)(2) of this section, the former reference to a violation of this article “as charged or presented” is deleted as surplusage.

In subsection (b)(3) of this section, the former reference to “part of the paraphernalia” is deleted as unnecessary in light of the reference to “paraphernalia”.

The second sentence of former Art. 2B, § 16–414(c)(1), which stated that fluids poured out or otherwise destroyed when the premises, place, or thing are searched or about to be searched, are to be held prima facie to be intoxicating liquor and intended for sale in violation of this article, is deleted as duplicative of § 1–809(b) of this article.

Defined term: “Alcoholic beverage” § 1–101

**32–2610. NOTICE OF HEARING.**

**(A) POSTING NEAR PLACE OR LOCATION OF THING SEARCHED.**

**(1) AFTER SCHEDULING A HEARING TO DETERMINE THE PURPOSE FOR WHICH THE ALCOHOLIC BEVERAGES ARE KEPT, THE COURT SHALL ISSUE A HEARING NOTICE TO THE OFFICER WHO CARRIED OUT THE SEARCH.**

**(2) ON RECEIPT OF THE NOTICE, THE OFFICER SHALL POST THE NOTICE AT OR NEAR THE PLACE OR THING WHERE THE ALCOHOLIC BEVERAGES WERE FOUND.**

**(B) FAILURE TO APPEAR AT HEARING.**

**IF NO ONE APPEARS TO CLAIM THE ALCOHOLIC BEVERAGES OR OTHER SEIZED ITEMS AT THE HEARING SCHEDULED IN ACCORDANCE WITH THIS SECTION OR WITHIN 30 DAYS AFTER THE HEARING, THE COURT SHALL ORDER THAT THE ALCOHOLIC BEVERAGES AND OTHER ITEMS BE DISPOSED OF.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second and third sentences of former Art. 2B, § 16-414(e) and, as it related to Wicomico County, (q).

In subsection (a)(2) of this section, the former term "premises" is deleted as included in the term "place".

In subsection (b) of this section, the former reference to items being "destroyed" is deleted as included in the reference to items being "disposed of".

Defined term: "Alcoholic beverage" § 1-101

**32-2611. DISPOSITION OF SEIZED ITEMS.**

**(A) PROSECUTION RESULTING IN CONVICTION.**

**IF A PROSECUTION UNDER THIS ARTICLE RESULTS IN A CONVICTION AND AN APPEAL IS NOT TAKEN:**

**(1) ALCOHOLIC BEVERAGES SEIZED IN CONNECTION WITH THE PROSECUTION SHALL BE ORDERED TO BE DESTROYED; AND**

**(2) OTHER PROPERTY SEIZED IN CONNECTION WITH THE PROSECUTION SHALL CONTINUE TO BE HELD AS THE PROPERTY OF THE DEFENDANT OR THE OWNER.**

**(B) PROSECUTION NOT RESULTING IN CONVICTION.**

**IF A PROSECUTION UNDER THIS ARTICLE DOES NOT RESULT IN A CONVICTION, PROPERTY SEIZED IN CONNECTION WITH THE PROSECUTION SHALL BE RETURNED TO THE PERSON FROM WHOM IT WAS TAKEN.**

**(C) CLAIM FOR RETURN OF ITEMS OR DAMAGES.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERSON'S CLAIM OF INSUFFICIENCY OF THE DESCRIPTION OF THE ALCOHOLIC BEVERAGES SEIZED UNDER THIS SUBTITLE OR THE PLACE OR THING SEARCHED PROVIDED IN THE COMPLAINT OR WARRANT DOES NOT RESULT IN THE IMMEDIATE RETURN OF THE ALCOHOLIC BEVERAGES TO THE PERSON.**

**(2) THE PERSON WITH A CLAIM OF INSUFFICIENCY UNDER PARAGRAPH (1) OF THIS SUBSECTION IS ENTITLED TO A HEARING ON THE CLAIM WHEN THE CASE IS TRIED.**

**(3) A CONVICTION UNDER THIS SUBTITLE BARS AN ACTION FOR:**

**(I) THE RECOVERY OF ALCOHOLIC BEVERAGES OR THE VALUE OF ALCOHOLIC BEVERAGES; OR**

**(II) DAMAGES ALLEGED TO HAVE ARISEN FROM SEIZING ALCOHOLIC BEVERAGES.**

**(4) ALCOHOLIC BEVERAGES OR OTHER ITEMS SEIZED UNDER THIS SUBTITLE MAY NOT BE TAKEN FROM THE CUSTODY OF THE OFFICER BY A WRIT OF REPLEVIN OR OTHER PROCESS WHILE A PROSECUTION UNDER THIS SUBTITLE IS PENDING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-414(d), (h), and, as it related to Wicomico County, (q).

In the introductory language of subsection (a) of this section, the reference to a "prosecution under this article results in a conviction" is substituted for the former reference to "upon final judgment of the court, the accused shall be found guilty" for brevity.

Also in the introductory language of subsection (a) of this section, the reference to an appeal that is "not taken" is substituted for the former phrase "after the time for appeal has expired and if no appeal is taken" for brevity.

In subsection (a)(2) of this section, the reference to the “defendant” is substituted for the former reference to the “accused” for consistency with the language used throughout the Code.

In subsection (c)(1) of this section, the reference to “alcoholic beverages seized under this subtitle” is substituted for the former reference to liquor “seized by virtue of such warrant” for clarity and consistency with the language used in this subtitle.

In subsection (c)(2) of this section, the phrase “on the claim” is added for clarity.

In the introductory language of subsection (c)(3) of this section, the former reference to “final judgment of” conviction is deleted as surplusage.

Also in the introductory language of subsection (c)(3) of this section, the phrase “under this subtitle” is substituted for the former phrase “in such proceedings” for clarity.

Also in the introductory language of subsection (c)(3) of this section, the former phrase “in all cases” is deleted as surplusage.

In subsection (c)(3)(ii) of this section, the former reference to the “detention” of alcoholic beverages is deleted as included in the reference to the “seizing” of alcoholic beverages.

In subsection (c)(4) of this section, the phrase “under this subtitle” is substituted for the former phrase “herein provided” for clarity.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

### **32–2612. DISTRIBUTION OF FINES.**

**ONE–HALF OF EACH FINE IMPOSED IN THE COUNTY SHALL BE DISTRIBUTED AS PROVIDED UNDER § 7–507 OF THE COURTS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–502(c), as it related to Wicomico County.

Defined term: “County” § 32–101

### **32–2613. USE OF FINES.**

**(A) DETECTIVES OR UNDERCOVER AGENTS.**

**(1) THE COUNTY MAY USE ANY PART OF THE FINES FOR A VIOLATION OF THIS ARTICLE TO HIRE DETECTIVES OR UNDERCOVER AGENTS.**

**(2) A DETECTIVE OR AN UNDERCOVER AGENT HIRED UNDER THIS SECTION SHALL BE DEPUTIZED AS AN OFFICER.**

**(B) APPROPRIATION FROM GENERAL FUND.**

**WHEN MONEY IS NOT AVAILABLE FROM FINES, THE COUNTY COMMISSIONERS MAY APPROPRIATE NOT MORE THAN \$200 ANNUALLY FROM THE GENERAL FUND OF THE COUNTY TO ENFORCE THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–414(n) and (q), as they related to Wicomico County.

In subsection (a) of this section, the references to “undercover agents” are substituted for the former reference to “secret service officers” for clarity.

In subsection (a)(1) of this section, the former reference to fines “imposed by a circuit court” is deleted as unnecessary because all fines under this subtitle are imposed by a circuit court.

In subsection (a)(2) of this section, the former reference to a “proper” officer is deleted as surplusage.

In subsection (b) of this section, the reference to “money” is substituted for the former reference to “funds” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to fines “collected for the violation of this article” is deleted as unnecessary.

Defined term: “County” § 32–101

### **32–2614. PUBLIC NUISANCE.**

**(A) PLACE DECLARED PUBLIC NUISANCE.**

**A PLACE WHERE ALCOHOLIC BEVERAGES ARE SOLD IN VIOLATION OF THIS ARTICLE OR TITLE 5 OF THE TAX – GENERAL ARTICLE IS A PUBLIC NUISANCE.**

**(B) BOND REQUIREMENT.**

**(1) ON CONVICTION OF THE OWNER OR OPERATOR OF THE PLACE, THE PLACE MAY BE CLOSED AND THE PUBLIC NUISANCE MAY BE ABATED UNTIL A \$2,000 BOND IS POSTED, PAYABLE TO THE STATE.**

**(2) THE BOND SHALL BE CONDITIONED ON THE OWNER OR OPERATOR:**

**(I) NOT SELLING ALCOHOLIC BEVERAGES IN VIOLATION OF THIS ARTICLE; AND**

**(II) PAYING ALL FINES, COSTS, AND DAMAGES ASSESSED AGAINST THE OWNER.**

**(3) IF A CONDITION OF THE BOND IS VIOLATED, THE COUNTY MAY BRING ACTION AGAINST THE OWNER OR OPERATOR FOR FINES, COSTS, AND DAMAGES.**

**(C) JURY TRIAL; APPEAL.**

**IF A JURY TRIAL IS REQUESTED OR APPEAL IS TAKEN IN A CASE IN WHICH A PLACE IS ALLEGED TO BE A PUBLIC NUISANCE, THE PLACE SHALL BE CLOSED UNTIL THE DEFENDANT POSTS A \$2,000 BOND UNDER THE SAME CONDITIONS AS THOSE SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION.**

**(D) PENALTIES.**

**A PERSON WHO OWNS OR OPERATES A PUBLIC NUISANCE AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$200 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-414(a), the sixth sentence of (p), and, as it related to Wicomico County, (q).

In subsection (a) of this section, the reference to "Title 5 of the Tax – General Article" is added for accuracy. Former Article 2B of the Code at one time included provisions that are now codified in Title 5 of the Tax – General Article.

In subsection (b) of this section, the references to "owner or operator" are substituted for the former references to "keeper" for clarity and consistency with language used in reference to abatement of nuisance actions in RP § 14-120.

In subsections (b)(1) and (c) of this section, the references to a place being “closed” are substituted for the former references to a place being “shut up and abated” for clarity and consistency with language used throughout this article.

In subsection (b)(1) of this section, the phrase “the public nuisance may be abated” is added for clarity.

Also in subsection (b)(1) of this section, the former phrase “with sufficient security to be approved by the court, in the penal sum” of \$2,000 is deleted as surplusage.

In subsection (b)(2)(i) of this section, the reference to selling alcoholic beverages “in violation of this article” is substituted for the former reference to selling intoxicating liquor “contrary to law” for clarity and consistency with language used throughout this article.

In subsection (d) of this section, the reference to being “guilty of a misdemeanor” is added to state expressly that which only was implied by the reference in the former law to a “conviction”. In this State, any crime that was not a felony at common law and has not been declared a felony by statute is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976) and *Williams v. State*, 4 Md. App. 342, 347 (1968).

Also in subsection (d) of this section, the reference to a person who “owns or operates a public nuisance as described in subsection (a) of this section” is added for clarity.

Also in subsection (d) of this section, the former references to the minimum penalties of “not less than fifty dollars” and “not less than three months” are deleted in light of CR § 14–102, which allows the court to impose, instead of a minimum penalty, a lesser penalty of the same character.

Also in subsection (d) of this section, the former reference to the penalties applying “[i]n Wicomico County” is deleted as unnecessary in light of the organization of this title.

Also in subsection (d) of this section, the former reference to the imprisonment “in the county jail” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 32–101

“Person” § 1–101

“State” § 1–101

## SUBTITLE 27. PROHIBITED ACTS.

**32-2701. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6-305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**
- (2) § 6-306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL”);**
- (3) § 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**
- (4) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**
- (5) § 6-310 (“PROVIDING FREE FOOD”);**
- (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);**
- (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);**
- (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);**
- (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);**
- (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);**
- (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);**
- (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**
- (13) § 6-320 (“DISORDERLY INTOXICATION”);**

(14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);

(15) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);

(16) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);

(17) § 6-327 (“TAX EVASION”);

(18) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

(19) § 6-329 (“PERJURY”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 32-2702 OF THIS SUBTITLE;

(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 32-2703 OF THIS SUBTITLE; AND

(3) § 6-322 (“POSSESSION OF OPEN CONTAINER”), SUBJECT TO § 32-2704 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 32-101

“License holder” § 1-101

“Retail dealer” § 1-101

**32-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — NO BAR TO ADMINISTRATIVE ACTION.**

THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS

**ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(f)(2).

Former Art. 2B, § 12–108(f)(1)(xii), which stated that the provisions of former Art. 2B, § 12–108(f) applied in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 32–101  
“License holder” § 1–101

**32–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6–307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(f)(2).

Defined terms: “Board” § 32–101  
“License holder” § 1–101

**32–2704. POSSESSION OF OPEN CONTAINER — WRITTEN CONSENT REQUIRED.**

**AN INDIVIDUAL MAY POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN CONTAINER ON PRIVATE PROPERTY DESCRIBED UNDER § 6–322(A)(1) OF THIS ARTICLE ONLY IF THE INDIVIDUAL POSSESSES AND PRESENTS THE WRITTEN CONSENT OF THE OWNER OF THE PROPERTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19–301(a)(2).

The former definition of “unless authorized” is revised as a substantive statement describing the circumstances under which an individual may possess an alcoholic beverage in an open container for clarity.

Former Art. 2B, § 19–301(a)(1)(vii), which stated that former Art. 2B, § 19–301(a)(2) applied in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that this section does not specify to whom the written consent must be presented.

Defined term: "Alcoholic beverage" § 1-101

**32-2705. ALLOWING INDIVIDUAL UNDER THE AGE OF 21 YEARS TO LOITER ON PREMISES.**

**(A) PROHIBITED.**

**(1) A LICENSE HOLDER OR AN AGENT OR AN EMPLOYEE OF THE LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL UNDER THE AGE OF 21 YEARS TO LOITER ABOUT THE PREMISES FOR WHICH A CLASS B OR CLASS D BEER LICENSE IS ISSUED.**

**(2) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT LOITER OR BE A NUISANCE ON THE PREMISES FOR WHICH A CLASS B OR CLASS D BEER LICENSE IS ISSUED.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$200 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-303(b) and, as it related to Wicomico County, (a).

In subsection (a) of this section, the former reference to "loaf[ing]" is deleted as included in the reference to "loiter[ing]".

Also in subsection (a) of this section, the references to an "individual under the age of 21 years" are substituted for the former references to a "person not designated in § 1-102(a)(6) of this article" for clarity and consistency with other similar provisions of this article.

In subsection (b) of this section, the reference to being "guilty of a misdemeanor" is added to state expressly that which was only implied in the former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342, 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*, 123 Md. 373, 378 (1914).

Defined terms: “Beer” § 1–101  
“License holder” § 1–101  
“Person” § 1–101

## **SUBTITLE 28. PENALTIES.**

### **32–2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 32–101

### **32–2802. PENALTY IMPOSED BY BOARD.**

#### **(A) IN GENERAL.**

**THE BOARD MAY SUSPEND A LICENSE OR IMPOSE A FINE NOT EXCEEDING \$5,000 OR BOTH FOR A VIOLATION THAT IS CAUSE FOR SUSPENSION UNDER THE ALCOHOLIC BEVERAGE LAWS AFFECTING THE COUNTY.**

#### **(B) FINES PAID TO DIRECTOR OF FINANCE.**

**FINES COLLECTED UNDER THIS SECTION SHALL BE PAID TO THE DIRECTOR OF FINANCE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(x).

In subsection (b) of this section, the reference to “director of finance” is substituted for the former reference to the “local collecting agent” for clarity.

Defined terms: “Alcoholic beverage” § 1–101  
“Board” § 32–101  
“County” § 32–101  
“License” § 1–101

## **TITLE 33. WORCESTER COUNTY.**

### **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

**33-101. DEFINITIONS.****(A) IN GENERAL.****IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR WORCESTER COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Worcester County”.

**(C) COUNTY.**

**“COUNTY” MEANS WORCESTER COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to “Worcester County”.

**(D) TAXPAYER.**

**“TAXPAYER” MEANS AN INDIVIDUAL WHO:**

**(1) OWNS REAL ESTATE IN THE COUNTY IN THE INDIVIDUAL'S OWN NAME, INDIVIDUALLY OR JOINTLY WITH OTHERS; AND**

**(2) PAYS REAL ESTATE TAXES TO THE COUNTY.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 1-102(b)(5).

In item (2) of this subsection, the former reference to “actually” paying real estate taxes is deleted as surplusage.

Defined term: “County” § 33–101

### **33–102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN WORCESTER COUNTY.**

REVISOR’S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

### **33–103. MUNICIPAL LICENSE FEE AUTHORIZED.**

**NOTWITHSTANDING § 1–203 OF THIS ARTICLE, A MUNICIPALITY MAY REQUIRE A LICENSE HOLDER FOR A PLACE OF BUSINESS IN THE MUNICIPALITY TO PAY TO THE MUNICIPALITY AN ADDITIONAL ANNUAL LICENSE FEE NOT EXCEEDING 20% OF THE FEE PAYABLE UNDER THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–101(b)(2).

The phrase “[n]otwithstanding § 1–203 of this article,” is added for clarity.

Former Art. 2B, § 8–101(b)(1)(ii), which stated that former Art. 2B, § 8–101(b) applied to Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “License” § 1–101

“License holder” § 1–101

### **33–104. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to the “County Commissioners” is substituted for the former reference to the “local governing body” for clarity.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 33–101

#### GENERAL REVISOR’S NOTE TO SUBTITLE

Throughout this title, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4–101(y), which defined “light wine” in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

#### **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

##### **33–201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR WORCESTER COUNTY.**

REVISOR’S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Worcester County exists.

##### **33–202. MEMBERSHIP.**

###### **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD, SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.**

###### **(B) QUALIFICATIONS.**

**EACH MEMBER OF THE BOARD SHALL BE:**

- (1) A RESIDENT AND VOTER OF THE COUNTY; AND**

**(2) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.**

**(C) TENURE.**

**(1) THE TERM OF A MEMBER IS 4 YEARS.**

**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

**(D) VACANCIES.**

**(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

**(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(E) REMOVAL.**

**(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

**(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

**(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–101(a)(3) and (4) and (y)(2) and (3) and 15–110(a).

In subsection (a) of this section, the reference to “members to the Board” is substituted for the former reference to “persons who constitute the Board of License Commissioners” for brevity.

Also in subsection (a) of this section, the requirement for “the advice and consent of” the Maryland Senate is substituted for the former reference to

“confirmation by” the Maryland Senate for clarity and consistency within this revised article.

In subsection (b)(1) of this section, the defined term “County” is substituted for the former reference to “Baltimore City or the respective counties, as the case may be” because this title applies only to Worcester County.

In subsection (b)(2) of this section, the reference to an “individual” is substituted for the former reference to “persons” because only a human being and not the other entities included in the defined term “person” may serve as a member of a board of license commissioners.

In subsection (c)(1) of this section, the former reference to “hold[ing] office” for a certain term is deleted as surplusage.

In subsection (c)(2) of this section, the requirement that the terms of the members of the Board be staggered as required on “July 1, 2016” is substituted for the former obsolete requirement that the terms be staggered as required on “January 1, 1994”. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Worcester County.

Subsection (d) of this section is standard language substituted for the former reference to the duty of the Governor, if a vacancy occurs on the Board when the General Assembly is not in session, to appoint an eligible individual to fill the vacancy for the remainder of the term. The standard language is intended to correct a gap in the former law, which was silent as to the procedure to be followed if a vacancy occurs when the General Assembly is in session.

In subsection (e)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (e)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Defined terms: “Board” § 33–101

“County” § 33–101

### **33–203. SUBSTITUTE MEMBER.**

#### **(A) APPOINTMENT BY GOVERNOR.**

**IN ADDITION TO THE REGULAR MEMBERS OF THE BOARD, THE GOVERNOR SHALL APPOINT A SUBSTITUTE BOARD MEMBER.**

#### **(B) CONDITIONS OF OFFICE.**

**(1) THE TERM OF THE SUBSTITUTE MEMBER IS 4 YEARS.**

**(2) THE SUBSTITUTE MEMBER:**

**(I) SHALL SERVE ON THE BOARD IN THE ABSENCE OF A QUORUM OF THE REGULAR MEMBERS DUE TO ILLNESS OR CONFLICT OF INTEREST; AND**

**(II) HAS ALL OF THE POWERS AND DUTIES OF A REGULAR MEMBER WHEN SERVING ON THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(y)(5).

Throughout this section, the references to a “substitute” member are substituted for the former references to an “alternate” member to conform to the terminology used in other similar provisions of this article.

In subsection (b) of this section, the reference that the term of a substitute member “is 4 years” is substituted for the former reference that the term of a substitute member “shall run concurrently with the term of the regular members” for clarity and brevity.

Defined term: “Board” § 33–101

### **33–204. CHAIR.**

**IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE MEMBERS OF THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(y)(4).

The reference to “[i]n making the appointments, the Governor” is added to make explicit what was only implied in the former law, that the Governor is required to designate a chair.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

Former Art. 2B, § 15–101(y)(1), which provided that former Art. 2B, § 15–101(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: "Board" § 33-101

**33-205. SALARIES; STAFF.**

**(A) SALARIES.**

**(1) THE CHAIR OF THE BOARD SHALL RECEIVE A SALARY OF NOT LESS THAN \$2,500 ANNUALLY, AS DETERMINED BY THE COUNTY COMMISSIONERS.**

**(2) EACH OTHER REGULAR MEMBER OF THE BOARD SHALL RECEIVE A SALARY OF NOT LESS THAN \$2,100 ANNUALLY, AS DETERMINED BY THE COUNTY COMMISSIONERS.**

**(3) THE SUBSTITUTE MEMBER OF THE BOARD SHALL RECEIVE COMPENSATION THAT THE COUNTY COMMISSIONERS DETERMINE FOR SERVICES WHEN ACTING ON THE BOARD.**

**(B) STAFF.**

**SUBJECT TO § 33-206 OF THIS SUBTITLE, THE BOARD MAY:**

**(1) EMPLOY:**

**(I) A SECRETARY;**

**(II) INSPECTORS; AND**

**(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

**(2) SET THE COMPENSATION OF THE EMPLOYEES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15-109(y) and 15-112(a)(2).

In subsection (a)(2) of this section, the reference to each "other" regular member is added for clarity.

In subsection (a)(3) of this section, the reference to the "substitute" member is substituted for the former reference to the "alternate" member to conform to the terminology used in other similar provisions of this article.

In subsection (b)(1)(iii) of this section, the reference to "assistants" is substituted for the former reference to "assistance" for clarity.

Defined terms: “Board” § 33–101  
“County” § 33–101

### **33–206. INSPECTOR.**

#### **(A) APPOINTMENT; COMPENSATION.**

**(1) THE BOARD MAY APPOINT AN INSPECTOR WITH THE CONSENT OF THE COUNTY COMMISSIONERS.**

**(2) THE SALARY OF THE INSPECTOR SHALL BE AS PROVIDED IN THE COUNTY BUDGET.**

#### **(B) POWERS.**

**THE INSPECTOR HAS THE POWERS OF A PEACE OFFICER OR SHERIFF IN THE STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE.**

#### **(C) DUTIES.**

**THE BOARD SHALL SPECIFY THE DUTIES OF THE INSPECTOR, INCLUDING THE PROPER ADMINISTRATION AND ENFORCEMENT OF THE ALCOHOLIC BEVERAGES LAWS IN THE COUNTY.**

#### **(D) OATH.**

**THE INSPECTOR SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(y)(2).

In subsection (b) of this section, the reference to the powers “arising out of or relating to the enforcement of this article” is substituted for the former reference to the powers “[f]or the purpose of the alcoholic beverages laws” for consistency with other similar provisions of this article.

In subsection (d) of this section, the reference to the requirement to “take the oath required by Article I, § 9 of the Maryland Constitution” is substituted for the former reference to the requirement to “make an oath to perform the duties entrusted, as provided in Article I, § 9 of the Constitution of Maryland” for brevity.

Former Art. 2B, § 15–112(y)(1), which provided that former Art. 2B, § 15–112(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 33–101

“County” § 33–101

“State” § 1–101

### **33–207. COUNTY COMMISSIONERS TO PAY SALARIES AND EXPENSES OF BOARD.**

**THE BOARD OF COUNTY COMMISSIONERS SHALL PAY THE SALARIES AND EXPENSES OF THE BOARD OF LICENSE COMMISSIONERS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(y).

Defined term: “County” § 33–101

### **33–208. NOISE.**

#### **(A) EXCEEDING LOCAL LIMITS PROHIBITED.**

**A PERSON MAY NOT PLAY ON LICENSED PREMISES MUSIC THAT EXCEEDS THE NOISE LEVEL LIMITS ESTABLISHED UNDER LOCAL LAW.**

#### **(B) REGULATION BY BOARD.**

**THE BOARD MAY REGULATE THE PLAYING TIME AND NOISE LEVEL OF LIVE MUSIC, A MECHANICAL MUSIC BOX, OR A SOUND MAKING DEVICE ON LICENSED PREMISES IF THE SOUND DISTURBS THE PEACE, TRANQUILITY, SAFETY, AND HEALTH OF THE SURROUNDING NEIGHBORHOOD.**

#### **(C) ENFORCEMENT ACTIONS.**

**IF THE BOARD FINDS THAT A LICENSED PREMISES IS IN VIOLATION OF THIS SECTION, THE BOARD MAY:**

**(1) REQUIRE THE LICENSE HOLDER TO ALTER THE TIME THAT THE MUSIC IS PLAYED;**

**(2) REQUIRE THE LICENSE HOLDER TO REDUCE THE NOISE LEVEL; OR**

**(3) TAKE ANY OTHER ENFORCEMENT ACTION THAT IS AUTHORIZED UNDER THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–224.1(b) through (d).

In subsection (a) of this section, the reference to noise level limits “established under local law” is substituted for the former reference to noise level limits “under § ZS 1–327 of the Code of Public Local Laws of Worcester County or ... the municipal corporation in which the licensed premises is located” for clarity and brevity.

In subsection (c)(3) of this section, the reference to an “enforcement” action is added for clarity.

Former Art. 2B, § 12–224.1(a), which stated that former Art. 2B, § 12–224.1 applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 33–101  
“License holder” § 1–101  
“Person” § 1–101

### **33–209. REGULATIONS.**

#### **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Worcester County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 33–101

### **SUBTITLE 3. DEPARTMENT OF LIQUOR CONTROL.**

**33-301. DEFINITIONS.****(A) IN GENERAL.**

**IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR'S NOTE: This subsection is new language added as the standard introductory language to a definition section.

**(B) DEPARTMENT.**

**“DEPARTMENT” MEANS THE DEPARTMENT OF LIQUOR CONTROL FOR THE COUNTY.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 15-204(e)(1).

Defined term: “County” § 33-101

**(C) DISPENSARY.**

**“DISPENSARY” MEANS A STORE ESTABLISHED AND MAINTAINED BY THE DEPARTMENT FOR THE SALE OF ALCOHOLIC BEVERAGES.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from the first clause of the first sentence of former Art. 2B, § 15-203(a)(1) and added to provide a convenient reference to a store established and maintained by the Department of Liquor Control.

Defined terms: “Alcoholic beverage” § 1-101

“Department” § 33-301

**33-302. ESTABLISHED.**

**THERE IS A DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY GOVERNMENT, WHICH FUNCTIONS AS A LIQUOR CONTROL BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-201(a)(1) and (3) and, as it related to Worcester County, § 15-210.

The phrase “which functions as a liquor control board” is substituted for the former phrase “[which h]as the powers of a liquor control board as defined in § 15-205 of this subtitle” for brevity.

Defined term: “County” § 33–101

**33–303. DIRECTOR.**

**(A) APPOINTMENT.**

**THE BOARD OF COUNTY COMMISSIONERS SHALL APPOINT THE DIRECTOR OF THE DEPARTMENT.**

**(B) TENURE.**

**THE DIRECTOR SHALL SERVE AT THE PLEASURE OF THE BOARD OF COUNTY COMMISSIONERS.**

**(C) RESTRICTIONS ON FINANCIAL INTERESTS.**

**(1) THE DIRECTOR OF THE DEPARTMENT MAY NOT:**

**(I) HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR**

**(II) DERIVE PROFIT OR REMUNERATION FROM THE SALE OF ALCOHOLIC BEVERAGES OTHER THAN THE SALARY OR WAGES PAYABLE FOR THE DISCHARGE OF THE DUTIES OF THE OFFICE.**

**(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–201(b)(1)(i) and (iv) and (c)(5) and, as it related to members of a liquor control board, § 15–208(a).

In the introductory language of subsection (c)(1) of this section, the reference to “[t]he director of the Department” is substituted for the former reference to “a liquor control board” to reflect the fact that the County Department of Liquor Control replaced the County Liquor Control Board in 2013.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 33–101

“Department” § 33–301

“Person” § 1–101

**33-304. STAFF.****(A) APPOINTMENT.**

**THE DEPARTMENT SHALL APPOINT EMPLOYEES NECESSARY TO OPERATE THE DISPENSARY SYSTEM, SET EMPLOYEE COMPENSATION, AND REQUIRE A BOND FOR THE FAITHFUL PERFORMANCE OF EMPLOYEE DUTIES.**

**(B) RESTRICTIONS ON FINANCIAL INTERESTS.****(1) AN EMPLOYEE OF THE DEPARTMENT MAY NOT:**

**(I) HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR**

**(II) DERIVE PROFIT OR REMUNERATION FROM THE SALE OF ALCOHOLIC BEVERAGES OTHER THAN THE SALARY OR WAGES PAYABLE FOR THE DISCHARGE OF THE DUTIES OF THE OFFICE.**

**(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15-205(a)(1)(i) and, as it related to employees, 15-208(a).

In the introductory language of subsection (b)(1) of this section, the reference to "the Department" is substituted for the former reference to "a liquor control board" to reflect the fact that the County Department of Liquor Control replaced the County Liquor Control Board in 2013.

In subsection (b)(1)(ii) of this section, the former reference to the duties of the "position, as herein prescribed or authorized" is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the defined term "person" who performs specific prohibited acts is substituted for the former reference to "any employee of said board" who performs specific prohibited acts for brevity.

Defined terms: "Alcoholic beverage" § 1-101

"Department" § 33-301

"Dispensary" § 33-301

"Person" § 1-101

**33-305. MONOPOLY CONTROL.****(A) IN GENERAL.**

**(1) SUBJECT TO § 1-309 OF THIS ARTICLE, AND EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION:**

**(I) THE DEPARTMENT HAS A MONOPOLY ON THE SALE AND DISTRIBUTION OF WINE, LIQUOR, OR ANY OTHER ALCOHOLIC BEVERAGE CONTAINING MORE THAN 14% OF ALCOHOL BY VOLUME IN THE COUNTY; AND**

**(II) A LICENSE HOLDER SHALL PURCHASE ALL WINE CONTAINING MORE THAN 14% OF ALCOHOL BY VOLUME AND LIQUOR FROM THE DEPARTMENT.**

**(2) A LICENSE HOLDER MAY PURCHASE BEER AND WINE CONTAINING 14% ALCOHOL BY VOLUME OR LESS FROM A LICENSED WHOLESALER.**

**(B) PURCHASE OF WINE AND LIQUOR BY LICENSE HOLDER.**

**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A LICENSE HOLDER WHO PURCHASES WINE OR LIQUOR FROM THE DEPARTMENT MAY NOT BE CHARGED MORE THAN 85% OF THE RETAIL PRICE OR ANY SPECIAL SALE PRICE OR DISCOUNT PRICE, WHICHEVER IS LOWER, SET BY THE DEPARTMENT.**

**(C) ELECTION TO PURCHASE WINE OR LIQUOR FROM LICENSED WHOLESALER.**

**(1) (I) A LICENSE HOLDER IN THE COUNTY MAY ELECT TO PURCHASE WINE OR LIQUOR FROM A LICENSED WHOLESALER BY PROVIDING WRITTEN NOTICE OF THE LICENSE HOLDER'S INTENT TO THE DEPARTMENT AT LEAST 60 DAYS BEFORE THE DATE THE PURCHASING ACTIVITY IS TO START.**

**(II) THE NOTICE SHALL CONTAIN:**

- 1. THE NAME OF THE LICENSE HOLDER;**
- 2. THE NAME AND ADDRESS OF THE LICENSED PREMISES; AND**
- 3. THE DATE THAT THE NOTICE WAS SENT TO THE DEPARTMENT.**

**(2) A LICENSE HOLDER THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION MAY PURCHASE WINE OR LIQUOR FROM A LICENSED WHOLESALER IN ADDITION TO OR INSTEAD OF THE DEPARTMENT.**

**(3) (I) THE DEPARTMENT SHALL ISSUE A LETTER OF CONFIRMATION TO A LICENSE HOLDER THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION.**

**(II) THE LICENSE HOLDER SHALL DISPLAY THE LETTER CONSPICUOUSLY ON THE LICENSED PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6–201(y)(7), 6–301(y)(8), 6–401(y)(2)(vi), 7–101(u)(5)(v), 15–204(a) and (e)(3) through (5), and 15–203(a)(3)(ii) and, except as it related to packages and containers, the first sentence of (1).

In subsections (a) and (c) of this section, the former references to “[b]eginning on July 1, 2014” are deleted as obsolete.

In subsection (a) of this section, the reference to “wine and liquor” is substituted for the former reference to “the particular alcoholic beverages which elsewhere in this subtitle [the Department] is empowered to sell” for clarity. The Department is authorized under this subtitle to sell wine and liquor but is prohibited from selling beer. *See* § 33–307(b) of this subtitle.

In subsection (b) of this section, the former reference to the receipt by a license holder of “at least a 15 percent discount from the retail sales price or any special sale price or discount price, whichever is lower” is deleted as surplusage.

Former Art. 2B, § 15–204(e)(2), which stated that former Art. 2B, § 15–204(e) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“County” § 33–101

“Department” § 33–301

“License holder” § 1–101

“Wholesaler” § 1–101

“Wine” § 1–101

### **33–306. OTHER POWERS.**

**(A) IN GENERAL.**

**SUBJECT TO § 1–309 OF THIS ARTICLE, THE DEPARTMENT MAY:**

**(1) PURCHASE FROM A HOLDER OF A WHOLESALER’S LICENSE OR MANUFACTURER’S LICENSE ALCOHOLIC BEVERAGES THAT THE DEPARTMENT IS AUTHORIZED TO SELL AND ON WHICH THE EXCISE TAX IMPOSED BY § 5–102 OF THE TAX – GENERAL ARTICLE IS PAID;**

**(2) (I) PURCHASE FROM A HOLDER OF A RESIDENT OR NONRESIDENT DEALER’S PERMIT AND IMPORT FOR RESALE ALCOHOLIC BEVERAGES THAT THE DEPARTMENT IS AUTHORIZED TO SELL; AND**

**(II) RESELL THE ALCOHOLIC BEVERAGES ONCE THE EXCISE TAX IS PAID;**

**(3) SELL ALCOHOLIC BEVERAGES IN SEALED CONTAINERS AT PRICES THAT THE DEPARTMENT DETERMINES AND THAT ARE UNIFORM IN ALL DISPENSARIES;**

**(4) REFUSE TO SELL ALCOHOLIC BEVERAGES TO A PERSON THAT, IN THE JUDGMENT OF THE DEPARTMENT, IS NOT SUITABLE TO PURCHASE OR CONSUME THE ALCOHOLIC BEVERAGES;**

**(5) RESTRICT BY ANY METHOD THE QUANTITY OF ALCOHOLIC BEVERAGES THAT MAY BE SOLD TO AN INDIVIDUAL CONSUMER OR LICENSE HOLDER AT OR DURING ANY TIME;**

**(6) ENTER INTO A CONTRACT OR ADOPT REGULATIONS NECESSARY OR DESIRABLE TO CARRY OUT THIS ARTICLE;**

**(7) SELL AND SHIP OUTSIDE OF THE COUNTY A CONTAINER OR PACKAGE OF ALCOHOLIC BEVERAGES KEPT FOR SALE IN A DISPENSARY, IF NOT PROHIBITED BY LAW IN THE PLACE WHERE THE SHIPMENT IS CONSIGNED;**

**(8) SUBJECT TO THE APPROVAL OF THE COUNTY, RENT, LEASE, OR PURCHASE PREMISES NECESSARY FOR THE OPERATION OF THE DISPENSARIES; AND**

**(9) SUBJECT TO § 33–307(D) OF THIS SUBTITLE, ESTABLISH THE HOURS OF SALE FOR DISPENSARIES, OUTSIDE OF WHICH A DISPENSARY MAY NOT REMAIN OPEN.**

**(B) ADDITIONAL POWERS.**

**(1) SUBJECT TO § 1-309 OF THIS ARTICLE AND THE APPROVAL OF THE COUNTY COMMISSIONERS, THE DIRECTOR OF THE DEPARTMENT MAY PURCHASE OR OTHERWISE ACQUIRE:**

**(I) REAL OR PERSONAL PROPERTY THAT THE DIRECTOR CONSIDERS NECESSARY TO OPERATE DISPENSARIES, STORES, OR WAREHOUSES; AND**

**(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WINE AND LIQUOR FROM ANY SOURCE FOR RESALE.**

**(2) (I) 1. ACTING AS A WHOLESALER, THE DEPARTMENT MAY PURCHASE WINE AND LIQUOR, ON WHICH THE EXCISE TAX HAS NOT BEEN PAID, FROM A LICENSED WHOLESALER.**

**2. THE DEPARTMENT MAY ONLY RESELL THE WINE AND LIQUOR PURCHASED UNDER THIS SUBPARAGRAPH TO A NONDISPENSARY, LICENSED RETAILER AND ONLY AFTER THE EXCISE TAX HAS BEEN PAID.**

**(II) ACTING AS A RETAILER, THE DEPARTMENT MAY PURCHASE WINE AND LIQUOR, ON WHICH THE EXCISE TAX HAS BEEN PAID, FROM A LICENSED WHOLESALER FOR RETAIL SALE IN DISPENSARY STORES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-205(b), (c), (d), (f), (g), (h), (l), and (e)(1).

In the introductory language of subsection (a) of this section, the reference stating that the Department "may" perform certain functions is substituted for the former reference stating that the liquor control board "shall have full power and authority" to perform these functions for clarity and brevity.

In subsection (a)(1) of this section, the former reference authorizing the purchase of "any sparkling or fortified wine" is deleted as included in the reference authorizing the purchase of "alcoholic beverages".

In subsection (a)(2)(i) of this section, the former reference to the sale of alcoholic beverages "as hereinafter provided" is deleted as unnecessary. Similarly, in subsection (a)(3) of this section, the former reference to the sale of alcoholic beverages "as above provided" is deleted as unnecessary.

In subsection (a)(3) of this section, the reference to the defined term "dispensaries" is substituted for the former reference to "stores" in the county for consistency within this subtitle.

Also in subsection (a)(3) of this section, the former phrase “in the said county” is deleted as included in the defined term “dispensaries”.

In subsection (a)(5) of this section, the reference to restricting the sale of alcoholic beverages “during” any time is substituted for the former reference to any “given ... period” for brevity.

Also in subsection (a)(5) of this section, the former reference to the authority of the Department to “limit” the sale of alcoholic beverages is deleted as included in the reference to the authority of the Department to “restrict” the sale of alcoholic beverages.

Also in subsection (a)(5) of this section, the former reference to a “system” of restricting the sale of alcoholic beverages is deleted as included in the reference to a “method” of restricting the sale of alcoholic beverages.

Also in subsection (a)(5) of this section, the former reference to a method of restricting the sale of alcoholic beverages “as may be prescribed by the liquor control board” is deleted as implicit in the authority of the Department to restrict alcoholic beverages sales.

In subsection (a)(6) of this section, the references to the authority of the Department to “enter” a contract or “adopt” a regulation are substituted for the former reference to the authority of the Department to “make” a contract or regulation for clarity and conform to the terminology used elsewhere in the revised Code. *See, e.g.*, EC §§ 3–303 and 10–209(a)(5) and HS § 4–606.

Also in subsection (a)(6) of this section, the former reference to “rules” is deleted as included in the reference to “regulations”.

Also in subsection (a)(6) of this section, the former reference to “the powers conferred upon [the Liquor Control Board] by” this article is deleted as unnecessary.

In subsection (a)(7) of this section, the former reference to a prohibited act “applicable” by law in a specified place is deleted as unnecessary.

In subsection (a)(9) of this section, the reference authorizing a liquor control board to “establish” hours of sale for county dispensaries is substituted for the former reference authorizing a liquor control board to “fix” hours of sale for county dispensaries for clarity.

Also in subsection (a)(9) of this section, the reference to hours “of sale” is substituted for the former reference to hours “for opening and closing” for clarity.

Also in subsection (a)(9) of this section, the former reference prohibiting the sale of alcoholic beverages at specific times is deleted as implicit in the establishment of hours of sale.

Defined terms: "Alcoholic beverage" § 1-101

"Consumer" § 1-101

"County" § 33-101

"Department" § 33-301

"Dispensary" § 33-301

"License holder" § 1-101

"Manufacturer's license" § 1-101

"Person" § 1-101

"Wholesaler" § 1-101

"Wholesaler's license" § 1-101

"Wine" § 1-101

### **33-307. DISPENSARIES.**

#### **(A) ESTABLISHED.**

**THE DEPARTMENT MAY ESTABLISH AND MAINTAIN STORES KNOWN AS "DISPENSARIES".**

#### **(B) AUTHORITY.**

**A DISPENSARY:**

**(1) MAY SELL ANY ALCOHOLIC BEVERAGE EXCEPT BEER; AND**

**(2) SHALL SELL ALCOHOLIC BEVERAGES IN A SEALED PACKAGE OR CONTAINER.**

#### **(C) AUTHORIZED DISPENSARY LOCATIONS.**

**THE DEPARTMENT MAY ESTABLISH AND MAINTAIN DISPENSARIES ONLY IN:**

**(1) BERLIN;**

**(2) OCEAN CITY;**

**(3) POCOMOKE CITY;**

**(4) SNOW HILL;**

**(5) A RURAL AREA APPROVED BY THE DEPARTMENT AND THE COUNTY COMMISSIONERS; AND**

**(6) A HOUSING DEVELOPMENT THAT:**

**(I) HAS A POPULATION OF AT LEAST 10,000 INDIVIDUALS;**

**(II) IS OVERSEEN BY A HOMEOWNERS ASSOCIATION; AND**

**(III) HAS A SPECIAL POLICE FORCE COMMISSIONED UNDER TITLE 3, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE.**

**(D) HOURS AND DAYS OF SALE.**

**THE DEPARTMENT MAY SELL OR DELIVER LIQUOR TO A RETAIL LICENSE HOLDER FROM 6 A.M. TO MIDNIGHT MONDAY THROUGH SATURDAY AND FROM 9 A.M. TO 5 P.M. ON SUNDAY.**

**(E) PROHIBITED ACTS.**

**A PERSON MAY NOT OPEN OR CONSUME THE CONTENTS OF A SEALED PACKAGE OR CONTAINER CONTAINING ALCOHOLIC BEVERAGES ON THE PREMISES OF THE DISPENSARY WHERE SOLD.**

**(F) ISSUANCE OR DENIAL OF LICENSE PROVISIONS NOT APPLICABLE.**

**TITLE 4, SUBTITLE 2 OF THIS ARTICLE DOES NOT APPLY TO THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9–102(e), 15–203(a)(1) and (3)(ii) and (f), and 11–201(g).

In subsection (d) of this section, the reference to “liquor” is substituted for the former reference to “alcoholic beverages, except beer and light wine” for brevity and clarity.

In subsection (e) of this section, the phrase “of the dispensary” is added for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Department” § 33–301

“Dispensary” § 33–301

“Person” § 1–101

**33-308. DISTRIBUTION OF PROCEEDS.****(A) DEBT REPAYMENT.**

THE DEPARTMENT SHALL APPLY PROCEEDS DERIVED FROM THE OPERATION OF DISPENSARIES FIRST TOWARD THE REPAYMENT OF MONEY THAT WAS LOANED TO OR BORROWED BY THE DEPARTMENT.

**(B) RESERVE FUND.**

AFTER REPAYMENT UNDER SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT MAY CREATE AND MAINTAIN A RESERVE FUND NOT EXCEEDING \$400,000 TO:

(1) PROVIDE ADEQUATE WORKING CAPITAL; AND

(2) COVER ANY LOSSES SUSTAINED BY THE DEPARTMENT IN OPERATING THE DISPENSARIES.

**(C) PAYMENTS TO COUNTY, MUNICIPALITIES, AND HOMEOWNERS ASSOCIATIONS.**

(1) AFTER THE DISTRIBUTIONS UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION, THE DEPARTMENT SHALL DISTRIBUTE ON OR BEFORE JUNE 1 ANNUALLY:

(I) THE PROCEEDS GENERATED BY DISPENSARIES IN RURAL AREAS OUTSIDE OF A MUNICIPAL BOUNDARY TO THE COUNTY GENERAL FUND; AND

(II) OF THE REMAINING PROCEEDS:

1. 50% TO THE COUNTY COMMISSIONERS; AND

2. 50% TO THE MAYORS AND CITY COUNCILS OF BERLIN, OCEAN CITY, POCOMOKE CITY, AND SNOW HILL, AND HOMEOWNERS ASSOCIATIONS THAT OVERSEE AN AREA IN WHICH A DISPENSARY HAS BEEN ESTABLISHED, IN AMOUNTS DETERMINED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(2) (I) THE DEPARTMENT SHALL DISTRIBUTE THE PROCEEDS DUE TO MUNICIPALITIES LISTED IN PARAGRAPH (1)(II)2 OF THIS SUBSECTION AND HOMEOWNERS ASSOCIATIONS PROPORTIONALLY ACCORDING TO THE NET PROFITS ON TOTAL SALES DERIVED FROM THE DISPENSARIES IN EACH MUNICIPALITY OR AREA OVERSEEN BY A HOMEOWNERS ASSOCIATION.

**(II) IF COUNTY COMMISSIONERS CONSENT FOR EACH MUNICIPALITY LISTED IN PARAGRAPH (1)(II)2 OF THIS SUBSECTION, TO DETERMINE THE SHARE OF A MUNICIPALITY, A DISPENSARY WITHIN 2 MILES OUTSIDE OF THE MUNICIPAL BOUNDARY SHALL BE CONSIDERED TO BE WITHIN THE MUNICIPAL BOUNDARY.**

**(III) DISTRIBUTIONS PAID TO A MUNICIPALITY UNDER THIS SUBSECTION SHALL BE USED FOR GENERAL MUNICIPAL PURPOSES.**

**(IV) DISTRIBUTIONS PAID TO A HOMEOWNERS ASSOCIATION SHALL BE USED FOR THE BENEFIT OF THE SPECIAL POLICE FORCE OF THE HOUSING DEVELOPMENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–207(h)(2), (3), and (4).

Throughout this section, references to the “Department” are substituted for the former obsolete references to the “Liquor Control Board”, which ended operations in 2011.

In subsections (a) and (c)(1) of this section, the references to “proceeds” are substituted for the former references to “net profits” to conform to terminology used in other revised articles.

In subsection (a) of this section, the reference to proceeds “derived” from sales is substituted for the former reference to proceeds “arising” from sales for clarity and consistency with other similar provisions relating to local county dispensaries.

Also in subsection (a) of this section, the reference to “money” loaned or borrowed is substituted for the former reference to “all sums” loaned or borrowed for clarity.

Also in subsection (a) of this section, the former redundant reference to money “due and owing” is deleted as unnecessary.

In the introductory language of subsection (c)(1) and in subsection (c)(2)(i) of this section, the references to the “Department” are added for clarity.

In the introductory language of subsection (c)(1) of this section, the reference to “[a]fter the distributions under subsections (a) and (b) of this section” is substituted for the former reference “in excess of the reserve fund” for clarity.

In subsection (c)(1)(i) of this section, the reference to proceeds “generated by dispensaries” is added for clarity.

In subsection (c)(2)(ii) of this section, the reference to a standard to “determine” the share of a municipality is substituted for the former reference to a standard for “calculating” the share of a municipality for clarity.

Also in subsection (c)(2)(ii) of this section, the reference to the “municipal boundary” is substituted for the former reference to the “corporate limits” for clarity and consistency within this section.

In subsection (c)(2)(iii) and (iv) of this section, the references to “distributions” paid are substituted for the former references to “amounts” paid for clarity.

In subsection (c)(2)(iv) of this section, the former reference to the housing development “in which a liquor dispensary has been established” is deleted as unnecessary in light of the fact that, by virtue of having received a distribution, there must be a dispensary located in the housing development.

Former Art. 2B, § 15–207(h)(1), which stated that former Art. 2B, § 15–207(h) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 33–101

“Department” § 33–301

“Dispensary” § 33–301

### **33–309. REPORTS.**

#### **(A) RECORD KEEPING REQUIREMENT.**

##### **(1) THE DEPARTMENT SHALL KEEP ACCURATE RECORDS OF:**

###### **(I) ALL PURCHASES OF ALCOHOLIC BEVERAGES; AND**

**(II) A COMPLETE STATEMENT OF THE BUSINESS CONDUCTED BY THE DEPARTMENT AND THE OPERATIONAL ACHIEVEMENTS OF THE DISPENSARY SYSTEM.**

**(2) THE RECORDS SHALL BE OPEN TO INSPECTION BY THE COMPTROLLER DURING REGULAR BUSINESS HOURS.**

#### **(B) ANNUAL REPORT.**

**THE DEPARTMENT SHALL SUBMIT A REPORT ANNUALLY TO THE COUNTY COMMISSIONERS FOR THE PERIOD ENDING ON APRIL 30.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–206(a).

Throughout this section, the references to the “Department” are substituted for the former obsolete references to the “liquor control board”, which ended operations in 2011.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“Department” § 33–301

“Dispensary” § 33–301

#### GENERAL REVISOR'S NOTE TO SUBTITLE

Former Art. 2B, § 15–202(e), which stated that certain provisions that allowed a board of county commissioners to advance money to the liquor control board of the same county did not apply to Worcester County, provided that any previous obligations incurred by the Liquor Control Board of Worcester County were not affected, is deleted as obsolete. The Liquor Control Board of Worcester County ended operations in 2011, and none of the Board's debt is outstanding.

#### SUBTITLE 4. MANUFACTURER'S LICENSES.

##### 33–401. APPLICATION OF GENERAL PROVISIONS.

###### (A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER'S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);
- (3) § 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”);
- (4) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);
- (5) § 2–205 (“CLASS 3 WINERY LICENSE”);
- (6) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);
- (7) § 2–207 (“CLASS 5 BREWERY LICENSE”);

- (8) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”);
- (9) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);
- (10) § 2-211 (“RESIDENCY REQUIREMENT”);
- (11) § 2-212 (“ADDITIONAL LICENSES”);
- (12) § 2-213 (“ADDITIONAL FEES”);
- (13) § 2-214 (“SALE OR DELIVERY RESTRICTED”);
- (14) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);
- (15) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);
- (16) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (17) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

**(B) VARIATION.**

**SECTION 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 33-403 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Defined terms: “County” § 33-101  
 “Manufacturer’s license” § 1-101

**33-402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-101(b)(16).

Defined terms: “Alcoholic beverage” § 1–101  
“Manufacturer’s license” § 1–101

**33–403. CLASS 7 MICRO–BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 7 MICRO–BREWERY LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**NOTWITHSTANDING § 2–209 (B) OF THIS ARTICLE, THE LICENSE MAY BE ISSUED ONLY TO THE HOLDER OF:**

**(1) A CLASS B BEER, WINE, AND LIQUOR (ON–SALE) LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF A RESTAURANT LOCATED IN THE COUNTY; OR**

**(2) A HOLDER OF A CLASS D BEER (OFF–SALE) LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF THE CLASS D LICENSE IF THE PREMISES IS LOCATED IN THE TOWN OF BERLIN.**

**(C) HOURS AND DAYS OF SALE.**

**THE HOURS AND DAYS OF SALE UNDER A CLASS 7 MICRO–BREWERY LICENSE ARE THE SAME AS THOSE FOR A CLASS D LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2–208(a), (f)(1)(ii), and (b)(2)(xxiv) and, as it related to the Town of Berlin, (3)(ii).

Defined terms: “Beer” § 1–101  
“County” § 33–101  
“Restaurant” § 1–101  
“Wine” § 1–101

**SUBTITLE 5. WHOLESALER’S LICENSES.**

**33–501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALE’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 2-301 (“LICENSES ISSUED BY COMPTROLLER”);
- (2) § 2-304 (“CLASS 3 BEER AND WINE WHOLESALE’S LICENSE”);
- (3) § 2-305 (“CLASS 4 BEER WHOLESALE’S LICENSE”);
- (4) § 2-306 (“CLASS 5 WINE WHOLESALE’S LICENSE”);
- (5) § 2-307 (“CLASS 6 LIMITED WINE WHOLESALE’S LICENSE”);
- (6) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALE’S LICENSE”);
- (7) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALE’S VEHICLE”);
- (8) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);
- (9) § 2-311 (“ADDITIONAL WHOLESALE’S LICENSES”);
- (10) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);
- (11) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);
- (12) § 2-315 (“INTERACTION BETWEEN WHOLESALEING ENTITIES AND RETAILERS”);
- (13) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (14) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALE’S AND RETAILERS — PROHIBITED”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALE’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) §§ 2-302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”) AND 2-303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”), SUBJECT TO § 33-505 OF THIS SUBTITLE; AND

(2) § 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”), SUBJECT TO § 33-504 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Defined terms: “County” § 33-101  
“Wholesaler’s license” § 1-101

### **33-502. HOURS AND DAYS OF SALE OR DELIVERY.**

EXCEPT AS PROVIDED IN § 33-503 OF THIS SUBTITLE, A HOLDER OF A WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(a).

Defined terms: “Alcoholic beverage” § 1-101  
“Wholesaler’s license” § 1-101

### **33-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

#### **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT RETURNS ON THE SAME DAY.

#### **(B) DISPENSING OF DRAFT BEER AGREEMENT REQUIRED.**

THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES REQUIRED TO DISPENSE DRAFT BEER.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include the type of equipment ... to dispense draft beer” is substituted for the former language that the “parties shall agree upon the type of equipment ... for the dispensing of draft beer” for clarity.

Defined terms: “Beer” § 1–101  
“Wholesaler’s license” § 1–101

### **33–504. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

#### **(A) SALES TO CERTAIN RETAIL DEALERS.**

**(1) NOTWITHSTANDING § 2–314 OF THIS ARTICLE, A WHOLESALER MAY SELL BEER ON CREDIT TO A RETAIL DEALER IF:**

**(I) THE RETAIL DEALER HAS BEEN DOING BUSINESS FOR AT LEAST 2 YEARS; AND**

**(II) THE TERM OF CREDIT EXTENDED TO THE RETAIL DEALER DOES NOT EXCEED 10 DAYS, WITH NO GRACE PERIOD.**

**(2) A WHOLESALER THAT EXTENDS CREDIT UNDER THIS SUBSECTION MAY ESTABLISH DIFFERENT PRICES FOR CASH AND CREDIT TRANSACTIONS.**

#### **(B) RESTRICTIONS.**

**(1) (I) A WHOLESALER MAY NOT INTENTIONALLY DELIVER BEER TO A RETAIL DEALER TO WHOM ANY WHOLESALER HAS EXTENDED CREDIT UNDER THIS SECTION IF THE RETAIL DEALER:**

**1. FAILS TO PAY THE BALANCE OWED OR MAKES A PAYMENT ON THE DEBT BY BAD CHECK; AND**

**2. IS CURRENTLY LISTED ON THE COUNTY BEER CREDIT CONTROL LIST IN ACCORDANCE WITH REGULATIONS THAT THE COMPTROLLER ISSUES.**

**(II) A WHOLESALER WHO VIOLATES THIS PARAGRAPH IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 FOR EACH DELIVERY.**

**(2) THE BOARD MAY NOT TRANSFER OR RENEW THE LICENSE OF A RETAIL DEALER IF THE DEALER WAS EXTENDED CREDIT UNDER THIS SECTION AND OWES A BALANCE ON THE DEBT AT THE TIME OF THE TRANSFER OR RENEWAL.**

**(3) A RETAIL DEALER THAT FAILS TO SATISFY A DEBT ON CREDIT EXTENDED UNDER THIS SECTION ON THREE SEPARATE OCCASIONS WITHIN A SINGLE CALENDAR YEAR MAY NOT OBTAIN BEER ON CREDIT FOR 2 YEARS AFTER THE THIRD OCCURRENCE.**

**(4) (I) A RETAIL DEALER MAY REQUEST A HEARING WITH THE COMPTROLLER WITHIN 10 DAYS AFTER BEING LISTED ON THE COUNTY BEER CREDIT CONTROL LIST FOR FAILURE TO COMPLY WITH THIS SECTION.**

**(II) THE COMPTROLLER SHALL REMOVE IMMEDIATELY FROM THE COUNTY BEER CREDIT CONTROL LIST A RETAIL DEALER WHO REQUESTS A HEARING, PENDING THE DISPOSITION OF THE HEARING.**

**(C) CERTAIN ACTIONS PROHIBITED.**

**A SUIT OR CIVIL ACTION TO ENFORCE OR COLLECT A CLAIM FOR CREDIT EXTENDED IN VIOLATION OF THIS SECTION MAY NOT BE MAINTAINED IN THE STATE.**

**(D) ENFORCEMENT BY COMPTROLLER.**

**THE COMPTROLLER SHALL ENFORCE SUBSECTIONS (A) AND (B) OF THIS SECTION AND SHALL ADOPT REGULATIONS TO CARRY OUT THOSE SUBSECTIONS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–112(d) and (c)(2) through (9).

Former Art. 2B, § 12–112(c)(1), which provided that former Art. 2B, § 12–112(c) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Comptroller” § 1–101  
 “County” § 33–101  
 “License” § 1–101  
 “Retail dealer” § 1–101  
 “Wholesaler” § 1–101

### **33–505. SALES OF WINE AND LIQUOR.**

**A LICENSE HOLDER IN THE COUNTY MAY ELECT TO PURCHASE WINE OR LIQUOR FROM A LICENSED WHOLESALER UNDER § 33–305(C) OF THIS TITLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–204(e)(3)(i), as it related to the granting of authority to purchase wine and liquor from a wholesaler.

The reference to “§ 33–305(c) of this title” is added as a convenient cross–reference indicating where provisions regarding the purchase of wine or liquor from a licensed wholesaler are revised.

The former phrase “[b]eginning on July 1, 2014” is deleted as obsolete.

Defined terms: “County” § 33–101  
 “License holder” § 1–101  
 “Wholesaler” § 1–101  
 “Wine” § 1–101

### **SUBTITLE 6. BEER LICENSES.**

#### **33–601. CLASS A BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

**(C) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$225 FOR A 6-DAY LICENSE; AND**

**(2) \$250 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-101(a)(1) and (y)(2) and (3).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for the former reference to “deliver[ing]” for clarity and accuracy.

Former Art. 2B, § 3-101(y)(1), which stated that former Art. 2B, § 3-101(y) applied in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 3-101(y)(4), which cross-referenced the hours for sale for a Class A beer license, is deleted as surplusage.

Defined terms: “Beer” § 1-101

“Consumer” § 1-101

“7-day license” § 1-101

“6-day license” § 1-101

**33-602. CLASS B BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

- (1) \$275 FOR A 6-DAY LICENSE: AND**
- (2) \$350 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-201(a)(1) and (y)(2) through (4).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Also in subsection (b) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

In subsection (c)(2) of this section, the former references to the license fee "apply[ing] countywide (exclusive of the tenth election district)" and "for the tenth election district only" are deleted as unnecessary since the license fee is for the same amount.

Former Art. 2B, § 3-201(y)(1), which stated that former Art. 2B, § 3-201(y) applied in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 3-201(y)(5), which cross-referenced the hours for sale for a Class B beer license, is deleted as surplusage.

Defined terms: "Beer" § 1-101  
 "Hotel" § 1-101

“Restaurant” § 1–101  
“7–day license” § 1–101  
“6–day license” § 1–101

### **33–603. CLASS C BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$150.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–301(a)(1) and (y)(1).

In subsection (a) of this section, the former reference to a license being “issued by the local licensing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b) of this section, the former reference to “bona fide” members is deleted as surplusage.

Former Art. 2B, § 3–301(y)(2), which cross–referenced the hours for sale for a Class C beer license, is deleted as surplusage.

Defined terms: “Beer” § 1–101  
“Club” § 1–101

### **33–604. CLASS D BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$325 FOR A 6-DAY LICENSE; AND**

**(2) \$450 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-401(a)(1) and (y)(2) and (3).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to "on- and off-premises" consumption is substituted for the former reference to consumption "on the premises or elsewhere" for clarity.

Also in subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

In subsection (c)(2) of this section, the former reference to the license fee "apply[ing] countywide" is deleted as surplusage.

Former Art. 2B, § 3-401(y)(1), which stated that former Art. 2B, § 3-401(y) applied in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 3-401(y)(4), which cross-referenced the hours for sale for a Class D beer license, is deleted as surplusage.

Defined terms: "Beer" § 1-101  
 "7-day license" § 1-101  
 "6-day license" § 1-101

## **SUBTITLE 7. WINE LICENSES.**

**33-701. CLASS A WINE LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL WINE PRODUCED AT THE WINERY ON THE PREMISES DESCRIBED IN THE LICENSE.**

**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4-201(a)(21), (b)(1), (c)(1), and (d)(1).

Throughout this section, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a "Class 4 limited winery license" is substituted for the former reference to a "Class 4 manufacturer's license" to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to a license being issued "by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 33–101  
“Wine” § 1–101

## **SUBTITLE 8. BEER AND WINE LICENSES.**

### **33–801. CLASS A BEER AND WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS:**

**(1) A CLASS A BEER AND WINE 6–DAY LICENSE; AND**

**(2) A CLASS A BEER AND WINE 7–DAY LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.**

#### **(C) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$250 FOR A 6–DAY LICENSE; AND**

**(2) \$300 FOR A 7–DAY LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(a)(1) and (y)(2) and (3).

In this section and throughout this subtitle, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsections (a)(2) and (c)(2) of this section, the former references to a 7–day license “applied countywide” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(1) of this section, the former reference to selling beer and wine “in any quantity to any consumers” is deleted as surplusage.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Former Art. 2B, § 5–101(y)(1), which stated that former Art. 2B, § 5–101(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

### **33–802. CLASS B BEER AND WINE LICENSE.**

#### **(A) ESTABLISHED.**

##### **THERE IS:**

**(1) A CLASS B BEER AND WINE 6–DAY LICENSE; AND**

**(2) A CLASS B BEER AND WINE 7–DAY LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$300 FOR A 6-DAY LICENSE; AND**

**(2) \$400 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-201(a)(1) and (y)(2) through (4).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

In subsection (c)(2) of this section, the former reference to a 7-day license "applied countywide (exclusive of tenth election district)" is deleted as surplusage. Similarly, in subsection (c)(4) of this section, the former reference to a license fee in the "tenth election district only" is deleted.

Former Art. 2B, § 5-201(y)(1), which stated that former Art. 2B, § 5-201(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Hotel" § 1-101

"Restaurant" § 1-101

"7-day license" § 1-101

"6-day license" § 1-101

"Wine" § 1-101

**33-803. CLASS C BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO A MEMBER OF A CLUB AND GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$200.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-301(a)(1) and (y)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption "only" on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a "bona fide" member is deleted as surplusage.

Former Art. 2B, § 5-301(y)(2), which stated that the hours for sale of a beer and wine license shall be as provided in former Art. 2B, § 11-524, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Club" § 1-101

"Wine" § 1-101

**33-804. CLASS D BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS:**

**(1) A CLASS D BEER AND WINE 6-DAY LICENSE; AND**

**(2) A CLASS D BEER AND WINE 7-DAY LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$350 FOR A 6-DAY LICENSE; AND**

**(2) \$500 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-401(a)(1) and (y)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

In subsection (d)(2) of this section, the former reference to a 7-day license "applied countywide" is deleted as surplusage.

Former Art. 2B, § 5-401(y)(1), which stated that former Art. 2B, § 5-401(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 5-401(y)(4), which stated that the hours for sale of a beer and wine license shall be as provided in former Art. 2B, § 11-524, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"7-day license" § 1-101

"6-day license" § 1-101

"Wine" § 1-101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**33-901. CLASS A BEER, WINE, AND LIQUOR LICENSE — NOT APPLICABLE.**

**A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–101(y).

Defined terms: “Beer” § 1–101

“County” § 33–101

“Wine” § 1–101

**33–902. CLASS B BEER, WINE, AND LIQUOR LICENSES.**

**(A) ESTABLISHED.**

**THERE ARE:**

**(1) A CLASS B BEER, WINE, AND LIQUOR 6–DAY LICENSE; AND**

**(2) A CLASS B BEER, WINE, AND LIQUOR 7–DAY LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE A 6–DAY LICENSE FOR USE IN:**

**(I) A HOTEL THAT HAS AT LEAST 20 ROOMS AND SERVES MEALS REGULARLY; OR**

**(II) A RESTAURANT THAT HAS SEATING AT TABLES FOR AT LEAST 70 INDIVIDUALS.**

**(2) THE BOARD MAY ISSUE A 7–DAY LICENSE FOR USE IN:**

**(I) A HOTEL THAT:**

**1. HAS AT LEAST 20 ROOMS AND SERVES MEALS REGULARLY;**

**2. PROVIDES SERVICES ORDINARILY FOUND IN HOTELS;**

**3. HAS A LOBBY WITH A REGISTRATION AND MAIL DESK AND SEATING FACILITIES; AND**

**4. HAS AN ENCLOSED DINING AREA THAT SERVES FULL–COURSE MEALS FROM MENUS AT LEAST TWO TIMES A DAY; OR**

**(II) A RESTAURANT THAT HAS:**

1. A SEATING CAPACITY AT TABLES FOR AT LEAST 70 INDIVIDUALS;

2. AN ENCLOSED DINING AREA THAT SERVES FULL-COURSE MEALS FROM MENUS AT LEAST TWO TIMES A DAY; AND

3. AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES DURING THE LICENSE TERM.

(3) THE BOARD MAY NOT ISSUE A LICENSE FOR USE IN A HOTEL OR RESTAURANT UNLESS THE HOTEL OR RESTAURANT IS:

(I) OPERATED IN A CLEAN AND SANITARY MANNER; AND

(II) HAS PROPER RESTROOM FACILITIES.

(4) BEFORE A LICENSE UNDER THIS SECTION MAY BE ISSUED FOR A PREMISES IN A MUNICIPALITY, THE LICENSE APPLICATION:

(I) SHALL BE APPROVED BY THE BOARD; AND

(II) MAY BE SUBJECT TO APPROVAL BY THE MAYOR AND TOWN COUNCIL OF THE MUNICIPALITY.

(C) SCOPE OF AUTHORIZATION.

A 7-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.

(D) FEES.

(1) THE ANNUAL LICENSE FEES ARE:

(I) \$1,750 FOR A 6-DAY LICENSE; AND

(II) \$2,000 FOR A 7-DAY LICENSE.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ALL LICENSE FEES SHALL BE DISTRIBUTED TO THE GENERAL FUND OF THE COUNTY.

**(II) IF THE LICENSED PREMISES IS LOCATED IN A MUNICIPALITY, 75% OF THE LICENSE FEES SHALL BE DISTRIBUTED TO THE MUNICIPALITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(y)(2) through (6).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Subsection (b)(1) and (2) of this section is revised to state the authority of the Board of License Commissioners of Worcester County to issue 6–day and 7–day beer, wine, and liquor licenses for use in hotels and restaurants that meet certain requirements, rather than as definitions of those terms as they relate to the license holders, for clarity and consistency within this title.

In subsection (b)(1)(i) of this section, the former reference to a “[b]ona fide” hotel is deleted as surplusage.

In subsection (b)(1)(ii) of this section, the reference to “individuals” is substituted for the former reference to “people” because this subsection applies only to human beings.

Also in subsection (b)(1)(ii) of this section, the former reference to a seating “capacity” is deleted as surplusage.

In subsection (b)(2)(i) of this section, the former reference to requirements for 6–day license holders “which are incorporated by reference” is deleted as unnecessary since subsection (b)(2)(i)1 and (ii)1 of this section expressly state that a hotel and restaurant must meet those requirements.

Also in subsection (b)(2)(i) of this section, the former reference to “[e]stablishments for the accommodation of the public” is deleted as unnecessary in light of the reference to a “hotel”.

In subsection (b)(2)(ii) of this section, the former reference to “[e]stablishments” is deleted as unnecessary in light of the reference to a “restaurant”.

Subsection (b)(3) of this section is revised in the active voice to clarify that it is the Board of License Commissioners of Worcester County that is prohibited from issuing a license unless certain conditions are met.

In subsection (b)(4)(i) of this section, the defined term “Board” is substituted for the former reference to the “licensing authority” for clarity.

In subsection (c) of this section, the phrase “at retail, at the place described in the license” is added to conform to the terminology used throughout this article.

Former Art. 2B, § 6–201(a)(3)(ii), which stated that the annual fee for any Class B beer, wine, and liquor license is \$2,000, is deleted as obsolete, as today the license fee for a Class B beer, wine, and liquor license varies from jurisdiction to jurisdiction. Consequently, the fee for each Class B beer, wine, and liquor license is stated in the section that establishes the license.

Former Art. 2B, § 6–201(y)(1), which stated that former Art. 2B, § 6–201(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–201(y)(8), which stated that the hours of sale for the license “are as provided in [former Art. 2B] § 11–524”, is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (c) of this section: (1) the former law does not state what on–sale and off–sale privileges a 6–day license has; and (2) the practice in the County seems to be at variance with this provision. According to the Board Administrator, both licenses are issued with on–sale privileges, and the Board may authorize sales for off–premises consumption on a license–by–license basis.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 33–101

“County” § 33–101

“Hotel” § 1–101

“Restaurant” § 1–101

“7–day license” § 1–101

“6–day license” § 1–101

“Wine” § 1–101

### **33–903. CLASS C BEER, WINE, AND LIQUOR LICENSES.**

#### **(A) ESTABLISHED.**

#### **THERE ARE:**

**(1) A CLASS C (FISHING CLUB) BEER, WINE, AND LIQUOR LICENSE;**

**(2) A CLASS C (FRATERNAL/SORORAL/SERVICE ORGANIZATION) BEER, WINE, AND LIQUOR LICENSE;**

**(3) A CLASS C (GOLF, TENNIS, OR SWIMMING CLUB) BEER, WINE, AND LIQUOR LICENSE; AND**

**(4) A CLASS C (VETERANS' ORGANIZATION OR CLUB) BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF SECTION.**

**(1) THIS SECTION DOES NOT APPLY TO A “BRING YOUR OWN BOTTLE” SOCIAL FUNCTION AT WHICH ALCOHOLIC BEVERAGES ARE PROVIDED ONLY BY THE PARTICIPANTS OR GUESTS.**

**(2) IF SUCH A SOCIAL FUNCTION IS HELD IN A FACILITY OPEN TO THE PUBLIC, THE FUNCTION SHALL BE HELD DURING THE HOURS OF OPERATION ALLOWED UNDER A CLASS C LICENSE.**

**(C) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE FISHING CLUB LICENSE FOR USE BY A CLUB THAT:**

**(I) IS ORGANIZED TO PROMOTE THE SPORT OF FISHING;**

**(II) OWNS ITS OWN BUILDING;**

**(III) HAS BEEN IN EXISTENCE FOR AT LEAST 5 YEARS BEFORE THE APPLICATION FOR THE LICENSE IS MADE;**

**(IV) HAS AT LEAST 25 MEMBERS PAYING DUES OF AT LEAST \$25 PER YEAR PER ADULT MEMBER;**

**(V) OPERATES ONLY FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS; AND**

**(VI) MEETS IN A CLUBHOUSE PRINCIPALLY USED FOR ITS MEMBERS AND GUESTS.**

**(2) THE BOARD MAY ISSUE THE FRATERNAL/SORORAL/SERVICE ORGANIZATION LICENSE FOR USE BY A LODGE OR CHAPTER OF A NATIONWIDE NONPROFIT FRATERNAL, SORORAL, OR SERVICE ORGANIZATION THAT:**

**(I) IS COMPOSED OF INDUCTED MEMBERS;**

(II) WAS OPERATING IN THE COUNTY FOR AT LEAST 5 YEARS BEFORE THE APPLICATION FOR THE LICENSE WAS MADE;

(III) HAS AT LEAST 40 MEMBERS PAYING DUES OF AT LEAST \$5 PER YEAR PER MEMBER; AND

(IV) OWNS OR OPERATES A HOME OR CLUBHOUSE PRINCIPALLY USED FOR MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS.

(3) THE BOARD MAY ISSUE THE GOLF, TENNIS, OR SWIMMING CLUB LICENSE FOR USE BY A COUNTRY CLUB, NOT INCLUDING A MINIATURE GOLF COURSE, THAT:

(I) HAS BEEN INCORPORATED FOR AT LEAST 1 YEAR BEFORE THE APPLICATION FOR THE LICENSE WAS MADE;

(II) HAS AT LEAST 100 MEMBERS PAYING DUES OF AT LEAST \$10 PER YEAR PER ADULT MEMBER;

(III) HAS FACILITIES FOR PREPARING AND SERVING FOOD ON THE PREMISES TO MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS; AND

(IV) OWNS OR OPERATES ON THE PREMISES A CLUBHOUSE PRINCIPALLY USED FOR ITS MEMBERS AND GUESTS.

(4) THE BOARD MAY ISSUE THE VETERANS' ORGANIZATION OR CLUB LICENSE FOR USE BY A LOCAL UNIT OF A NATIONWIDE NONPROFIT ORGANIZATION OR CLUB THAT:

(I) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN ENGAGED;

(II) HAS HELD A CHARTER FROM A NATIONAL VETERANS' ORGANIZATION FOR AT LEAST 5 YEARS BEFORE THE APPLICATION FOR THE LICENSE IS MADE;

(III) HAS AT LEAST 15 MEMBERS PAYING DUES OF AT LEAST \$5 PER YEAR PER MEMBER;

(IV) OPERATES ONLY FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS; AND

(V) MEETS IN A CLUBHOUSE PRINCIPALLY USED FOR ITS MEMBERS AND GUESTS.

(D) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.

(E) QUALIFICATIONS FOR 7-DAY LICENSE.

TO QUALIFY FOR A 7-DAY LICENSE, A CLUB SHALL:

(1) HAVE AN ENCLOSED DINING AREA THAT HAS A SEATING CAPACITY FOR AT LEAST 60 INDIVIDUALS; AND

(2) SERVE FULL-COURSE MEALS FROM MENUS AT LEAST TWICE DAILY.

(F) CLASS C LICENSE PRIVILEGES.

A CLUB OR ORGANIZATION THAT IS ISSUED A CLASS C LICENSE MAY:

(1) SERVE, SELL, PROVIDE, OR DISPENSE ALCOHOLIC BEVERAGES TO ITS MEMBERS OR GUESTS;

(2) KEEP ALCOHOLIC BEVERAGES FOR ITS MEMBERS OR GUESTS;

(3) ALLOW ON-PREMISES CONSUMPTION BY ITS MEMBERS OR GUESTS OF ANY ALCOHOLIC BEVERAGES THAT HAVE BEEN RESERVED OR PURCHASED FROM THE CLUB BY ITS MEMBERS OR GUESTS;

(4) FROM THE SUPPLIES THAT ITS MEMBERS OR GUESTS HAVE PREVIOUSLY PURCHASED OR RESERVED, SERVE OR PROVIDE ALCOHOLIC BEVERAGES OR ALLOW ALCOHOLIC BEVERAGES TO BE CONSUMED BY MEMBERS OR GUESTS AFTER LEGAL CLOSING HOURS; OR

(5) SELL, DISPENSE, SERVE, KEEP, OR ALLOW TO BE CONSUMED ANY SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS TO ITS MEMBERS OR GUESTS.

(G) FEES.

**THE ANNUAL LICENSE FEES:**

- (1) FOR A 6-DAY LICENSE IS \$500; AND**
- (2) FOR A 7-DAY LICENSE IS \$750.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(a)(1) and (y)(2) through (6), (10) through (12), and (9)(i).

In subsection (a)(2) of this section, the reference to a "fraternal/sororal/service organization" is added for clarity. Similarly, in subsection (a)(4) of this section, the reference to a veterans' "organization or club" is added.

In subsection (c)(1) of this section, the phrase "its members" is substituted for the former phrase "no other purpose" for clarity.

In subsection (c)(1)(iv), (2)(iii), (3)(ii), and (4)(iii) of this section, the former references to "bona fide" members are deleted as surplusage. Similarly, in subsection (c)(2) and (4) of this section, the former references to "bona fide" nonprofit organizations are deleted as surplusage.

In subsection (c)(1)(vi), (3)(iv), and (4)(v) of this section, the phrase "for its members and guests" is substituted for the former phrase "for no other purpose" for clarity.

In subsection (c)(1)(vi) and (3)(iv) of this section, the former phrase "and not directly or indirectly owned or operated as a public business" is deleted as implicit in the defined term "club".

In the introductory language of subsection (c)(2) of this section, the reference to a "sororal" organization is added for clarity and consistency.

In subsection (c)(2)(i) of this section, the reference to "inducted" members is substituted for the former reference to members "duly elected and initiated in accordance with the rites and customs of the fraternal or service organization" for brevity.

In subsection (c)(2)(ii) of this section, the former phrase "in existence" is deleted as implicit in the reference to "operating".

In subsection (c)(2)(iv) of this section, the former requirement that the organization "not [be] directly or indirectly owned or operated as a public business" is deleted as unnecessary because the organization is nonprofit.

In the introductory language of subsection (c)(3) of this section, the former reference to a country club “operating in Worcester County” is deleted as surplusage.

In subsection (d) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (d) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (d) of this section, the former reference to selling “at retail” is deleted as unnecessary in light of the phrase “for on-premises consumption”.

Also in subsection (d) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

In the introductory language of subsection (e)(1) of this section, the former reference to clubs “defined in this subsection” is deleted as surplusage.

In subsection (e)(1) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this provision applies only to human beings.

In the introductory language of subsection (f) of this section, the reference to a club or organization being “issued” a license is substituted for the former reference to a club or organization “which qualifies for and is granted” a license for clarity.

In subsection (f)(4) of this section, the references to “members or guests” are substituted for the former references to “patrons” for consistency within this subsection.

Former Art. 2B, § 6–301(y)(1), which stated that former Art. 2B, § 6–301(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–301(y)(7), which stated that on payment of the license fee, any applicant may obtain the license from the Board, is deleted as redundant of § 4–111 of this article.

Former Art. 2B, § 6–301(y)(9)(ii), which stated that the fee for a 7–day license is \$300, is deleted as obsolete. Former Art. 2B, § 6–301(y)(9)(ii) was enacted by Chapter 172 of the Acts of the General Assembly of 1971, while former Art. 2B, § 6–301(y)(2)(ii), which provides for a \$750 fee, was enacted by Chapter 726 of the Acts of the General Assembly of 1997. The fee provided in former

Art. 2B, § 6–301(y)(2)(ii) is retained in this revision since it is the later enactment.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 33–101

“Club” § 1–101

“County” § 33–101

“Wine” § 1–101

### **33–904. CLASS D BEER, WINE, AND LIQUOR LICENSES.**

#### **(A) ESTABLISHED.**

##### **THERE ARE:**

**(1) A 6–DAY CLASS D BEER, WINE, AND LIQUOR LICENSE; AND**

**(2) A 7–DAY CLASS D BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A LICENSE UNDER THIS SECTION ONLY FOR PREMISES WITHIN:**

**(1) THE CORPORATE LIMITS OF OCEAN CITY;**

**(2) THE BOUNDARY LINES OF THE 10TH TAXING DISTRICT;**

**(3) THE AREA BOUNDED BY U.S. ROUTE 50 TO THE SOUTH, TURVILLE CREEK AND HERRING CREEK TO THE EAST, ST. MARTIN RIVER TO THE NORTH, AND MARYLAND ROUTE 589 TO THE WEST;**

**(4) THE AREA BOUNDED BY MARYLAND ROUTE 589 TO THE NORTH AND EAST, U.S. ROUTE 50 TO THE SOUTH, AND U.S. ROUTE 113 TO THE WEST;**

**(5) FROM THE INTERSECTION OF MARYLAND ROUTE 589 AND U.S. ROUTE 50, AN AREA BOUNDED BY A LINE THAT EXTENDS 1,500 FEET SOUTH OF U.S. ROUTE 50, EAST TO THE BOUNDARY OF THE 10TH TAXING DISTRICT, NORTH ALONG THE 10TH TAXING DISTRICT BOUNDARY TO U.S. ROUTE 50, AND WEST TO THE INTERSECTION OF MARYLAND ROUTE 589 AND U.S. ROUTE 50;**

**(6) THE CORPORATE LIMITS OF THE TOWN OF BERLIN; AND**

**(7) THE CORPORATE LIMITS OF THE TOWN OF SNOW HILL.**

**(C) SCOPE OF AUTHORIZATION.**

**THE 7-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION AND BEER AND WINE FOR OFF-PREMISES CONSUMPTION.**

**(D) FEES.**

**THE ANNUAL LICENSE FEES, SET BY THE COUNTY COMMISSIONERS, MAY NOT BE LESS THAN:**

**(1) \$3,000 FOR A 6-DAY LICENSE; AND**

**(2) \$3,500 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(y)(2)(i) through (iv).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In the introductory language of subsection (b)(1) of this section, the reference to "a license under this section" is substituted for the former reference to "[a] Class D beer, wine and liquor license" to clarify that this subsection applies to a 6-day license and to a 7-day license.

In subsection (c) of this section, the phrase "at retail, at the place described in the license" is added to conform to the terminology used throughout this article.

Also in subsection (c) of this section, the reference to "wine" is substituted for the former reference to "light wine" to reflect that license holders in the County may sell wine for off-premises consumption with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Former Art. 2B, § 6-401(y)(2)(vii), which stated that the hours for sale for the license "are as provided in § 11-524 of [Art. 2B]" is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for the consideration of the General Assembly that in subsection (c) of this section: (1) the former law does not state what on-sale and off-sale privileges that a

6-day license has; and (2) the practice in the County seems to be at variance with this provision. According to the Board administrator, both licenses are issued with on-sale privileges, and the Board may allow the sale of beer, wine, and liquor for off-premises consumption on a license-by-license basis.

Defined terms: "Beer" § 1-101  
 "County" § 33-101  
 "7-day license" § 1-101  
 "6-day license" § 1-101  
 "Wine" § 1-101

**33-905. CLASS H BEER, WINE, AND LIQUOR LICENSES.**

**(A) ESTABLISHED.**

**THERE ARE:**

- (1) A 6-DAY CLASS H BEER, WINE, AND LIQUOR LICENSE; AND**
- (2) A 7-DAY CLASS H BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A LICENSE UNDER THIS SECTION FOR A HOTEL OR RESTAURANT.**

**(C) SCOPE OF AUTHORIZATION.**

**A LICENSE UNDER THIS SECTION AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(D) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

- (1) \$1,700 FOR A 6-DAY LICENSE; AND**
- (2) \$2,400 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-203(c) and (b)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Former Art. 2B, § 6–203(a), which stated that former Art. 2B, § 6–203 applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–203(b)(2), which stated that the annual fee shall be paid to the local collecting agent before a license is issued, for distribution as provided in this article, is deleted as unnecessary in light of § 4–111 of this article.

Defined terms: “Beer” § 1–101

“Board” § 33–101

“Wine” § 1–101

### **33–906. CLASS I BEER, WINE, AND LIQUOR LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS I BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ONLY ISSUE THE LICENSE FOR A PREMISES WITHIN:**

**(I) THE CORPORATE LIMITS OF OCEAN CITY;**

**(II) THE BOUNDARY LINES OF THE 10TH ELECTION DISTRICT;**

**(III) THE BOUNDARY LINES OF THE 2ND PRECINCT OF THE 3RD ELECTION DISTRICT; OR**

**(IV) THE AREA BOUNDED BY MARYLAND ROUTE 589 TO THE NORTH AND EAST, U.S. ROUTE 50 TO THE SOUTH, AND U.S. ROUTE 113 TO THE WEST, ALL OF WHICH LIE WITHIN THE 1ST PRECINCT OF THE 3RD ELECTION DISTRICT.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

#### **(C) PURCHASE OF ALCOHOLIC BEVERAGES.**

**(1) A LICENSE HOLDER MAY PURCHASE:****(I) WINE AND LIQUOR FROM:**

**1. THE DEPARTMENT OF LIQUOR CONTROL FOR THE COUNTY; OR**

**2. A LICENSED WHOLESALER; AND**

**(II) BEER FROM A LICENSED WHOLESALER.**

**(2) THE DEPARTMENT OF LIQUOR CONTROL FOR THE COUNTY SHALL CHARGE A LICENSE HOLDER THE LESSER OF THE FOLLOWING PRICES SET BY THE DEPARTMENT:**

**(I) 85% OF THE RETAIL PRICE OF THE WINE OR LIQUOR; AND**

**(II) THE SPECIAL SALE PRICE OR DISCOUNT PRICE.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS I BEER, WINE, AND LIQUOR LICENSE UNDER § 33-2005(E) OF THIS TITLE.**

**(E) FEES.**

**(1) THE LICENSE FEES, SET BY THE COUNTY COMMISSIONERS, MAY NOT BE LESS THAN:**

**(I) \$2,500 FOR A 6-DAY LICENSE; AND**

**(II) \$3,000 FOR A 7-DAY LICENSE.**

**(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, LICENSE FEES SHALL BE DISTRIBUTED TO THE GENERAL FUND OF THE COUNTY.**

**(II) IF THE LICENSED PREMISES ARE IN A MUNICIPALITY, 75% OF THE FEES SHALL BE DISTRIBUTED TO THE MUNICIPALITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-224(b) through (h).

In subsection (b)(2) of this section, the phrase “at retail, at the place described in the license” is added to conform to the terminology used throughout this article.

In subsection (c) of this section, the former introductory language, “[e]xcept as provided in subparagraph (ii) of this paragraph”, and the former requirement to purchase all wines and liquors “except light wine and beer” from the Department of Liquor Control of Worcester County, are deleted as unnecessary since former subparagraph (ii) authorized a license holder, effective July 1, 2014, to purchase wine and liquor from either the Department of Liquor Control or a licensed wholesaler. Correspondingly, the former phrase “[b]eginning on July 1, 2014” is deleted as obsolete.

Former Art. 2B, § 8–224(a), which stated that former Art. 2B, § 8–224 applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 33–101

“County” § 33–101

“Department” § 33–101

“7–day license” § 1–101

“6–day license” § 1–101

“Wholesaler” § 1–101

“Wine” § 1–101

## **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

### **33–1001. ENTERTAINMENT FACILITY LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS EF (ENTERTAINMENT FACILITY) BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO AN APPLICANT THAT HAS A CAPITAL INVESTMENT IN THE FACILITY FOR WHICH THE LICENSE IS SOUGHT OF AT LEAST \$45,000,000.**

#### **(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR:**

**(I) BY THE DRINK AND BOTTLE;**

**(II) FROM ONE OR MORE OUTLETS IN THE ENTERTAINMENT FACILITY; AND**

**(III) FOR CONSUMPTION ANYWHERE IN THE ENTERTAINMENT FACILITY.**

**(2) THE LICENSE AUTHORIZES THE PLAYING OF MUSIC AND DANCING.**

**(3) THE BOARD MAY ISSUE ONE OR MORE LICENSES FOR THE SAME FACILITY.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL AND SERVE BEER, WINE, AND LIQUOR ON EACH DAY THAT THE ENTERTAINMENT FACILITY IS OPEN FOR BUSINESS, FROM 9 A.M. TO 4 A.M. THE FOLLOWING DAY.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$15,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(y)(9)(i), (ii), and (iv) through (viii).

In subsection (b) of this section, the former phrase “[n]otwithstanding § 8–208(b) of this article” is deleted as inaccurate because former § 8–208(b) applies only in Cecil County and unnecessary in light of the organization of this revised article.

In subsection (d) of this section, the reference to the authority of the “license holder” to “sell and serve” beer, wine, and liquor is substituted for the former reference to “Class EF license authorizes the sale and serving of” beer, wine, and liquor for clarity and consistency with similar provisions on the hours and days of sale in this article.

Also in subsection (d) of this section, the former reference to selling alcoholic beverages “anywhere throughout the entertainment facility” is deleted as redundant of subsection (c)(1) of this section.

Former Art. 2B, § 6–201(y)(9)(iii), which provided a prohibition against selling alcoholic beverages for off-sale consumption, is deleted as included in subsection (c)(1)(iii) of this subsection, which states that the license authorizes the license holder to sell beer, wine, and liquor “for consumption anywhere in the entertainment facility”.

Defined terms: “Beer” § 1–101

“Board” § 33–101

“Wine” § 1–101

### **33–1002. GOLF COURSE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS C (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A GOLF COURSE OR ORGANIZATION THAT:**

- (1) IS OPEN TO THE PUBLIC;**
- (2) IS OPERATED FOR PROFIT;**
- (3) OWNS REAL ESTATE IN THE COUNTY; AND**
- (4) HAS A GOLF COURSE WITH A MINIMUM OF 18 HOLES.**

#### **(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION ON THE LAND AND IN THE BUILDINGS THAT ARE PART OF THE GOLF COURSE.**

- (2) A PATRON NEED NOT BE SEATED TO BE SERVED.**

#### **(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 33–2005 OF THIS TITLE.**

#### **(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,625.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-507(b) through (g).

In the introductory language of subsection (b) of this section, the reference to the "Board" is added to state expressly what was only implied in the former law, that the Board is the unit that issues licenses.

In subsection (c) of this section, the former phrase "[s]ubject to the approval of the Board of License Commissioners" is deleted as implicit in subsection (b) of this section, which states that the Board may issue the license.

In subsection (d) of this section, the reference to the authority of the "license holder" to "sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 33-2005 of this title" is substituted for the former reference to the "hours and days of sale are as specified in § 11-524 of this article" for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 8-507(a), which stated that former Art. 2B, § 8-507 applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Board" § 33-101

"County" § 33-101

"Wine" § 1-101

**33-1003. OCEAN CITY CONVENTION HALL LICENSE.****(A) ESTABLISHED.**

**THERE IS AN OCEAN CITY CONVENTION HALL LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE CONVENTION HALL COMMISSION AND ITS SUCCESSORS FOR USE ON THE PREMISES OF THE OCEAN CITY CONVENTION HALL.**

**(C) SCOPE OF AUTHORIZATION.**

**THE OCEAN CITY CONVENTION HALL COMMISSION MAY:**

**(1) AUTHORIZE A VENDOR TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION UNDER THE LICENSE THAT THE COMMISSION IS ISSUED; AND**

**(2) CONTRACT TO RECEIVE PART OF THE REVENUE DERIVED FROM THE VENDOR'S SALE OF ALCOHOLIC BEVERAGES.**

**(D) EFFECT OF SECTION.**

**THIS SECTION DOES NOT AFFECT THE OPERATION OF § 33-1102 OF THIS TITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(y)(2)(viii).

In subsection (b) of this section, the reference to the "Board" is added to state expressly what was only implicit in the former law, that the Board is the license issuing authority in the County.

In subsection (c)(1) of this section, the phrase "under the license that the Commission is issued" is substituted for the former phrase "pursuant to whatever license the Commission is granted" to conform to the terminology used throughout this article.

Also in subsection (c)(1) of this section, the former phrase "[o]nly on-sale transactions shall be permitted" is deleted as unnecessary in light of the authorization to issue the license for "on-premises consumption".

Also in subsection (c)(1) of this section, the former phrase "[t]his license shall be subject to the following restrictions" is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory law.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 33-101

### **33-1004. OCEAN CITY MUNICIPAL GOLF COURSE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D OCEAN CITY MUNICIPAL GOLF COURSE BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE TO THE MAYOR OF OCEAN CITY FOR ON-PREMISES CONSUMPTION FOR USE ON THE PREMISES OF THE OCEAN CITY MUNICIPAL GOLF COURSES.**

**(2) A SEPARATE LICENSE IS REQUIRED FOR EACH OCEAN CITY MUNICIPAL GOLF COURSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION 7 DAYS A WEEK ON THE PREMISES OF AN OCEAN CITY GOLF COURSE.**

**(2) THE LICENSE HOLDER MAY CONTRACT WITH A CONCESSIONAIRE TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION.**

**(D) ALCOHOL AWARENESS REQUIREMENT.**

**(1) BEFORE THE LICENSE IS ISSUED, THE MAYOR SHALL DESIGNATE AN INDIVIDUAL TO COMPLETE TRAINING IN AN ALCOHOL AWARENESS PROGRAM APPROVED UNDER § 4-505 OF THIS ARTICLE.**

**(2) THE INDIVIDUAL DESIGNATED BY THE MAYOR SHALL:**

**(I) REPRESENT THE CONCESSIONAIRE; AND**

**(II) BE DIRECTLY INVOLVED WITH THE MANAGEMENT OF THE SALE OF BEER, WINE, AND LIQUOR BY THE CONCESSIONAIRE.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR:**

**(1) DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS D BEER, WINE, AND LIQUOR LICENSE UNDER § 33-2005 OF THIS TITLE; OR**

**(2) DURING FEWER HOURS AS SPECIFIED BY THE LICENSE HOLDER.**

**(F) LICENSE FEES AND TRANSFER PROHIBITED.**

**THE LICENSE:**

**(1) SHALL BE ISSUED AND RENEWED WITHOUT CHARGE OR AN ANNUAL FEE; AND**

**(2) MAY NOT BE TRANSFERRED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–401(y)(3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c)(2) of this section, the former reference to “permit” a concessionaire to sell beer, wine, and liquor is deleted as implicit in the reference to “contract with” a concessionaire to sell beer, wine, and liquor.

Also in subsection (c)(2) of this section, the former reference to “keep for sale” is deleted as unnecessary in light of the reference to “sell”.

In subsection (e) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor ... during the hours and days as set out for a Class D beer, wine, and liquor license under § 33–2005 of this title” is substituted for the former reference to the “hours and days of sale under the license are the same as a Class D beer, wine and liquor on–sale license under § 11–524 of this article” for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 9–102(j)(6), which allowed the Mayor of Ocean City to be granted a license, is deleted as unnecessary in light of subsection (b)(1) of this section.

Defined terms: “Beer” § 1–101

“Board” § 33–101

“Wine” § 1–101

**33–1005. RACETRACK LICENSES.**

**(A) ESTABLISHED.**

**THERE IS A RACETRACK:**

**(1) BEER LICENSE;**

**(2) BEER AND WINE LICENSE; AND**

**(3) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE A LICENSE UNDER THIS SECTION TO:**

**(I) THE OWNER OF A LICENSED HORSE RACING ESTABLISHMENT THAT HOLDS PUBLIC MEETINGS AT WHICH PARI-MUTUEL BETTING IS ALLOWED; OR**

**(II) THE CONCESSIONAIRE OR CATERING ORGANIZATION AT THE RACING ESTABLISHMENT, WHETHER AN INDIVIDUAL, AN ASSOCIATION, OR A CORPORATION.**

**(2) THERE ARE NO RESIDENTIAL OR VOTING QUALIFICATIONS FOR A LICENSE UNDER THIS SECTION.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL THE ALCOHOLIC BEVERAGES STATED ON THE LICENSE AT ONE OR MORE LOCATIONS IN THE RACING PARK OF THE LICENSE HOLDER.**

**(D) PURCHASE OF ALCOHOLIC BEVERAGES BY LICENSE HOLDERS.**

**A LICENSE HOLDER MAY PURCHASE:**

**(1) BEER, WINE, AND LIQUOR FROM A HOLDER OF A WHOLESALER'S LICENSE; OR**

**(2) WINE AND LIQUOR FROM THE COUNTY DEPARTMENT OF LIQUOR CONTROL, WHICH SHALL SELL WINE AND LIQUOR TO A LICENSE HOLDER AT A DISCOUNT OF AT LEAST 15% FROM THE RETAIL SALES PRICE OR ANY SPECIAL SALE PRICE OR DISCOUNT PRICE, WHICHEVER IS LOWER.**

**(E) FEES.**

**THE ANNUAL FEE FOR:**

**(1) THE BEER LICENSE IS THE SAME AS THE FEE FOR OTHER BEER LICENSES IN THE COUNTY;**

**(2) THE BEER AND WINE LICENSE IS THE SAME AS THE FEE FOR OTHER BEER AND WINE LICENSES IN THE COUNTY; AND**

**(3) THE BEER, WINE, AND LIQUOR LICENSE IS \$1,500.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to explicitly establish the racetrack beer license, racetrack beer and light wine license, and racetrack beer, wine, and liquor license.

Subsections (b) through (e) of this section are new language derived without substantive change from former Art. 2B, § 8–603(a), (b), and (d).

In the introductory language of subsection (b)(1) of this section, the statement that the “Board may issue” a license is substituted for the former statement that a person “may procure” a license to conform to the terminology used throughout this article.

In subsection (b)(1)(i) of this section, the former reference to “owners” is deleted in light of the reference to “owner” and GP § 1–202, which provides that the singular generally includes the plural.

In subsection (b)(2) of this section, the former reference to “locative” qualifications is deleted as redundant.

In subsection (c) of this section, the general reference to selling “alcoholic beverages stated on the license” is substituted for the former specific references to “beer or beer and light wine” and “beer, wine and liquor” for brevity and clarity.

Also in subsection (c) of this section, the former phrase “within the confines of its racing park in the county” is deleted as implicit in the phrase “at one or more locations in the racing park”.

Former Art. 2B, § 8–603(c), which stated that “[t]he licenses and the licensees are subject to all laws and regulations applicable in Worcester County to the sale of alcoholic beverages not inconsistent with the provisions of this section”, is deleted as an unnecessary statement of common practice.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not specified in statutory law.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 33–101

“Beer” § 1–101

“County” § 33–101

“Wholesaler’s license” § 1–101

“Wine” § 1–101

**SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

**33–1101. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

**(1) § 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”);**  
**AND**

**(2) § 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”).**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1–101

“County” § 33–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

**33–1102. UNLICENSED ORGANIZATIONS IN OCEAN CITY CONVENTION HALL.**

**(A) DEFINITIONS.**

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

(2) “COMMISSION” MEANS THE OCEAN CITY CONVENTION HALL COMMISSION.

(3) “ORGANIZATION” INCLUDES THE FOLLOWING TYPES OF NONPROFIT ORGANIZATIONS:

- (I) ARMED SERVICES;
- (II) CHARITABLE;
- (III) CIVIC;
- (IV) EMPLOYEES;
- (V) FIREFIGHTERS;
- (VI) FRATERNAL;
- (VII) GOVERNMENTAL-SUPPORT;
- (VIII) HOSPITAL;
- (IX) LABOR;
- (X) PATRIOTIC;
- (XI) POLITICAL;
- (XII) PROFESSIONAL;
- (XIII) RELIGIOUS;
- (XIV) TRADE; AND
- (XV) WAR VETERANS.

(B) LICENSE NOT REQUIRED TO BRING ALCOHOLIC BEVERAGES ON PREMISES.

WITH THE APPROVAL OF THE COMMISSION, THE BOARD MAY ALLOW THE MEMBERS AND GUESTS OF AN ORGANIZATION TO BRING THEIR OWN ALCOHOLIC

**BEVERAGES ONTO THE PREMISES OF THE OCEAN CITY CONVENTION HALL WITHOUT FIRST OBTAINING A LICENSE IF:**

**(1) THE ALCOHOLIC BEVERAGES ARE NOT SOLD; AND**

**(2) THE CONSUMPTION OF THE ALCOHOLIC BEVERAGES IS RESTRICTED TO THE PREMISES.**

**(c) FUNCTION SPONSORED BY MAYOR AND CITY COUNCIL OF OCEAN CITY.**

**WITH THE APPROVAL OF THE COMMISSION, THE BOARD MAY ALLOW THE MAYOR AND CITY COUNCIL OF OCEAN CITY OR THEIR DESIGNEE TO SPONSOR A FUNCTION AT WHICH PATRONS ARE ALLOWED TO BRING THEIR OWN ALCOHOLIC BEVERAGES ONTO THE PREMISES OF THE OCEAN CITY CONVENTION HALL WITHOUT FIRST OBTAINING A LICENSE IF:**

**(1) THE ALCOHOLIC BEVERAGES ARE NOT SOLD; AND**

**(2) THE CONSUMPTION OF THE ALCOHOLIC BEVERAGES IS ON THE PREMISES ONLY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(u)(5)(i) through (iv).

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 33-101

"License" § 1-101

## **SUBTITLE 12. CATERER'S LICENSES.**

### **33-1201. LOCAL CATERER'S LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A LOCAL CATERER'S LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE HOLDER OF:**

**(1) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE; AND**

**(2) A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES A HOLDER TO:**

**(1) PROVIDE BEER, WINE, AND LIQUOR AT AN EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER'S CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE OR CLASS D BEER, WINE, AND LIQUOR LICENSE IS ISSUED; AND**

**(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR THE CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE OR CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(D) FOOD REQUIREMENT.**

**THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

**(F) EFFECT OF SECTION.**

**THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE OR A CLASS D BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A LOCAL CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR WHICH THE HOLDER'S CLASS B OR CLASS D LICENSE IS ISSUED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a local caterer's license exists in Worcester County.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, §§ 6-711(b) through (g) and 9-102(j)(5).

In subsection (c)(1) of this section, the reference to the premises "for which the holder's Class B restaurant or hotel (on-sale) beer, wine, and liquor license or Class D beer, wine, and liquor license is issued" is substituted for the former reference to the premises "licensed as a Class B restaurant or hotel or a Class

D establishment” for clarity and consistency with other similar provisions of this article.

Also in subsection (c)(1) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “alcoholic beverages” for clarity.

In subsection (c)(2) of this section, the former phrase “in this article” is deleted as surplusage.

In subsection (d) of this section, the former reference to providing food “as well as alcoholic beverages” is deleted as unnecessary in light of subsection (c)(1) of this section.

In subsection (f) of this section, the reference to a “local” caterer’s license is added for clarity.

Also in subsection (f) of this section, the former reference to an “existing” license is deleted as surplusage.

Former Art. 2B, § 6–711(a), which stated that former Art. 2B, § 6–711 applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 33–101

“Hotel” § 1–101

“On-sale” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

## **SUBTITLE 13. TEMPORARY LICENSES.**

### **PART I. IN GENERAL.**

#### **33–1301. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1202 (“PER DIEM LICENSES”);**

**(2) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);**

- (3) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);
- (4) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”); AND
- (5) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

(B) EXCEPTION.

SECTION 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

(C) VARIATIONS.

SECTIONS 4-1205 (“LICENSE FEES”) AND 4-1208 (“HOURS AND DAYS OF SALE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY, SUBJECT TO § 33-1307 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 33-101

**33-1302. RESERVED.**

**33-1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSE.**

**33-1304. BEER AND WINE FESTIVAL LICENSE.**

(A) “FESTIVAL” DEFINED.

IN THIS SECTION, “FESTIVAL” MEANS:

- (1) THE WORCESTER COUNTY BEER AND WINE FESTIVAL; OR
- (2) A SIMILAR FESTIVAL FEATURING BEER AND WINE THAT THE BOARD APPROVES.

(B) ESTABLISHED.

- (1) THERE IS A BEER AND WINE FESTIVAL LICENSE.

**(2) THE BOARD MAY ISSUE NOT MORE THAN THREE FESTIVAL LICENSES EACH YEAR.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL:**

**(1) WINE THAT IS:**

**(I) MANUFACTURED AND PROCESSED IN ANY STATE; AND**

**(II) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS FILED; AND**

**(2) BEER THAT IS BREWED BY A BREWER:**

**(I) THAT BREWS LESS THAN 60,000 BARRELS OF BEER ANNUALLY; AND**

**(II) WHOSE PRODUCT IS DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS FILED.**

**(E) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL BEER AND WINE:**

**(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

**(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**THE BOARD:**

**(1) EACH YEAR MAY CHOOSE ONE WEEKEND, FRIDAY THROUGH SUNDAY INCLUSIVE, FOR EACH FESTIVAL;**

(2) MAY NOT CHOOSE A WEEKEND FOR EACH FESTIVAL THAT IS THE SAME WEEKEND AS THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY;

(3) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED;  
AND

(4) SHALL ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND BEER AND WINE.

(G) HOLDING ANOTHER LICENSE ALLOWED.

THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.

(H) INVOICING AND DELIVERY.

BEER AND WINE DISPLAYED AND SOLD SHALL BE:

(1) INVOICED TO THE LICENSE HOLDER BY A LICENSED WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY; AND

(2) DELIVERED TO EACH FESTIVAL FROM THE LICENSED PREMISES OF THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.

(I) DELIVERY AGREEMENT.

A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:

(1) DELIVER BEER AND WINE NOT EARLIER THAN 2 DAYS BEFORE THE EFFECTIVE DATE OF THE LICENSE; AND

(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE EXPIRATION DATE OF THE LICENSE.

(J) FEE.

THE BOARD MAY SET THE LICENSE FEE.

(K) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–314(c) through (i) and (a)(1) and (3).

Throughout this section, the former references to a “special” license are deleted as surplusage.

Subsection (b) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c) of this section, the reference to a “retail” license is substituted for the former reference to an “existing State retail alcoholic beverages” license for brevity.

Also in subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of this article,” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (d) of this section, the reference to the “license authoriz[ing] the holder” to display and sell is substituted for the former reference to the requirement that the “licensee shall” display and sell for clarity and consistency with terminology used throughout this article.

In subsection (d) of this section, the former requirement that wine must be “[p]rice filed in accordance with regulations adopted by the Comptroller” is deleted as obsolete. *See* General Revisor’s Note to Division II.

In subsection (f)(2) of this section, the reference to the Maryland Wine Festival “in Carroll County” is added for clarity.

In subsection (f)(3) of this section, the reference to a location that is not “already licensed” is substituted for the former reference to a location that is not “licensed under this article” for consistency with terminology used throughout this article.

Also in subsection (f)(3) of this section, the former reference to a location “for each Festival” is deleted as surplusage.

Also in subsection (f)(3) of this section, the former reference to a location “in the county” is deleted as surplusage.

In subsection (g) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the holder ... from holding” another license for clarity.

In the introductory language of subsection (h) of this section, the reference to “[b]eer and wine” is substituted for the former reference to “[p]roducts” for clarity.

In subsection (h)(1) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in subsection (h)(2) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “wholesaler, winery, or limited winery”. Similarly, in the introductory language of subsection (i) of this section, the reference to a “holder of a wholesale, Class 3 winery, or Class 4 limited winery license” is substituted for “holders of wholesale, winery, or limited winery licenses”.

In the introductory language of subsection (i) of this section, the former phrase “[w]henver a special festival license is issued under this subsection,” is deleted as surplusage.

Former Art. 2B, § 8–314(a)(2), which defined “Board” to mean the Worcester County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 33–101 of this title.

Former Art. 2B, § 8–314(b), which stated that former Art. 2B, § 8–314 applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 33–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

“Wholesaler” § 1–101

“Wine” § 1–101

**33–1305. RESERVED.**

**33–1306. RESERVED.**

### **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**33–1307. SUNDAY LICENSES FOR HOLDERS OF 6–DAY CLASS B OR CLASS C BEER, WINE, AND LIQUOR LICENSES.**

**(A) ESTABLISHED.**

**THE BOARD MAY ISSUE A SUNDAY LICENSE TO A HOLDER OF A 6–DAY CLASS B OR A 6–DAY CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE ENTITLES THE HOLDER TO SELL ALCOHOLIC BEVERAGES TO A CONVENTION OR OTHER SPECIAL GROUP THAT IS APPROVED BY:**

**(1) THE BOARD; AND**

**(2) THE MAYOR AND CITY COUNCIL OF A MUNICIPALITY IF:**

**(I) THE PREMISES IS IN THE MUNICIPALITY; AND**

**(II) THE MAYOR AND CITY COUNCIL REQUIRE THAT THE GROUP OBTAIN THEIR APPROVAL.**

**(C) HOURS FOR ON-PREMISES CONSUMPTION.**

**THE LICENSE ALLOWS ON-PREMISES CONSUMPTION FROM 12:30 P.M. ON SUNDAY TO 1 A.M. THE FOLLOWING DAY.**

**(D) APPLICATION DUE AT LEAST 10 DAYS BEFORE EVENT.**

**AN APPLICANT SHALL FILE AN APPLICATION FOR A LICENSE AT LEAST 10 DAYS BEFORE THE DAY THE LICENSE IS TO BE USED.**

**(E) PAYMENT OF FEE BEFORE ISSUANCE OF LICENSE.**

**THE FEE SHALL BE PAID TO THE BOARD BEFORE THE LICENSE IS ISSUED.**

**(F) LICENSE FEE.**

**THE FEE FOR A SUNDAY LICENSE IS \$10 PER DAY OF USE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(u)(2).

In subsection (c) of this section, the former reference to "prevailing time" is deleted as surplusage.

In subsection (d) of this section, the reference to "[a]n applicant" is added for clarity.

Also in subsection (d) of this section, the references to the “license” are substituted for the former references to the “permit” to conform to the terminology used throughout this section.

Also in subsection (d) of this section, the reference to the day “the license is to be used” is substituted for the former reference to the day “upon which the permit is to be exercised” for brevity.

In subsection (e) of this section, the former reference to the authority of the holder of the license to “exercise the privileges of the license at the time and place described in the license” is deleted as an unnecessary statement of normal practice.

Former Art. 2B, § 7–101(u)(1), which stated that former Art. 2B, § 7–101(u) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 9–102(b–7), which stated that former Art. 2B, § 9–102(a), which generally prohibited one person from holding more than one license, does not apply to this section, is deleted as unnecessary. Subsection (a) of this section expressly states that the Board may issue a Sunday license to a holder of certain Class B or Class C licenses.

Former Art. 2B, § 11–524(d), which allowed holders of certain 7–day licenses to serve alcoholic beverages to conventions or other groups, is deleted as unnecessary in light of this section.

Defined terms: “Alcoholic beverage” § 1–101  
“Board” § 33–101

### **33–1308. SUNDAY CLUB LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A SUNDAY CLUB LICENSE.**

#### **(B) AUTHORIZED LICENSE HOLDER.**

**THE BOARD MAY ISSUE A SUNDAY CLUB LICENSE TO A CLUB THAT ALREADY HOLDS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

#### **(C) LIMIT ON NUMBER OF LICENSES.**

**THE BOARD MAY ISSUE TO A CLUB NOT MORE THAN 20 SUNDAY CLUB LICENSES DURING A CALENDAR YEAR.**

**(D) APPLICATION DUE AT LEAST 14 DAYS BEFORE EVENT.**

**AN APPLICANT SHALL FILE AN APPLICATION FOR A LICENSE WITH THE BOARD AT LEAST 14 DAYS BEFORE THE LICENSE IS TO BE USED.**

**(E) OTHER CONDITIONS.**

**A LICENSE ISSUED BY THE BOARD IS SUBJECT TO ALL CONDITIONS AND REGULATIONS ESTABLISHED BY THE BOARD FOR THE ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES AUTHORIZED UNDER THE LICENSE.**

**(F) FEE.**

**THE FEE FOR THE LICENSE IS \$10 PER DAY OF USE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(u)(3).

In subsection (b) of this section, the former reference to "bona fide" clubs is deleted as surplusage.

In subsection (e) of this section, the former reference to "restrictions" is deleted as included in the references to "conditions" and "regulations".

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 33-101

"Club" § 1-101

**33-1309. CLASS C PER DIEM (NONPROFIT CHARITABLE ORGANIZATION) LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C PER DIEM (NONPROFIT CHARITABLE ORGANIZATION) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED LICENSE HOLDER.**

**THE BOARD MAY ISSUE A CLASS C PER DIEM (NONPROFIT CHARITABLE ORGANIZATION) BEER, WINE, AND LIQUOR LICENSE TO A NONPROFIT ORGANIZATION.**

**(C) LICENSE PERIOD.**

(1) THE LICENSE IS A MULTIPLE 1-DAY ALCOHOLIC BEVERAGES LICENSE.

(2) ON APPLICATION, THE APPLICANT:

(I) SHALL SPECIFY THE DATES OF THE EVENTS FOR WHICH THE LICENSE WILL BE USED; BUT

(II) MAY NOT SPECIFY MORE THAN 12 DATES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(u)(4).

In subsection (b) of this section, the former reference to a "bona fide" nonprofit organization is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 33-101

"License" § 1-101

"Wine" § 1-101

#### **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

#### **33-1401. APPLICATION OF GENERAL PROVISIONS.**

(A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 4-102 ("APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD");

(2) § 4-103 ("APPLICATION ON BEHALF OF PARTNERSHIP");

(3) § 4-106 ("PAYMENT OF NOTICE EXPENSES");

(4) § 4-108 ("APPLICATION FORM REQUIRED BY COMPTROLLER");

(5) § 4-110 ("REQUIRED INFORMATION ON APPLICATION – PETITION OF SUPPORT");

(6) § 4-113 (“REFUND OF LICENSE FEES”); AND

(7) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”), SUBJECT TO § 33-1402 OF THIS SUBTITLE;

(2) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”), SUBJECT TO § 33-1402 OF THIS SUBTITLE;

(3) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§ 33-1404 THROUGH 33-1406 OF THIS SUBTITLE;

(4) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), SUBJECT TO § 33-1403 OF THIS SUBTITLE;

(5) § 4-111 (“PAYMENT OF LICENSE FEES”), SUBJECT TO § 33-1407 OF THIS SUBTITLE; AND

(6) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO § 33-1408 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined term: “County” § 33-101

**33-1402. APPLICATION ON BEHALF OF CORPORATION OR LIMITED LIABILITY COMPANY.**

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO:

(1) A LICENSE HOLDER OF A LICENSE ISSUED BEFORE MAY 1, 1977;

AND

(2) AN APPLICANT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE.

**(B) REQUIREMENTS FOR APPLICANTS.**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LICENSE ON BEHALF OF A CORPORATION OR LIMITED LIABILITY COMPANY MAY BE ISSUED ONLY IF THE FOLLOWING REQUIREMENTS ARE MET.**

**(2) AT LEAST ONE APPLICANT SHALL:**

**(I) BE A REGISTERED VOTER, TAXPAYER, AND RESIDENT OF THE COUNTY; AND**

**(II) OWN AT LEAST 10% OF THE TOTAL ISSUED CAPITAL STOCK OF THE CORPORATION OR 10% INTEREST IN THE LIMITED LIABILITY COMPANY.**

**(3) EACH APPLICANT SHALL SUBMIT TO THE BOARD A SWORN STATEMENT THAT INCLUDES:**

**(I) 1. THE NAME AND ADDRESS OF EACH STOCKHOLDER OF THE CORPORATION; AND**

**2. THE NUMBER OF VOTING SHARES OWNED BY EACH STOCKHOLDER; OR**

**(II) 1. THE NAME AND ADDRESS OF EACH MEMBER OF THE LIMITED LIABILITY COMPANY; AND**

**2. THE PERCENTAGE SHARE OF VOTING INTEREST OWNED BY EACH MEMBER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–101(i).

In subsection (b)(1) of this section, the former phrase “as the case may be” is deleted as surplusage.

In subsection (b)(2) of this section, the phrase “[a]t least one applicant [for a license for a corporation or limited liability company] shall” is substituted for the former phrase “unless one of the applicants has been” for brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirements that an applicant reside and be a registered voter in the County in subsection (b)(2) of this section may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights.

Maryland courts look unfavorably on legislation that classifies persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “Board” § 33–101  
 “County” § 33–101

### **33–1403. ADDITIONAL REQUIREMENTS.**

**AN APPLICANT FOR A LICENSE SHALL INCLUDE A SIGNED STATEMENT THAT:**

**(1) THE APPLICANT HAS NEVER OFFERED A PLEA OF NOLO CONTENDERE TO A FELONY INDICTMENT WHICH WAS ACCEPTED BY A COURT; AND**

**(2) (I) THE APPLICANT HAS NOT BEEN CONVICTED OF A FELONY;**  
**OR**

**(II) IF THE APPLICATION IS MADE ON BEHALF OF A CORPORATION, NEITHER THE APPLICANT NOR THE STOCKHOLDERS OF THE CORPORATION HAVE BEEN CONVICTED OF A FELONY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(9)(ii) and (iv)2 and, as it related to Worcester County, 1.

The former reference to “the owner of the corporation” having not been convicted of a felony is deleted as being included in the reference to “neither the applicant nor the stockholders of the corporation” being convicted of a felony.

Defined term: “License” § 1–101

### **33–1404. OBTAINING CRIMINAL RECORDS.**

**THE BOARD MAY OBTAIN CRIMINAL RECORDS ON LICENSE APPLICANTS AND THEIR AGENTS FROM THE COUNTY POLICE, SHERIFF’S DEPARTMENT, AND ALL MUNICIPAL POLICE DEPARTMENTS, AS WELL AS FROM THE CENTRAL REPOSITORY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(ii)2 and 1E.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that it is unclear why the Board may obtain criminal records on the agents of applicants.

Defined terms: “Board” § 33–101  
“Central Repository” § 4–107  
“County” § 33–101  
“License” § 1–101

### **33–1405. CRIMINAL RECORDS ON STOCKHOLDERS.**

**THE BOARD ALSO MAY OBTAIN CRIMINAL RECORDS UNDER § 33–1404 OF THIS SUBTITLE ON THE STOCKHOLDERS HOLDING AT LEAST A 10% INTEREST IN THE CORPORATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(iii).

The former reference to the Board obtaining criminal records of “owners of a corporation” on whose behalf the application is being made is deleted as included in the reference to the Board obtaining criminal records of “the stockholders holding at least a 10% interest in the corporation”.

Defined term: “Board” § 33–101

### **33–1406. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.**

**THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER § 4–107 OF THIS ARTICLE ON COMPLETION OF ITS NECESSARY USE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(ii)1E and, as it related to Worcester County, (i)2.

Defined term: “Board” § 33–101

### **33–1407. FEES.**

#### **(A) FEE REGULATION.**

**THE COUNTY COMMISSIONERS SHALL REGULATE THE LICENSE FEES.**

**(B) FEES IN TITLE PREVAIL UNLESS SUPERSEDED BY COUNTY COMMISSIONERS.**

**UNLESS OTHERWISE PROVIDED BY THE COUNTY COMMISSIONERS, THE LICENSE FEES ESTABLISHED IN THIS TITLE PREVAIL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–102.

Defined term: “License” § 1–101

**33–1408. DISPOSITION OF LICENSE FEES.**

**(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE LICENSE FEES SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTY.**

**(B) REMITTANCE TO MUNICIPALITY.**

**IF A LICENSED PREMISES IS IN A MUNICIPALITY, 75% OF THE LICENSE FEES SHALL BE REMITTED TO THE MUNICIPALITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–401(y)(2)(v).

Former Art. 2B, § 6–401(y)(1), which stated that former Art. 2B, § 6–401(y) applied only to Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 33–101  
“License” § 1–101

**SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

**33–1501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”);**
- (2) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

- (3) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);
- (4) § 4–207 (“LICENSES ISSUED TO MINORS”);
- (5) § 4–209 (“HEARING”);
- (6) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);
- (7) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);
- (8) § 4–213 (“REPLACEMENT LICENSES”); AND
- (9) § 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

- (1) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;
- (2) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO SUBTITLE 13, PART III OF THIS TITLE;
- (3) § 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 33–1502 OF THIS SUBTITLE; AND
- (4) § 4–212 (“LICENSE NOT PROPERTY”), SUBJECT TO § 33–1503 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 33–101

“License” § 1–101

“Local licensing board” § 1–101

**33–1502. NOTICE OF LICENSE APPLICATION.**

NOTICE OF A LICENSE APPLICATION SHALL BE PUBLISHED ONCE A WEEK FOR 2 CONSECUTIVE WEEKS IN AT LEAST ONE NEWSPAPER PUBLISHED IN THE

**MUNICIPALITY IN WHICH OR NEAREST TO WHICH THE LOCATION DESCRIBED IN THE APPLICATION IS SITUATED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(l)(1).

The reference to a newspaper published in "the municipality" is substituted for the former reference to "the town" for consistency with the terminology used throughout this article.

The reference to the "location described in the application" is substituted for the former reference to "the applicant's proposed place of business" for clarity.

Former Art. 2B, § 10-202(l)(2), which required the Board to issue a license when the fee was paid, is deleted as a statement of common procedure.

Defined term: "License" § 1-101

**33-1503. LICENSE NOT SUBJECT TO CERTAIN ACTIONS.**

**A LICENSE IS NOT SUBJECT TO:**

**(1) A WRIT OF EXECUTION BY A JUDGMENT CREDITOR OF A LICENSE HOLDER; OR**

**(2) A DISTRAINT FOR RENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-501(c).

Defined terms: "License" § 1-101  
"License holder" § 1-101

**33-1504. INCOMPLETE OR REMODELED BUILDING.**

**(A) TENTATIVE APPROVAL BY BOARD.**

**IF AN APPLICANT APPLIES FOR A LICENSE TO SELL ALCOHOLIC BEVERAGES IN A BUILDING THAT IS INCOMPLETE, OR IN A BUILDING OR PORTION OF A BUILDING THAT IS TO BE REMODELED OR RENOVATED, THE BOARD MAY GIVE TENTATIVE APPROVAL OF THE APPLICATION ON THE BASIS OF THE BUILDING PLANS AND SPECIFICATIONS THAT ACCOMPANY THE APPLICATION.**

**(B) FINAL APPROVAL BY BOARD.**

**THE BOARD MAY GIVE FINAL APPROVAL OF THE LICENSE APPLICATION FOR WHICH IT HAD GIVEN TENTATIVE APPROVAL ON COMPLETION OF THE CONSTRUCTION OR THE REMOLDING OR RENOVATION OF THE BUILDING IN ACCORDANCE WITH THE BUILDING PLANS SUBMITTED BY THE APPLICANT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(y).

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 33–101

“License” § 1–101

#### GENERAL REVISOR'S NOTE TO SUBTITLE

Former Art. 2B, § 9–102(b–1)(2)(vi), which stated that the bowling alley exception to the prohibition against multiple licenses did not apply to Worcester County, is deleted as unnecessary. This revision applies the general rule to Worcester County. The fact that Worcester County is not covered by the exception need not be stated.

Former Art. 2B, § 9–301(2), which stated that the prohibition against a person having an interest in more than one license does not apply to licenses issued under former Art. 2B, § 9–102(j), which concerned certain Class B and Class H licenses, is deleted as unnecessary in light of the organization of this revised article.

### **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

#### **PART I. LICENSING CONDITIONS.**

#### **33–1601. DRIVE–THROUGH SALES PROHIBITED.**

**THE BOARD MAY NOT ISSUE ANY LICENSE WITH AN OFF–SALE PRIVILEGE FOR USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE–THROUGH SALES FACILITY AT WHICH ALCOHOLIC BEVERAGES ARE:**

**(1) SOLD AT RETAIL; AND**

**(2) DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR VEHICLE FOR OFF–PREMISES CONSUMPTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–224(b), except as it related to the transfer of a license.

In the introductory language of this section, the reference to a “sales” facility is substituted for the former reference to a “purchase” facility for clarity.

Former Art. 2B, § 9–224(a), which stated that former Art. 2B, § 9–224 applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101  
 “Board” § 33–101  
 “License” § 1–101  
 “Off–sale” § 1–101

**33–1602. RESERVED.**

**33–1603. RESERVED.**

## **PART II. MULTIPLE LICENSING PLANS.**

**33–1604. ADDITIONAL LICENSES FOR RESTAURANTS AND HOTEL OR MOTEL RESTAURANTS.**

**THE BOARD MAY ISSUE NOT MORE THAN NINE LICENSES TO A PERSON UNDER §§ 33–1605 AND 33–1606 OF THIS SUBTITLE, INCLUDING NOT MORE THAN THREE LICENSES FOR A RESTAURANT UNDER § 33–1605 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(j)(3)(iii).

Defined terms: “Board” § 33–101  
 “Person” § 1–101

**33–1605. ADDITIONAL CLASS B AND CLASS H LICENSES FOR RESTAURANT.**

**(A) AUTHORIZED HOLDER.**

**(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY ISSUE NOT MORE THAN TWO ADDITIONAL LICENSES OF THE SAME TYPE TO A HOLDER OF:**

**(I) A CLASS B (ON–SALE) HOTEL AND RESTAURANT BEER, WINE, AND LIQUOR LICENSE; OR**

**(II) A CLASS B (ON–SALE) HOTEL AND RESTAURANT BEER AND WINE LICENSE.**

**(2) A LICENSE ISSUED UNDER THIS SUBSECTION SHALL BE ISSUED FOR PREMISES USED AS A RESTAURANT.**

**(B) SCOPE OF AUTHORIZATION.****(1) THE RESTAURANT SHALL HAVE:**

**(I) A MINIMUM CAPITAL INVESTMENT OF \$150,000 FOR RESTAURANT FACILITIES, NOT INCLUDING THE COST OF LAND OR BUILDINGS; AND**

**(II) A MINIMUM SEATING CAPACITY OF 125 INDIVIDUALS.**

**(2) THE BOARD MAY DEFINE “RESTAURANT” BY REGULATION.**

**(3) EXCEPT AS PROVIDED IN § 33-1606 OF THIS SUBTITLE, THE BOARD MAY NOT ISSUE MORE THAN THREE LICENSES OF ALL CLASSES UNDER THIS SECTION TO OR FOR THE USE OF THE SAME PERSON.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(j)(2).

In the introductory language of subsection (a) of this section, the phrase “[s]ubject to subsection (b) of this section” is substituted for the former phrase “[n]otwithstanding any other provisions of this section” for accuracy.

Also in the introductory language of subsection (a) of this section, the former sentence “[t]he granting of additional licenses hereunder shall be limited and restricted to the purpose of providing alcoholic beverages for consumption on the licensed premises only, with no off-sale privileges” is deleted in light of the defined term “on-sale”.

In subsection (a)(1) of this section, the reference to the Board’s authority to issue additional licenses is added for clarity.

In subsection (a)(2) of this section, the former reference to “occupied” is deleted as unnecessary in light of the reference to “used”.

Also in subsection (a)(2) of this section, the former reference to a “bona fide” restaurant is deleted as surplusage.

In subsection (b)(3) of this section, the clause “the Board may not issue more than three licenses of all classes” is substituted for the former clause “[t]hese provisions do not permit the issuance of more than a total of three licenses of all classes issued under this section” for clarity.

Also in subsection (b)(3) of this section, the defined term “person” is substituted for the former phrase “any partnership, corporation, unincorporated association, or limited liability company” for brevity.

Former Art. 2B, § 9–102(j)(1), which stated that the provisions of former Art. 2B, § 9–102(j) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 33–101  
 “License” § 1–101  
 “On–sale” § 1–101  
 “Person” § 1–101

**33–1606. ADDITIONAL CLASS B AND CLASS H LICENSES FOR HOTEL OR MOTEL RESTAURANT COMPLEXES.**

**(A) AUTHORIZED HOLDER.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND § 33–1604 OF THIS SUBTITLE, THE BOARD MAY NOT ISSUE ADDITIONAL LICENSES OF THE SAME CLASS AND TYPE TO A HOLDER OF:**

**(I) A CLASS B (ON–SALE) BEER, WINE, AND LIQUOR LICENSE;**  
 OR

**(II) A CLASS B (ON–SALE) BEER AND WINE LICENSE.**

**(2) A LICENSE UNDER THIS SUBSECTION SHALL BE ISSUED FOR PREMISES USED AND OPERATED AS A HOTEL–RESTAURANT OR MOTEL–RESTAURANT COMPLEX.**

**(B) HOTEL OR MOTEL RESTAURANT COMPLEX REQUIREMENTS.**

**THE PREMISES OF A LICENSE HOLDER UNDER THIS SECTION SHALL HAVE:**

**(1) 50 OR MORE SLEEPING ROOMS FOR RENT;**

**(2) A MINIMUM CAPITAL INVESTMENT OF \$150,000 FOR RESTAURANT FACILITIES, NOT INCLUDING THE COST OF LAND OR BUILDING; AND**

**(3) A MINIMUM RESTAURANT SEATING CAPACITY OF 75 INDIVIDUALS.**

**(C) ADDITIONAL REQUIREMENTS.**

**(1) THE BOARD MAY ONLY ISSUE AN ADDITIONAL LICENSE UNDER THIS SECTION IF THE RESTAURANT OPERATION IS PART OF THE HOTEL OR MOTEL OPERATION.**

**(2) A PERSON MAY NOT HAVE A PECUNIARY INTEREST IN THE LICENSE OTHER THAN THE PERSON’S ENTITY THAT OWNS THE HOTEL OR MOTEL.**

**(D) TRANSFER PROHIBITED WITHOUT NEW APPLICATION.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE GRANTED UNDER THIS SECTION.**

**(2) A LICENSE MAY ONLY BE TRANSFERRED SUBJECT TO THE FILING OF A NEW APPLICATION.**

**(E) LICENSES LIMITED TO ON-PREMISES CONSUMPTION.**

**THE BOARD SHALL LIMIT ADDITIONAL LICENSES TO PROVIDING ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(j)(3).

In the introductory language of subsection (a)(1) of this section, the clause “the Board may not issue additional licenses” is substituted for the former clause “[t]hese provisions do not permit the issuance of” for clarity.

Also in the introductory language of subsection (a)(1) of this section, the former phrase “[n]otwithstanding any other provisions of this section” is deleted as surplusage.

In subsection (a)(2) of this section, the former reference to a “public” hotel–restaurant is deleted as surplusage.

In subsection (c)(2) of this section, the defined term “person” is substituted for the former reference to “partnership, corporation, unincorporated association, [or] limited liability company” for brevity and consistency within the article.

In subsection (d)(1) of this section, the former phrase “notwithstanding the provisions of § 10–503” is deleted as surplusage.

In subsection (e) of this section, the clause “[t]he Board shall limit” is substituted for the former clause “[t]he granting of additional licenses hereunder shall be limited and restricted” for brevity.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 33–101

“License” § 1–101

“Person” § 1–101

**33–1607. HOMEOWNERS ASSOCIATION.**

**(A) AUTHORIZED HOLDER.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY ALLOW A HOMEOWNERS ASSOCIATION THAT OWNS MORE THAN ONE FACILITY, AS DEFINED BY THE BOARD, TO HOLD MULTIPLE CLASS B LICENSES, MULTIPLE CLASS C LICENSES, OR A COMBINATION OF CLASS B AND CLASS C LICENSES.**

**(B) LIMITATIONS ON ADMISSION.**

**ADMISSION TO A FACILITY LICENSED WITH A CLASS C LICENSE SHALL BE LIMITED TO:**

- (1) THE OWNERS OF THE REAL PROPERTY AS GOVERNED BY RECORDED COVENANTS OF THE HOMEOWNERS ASSOCIATION;**
- (2) THE OWNERS’ TENANTS; AND**
- (3) GUESTS IN THE COMPANY OF THE OWNERS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(j)(4).

In subsections (a) and (b) of this section, the former references to a “bona fide” homeowners association and “bona fide” tenants are deleted as surplusage.

In subsection (a) of this section, the former phrase “notwithstanding any other provisions of this section” is deleted as surplusage.

Also in subsection (a) of this section, the phrase “the Board may allow” is added for clarity.

Defined terms: “Board” § 33–101

“License” § 1–101

**SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**33–1701. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**  
**AND**

**(2) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”).**

**(B) EXCEPTION.**

**SECTION 4–306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 33–1706 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”), SUBJECT TO § 33–1702 OF THIS SUBTITLE; AND**

**(2) § 4–305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO § 33–1705 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of the names of officers on licenses.

Defined terms: “County” § 33–101

“License” § 1–101

**33–1702. TRANSFER OF LICENSES PROHIBITED FOR DRIVE–THROUGHS.**

**THE BOARD MAY NOT TRANSFER AN OFF–SALE LICENSE FOR USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE–THROUGH PURCHASE FACILITY WHERE ALCOHOLIC BEVERAGES ARE TO BE SOLD AT RETAIL AND DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR VEHICLE FOR OFF–PREMISES CONSUMPTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10-503(y)(3) and, as it related to license transfers, 9-224(b).

The former reference to a license "of any class" is deleted as surplusage.

Former Art. 2B, § 10-503(y)(1), which stated that former Art. 2B, § 10-503(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 33-101

"License" § 1-101

"Off-sale" § 1-101

### **33-1703. TRANSFER OF PECUNIARY INTEREST IN LICENSED ESTABLISHMENT.**

**BEFORE A LICENSE HOLDER TRANSFERS A PECUNIARY INTEREST IN THE LICENSED ESTABLISHMENT, THE LICENSE HOLDER SHALL OBTAIN THE APPROVAL OF THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(y)(4).

The reference to the license holder "obtain[ing] the approval of the Board" is substituted for the former reference to the Board "approv[ing]" the transfer to avoid the erroneous implication that the Board is obligated to approve each transfer.

The defined term "license holder" is substituted for the former reference to "an owner of a business that is licensed under this article" for brevity.

The former references to "assign" and "assignment" are deleted as included in the reference to "transfer".

The former phrase "[i]n addition to the restrictions provided in subsection (a) of this section" is deleted as unnecessary in light of the organization of this revised article.

The former reference to the requirement that the license holder of a licensed business "first notify the Board of the proposed transfer" is deleted as implicit in the requirement that the license holder "obtain the approval of the Board" before making the transfer.

Defined terms: "Board" § 33-101

"License holder" § 1-101

**33-1704. RETAIL DEALER WITH DEBT ON EXTENDED CREDIT.**

**THE BOARD MAY NOT TRANSFER THE LICENSE OF A RETAIL DEALER THAT HAS BEEN EXTENDED CREDIT UNDER § 33-504 OF THIS TITLE AND THAT OWES A BALANCE ON THE DEBT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-112(c)(6), as it related to the transfer of a license.

The former reference to a retail dealer's owing a balance on the debt "at the time of the transfer" is deleted as implicit.

Defined terms: "Board" § 33-101

"License" § 1-101

"Retail dealer" § 1-101

**33-1705. FEE.**

**IN ADDITION TO THE COSTS OF PUBLICATION, NOTICE, AND ANY HEARING FEES REQUIRED, THE FEE FOR A TRANSFER OF A LICENSE IS THE GREATER OF:**

**(1) \$50; OR**

**(2) 25% OF THE ANNUAL FEE FOR THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(y)(2)(iv).

The former reference to an "assignment" is deleted as included in the reference to a "transfer".

The former reference to the license "being transferred" is deleted as surplusage.

Defined term: "License" § 1-101

**33-1706. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE.**

**(A) CONDITIONS FOR SUBSTITUTION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR A LICENSE ISSUED FOR THE USE OF A CORPORATION OR CLUB, THE LICENSE HOLDER**

MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:

(I) HAS DIED;

(II) HAS RETIRED; OR

(III) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR CLUB.

(2) A SUBSTITUTE OFFICER SHALL BE AN INDIVIDUAL APPROVED BY THE BOARD WHO MEETS ALL THE REQUIREMENTS APPLICABLE TO THE ORIGINAL OFFICER.

(B) AFFIDAVIT REQUIRED.

THE LICENSE HOLDER SHALL FILE AN AFFIDAVIT AND APPLICATION WITH THE BOARD THAT CONTAINS:

(1) THE SUBSTITUTION OF THE OFFICER; AND

(2) AN EXPLANATION FOR THE SUBSTITUTION.

(C) CORRECTIONS ON LICENSES OTHER THAN CLASS C LICENSES.

ON RECEIPT OF THE AFFIDAVIT AND APPLICATION AND AFTER A FINDING BY THE BOARD THAT THE INDIVIDUAL IS FIT AND WOULD MEET THE SAME REQUIREMENTS APPLICABLE TO THE ORIGINAL OFFICER, THE BOARD SHALL:

(1) AMEND ITS RECORD; AND

(2) ISSUE A CORRECTED LICENSE.

(D) CORRECTIONS ON CLASS C LICENSES.

ON RECEIPT OF THE AFFIDAVIT AND APPLICATION AND PAYMENT OF A \$5 FEE, THE BOARD SHALL:

(1) AMEND ITS RECORDS; AND

(2) ISSUE A CORRECTED LICENSE.

(E) FEE.

**THE LICENSE HOLDER SHALL PAY A FEE OF \$100 TO THE BOARD FOR THE SERVICE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(y)(2)(i), (ii), and (iii) and, as they related to Worcester County, the first through fourth and sixth sentences of § 10–301(h)(1).

In subsection (a) of this section, the former references to an officer who has “been removed from office” are deleted as included in the reference to an officer who “no longer holds an office in the corporation or club”.

In the introductory language of subsection (a)(1) of this section, the reference to “any officer who” is substituted for the former references to “the deleted officer” for clarity.

Also in the introductory language of subsection (a)(1) of this section, the former references to any “class of alcoholic beverage” or “class of alcoholic beverages” license are deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former phrase “during any license year” is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former phrase “notwithstanding any other provision of this article” is deleted as surplusage.

In subsection (a)(2) of this section, the reference to requirements “applicable to the original officer” is substituted for the former references to requirements “the substitute would have to meet if the substitute were named in the original application” for brevity.

Also in subsection (a)(2) of this section, the former reference to a “fit” individual is deleted as implicit in the requirement that the individual be approved by the Board and meet the requirements applicable to the original officer.

In subsection (b)(1) of this section, the former reference to “officers” is deleted in light of the reference to “officer” and GP § 1–202, which provides that the singular generally includes the plural.

In subsections (c)(2) and (d)(2) of this section, the references to a “corrected license” are substituted for the former references to a “new license with the corrected names on it” for brevity.

“Club” § 1–101  
“License” § 1–101  
“License holder” § 1–101

### **SUBTITLE 18. RENEWAL OF LICENSES.**

#### **33–1801. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**
- (2) § 4–403 (“RENEWAL APPLICATION”);**
- (3) § 4–405 (“CONTENTS OF RENEWAL APPLICATION”);**
- (4) § 4–406 (“PROTESTS”);**
- (5) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**
- (6) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);**
- (7) § 4–409 (“MULTIPLE LICENSES”); AND**
- (8) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

##### **(B) VARIATION.**

**SECTION 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 33–1802 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 33–101  
“License” § 1–101

#### **33–1802. FILING PERIOD FOR RENEWAL APPLICATION — LATE FILING.**

**THE BOARD MAY ACCEPT LATE APPLICATIONS DURING APRIL AND FINE THE LICENSE HOLDER AN AMOUNT NOT EXCEEDING \$50 FOR EACH DAY THE APPLICATION IS LATE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(t).

The reference authorizing the Board to “accept” late applications is substituted for the former reference authorizing the Board to “receive” late applications for clarity.

Defined terms: “Board” § 33–101

“License holder” § 1–101

### **33–1803. RENEWAL OF CLASS A LICENSE.**

**THE BOARD MAY RENEW A CLASS A BEER LICENSE, BEER AND WINE LICENSE, OR WINE LICENSE ISSUED BEFORE JANUARY 1, 2002.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(j)(7).

The former phrase “[n]otwithstanding any other provision of this section,” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Board” § 33–101

“Wine” § 1–101

## **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

### **33–1901. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4–503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4–506 (“EVIDENCE OF PURCHASER’S AGE”); AND**

(4) § 4-508 (“DISPLAY OF LICENSE”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”), SUBJECT TO § 33-1902 OF THIS SUBTITLE;

(2) § 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO § 33-1903 OF THIS SUBTITLE; AND

(3) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”), SUBJECT TO § 33-1904 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101  
“County” § 33-101  
“License” § 1-101  
“License holder” § 1-101

**33-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

(A) INDIVIDUALS UNDER THE AGE OF 18 YEARS.

A LICENSE HOLDER MAY NOT EMPLOY AN INDIVIDUAL UNDER THE AGE OF 18 YEARS IN THE SALE OF ALCOHOLIC BEVERAGES, UNLESS A PERMIT IS OBTAINED FROM THE SHERIFF AND STATE’S ATTORNEY OF THE COUNTY.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$200 OR BOTH.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-224(b) and (a)(1).

In subsection (a) of this section, the reference to an “individual” is substituted for the former reference to a “person” because this subsection applies only to human beings.

In subsection (b) of this section, the reference to “imprisonment” is substituted for the former reference to “jail” to conform to the terminology used throughout this article.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 33–101

“License holder” § 1–101

“Person” § 1–101

### **33–1903. ALCOHOL AWARENESS PROGRAM.**

#### **(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A HOLDER OF A CLASS C LICENSE.**

#### **(B) PRESENCE REQUIRED; TEMPORARY ABSENCE FROM LICENSED PREMISES ALLOWED.**

**(1) THE LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE LICENSE HOLDER WHO IS EMPLOYED IN A SUPERVISORY CAPACITY SHALL:**

**(I) BE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BE PRESENT ON THE LICENSED PREMISES DURING THE HOURS IN WHICH ALCOHOLIC BEVERAGES MAY BE SOLD.**

**(2) THE LICENSE HOLDER OR INDIVIDUAL SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION MAY BE ABSENT FROM THE LICENSED PREMISES FOR A PERSONAL OR BUSINESS REASON OR AN EMERGENCY IF THE ABSENCE LASTS FOR NOT MORE THAN 2 HOURS.**

**(3) THE BOARD SHALL REQUIRE THE LICENSE HOLDER TO KEEP A LOG BOOK ON THE LICENSED PREMISES THAT DOCUMENTS EACH TEMPORARY ABSENCE, THE LENGTH OF TIME OF THE ABSENCE, AND THE REASON FOR THE ABSENCE, IN THE FORM THAT THE BOARD REQUIRES.**

#### **(C) PENALTY.**

**A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A \$100 FINE; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13-101(d) and (c)(2)(iii) and (iv)4 and, as they relate to Worcester County, (ii), (i)7, and (iv)1.

In subsection (b) of this section, the references to an "individual" are substituted for the former references to a "person" because this section applies only to human beings.

In subsection (b)(1)(ii) of this section, the reference to being present "on the licensed premises" is added for clarity.

Also in subsection (b)(1)(ii) of this section, the defined term "alcoholic beverage[s]" is substituted for the former reference to "alcohol" to conform to the terminology used throughout this article.

In subsection (b)(2) of this section, the former reference to a "bona fide" personal or business reason is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 33-101

"License holder" § 1-101

**33-1904. RETAIL DELIVERY.**

**(A) NO DELIVERY OUTSIDE LICENSED PREMISES.**

**EXCEPT FOR EVENTS CATERED BY A HOLDER OF A CATERER'S LICENSE, A HOLDER OF A RETAIL LICENSE ISSUED BY THE BOARD MAY NOT DELIVER ALCOHOLIC BEVERAGES OUTSIDE OF THE LICENSED PREMISES.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$200 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-224(a)(2) and (b).

In subsection (a) of this section, the reference to a “holder of a retail license issued by the Board” is substituted for the former reference to “a retail alcoholic beverages licensee in Worcester County” for clarity.

In subsection (b) of this section, the reference to “imprisonment” is substituted for the former reference to “jail” to conform to the terminology used throughout this article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 33–101

“Person” § 1–101

### **33–1905. PUBLIC RESTROOMS REQUIRED.**

#### **(A) FOR ON–SALE ESTABLISHMENTS.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, TO QUALIFY FOR AN “ON–SALE” CLASS B LICENSE, CLASS C LICENSE, OR CLASS D LICENSE, THE LICENSED PREMISES SHALL BE EQUIPPED WITH PUBLIC RESTROOMS WITH:**

**(1) A MINIMUM OF ONE RESTROOM FOR EACH SEX; AND**

**(2) A CONNECTION TO A PUBLIC OR PRIVATE WATER AND WASTE SYSTEM THAT IS APPROVED BY THE HEALTH DEPARTMENT.**

#### **(B) WAIVER.**

**IF THE BOARD FINDS THAT THE REQUIREMENTS OF THIS SECTION WILL IMPOSE AN UNDUE HARDSHIP ON THE APPLICANT, THE BOARD MAY WAIVE THE REQUIREMENTS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–524(f).

In subsection (a) of this section, the former phrase “at least” is deleted as redundant of the phrase “a minimum of”.

Defined term: “Board” § 33–101

### **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

#### **33–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

##### **(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and, as it related to Worcester County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided in this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

### **33–2002. SALES OF ALCOHOLIC BEVERAGES.**

#### **(A) IN GENERAL.**

**A HOLDER OF A RETAIL ALCOHOLIC BEVERAGES LICENSE MAY SELL OR PROVIDE ALCOHOLIC BEVERAGES OR ALLOW ALCOHOLIC BEVERAGES TO BE CONSUMED ON THE LICENSED PREMISES ONLY IN ACCORDANCE WITH THIS SUBTITLE.**

#### **(B) HOURS WHEN SALES ARE PROHIBITED.**

**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ALCOHOLIC BEVERAGES MAY NOT BE SOLD ON MONDAY THROUGH SUNDAY, FROM 2 A.M. TO 9 A.M.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–524(a) and (b)(1).

In subsection (a) of this section, the reference to “provide” is substituted for the former reference to “barter, deliver or give away, or otherwise dispose of” to conform to the terminology used throughout this subtitle.

Also in subsection (a) of this section, the phrase “only in accordance with this subtitle” is substituted for the former phrase “except as hereinafter provided” to conform to the terminology used throughout this subtitle.

Also in subsection (a) of this section, the former phrase “notwithstanding any other provisions of this subtitle” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b) of this section, the phrase “on Monday through Sunday” is substituted for the former phrases “on Sunday”, “on Monday”, and “on the remaining days of the week” for brevity.

Also in subsection (b) of this section, the former references to “prevailing time” are deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101  
"License" § 1-101

**33-2003. BEER LICENSES.**

**(A) CLASS A BEER LICENSE.**

**A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER UNDER:**

**(1) A 6-DAY LICENSE, ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

**(2) A 7-DAY LICENSE, ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(B) CLASS B BEER LICENSE.**

**(1) A HOLDER OF A 6-DAY CLASS B BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SATURDAY:**

**(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A HOLDER OF A 7-DAY CLASS B BEER LICENSE MAY SELL BEER:**

**(I) FOR OFF-PREMISES CONSUMPTION, ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON-PREMISES CONSUMPTION:**

**1. ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**2. ON SUNDAY, FROM 12:30 P.M. TO 2 A.M. THE FOLLOWING DAY.**

**(3) A HOLDER OF A 7-DAY CLASS B BEER LICENSE IN THE TENTH ELECTION DISTRICT IN THE COUNTY MAY SELL BEER ON MONDAY THROUGH SUNDAY:**

**(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(C) CLASS C BEER LICENSE.**

**A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(D) CLASS D BEER LICENSE.**

**(1) A HOLDER OF A 6-DAY CLASS D BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SATURDAY:**

**(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A HOLDER OF A 7-DAY CLASS D BEER LICENSE MAY SELL BEER:**

**(I) FOR OFF-PREMISES CONSUMPTION, ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON-PREMISES CONSUMPTION:**

**1. ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**2. ON SUNDAY, FROM 12:30 P.M. TO 2 A.M. THE FOLLOWING DAY.**

**(3) A HOLDER OF A 7-DAY CLASS D BEER LICENSE IN THE TENTH ELECTION DISTRICT IN THE COUNTY MAY SELL BEER ON MONDAY THROUGH SUNDAY:**

**(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-524(c)(1) through (4).

In each subsection of this section, the introductory language stating that the holder of a particular license "may sell beer" is substituted for the former introductory language stating that "[i]n the sections of this article set forth in this subsection, the hours for sale in Worcester County shall be" for clarity.

In subsection (a) of this section, the former reference to "Section 3-101" is deleted as obsolete and unnecessary in light of the organization of this revised article. Similarly, in subsections (b) and (c) of this section, former references to "Section 3-201" and "Section 3-301", respectively, are deleted.

In subsection (a)(1) of this section, the former reference that "there shall be no sales between 2:00 a.m. Sunday and 6:00 a.m. Monday" is deleted as unnecessary because the authority of a holder of a 6-day license to sell beer extends only from 6 a.m. Monday to 2 a.m. Sunday. Similarly, in subsection (b)(1) of this section, the former sentence "[t]here may be no sales between 2 a.m. Sunday and 6:00 a.m. or 9:00 a.m. Monday, respectively", and in subsection (c) of this section, the former clause "except that there be no sales on Sundays between 2:00 a.m. and 9:00 a.m. Monday mornings" are deleted.

In subsection (b) of this section, the phrase "[e]xcept as provided in paragraph (3) of this subsection" is substituted for the former phrase "[c]ountywide (exclusive of tenth election district)" in light of the organization of this revised section.

Defined terms: "Beer" § 1-101

"County" § 33-101

"License" § 1-101

### **33-2004. BEER AND WINE LICENSES.**

**(A) CLASS A BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE UNDER:**

(1) A 6-DAY LICENSE, ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; OR

(2) A 7-DAY LICENSE, ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

**(B) CLASS B BEER AND WINE LICENSE.**

(1) A HOLDER OF A 6-DAY CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SATURDAY:

(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(II) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) A HOLDER OF A 7-DAY CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SUNDAY:

(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(II) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.

**(C) CLASS C BEER AND WINE LICENSE.**

A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.

**(D) CLASS D BEER AND WINE LICENSE.**

(1) A HOLDER OF A 6-DAY CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SATURDAY:

(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(II) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.

**(2) A HOLDER OF A 7-DAY CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SUNDAY:**

**(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-524(c)(5) through (8).

In this section, references to a "beer and wine license" are substituted for the former references to a "beer and light wine license" to avoid confusion. Traditionally, wines were divided according to their amount of alcoholic content into two groups: light wines (containing up to 15.5% alcohol by volume) and fortified wines (containing above 15.5%). However, in former Art. 2B, § 4-101(y), "light wine" was defined in the County as a fermented beverage containing up to 22% of alcohol by volume – a maximum amount sufficient to include fortified wines, thus rendering meaningless the traditional division of wines into light wines and fortified wines.

In each subsection of this section, the introductory language stating that the holder of a particular license "may sell beer and wine" is substituted for the former introductory language stating that "[i]n the sections of this article set forth in this subsection, the hours for sale in Worcester County shall be" for clarity.

In subsection (a) of this section, the former reference to "Section 5-101" is deleted as obsolete and unnecessary in light of the organization of this revised article. Similarly, in subsections (b) and (c) of this section, former references to "Section 5-201" and "Section 5-301", respectively, are deleted.

In subsection (a)(1) of this section, the former reference that "there shall be no sales on Sundays between 2:00 a.m. and 6:00 a.m. Monday" is deleted as unnecessary because the authority of a holder of a 6-day license to sell beer and wine extends only from 6 a.m. Monday to 2 a.m. Sunday. Similarly, in subsection (b)(1) of this section, the former sentence "[t]here may be no sales between 2:00 a.m. Sunday and 6:00 a.m. or 9:00 a.m. Monday, respectively", and in subsection (c)(1) of this section, the former clause "except that there be no sales on Sundays between 2:00 a.m. and 9:00 a.m. Monday mornings" are deleted.

Defined terms: "Beer" § 1-101

"County" § 33-101

"License" § 1-101

**33–2005. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**RESERVED.**

**(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A HOLDER OF A 6–DAY CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL:**

**(I) FOR OFF–PREMISES CONSUMPTION ON MONDAY THROUGH SATURDAY:**

**1. BEER AND WINE, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**2. LIQUOR, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON–PREMISES CONSUMPTION ON MONDAY THROUGH SATURDAY, BEER, WINE, AND LIQUOR, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A HOLDER OF A 7–DAY CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL:**

**(I) FOR OFF–PREMISES CONSUMPTION ON MONDAY THROUGH SUNDAY:**

**1. BEER AND WINE, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**2. LIQUOR, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON–PREMISES CONSUMPTION ON MONDAY THROUGH SUNDAY, BEER, WINE, AND LIQUOR, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(3) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS THAT ARE SET OUT UNDER PARAGRAPHS (1) OR (2) OF THIS SUBSECTION, UNLESS THE OCEAN CITY CONVENTION HALL COMMISSION SPECIFIES A SHORTER TIME.**

**(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR UNDER:**

**(1) A 6-DAY LICENSE, ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

**(2) A 7-DAY LICENSE, ON MONDAY THROUGH SUNDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A 6-DAY CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL:**

**(I) FOR OFF-PREMISES CONSUMPTION:**

**1. BEER AND WINE, ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**2. LIQUOR, ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON-PREMISES CONSUMPTION, BEER, WINE, AND LIQUOR, ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) A HOLDER OF A 7-DAY CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL:**

**(I) FOR OFF-PREMISES CONSUMPTION:**

**1. BEER AND WINE, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**2. LIQUOR, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY;  
AND**

**(II) FOR ON-PREMISES CONSUMPTION, BEER, WINE, AND LIQUOR FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(E) CLASS I BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS I BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR, FOR ON-PREMISES CONSUMPTION, UNDER:**

**(1) A 6-DAY LICENSE, ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

**(2) A 7-DAY LICENSE, ON MONDAY THROUGH SUNDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8-224(h) and 11-524(c)(9) through (11).

In subsections (b), (c), and (d) of this section, the introductory language stating that the holder of a particular type of beer, wine, and liquor license “may sell” beer, wine, and liquor is substituted for the former introductory language stating that “[i]n the sections of this article set forth in this subsection, the hours for sale in Worcester County shall be” for clarity.

In subsection (b) of this section, the former reference to “Section 6-201” is deleted as obsolete. Similarly, in subsections (c) and (d) of this section, former references to “Section 6-301” and “Section 6-401”, respectively, are deleted.

In subsection (b)(1)(ii) of this section, the reference to “beer, wine, and liquor” is added to clarify that the hours of sale for consumption on the premises extend to all three types of alcoholic beverages.

In subsection (e) of this section, the reference to the specific hours and days of sale are substituted for the former cross-reference to Art. 2B, § 11-524 in light of the reorganization of this revised article.

Former Art. 2B, § 11-403(b)(2)(viii), which stated that in Worcester County a prohibition against Sunday sales is not applicable to Class B beer, wine and liquor licenses regulated by the provisions of former Art. 2B, § 11-524 of this title, now this section, is deleted in light of the organization of this revised article.

Defined term: “License” § 1-101

**33-2006. HOURS ON JANUARY 1.**

**THE BOARD SHALL DETERMINE THE HOUR WHEN A LICENSE HOLDER SHALL STOP SELLING ALCOHOLIC BEVERAGES ON JANUARY 1, REGARDLESS OF THE DAY OF THE WEEK ON WHICH JANUARY 1 FALLS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-402(y)(2).

The former phrase “within [the Board’s] sole discretion” is deleted as surplusage.

The former reference allowing the Board to determine the hour at which establishments serving alcoholic beverages must cease sales on “December 31” — a provision intended to allow establishments to extend their hours when December 31 fell on a Sunday — is deleted as obsolete. The normal hours of sale on Sunday in the County now extend to 2 a.m. the following day.

Former Art. 2B, § 11-402(y)(1), which stated that former Art. 2B, § 11-402(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 11-524(e), which stated that in Worcester County Sunday sales when December 31 or January 1 fall on a Sunday shall be governed by former Art. 2B, § 11-402(y), is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1-101

“Board” § 33-101

“License holder” § 1-101

### **33-2007. CONSUMPTION PROHIBITED.**

#### **(A) PLACES WHERE CONSUMPTION IS PROHIBITED.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OR (3) OF THIS SUBSECTION, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN AN UNLICENSED CLUB, DANCE STUDIO, DISCO, HOTEL, RESTAURANT, TAVERN, OR ANY OTHER PLACE OF PUBLIC ENTERTAINMENT.**

#### **(2) AN INDIVIDUAL MAY CONSUME ALCOHOLIC BEVERAGES:**

**(I) IN THE ROOM OF A REGISTERED GUEST IN A HOTEL, MOTEL, OR HOSPICE; OR**

**(II) ON THE PROPERTY OF A VOLUNTEER FIRE COMPANY.**

**(3) AN INDIVIDUAL MAY CONSUME ALCOHOLIC BEVERAGES ON THE PREMISES OF:**

**(I) A FISHING CLUB THAT WAS ESTABLISHED BEFORE JANUARY 1, 1970; OR**

**(II) ANY OF THE FOLLOWING ESTABLISHMENTS IF IT HAS BEEN IN EXISTENCE FOR AT LEAST 3 YEARS:**

- 1. A CATERING ESTABLISHMENT;**
- 2. A COMMUNITY OR CIVIC ASSOCIATION;**
- 3. A SWIM CLUB;**
- 4. A SOCIAL, CIVIC, NONPROFIT, CHARITABLE, FRATERNAL, PATRIOTIC, EDUCATIONAL, OR PUBLIC SERVICE ORGANIZATION; OR**
- 5. A RELIGIOUS INSTITUTION.**

**(B) HOURS WHEN CONSUMPTION IS PROHIBITED.**

**THE PROHIBITION UNDER SUBSECTION (A) OF THIS SECTION APPLIES AT ALL TIMES, UNLESS CONSUMPTION IS AUTHORIZED BY THIS SUBTITLE.**

**(C) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

**(D) PENALTY.**

**A PERSON SUBJECT TO THIS SECTION WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(y)(2) through (5).

In subsection (a)(1) of this section, the reference to "an unlicensed" club, dance studio, disco, hotel, restaurant, tavern, or any other place of public entertainment is added for clarity.

In subsection (a)(3)(ii)1, 4, and 5 of this section, the former references to a "bona fide" organization are deleted as surplusage.

In subsection (b) of this section, the reference to “all times” is substituted for the former reference to “any day of the week, including Saturday and Sunday” for brevity and clarity.

In subsection (c) of this section, the former reference to “uniform” regulations is deleted as implicit in the reference to “regulations”.

In subsection (d) of this section, the reference to “[a] person subject to this section” is substituted for the former reference to “[a]ny owner, operator, manager, or employee of premises or places subject to the prohibitions of this subsection” for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Club” § 1–101

“Person” § 1–101

### **33–2008. LIMIT ON CONSUMPTION.**

**IF SALES OF ALCOHOLIC BEVERAGES IN A LICENSED PREMISES MAY CONTINUE UNTIL 2 A.M., ALCOHOLIC BEVERAGES MAY NOT BE CONSUMED LATER THAN 2:30 A.M., WHEN THE LICENSED PREMISES SHALL BE VACATED BY ALL CUSTOMERS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–524(b)(2).

The phrase “in a licensed premises” is added for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

### **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

#### **33–2101. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);**

**(2) § 4–605 (“NUDITY AND SEXUAL DISPLAYS”); AND**

**(3) § 4-606 (“EFFECTS OF REVOCATION”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-603 (“REVOCATION AND SUSPENSION PROCEDURES”), SUBJECT TO § 33-2102 OF THIS SUBTITLE; AND**

**(2) § 4-604 (“GROUNDINGS FOR REVOCATION OR SUSPENSION”), SUBJECT TO § 33-2103 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10-405(a)(18), which stated that former Art. 2B, § 10-405, which related to nudity and sexual displays, applied in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 33-101

“License” § 1-101

“Local licensing board” § 1-101

**33-2102. NOTICE OF COMPLAINT INITIATING LICENSE REVOCATION OR SUSPENSION PROCEDURES.**

**(A) IN GENERAL.**

**IN ADDITION TO THE PROCEDURES UNDER § 4-603 OF THIS ARTICLE, THE BOARD SHALL NOTIFY THE LICENSE HOLDER OF THE COMPLAINT BY:**

**(1) PERSONAL SERVICE ON THE LICENSE HOLDER OR ANY ADULT EMPLOYEE OF THE LICENSE HOLDER; OR**

**(2) ANY OTHER METHOD OF SERVICE OF NOTICE THAT CONFORMS WITH MARYLAND RULES 2-121 AND 2-122.**

**(B) NOTICE GIVEN TO EMPLOYEE.**

**IF NOTICE IS GIVEN TO AN ADULT EMPLOYEE OF THE LICENSE HOLDER UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD SHALL MAIL A COPY OF THE NOTICE**

**OR A LETTER DESCRIBING THE CONTENTS OF THE NOTICE TO THE HOME OR BUSINESS ADDRESS OF THE LICENSE HOLDER WITHIN 72 HOURS AFTER THE NOTICE IS GIVEN TO THE ADULT EMPLOYEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-403(c)(2) and (3).

In the introductory language of subsection (a) and in subsection (b) of this section, the references to "the Board" are added to clarify that the Board is required to fulfill notification requirements.

Also in the introductory language of subsection (a) and in subsection (b) of this section, the former references to the "service of" notice are deleted as surplusage.

In the introductory language of subsection (a) of this section, the phrase "[i]n addition to the procedures under § 4-603 of this article," is added for clarity.

Also in the introductory language of subsection (a) of this section, the former reference to the "charges of" complaint is deleted as surplusage.

In subsection (b) of this section, the reference to within 72 hours "after the notice is given" is substituted for the former reference to within 72 hours "of the day service is given" for clarity.

Former Art. 2B, § 10-403(c)(1), as it related to applying former Art. 2B, § 10-403(c) to Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 33-101

"License holder" § 1-101

### **33-2103. ADDITIONAL GROUNDS FOR REVOCATION OR SUSPENSION.**

**IN ADDITION TO THE GROUNDS FOR REVOCATION OR SUSPENSION IN § 4-604 OF THIS ARTICLE, THE BOARD MAY REVOKE OR SUSPEND A LICENSE IF THE LICENSE HAS NOT BEEN PLACED IN OPERATION AFTER 6 MONTHS FOLLOWING ITS ISSUANCE OR TRANSFER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-401(i).

The phrase "[i]n addition to the grounds for revocation or suspension under § 4-604 of this article," is added for clarity.

The reference to the “issuance or transfer” of a license is substituted for the former reference to the “Board approv[al of]: (1) [t]he issuance of the license; or (2) [t]he transfer of the license” for brevity.

Defined terms: “Board” § 33–101

“License” § 1–101

## **SUBTITLE 22. EXPIRATION OF LICENSES.**

### **33–2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 33–101

“License” § 1–101

## **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

### **33–2301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 33–101

“License holder” § 1–101

## **SUBTITLE 24. JUDICIAL REVIEW.**

### **33–2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 33–101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.****33-2501. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

**(A) SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**A PERSON MAY NOT SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND ICE, OR SERVE, KEEP, OR ALLOW TO BE CONSUMED ALCOHOLIC BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF ADULT ENTERTAINMENT THAT:**

**(1) DOES NOT HOLD A LICENSE UNDER THIS ARTICLE; AND**

**(2) ALLOWS AT ITS LOCATION ANY FORM OF SEXUAL DISPLAY OR ATTIRE PROHIBITED UNDER § 4-605 OF THIS ARTICLE.**

**(B) PROHIBITION AGAINST OPERATOR.**

**A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20-113(a), (c), and (d).

In the introductory language of subsection (a) of this section, the former references to "dispense" are deleted as included in the references to "serve".

In subsection (a) of this section, the reference to "adult" entertainment is substituted for the former references to "public" entertainment for clarity.

In subsection (a)(2) of this section, the reference to "location" is substituted for the former reference to "premises" to avoid the implication that the establishment is licensed.

Former Art. 2B, § 20–113(b), which provided that former Art. 2B, § 20–113 applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“Person” § 1–101

**33–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$4,000.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and (2)(ii).

In subsections (a) and (b) of this section, the references to an “establishment” are substituted for the former references to “premises” to avoid the implication that the establishment is licensed.

In subsection (a) of this section, the former reference to the “general” public is deleted as surplusage.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

**33–2503. CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED IN A PLACE OF PUBLIC ENTERTAINMENT.**

**(A) PLACES AFFECTED.**

**EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION AND ELSEWHERE IN THIS ARTICLE, A PERSON MAY NOT CONSUME ALCOHOLIC BEVERAGES AT ANY TIME ON ANY DAY OF THE WEEK IN A RESTAURANT, TAVERN, HOTEL, CLUB, DANCE STUDIO, DISCO, AND ANY OTHER PLACE OF PUBLIC ENTERTAINMENT.**

**(B) PLACES EXEMPTED.**

**EXEMPT FROM SUBSECTION (A) OF THIS SECTION ARE:**

- (1) THE ROOM OF A REGISTERED GUEST IN A HOTEL, MOTEL, OR HOSPICE;**
- (2) THE PROPERTY OF A VOLUNTEER FIRE COMPANY;**
- (3) A FISHING CLUB ESTABLISHED BEFORE JANUARY 1, 1970; AND**
- (4) IF IT HAS BEEN IN EXISTENCE FOR AT LEAST 3 YEARS:**
  - (I) A CATERING ESTABLISHMENT;**
  - (II) A COMMUNITY OR CIVIC ASSOCIATION;**
  - (III) A SWIM CLUB;**

(IV) A SOCIAL, CIVIC, NONPROFIT, CHARITABLE, FRATERNAL, PATRIOTIC, EDUCATIONAL, OR PUBLIC SERVICE ORGANIZATION; AND

(V) A RELIGIOUS INSTITUTION.

(C) REGULATIONS.

THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

(D) PENALTY.

AN OWNER, A MANAGER, OR AN EMPLOYEE OF AN ESTABLISHMENT OR A PLACE SUBJECT TO THE PROHIBITIONS OF THIS SECTION WHO KNOWINGLY ALLOWS CONSUMPTION IN VIOLATION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$10,000.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(y)(2) through (5).

In subsection (b)(4)(i), (iv), and (v) of this section, the former references to a “bona fide” catering establishment, social, civic, nonprofit, charitable, fraternal, patriotic, educational, public service organization, and religious institution are deleted as vague.

In subsection (d) of this section, the reference to an “establishment” is substituted for the former reference to “premises” to avoid the implication that the establishment is licensed.

Also in subsection (d) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

Former Art. 2B, § 11–304(y)(1), which stated that former Art. 2B, § 11–304(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 18–104, which prohibited alcoholic beverages in Worcester County from being brought onto any premises and consumed or transferred except in a manner specifically allowed or provided for in former Article 2B, and provided a penalty and certain exceptions from the prohibition, is deleted as duplicative of this section.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 33–101

“Person” § 1–101

**SUBTITLE 26. ENFORCEMENT.****33-2601. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6-202 (“INSPECTIONS”);**
- (2) § 6-203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**
- (3) § 6-204 (“POWER TO SUMMON WITNESSES”);**
- (4) § 6-205 (“PEACE OFFICERS”);**
- (5) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);**
- (6) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);**
- (7) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);**
- (8) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND**
- (9) § 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”).**

**(B) VARIATION.**

**SECTION 6-211 (“FINES AND FORFEITURES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 33-2603 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1-101  
“County” § 33-101

“State” § 1–101

**33–2602. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

**(A) IN GENERAL.**

**THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED ESTABLISHMENT.**

**(B) REFUSAL OF SUBPOENA.**

**(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS REFUSES TO PRODUCE A SUBPOENAED RECORD.**

**(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A CASE PENDING BEFORE THE COURT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–410(c)(1)(xi), (2), and (3).

In subsections (a) and (b)(1) of this section, the former references to “papers” are deleted as included in the references to “records” and “record”.

In subsection (b)(1) of this section, the phrase “may petition” is substituted for the former phrase “shall report the fact to” for clarity.

Also in subsection (b)(1) of this section, the former phrase “for the county” is deleted as surplusage.

In subsection (b)(2) of this section, the phrase “may proceed” is substituted for the former phrase “shall proceed” for clarity.

Also in subsection (b)(2) of this section, the former phrase “in all respects” is deleted as surplusage.

Defined term: “Board” § 33–101

**33–2603. DISTRIBUTION OF FINES.**

**ONE–HALF OF EACH FINE IMPOSED IN THE COUNTY SHALL BE DISTRIBUTED AS PROVIDED UNDER § 7–507 OF THE COURTS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–502(d).

Defined term: "County" § 33-101

## **SUBTITLE 27. PROHIBITED ACTS.**

### **33-2701. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 ("PROHIBITED ACTS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6-305 ("PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES");**
- (2) § 6-306 ("DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL");**
- (3) § 6-307 ("SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL");**
- (4) § 6-308 ("ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER");**
- (5) § 6-309 ("ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS");**
- (6) § 6-310 ("PROVIDING FREE FOOD");**
- (7) § 6-311 ("RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER");**
- (8) § 6-312 ("BEVERAGE MISREPRESENTATION");**
- (9) § 6-313 ("TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER");**
- (10) § 6-314 ("SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB");**
- (11) § 6-315 ("ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT");**

- (12) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- (13) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- (14) § 6-320 (“DISORDERLY INTOXICATION”);
- (15) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);
- (16) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (17) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (18) § 6-327 (“TAX EVASION”);
- (19) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
- (20) § 6-329 (“PERJURY”).

(B) EXCEPTION.

SECTION 6-322 (“POSSESSION OF OPEN CONTAINER”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

(C) VARIATION.

SECTION 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 33-2702 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101  
“County” § 33-101  
“License holder” § 1-101  
“Retail dealer” § 1-101

**33-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

**(A) INSTITUTION OF CRIMINAL PROCEEDING.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE MAY BE PROCEEDED AGAINST ON A CHARGING DOCUMENT ISSUED BY THE DISTRICT COURT FOR THE COUNTY OR BY AN INDICTMENT RETURNED BY THE GRAND JURY OF THE COUNTY.**

**(B) DUE CAUTION STANDARD.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first and third sentences of former Art. 2B, § 12-108(b)(2).

In subsection (b) of this section, the reference to the "finder of fact" is substituted for the former reference to the "jury or court sitting as a jury" for brevity.

Also in subsection (b) of this section, the former phrase "in fact" is deleted as surplusage.

The second sentence of former Art. 2B, § 12-108(b)(2), which stated that a license holder who violates § 6-304 of this article is guilty of a misdemeanor and on conviction is subject to "the penalties provided by § 16-503 of this article", is deleted as unnecessary in light of § 33-2801 of this title.

The fourth sentence of former Art. 2B, § 12-108(b)(2), which stated that this subsection "applies solely to Worcester County and stands in place and stead of subsection (a)(1), (2), and (3)(i), (ii), and (iv) of this section as those provisions apply generally to the counties of the State", is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "County" § 33-101

"License holder" § 1-101

**33-2703. ALLOWING LOITERING ON PREMISES.**

**(A) PROHIBITED.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL WHO IS NOT A CONSUMER TO LOITER ON THE PREMISES FOR WHICH THE LICENSE IS ISSUED.**

**(B) MEALS WITHOUT ALCOHOLIC BEVERAGES.**

**A RESTAURANT MAY SERVE A MEAL WITHOUT AN ALCOHOLIC BEVERAGE TO AN INDIVIDUAL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-111. It is revised in this title because when enacted it applied only to Worcester County. A drafting error in 1993 inadvertently made this section applicable statewide.

In subsection (a) of this section, the reference to an “individual who is not a consumer” is substituted for the former reference to a “person not designated under § 1-102(a)(6) of this article” for clarity.

Also in subsection (a) of this section, the phrase “on the premises” is substituted for the former phrase “about the place of business” for consistency with the terminology used throughout this article.

Also in subsection (a) of this section, the former reference to “loaf[ing]” is deleted as included in the reference to “loiter[ing]”.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that this section, which prohibits loitering about the place of business for which an alcoholic beverages license is issued, may be unconstitutionally vague in violation of the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution. This section does not define “loitering”. Under *City of Chicago v. Morales*, 527 U.S. 41 (1999), a law fails to meet the requirements of the Due Process Clause if it is so vague and standardless that it leaves the public uncertain as to the conduct it prohibits.

Defined terms: “Alcoholic beverage” § 1-101

“Consumer” § 1-101

“License holder” § 1-101

“Restaurant” § 1-101

**SUBTITLE 28. PENALTIES.**

**33-2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6-402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: "County" § 33-101

### **33-2802. PENALTY IMPOSED BY BOARD.**

#### **(A) IN GENERAL.**

**THE BOARD MAY SUSPEND A LICENSE OR IMPOSE A FINE NOT EXCEEDING \$4,000 OR BOTH FOR A VIOLATION OF THE ALCOHOLIC BEVERAGE LAWS AFFECTING THE COUNTY.**

#### **(B) DISPOSITION OF FINES.**

**FINES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-507(y)(2) and (3).

In subsection (b) of this section, the reference to "[f]ines" is substituted for the former reference to "[a]ll moneys" for clarity.

Former Art. 2B, § 16-507(y)(1), which stated that the provisions of former Art. 2B, § 16-507(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 33-101

"County" § 33-101

"License" § 1-101

### **GENERAL REVISOR'S NOTE TO DIVISION II**

Throughout Division II of this article, former references to the requirement that a holder of a wine festival license may only display and sell wine that is "[p]rice filed in accordance with regulations adopted by the Comptroller" are deleted as obsolete. The price filing requirement was needed for the Comptroller to maintain a post-and-hold system that prescribed how and when liquor wholesalers may change their prices by requiring wholesalers to file a schedule of prices with the Comptroller by a fixed date every month. However, in 2009, the United States Court of Appeals for the Fourth Circuit in *TFWS, Inc. v. Franchot*, 572 F. 3d 186 (4th Cir. 2009) held the post-and-hold system and its accompanying volume-discount ban to be hybrid restraints on trade and per se violations of the Sherman Act. Consequently, the Comptroller has abandoned both practices.

Former Art. 2B, § 11–202, which stated that the hours of sale specified in former Art. 2B, §§ 11–301 to 11–303 applied, except as modified by §§ 11–203, 11–304, 11–305, and 11–401 through 11–524, is deleted as unnecessary in light of the organization of this revised article. Hours of sale in this article are attached to individual licenses or classes of licenses and appear in Subtitles 6 through 10 and 20 of each title in Division II.

Former Art. 2B, § 11–302(e)(1), which stated that the hours of sale for Class H beer and light wine licenses are from 9 a.m. to midnight, is deleted as obsolete. The few jurisdictions that have Class H beer and light wine licenses – Anne Arundel, Caroline, Charles, and Montgomery counties – have different hours of sale, which are specified in the specific titles for those counties.

#### GENERAL REVISOR’S NOTE TO ARTICLE

The Department of Legislative Services is charged with revising the law in a clear, concise, and organized manner, without changing the effect of the law. One precept of revision has been that, once something is said, it should be said in the same way every time. To that end, the Alcoholic Beverages Article Review Committee standardized the language and organization of this article not only to achieve internal consistency but also, to the extent possible, conform the language to that of previously enacted revised articles.

It is the manifest intent both of the General Assembly and the Alcoholic Beverages Article Review Committee that this bulk revision of the substantive alcoholic beverages law of the State render no substantive change. The guiding principle of the preparation of this article is that stated in *Welch v. Humphrey*, 200 Md. 410, 417 (1952):

[T]he principal function of a Code is to reorganize the statutes and state them in simpler form. Consequently, any changes made in them by a Code are presumed to be for the purpose of clarity rather than change of meaning. Therefore, even a change in the phraseology of a statute by a codification thereof will not ordinarily modify the law, unless the change is so radical and material that the intention of the Legislature to modify the law appears unmistakably from the language of the Code. (citations omitted)

Accordingly, except to the extent that changes that are noted in Revisor’s Notes clarify the former law, the enactment of this article in no way is intended to make any change to the substantive law of Maryland.

Noted below are conventions observed for material revised in this article.

The defined term “license holder” is substituted for the word “licensee” to refer to an individual who holds an alcoholic beverages license.

Phrases in former Article 2B provisions specifying the jurisdiction to which the provision applies, such as “in Allegany County”, are deleted without comment as unnecessary because the organization of the Alcoholic Beverages Article accords each

jurisdiction its own title. Freestanding subsections and paragraphs that specify applicable jurisdictions are deleted with an explanatory Revisor's Note.

The word "regulations" is substituted for former references to "rules and regulations" to distinguish, to the extent possible, between regulations of executive units and rules of judicial or legislative units and to establish consistency in the use of the words. This substitution conforms to the practice of the Division of State Documents.

The phrase "per diem license" is used for a license labeled in former Article 2B as a "one-day license" to underscore the fact that such a license may be issued on a day-to-day basis and not necessarily for 1 day only.

The rule of statutory construction used in this article and found in § 1-202 of this article follows the common rule in declaring that to the extent that a statement of a general rule of law conflicts or is inconsistent with an exception or a qualification applicable to a special area, particular person, or set of circumstances, the exception or qualification prevails. Division I of this article contains provisions affecting multiple jurisdictions, while Division II of this article contains provisions affecting individual jurisdictions. Consequently, a provision in Division II of this article prevails over a conflicting or inconsistent provision in Division I of this article or a provision in the Tax – General Article relating to alcoholic beverages.

Under § 10-203 of this article, the Mayor and City Council of the City of Annapolis have the extraordinary power to adopt regulations that, in their judgment, give the City more effective control of each licensed establishment.

Under § 30-103 of this article, the County governing body for Talbot County, unlike the governing body of any other jurisdiction in the State, regulates the retail sale of alcoholic beverages within its territory. A law enacted by the Talbot County governing body prevails over a provision in this article; but, unless the Talbot County governing body enacts a conflicting or inconsistent law regulating the retail sale of alcoholic beverages, a provision in this article remains in effect.

In some instances, the staff of the Department of Legislative Services may create "Special Revisor's Notes" to reflect the substantive effect of legislation enacted during the 2016 Session on some provisions of this article.

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

### **Article – Alcoholic Beverages**

24-202.

(A) [The County Commissioners sit as the Board] **THE COUNTY COMMISSIONERS SHALL APPOINT THREE MEMBERS TO THE BOARD.**

**(B) EACH MEMBER OF THE BOARD SHALL BE:**

**(1) A REGISTERED VOTER OF THE COUNTY DURING THE MEMBER'S TERM OF OFFICE; AND**

**(2) AN INDIVIDUAL OF GOOD MORAL CHARACTER AND INTEGRITY WHO REASONABLY REFLECTS THE CITIZENRY OF THE COUNTY.**

**(C) (1) IN THIS SUBSECTION, "DIRECT OR INDIRECT INTEREST" MEANS AN INTEREST THAT IS PROPRIETARY OR OBTAINED BY A LOAN, MORTGAGE, OR LIEN OR IN ANY OTHER MANNER.**

**(2) A MEMBER OF THE BOARD MAY NOT:**

**(I) HAVE A DIRECT OR INDIRECT INTEREST IN OR ON A PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD;**

**(II) HAVE A DIRECT OR INDIRECT INTEREST IN A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES;**

**(III) OWN STOCK IN:**

**1. A CORPORATION THAT HAS A DIRECT OR INDIRECT INTEREST IN A PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD; OR**

**2. A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES;**

**(IV) HOLD ANY OTHER PUBLIC OFFICE OR EMPLOYMENT; OR**

**(V) SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY, A COMMISSION, REMUNERATION, OR GIFT FROM:**

**1. A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR**

**2. A LICENSE HOLDER.**

**(3) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

**(D) (1) THE TERM OF A MEMBER IS 4 YEARS.**

**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2016.**

**(E) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(F) (1) THE COUNTY COMMISSIONERS MAY REMOVE A MEMBER FOR:**

**(I) INCOMPETENCE;**

**(II) MISCONDUCT;**

**(III) UNPROFESSIONAL CONDUCT;**

**(IV) DISHONORABLE CONDUCT; OR**

**(V) NEGLIGENCE OF A DUTY REQUIRED BY LAW.**

**(2) THE REMOVAL PROCEDURE IS AS PROVIDED IN THIS ARTICLE.**

**(G) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR.**

**(H) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A QUORUM.**

**[(b)] (I) [Each member of the Board shall receive, in addition to a County Commissioner's salary, \$300 annually for services in acting as a member of the Board] THE CHAIR AND EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE \$300 ANNUALLY.**

24-203.

**(A) The Board may[:**

**(1)] employ:**

**[(i)] (1) a secretary;**

**[(ii)] (2) inspectors[, subject to § 24-204 of this subtitle]; and**

**[(iii)] (3) WITH THE APPROVAL OF THE COUNTY COMMISSIONERS, clerical and other assistants as are necessary [; and] TO CARRY OUT THE DUTIES OF THE BOARD.**

**[(2)] (B) (1) THE BOARD SHALL** set the compensation of the [employees] **SECRETARY AND INSPECTORS.**

**(2) THE COUNTY COMMISSIONERS SHALL SET THE SALARY OF THE CLERICAL AND OTHER ASSISTANTS, AS PROVIDED IN THE COUNTY BUDGET.**

**(C) THE RESTRICTIONS AND PENALTY UNDER § 24–202(C) OF THIS SUBTITLE REGARDING DIRECT AND INDIRECT INTERESTS OF MEMBERS OF THE BOARD IN ALCOHOLIC BEVERAGES ACTIVITIES APPLY TO ALL EMPLOYEES OF THE BOARD.**

[24–205.

Sections 24–201 through 24–203 of this subtitle apply in the County until the Board of County Commissioners passes the resolution for which provision is made by Chapter 236 of the Acts of the General Assembly of 1991.]

SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act, which provides for an alternative Board of License Commissioners in Kent County, does not take effect until the Kent County Commissioners pass a resolution authorizing the change, as provided by Chapter 236 of the Acts of the General Assembly of 1991.

SECTION 5. AND BE IT FURTHER ENACTED, That on the effective date of Section 3 of this Act, the Kent County Commissioners shall appoint three initial members to the Board of License Commissioners who shall serve initial terms as follows:

- (1) (i) one member shall serve a term of 4 years;
- (ii) one member shall serve a term of 3 years; and
- (iii) one member shall serve a term of 2 years.

- (2) Thereafter, the terms are 4 years.

SECTION 6. AND BE IT FURTHER ENACTED, That it is the intention of the General Assembly that, except as expressly provided in this Act, this Act shall be construed as a nonsubstantive revision and may not otherwise be construed to render any substantive change in the law of the State.

SECTION 7. AND BE IT FURTHER ENACTED, That the catchlines, captions, Revisor's Notes, Special Revisor's Notes, and General Revisor's Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 8. AND BE IT FURTHER ENACTED, That nothing in this Act affects the term of office of an appointed or elected member of any commission, board, office, department, agency, or other unit. An individual who is a member of a unit on the effective date of this Act shall remain a member for the balance of the term to which appointed or elected, unless the member sooner dies, resigns, or is removed under provisions of law.

SECTION 9. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, any transaction or employment status affected by or flowing from any change of nomenclature or any statute amended, repealed, or transferred by this Act remains valid after the effective date of this Act and may be terminated, completed, consummated, or enforced as required or allowed by any statute amended, repealed, or transferred by this Act as though the repeal, amendment, or transfer had not occurred. If a change in nomenclature involves a change in name or designation of any State unit, the successor unit shall be considered in all respects as having the powers and obligations granted the former unit.

SECTION 10. AND BE IT FURTHER ENACTED, That the continuity of every commission, board, office, department, agency, or other unit is retained. The personnel records, files, furniture, fixtures, and other properties and all appropriations, credits, assets, liabilities, and obligations of each retained unit are continued as the personnel, records, files, furniture, fixtures, properties, appropriations, credits, assets, liabilities, and obligations of the unit under the laws enacted by this Act.

SECTION 11. AND BE IT FURTHER ENACTED, That, except as expressly provided in this Act, any person licensed, registered, certified, or issued a permit or certificate by any commission, office, department, agency, or other unit established or continued by any statute amended, repealed, or transferred by this Act is considered for all purposes to be licensed, registered, certified, or issued a permit or certificate by the appropriate unit continued under this Act or the duration of the term for which the license, registration, certification, or permit was issued, and may renew that authorization in accordance with the appropriate renewal provisions of this Act.

SECTION 12. AND BE IT FURTHER ENACTED, That this Act does not rescind, supersede, change, or modify any rule adopted by the Court of Appeals that is or was in effect on the effective date of this Act concerning the practice and procedure in and the administration of the appellate courts and the other courts of the State.

SECTION 13. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2016 that affects provisions enacted by this Act.

The publisher shall adequately describe such correction in an editor's note following the section affected.

SECTION 14. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 42

### (Senate Bill 47)

AN ACT concerning

#### **Anne Arundel County – Property Tax Credit – Benefit Corporations and Benefit Limited Liability Companies**

FOR the purpose of authorizing the governing body of Anne Arundel County or of a municipal corporation in Anne Arundel County to grant, by law, a tax credit against the county or municipal corporation property tax imposed on certain property owned or leased by a benefit corporation or benefit limited liability company; authorizing the governing body of Anne Arundel County or of a municipal corporation in Anne Arundel County to provide, by law, for the eligibility criteria, amount, duration, application process, and other aspects of the credit; defining certain terms; providing for the application of this Act; and generally relating to authorizing a property tax credit in Anne Arundel County for benefit corporations and benefit limited liability companies.

BY adding to

Article – Tax – Property

Section 9–303(b)(5)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

#### **Article – Tax – Property**

9–303.

(b) (5) (i) 1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

2. “BENEFIT CORPORATION” MEANS A MARYLAND CORPORATION THAT ELECTS TO BE A BENEFIT CORPORATION AND COMPLIES WITH TITLE 5, SUBTITLE 6C OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

3. “BENEFIT LIMITED LIABILITY COMPANY” MEANS A MARYLAND LIMITED LIABILITY COMPANY THAT ELECTS TO BE A BENEFIT LIMITED LIABILITY COMPANY AND COMPLIES WITH TITLE 4A, SUBTITLE 12 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(II) THE GOVERNING BODY OF ANNE ARUNDEL COUNTY OR OF A MUNICIPAL CORPORATION IN ANNE ARUNDEL COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS PARAGRAPH AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON REAL OR PERSONAL PROPERTY THAT IS:

1. OWNED OR LEASED BY A BENEFIT CORPORATION OR BENEFIT LIMITED LIABILITY COMPANY;

2. NOT USED FOR RESIDENTIAL PURPOSES; AND

3. USED IN A TRADE OR BUSINESS BY A BENEFIT CORPORATION OR BENEFIT LIMITED LIABILITY COMPANY.

(III) THE GOVERNING BODY OF ANNE ARUNDEL COUNTY OR OF A MUNICIPAL CORPORATION IN ANNE ARUNDEL COUNTY MAY PROVIDE, BY LAW, FOR:

1. ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT;

2. THE AMOUNT OF THE TAX CREDIT;

3. THE DURATION OF THE TAX CREDIT, FOR A PERIOD NOT TO EXCEED 10 YEARS;

4. REGULATIONS AND PROCEDURES FOR THE APPLICATION, CERTIFICATION, AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT;

5. A LIMITATION ON THE AGGREGATE AMOUNT OF TAX CREDITS GRANTED UNDER THIS PARAGRAPH; AND

**6. ANY OTHER PROVISION NECESSARY TO CARRY OUT THE TAX CREDIT UNDER THIS PARAGRAPH.**

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.

**Approved by the Governor, April 12, 2016.**

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**Chapter 43**

**(Senate Bill 61)**

AN ACT concerning

**Natural Resources – Forest Lands and the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund – Miscellaneous Corrections and Clarifications**

FOR the purpose of repealing references to the “Chesapeake 2000 Agreement” in certain provisions of law relating to forest lands and the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund and substituting references to the “2014 Chesapeake Bay Watershed Agreement”; repealing references to the term “tributary strategies” in certain provisions of law relating to the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund and substituting references to the term “watershed implementation plan”; defining a certain term; making conforming and clarifying changes; and generally relating to forest lands and the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 5–102(a)(10) and (b)(2), 8–2A–01(e), 8–2A–02(b) and (f)(1), and 8–2A–04(b)(1)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 8–2A–01(a), 8–2A–02(a), and 8–2A–04(a)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing

Article – Natural Resources

Section 8–2A–01(d)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY adding to

Article – Natural Resources  
 Section 8–2A–01(e)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

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

**Article – Natural Resources**

5–102.

(a) The General Assembly finds that:

(10) This title sets forth Maryland’s vision for sustaining Maryland’s coveted forest lands into the 21st century that is consistent with the [Chesapeake 2000 Agreement] **2014 CHESAPEAKE BAY WATERSHED AGREEMENT** and the 2007 Forestry Conservation Initiative.

(b) It is the policy of the State to encourage the retention and sustainable management of forest lands by:

(2) Affording due consideration to the protection and retention of forests in the State through existing land conservation programs where they have the highest value in terms of promoting the State’s compliance with its clean water goals under the [Chesapeake 2000 Agreement] **2014 CHESAPEAKE BAY WATERSHED AGREEMENT** and the 2007 Forest Conservation Initiative;

8–2A–01.

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

[(d) “Tributary strategies” means each of Maryland’s 10 watershed–specific plans as amended from time to time to reduce the amount of nitrogen, phosphorus, and sediment pollution that enters the Chesapeake and Atlantic Coastal Bays and their tributaries.]

[(e)] **(D)** “Trust Fund” means the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund.

**(E) “WATERSHED IMPLEMENTATION PLAN” MEANS A PLAN TO ACHIEVE THE NUTRIENT AND SEDIMENT LIMITS REQUIRED UNDER THE CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD.**

8–2A–02.

(a) There is a Chesapeake and Atlantic Coastal Bays 2010 Trust Fund.

(b) The purpose of the Fund is to provide financial assistance necessary to advance Maryland's progress in meeting the goals established in the [Chesapeake 2000 Agreement] **2014 CHESAPEAKE BAY WATERSHED AGREEMENT** for the restoration of the Chesapeake Bay and its tributaries, including the Patuxent River, and to restore the health of the Atlantic Coastal Bays and their tributaries, by focusing limited financial resources on nonpoint source pollution control projects in all regions of the State.

(f) (1) The Fund may be used only for the implementation of nonpoint source pollution control projects to [achieve the State's tributary strategy developed in accordance with the Chesapeake 2000 Agreement] ~~COMPLY WITH:~~

**(I) SUPPORT STATE AND LOCAL WATERSHED IMPLEMENTATION PLANS and to improve BY TARGETING LIMITED FINANCIAL RESOURCES ON THE MOST EFFECTIVE NONPOINT SOURCE POLLUTION CONTROL PROJECTS; AND**

**(II) IMPROVE** the health of the Atlantic Coastal Bays and their tributaries.

8-2A-04.

(a) The BayStat Program shall direct the administration of the Trust Fund in accordance with this section.

(b) (1) The BayStat Program shall implement nonpoint source pollution reduction measures to [achieve the tributary strategies] ~~COMPLY WITH:~~

**(I) SUPPORT STATE AND LOCAL WATERSHED IMPLEMENTATION PLANS BY TARGETING LIMITED FINANCIAL RESOURCES ON THE MOST EFFECTIVE NONPOINT SOURCE POLLUTION CONTROL PROJECTS; AND ~~TO~~ IMPROVE**

**(II) IMPROVE THE HEALTH OF THE ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES** by targeting funds, geographically and by practice, to proven, scientifically based projects that provide the most cost-effective and measurable water quality benefits to the ~~Chesapeake and~~ Atlantic Coastal Bays **AND THEIR TRIBUTARIES.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

## Chapter 44

### (Senate Bill 78)

AN ACT concerning

#### **State Lottery and Video Lottery Facility Payouts – Remittance of Intercepted Prizes**

FOR the purpose of repealing a requirement that the State Lottery and Gaming Control Agency or a video lottery operation licensee wait a certain period of time before transferring the prize of certain obligors to certain collection units of the State; making certain nonsubstantive and stylistic changes; and generally relating to a requirement that the State Lottery and Gaming Control Agency or a video lottery operation licensee withhold the prizes of certain obligors.

BY repealing and reenacting, with amendments,  
 Article – Criminal Procedure  
 Section 11–618  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Family Law  
 Section 10–113.1  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

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

#### **Article – Criminal Procedure**

11–618.

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

(2) **“AGENCY” MEANS THE STATE LOTTERY AND GAMING CONTROL AGENCY.**

(3) **“Video lottery facility”** has the meaning stated in § 9–1A–01 of the State Government Article.

~~(3)~~(4) **“Video lottery operation licensee”** has the meaning stated in § 9–1A–01 of the State Government Article.

(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.

(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 **SPECIFIED**;

(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] **HAS 15 DAYS TO** 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] **ON INTERCEPTION OF THE PRIZE**, 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 CASH OR CHECK DIRECTLY** 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 **SPECIFIED**;

(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] **HAS 15 DAYS TO** 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] **ON INTERCEPTION OF THE PRIZE**, 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.

(e) (1) The [State Lottery and Gaming Control] Agency or the video lottery operation licensee shall:

(I) withhold **AND TRANSFER** all or part of the prize up to the amount of the arrearage [until] **TO** the Central Collection Unit; **AND**

(II) [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] **PAY THE EXCESS TO THE RESTITUTION OBLIGOR.**

(2) The [State Lottery and Gaming Control] Agency and a video lottery operation licensee shall honor 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.

(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 **MAY RETAIN THE WITHHELD PRIZE.**

(3) If the restitution obligor appeals the [proposed] transfer, after a hearing **BY** 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] **RETAINED BY** the Central Collection Unit; or
- (iii) [in specified amounts,] partly paid to the restitution obligor and partly [transferred to] **RETAINED BY** the Central Collection Unit.

(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.

### Article – Family Law

10–113.1.

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

(2) **“AGENCY” MEANS THE STATE LOTTERY AND GAMING CONTROL AGENCY.**

(3) “Video lottery facility” has the meaning stated in § 9–1A–01 of the State Government Article.

~~(3)~~(4) “Video lottery operation licensee” has the meaning stated in § 9–1A–01 of the State Government Article.

(b) The Administration may certify to the [State Lottery and Gaming Control] Agency the name of any obligor who is in arrears in the amount of \$150 or more if:

(1) the Administration has accepted an assignment of support under § 5–312(b)(2) of the Human Services Article; or

(2) the recipient of support payments has filed an application for support enforcement services with the Administration.

(c) The certification shall contain:

(1) the full name of the obligor, and any other names known to be used by the obligor;

(2) the Social Security number of the obligor; and

(3) the amount of the arrearage.

(d) If an obligor who has been certified as an obligor 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 obligor that:

(1) the obligor has won a prize to be paid by check directly by the State Lottery and Gaming Control Agency;

(2) the State Lottery and Gaming Control Agency has received certification from the Child Support Enforcement Administration of the obligor's child support arrearage in the amount specified;

(3) [subsection (f) of this section] **STATE LAW** requires the State Lottery and Gaming Control Agency to withhold the prize **AND** to pay it towards the obligor's support arrearage;

(4) [the State Lottery and Gaming Control Agency proposes to transfer the prize, or that part of it which is equal to the support arrearage, to the Administration if no appeal is filed within 15 days;

(5)] the obligor [may] **HAS 15 DAYS TO** appeal to the Administration if the obligor disputes the existence or the amount of the arrearage;

[(6) if the obligor appeals to the Administration, the prize will be distributed as the Administration directs; and

(7) if no appeal is filed within 15 days, the prize, or that part of it equal to the support arrearage, will be transferred to the Administration.] **AND**

**(5) ON INTERCEPTION OF THE PRIZE, THE STATE LOTTERY AND GAMING CONTROL AGENCY WILL TRANSFER THE PRIZE OR THE PART OF THE PRIZE THAT EQUALS THE OBLIGOR'S CHILD SUPPORT ARREARAGE TO THE ADMINISTRATION.**

(e) If an obligor who owes child support and has been certified as an obligor 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 provide a notice to the obligor that:

(1) the obligor has won a prize to be paid by cash or check directly by the video lottery operation licensee;

(2) the State Lottery and Gaming Control Agency has received certification from the Child Support Enforcement Administration of the obligor's child support arrearage in the amount specified;

(3) [subsection (f) of this section] **STATE LAW** requires the video lottery operation licensee to withhold the prize **AND** to pay it towards the obligor's child support arrearage;

(4) [the video lottery operation licensee proposes to transfer the prize, or that part of it which is equal to the child support arrearage, to the Administration if no appeal is filed within 15 days;

(5) the obligor [may] **HAS 15 DAYS TO** appeal to the Administration if the obligor disputes the existence or the amount of the child support arrearage;

[(6) if the obligor appeals to the Administration, the prize will be distributed as the Administration directs; and

(7) if no appeal is filed within 15 days, the prize, or that part of it equal to the child support arrearage, will be transferred to the Administration] **AND**

**(5) ON INTERCEPTION OF THE PRIZE, THE VIDEO LOTTERY OPERATION LICENSEE WILL TRANSFER THE PRIZE OR THE PART OF THE PRIZE THAT EQUALS THE OBLIGOR'S CHILD SUPPORT ARREARAGE TO THE ADMINISTRATION.**

(f) [If the prize exceeds the arrearage, the State Lottery and Gaming Control Agency or video lottery operation licensee shall immediately pay the excess to the obligor. The State Lottery and Gaming Control Agency or video lottery operation licensee shall withhold any part of the prize that does not exceed the arrearage until notified by the Administration to whom the withheld prize money shall be paid] **(1) THE AGENCY OR THE VIDEO LOTTERY OPERATION LICENSEE SHALL:**

**(I) WITHHOLD AND TRANSFER ALL OR PART OF THE PRIZE UP TO THE AMOUNT OF THE ARREARAGE TO THE ADMINISTRATION; AND**

**(II) PAY THE EXCESS TO THE OBLIGOR.**

**(2) THE AGENCY AND A VIDEO LOTTERY OPERATION LICENSEE SHALL HONOR INTERCEPTION REQUESTS IN THE FOLLOWING ORDER:**

**(I) AN INTERCEPTION REQUEST UNDER THIS SECTION;**

**(II) AN INTERCEPTION REQUEST UNDER § 11-618 OF THE CRIMINAL PROCEDURE ARTICLE; AND**

**(III) AN INTERCEPTION REQUEST UNDER § 3-307 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

(g) (1) [Upon] **ON** receipt of a notice from the [State Lottery and Gaming Control] Agency or video lottery operation licensee [any], **AN** obligor who disputes the existence or amount of the arrearage may appeal the [proposed] transfer [within 15 days of the date of the notice to the Administration].

[(h)] (2) If no appeal is filed within 15 days, [the State Lottery and Gaming Control Agency or video lottery operation licensee shall transfer the amount of the prize withheld to] the Administration **MAY RETAIN THE WITHHELD PRIZE**.

[(i)] (3) [The Administration shall notify the State Lottery and Gaming Control Agency or video lottery operation licensee that upon appeal, the withheld prize shall be] **IF THE OBLIGOR APPEALS THE TRANSFER, AFTER A HEARING BY THE ADMINISTRATION, THE WITHHELD PRIZE SHALL BE:**

[(1)] (I) paid to the obligor;

[(2)] (II) [transferred to] **RETAINED BY** the Administration; or

[(3)] (III) partly paid to the obligor and partly [transferred to] **RETAINED BY** the Administration, in the amounts specified.

[(j)] The State Lottery and Gaming Control Agency shall honor lottery prize interception requests in the following order:

(1) an interception request under this section;

(2) an interception request under § 11–618 of the Criminal Procedure Article; and

(3) an interception request under § 3–307 of the State Finance and Procurement Article.]

[(k)] (H) The Secretary of Human Resources and the Director of the [State Lottery and Gaming Control] Agency may jointly adopt regulations to implement this section.

[(l)] (I) 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 shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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**Chapter 45****(Senate Bill 79)**

AN ACT concerning

**State Citizens Review Board for Children – Penalties for Unauthorized  
Disclosure of Child Protection Case Information**

FOR the purpose of repealing the authority of the Special Secretary for Children, Youth, and Families to impose a civil penalty on members of the State Citizens Review Board for Children and the Board's designees and staff for unauthorized disclosure of certain child protection case information; authorizing the Secretary of Human Resources to impose a civil penalty on members of the Board and the Board's designees and staff for unauthorized disclosure of certain child protection case information; and generally relating to the State Citizens Review Board for Children.

BY repealing and reenacting, without amendments,  
Article – Family Law  
Section 5–535, 5–539, and 5–539.1(a) through (d)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 5–539.3  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

**Article – Family Law**

5–535.

There is a State Citizens Review Board for Children.

5–539.

- (a) The State Board may adopt policies and procedures that:
- (1) relate to the functions of the local boards; and
  - (2) are consistent with the goals set forth in § 5–544 of this subtitle.

(b) The State Board shall:

(1) provide a training program for members of the local boards and local citizens review panels;

(2) review and coordinate the activities of the local boards;

(3) adopt policies and procedures that relate to reports and any other information that is required for any public or private agency or institution;

(4) make recommendations to the Secretary of Human Resources and the General Assembly regarding:

(i) the response of the State to child abuse and neglect; and

(ii) out-of-home care policies, procedures, and practices; and

(5) subject to § 2-1246 of the State Government Article, report to the General Assembly and the Secretary of Human Resources on the first day of each year on the status of children in out-of-home placement in this State.

5-539.1.

(a) In addition to any duties set forth elsewhere, the State Board shall, by examining the policies, procedures, and practices of State and local agencies and by reviewing, where appropriate, specific cases, evaluate the extent to which State and local agencies are effectively discharging their child protection responsibilities in accordance with:

(1) the State plan under 42 U.S.C. § 5106a(b);

(2) the child protection standards set forth in 42 U.S.C. § 5106a(b); and

(3) any other criteria that the State Board considers important to ensure the protection of children, including:

(i) a review of the extent to which the State child protective services system is coordinated with the foster care and adoption program established under Part E of Title IV of the Social Security Act; and

(ii) a review of child fatalities and near fatalities.

(b) (1) Case reviews conducted under subsection (a) of this section shall include questions designed to meet the quality assessment goals for casework services in § 5-1308 of this title.

(2) The State Board shall tabulate and analyze the results of all case reviews conducted under subsection (a) of this section and submit the results and findings for consideration as part of the local department self–assessment process in § 5–1309 of this title.

(3) The State Board shall tabulate and analyze the results of all case reviews, both on a jurisdictional and a statewide basis, and submit the results and findings to the Department on a quarterly basis.

(c) The State Board shall:

(1) provide for public outreach and comment; and

(2) make available to the public systemic findings and recommendations of the State Board, the local citizen review panel, if any, and the local boards.

(d) The State Board may:

(1) by a majority vote of its members add up to four members with expertise in the prevention and treatment of child abuse and neglect for the purpose of performing its duties under this section; and

(2) to assist the State Board in its reviews of specific cases, designate:

(i) local teams composed of members of local boards of out–of–home care of children and staff; or

(ii) local citizens review panels established under § 5–539.2 of this subtitle.

5–539.3.

(a) The members of the State Board and the Board’s designees and staff:

(1) may not disclose to any person or government official any identifying information about any specific child protection case about which the State Board is provided information; and

(2) may make public other information unless prohibited by law.

(b) In addition to any other penalties provided by law, the [Special Secretary for Children, Youth, and Families] **SECRETARY OF HUMAN RESOURCES** may impose on any person who violates subsection (a) of this section a civil penalty not exceeding \$500 for each violation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 46

### (Senate Bill 91)

AN ACT concerning

#### Public Health – State-Identified HIV Priorities

FOR the purpose of requiring certain rebates received by the Department of Health and Mental Hygiene from the Maryland AIDS Drug Assistance Program to be distributed to a certain fund and used only to fund certain HIV prevention, surveillance, and care services; requiring the Secretary of Health and Mental Hygiene to adopt certain regulations; and generally relating to State-identified priorities for HIV prevention, surveillance, and care services.

BY repealing and reenacting, with amendments,  
 Article – Health – General  
 Section 2–104(j)  
 Annotated Code of Maryland  
 (2015 Replacement Volume)

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

#### Article – Health – General

2–104.

(j) (1) Except as otherwise provided by law and [paragraph] PARAGRAPHS (2) AND (3) of this subsection, the Secretary shall pay all money collected by the Department under this article into the General Fund of this State.

(2) Any rebates received by the Department from the Maryland AIDS Drug Assistance Program shall be distributed to a special nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article, to be used only to fund:

- (i) The Maryland AIDS Drug Assistance Program (MADAP);
- (ii) The Maryland AIDS Drug Assistance Program Plus (MADAP-Plus); and

(iii) Any other services to eligible individuals as allowable under Part B of the federal Ryan White HIV/AIDS Program.

**(3) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, ANY REBATES RECEIVED BY THE DEPARTMENT FROM THE MARYLAND AIDS DRUG ASSISTANCE PROGRAM AS A RESULT OF STATE GENERAL FUND EXPENDITURES SHALL BE:**

**(I) DISTRIBUTED TO A SEPARATE SPECIAL NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND**

**(II) USED ONLY TO FUND STATE-IDENTIFIED PRIORITIES FOR HIV PREVENTION, SURVEILLANCE, AND CARE SERVICES.**

**(4) THE SECRETARY SHALL ADOPT REGULATIONS ESTABLISHING, AS APPROPRIATE, INCOME AND OTHER ELIGIBILITY CRITERIA FOR THE RECEIPT OF HIV PREVENTION AND CARE SERVICES FUNDED UNDER PARAGRAPH (3) OF THIS SUBSECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 47

(Senate Bill 107)

AN ACT concerning

### Military Department – Summary Courts–Martial – Penalties

FOR the purpose of authorizing a summary court–martial to impose a sentence of confinement for a certain period of time without regard to rank; ~~authorizing a summary court martial to discharge with a characterization of service no less favorable than under other than honorable conditions;~~ and generally relating to summary courts–martial.

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 13–812(c)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Public Safety  
 Section 13–812(d)  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2015 Supplement)

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

**Article – Public Safety**

13–812.

(c) A summary court–martial may impose a sentence that includes:

(1) a fine of not more than the member’s pay and allowances for four unit training assemblies;

(2) a forfeiture of up to two–thirds of the member’s pay and allowances for up to four unit training assemblies;

(3) reduction in rank in the following manner:

(i) for enlisted personnel in the grade of E5 and above, to the next inferior pay grade; or

(ii) for enlisted personnel in the grade of E4 and below, to the lowest enlisted grade; ~~for~~

(4) [for members in the rank of E4 and below only,] confinement for a period not to exceed 30 days; ~~OR~~

~~(5) DISCHARGE WITH A CHARACTERIZATION OF SERVICE NO LESS FAVORABLE THAN UNDER OTHER THAN HONORABLE CONDITIONS.~~

(d) A sentence of dismissal from the service or dishonorable discharge imposed by a court–martial may not be executed until approved by the Governor.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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**Chapter 48****(Senate Bill 109)**

AN ACT concerning

**Health Occupations Boards – Criminal History Records Checks – Required**

FOR the purpose of requiring certain applicants and licensees of the Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists, the Board of Examiners of Nursing Home Administrators, the Board of Occupational Therapy Practice, and the Board of Podiatric Medical Examiners to submit to a certain criminal history records check; requiring certain applicants and licensees to apply to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a certain criminal history records check and to submit to the Central Repository a certain set of fingerprints and fees; requiring the Central Repository to forward to certain health occupations boards ~~and to certain individuals~~ certain information under certain circumstances; providing that certain information is confidential, may not be redisseminated, and may be used only for certain purposes; authorizing certain individuals to contest certain information as provided in certain provisions of law; requiring certain health occupations boards, on receipt of a certain criminal history records check, to consider certain information in making certain determinations about certain applicants and licensees; prohibiting certain health occupations boards from issuing, renewing, or reinstating certain licenses if certain criminal history records check information has not been received; requiring certain unlicensed individuals and certain licensees of the State Board of Examiners of Nursing Home Administrators acting in a certain temporary capacity to submit to a certain criminal history records check; establishing certain exceptions to the requirement to submit to a criminal history records check; authorizing certain health occupations boards to take certain actions against certain applicants and licensees for failing to submit to a certain criminal history records check; and generally relating to criminal history records checks and licensing requirements for audiologists, speech–language pathologists, hearing aid dispensers, nursing home administrators, occupational therapists, and podiatrists.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 2–302, 2–302.1, 2–302.2, 2–302.3, 2–303, 2–306, 2–308, 2–314(22) and (23),  
9–301, 9–302(a), 9–303, 9–308, 9–311, 9–312.1, 9–314(b)(11) and (12), 10–302,  
10–304, 10–308, 10–311, 10–315(12) and (13), 16–302, 16–303, 16–305, and  
16–311(a)(26) and (27)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY adding to

Article – Health Occupations

Section 2–303.1, 2–314(24), 9–302.1, 9–314(b)(13), 10–302.1, 10–315(14), 16–302.1,  
and 16–311(a)(28)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Health Occupations  
Section 9–314(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

### **Article – Health Occupations**

2–302.

(a) To qualify for a license to practice audiology, an applicant shall be an individual who meets the requirements of this section.

(b) The applicant shall be of good moral character.

(c) The applicant shall:

(1) On or before September 30, 2007:

(i) Hold a master's or doctoral degree in audiology from an accredited educational institution which incorporates the academic course work and the minimum hours of supervised clinical training required by the regulations adopted by the Board; and

(ii) Have completed the period of supervised postgraduate professional practice in audiology as specified by the regulations adopted by the Board;

(2) On or after October 1, 2007, hold a doctoral degree in audiology from an accredited educational institution which incorporates the academic course work and the minimum hours of supervised clinical training required by the regulations adopted by the Board; or

(3) Qualify for a license under § 2–305 of this subtitle.

(d) Except as otherwise provided in this title, the applicant shall:

(1) Pass an examination in audiology required by the regulations adopted by the Board; and

- (2) Complete training consistent with the standards established by:
  - (i) The Accreditation Commission for Audiology Education; or
  - (ii) The Counsel of Academic Accreditation.
- (e) The applicant shall demonstrate oral competency.

**(F) THE APPLICANT SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 2-303.1 OF THIS SUBTITLE.**

2-302.1.

(a) On or after January 1, 2008, to qualify for an initial license to practice hearing aid dispensing, an applicant shall be an individual who meets the requirements of this section.

(b) The applicant shall be of good moral character.

(c) The applicant shall:

(1) Be a graduate of an accredited 2-year postsecondary program with a diploma or degree; and

(2) Prior to taking the State licensing examination, provide proof of successful completion of the International Hearing Society Curriculum entitled “Distance Learning For Professionals in Hearing Health Sciences” or an equivalent course approved by the Board.

(d) (1) Except as otherwise provided in this subtitle, the applicant shall pass an examination given by the Board under this subtitle.

(2) Except for an applicant who holds a valid license to provide hearing aid dispenser services in another state, the applicant shall obtain 6 months’ training under the supervision of a licensed hearing aid dispenser or licensed audiologist prior to taking the examination given by the Board.

(e) The applicant shall demonstrate oral competency.

**(F) THE APPLICANT SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 2-303.1 OF THIS SUBTITLE.**

2-302.2.

(a) To qualify for a license to practice speech–language pathology, an applicant shall be an individual who meets the requirements of this section.

- (b) The applicant shall be of good moral character.
- (c) The applicant shall:

- (1) Hold a master's degree in the area of speech–language pathology from an educational institution which incorporates the academic course work and the minimum hours of supervised training required by the regulations adopted by the Board; and

- (2) Have completed the period of supervised postgraduate professional practice in speech–language pathology as specified by the regulations adopted by the Board.

- (d) Except as otherwise provided in this title, the applicant shall pass an examination in speech–language pathology as required by regulations adopted by the Board.

- (e) The applicant shall demonstrate oral competency.

**(F) THE APPLICANT SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 2–303.1 OF THIS SUBTITLE.**

2–302.3.

- (a) To qualify for a license to assist in the practice of speech–language pathology, an applicant shall be an individual who meets the requirements of this section.

- (b) The applicant shall:

- (1) Be of good moral character;

- (2) Hold a baccalaureate degree in speech–language pathology or communication sciences and disorders from an accredited institution or other degree as provided for in regulations adopted by the Board;

- (3) Have successfully completed the clinical observation hours and supervised clinical assisting experience hours required by the regulations adopted by the Board;

- (4) After a period of supervised practice by a licensed speech–language pathologist, have successfully completed a competency skills checklist as provided for in regulations adopted by the Board; [and]

- (5) Demonstrate oral competency; **AND**

**(6) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 2–303.1 OF THIS SUBTITLE.**

(c) The Board may waive any of the qualifications required under this section as provided for in regulations adopted by the Board.

2–303.

To apply for a license, an applicant shall:

(1) Submit an application to the Board on the form that the Board requires;  
[and]

(2) Pay to the Board the application fee set by the Board; AND

(3) **SUBMIT SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 2–303.1 OF THIS SUBTITLE.**

2–303.1.

(A) **IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

(B) **AS PART OF AN APPLICATION TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK, AN APPLICANT SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

(1) ~~TWO COMPLETE SETS~~ ONE COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN IN A MANNER APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(2) **THE FEE AUTHORIZED UNDER § 10–221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND**

(3) **THE PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

(C) **IN ACCORDANCE WITH §§ 10–201 THROUGH 10–229 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE BOARD AND THE APPLICANT THE CRIMINAL HISTORY RECORD INFORMATION OF THE APPLICANT.**

(D) **IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE BOARD ~~AND~~**

~~THE INDIVIDUAL~~ A REVISED PRINTED STATEMENT OF THE INDIVIDUAL'S STATE CRIMINAL HISTORY RECORD.

~~(E) IF THE APPLICANT HAS MADE THREE OR MORE UNSUCCESSFUL ATTEMPTS AT SECURING LEGIBLE FINGERPRINTS, THE BOARD MAY ACCEPT AN ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS CHECK AS PERMITTED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.~~

~~(F)~~ (E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

- (1) IS CONFIDENTIAL;
- (2) MAY NOT BE REDISSEMINATED; AND
- (3) MAY BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY THIS TITLE.

~~(G)~~ (F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.

2-306.

(A) [The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE Board shall issue a license to any applicant who:

- (1) Meets the requirements of this title; [and]
- (2) Pays the license fee set by the Board; AND
- (3) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 2-303.1 OF THIS SUBTITLE.

(B) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 2-303.1 OF THIS SUBTITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL CONSIDER:

- (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

- (II) THE NATURE OF THE CRIME;
- (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;
- (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;
- (V) SUBSEQUENT WORK HISTORY;
- (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

(VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

**(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 2-303.1 OF THIS SUBTITLE HAS NOT BEEN RECEIVED.**

2-308.

(a) Except as provided for a limited license in §§ 2-310 through 2-310.3 of this subtitle, a license expires on the date set by the Board, unless the license is renewed for an additional term as provided in this section.

(b) At least 2 months before the license expires, the Board shall contact the licensee by electronic means or first-class mail at the last known electronic or physical address provided by the licensee and advise the licensee of:

(1) The date on which the current license expires;

(2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license expires; and

(3) The amount of the renewal fee.

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

(1) Otherwise is entitled to be licensed;

(2) Pays to the Board a renewal fee set by the Board; and

(3) Submits to the Board:

(i) A renewal application on the form that the Board requires;

(ii) Evidence of compliance with any continuing education requirement set under this section for license renewal; [and]

(iii) Evidence that each audiometer in use has been calibrated within 12 months before the date the license is renewed; AND

**(IV) SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 2-303.1 OF THIS SUBTITLE.**

(d) In addition to any other qualifications and requirements established by the Board, the Board, by rule or regulation, shall establish continuing education requirements as a condition to the renewal of licenses under this section.

(e) [The] **SUBJECT TO SUBSECTION (G) OF THIS SECTION**, THE Board shall renew the license of each licensee who meets the requirements of this section.

(f) A licensee has a grace period of 30 days after a license expires in which to renew it retroactively, if the licensee:

(1) Otherwise is entitled to have the license renewed; and

(2) Pays to the Board the renewal fee and any late fee set by the Board.

**(G) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 2-303.1 OF THIS SUBTITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL CONSIDER:**

**(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**

**(II) THE NATURE OF THE CRIME;**

**(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

**(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

**(V) SUBSEQUENT WORK HISTORY;**

**(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**

**(VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

**(2) THE BOARD MAY NOT RENEW A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 2-303.1 OF THIS SUBTITLE HAS NOT BEEN RECEIVED.**

**(3) UNLESS OTHERWISE REQUIRED, A RENEWAL APPLICANT WHO PREVIOUSLY HAS COMPLETED THE CRIMINAL HISTORY RECORDS CHECK AS REQUIRED FOR THE BOARD'S APPLICATION PROCESS DOES NOT HAVE TO SUBMIT TO A SUBSEQUENT CRIMINAL HISTORY RECORDS CHECK FOR LICENSE RENEWAL.**

2-314.

Subject to the hearing provisions of § 2-315 of this subtitle, the Board may deny a license or limited license to any applicant, reprimand any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, or suspend or revoke a license or limited license if the applicant, licensee, or holder:

(22) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive; [or]

(23) Pays or agrees to pay any sum to any person for bringing or referring a patient; OR

**(24) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 2-303.1 OF THIS SUBTITLE.**

9-301.

(a) Except as otherwise provided in this section, an individual shall be licensed by the Board before the individual may practice as a nursing home administrator in this State.

(b) (1) Except as provided in paragraph (2) of this subsection, if a licensee leaves or is removed from a position as a nursing home administrator by death or for any other unexpected cause, the owner of the nursing home or other appropriate nursing home authority shall immediately:

(i) Designate a licensed nursing home administrator to serve in that capacity; and

(ii) Notify the Board of the designated licensed nursing home administrator's name.

(2) (i) In the event a nursing home administrator is not available, the owner or other appropriate nursing home authority may appoint a nonlicensed person to

serve in the capacity of acting nursing home administrator for a period not to exceed 90 days.

(ii) The owner or other appropriate nursing home authority shall immediately notify the Board of the appointment and forward the credentials of the person appointed to the Board for evaluation to assure that the person appointed is experienced, trained, and competent.

(iii) The 90-day period begins on the date that the licensee leaves or is removed from the position as a nursing home administrator.

(iv) The Board may extend the 90-day period for a further period of not more than 30 days.

**(3) A LICENSED NURSING HOME ADMINISTRATOR DESIGNATED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS SUBTITLE.**

**(4) A PERSON APPOINTED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS SUBTITLE.**

**(5) THE BOARD MAY DENY APPROVAL OF AN APPOINTMENT UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION BASED ON THE RESULTS OF A CRIMINAL HISTORY RECORDS CHECK REQUIRED UNDER PARAGRAPH (3) OR (4) OF THIS SUBSECTION AFTER CONSIDERATION OF THE FACTORS LISTED IN § 9-308(B)(1) OF THIS SUBTITLE.**

**(6) PARAGRAPHS (3) AND (4) OF THIS SUBSECTION DO NOT APPLY TO A PERSON LICENSED BY A HEALTH OCCUPATIONS BOARD WHO PREVIOUSLY HAS COMPLETED A CRIMINAL HISTORY RECORDS CHECK REQUIRED FOR LICENSURE.**

9-302.

(a) To qualify for a license, an applicant shall be an individual who [meets]:

**(1) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS SUBTITLE; AND**

**(2) MEETS** the requirements of this section.

**9-302.1.**

(A) IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) AS PART OF AN APPLICATION TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK, AN APPLICANT SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(1) ~~TWO COMPLETE SETS~~ ONE COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN IN A MANNER APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND

(3) THE PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(C) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE BOARD AND TO THE APPLICANT THE CRIMINAL HISTORY RECORD INFORMATION OF THE APPLICANT.

(D) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE BOARD ~~AND THE INDIVIDUAL~~ A REVISED PRINTED STATEMENT OF THE INDIVIDUAL’S STATE CRIMINAL HISTORY RECORD.

~~(E) IF THE APPLICANT HAS MADE THREE OR MORE UNSUCCESSFUL ATTEMPTS AT SECURING LEGIBLE FINGERPRINTS, THE BOARD MAY ACCEPT AN ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS CHECK AS PERMITTED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.~~

~~(F)~~ (E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(1) IS CONFIDENTIAL;

(2) MAY NOT BE REDISSEMINATED; AND

**(3) MAY BE USED ONLY FOR THE PURPOSES AUTHORIZED BY THIS TITLE.**

~~(E)~~ **(F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.**

9-303.

To apply for a license, an applicant shall:

(1) Submit an application to the Board on the form that the Board requires;  
[and]

(2) Pay to the Board the application fee set by the Board; AND

**(3) SUBMIT SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS SUBTITLE.**

9-308.

**(A) [The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE Board shall issue a license certificate and a license card to any applicant who meets the requirements of this title.**

**(B) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 9-302.1 OF THIS SUBTITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL CONSIDER:**

**(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**

**(II) THE NATURE OF THE CRIME;**

**(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

**(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

**(V) SUBSEQUENT WORK HISTORY;**

**(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**

**(VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

**(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 9–302.1 OF THIS SUBTITLE HAS NOT BEEN RECEIVED.**

9–311.

(a) A license expires on the second anniversary of its effective date, unless the license is renewed for a 2–year term as provided in this section.

(b) At least 1 month before the license expires, the Board shall send to the licensee, by electronic means or first–class mail to the last known electronic or physical address of the licensee, a renewal notice that states:

(1) The date on which the current license expires;

(2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license expires; and

(3) The amount of the renewal fee.

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

(1) Otherwise is entitled to be licensed;

(2) Pays to the Board a renewal fee set by the Board; and

(3) Submits to the Board:

(i) A renewal application on the form that the Board requires; and

(ii) Satisfactory evidence of compliance with any continuing education and other qualifications and requirements set under this section for license renewal.

(d) (1) In addition to any other qualifications and requirements established by the Board, the Board may set continuing education requirements as a condition to the renewal of licenses under this section.

(2) If a continuing education program relates to federal or State regulation, policy and procedures, or law, the Board, in its sole discretion, may grant a request for accreditation of the program.

(e) The Board shall renew the license of and issue a renewal card to each licensee who meets the requirements of this section.

**(F) (1) BEGINNING OCTOBER 1, 2016, THE BOARD SHALL REQUIRE A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS SUBTITLE FOR:**

**(I) LICENSURE RENEWAL APPLICANTS; AND**

**(II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT UNDER § 9-312 OF THIS SUBTITLE AFTER FAILING TO RENEW THE LICENSE FOR A PERIOD OF 1 YEAR OR MORE.**

**(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 9-302.1 OF THIS SUBTITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL CONSIDER:**

**(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**

**(II) THE NATURE OF THE CRIME;**

**(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

**(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

**(V) SUBSEQUENT WORK HISTORY;**

**(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**

**(VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

**(3) THE BOARD MAY NOT RENEW OR REINSTATE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 9-302.1 OF THIS SUBTITLE HAS NOT BEEN RECEIVED.**

**(4) UNLESS OTHERWISE REQUIRED, A RENEWAL APPLICANT WHO PREVIOUSLY HAS COMPLETED THE CRIMINAL HISTORY RECORDS CHECK AS REQUIRED FOR THE BOARD'S APPLICATION PROCESS DOES NOT HAVE TO SUBMIT TO A SUBSEQUENT CRIMINAL HISTORY RECORDS CHECK FOR LICENSE RENEWAL.**

(a) If an individual has been licensed by the Board to practice as a nursing home administrator in the State in accordance with the requirements of this subtitle, the individual may be licensed subsequently as a nursing home administrator on inactive status, retaining the licensee's original license number.

(b) (1) The Board shall place a licensee on inactive status if the licensee submits to the Board:

(i) An application for inactive status on the form required by the Board; and

(ii) The inactive status fee set by the Board.

(2) A licensee's inactive status expires on the second anniversary of its effective date, unless the licensee renews the inactive status for a 2-year term as provided in this section.

(3) The Board shall provide a licensee who has complied with the requirements of paragraph (1) of this subsection with written notification of:

(i) The date that the licensee's inactive status becomes effective;

(ii) The date that the licensee's 2-year term of inactive status expires; and

(iii) The consequences of:

1. Not renewing inactive status before expiration of the 2-year term of inactive status; and

2. Not resuming active status within the 5-year period of inactive status, beginning on the first day of inactive status.

(c) A licensee on inactive status may not practice as a nursing home administrator in the State.

(d) The Board shall issue a license to a licensee who is on inactive status if the licensee:

(1) Completes an application form for reactivation of a license before expiration of the 2-year term of inactive status on the form required by the Board;

(2) Complies with the renewal requirements in effect at the time the licensee seeks to reactivate the license;

(3) Meets the continuing education requirements set by the Board;

(4) Has not practiced as a nursing home administrator in the State while on inactive status;

(5) Pays all appropriate fees set by the Board;

(6) Has been on inactive status for less than 5 years; and

(7) Is otherwise entitled to be licensed.

(e) Before the Board may reactivate the license of an individual who has been on inactive status for 5 years or more, the individual shall:

(1) Submit a new application;

(2) Pay all appropriate fees set by the Board;

(3) Complete a Board approved 1-month administrator refresher program;  
[and]

(4) Pass the State's standards examination; AND

**(5) SUBMIT SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS SUBTITLE.**

(f) A nursing home administrator whose inactive license expires before the nursing home administrator returns to active licensure shall meet the reinstatement requirements of § 9-312 of this subtitle.

9-314.

(a) The Board shall investigate and take appropriate action as to any complaint filed with the Board that alleges that a licensee has failed to meet any standard of the Board.

(b) Subject to the hearing provisions of § 9-315 of this subtitle, the Board may deny a license or limited license to any applicant, reprimand any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, suspend or revoke a license or limited license, or impose a civil fine if the applicant, holder, or licensee:

(11) Commits an act of unprofessional conduct in the licensee's practice as a nursing home administrator; [or]

(12) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive; OR

**(13) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS SUBTITLE.**

10-302.

(a) To qualify for a license, an applicant shall be an individual who meets the requirements of this section.

(b) The applicant shall be of good moral character.

(c) The applicant shall be at least 18 years old.

(d) An applicant for an occupational therapist license shall have successfully:

(1) Graduated from an educational program in occupational therapy that is recognized by the Board and accredited by ACOTE or any other nationally recognized programmatic accrediting agency; and

(2) Completed the equivalent of at least 6 months of supervised, full-time field work experience at a recognized educational institution or in a training program approved by the educational institution where the applicant met the academic requirements.

(e) An applicant for an occupational therapy assistant license shall have successfully:

(1) Graduated from an educational program for occupational therapy assistants that is recognized by the Board and accredited by ACOTE or any other nationally recognized programmatic accrediting agency; and

(2) Completed the equivalent of at least 4 months of supervised, full-time field work experience at a recognized educational institution or in a training program approved by the educational institution where the applicant met the academic requirements.

(f) The applicant shall pass the appropriate examination given by NBCOT or any other national credentialing organization.

**(G) THE APPLICANT SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 10-302.1 OF THIS SUBTITLE.**

**10-302.1.**

(A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) AS PART OF AN APPLICATION TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK, AN APPLICANT SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(1) ~~TWO COMPLETE SETS~~ ONE COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN IN A MANNER APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND

(3) THE PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(C) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE BOARD AND TO THE APPLICANT THE CRIMINAL HISTORY RECORD INFORMATION OF THE APPLICANT.

(D) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE BOARD ~~AND THE INDIVIDUAL~~ A REVISED PRINTED STATEMENT OF THE INDIVIDUAL'S STATE CRIMINAL HISTORY RECORD.

~~(E) IF THE APPLICANT HAS MADE THREE OR MORE UNSUCCESSFUL ATTEMPTS AT SECURING LEGIBLE FINGERPRINTS, THE BOARD MAY ACCEPT AN ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS CHECK AS PERMITTED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.~~

~~(F)~~ (E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(1) IS CONFIDENTIAL;

(2) MAY NOT BE REDISSEMINATED; AND

**(3) SHALL BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY THIS TITLE.**

~~(E)~~ **(F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.**

10-304.

(a) To apply for a license, an applicant shall:

(1) Submit an application to the Board in the form required by the Board;  
[and]

(2) Pay to the Board the application fee set by the Board; AND

**(3) SUBMIT TO A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 10-302.1 OF THIS SUBTITLE.**

(b) If an applicant is required under this title to take an examination, the applicant shall submit the application and fee at least 30 days before the date of the examination that the applicant is required to take.

10-308.

(a) **[The] SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE** Board shall issue the appropriate license to an applicant who meets the requirements of this title for that license.

(b) (1) Licensees shall present an original current license to the employer as part of the employment process.

(2) Except as otherwise provided in this subsection, each licensee shall display the license conspicuously in the office or place of employment of the licensee.

(3) If a licensee is unable to display the license, the licensee shall present the original license to the client at the request of the client or the client's designated decision maker.

**(C) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 10-302.1 OF THIS SUBTITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL CONSIDER:**

**(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**

- (II) THE NATURE OF THE CRIME;
- (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;
- (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;
- (V) SUBSEQUENT WORK HISTORY;
- (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND
- (VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 10-302.1 OF THIS SUBTITLE HAS NOT BEEN RECEIVED.

10-311.

(a) A license expires on a date set by the Board, unless the license is renewed for an additional term as provided in this section.

(b) At least 1 month before the license expires, the Board shall send to the licensee, by electronic means or first-class mail to the last known electronic or physical address of the licensee, a renewal notice that states:

(1) The date on which the current license expires;

(2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license expires; and

(3) The amount of the renewal fee.

(c) Except as otherwise provided in this title, before the license expires, the licensee periodically may renew it for an additional term, if the licensee:

(1) Otherwise is entitled to be licensed;

(2) Pays to the Board a renewal fee set by the Board; and

(3) Submits to the Board:

(i) A renewal application on the form that the Board requires; [and]

(ii) Satisfactory evidence of compliance with any continuing competency requirements and other qualifications and requirements set under this section for license renewal; AND

**(III) SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 10-302.1 OF THIS SUBTITLE.**

(d) In addition to any other qualifications and requirements established by the Board, the Board may establish continuing competency requirements as a condition to the renewal of licenses under this section.

(e) **[The] SUBJECT TO SUBSECTION (G) OF THIS SECTION, THE** Board shall renew the license of each licensee who meets the requirements of this section.

(f) The Board shall renew the license of an occupational therapist or an occupational therapy assistant who has failed to renew the license for any reason if the occupational therapist or occupational therapy assistant:

- (1) Applies for renewal within 30 days after the deadline for renewal;
- (2) Meets the renewal requirements of this section;
- (3) Pays to the Board the renewal fee set by the Board; and
- (4) Pays to the Board the late fee set by the Board.

**(G) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 10-302.1 OF THIS SUBTITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL CONSIDER:**

- (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**
- (II) THE NATURE OF THE CRIME;**
- (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**
- (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**
- (V) SUBSEQUENT WORK HISTORY;**
- (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**

**(VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

**(2) THE BOARD MAY NOT RENEW A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 10-302.1 OF THIS SUBTITLE HAS NOT BEEN RECEIVED.**

**(3) UNLESS OTHERWISE REQUIRED, A RENEWAL APPLICANT WHO HAS PREVIOUSLY COMPLETED THE CRIMINAL HISTORY RECORDS CHECK AS REQUIRED FOR THE BOARD'S APPLICATION PROCESS DOES NOT HAVE TO SUBMIT TO A SUBSEQUENT CRIMINAL HISTORY RECORDS CHECK FOR LICENSE RENEWAL.**

10-315.

Subject to the hearing provisions of § 10-316 of this subtitle, the Board may deny a license or temporary license to any applicant, reprimand any licensee or holder of a temporary license, place any licensee or holder of a temporary license on probation, or suspend or revoke a license or temporary license if the applicant, licensee, or holder:

(12) Submits a false statement to collect a fee; [or]

(13) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive; **OR**

**(14) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 10-302.1 OF THIS SUBTITLE.**

16-302.

(a) To qualify for a license, an applicant shall be an individual who meets the requirements of this section.

(b) The applicant shall be of good moral character.

(c) The applicant shall be at least 18 years old.

(d) The applicant shall be a graduate of a school or college of podiatry that is accredited by the Council on Education of the American Podiatric Medical Association and approved by the Board.

(e) Except as otherwise provided in this title, the applicant shall pass an examination given by the Board under this subtitle.

(f) The Board may require an applicant to complete a postgraduate podiatric residency program in:

(1) A health care facility licensed or approved by the Department;

(2) A program approved by the Council on Education of the American Podiatric Medical Association or its successor; or

(3) A program approved by the Board.

(g) (1) The Board shall require as part of its examination or licensing procedures that an applicant for a license to practice podiatry demonstrate an oral competency in the English language.

(2) Graduation from a recognized English-speaking undergraduate school after at least 3 years of enrollment, or from a recognized English-speaking professional school is acceptable as proof of proficiency in the oral communication of the English language under this section.

(3) By regulation, the Board shall develop a procedure for testing individuals who because of their speech impairment are unable to complete satisfactorily a Board approved standardized test of oral competency.

(4) If any disciplinary charges or action that involves a problem with the oral communication of the English language are brought against a licensee under this title, the Board shall require the licensee to take and pass a Board approved standardized test of oral competency.

**(H) THE APPLICANT SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 16-302.1 OF THIS SUBTITLE.**

#### **16-302.1.**

**(A) IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

**(B) AS PART OF AN APPLICATION TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK, AN APPLICANT SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

**(1) ~~TWO COMPLETE SETS~~ ONE COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN IN A MANNER APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;**

**(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND**

**(3) THE PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

**(C) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE BOARD AND THE APPLICANT THE CRIMINAL HISTORY RECORD INFORMATION OF THE APPLICANT.**

~~**(D) IF AN APPLICANT HAS MADE THREE OR MORE UNSUCCESSFUL ATTEMPTS AT SECURING LEGIBLE FINGERPRINTS, THE BOARD MAY ACCEPT AN ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS CHECK AS ALLOWED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.**~~

~~**(E)**~~ **(D) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:**

- (1) IS CONFIDENTIAL;**
- (2) MAY NOT BE REDISSEMINATED; AND**
- (3) SHALL BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY THIS TITLE.**

~~**(F)**~~ **(E) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.**

16-303.

**(a) To apply for a license, an applicant shall:**

- (1) Submit an application to the Board on the form that the Board requires;**  
[and]
- (2) Pay to the Board the application fee set by the Board; AND**

**(3) SUBMIT TO A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 16-302.1 OF THIS SUBTITLE.**

**(b) If the applicant is licensed and has practiced in another state, the applicant shall submit proof of practice that is sufficient to demonstrate current clinical proficiency, as specified in regulations adopted by the Board.**

16–305.

(a) The Board shall issue a license to any applicant who, by the affirmative vote of a majority of the full authorized membership of the Board, meets the requirements of this title.

(b) The Board shall include on each license that the Board issues:

(1) The signature of the Secretary of the Department of Health and Mental Hygiene attesting that the individual meets the requirements of this title; and

(2) A serial number that corresponds to an entry in the registration records of the Board.

**(C) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 16–302.1 OF THIS SUBTITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL CONSIDER:**

**(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**

**(II) THE NATURE OF THE CRIME;**

**(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

**(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

**(V) SUBSEQUENT WORK HISTORY;**

**(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**

**(VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

**(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 16–302.1 OF THIS SUBTITLE HAS NOT BEEN RECEIVED.**

16–311.

(a) Subject to the hearing provisions of § 16–313 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license or a limited license to any applicant, reprimand any licensee or holder of a limited license, impose an administrative monetary penalty not exceeding \$50,000 on any licensee or holder of a

limited license, place any licensee or holder of a limited license on probation, or suspend or revoke a license or a limited license if the applicant, licensee, or holder:

(26) Fails to display the notice required under § 16–404 of this title; [or]

(27) Fails to cooperate with a lawful investigation conducted by the Board;

**OR**

**(28) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 16–302.1 OF THIS SUBTITLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 49

(Senate Bill 116)

AN ACT concerning

### State Government – Office of Legislative Audits – Alterations in Audit Requirements

FOR the purpose of altering the time period during which the Office of Legislative Audits and the Legislative Auditor are required to audit certain State funds, programs, authorities, units, and a certain local liquor board; altering the statutory authority under which the Office of Legislative Audits and the Legislative Auditor are required to audit certain funds, programs, and units; repealing the requirement that the Office of Legislative Audits and the Legislative Auditor perform certain audits of certain licensees, funds, and agencies; repealing the requirement for the Office of Legislative Audits to approve certain independent auditors selected by certain corporations and centers; repealing the requirement for the Legislative Auditor to concur on certain audits of community colleges performed by certain auditors in order for the audits to meet a certain requirement; repealing the requirement for the Legislative Auditor to certify a certain form completed by a certain hospital; altering the time period during which a certain corporation is required to maintain possession and custody of certain documents related to a certain audit; authorizing, rather than requiring, the Legislative Auditor to conduct certain post audit examinations and fiscal/compliance audits of certain funds; repealing the requirement for the Office of Legislative Audits and the Legislative Auditor to evaluate, audit, and summarize certain information from certain offices and agencies; altering the time period during which the Office of Legislative Audits is required to conduct a fiscal/compliance audit

of each unit of the State government, except for units in the Legislative Branch; repealing the requirement for the Legislative Auditor to evaluate the utilization of certain funds allocated to certain businesses; repealing the authorization for the Legislative Auditor to audit certain accounts of a certain system and certain administrations; making stylistic changes; and generally relating to alterations in audit requirements for the Office of Legislative Audits.

BY repealing and reenacting, without amendments,

Article – Agriculture

Section 2–505(a)

Annotated Code of Maryland

(2007 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 2–505(h)

Annotated Code of Maryland

(2007 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Business Regulation

Section 4.5–203(a)(1), 4.5–703(a), and 11–101(i)

Annotated Code of Maryland

(2015 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 4.5–203(c) and 4.5–703(e)

Annotated Code of Maryland

(2015 Replacement Volume and 2015 Supplement)

BY repealing

Article – Business Regulation

Section 11–313(d)

Annotated Code of Maryland

(2015 Replacement Volume and 2015 Supplement)

BY repealing

Article – Correctional Services

Section 3–510

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Economic Development

Section 10–201(b), 10–401(c), 10–501(f), 10–806(a), and 10–901(c)

Annotated Code of Maryland

(2008 Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Economic Development  
Section 10–227, 10–414, 10–526, 10–825, and 10–911  
Annotated Code of Maryland  
(2008 Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Education  
Section 16–315(b)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Education  
Section 16–315(f)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Environment  
Section 9–1605(a)(1) and 9–1605.1(a)(1)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 9–1605(a)(6) and 9–1605.1(a)(6)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 13–1303(d)(2), 13–2206(c), and 19–216(b)(1)  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 19–201(b) and (c) and 19–216(a)  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 14–402(f)

Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Human Services  
Section 11–101(c) and 11–408(a)(2) and (b)(2)  
Annotated Code of Maryland  
(2007 Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Human Services  
Section 11–408(b)(4)  
Annotated Code of Maryland  
(2007 Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Local Government  
Section 30–102(a)  
Annotated Code of Maryland  
(2013 Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Local Government  
Section 30–106(d)(1)  
Annotated Code of Maryland  
(2013 Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Natural Resources  
Section 3–302(a)(1)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 3–302(e)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 1–309(f)(1) and 2–514  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Public Utilities

Section 7-512.1(a)(1)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Public Utilities  
Section 7-512.1(c)(4)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Finance and Procurement  
Section 2-701  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 2-702(b) and 3A-506(g)(1)  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 2-1220, 9-1A-34, and 9-1A-35(f)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 9-101(b) and (c) and 9-1A-35(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing  
Article – State Government  
Section 9-121  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing  
Article – State Personnel and Pensions  
Section 21-127  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Transportation  
Section 5–101(b), 6–101(b), and 7–101(b)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2015 Supplement)

BY repealing

Article – Transportation  
Section 5–215.1, 6–212.1, and 7–211.1  
Annotated Code of Maryland  
(2015 Replacement Volume and 2015 Supplement)

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

### **Article – Agriculture**

2–505.

(a) The Maryland Agricultural Land Preservation Fund is created and continued for the purposes specified in this subtitle.

(h) The Fund [shall be audited annually] **IS SUBJECT TO AUDIT** by the Legislative Auditor [in the manner prescribed by law] **AS PROVIDED IN § 2–1220 OF THE STATE GOVERNMENT ARTICLE.**

### **Article – Business Regulation**

4.5–203.

(a) (1) There is a Home Builder Registration Fund.

(c) The [Office of Legislative Audits shall audit the] accounts and transactions of the Registration Fund [under §] **SHALL BE SUBJECT TO AUDIT BY THE LEGISLATIVE AUDITOR IN ACCORDANCE WITH §§ 2–1220 THROUGH 2–1227** of the State Government Article.

4.5–703.

(a) The Division shall:

(1) establish a Home Builder Guaranty Fund; and

(2) maintain the Guaranty Fund at a level of at least \$1,000,000.

(e) The [Office of Legislative Audits shall audit the] accounts and transactions of the Guaranty Fund [under §] **SHALL BE SUBJECT TO AUDIT BY THE LEGISLATIVE**

**AUDITOR IN ACCORDANCE WITH §§ 2–1220 THROUGH 2–1227** of the State Government Article.

11–101.

(i) “Licensee” means a person who has been awarded racing days for the current calendar year.

11–313.

[(d) The Office of Legislative Audits shall audit each licensee at least once every 2 years in accordance with the provisions of §§ 2–1217 through 2–1227 of the State Government Article.]

### **Article – Correctional Services**

[3–510.

(a) The Legislative Auditor shall conduct audits of Maryland Correctional Enterprises in accordance with Title 2, Subtitle 12, Part IV of the State Government Article.

(b) The Legislative Auditor shall advise officials of Maryland Correctional Enterprises of the frequency of audits to be conducted.

(c) Maryland Correctional Enterprises shall bear the cost of the fiscal portion of a post audit examination.]

### **Article – Economic Development**

10–201.

(b) “Authority” means the Maryland Food Center Authority.

10–227.

[(a) The Legislative Auditor[:

(1)] may conduct a fiscal and compliance audit of the accounts and transactions of the Authority [yearly or every 2 years; and

(2) shall advise officials of the Authority whether the audit will be yearly or every 2 years.

(b) The Authority shall pay the cost of the fiscal part of the post audit examination] **AS PROVIDED IN § 2–1220 OF THE STATE GOVERNMENT ARTICLE.**

10–401.

- (c) “Corporation” means the Maryland Technology Development Corporation.

10–414.

The books and records of the Corporation are subject to audit:

- (1) at any time by the State; and
- (2) each year by an independent auditor [that the Office of Legislative Audits approves].

10–501.

- (f) “Corporation” means the Maryland Agricultural and Resource–Based Industry Development Corporation.

10–526.

The books and records of the Corporation are subject to audit:

- (1) by the State at its discretion; and
- (2) each year by an independent auditor [approved by the Office of Legislative Audits].

10–806.

- (a) There is a Maryland Clean Energy Center.

10–825.

The books and records of the Center are subject to audit:

- (1) at any time by the State; and
- (2) each year by an independent auditor [that the Office of Legislative Audits approves].

10–901.

- (c) “Corporation” means the Maryland Public–Private Partnership Marketing Corporation.

10–911.

The books and records of the Corporation are subject to audit:

- (1) at any time by the State; and
- (2) each year by an independent auditor [that the Office of Legislative Audits approves].

### **Article – Education**

16–315.

(b) Each community college in the State shall have an annual audit of its books of accounts, accounting procedures and principles, and other fiscal and operational methods and procedures in accordance with guidelines as prescribed by the Commission. A copy of the audit report, together with the related management letter, shall be submitted to the Commission for review and assessment and to the Legislative Auditor within 90 days of the close of each fiscal year. The Commission shall ascertain that the community colleges are audited in accordance with this section.

(f) An audit performed by an official auditor of any county or Baltimore City approved by the Commission [with the concurrence of the Legislative Auditor] shall satisfy the annual audit requirement if it otherwise meets the requirements of this section.

### **Article – Environment**

9–1605.

(a) (1) There is a Maryland Water Quality Revolving Loan Fund. The Water Quality Fund shall be maintained and administered by the Administration in accordance with the provisions of this subtitle and such rules or program directives as the Secretary or the Board may from time to time prescribe.

(6) The Water Quality Fund shall be subject to [biennial] audit by the Office of Legislative Audits as provided for in § 2–1220 of the State Government Article.

9–1605.1.

(a) (1) There is a Maryland Drinking Water Revolving Loan Fund. The Drinking Water Loan Fund shall be maintained and administered by the Administration in accordance with the provisions of this subtitle and such rules or program directives as the Secretary or the Board may from time to time prescribe.

(6) The Drinking Water Loan Fund shall be subject to [biennial] audit by the Office of Legislative Audits as provided for in § 2–1220 of the State Government Article.

## Article – Health – General

13–1303.

(d) (2) The [Office of Legislative Audits shall audit the] accounts and transactions of the Governor’s Wellmobile Program **SHALL BE SUBJECT TO AUDIT BY THE LEGISLATIVE AUDITOR** in accordance with §§ 2–1220 through 2–1227 of the State Government Article.

13–2206.

(c) The [Office of Legislative Audits shall audit the] accounts and transactions of the Child Abuse Medical Providers (Maryland CHAMP) Initiative **SHALL BE SUBJECT TO AUDIT BY THE LEGISLATIVE AUDITOR** in accordance with §§ 2–1220 through 2–1227 of the State Government Article.

19–201.

(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.

19–216.

(a) At the end of the fiscal year for a facility, at least 120 days following a merger or a consolidation, and at any other interval that the Commission sets, the facility shall file:

(1) A balance sheet that details its assets, liabilities, and net worth;

(2) A statement of income and expenses;

(3) The most recent Form 990 that the facility filed with the Internal Revenue Service; and

(4) Any other report that the Commission requires about costs incurred in providing services.

(b) (1) A report under this section shall:

(i) Be in the form that the Commission requires;

(ii) Conform to the uniform accounting and financial reporting system adopted under this subtitle; and

(iii) Be certified [as follows:

1. For the University of Maryland Hospital, by the Legislative Auditor; or
2. For any other facility, by its] **BY THE FACILITY'S** certified public accountant.

### **Article – Health Occupations**

14–402.

(f) The [Legislative Auditor shall every 2 years audit the accounts and transactions of the] Physician Rehabilitation Program **IS SUBJECT TO AUDIT BY THE LEGISLATIVE AUDITOR** as provided in § 2–1220 of the State Government Article.

### **Article – Human Services**

11–101.

(c) “Corporation” means the Maryland Legal Services Corporation.

11–408.

(a) (2) For any fiscal year during which State funds are available to finance any portion of the operations of the Corporation, the Legislative Auditor may audit the financial transactions of the Corporation.

(b) (2) If owned or in use by the Corporation and necessary to facilitate the audit, the Corporation shall make available to the Legislative Auditor all:

- (i) books;
- (ii) accounts;
- (iii) financial records;
- (iv) reports;
- (v) files; and
- (vi) other papers or property.

(4) Unless the Legislative Auditor requires a longer period of retention, the items listed in paragraph (2) of this subsection shall remain in the possession and custody of the Corporation for [3] 4 years.

#### **Article – Local Government**

30–102.

(a) There is a Baltimore City Police Department Death Relief Fund.

30–106.

(d) (1) The Fund shall be audited [regularly by the Legislative Auditor and] from time to time by an independent certified public accountant that the Board retains.

#### **Article – Natural Resources**

3–302.

(a) (1) There is an Environmental Trust Fund.

(e) The Legislative Auditor [shall] MAY conduct post audits of a fiscal and compliance nature of the Fund and of the appropriations and expenditures made for the purposes of this subtitle. The cost of the fiscal portion of the post audit examinations shall be an operating cost of the Fund.

#### **Article – Public Safety**

1–309.

(f) (1) The Legislative Auditor [shall] MAY conduct fiscal/compliance audits of the 9–1–1 Trust Fund and of the appropriations and disbursements made for purposes of this subtitle.

2–514.

(a) On or before April 1, 2010, and on or before April 1 of every even-numbered year thereafter, each local law enforcement unit shall report to the Governor's Office of Crime Control and Prevention on the status of crime scene DNA collection and analysis in its respective jurisdiction for the preceding calendar year, and the Department shall report to the Governor's Office of Crime Control and Prevention on the status of crime scene DNA collection statewide for the preceding calendar year, including:

(1) the crimes for which crime scene DNA evidence is routinely collected;

(2) the approximate number of crime scene DNA evidence samples collected during the preceding year for each category of crime;

(3) the average time between crime scene DNA evidence collection and analysis;

(4) the number of crime scene DNA evidence samples collected and not analyzed at the time of the study;

(5) the number of crime scene DNA evidence samples submitted to the statewide DNA data base during the preceding year; and

(6) the number of crime scene DNA evidence samples, including sexual assault evidence, collected by hospitals in the county during the preceding year.

(b) [(1)] The Governor’s Office of Crime Control and Prevention shall compile the information reported by the local law enforcement units and the Department under subsection (a) of this section and [submit the information to the Office of Legislative Audits.

(2) The Office of Legislative Audits shall evaluate the information received under paragraph (1) of this subsection and] submit an annual summary report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

### Article – Public Utilities

7–512.1.

(a) (1) The Commission shall establish an electric universal service program to assist electric customers with annual incomes at or below 175% of the federal poverty level.

(c) (4) The [Office of Legislative Audits shall conduct an audit of the] electric universal service program [at least once every 3 years and shall report the results of the audit] **SHALL BE SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS** in accordance with [§ 2–1224] **§§ 2–1220 THROUGH 2–1227** of the State Government Article.

### Article – State Finance and Procurement

2–701.

In this subtitle, “ethnic affairs unit” means:

- (1) the Commission on African American History and Culture;
- (2) the Commission on Indian Affairs; and
- (3) the Office of Asian–Pacific American Affairs.

2–702.

(b) An ethnic affairs unit receiving funds under this section shall be subject to [an annual fiscal] audit by the Legislative Auditor **AS PROVIDED IN § 2–1220 OF THE STATE GOVERNMENT ARTICLE.**

3A–506.

(g) (1) The Legislative Auditor [shall] **MAY** conduct postaudits of a fiscal and compliance nature of the Universal Service Trust Fund and the expenditures made for purposes of § 3A–504(a) of this subtitle and § 3A–602(a) of this title.

### Article – State Government

2–1220.

(a) (1) In this subsection, “unit” includes each State department, agency, unit, and program, including each clerk of court and each register of wills.

(2) (i) [At least once every 3 years, the] **THE** Office of Legislative Audits shall conduct a fiscal/compliance audit of each unit of the State government, except for units in the Legislative Branch.

**(II) THE AUDIT OF EACH UNIT SHALL BE CONDUCTED AT AN INTERVAL RANGING FROM 3 TO 4 YEARS UNLESS THE LEGISLATIVE AUDITOR DETERMINES, ON A CASE-BY-CASE BASIS, THAT MORE FREQUENT AUDITS ARE REQUIRED.**

[(ii)] **(III)** In determining the audit [schedule] **INTERVAL** for a unit, the Office of Legislative Audits shall take into consideration:

1. the materiality and risk of the unit’s fiscal activities with respect to the State’s fiscal activities;
2. the complexity of the unit’s fiscal structure; and
3. the nature and extent of audit findings in the unit’s prior audit reports.

[(iii)] **(IV)** Each agency or program may be audited separately or as part of a larger organizational unit of State government.

(3) Performance audits or financial statement audits shall be conducted when authorized by the Legislative Auditor, when directed by the Joint Audit Committee or the Executive Director, or when otherwise required by law.

(4) (i) In addition to the audits required under paragraph (2) of this subsection, the Office of Legislative Audits may conduct a review when the objectives of the work to be performed can be satisfactorily fulfilled without conducting an audit as prescribed in § 2–1221 of this subtitle.

(ii) 1. The Office of Legislative Audits has the authority to conduct a separate investigation of an act or allegation of fraud, waste, or abuse in the obligation, expenditure, receipt, or use of State resources.

2. The Legislative Auditor shall determine whether an investigation shall be conducted in conjunction with an audit undertaken in accordance with this subsection or separately.

(5) If, on request of the Comptroller, the Joint Audit Committee so directs, the Office of Legislative Audits shall audit or review a claim that has been presented to the Comptroller for payment of an expenditure or disbursement and that is alleged to have been made by or for an officer or unit of the State government.

(6) The Office of Legislative Audits shall conduct an audit or review to determine the accuracy of information about or procedures of a unit of the State government, as directed by the Joint Audit Committee or the Executive Director.

(b) If the General Assembly, by resolution, or the Joint Audit Committee so directs, the Office of Legislative Audits shall conduct an audit or review of a corporation or association to which the General Assembly has appropriated money or that has received funds from an appropriation from the State Treasury.

(c) The Office of Legislative Audits may audit any county officer or unit that collects State taxes.

(d) (1) The Office of Legislative Audits shall review any audit report prepared under the authority of:

(i) §§ 16–305 through 16–308 of the Local Government Article, with respect to a county, municipal corporation, or taxing district; or

(ii) § 16–315 of the Education Article, with respect to a community college.

(2) The results of any review made by the Office of Legislative Audits under paragraph (1) of this subsection shall be reported as provided in § 2–1224 of this subtitle.

(e) (1) At least once every 6 years, the Office of Legislative Audits shall conduct an audit of each local school system to evaluate the effectiveness and efficiency of the financial management practices of the local school system.

(2) The audits may be performed concurrently or separately.

(3) The Office of Legislative Audits shall provide information regarding the audit process to the local school system before the audit is conducted.

(f) (1) At least once every [3] 4 years, the Office of Legislative Audits shall conduct a performance audit of the Board of Liquor License Commissioners for Baltimore City to evaluate the effectiveness and efficiency of the management practices of the Board and of the economy with which the Board uses resources.

(2) The performance audit shall focus on operations relating to liquor inspections, licensing, disciplinary procedures, and management oversight.

9–101.

(b) “Agency” means the State Lottery and Gaming Control Agency.

(c) “Commission” means the State Lottery and Gaming Control Commission.

[9–121.

(a) (1) The Legislative Auditor shall audit the accounts and transactions of the Agency as provided in § 2–1220 of this article.

(2) If the Legislative Auditor gives the Agency advance notice, the Legislative Auditor may conduct annually a fiscal and compliance audit of the accounts and transactions of the Agency.

(b) The Agency shall pay the cost of the fiscal part of each audit.]

9–1A–34.

[(a)] The Commission shall make an annual report to the Governor and, subject to § 2–1246 of this article, to the General Assembly:

(1) on the operation and finances of the video lottery facilities;

(2) with the assistance of local police departments and the Department of State Police, detailing the crimes that occur within the communities surrounding a video lottery facility; and

(3) on the attainment of minority business participation goals specified for licensees under § 9–1A–10(a)(1) and (2) of this subtitle and the efforts by licensees to maintain those goals.

[(b) Each fiscal year the Legislative Auditor shall audit and evaluate the information submitted to the Commission by licensees under subsection (a)(3) of this section, with special emphasis on the licensee's utilization of contractors across a broad spectrum of its business activities, including those that are functionally related to the gaming industry.]

9-1A-35.

(a) There is a Small, Minority, and Women-Owned Businesses Account under the authority of the Board of Public Works.

(f) [Each fiscal year the] **THE** Legislative Auditor shall audit [and evaluate] the utilization of the funds that are allocated to small, minority, and women-owned businesses by eligible fund managers under subsection (c)(3) of this section **DURING AN AUDIT OF THE APPLICABLE STATE UNIT AS PROVIDED IN § 2-1220 OF THIS ARTICLE.**

#### **Article – State Personnel and Pensions**

[21-127.

The Legislative Auditor:

(1) may conduct an annual or biennial fiscal and compliance audit of the accounts and transactions of the several systems; and

(2) shall advise officials of the several systems whether the audit will be annual or biennial.]

#### **Article – Transportation**

5-101.

(b) “Administration” means the Maryland Aviation Administration.

[5-215.1.

At his discretion, the Legislative Auditor may conduct an annual audit of a fiscal and compliance nature of the accounts and transactions of the Administration in place of conducting these audits on a biennial basis. Officials of the Administration shall be advised whether annual or biennial audits will be conducted. The cost of the fiscal portion of the post audit examinations shall be borne by the Administration.]

6-101.

(b) “Administration” means the Maryland Port Administration.

[6–212.1.

At his discretion, the Legislative Auditor may conduct an annual audit of a fiscal and compliance nature of the accounts and transactions of the Administration in place of conducting these audits on a biennial basis. Officials of the Administration shall be advised whether annual or biennial audits will be conducted. The cost of the fiscal portion of the post audit examinations shall be borne by the Administration.]

7–101.

(b) “Administration” means the Maryland Transit Administration.

[7–211.1.

At his discretion, the Legislative Auditor may conduct an annual audit of a fiscal and compliance nature of the accounts and transactions of the Administration in place of conducting these audits on a biennial basis. Officials of the Administration shall be advised whether annual or biennial audits will be conducted. The cost of the fiscal portion of the post audit examinations shall be borne by the Administration.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 50

**(Senate Bill 130)**

AN ACT concerning

**Worcester County – Alcoholic Beverages – Refillable Container Permit for Draft Beer**

FOR the purpose of establishing a refillable container permit for draft beer in Worcester County; authorizing the Worcester County Board of License Commissioners to issue a refillable container permit for draft beer to certain holders of certain licenses under certain circumstances and conditions; ~~specifying that a refillable container permit authorizes a holder to sell draft beer for off-premises consumption in a certain refillable container under certain circumstances and conditions; specifying the term, hours for sale, and advertising, posting of notice, and public hearing requirements associated with a refillable container permit;~~ specifying the hours of sale for the permit; specifying a permit fee; requiring an applicant for a refillable container permit to take certain actions before the Board may issue a refillable container

permit to an applicant; requiring that certain receipts collected be included in certain calculations of average daily receipts; ~~defining a certain term~~; and generally relating to refillable container permits for draft beer in Worcester County.

~~BY repealing and reenacting, with amendments,  
Article 2B—Alcoholic Beverages  
Section 8-103  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)~~

~~BY adding to  
Article 2B—Alcoholic Beverages  
Section 8-224.1  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)~~

~~BY repealing and reenacting, without amendments,  
Article 2B—Alcoholic Beverages  
Section 21-107  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)~~

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 33-102  
Annotated Code of Maryland  
(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 33-1101  
Annotated Code of Maryland  
(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY adding to  
Article – Alcoholic Beverages  
Section 33-1103  
Annotated Code of Maryland  
(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

~~**Article 2B—Alcoholic Beverages**~~

~~(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;~~
- ~~(v) Howard County;~~
- ~~(vi) Prince George's County;~~
- ~~(vii) Queen Anne's County;~~
- ~~(viii) St. Mary's County; [and]~~
- ~~(ix) Washington County; AND~~
- ~~(x) WORCESTER COUNTY.~~

~~(2) This section applies with respect to wine in the following jurisdictions:~~

- ~~(i) Harford County;~~
- ~~(ii) Howard County; and~~
- ~~(iii) Montgomery 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.~~

~~§ 224.1.~~

~~(A) THIS SECTION APPLIES ONLY IN WORCESTER COUNTY.~~

~~(B) IN THIS SECTION, "BOARD" MEANS THE WORCESTER COUNTY BOARD OF LICENSE COMMISSIONERS.~~

~~(C) THERE IS A REFILLABLE CONTAINER PERMIT.~~

~~(D) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS B LICENSE OR A CLASS D LICENSE.~~

~~(E) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER PERMIT TO AN APPLICANT, THE APPLICANT SHALL:~~

~~(1) COMPLETE THE FORM THAT THE BOARD PROVIDES; AND~~

~~(2) PAY AN ANNUAL PERMIT FEE OF \$500.~~

~~(F) THE HOURS FOR 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) RECEIPTS COLLECTED UNDER A REFILLABLE CONTAINER PERMIT SHALL BE INCLUDED IN THE CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES UNDER A CLASS B RESTAURANT LICENSE AND A CLASS B HOTEL LICENSE.~~

~~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.~~~~

~~(e) 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.~~

### Article – Alcoholic Beverages

33-102.

This title applies only in Worcester County.

33-1101.

(a) The following sections of Title 4, Subtitle 11 (“Additional License Privileges”) of Division I of this article apply in the County without exception or variation:

(1) § 4-1102 (“Corkage – Consuming wine not purchased from license holder on licensed premises”); and

(2) § 4-1103 (“Removal of partially consumed bottle of wine from licensed premises”).

(b) [The following sections] SECTION 4-1105 (“REFILLABLE CONTAINER PERMIT – WINE”) of Title 4, Subtitle 11 (“Additional License Privileges”) of Division I of this article [do] DOES not apply in the County[:

(1) § 4-1104 (“Refillable container permit – Draft beer”); and

(2) § 4-1105 (“Refillable container permit – Wine”).

(c) SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT – DRAFT BEER”) OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 33-1103 OF THIS SUBTITLE.

33-1103.

(A) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS B OR CLASS D LICENSE.

(B) BEFORE THE BOARD ISSUES THE PERMIT TO AN APPLICANT, THE APPLICANT SHALL:

(1) COMPLETE THE FORM THAT THE BOARD PROVIDES; AND

(2) PAY AN ANNUAL PERMIT FEE OF \$500.

(C) THE HOURS OF SALE FOR THE PERMIT:

(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND

**(2) END AT MIDNIGHT.**

**(D) RECEIPTS COLLECTED UNDER THE PERMIT SHALL BE INCLUDED IN THE CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES UNDER A CLASS B RESTAURANT LICENSE AND A CLASS B HOTEL LICENSE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, April 12, 2016.

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**Chapter 51**

**(Senate Bill 132)**

AN ACT concerning

**Critical Area Commission for the Chesapeake and Atlantic Coastal Bays  
– Membership From Ocean City**

FOR the purpose of authorizing the Mayor of Ocean City to appoint a designee of the Mayor as a member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; *establishing that a certain member of the Commission who is the Mayor of Ocean City or the designee of the Mayor is not subject to the advice and consent of the Senate; and generally relating to membership from Ocean City on the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.*

BY repealing and reenacting, without amendments,  
Article – Natural Resources  
Section 8–1803(a)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 8–1804(a)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

**Article – Natural Resources**

8–1803.

(a) There is a Critical Area Commission for the Chesapeake and Atlantic Coastal Bays in the Department.

8–1804.

(a) (1) The Commission consists of 29 voting members who are appointed by the Governor, as follows:

(i) A full-time chairman, appointed with the advice and consent of the Senate, who shall serve at the pleasure of the Governor;

(ii) 13 individuals, appointed with the advice and consent of the Senate, each of whom is a resident and an elected or appointed official of a local jurisdiction. At least 1 of these 13 individuals must be an elected or appointed official of a municipality. These individuals shall serve on the Commission only while they hold local office. Each shall be selected from certain counties or from municipalities within the counties as follows, and only after the Governor has consulted with elected county and municipal officials:

1. 1 from each of Baltimore City and Anne Arundel, Baltimore, and Prince George's counties;

2. 1 from Harford County or Cecil County;

3. 1 from Kent County or Queen Anne's County;

4. 1 from Caroline County;

5. 1 from Talbot County or Dorchester County;

6. 1 from Wicomico County or Somerset County;

7. 2 from Calvert County, Charles County, or St. Mary's County, both of whom may not be from the same county; and

8. 2 from Worcester County, 1 of whom shall be a resident of the Chesapeake Bay Watershed and the other of whom shall be a resident of the Atlantic Coastal Bays Watershed;

(iii) 8 individuals, appointed with the advice and consent of the Senate, who shall represent diverse interests, and among whom shall be a resident from each of the 5 counties that are listed and from which an appointment has not been made under paragraph (2) of this subsection and 3 of the 8 members appointed under this item shall be at large members, 1 of whom shall be a private citizen and resident of the Atlantic Coastal Bays Watershed; and

(iv) The Secretaries of Agriculture, Commerce, Housing and Community Development, the Environment, Transportation, Natural Resources, and Planning, ex officio, or the designee of the Secretaries.

(2) ***(I)*** Of the 2 Worcester County members from the Atlantic Coastal Bays Watershed, 1 shall be the Mayor of Ocean City **OR THE DESIGNEE OF THE MAYOR.**

***(II) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A MEMBER FROM THE ATLANTIC COASTAL BAYS WATERSHED WHO IS THE MAYOR OF OCEAN CITY OR THE DESIGNEE OF THE MAYOR IS NOT SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.***

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 52

(Senate Bill 146)

AN ACT concerning

### Harford County – State’s Attorney – Salary

FOR the purpose of altering the annual salary of the State’s Attorney of Harford County to be equal to the salary of a judge of the District Court of Maryland; repealing a certain salary adjustment method; providing that this Act does not apply to the salary or compensation of the State’s Attorney of Harford County while serving in a certain term of office; providing for the application of this Act; and generally relating to the salary of the State’s Attorney of Harford County.

BY repealing and reenacting, without amendments,  
Article – Criminal Procedure  
Section 15–413(a)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section 15–413(b)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)

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

**Article – Criminal Procedure**

15–413.

(a) This section applies only in Harford County.

(b) (1) The State’s Attorney’s ANNUAL salary is **[\$98,500] EQUAL TO THE SALARY OF A JUDGE OF THE DISTRICT COURT OF MARYLAND.**

[(2) Subject to paragraph (3) of this subsection, on or after July 1 of each year, the salary shall be adjusted using the annual Consumer Price Index that is published by the U.S. Bureau of Labor Statistics:

(i) for the period ending each December;

(ii) for all regions; and

(iii) to reflect the annual change in the “Consumer Price Index” for “All urban consumers” for the expenditure category “All items not seasonally adjusted”.

(3) The annual adjustment under paragraph (2) of this subsection may not exceed 3% in a fiscal year.]

[(4) (2) The county government shall pay all reasonable expenses for the conduct of the office.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the State’s Attorney of Harford County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the State’s Attorney of Harford County shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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**Chapter 53****(Senate Bill 195)**

AN ACT concerning

**Carroll County – State’s Attorney’s Office and Child Support Enforcement  
Administration – Transfer of Personnel**

FOR the purpose of transferring the functions, powers, and duties of the Child Support Unit of the Office of the State’s Attorney for Carroll County to the Child Support Enforcement Administration of the Department of Human Resources; requiring that certain employees be transferred in accordance with certain provisions of law that provide for inclusion in the State Personnel Management System, seniority, compensation, annual leave accrual, transfer of certain pension contributions, and other personnel matters for employees transferring to the Child Support Enforcement Administration; requiring Carroll County to pay certain personnel certain compensation as of a certain date; requiring the creation of certain Position Identification Numbers for certain transferred employees; providing for the determination of salary grade and seniority for transferred employees; ~~prohibiting the assignment of a transferred employee to a certain office for a certain period of time unless the employee agrees to the assignment;~~ requiring that certain transferred employees be given credit with the State for years of county employment for purposes of determining eligibility for participation as a retiree in the State Employee and Retiree Health and Welfare Benefits Program; requiring that certain transferred employees be subject to certain benefit selections in the Employees’ Pension System; providing that certain transferred employees are not responsible for depositing the difference between certain member contributions and interest in the Carroll County Pension Plan and the Employees’ Pension System for certain creditable service earned in the Carroll County Pension Plan; requiring a certain valuation to be performed by a certain actuary; and generally relating to the transfer of certain personnel to the Child Support Enforcement Administration of the Department of Human Resources.

BY repealing and reenacting, without amendments,  
Article – Family Law  
Section 10–117  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

**Article – Family Law**

10–117.

(a) A county or circuit court with a local support enforcement office may request that the responsibility for support enforcement be transferred to the Administration.

(b) A request for transfer of responsibility under this section must be made to the Department of Human Resources by September 1 of the year preceding the fiscal year for which responsibility will be transferred.

(c) Any personnel of the local support enforcement office involved in a transfer under this section shall be in the State Personnel Management System and shall be placed in the position that is comparable to or most closely compares to their former position, without further examination or qualification. These employees shall be credited with the years of service with the jurisdiction for purposes of seniority, including the determination of leave accumulation and the determination of layoff rights under Title 11, Subtitle 2 of the State Personnel and Pensions Article, and, except as provided under § 2–510 of the Courts Article, shall become members of the Employees' Pension System of the State of Maryland. All previous pension contributions shall be transferred in accordance with Title 37 of the State Personnel and Pensions Article. These employees shall receive no diminution in compensation or accumulated leave solely as a result of the transfer. The salary grade of these employees shall be determined using a salary based on the same hourly rate of salary of the employee at the time of transfer. Annual leave in excess of that which may be retained annually in the State Personnel Management System may be retained at the time of transfer if that accumulation was permitted by the former employer.

SECTION 2. AND BE IT FURTHER ENACTED, That, on July 1, 2016, all the functions, powers, and duties of the Child Support Unit of the Office of the State's Attorney for Carroll County and the personnel indicated in Section 3 of this Act shall be transferred to the Child Support Enforcement Administration of the Department of Human Resources.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Except for the assistant State's Attorneys, all employees of the Child Support Unit of the Office of the State's Attorney for Carroll County on June 30, 2016, shall be transferred to the Child Support Enforcement Administration of the Department of Human Resources in accordance with the provisions of § 10–117(c) of the Family Law Article.

(b) Except for the assistant State's Attorneys, a Position Identification Number (PIN) shall be created for each transferred employee in a State classification commensurate with the employee's salary grade at the time of the transfer. The salary grade shall be determined using a salary based on the same hourly rate of salary of the employee at the time of transfer. Each transferred employee shall be given credit with the State for years of County employment for purposes of seniority including the determination of leave accumulation and determination of layoff rights under Title 11, Subtitle 2 of the State Personnel and Pensions Article.

(c) If an employee of the Office of the State's Attorney for Carroll County who provides services as an assistant State's Attorney under the 2016 agreement between the Child Support Enforcement Administration and the Office of the State's Attorney for

Carroll County for the period between October 1, 2015, and June 30, 2016, both inclusive, is appointed by the Office of the Attorney General to continue providing services for the Child Support Enforcement Administration as a State employee on or after June 30, 2016, a Position Identification Number (PIN) shall be created for each transferred employee in a State classification commensurate with the employee's salary grade at the time of the transfer. The salary grade shall be determined using a salary based on the same hourly rate of salary of the employee at the time of transfer. Each transferred employee shall be given credit with the State for years of County employment for purposes of seniority including the determination of leave accumulation and determination of layoff rights under Title 11, Subtitle 2 of the State Personnel and Pensions Article.

(d) Each transferred employee who is a member of the Carroll County Pension Plan on June 30, 2016, shall be given credit with the State for years of County employment for purposes of determining eligibility for participation as a retiree in the State Employee and Retiree Health and Welfare Benefits Program under § 2-508 of the State Personnel and Pensions Article, so that eligibility is based on the starting date for service with the Child Support Unit of the Office of the State's Attorney for Carroll County instead of the starting date of employment with the State.

(e) Each transferred employee who is a member of the Carroll County Pension Plan on June 30, 2016, and who becomes a member of the Employees' Pension System of the State of Maryland in accordance with this Act shall be subject to:

(1) the Alternate Contributory Pension Selection of the Employees' Pension System as provided under Title 23, Subtitle 2, Part III of the State Personnel and Pensions Article if the beginning date of the individual's employment with the Child Support Unit of the Office of the State's Attorney for Carroll County was on or before June 30, 2011; or

(2) the Reformed Contributory Pension Benefit of the Employees' Pension System as provided under Title 23, Subtitle 2, Part IV of the State Personnel and Pensions Article if the beginning date of the individual's employment with the Child Support Unit of the Office of the State's Attorney for Carroll County was on or after July 1, 2011.

(f) Notwithstanding § 37-203.1(a) of the State Personnel and Pensions Article, each transferred employee who transfers service credit from the Carroll County Pension Plan to the Employees' Pension System of the State of Maryland in accordance with this Act is not responsible for depositing in the annuity savings fund of the Employees' Pension System the difference between the member contributions at the rate provided for in the Carroll County Pension Plan, including interest on those contributions, and the member contributions at the rate provided for in the Employees' Pension System, including interest on those contributions of 5% per year compounded annually, for the individual's creditable service that was earned in the Carroll County Pension Plan.

(g) The actuarial valuation required under § 37-205 of the State Personnel and Pensions Article for employees transferred under this Act shall be performed by the actuary designated by the Board of Trustees in accordance with § 21-125 of the State Personnel and Pensions Article.

~~(e)~~ (h) It shall be the responsibility of Carroll County to pay to each employee transferred under this Act any compensation due to the employee on termination of County employment as of June 30, 2016.

~~(d) An employee transferred under this Act may not be assigned to work in any office of the Child Support Enforcement Administration outside Carroll County before July 1, 2021, unless the employee agrees to the assignment.~~

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 54

(Senate Bill 212)

AN ACT concerning

### **Health Insurance – Large Employers – Disclosure of Aggregate Incurred Claims**

FOR the purpose of requiring a health insurance carrier to disclose certain aggregate incurred claims to a large employer under certain circumstances; requiring the disclosure to be made at a certain time ~~times time~~ and in a certain format; defining certain terms; and generally relating to disclosure of aggregate incurred claims to a large employer by a carrier.

BY adding to

Article – Insurance

Section 15–1411

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

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

### **Article – Insurance**

**15–1411.**

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

(2) “AGGREGATE INCURRED CLAIMS” MEANS THE TOTAL CLAIMS INCURRED IN THE EXPERIENCE PERIOD THAT THE CARRIER USES TO EXPERIENCE RATE A LARGE EMPLOYER’S HEALTH BENEFIT PLAN.

(3) “EXPERIENCE RATING” MEANS THAT A CARRIER DEVELOPS THE PREMIUM RATES FOR AN EMPLOYER’S HEALTH BENEFIT PLAN BASED IN WHOLE OR IN PART ON THE CLAIMS EXPERIENCE OF THE GROUP THAT CONSISTS OF THE EMPLOYER’S EMPLOYEES OR EMPLOYEES’ DEPENDENTS.

(4) “LARGE EMPLOYER” MEANS AN EMPLOYER THAT IS NOT A SMALL EMPLOYER AS DEFINED IN § 31-101 OF THIS ARTICLE.

(B) IF A CARRIER IS EXPERIENCE RATING A LARGE EMPLOYER’S HEALTH BENEFIT PLAN, THE CARRIER SHALL DISCLOSE THE AGGREGATE INCURRED CLAIMS OF THE GROUP TO THE LARGE EMPLOYER:

~~(1) AT THE TIME NEW PREMIUM RATES ARE PROVIDED TO THE LARGE EMPLOYER; AND~~

~~(2) WITHIN 30 DAYS AFTER RECEIPT OF A REQUEST FROM THE LARGE EMPLOYER.~~

(C) THE AGGREGATE INCURRED CLAIMS REQUIRED TO BE DISCLOSED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE PROVIDED IN A FORMAT THAT COMPLIES WITH THE PRIVACY REQUIREMENTS OF THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCESSIBILITY ACT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 55

(House Bill 124)

AN ACT concerning

**Health Insurance – Large Employers – Disclosure of Aggregate Incurred Claims**

FOR the purpose of requiring a health insurance carrier to disclose certain aggregate incurred claims to a large employer under certain circumstances; requiring the disclosure to be made at a certain ~~times~~ time and in a certain format; defining certain

terms; and generally relating to disclosure of aggregate incurred claims to a large employer by a carrier.

BY adding to

Article – Insurance

Section 15–1411

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

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

**Article – Insurance**

**15–1411.**

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

**(2) “AGGREGATE INCURRED CLAIMS” MEANS THE TOTAL CLAIMS INCURRED IN THE EXPERIENCE PERIOD THAT THE CARRIER USES TO EXPERIENCE RATE A LARGE EMPLOYER’S HEALTH BENEFIT PLAN.**

**(3) “EXPERIENCE RATING” MEANS THAT A CARRIER DEVELOPS THE PREMIUM RATES FOR AN EMPLOYER’S HEALTH BENEFIT PLAN BASED IN WHOLE OR IN PART ON THE CLAIMS EXPERIENCE OF THE GROUP THAT CONSISTS OF THE EMPLOYER’S EMPLOYEES OR EMPLOYEES’ DEPENDENTS.**

**(4) “LARGE EMPLOYER” MEANS AN EMPLOYER THAT IS NOT A SMALL EMPLOYER AS DEFINED IN § 31–101 OF THIS ARTICLE.**

**(B) IF A CARRIER IS EXPERIENCE RATING A LARGE EMPLOYER’S HEALTH BENEFIT PLAN, THE CARRIER SHALL DISCLOSE THE AGGREGATE INCURRED CLAIMS OF THE GROUP TO THE LARGE EMPLOYER:**

~~**(1) AT THE TIME NEW PREMIUM RATES ARE PROVIDED TO THE LARGE EMPLOYER; AND**~~

~~**(2) WITHIN 30 DAYS AFTER RECEIPT OF A REQUEST FROM THE LARGE EMPLOYER.**~~

**(C) THE AGGREGATE INCURRED CLAIMS REQUIRED TO BE DISCLOSED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE PROVIDED IN A FORMAT THAT COMPLIES WITH THE PRIVACY REQUIREMENTS OF THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCESSIBILITY ACT.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## **Chapter 56**

### **(Senate Bill 240)**

AN ACT concerning

#### **Maryland Insurance Commissioner – Responsibility for Holding Hearings – Delegation**

FOR the purpose of altering the authority of the Maryland Insurance Commissioner to delegate to certain persons the responsibility for holding a hearing under certain provisions of law; and generally relating to the authority of the Maryland Insurance Commissioner to hold hearings.

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 2–210  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

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

#### **Article – Insurance**

2–210.

(a) (1) The Commissioner may hold hearings that the Commissioner considers necessary for any purpose under this article.

(2) The Commissioner shall hold a hearing:

(i) if required by any provision of this article; or

(ii) except as otherwise provided in this article, on written demand by a person aggrieved by any act of, threatened act of, or failure to act by the Commissioner or by any report, regulation, or order of the Commissioner, except an order to hold a hearing or an order resulting from a hearing.

(b) (1) A demand for a hearing shall state the grounds for the relief to be demanded at the hearing.

(2) Within 30 consecutive days after receiving a demand for a hearing, the Commissioner shall:

(i) grant and, unless postponed by mutual consent of the parties, hold the hearing; or

(ii) issue an order refusing the hearing.

(3) If the Commissioner does not grant or refuse a hearing within the 30-day period, the hearing is deemed to have been refused.

(c) (1) Except as provided in paragraph (2) of this subsection, a hearing held under this section shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article (Administrative Procedure Act – Contested Cases).

(2) A hearing held under this section is not subject to § 10–216 of the State Government Article.

(d) The Commissioner may delegate to the Deputy Commissioner, ~~an associate deputy commissioner, or~~ an associate commissioner, ~~OR ANY OTHER PERSON DESIGNATED BY THE COMMISSIONER~~ ONE OTHER ADMINISTRATION EMPLOYEE WHO IS DESIGNATED BY THE COMMISSIONER AND ADMITTED TO THE PRACTICE OF LAW IN THE STATE the responsibility for holding a hearing under this section or § 4–114 of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 57

(Senate Bill 252)

AN ACT concerning

### Maryland Medical Assistance Program – Former Foster Care Adolescents – Dental Care

FOR the purpose of ~~requiring~~ authorizing the Maryland Medical Assistance Program, subject to the limitations of the State budget, and as permitted by federal law, to

provide dental care for certain former foster care adolescents; requiring the Department of Health and Mental Hygiene to apply to the Centers for Medicare and Medicaid Services for a certain waiver; and generally relating to dental care services provided by the Maryland Medical Assistance Program to former foster care adolescents.

BY repealing and reenacting, without amendments,

Article – Health – General  
Section 15–103(a)(1)  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health – General  
Section 15–103(a)(2)(x)  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

#### Article – Health – General

15–103.

(a) (1) The Secretary shall administer the Maryland Medical Assistance Program.

(2) The Program:

(x) Subject to the limitations of the State budget, and as permitted by federal law:

1. Shall provide comprehensive medical care, ~~DENTAL CARE~~, and other health care services for former foster care adolescents who, on their 18th birthday, were in foster care under the responsibility of the State and are not otherwise eligible for Program benefits; ~~and~~

2. May provide comprehensive medical care and other health care services for former foster care adolescents who, on their 18th birthday, were in foster care under the responsibility of any other state or the District of Columbia; AND

**3. MAY PROVIDE COMPREHENSIVE DENTAL CARE FOR FORMER FOSTER CARE ADOLESCENTS WHO, ON THEIR 18TH BIRTHDAY, WERE IN FOSTER CARE UNDER THE RESPONSIBILITY OF THE STATE;**

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2016, the Department of Health and Mental Hygiene shall apply to the Centers for Medicare and Medicaid Services for a waiver to provide comprehensive dental care under the Maryland Medical Assistance Program for former foster care adolescents who, on their 18th birthday, were in foster care under the responsibility of the State.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 58

(House Bill 511)

AN ACT concerning

### Maryland Medical Assistance Program – Former Foster Care Adolescents – Dental Care

FOR the purpose of ~~requiring~~ authorizing the Maryland Medical Assistance Program, subject to the limitations of the State budget, and as permitted by federal law, to provide dental care for certain former foster care adolescents; requiring the Department of Health and Mental Hygiene to apply to the Centers for Medicare and Medicaid Services for a certain waiver; and generally relating to dental care services provided by the Maryland Medical Assistance Program to former foster care adolescents.

BY repealing and reenacting, without amendments,

Article – Health – General  
Section 15–103(a)(1)  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health – General  
Section 15–103(a)(2)(x)  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – Health – General**

15–103.

(a) (1) The Secretary shall administer the Maryland Medical Assistance Program.

(2) The Program:

(x) Subject to the limitations of the State budget, and as permitted by federal law:

1. Shall provide comprehensive medical care, ~~DENTAL CARE~~, and other health care services for former foster care adolescents who, on their 18th birthday, were in foster care under the responsibility of the State and are not otherwise eligible for Program benefits; ~~and~~

2. May provide comprehensive medical care and other health care services for former foster care adolescents who, on their 18th birthday, were in foster care under the responsibility of any other state or the District of Columbia; AND

**3. MAY PROVIDE COMPREHENSIVE DENTAL CARE FOR FORMER FOSTER CARE ADOLESCENTS WHO, ON THEIR 18TH BIRTHDAY, WERE IN FOSTER CARE UNDER THE RESPONSIBILITY OF THE STATE;**

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2016, the Department of Health and Mental Hygiene shall apply to the Centers for Medicare and Medicaid Services for a waiver to provide comprehensive dental care under the Maryland Medical Assistance Program for former foster care adolescents who, on their 18th birthday, were in foster care under the responsibility of the State.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 59

(Senate Bill 277)

AN ACT concerning

**Motor Fuel Suppliers and Retail Service Station Dealers – Promotion – Sales**

FOR the purpose of authorizing a certain supplier of motor fuel to a retail service station to sponsor, promote, advertise, or otherwise perform or participate in games of

chance at the retail service station if the retail service station agrees to participate; prohibiting a supplier of motor fuel authorized to conduct a game of chance from requiring a retail service station dealer to participate in the game of chance; repealing the prohibition on a supplier of motor fuel requiring a retail service station dealer to pay certain costs related to a game of chance; and generally relating to participation in games of chance by motor fuel suppliers and retail service station dealers.

BY repealing and reenacting, with amendments,  
Article – Business Regulation  
Section 10–502  
Annotated Code of Maryland  
(2015 Replacement Volume and 2015 Supplement)

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

### Article – Business Regulation

10–502.

(a) Except as provided in subsection (b) of this section, a refiner or other supplier of motor fuel to a retail service station may not engage in, sponsor, promote, advertise, or otherwise perform or participate in a game of chance to be marketed or offered to the public at a retail service station in the State.

(b) (1) A supplier of motor fuel authorized under this title to [operate] **SUPPLY** retail service stations may, at such stations, **SPONSOR, PROMOTE, ADVERTISE, OR OTHERWISE PERFORM OR PARTICIPATE** in a game of chance [promoted or sponsored by entities other than a refiner or supplier of motor fuel] **IF THE RETAIL SERVICE STATION DEALER AGREES TO PARTICIPATE IN THE GAME OF CHANCE.**

(2) A supplier of motor fuel authorized under this section to conduct a game of chance may not require a retail service station dealer to [pay for any costs related to] **PARTICIPATE IN** the game of chance.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

AN ACT concerning

**Motor Fuel Suppliers and Retail Service Station Dealers – Promotion – Sales**

FOR the purpose of authorizing a certain supplier of motor fuel to a retail service station to sponsor, promote, advertise, or otherwise perform or participate in games of chance at the retail service station if the retail service station agrees to participate; prohibiting a supplier of motor fuel authorized to conduct a game of chance from requiring a retail service station dealer to participate in the game of chance; repealing the prohibition on a supplier of motor fuel requiring a retail service station dealer to pay certain costs related to a game of chance; and generally relating to participation in games of chance by motor fuel suppliers and retail service station dealers.

BY repealing and reenacting, with amendments,  
Article – Business Regulation  
Section 10–502  
Annotated Code of Maryland  
(2015 Replacement Volume and 2015 Supplement)

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

**Article – Business Regulation**

10–502.

(a) Except as provided in subsection (b) of this section, a refiner or other supplier of motor fuel to a retail service station may not engage in, sponsor, promote, advertise, or otherwise perform or participate in a game of chance to be marketed or offered to the public at a retail service station in the State.

(b) (1) A supplier of motor fuel authorized under this title to [operate] **SUPPLY** retail service stations may, at such stations, **SPONSOR, PROMOTE, ADVERTISE, OR OTHERWISE PERFORM OR** participate in a game of chance [promoted or sponsored by entities other than a refiner or supplier of motor fuel] **IF THE RETAIL SERVICE STATION DEALER AGREES TO PARTICIPATE IN THE GAME OF CHANCE.**

(2) A supplier of motor fuel authorized under this section to conduct a game of chance may not require a retail service station dealer to [pay for any costs related to] **PARTICIPATE IN** the game of chance.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 61

### (Senate Bill 280)

AN ACT concerning

#### **Academic Facilities Bonding Authority**

FOR the purpose of approving certain projects for the acquisition, development, and improvement of certain academic facilities for the University System of Maryland; approving the issuance of bonds by the University System of Maryland in a certain total principal amount for financing the projects; providing that the bonds issued under the authority of this Act are not a debt or an obligation of the State or any of its subdivisions; and generally relating to academic facilities bonding authority of the University System of Maryland and certain projects.

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

(1) In accordance with § 19–102(d) of the Education Article, each of the following projects is approved as a project for an academic facility, and the University System of Maryland may issue, sell, and deliver bonds in the total principal amount of \$7,500,000 for the purposes of financing and refinancing the costs of the following projects:

University of Maryland, College Park (Prince George's County)  
New Bioengineering Building

(2) In accordance with § 19–102(d) of the Education Article, those systemwide capital facilities renewal projects for existing academic facilities of the constituent institutions and centers of the University System of Maryland as are authorized by the Board of Regents are hereby approved as facility renewal projects for academic facilities, and the University System of Maryland may issue, sell, and deliver bonds in the total principal amount of \$17,000,000 for the purposes of financing and refinancing the costs of those academic facilities renewal projects.

(3) The bonds issued under the authority of this Act do not create or constitute any indebtedness or obligation of the State or of any political subdivision thereof except for the University System of Maryland, and the bonds shall so state on their face. The bonds do not constitute a debt or obligation contracted by the General Assembly of Maryland or pledge the faith and credit of the State within the meaning of Article III, § 34 of the Maryland Constitution.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## **Chapter 62**

### **(Senate Bill 281)**

AN ACT concerning

#### **State Government – Members of the National Guard – Active Duty – Employment Protection**

FOR the purpose of altering and clarifying certain provisions of law governing employment and reemployment rights for certain members of the National Guard; repealing the application of certain employment protection provisions relating to members of the Maryland Defense Force; and generally relating to employment protection for certain militia members.

BY repealing and reenacting, without amendments,  
Article – Public Safety  
Section 13–101(d) and (e)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 13–704  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

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

#### **Article – Public Safety**

13–101.

(d) “National Guard” means the Maryland Army National Guard and Maryland Air National Guard.

(e) (1) “State active duty” means military duty performed in service of the State by a unit or member of the militia under orders issued by the Governor under Article II, § 8 of the Maryland Constitution or § 13–702 of this title.

(2) Unless the Governor specifically provides otherwise, “State active duty” does not include drill periods, preparation for drill periods, annual training, or other equivalent training or duty conducted under orders issued under Title 10 or Title 32 of the United States Code.

13-704.

(a) The rights granted to members of the National Guard [and Maryland Defense Force] by this section shall be in addition to the rights granted to them by federal law, including the Servicemembers Civil Relief Act and the Uniformed Services Employment and Reemployment Rights Act.

(b) **(1)** The following provisions of federal law shall be adopted as State law and applied to members of the National Guard [and Maryland Defense Force:] **AS DESCRIBED THEREIN.**

**[(1)] (2)** [the] **THE** Servicemembers Civil Relief Act applies only when members of the National Guard [or Maryland Defense Force] are ordered to military duty under this title or Title 10 or Title 32 of the United States Code for a period of 14 consecutive days or longer[; and].

**[(2)] (3)** [the] **THE** Uniformed Services Employment and Reemployment Rights Act applies [when] **TO THE FOLLOWING INDIVIDUALS WHEN ORDERED TO MILITARY DUTY FOR ANY PERIOD OF TIME:**

**(I)** members of the National Guard [or Maryland Defense Force are] **WHEN** ordered to military duty under this title or Title 10 or Title 32 of the United States Code [for any period of time], **WHETHER OR NOT THE MEMBER IS A RESIDENT OF OR EMPLOYED IN THIS STATE; AND**

**(II)** **RESIDENTS OF THIS STATE WHO ARE MEMBERS OF THE NATIONAL GUARD IN ANOTHER STATE OR THE DISTRICT OF COLUMBIA, WHEN ORDERED TO MILITARY DUTY BY THE CHIEF EXECUTIVE OFFICER OF THAT JURISDICTION OR UNDER TITLE 10 OR TITLE 32 OF THE UNITED STATES CODE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, April 12, 2016.

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**Chapter 63****(Senate Bill 317)**

AN ACT concerning

**Coordinating Council for Juvenile Services Educational Programs –  
Membership**

FOR the purpose of altering the membership of the Coordinating Council for Juvenile Services Educational Programs; providing for the terms of office of the appointed members of the Coordinating Council; providing for the termination of the term of a certain member of the Coordinating Council; providing that the terms of certain members of the Coordinating Council begin on a certain date; providing for the construction of this Act; and generally relating to the membership of the Coordinating Council for Juvenile Services Educational Programs.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 22–305  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

**Article – Education**

22–305.

(a) (1) There is a Coordinating Council for Juvenile Services Educational Programs in the Department.

(2) The Council is within the State Department of Education for administrative and budgetary purposes.

(b) (1) The Council consists of [seven] **THE FOLLOWING** members[.]:

[(2) Two of the members shall be residents of the State appointed by the Governor for a term of 4 years and until a successor is appointed and qualifies.

(3) (I) [The following officials shall serve as] **AS** ex officio members [of the Council]:

[(i) 1. The State Superintendent of Schools;

[(ii)] 2. The Secretary of Budget and Management;

[(iii)] 3. The Secretary of Juvenile Services;

[(iv)] 4. The Secretary of Higher Education; and

[(v)] 5. **THE EXECUTIVE DIRECTOR OF THE MARYLAND ASSOCIATION OF COMMUNITY COLLEGES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;**

**(II) A county superintendent of schools, from a county in which a residential facility is located, [whom the State Superintendent shall select with the concurrence of the Secretary] APPOINTED BY THE PUBLIC SCHOOL SUPERINTENDENTS' ASSOCIATION OF MARYLAND;**

**(III) ONE MEMBER APPOINTED BY THE MARYLAND ASSOCIATION OF BOARDS OF EDUCATION;**

**(IV) ONE RESIDENT OF EACH OF THE FOLLOWING COUNTIES, APPOINTED BY THE GOVERNOR, IN CONSULTATION WITH THE COUNTY EXECUTIVE OR MAYOR OF THE COUNTY:**

1. **ANNE ARUNDEL COUNTY;**

2. **BALTIMORE CITY;**

3. **BALTIMORE COUNTY;**

4. **FREDERICK COUNTY;**

5. **HOWARD COUNTY;**

6. **MONTGOMERY COUNTY; AND**

7. **PRINCE GEORGE'S COUNTY; AND**

**(V) TWO RESIDENTS OF THE STATE APPOINTED BY THE GOVERNOR.**

**(2) (I) THE TERM OF EACH MEMBER APPOINTED UNDER PARAGRAPH (1)(II), (III), AND (IV) OF THIS SUBSECTION IS 2 YEARS.**

**(II) THE TERM OF EACH MEMBER APPOINTED UNDER PARAGRAPH (1)(V) OF THIS SUBSECTION IS 4 YEARS.**

**(III) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(IV) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

(c) Each member of the Council:

(1) Serves without compensation; but

(2) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

(d) (1) The State Superintendent shall serve as chairman of the Council.

(2) The Council shall designate the time and place of its meetings and may adopt rules for the conduct of the meetings.

(3) The State Department of Education shall provide technical and clerical assistance and support to the Council.

**SECTION 2. AND BE IT FURTHER ENACTED, That:**

(a) The term of the member of the Coordinating Council for Juvenile Services Educational Programs who is a county superintendent of schools and in office at the end of December 31, 2016, shall terminate at the end of December 31, 2016, and the Public School Superintendents' Association of Maryland shall appoint a county superintendent of schools to succeed that member for a term of 2 years beginning on January 1, 2017, until a successor is appointed and qualifies.

(b) The Maryland Association of Boards of Education and the Governor shall appoint additional members to the Coordinating Council, as authorized under this Act, to serve for a term of 2 years beginning on January 1, 2017, until a successor is appointed and qualifies.

(c) The Executive Director of the Maryland Association of Community Colleges, or the Executive Director's designee, shall take office as a member of the Coordinating Council beginning on January 1, 2017.

(d) This Act may not be construed to alter the terms of the members of the Coordinating Council who were appointed by the Governor to a term of 4 years and are in office on the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 64

### (Senate Bill 321)

AN ACT concerning

#### **State Retirement and Pension System – Board of Trustees – Designee Appointments and Fiduciary Duties**

FOR the purpose of authorizing the Secretary of Budget and Management, the State Comptroller, and the State Treasurer to appoint certain individuals to serve as designees on the Board of Trustees for the State Retirement and Pension System; altering a certain defined term to provide for certain fiduciary duties of members of certain committees established by the Board; and generally relating to the Board of Trustees for the State Retirement and Pension System.

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 21–104(a) and 21–201(b)  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

#### **Article – State Personnel and Pensions**

21–104.

(a) The Board of Trustees consists of the following 15 trustees:

(1) the Secretary of Budget and Management, ex officio, **WHO MAY APPOINT A DEPUTY SECRETARY ~~OR THE SECRETARY'S CHIEF OF STAFF~~ AS DESIGNEE;**

(2) the State Comptroller, ex officio, **WHO MAY APPOINT A DEPUTY COMPTROLLER ~~OR THE COMPTROLLER'S CHIEF OF STAFF~~ AS DESIGNEE;**

(3) the State Treasurer, ex officio, who may appoint a deputy treasurer ~~OR THE TREASURER'S CHIEF OF STAFF~~ as designee; and

(4) 12 trustees elected or appointed as follows:

(i) one trustee who is a member of the Correctional Officers' Retirement System, the Employees' Pension System, the Employees' Retirement System, the Judges' Retirement System, the Legislative Pension Plan, the Local Fire and Police System, or the Law Enforcement Officers' Pension Plan, who shall be elected as provided in subsection (b) of this section and may not be an employee of the State Retirement Agency;

(ii) one trustee who is a retiree of the Correctional Officers' Retirement System, the Employees' Pension System, the Employees' Retirement System, the Judges' Retirement System, the Legislative Pension Plan, the Local Fire and Police System, or the Law Enforcement Officers' Pension Plan, who shall be elected as provided in subsection (b) of this section and may not be an employee of the State Retirement Agency;

(iii) one trustee who is a member of the Teachers' Pension System or the Teachers' Retirement System, who shall be elected as provided in subsection (b) of this section and may not be an employee of the State Retirement Agency;

(iv) one trustee who is a retiree of the Teachers' Pension System or the Teachers' Retirement System, who shall be elected as provided in subsection (b) of this section and may not be an employee of the State Retirement Agency;

(v) one trustee who is either a member or retiree of the State Police Retirement System, who shall be elected as provided in subsection (b) of this section and may not be an employee of the State Retirement Agency;

(vi) one trustee who represents the interests of participating governmental units in the Employees' Pension System and the Employees' Retirement System;

(vii) one trustee who represents the interests of county governments who has at least 10 years of experience in financial management and oversight of county government budgets; and

(viii) five trustees who:

1. represent the interests of the public;
2. are not members of any of the several systems;
3. are not employees, directors, partners, or officers of any of the external investment managers for the several systems;

4. do not have an ownership interest in any of the external investment managers of the several systems that is greater than 5% of the issued or outstanding stock;

5. are not directors, partners, or officers of any corporation or large organization in which any of the external managers for the several systems own 10% or more of the issued or outstanding stock of the corporation or large organization; and

6. have at least 10 years of substantial experience overseeing similar pension systems, large foundations, or other similar large organizations with fiduciary responsibilities relating to different classes of participants.

21–201.

(b) “Fiduciary” means:

(1) a member of the Board of Trustees;

(2) a member of the Investment Committee; [or]

**(3) A MEMBER OF A COMMITTEE ESTABLISHED BY THE BOARD OF TRUSTEES AS AUTHORIZED UNDER § 21–108 OF THIS TITLE; OR**

~~[(3)]~~ (4) an employee of the State Retirement Agency who exercises any discretionary authority or control over:

(i) the management or administration of the several systems; or

(ii) the management or disposition of the assets of the several systems.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 65

(Senate Bill 342)

AN ACT concerning

**State Finance and Procurement – Public Senior Higher Education Institutions  
– Policies Concerning Procurement Contracts**

FOR the purpose of requiring that certain policies of public senior higher education institutions promote certain purposes and be similar to certain provisions concerning required clauses for procurement contracts; and generally relating to public senior higher education institutions and the application of certain policies concerning procurement contracts.

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 11–203(e)  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – State Finance and Procurement**

11–203.

(e) (1) In this subsection, “University” means the University System of Maryland, Morgan State University, or St. Mary’s College of Maryland.

(2) Except as otherwise provided in this subsection, this Division II does not apply to the University System of Maryland, Morgan State University, or St. Mary’s College of Maryland.

(3) (i) A procurement by a University shall comply with the policies and procedures developed by the University and approved by the Board of Public Works and the Administrative, Executive, and Legislative Review Committee of the General Assembly in accordance with § 12–112 of the Education Article for the University System of Maryland, § 14–109 of the Education Article for Morgan State University, or § 14–405(f) of the Education Article for St. Mary’s College of Maryland.

(ii) 1. The review and approval of the Board of Public Works shall be required for the following types of contracts with a value that exceeds \$1,000,000:

A. capital improvements;

B. services; and

C. dispositions of personal property subject to § 10–305 of this article, except for dispositions of personal property that was purchased with the proceeds of a general obligation loan.

2. In its review of a contract for services or capital improvements with a value that exceeds \$1,000,000, the Board of Public Works may request

the comments of the appropriate agencies, including the Department of Budget and Management and the Department of General Services.

(4) A University's policies shall:

(i) to the maximum extent practicable, require the purchasing of supplies and services in accordance with Title 14, Subtitle 1 of this article; [and]

(ii) promote the purposes of the regulations adopted by the Department of General Services governing the procurement of architectural and engineering services;

**(III) PROMOTE THE PURPOSES OF § 13-402 OF THE STATE PERSONNEL AND PENSIONS ARTICLE; AND**

**(IV) TO THE MAXIMUM EXTENT PRACTICABLE, BE SIMILAR TO § 13-218.1 OF THIS ARTICLE.**

(5) (i) Except as provided in paragraph (7) of this subsection, the following provisions of Division II of this article apply to a University:

1. § 11-205 of this subtitle ("Collusion");
2. § 11-205.1 of this subtitle ("Falsification, concealment, etc., of material facts");
3. § 13-219 of this article ("Required clauses — Nondiscrimination clause");
4. § 13-225 of this article ("Retainage");
5. Title 14, Subtitle 3 of this article ("Minority Business Participation");
6. Title 15, Subtitle 1 of this article ("Procurement Contract Administration");
7. § 15-226 of this article ("Policy established; timing of payments; notice upon nonpayment; disputes; appeals"); and
8. Title 16 of this article ("Suspension and Debarment of Contractors").

(ii) If a procurement violates the provisions of this subsection or policies adopted in accordance with this subsection, the procurement contract is void or voidable in accordance with the provisions of § 11-204 of this subtitle.

(6) (i) The State Board of Contract Appeals shall have authority over contract claims related to procurement contracts awarded by:

- and
1. the University System of Maryland before July 1, 1999;
  2. Morgan State University before July 1, 2004.

(ii) At the election of the Board of Regents of the University System of Maryland and subject to the approval of the Board of Public Works, the State Board of Contract Appeals shall have authority over contract claims related to procurement contracts awarded by the University after June 30, 1999.

(iii) At the election of the Board of Regents of Morgan State University and subject to the approval of the Board of Public Works, the State Board of Contract Appeals shall have authority over contract claims related to procurement contracts awarded by the University after June 30, 2004.

(iv) At the election of the Board of Trustees of St. Mary's College of Maryland and subject to the approval of the Board of Public Works, the State Board of Contract Appeals shall have authority over contract claims related to procurement contracts awarded by St. Mary's College of Maryland after June 30, 2006.

(7) Paragraphs (3), (4), and (5) of this subsection do not apply to:

- (i) procurement by a University from:
  1. another unit;
  2. a political subdivision of the State;
  3. an agency of a political subdivision of the State;
  4. a government, including the government of another state, of the United States, or of another country;
  5. an agency or political subdivision of a government; or
  6. a bistate, multistate, bicounty, or multicounty governmental agency;
- (ii) procurement by a University in support of enterprise activities for the purpose of:
  1. direct resale;

2. remanufacture and subsequent resale; or
  3. procurement by the University for overseas programs; or
- (iii) procurement by the University System of Maryland for:
1. services of managers to invest, in accordance with the management and investment policies adopted by the Board of Regents of the University System of Maryland, gift and endowment assets received by the University System of Maryland in accordance with § 12–104(e) of the Education Article; or
  2. expenditures to manage, maintain, and enhance, in accordance with the management and investment policies adopted by the Board of Regents of the University System of Maryland, the value of gift and endowment assets received by the University System of Maryland in accordance with § 12–104(e) of the Education Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 66

(House Bill 837)

AN ACT concerning

**State Finance and Procurement – Public Senior Higher Education Institutions  
– Policies Concerning Procurement Contracts**

FOR the purpose of requiring that certain policies of public senior higher education institutions promote certain purposes and be similar to certain provisions concerning required clauses for procurement contracts; and generally relating to public senior higher education institutions and the application of certain policies concerning procurement contracts.

BY repealing and reenacting, with amendments,  
 Article – State Finance and Procurement  
 Section 11–203(e)  
 Annotated Code of Maryland  
 (2015 Replacement Volume)

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

**Article – State Finance and Procurement**

11–203.

(e) (1) In this subsection, “University” means the University System of Maryland, Morgan State University, or St. Mary’s College of Maryland.

(2) Except as otherwise provided in this subsection, this Division II does not apply to the University System of Maryland, Morgan State University, or St. Mary’s College of Maryland.

(3) (i) A procurement by a University shall comply with the policies and procedures developed by the University and approved by the Board of Public Works and the Administrative, Executive, and Legislative Review Committee of the General Assembly in accordance with § 12–112 of the Education Article for the University System of Maryland, § 14–109 of the Education Article for Morgan State University, or § 14–405(f) of the Education Article for St. Mary’s College of Maryland.

(ii) 1. The review and approval of the Board of Public Works shall be required for the following types of contracts with a value that exceeds \$1,000,000:

A. capital improvements;

B. services; and

C. dispositions of personal property subject to § 10–305 of this article, except for dispositions of personal property that was purchased with the proceeds of a general obligation loan.

2. In its review of a contract for services or capital improvements with a value that exceeds \$1,000,000, the Board of Public Works may request the comments of the appropriate agencies, including the Department of Budget and Management and the Department of General Services.

(4) A University’s policies shall:

(i) to the maximum extent practicable, require the purchasing of supplies and services in accordance with Title 14, Subtitle 1 of this article; [and]

(ii) promote the purposes of the regulations adopted by the Department of General Services governing the procurement of architectural and engineering services;

**(III) PROMOTE THE PURPOSES OF § 13–402 OF THE STATE PERSONNEL AND PENSIONS ARTICLE; AND**

**(IV) TO THE MAXIMUM EXTENT PRACTICABLE, BE SIMILAR TO § 13–218.1 OF THIS ARTICLE.**

(5) (i) Except as provided in paragraph (7) of this subsection, the following provisions of Division II of this article apply to a University:

1. § 11–205 of this subtitle (“Collusion”);
2. § 11–205.1 of this subtitle (“Falsification, concealment, etc., of material facts”);
3. § 13–219 of this article (“Required clauses — Nondiscrimination clause”);
4. § 13–225 of this article (“Retainage”);
5. Title 14, Subtitle 3 of this article (“Minority Business Participation”);
6. Title 15, Subtitle 1 of this article (“Procurement Contract Administration”);
7. § 15–226 of this article (“Policy established; timing of payments; notice upon nonpayment; disputes; appeals”); and
8. Title 16 of this article (“Suspension and Debarment of Contractors”).

(ii) If a procurement violates the provisions of this subsection or policies adopted in accordance with this subsection, the procurement contract is void or voidable in accordance with the provisions of § 11–204 of this subtitle.

(6) (i) The State Board of Contract Appeals shall have authority over contract claims related to procurement contracts awarded by:

1. the University System of Maryland before July 1, 1999;
- and
2. Morgan State University before July 1, 2004.

(ii) At the election of the Board of Regents of the University System of Maryland and subject to the approval of the Board of Public Works, the State Board of Contract Appeals shall have authority over contract claims related to procurement contracts awarded by the University after June 30, 1999.

(iii) At the election of the Board of Regents of Morgan State University and subject to the approval of the Board of Public Works, the State Board of

Contract Appeals shall have authority over contract claims related to procurement contracts awarded by the University after June 30, 2004.

(iv) At the election of the Board of Trustees of St. Mary's College of Maryland and subject to the approval of the Board of Public Works, the State Board of Contract Appeals shall have authority over contract claims related to procurement contracts awarded by St. Mary's College of Maryland after June 30, 2006.

(7) Paragraphs (3), (4), and (5) of this subsection do not apply to:

(i) procurement by a University from:

1. another unit;
2. a political subdivision of the State;
3. an agency of a political subdivision of the State;
4. a government, including the government of another state, of the United States, or of another country;
5. an agency or political subdivision of a government; or
6. a bistate, multistate, bicounty, or multicounty governmental agency;

(ii) procurement by a University in support of enterprise activities for the purpose of:

1. direct resale;
2. remanufacture and subsequent resale; or
3. procurement by the University for overseas programs; or

(iii) procurement by the University System of Maryland for:

1. services of managers to invest, in accordance with the management and investment policies adopted by the Board of Regents of the University System of Maryland, gift and endowment assets received by the University System of Maryland in accordance with § 12–104(e) of the Education Article; or
2. expenditures to manage, maintain, and enhance, in accordance with the management and investment policies adopted by the Board of Regents of the University System of Maryland, the value of gift and endowment assets received by the University System of Maryland in accordance with § 12–104(e) of the Education Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 67

### (Senate Bill 369)

AN ACT concerning

#### **Education – Prekindergarten Programs – Notification of Eligibility by Local Departments of Social Services**

FOR the purpose of requiring certain local departments of social services and certain local health departments, under certain circumstances, to provide to certain parents or guardians ~~with certain family income levels~~ a certain notice that their children may be eligible for certain publicly funded prekindergarten programs; requiring certain local departments of social services and certain local health departments to make a certain annual report on or before a certain date; and generally relating to notification of eligibility for publicly funded prekindergarten programs in the State.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 7–101.1  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

#### **Article – Education**

7–101.1.

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

(2) “Economically disadvantaged background” means a family whose income would make a child eligible for free or reduced price meals if the child were in kindergarten.

(3) “Eligible child” means a child:

(i) Who is from an economically disadvantaged background;

(ii) Whose parent or guardian seeks to enroll the child in a public prekindergarten program; and

(iii) Who is 4 years old on September 1 of the school year in which the parent or legal guardian seeks to enroll the child in a public prekindergarten program.

(4) “Eligible for free or reduced price meals” means eligible for free or reduced price meals based on eligibility requirements established by the United States Department of Agriculture.

(b) By the 2007–2008 school year, all eligible children shall be admitted free of charge to publicly funded prekindergarten programs established by each of the county boards.

~~(c) IF A PARENT OR GUARDIAN OF A 4 YEAR OLD CHILD WITH A FAMILY INCOME OF NO MORE THAN 185% OF THE FEDERAL POVERTY GUIDELINES APPLIES FOR ECONOMIC SERVICES WITH A LOCAL DEPARTMENT OF SOCIAL SERVICES, THE LOCAL DEPARTMENT OF SOCIAL SERVICES SHALL PROVIDE THE PARENT OR GUARDIAN WITH AN ORAL AND A WRITTEN NOTICE THAT THE CHILD MAY BE ELIGIBLE FOR PUBLICLY FUNDED PREKINDERGARTEN PROGRAMS.~~

(c) (1) A LOCAL DEPARTMENT OF SOCIAL SERVICES OR A LOCAL HEALTH DEPARTMENT SHALL PROVIDE A PARENT OR GUARDIAN WITH AN ORAL AND WRITTEN NOTICE THAT THEIR CHILD MAY BE ELIGIBLE FOR PUBLICLY FUNDED PREKINDERGARTEN PROGRAMS IF THE PARENT OR GUARDIAN:

(i) APPLIED FOR ECONOMIC SERVICES WITH THE LOCAL DEPARTMENT OF SOCIAL SERVICES OR THE LOCAL HEALTH DEPARTMENT; AND

(ii) HAS A CHILD WHO WILL BE 4 YEARS OLD ON SEPTEMBER 1 OF THE NEXT ACADEMIC YEAR.

(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE CONTACT INFORMATION FOR THE ENROLLMENT OFFICE OF THE LOCAL SCHOOL SYSTEM AND THE DIVISION OF EARLY CHILDHOOD DEVELOPMENT IN THE DEPARTMENT.

(3) ON OR BEFORE DECEMBER 1 OF EACH YEAR, EACH LOCAL DEPARTMENT OF SOCIAL SERVICES AND EACH LOCAL HEALTH DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE NUMBER OF PARENTS WHO WERE GIVEN A NOTIFICATION AND SUBSEQUENTLY ENROLLED THEIR CHILD IN A PUBLICLY FUNDED PREKINDERGARTEN PROGRAM.

**[(c)] (D)** The requirements set forth in § 7–101(b) of this subtitle regarding the domicile of a child and the residency of the child’s parent or guardian shall apply to prekindergarten programs established by county boards as required by this section.

**[(d)] (E)** In the comprehensive master plan that is submitted under § 5–401 of this article, a county board shall identify the strategies that will be used in that county to ensure that publicly funded prekindergarten programs are available to all eligible children in that county by the 2007–2008 school year.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 68

### (Senate Bill 410)

AN ACT concerning

#### **Distillery License Holders – Sale of Product to Participants in Guided Tours**

FOR the purpose of repealing a certain provision of law that limits a distillery license holder to selling product and related merchandise to an individual on a guided tour of the distillery only if the license holder manufactures not more than a certain gallonage annually; and generally relating to sales of alcoholic beverages by holders of distillery licenses.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 2–202

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724)(6lr1406) of the Acts of the General Assembly of 2016)

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

#### **Article – Alcoholic Beverages**

2–202.

(a) There is a Class 1 distillery license.

(b) The license shall be obtained for each trade name and each distillery in the State.

(c) A license holder may:

(1) establish and operate a plant for distilling brandy, rum, whiskey, alcohol, and neutral spirits at the location described in the license;

(2) sell and deliver the alcoholic beverages:

(i) in bulk to a person in the State that is authorized to acquire them; and

(ii) to a person outside the State that is authorized to acquire them;

(3) manufacture an alcoholic beverage listed in item (1) of this subsection in the name of another person or under a trade name if the other person or trade name also holds a Class 1 distillery license;

(4) acquire alcoholic beverages in bulk from the holder of a Class 1 distillery license, Class 2 rectifying license, Class 3 winery license, or nonresident dealer's permit; and

(5) (i) conduct guided tours of the licensed premises;

(ii) 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 an individual who has attained the legal drinking age and participated in a guided tour of the licensed premises; and

(iii) [subject to subsection (d) of this section,] sell not more than three 750-milliliter bottles of products manufactured on the licensed premises, for off-premises consumption, and related merchandise to an individual who has attained the legal drinking age and participated in a guided tour of the licensed premises.

(d) [A license holder may sell bottles of products under subsection (c)(5)(iii) of this section only if the license holder manufactures not more than 27,500 gallons of products annually.

(e)] A license holder or entity in which a license holder has a pecuniary interest may not act as a caterer of food.

[(f)](E) Subject to subsection [(g)] (F) of this section, a license holder may conduct the activities specified in subsection (c)(5) of this section:

(1) for off-premises consumption of products manufactured at the licensed premises and for sampling, from 10 a.m. to 10 p.m. each day; and

(2) for on-premises consumption of products manufactured at the licensed premises:

(i) from 10 a.m. to 6 p.m. each day; or

(ii) if guests are attending a planned promotional event or other organized activity on the licensed premises, from 10 a.m. to 10 p.m. each day.

**[(g)](F)** A Class 1 distillery license allows the license holder to operate 7 days a week.

**[(h)](G)** At least 14 days before holding a planned promotional event after 6 p.m., a license holder shall file a notice of the promotional event with the Comptroller on the form that the Comptroller provides.

**[(i)](H)** (1) Except as provided in paragraph (2) of this subsection, a license holder may not sell or allow to be consumed at the licensed premises any product other than products produced by the license holder under the authority of this section.

(2) A holder of a caterer's license or privilege under Subtitle 5 of this title or Subtitle 12 of various titles of Division II of this article may exercise the privileges of the license or privilege on the licensed premises of the license holder.

**[(j)](I)** Nothing in this section limits the application of relevant provisions of Title 21 of the Health – General Article, and regulations adopted under that title, to a license holder.

**[(k)](J)** The annual license fee is \$2,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 69

**(Senate Bill 483)**

AN ACT concerning

**Allegany County – Alcoholic Beverages – Minimum Age to Serve Liquor**

FOR the purpose of altering in Allegany County the minimum age for an individual to serve liquor; and generally relating to alcoholic beverages in Allegany County.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 9–1902

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724)(6lr1406) of the Acts of the General Assembly of 2016)

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

**Article – Alcoholic Beverages**

9–1902.

(a) A license holder may employ an individual between the ages of 18 and 21 years.

(b) To be allowed to sell or serve beer [and], light wine, **AND LIQUOR**, an individual shall be at least 18 years old.

[(c) To be allowed to sell or serve liquor, an individual shall be at least 21 years old.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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**Chapter 70**

**(Senate Bill 516)**

AN ACT concerning

**Washington County – Fire, Rescue, and Ambulance Service – Local Authority**

FOR the purpose of providing that the County Commissioners of Washington County are the ultimate authority having jurisdiction over the provision of fire, rescue, and ambulance services in Washington County.

BY repealing and reenacting, with amendments,

The Public Local Laws of Washington County

Section 10–402

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**

10–402.

(a) The County Commissioners, with the advice of the Washington County Volunteer Fire and Rescue Association, Inc., by regulations adopted by the County Commissioners, may provide specifications for equipment, service area designations, and operations in the best interest of the volunteer fire, rescue, and ambulance departments in the county. Any volunteer fire, rescue, or ambulance department which is incorporated and approved and recognized by the Washington County Volunteer Fire and Rescue Association, Inc., and the County Commissioners which does not meet the standards for equipment, service areas, or operations of the Washington County Volunteer Fire and Rescue Association, Inc., or any other criteria adopted by the County Commissioners is ineligible for any appropriations from the County Commissioners, and any appropriations may be denied, withheld, or curtailed. Any fire, rescue, or ambulance company or department failing to meet the requirements set by the County Commissioners shall suspend operations immediately after notification that a majority of the County Commissioners has directed the cessation of operations.

(b) The County Commissioners may provide loans to approved volunteer fire or rescue companies for the purchase of fire or rescue equipment, land, or buildings to be used by those companies. The loans shall be in the amounts and upon the terms as are approved by the County Commissioners.

**(c) THE COUNTY COMMISSIONERS ARE THE ULTIMATE AUTHORITY HAVING JURISDICTION OVER THE PROVISION OF FIRE, RESCUE, AND AMBULANCE SERVICES IN THE COUNTY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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**Chapter 71**

**(House Bill 868)**

AN ACT concerning

**Washington County – Fire, Rescue, and Ambulance Service – Local Authority**

FOR the purpose of providing that the County Commissioners of Washington County are the ultimate authority having jurisdiction over the provision of fire, rescue, and ambulance services in Washington County.

BY repealing and reenacting, with amendments,  
The Public Local Laws of Washington County  
Section 10–402  
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**

10–402.

(a) The County Commissioners, with the advice of the Washington County Volunteer Fire and Rescue Association, Inc., by regulations adopted by the County Commissioners, may provide specifications for equipment, service area designations, and operations in the best interest of the volunteer fire, rescue, and ambulance departments in the county. Any volunteer fire, rescue, or ambulance department which is incorporated and approved and recognized by the Washington County Volunteer Fire and Rescue Association, Inc., and the County Commissioners which does not meet the standards for equipment, service areas, or operations of the Washington County Volunteer Fire and Rescue Association, Inc., or any other criteria adopted by the County Commissioners is ineligible for any appropriations from the County Commissioners, and any appropriations may be denied, withheld, or curtailed. Any fire, rescue, or ambulance company or department failing to meet the requirements set by the County Commissioners shall suspend operations immediately after notification that a majority of the County Commissioners has directed the cessation of operations.

(b) The County Commissioners may provide loans to approved volunteer fire or rescue companies for the purchase of fire or rescue equipment, land, or buildings to be used by those companies. The loans shall be in the amounts and upon the terms as are approved by the County Commissioners.

**(C) THE COUNTY COMMISSIONERS ARE THE ULTIMATE AUTHORITY HAVING JURISDICTION OVER THE PROVISION OF FIRE, RESCUE, AND AMBULANCE SERVICES IN THE COUNTY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 72

### (Senate Bill 530)

AN ACT concerning

#### **Dorchester County – Class B Beer, Wine, and Liquor License – Minimum Seating Requirement**

FOR the purpose of altering the minimum seating requirement for facilities for which a certain Class B beer, wine, and liquor license may be issued in Dorchester County; and generally relating to Class B beer, wine, and liquor licenses in Dorchester County.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 19–902

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724)(6lr1406) of the Acts of the General Assembly of 2016)

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

#### **Article – Alcoholic Beverages**

19–902.

- (a) There is a Class B beer, wine, and liquor license.
- (b) The Board may issue the license for use by a restaurant, motel, or hotel that has a facility:
  - (1) for serving full–course meals at least twice daily; and
  - (2) with seating at tables for at least **[50] 25** individuals, not including seats at bars or counters.
- (c) The license authorizes the license holder to sell beer, wine, and liquor at the place described in the license for on–premises consumption.
- (d) The annual license fee is \$1,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## **Chapter 73**

### **(Senate Bill 541)**

AN ACT concerning

#### **Portable Electronics Insurance – Required Notices – Method of Mailing**

FOR the purpose of altering the method of mailing that an insurer or vendor is required to use when the insurer or vendor sends to a policyholder or covered customer certain notices about a termination or any other change in the terms and conditions of a policy of portable electronics insurance; and generally relating to required notices about portable electronics insurance.

BY repealing and reenacting, without amendments,

Article – Insurance

Section 19–903(a) and (h)(1)

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 19–903(h)(2)

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

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

#### **Article – Insurance**

19–903.

(a) Notwithstanding any other provision of law and except as otherwise provided in this section, an insurer may not terminate or otherwise change the terms and conditions of a policy of portable electronics insurance unless the insurer provides the policyholder and covered customers with at least 60 days' notice.

(h) (1) Whenever notice is required in accordance with this section, the notice shall be in writing and sent by mail or electronic means as specified in this subsection.

(2) (i) Unless notice by electronic means is authorized under paragraph (3) or (4) of this subsection, notice under this section shall be provided by [a first-class] mail [tracking method] in accordance with subparagraphs (ii) and (iii) of this paragraph.

(ii) Notice shall be mailed to the vendor at the vendor's last known mailing address on file with the insurer.

(iii) Notice shall be mailed to a covered customer at the covered customer's last known mailing address on file with the insurer or vendor.

(iv) The insurer or vendor responsible for mailing the notice under this section shall maintain proof of mailing.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 74

**(Senate Bill 549)**

AN ACT concerning

**Virginia I. Jones Alzheimer's Disease and Related Disorders Council –  
Membership and Extension of Termination Date**

FOR the purpose of altering the membership of the Virginia I. Jones Alzheimer's Disease and Related Disorders Council; extending the termination date of certain provisions of law that establish and govern the Council; and generally relating to the Virginia I. Jones Alzheimer's Disease and Related Disorders Council.

BY repealing and reenacting, without amendments,

Article – Health – General  
Section 13–3201  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health – General  
Section 13–3203  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,  
Chapter 305 of the Acts of the General Assembly of 2013  
Section 2

BY repealing and reenacting, with amendments,  
Chapter 306 of the Acts of the General Assembly of 2013  
Section 2

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

**Article – Health – General**

13–3201.

In this subtitle, “Council” means the Virginia I. Jones Alzheimer’s Disease and Related Disorders Council.

13–3203.

(a) The Council 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 Health and Mental Hygiene, or the Secretary’s designee;

(4) The Secretary of Aging, or the Secretary’s designee;

(5) The Secretary of Disabilities, or the Secretary’s designee; ~~AND~~

~~(6) The Maryland Insurance Commissioner, or the Commissioner’s designee; and~~

**(6) THE EXECUTIVE DIRECTOR OF THE ALZHEIMER’S ASSOCIATION, GREATER MARYLAND CHAPTER, OR THE EXECUTIVE DIRECTOR’S DESIGNEE;**

**(7) THE PRESIDENT OF THE ALZHEIMER’S ASSOCIATION, NATIONAL CAPITAL AREA CHAPTER, OR THE PRESIDENT’S DESIGNEE;**

**(8) A REPRESENTATIVE OF THE MARYLAND MEDICAL ASSISTANCE PROGRAM, APPOINTED BY THE SECRETARY; AND**

~~(7)~~ **(9)** The following members, appointed by the Governor:

(i) A representative of the U.S. Department of Veterans Affairs with expertise in Alzheimer's disease and related disorders;

(ii) An attorney who works directly with disabled or elderly individuals;

~~(iii) A representative of the Alzheimer's Association, Greater Maryland Chapter;~~

~~(iv)~~ **(III)** A physician who conducts research in Alzheimer's disease and related disorders;

~~(v)~~ **(IV)** A health professional with expertise in addressing racial and ethnic health disparities;

~~(vi)~~ **(V)** A social worker with experience working with individuals and families affected by Alzheimer's disease and related disorders;

~~(vii)~~ **(VI)** A psychologist with expertise in Alzheimer's disease and related disorders;

~~(viii)~~ **(VII)** A psychiatrist with expertise in Alzheimer's disease and related disorders;

~~(ix)~~ **(VIII)** A physician with experience in end-of-life care and pain management;

~~(x)~~ **(IX)** A registered nurse with expertise in Alzheimer's disease and related disorders;

~~(xi)~~ **(X)** A licensed nurse practitioner with expertise in end-of-life care and pain management;

~~(xii)~~ **(XI)** A representative of the nursing home industry;

~~(xiii)~~ **(XII)** An individual with early-onset Alzheimer's disease or a related disorder;

~~(xiv)~~ **(XIII)** Two family caregivers, one of whom is a family member of an individual with Alzheimer's disease or a related disorder;

~~(xv)~~ **(XIV)** A representative of the assisted living industry; [and]

~~(xvi)~~ (XV) A representative of the medical adult day care industry;

~~(xvii) A REPRESENTATIVE OF THE ALZHEIMER'S ASSOCIATION, NATIONAL CAPITAL AREA CHAPTER;~~

~~(xviii)~~ (XVI) A REPRESENTATIVE FROM ACADEMIA WITH RELEVANT PROFESSIONAL EXPERIENCE;

~~(xix) A REPRESENTATIVE OF THE MARYLAND MEDICAL ASSISTANCE PROGRAM; AND~~

~~(xx)~~ (XVII) A PUBLIC HEALTH PROFESSIONAL WITH RELEVANT EXPERIENCE; AND

~~(xxi)~~ (XVIII) A REPRESENTATIVE OF THE HOME CARE INDUSTRY.

(b) To the extent practicable, the members appointed to the Council shall reflect the geographic, racial, ethnic, cultural, and gender diversity of the State.

#### Chapter 305 of the Acts of 2013

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013. It shall remain effective for a period of [3] 6 years and, at the end of September 30, [2016] 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

#### Chapter 306 of the Acts of 2013

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013. It shall remain effective for a period of [3] 6 years and, at the end of September 30, [2016] 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, April 12, 2016.

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### Chapter 75

(House Bill 730)

AN ACT concerning

**Virginia I. Jones Alzheimer’s Disease and Related Disorders Council –  
Membership and Extension of Termination Date**

FOR the purpose of altering the membership of the Virginia I. Jones Alzheimer’s Disease and Related Disorders Council; extending the termination date of certain provisions of law that establish and govern the Council; and generally relating to the Virginia I. Jones Alzheimer’s Disease and Related Disorders Council.

BY repealing and reenacting, without amendments,

Article – Health – General  
Section 13–3201  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health – General  
Section 13–3203  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,

Chapter 305 of the Acts of the General Assembly of 2013  
Section 2

BY repealing and reenacting, with amendments,

Chapter 306 of the Acts of the General Assembly of 2013  
Section 2

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

**Article – Health – General**

13–3201.

In this subtitle, “Council” means the Virginia I. Jones Alzheimer’s Disease and Related Disorders Council.

13–3203.

(a) The Council consists of the following members:

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

- House;
- (2) One member 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 Secretary of Aging, or the Secretary's designee;
- (5) The Secretary of Disabilities, or the Secretary's designee;
- ~~(6) The Maryland Insurance Commissioner, or the Commissioner's designee; and~~

**(6) THE EXECUTIVE DIRECTOR OF THE ALZHEIMER'S ASSOCIATION, GREATER MARYLAND CHAPTER, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;**

**(7) THE PRESIDENT OF THE ALZHEIMER'S ASSOCIATION, NATIONAL CAPITAL AREA CHAPTER, OR THE PRESIDENT'S DESIGNEE;**

**(8) A REPRESENTATIVE OF THE MARYLAND MEDICAL ASSISTANCE PROGRAM, APPOINTED BY THE SECRETARY; AND**

~~(7)~~ **(9)** The following members, appointed by the Governor:

(i) A representative of the U.S. Department of Veterans Affairs with expertise in Alzheimer's disease and related disorders;

(ii) An attorney who works directly with disabled or elderly individuals;

~~(iii) A representative of the Alzheimer's Association, Greater Maryland Chapter;~~

~~(iv)~~ **(III)** A physician who conducts research in Alzheimer's disease and related disorders;

~~(v)~~ **(IV)** A health professional with expertise in addressing racial and ethnic health disparities;

~~(vi)~~ **(V)** A social worker with experience working with individuals and families affected by Alzheimer's disease and related disorders;

~~(vii)~~ **(VI)** A psychologist with expertise in Alzheimer's disease and related disorders;

- (viii) (VII) A psychiatrist with expertise in Alzheimer's disease and related disorders;
- (ix) (VIII) A physician with experience in end-of-life care and pain management;
- (x) (IX) A registered nurse with expertise in Alzheimer's disease and related disorders;
- (xi) (X) A licensed nurse practitioner with expertise in end-of-life care and pain management;
- (xii) (XI) A representative of the nursing home industry;
- (xiii) (XII) An individual with early-onset Alzheimer's disease or a related disorder;
- (xiv) (XIII) Two family caregivers, one of whom is a family member of an individual with Alzheimer's disease or a related disorder;
- (xv) (XIV) A representative of the assisted living industry; [and]
- (xvi) (XV) A representative of the medical adult day care industry;
- ~~(XVII) A REPRESENTATIVE OF THE ALZHEIMER'S ASSOCIATION, NATIONAL CAPITAL AREA CHAPTER;~~
- ~~(XVIII) (XVI) A REPRESENTATIVE FROM ACADEMIA WITH RELEVANT PROFESSIONAL EXPERIENCE;~~
- ~~(XIX) A REPRESENTATIVE OF THE MARYLAND MEDICAL ASSISTANCE PROGRAM; AND~~
- ~~(XX) (XVII) A PUBLIC HEALTH PROFESSIONAL WITH RELEVANT EXPERIENCE; AND~~
- ~~(XVIII) A REPRESENTATIVE OF THE HOME CARE INDUSTRY.~~

(b) To the extent practicable, the members appointed to the Council shall reflect the geographic, racial, ethnic, cultural, and gender diversity of the State.

### Chapter 305 of the Acts of 2013

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013. It shall remain effective for a period of [3] 6 years and, at the end of

September 30, [2016] **2019**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

### **Chapter 306 of the Acts of 2013**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013. It shall remain effective for a period of [3] **6** years and, at the end of September 30, [2016] **2019**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## **Chapter 76**

**(Senate Bill 629)**

AN ACT concerning

### **Kent County – Prospective Employees and Volunteers – Criminal History Records Check**

FOR the purpose of authorizing a certain officer in Kent County to request from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services a State and national criminal history records check for a prospective county employee or volunteer; requiring that a certain officer submit certain sets of fingerprints and fees to the Central Repository as part of the application for a criminal history records check; requiring the Central Repository to forward to the prospective employee or volunteer and a certain officer the prospective employee's or volunteer's criminal history record information under certain circumstances; establishing that information obtained from the Central Repository under this Act is confidential, may not be disseminated, and may be used only for certain purposes; authorizing the subjects of a criminal history records check under this Act to contest the contents of a certain printed statement issued by the Central Repository; requiring the governing body of Kent County to adopt guidelines to carry out this Act; defining a certain term; and generally relating to criminal history records checks.

BY adding to

Article – Criminal Procedure

Section 10–233.2

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

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

**Article – Criminal Procedure**

**10-233.2.**

(A) IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) THE DIRECTOR OF HUMAN RESOURCES OF KENT COUNTY MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR A PROSPECTIVE EMPLOYEE OR VOLUNTEER OF KENT COUNTY.

(C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE DIRECTOR OF HUMAN RESOURCES OF KENT COUNTY SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) TWO COMPLETE SETS OF THE PROSPECTIVE EMPLOYEE’S OR VOLUNTEER’S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THIS SUBTITLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-250 OF THIS SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE EMPLOYEE OR VOLUNTEER AND THE DIRECTOR OF HUMAN RESOURCES OF KENT COUNTY THE PROSPECTIVE EMPLOYEE’S OR VOLUNTEER’S CRIMINAL HISTORY RECORD INFORMATION.

(3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

(II) MAY BE USED ONLY FOR A PERSONNEL-RELATED PURPOSE CONCERNING A PROSPECTIVE EMPLOYEE OR VOLUNTEER FOR THE COUNTY AS AUTHORIZED BY THIS SECTION.

(4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THIS SUBTITLE.

(D) THE GOVERNING BODY OF KENT COUNTY SHALL ADOPT GUIDELINES TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 77

(House Bill 358)

AN ACT concerning

### **Kent County – Prospective Employees and Volunteers – Criminal History Records Check**

FOR the purpose of authorizing a certain officer in Kent County to request from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services a State and national criminal history records check for a prospective county employee or volunteer; requiring that a certain officer submit certain sets of fingerprints and fees to the Central Repository as part of the application for a criminal history records check; requiring the Central Repository to forward to the prospective employee or volunteer and a certain officer the prospective employee's or volunteer's criminal history record information under certain circumstances; establishing that information obtained from the Central Repository under this Act is confidential, may not be redisseminated, and may be used only for certain purposes; authorizing the subjects of a criminal history records check under this Act to contest the contents of a certain printed statement issued by the Central Repository; requiring the governing body of Kent County to adopt guidelines to carry out this Act; defining a certain term; and generally relating to criminal history records checks.

BY adding to

Article – Criminal Procedure  
Section 10-233.2

Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)

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

**Article – Criminal Procedure**

**10-233.2.**

(A) IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) THE DIRECTOR OF HUMAN RESOURCES OF KENT COUNTY MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR A PROSPECTIVE EMPLOYEE OR VOLUNTEER OF KENT COUNTY.

(C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE DIRECTOR OF HUMAN RESOURCES OF KENT COUNTY SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) TWO COMPLETE SETS OF THE PROSPECTIVE EMPLOYEE’S OR VOLUNTEER’S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THIS SUBTITLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-250 OF THIS SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE EMPLOYEE OR VOLUNTEER AND THE DIRECTOR OF HUMAN RESOURCES OF KENT COUNTY THE PROSPECTIVE EMPLOYEE’S OR VOLUNTEER’S CRIMINAL HISTORY RECORD INFORMATION.

(3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

(II) MAY BE USED ONLY FOR A PERSONNEL-RELATED PURPOSE CONCERNING A PROSPECTIVE EMPLOYEE OR VOLUNTEER FOR THE COUNTY AS AUTHORIZED BY THIS SECTION.

(4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THIS SUBTITLE.

(D) THE GOVERNING BODY OF KENT COUNTY SHALL ADOPT GUIDELINES TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 78

(Senate Bill 785)

AN ACT concerning

### Foster Youth Summer Internship Program

FOR the purpose of recodifying and making permanent the Foster Youth Summer Internship Pilot Program; altering the name of the program to be the Foster Youth Summer Internship Program; transferring certain responsibilities relating to the Program to the Secretary of Human Services; requiring the Secretary of Human Resources, in consultation with the Secretary of Budget and Management, to issue a certain report to the Senate Budget and Taxation Committee, the Senate Finance Committee, and the House Appropriations Committee of the General Assembly on or before a certain date; specifying the contents of the report; defining certain terms; providing for a delayed effective date; and generally relating to internship opportunities for certain foster youth.

BY repealing and reenacting, without amendments,  
Article – State Finance and Procurement  
Section 3-207  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, without amendments,  
Chapter 317 of the Acts of the General Assembly of 2013

## Section 2

BY adding to

Article – Human Services

Section 4–304

Annotated Code of Maryland

(2007 Volume and 2015 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**

3–207.

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

(2) “Foster youth” means an individual who:

(i) is in out-of-home care under the responsibility of the State; or

(ii) 1. is an adult under the age of 26 years; and

2. was in out-of-home care under the responsibility of the State on the individual’s 18th birthday.

(3) “Program” means the Foster Youth Summer Internship Pilot Program established under this section.

(b) The Secretary shall:

(1) develop and implement a Foster Youth Summer Internship Pilot Program with the assistance of the Secretary of Human Resources and in consultation with the local directors of local departments of social services; and

(2) coordinate with State agencies to establish internships in State agencies that are open to participants in the Program.

(c) The purpose of the Program is to provide foster youth with training and experience through internships in agencies within the Executive Branch of State government.

(d) The Program shall be established in multiple regions of the State.

(e) Internships under the Program may be paid or unpaid.

(f) A State agency participating in the Program may:

- (1) specify requirements for internship applicants; and
- (2) select its interns from among the available applicants.

(g) To be eligible to participate in an internship under the Program, an individual must be a foster youth at least 15 years old.

(h) On or before October 31, 2015, the Secretary, in consultation with the Secretary of Human Resources, shall report to the Senate Budget and Taxation Committee, the Senate Finance Committee, and the House Appropriations Committee of the General Assembly, in accordance with § 2-1246 of the State Government Article, on:

- (1) the number of foster youth participating in the Program;
- (2) the location and type of internships in the Program;
- (3) efforts to recruit eligible individuals to participate in the Program; and
- (4) factors that affect Program participation.

### **Chapter 317 of the Acts of 2013**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2014. It shall remain effective for a period of 2 years and, at the end of December 31, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

### **Article – Human Services**

#### **4-304.**

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

**(2) “FOSTER YOUTH” MEANS AN INDIVIDUAL WHO:**

**(I) IS IN OUT-OF-HOME CARE UNDER THE RESPONSIBILITY OF THE STATE; OR**

**(II) 1. IS AN ADULT UNDER THE AGE OF 26 YEARS; AND**

**2. WAS IN OUT-OF-HOME CARE UNDER THE RESPONSIBILITY OF THE STATE ON THE INDIVIDUAL’S 18TH BIRTHDAY.**

**(3) "PROGRAM" MEANS THE FOSTER YOUTH SUMMER INTERNSHIP PROGRAM ESTABLISHED UNDER THIS SECTION.**

**(B) THE SECRETARY SHALL:**

**(1) DEVELOP AND IMPLEMENT A FOSTER YOUTH SUMMER INTERNSHIP PROGRAM WITH THE ASSISTANCE OF THE DEPARTMENT OF BUDGET AND MANAGEMENT AND IN CONSULTATION WITH THE LOCAL DIRECTORS OF LOCAL DEPARTMENTS OF SOCIAL SERVICES; AND**

**(2) COORDINATE WITH STATE AGENCIES TO ESTABLISH INTERNSHIPS IN STATE AGENCIES THAT ARE OPEN TO PARTICIPANTS IN THE PROGRAM.**

**(C) THE PURPOSE OF THE PROGRAM IS TO PROVIDE FOSTER YOUTH WITH TRAINING AND EXPERIENCE THROUGH INTERNSHIPS IN AGENCIES WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT.**

**(D) THE PROGRAM SHALL BE ESTABLISHED IN MULTIPLE REGIONS OF THE STATE.**

**(E) INTERNSHIPS UNDER THE PROGRAM MAY BE PAID OR UNPAID.**

**(F) A STATE AGENCY PARTICIPATING IN THE PROGRAM MAY:**

**(1) SPECIFY REQUIREMENTS FOR INTERNSHIP APPLICANTS; AND**

**(2) SELECT ITS INTERNS FROM AMONG THE AVAILABLE APPLICANTS.**

**(G) TO BE ELIGIBLE TO PARTICIPATE IN AN INTERNSHIP UNDER THE PROGRAM, AN INDIVIDUAL MUST BE A FOSTER YOUTH AT LEAST 15 YEARS OLD.**

**(H) ON OR BEFORE OCTOBER 1, 2019, THE SECRETARY, IN CONSULTATION WITH THE DEPARTMENT OF HUMAN RESOURCES, SHALL REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE FINANCE COMMITTEE, AND THE HOUSE APPROPRIATIONS COMMITTEE OF THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON:**

**(1) THE NUMBER OF FOSTER YOUTH PARTICIPATING IN THE PROGRAM;**

**(2) THE LOCATION AND TYPE OF INTERNSHIPS IN THE PROGRAM;**

**(3) EFFORTS TO RECRUIT ELIGIBLE INDIVIDUALS TO PARTICIPATE IN THE PROGRAM; AND**

**(4) FACTORS THAT AFFECT PROGRAM PARTICIPATION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2017.

**Approved by the Governor, April 12, 2016.**

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## **Chapter 79**

**(House Bill 1162)**

AN ACT concerning

### **Foster Youth Summer Internship Program**

FOR the purpose of recodifying and making permanent the Foster Youth Summer Internship Pilot Program; altering the name of the program to be the Foster Youth Summer Internship Program; transferring certain responsibilities relating to the Program to the Secretary of Human Services; requiring the Secretary of Human Resources, in consultation with the Secretary of Budget and Management, to issue a certain report to the Senate Budget and Taxation Committee, the Senate Finance Committee, and the House Appropriations Committee of the General Assembly on or before a certain date; specifying the contents of the report; defining certain terms; providing for a delayed effective date; and generally relating to internship opportunities for certain foster youth.

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement  
Section 3–207  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, without amendments,

Chapter 317 of the Acts of the General Assembly of 2013  
Section 2

BY adding to

Article – Human Services  
Section 4–304  
Annotated Code of Maryland  
(2007 Volume and 2015 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**

3–207.

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

(2) “Foster youth” means an individual who:

(i) is in out-of-home care under the responsibility of the State; or

(ii) 1. is an adult under the age of 26 years; and

2. was in out-of-home care under the responsibility of the State on the individual’s 18th birthday.

(3) “Program” means the Foster Youth Summer Internship Pilot Program established under this section.

(b) The Secretary shall:

(1) develop and implement a Foster Youth Summer Internship Pilot Program with the assistance of the Secretary of Human Resources and in consultation with the local directors of local departments of social services; and

(2) coordinate with State agencies to establish internships in State agencies that are open to participants in the Program.

(c) The purpose of the Program is to provide foster youth with training and experience through internships in agencies within the Executive Branch of State government.

(d) The Program shall be established in multiple regions of the State.

(e) Internships under the Program may be paid or unpaid.

(f) A State agency participating in the Program may:

(1) specify requirements for internship applicants; and

(2) select its interns from among the available applicants.

(g) To be eligible to participate in an internship under the Program, an individual must be a foster youth at least 15 years old.

(h) On or before October 31, 2015, the Secretary, in consultation with the Secretary of Human Resources, shall report to the Senate Budget and Taxation Committee, the Senate Finance Committee, and the House Appropriations Committee of the General Assembly, in accordance with § 2–1246 of the State Government Article, on:

- (1) the number of foster youth participating in the Program;
- (2) the location and type of internships in the Program;
- (3) efforts to recruit eligible individuals to participate in the Program; and
- (4) factors that affect Program participation.

### **Chapter 317 of the Acts of 2013**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2014. It shall remain effective for a period of 2 years and, at the end of December 31, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

#### **Article – Human Services**

#### **4–304.**

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

(2) “FOSTER YOUTH” MEANS AN INDIVIDUAL WHO:

(I) IS IN OUT-OF-HOME CARE UNDER THE RESPONSIBILITY OF THE STATE; OR

(II) 1. IS AN ADULT UNDER THE AGE OF 26 YEARS; AND

2. WAS IN OUT-OF-HOME CARE UNDER THE RESPONSIBILITY OF THE STATE ON THE INDIVIDUAL’S 18TH BIRTHDAY.

(3) “PROGRAM” MEANS THE FOSTER YOUTH SUMMER INTERNSHIP PROGRAM ESTABLISHED UNDER THIS SECTION.

(B) THE SECRETARY SHALL:

(1) DEVELOP AND IMPLEMENT A FOSTER YOUTH SUMMER INTERNSHIP PROGRAM WITH THE ASSISTANCE OF THE DEPARTMENT OF BUDGET

AND MANAGEMENT AND IN CONSULTATION WITH THE LOCAL DIRECTORS OF LOCAL DEPARTMENTS OF SOCIAL SERVICES; AND

(2) COORDINATE WITH STATE AGENCIES TO ESTABLISH INTERNSHIPS IN STATE AGENCIES THAT ARE OPEN TO PARTICIPANTS IN THE PROGRAM.

(C) THE PURPOSE OF THE PROGRAM IS TO PROVIDE FOSTER YOUTH WITH TRAINING AND EXPERIENCE THROUGH INTERNSHIPS IN AGENCIES WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(D) THE PROGRAM SHALL BE ESTABLISHED IN MULTIPLE REGIONS OF THE STATE.

(E) INTERNSHIPS UNDER THE PROGRAM MAY BE PAID OR UNPAID.

(F) A STATE AGENCY PARTICIPATING IN THE PROGRAM MAY:

(1) SPECIFY REQUIREMENTS FOR INTERNSHIP APPLICANTS; AND

(2) SELECT ITS INTERNS FROM AMONG THE AVAILABLE APPLICANTS.

(G) TO BE ELIGIBLE TO PARTICIPATE IN AN INTERNSHIP UNDER THE PROGRAM, AN INDIVIDUAL MUST BE A FOSTER YOUTH AT LEAST 15 YEARS OLD.

(H) ON OR BEFORE OCTOBER 1, 2019, THE SECRETARY, IN CONSULTATION WITH THE DEPARTMENT OF HUMAN RESOURCES, SHALL REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE FINANCE COMMITTEE, AND THE HOUSE APPROPRIATIONS COMMITTEE OF THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON:

(1) THE NUMBER OF FOSTER YOUTH PARTICIPATING IN THE PROGRAM;

(2) THE LOCATION AND TYPE OF INTERNSHIPS IN THE PROGRAM;

(3) EFFORTS TO RECRUIT ELIGIBLE INDIVIDUALS TO PARTICIPATE IN THE PROGRAM; AND

(4) FACTORS THAT AFFECT PROGRAM PARTICIPATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2017.

Approved by the Governor, April 12, 2016.

**Chapter 80****(Senate Bill 863)**

AN ACT concerning

**Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking  
– Sunset Extension**

FOR the purpose of extending the termination date for the Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking; requiring the Workgroup to submit a certain supplemental report on or before a certain date; and generally relating to the Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking.

BY repealing and reenacting, with amendments,  
Chapter 91 of the Acts of the General Assembly of 2015  
Section 1 and 2

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

**Chapter 91 of the Acts of 2015**

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;

- 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;
  - (9) one representative from the Office of the Public Defender, Juvenile Division, appointed by the Public Defender; and
  - (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 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) **(1)** 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.

**(2) ON OR BEFORE DECEMBER 1, 2016, THE WORKGROUP SHALL SUBMIT A SUPPLEMENTAL REPORT ON 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] **2 YEARS** and 1 month and, at the end of June 30, [2016] **2017**, 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, 2016.

**Approved by the Governor, April 12, 2016.**

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**Chapter 81**

**(House Bill 786)**

AN ACT concerning

**Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking  
– Sunset Extension**

FOR the purpose of extending the termination date for the Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking; requiring the Workgroup to submit a certain supplemental report on or before a certain date; and generally relating to the Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking.

BY repealing and reenacting, with amendments,  
Chapter 91 of the Acts of the General Assembly of 2015  
Section 1 and 2

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

**Chapter 91 of the Acts of 2015**

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;

(9) one representative from the Office of the Public Defender, Juvenile Division, appointed by the Public Defender; and

(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 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) **(1)** 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.

**(2) ON OR BEFORE DECEMBER 1, 2016, THE WORKGROUP SHALL SUBMIT A SUPPLEMENTAL REPORT ON 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] **2 YEARS** and 1 month and, at the end of June 30, [2016] **2017**, 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, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 82

**(House Bill 51)**

AN ACT concerning

### **Natural Resources – Aquaculture Coordinating Council – Membership**

FOR the purpose of altering the membership of the Aquaculture Coordinating Council to include certain representatives of the nonprofit sector; making a stylistic change; and generally relating to the membership of the Aquaculture Coordinating Council.

BY repealing and reenacting, without amendments,  
Article – Natural Resources  
Section 4–11A–03.2(a)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources  
Section 4–11A–03.2(b)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 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–03.2.

- (a) There is an Aquaculture Coordinating Council.
- (b) The Coordinating Council shall consist of the following [17] members:
  - (1) 1 member of the Maryland Senate designated by the President of the Senate;
  - (2) 1 member of the Maryland House of Delegates designated by the Speaker of the House;
  - (3) 1 representative of the Department of Agriculture designated by the Secretary of Agriculture;
  - (4) 1 representative of the Department of Natural Resources Police designated by the Secretary of Natural Resources;
  - (5) 1 representative of the Department of Natural Resources, Fisheries Service, designated by the Secretary of Natural Resources;
  - (6) 2 representatives of the University of Maryland designated by the President of the University of Maryland, College Park:
    - (i) 1 with expertise in aquaculture research; and
    - (ii) 1 representing the Maryland Cooperative Extension;
  - (7) 1 representative of the Department of Economic Competitiveness and Commerce designated by the Secretary of Commerce;
  - (8) 1 representative of the Department of the Environment designated by the Secretary of the Environment;
  - (9) 1 representative of the Department of Health and Mental Hygiene designated by the Secretary of Health and Mental Hygiene;

(10) 3 representatives of the aquaculture industry designated by the Governor;

(11) 3 tidal fisheries licensed harvesters, including at least one who is a member of the Maryland Watermen’s Association designated by the Governor; [and]

(12) 1 representative designated by the President of the University of Maryland Center for Environmental Science;

**(13) 1 REPRESENTATIVE OF THE OYSTER RECOVERY PARTNERSHIP DESIGNATED BY THE OYSTER RECOVERY PARTNERSHIP; AND**

**(14) 1 REPRESENTATIVE OF THE MARYLAND FARM BUREAU DESIGNATED BY THE MARYLAND FARM BUREAU.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 83

**(House Bill 57)**

AN ACT concerning

**Public Safety – Maryland Building Performance Standards – Adoption, Implementation, and Enforcement of Modifications**

FOR the purpose of altering the period of time in which the Department of Housing and Community Development is required to adopt each subsequent version of the Maryland Building Performance Standards; altering the period of time in which a local jurisdiction is required to implement and enforce a modification of the Maryland Building Performance Standards adopted by the State; and generally relating to the Maryland Building Performance Standards.

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 12–503(a) and 12–505(a)(1)

Annotated Code of Maryland

(2011 Replacement Volume and 2015 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] **18 MONTHS** after it is issued.

12–505.

(a) (1) (i) Each local jurisdiction shall implement and enforce the most current version of the Standards and any local amendments to the Standards.

(ii) Any modification of the Standards adopted by the State after December 31, 2009, shall be implemented and enforced by a local jurisdiction no later than [6 months] **12 MONTHS** after the modifications are adopted by the State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 84

### (House Bill 60)

AN ACT concerning

### **Insurance – Certificate of Qualification, Licensing, and Registration – Electronic Means**

FOR the purpose of altering the renewal date and process for renewing certificates of qualification of surplus lines brokers; establishing the expiration date of a surplus lines broker's certificate of qualification held by an individual; authorizing the Maryland Insurance Commissioner to send a certain notice relating to renewal of the certificate of qualification of a surplus lines broker, the license of a certain insurance producer, an insurance adviser, and a motor club, and the registration of a motor club representative at the electronic mail address of the holder of record; altering the contents of certain notices; authorizing the submission of certain renewal applications in a certain electronic format; establishing when certain

renewal applications submitted electronically are considered made in a timely manner; authorizing the Commissioner to adopt certain regulations; requiring a certain insurance producer licensee to file with the Commissioner a change in the licensee's electronic mail address; altering the expiration date of an insurance adviser's license; making stylistic and conforming changes; providing for a delayed effective date; and generally relating to the renewal of certificates of qualification, licenses, and registrations under State insurance laws.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 3–316, 10–115, 10–117, 10–211, 26–206, and 26–305

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

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

### Article – Insurance

3–316.

(a) Unless a certificate of qualification is renewed for a 2–year term as provided in this section, the certificate of qualification expires [on the first June 30 that comes after its effective date] **EVERY OTHER YEAR ON THE DATE STATED ON THE CERTIFICATE OF QUALIFICATION.**

(b) At least 1 month before a certificate of qualification expires, the Commissioner shall [mail] **SEND** to the holder of the certificate of qualification, at the last known address **OR ELECTRONIC MAIL ADDRESS** of the holder[:

(1) a renewal application form; and

(2)] **ON RECORD** a notice that states:

**(1) THE PROCESS FOR RENEWING THE CERTIFICATE OF QUALIFICATION;**

[i] **(2)** the date by which the Commissioner must receive the renewal application [for the renewal to be issued and mailed before the certificate of qualification expires]; and

[ii] **(3)** the amount of the renewal fee.

(c) Before a certificate of qualification expires, the holder periodically may renew it for an additional 2–year term, if the holder:

- (1) otherwise is entitled to a certificate of qualification;
- (2) submits to the Commissioner a renewal application:

**(I)** on the form that the Commissioner provides; **OR**

**(II)** **IN AN ELECTRONIC FORMAT THAT THE COMMISSIONER**

**APPROVES;**

- (3) pays to the Commissioner the renewal fee required by § 2-112 of this article; and
- (4) complies with the bond requirement of § 3-313 of this subtitle.

**(D) FOR AN INDIVIDUAL, A CERTIFICATE OF QUALIFICATION RENEWED UNDER THIS SECTION SHALL HAVE AN EXPIRATION DATE THAT IS THE LAST DAY OF THE MONTH IN WHICH THE HOLDER OF THE CERTIFICATE OF QUALIFICATION WAS BORN.**

**[(d)] (E) (1) [An] IF MAILED, AN application for renewal of a certificate of qualification shall be considered made in a timely manner if it is postmarked on or before [June 30 of the year of renewal] THE EXPIRATION DATE OF THE CERTIFICATE OF QUALIFICATION.**

**(2) IF SUBMITTED ELECTRONICALLY, AN APPLICATION FOR RENEWAL OF A CERTIFICATE OF QUALIFICATION SHALL BE CONSIDERED MADE IN A TIMELY MANNER IF, ON OR BEFORE THE EXPIRATION DATE OF THE CERTIFICATE OF QUALIFICATION, THE APPLICATION:**

**(I) IS ADDRESSED PROPERLY OR OTHERWISE DIRECTED PROPERLY TO AN INFORMATION PROCESSING SYSTEM THAT THE ADMINISTRATION HAS DESIGNATED OR USES FOR THE PURPOSE OF RECEIVING ELECTRONIC APPLICATIONS AND FROM WHICH THE ADMINISTRATION IS ABLE TO RETRIEVE THE APPLICATION;**

**(II) IS IN A FORM CAPABLE OF BEING PROCESSED BY THAT SYSTEM; AND**

**(III) 1. ENTERS AN INFORMATION PROCESSING SYSTEM OUTSIDE THE CONTROL OF THE SENDER OR OF A PERSON THAT SENT THE ELECTRONIC APPLICATION ON BEHALF OF THE SENDER; OR**

**2. ENTERS A REGION OF THE INFORMATION PROCESSING SYSTEM DESIGNATED OR USED BY THE ADMINISTRATION THAT IS**

**UNDER THE CONTROL OF THE ADMINISTRATION OR AN AGENT OF THE ADMINISTRATION.**

**[(e)] (F)** The Commissioner shall renew the certificate of qualification of each holder who meets the requirements of this section.

**(G) THE COMMISSIONER MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

10–115.

(a) (1) Licenses expire every other year on the date stated on the license unless renewed as provided in this section.

(2) If a license expires under paragraph (1) of this subsection, the appointments held by the insurance producer shall be terminated as of the day of the expiration of the license.

(b) At least 1 month before a license expires, the Commissioner shall **[mail] SEND** to the holder of the license, at the last known address **OR ELECTRONIC MAIL ADDRESS** of the holder<sup>1</sup>:

(1) a renewal application form; and

**(2)] ON RECORD** a notice that states:

**(1) THE PROCESS FOR RENEWING THE LICENSE;**

**[(i)] (2)** the date by which the Commissioner must receive the renewal application **[for the renewal to be issued and mailed before the license expires]**; and

**[(ii)] (3)** the amount of the renewal fee.

(c) Subject to subsection (g) of this section, before a license expires, the holder of the license may renew it for an additional 2–year term, if the holder:

(1) otherwise is entitled to a license;

(2) files with the Commissioner a renewal application:

(i) on the form that the Commissioner provides; or

(ii) in an electronic format that the Commissioner approves;

(3) completes the continuing education requirements established under § 10–116 of this subtitle; and

(4) pays to the Commissioner the renewal fee required by § 2–112 of this article.

(d) A license renewed under this section shall have an expiration date that is the last day of the month in which the holder of the license was born.

(e) (1) If mailed, an application for renewal of a license shall be considered made in a timely manner if it is postmarked on or before the expiration date of the license.

(2) If submitted electronically, an application for renewal **OF A LICENSE** shall be considered made in a timely manner if, on or before the expiration date of the license, the application:

(i) is addressed properly or otherwise directed properly to an information processing system that the Administration has designated or uses for the purpose of receiving electronic applications and from which the Administration is able to retrieve the application;

(ii) is in a form capable of being processed by that system; and

(iii) **1.** enters an information processing system outside the control of the sender or of a person that sent the electronic application on behalf of the sender; or

**2.** enters a region of the information processing system designated or used by the Administration that is under the control of the Administration or an agent of the Administration.

(f) (1) The Commissioner shall renew the license of each holder who meets the requirements of this section.

(2) If the holder of a license complies with subsections (b) and (c) of this section before the license expires, the license remains in effect until the decision of the Commissioner regarding the application for renewal is final.

(g) (1) A license is considered renewed for purposes of this subsection if the license is issued to a person for the period immediately following a period for which the person previously possessed the same or a substantially similar license.

(2) Before a license may be renewed under this section, the Commissioner shall verify through the Office of the Comptroller that the applicant has paid all undisputed taxes and unemployment insurance contributions payable to the Comptroller or the Secretary of Labor, Licensing, and Regulation or that the applicant has provided for payment in a manner satisfactory to the unit responsible for collection.

(h) The Commissioner may adopt regulations to:

- (1) carry out this section; and
- (2) develop a staggered system of renewals for licenses of insurance producers.

10–117.

(a) To change, add to, or delete from a license, the insurance producer shall file with the Commissioner in the form that the Commissioner requires the change or addition to or deletion from the license.

(b) (1) A licensee shall file with the Commissioner by any means acceptable to the Commissioner a change in legal name, trade name, **ELECTRONIC MAIL ADDRESS**, or address within 30 days of the change.

(2) If a licensee fails to timely file with the Commissioner a change in legal name, trade name, **ELECTRONIC MAIL ADDRESS**, or address, the licensee is in violation of § 10–126(a)(1) of this subtitle.

10–211.

(a) A license expires [at the end of every other June 30 unless it is renewed for a 2–year term] **EVERY OTHER YEAR ON THE DATE STATED ON THE LICENSE UNLESS RENEWED** as provided in this section.

(b) At least 1 month before a license expires, the Commissioner shall [mail] **SEND** to the holder of the license, at the last known address **OR ELECTRONIC MAIL ADDRESS** of the holder[:

(1) a renewal application form; and

(2)] **ON RECORD** a notice that states:

**(1) THE PROCESS FOR RENEWING THE LICENSE;**

**[(i)] (2)** the date by which the Commissioner must receive the renewal application [for the renewal to be issued and mailed before the license expires]; and

**[(ii)] (3)** the amount of the renewal fee.

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

- (1) otherwise is entitled to a license;
- (2) files with the Commissioner a renewal application:
  - (I) on the form that the Commissioner provides; OR
  - (II) **IN AN ELECTRONIC FORMAT THAT THE COMMISSIONER APPROVES;**
- (3) pays to the Commissioner the renewal fee required by § 2–112 of this article;
- (4) is in compliance with the bond requirement of § 10–206 of this subtitle; and
- (5) if the Commissioner determines that an examination is advisable to determine the trustworthiness or competence of a holder, passes an examination given by the Commissioner.

**(D) A LICENSE RENEWED UNDER THIS SECTION SHALL HAVE AN EXPIRATION DATE THAT IS THE LAST DAY OF THE MONTH IN WHICH THE HOLDER OF THE LICENSE WAS BORN.**

**[(d)] (E) (1) [An] IF MAILED, AN application for renewal of a license shall be considered made in a timely manner if it is postmarked on or before [June 30 of the year of renewal] THE EXPIRATION DATE OF THE LICENSE.**

**(2) IF SUBMITTED ELECTRONICALLY, AN APPLICATION FOR RENEWAL OF A LICENSE SHALL BE CONSIDERED MADE IN A TIMELY MANNER IF, ON OR BEFORE THE EXPIRATION DATE OF THE LICENSE, THE APPLICATION:**

**(I) IS ADDRESSED PROPERLY OR OTHERWISE DIRECTED PROPERLY TO AN INFORMATION PROCESSING SYSTEM THAT THE ADMINISTRATION HAS DESIGNATED OR USES FOR THE PURPOSE OF RECEIVING ELECTRONIC APPLICATIONS AND FROM WHICH THE ADMINISTRATION IS ABLE TO RETRIEVE THE APPLICATION;**

**(II) IS IN A FORM CAPABLE OF BEING PROCESSED BY THAT SYSTEM; AND**

**(III) 1. ENTERS AN INFORMATION PROCESSING SYSTEM OUTSIDE THE CONTROL OF THE SENDER OR OF A PERSON THAT SENT THE ELECTRONIC APPLICATION ON BEHALF OF THE SENDER; OR**

**2. ENTERS A REGION OR THE INFORMATION PROCESSING SYSTEM DESIGNATED OR USED BY THE ADMINISTRATION THAT IS UNDER THE CONTROL OF THE ADMINISTRATION OR AN AGENT OF THE ADMINISTRATION.**

**[(e)] (F)** (1) The Commissioner shall renew the license of each holder who meets the requirements of this section.

(2) If the holder of a license files an application for renewal before the license expires, the license shall remain in effect until:

(i) the Commissioner issues a renewal license; or

(ii) 5 days after the Commissioner refuses to renew the license and gives notice of the refusal to the holder.

**(G) THE COMMISSIONER MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

26–206.

(a) A license expires on the first December 31 after its effective date unless it is renewed as provided in this section.

(b) At least 1 month before a license expires, the Commissioner shall **[mail] SEND** to the licensee, at the last known address of the licensee<sup>[</sup>:

(1) a renewal application form; and

**[(2)] (2) OR ELECTRONIC MAIL ADDRESS OF THE HOLDER ON RECORD** a notice that states:

**[(i)]** (i) the date on which the current license expires;

**[(ii)] (1) THE PROCESS FOR RENEWING THE LICENSE;**

**(2)** the date by which the Commissioner must receive the renewal application **[for the renewal to be issued and mailed before the license expires]**; and

**[(iii)] (3)** the amount of the renewal fee.

(c) Before a license expires, the licensee may renew it for an additional 1–year term if the holder:

- (1) otherwise is entitled to a license;
- (2) files with the Commissioner a renewal application:
  - (I) on the form that the Commissioner provides; OR
  - (II) **IN AN ELECTRONIC FORMAT THAT THE COMMISSIONER APPROVES;**
- (3) files with the Commissioner the fees to be charged to members;
- (4) provides a financial statement as required under § 26–203(c)(3) of this subtitle; and
- (5) pays to the Commissioner a renewal fee of \$100.

(d) The Commissioner shall renew the license of each licensee that meets the requirements of this section.

26–305.

(a) A registration expires on the first August 31 after its effective date unless it is renewed as provided in this section.

(b) At least 1 month before a registration expires, the Commissioner shall [mail] **SEND** to the licensee, at the last known address of the licensee[:

- (1) a renewal application form; and
- (2)] **OR ELECTRONIC MAIL ADDRESS OF THE LICENSEE ON RECORD** a notice that states:
  - [(i) the date on which the current registration expires;]
  - (1) THE PROCESS FOR RENEWING THE REGISTRATION;**
  - [(ii)] **(2)** the date by which the Commissioner must receive the renewal application [for the renewal to be issued and mailed before the registration expires]; and
  - [(iii)] **(3)** the amount of the renewal fee.

(c) Before a registration expires, the licensee may renew the registration of a representative for an additional 1–year term if:

- (1) the representative otherwise is entitled to a registration;

(2) the licensee files with the Commissioner a renewal application:

(I) on the form that the Commissioner provides; OR

(II) IN AN ELECTRONIC FORMAT THAT THE COMMISSIONER APPROVES; and

(3) the licensee pays to the Commissioner a registration renewal fee of \$2.

(d) The Commissioner shall renew the registration of a representative if the licensee and representative meet the requirements of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2017.

**Approved by the Governor, April 12, 2016.**

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## Chapter 85

### (House Bill 62)

AN ACT concerning

### Natural Resources – Fishing and Hunting Licenses

FOR the purpose of altering the application and issuance requirements and procedures for certain fishing and hunting licenses and registrations; repealing a requirement that a complimentary angler's license be issued on a certain form; repealing certain provisions of law authorizing under certain circumstances the issuance of certain duplicate angling licenses or stamps and hunting licenses; repealing the reimbursement standards and procedures applicable to agents of the Department of Natural Resources who have unsold angler's or hunting licenses; altering certain administrative penalties related to the unlawful use of an angler's or hunting license; repealing a provision of law that authorizes a person who is sport fishing in tidal waters of the State to possess evidence of a sport fishing license or registration instead of actual possession of the license or registration; repealing the requirement that an agent who sells Chesapeake Bay and coastal sport fishing licenses provide to the Department certain security; establishing a certain administrative penalty for an agent convicted of violating certain provisions of law related to the issuance of a Chesapeake Bay and coastal sport fishing license or registration; repealing the prohibition against issuing a hunting license without certain written consent to an applicant who is under a certain age; authorizing an agent who sells and issues nonresident senior hunting licenses to retain certain compensation; making certain

stylistic changes and technical corrections; and generally relating to fishing and hunting licenses.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–604(d), (e), (g), and (h), 4–607(c), 4–611, 4–613, 4–713(a), 4–731(a), 4–745(a)(1) and (4), (b), (d)(3), and (e)(3), 10–301(d), (e), (f), (h), and (j), 10–302, 10–303(a), 10–307, 10–308.1(c), and 10–312

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing

Article – Natural Resources

Section 4–609, 4–614(d), and 10–305

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 10–308.1(a) and (b)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

### Article – Natural Resources

4–604.

(d) [(1) A person may apply for an angler’s license to any person designated by the Department.

(2) The application shall be on a form the Department prepares and supplies.

(3) The applicant shall fill out, sign and submit the application to the person designated to issue an angler’s license.

(4) A person may apply by mail] **A PERSON WHO WISHES TO OBTAIN AN ANGLER’S LICENSE SHALL COMPLETE AND SUBMIT AN APPLICATION TO THE DEPARTMENT OR TO ANY PERSON DESIGNATED BY THE DEPARTMENT TO ISSUE AN ANGLER’S LICENSE.**

(e) (1) An applicant for a license issued under this section shall provide all the information requested by the Department [on forms issued by the Department].

(2) The Department shall require an applicant for a license under this section to provide the last four digits of the applicant's Social Security number, if the applicant has a Social Security number.

(g) A person designated to sell an angler's license shall issue the license and collect the fee prescribed in subsection (f) of this section. [The Department shall furnish the licenses to the designated persons. An angler's license shall bear the Secretary's facsimile signature and the countersignature of the issuing person. The person who issues the license shall enter the name and address of the licensee.] The collected money shall be transmitted to the Department as prescribed by the Department. As compensation, the agent shall retain \$1 for each license issued.

(h) (1) Every angler's license shall be valid for 1 year following the date of issuance.

(2) The licensee shall [sign his name in ink on the license at the time of purchase] **ELECTRONICALLY OR PHYSICALLY SIGN THE LICENSE AT THE TIME OF PURCHASE.**

(3) The license may not be transferred to another person, nor used or presented by any person other than the person to whom it was issued.

4-607.

(c) A complimentary license is not transferable and shall be issued without a fee [on forms the Department designates].

[4-609.

The Department or any authorized agent of the Department may issue a duplicate angler's license for a fee not exceeding \$1 if a person indicates that the angler's license is lost and is on record for previously purchasing an angler's license.]

4-611.

(a) Any person engaged in a retail business who desires to sell angler's licenses as an agent under the Department's control and supervision shall apply to the Department [on forms prepared and prescribed by the Department. The Department may furnish angler's licenses on consignment to any agent who provides] **AND PROVIDE** a bond or other security deemed sufficient and adequate by the Department to insure payment for the licenses.

(b) [The agent shall fill out every license and duplicate stub in a legible and proper manner and submit any necessary report of sales together with the duplicate stubs after the first day of each month as long as he sells these licenses in accordance with §

4–604 of this subtitle. The report and stubs shall reach the Department by the seventh day of each succeeding month. The Department shall reimburse any agent who does not dispose of every angler's license purchased from the Department and who presents the unused licenses intact in their original books to the Department for a refund before March 31 of each year, for the amount of licenses returned and after they are checked and found correct. Every angler's license not returned by March 31 shall be deemed sold and is not reimbursable, unless accompanied by a notarized statement stating why the license is returned late. The Department, after review, may reimburse the agent] **LICENSE FEES COLLECTED BY AN AGENT SHALL BE FORWARDED TO THE DEPARTMENT ON A SCHEDULE AND IN A MANNER PRESCRIBED BY THE DEPARTMENT.**

(c) (1) An agent may not make any false statement concerning any date of issuance or other license data. [Every license book or stub shall be available for any law enforcement officer to inspect at any time during the regular business day.]

(2) An agent may not issue any license without receiving the license fees required by law. [A receipt may not be issued in lieu of an angler's license.]

(d) In addition to any other penalty provided for in this title, any agent convicted of violating [the provisions of] this section shall [have his angler's license—issuing privilege rescinded] **LOSE THE AGENT'S PRIVILEGES.**

4–613.

(a) [A Natural Resources police officer or law enforcement officer may confiscate] **THE DEPARTMENT MAY SUSPEND** a person's angler's license if it is transferred to another person or used or presented **TO A LAW ENFORCEMENT OFFICER** by a person other than the person to whom it was issued, **PENDING THE DISPOSITION OF A CRIMINAL PROCEEDING AGAINST THE OTHER PERSON.**

(b) In addition to any penalty provided in this title, if any person is convicted of fishing without a proper angler's license in his possession, or using another person's angler's license, the angler's license shall be [confiscated] **RENDERED VOID.** The person upon whom the angler's license is found and the licensee[,] may not procure an angler's license [the following calendar year] **FOR 1 YEAR FOLLOWING THE DATE OF CONVICTION.** However, the provisions of this section do not apply to a licensee who does not knowingly give his license to another.

4–614.

[(d) The Department or any authorized agent of the Department may issue a duplicate trout stamp for a fee not exceeding \$1 if a person indicates that the trout stamp is lost and is on record for previously purchasing a trout stamp.]

4–713.

(a) A person who fishes with haul seine equipment shall [carry] **POSSESS** a tidal fish license to catch finfish.

4–731.

(a) (1) Except as provided in paragraph (2) of this subsection, a person may not sell, offer for sale, or transport across a boundary of the State any striped bass, commonly known as rockfish, caught from the State waters of the Chesapeake Bay and its tributaries unless the person [has in his possession] **POSSESSES** one of the following:

(i) A valid commercial fishing license issued in his name;

(ii) A dated bill of sale signed by the licensed commercial fisherman who caught the fish; or

(iii) A dated bill of sale signed by a dealer or wholesaler from whom the fish were purchased.

(2) However, a nonresident of the State who has caught striped bass from State waters by hook and line may transport across a boundary of the State not more than 100 pounds of striped bass on any day for any purpose other than sale.

4–745.

(a) (1) Except as provided in subsections (c) and (d) of this section and § 4–217 of this title, a person may not fish for finfish in the Chesapeake Bay or in its tributaries up to tidal boundaries or in State waters of the Atlantic Ocean and the Atlantic coastal bays and their tributaries without first obtaining a Chesapeake Bay and coastal sport fishing license or registration issued under subsection (d)(3) of this section and possessing [evidence of] the license or registration.

(4) An applicant for a license issued under this section shall provide all the information requested by the Department [on forms issued by the Department].

(b) (1) The Department may designate a person engaged in a commercial enterprise to sell the Chesapeake Bay and coastal sport fishing license or issue a registration under subsection (d) of this section as an agent under the Department's control and supervision.

(2) (i) As compensation, the agent shall retain \$1 for each license issued.

(ii) There is no agent compensation for each registration issued.

(3) [The Chesapeake Bay and coastal sport fishing license shall be furnished to an agent upon satisfactory payment or upon consignment and only if the Department is given adequate security to insure ultimate payment by an agent to the Department for the licenses.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, all fees collected on behalf of the Department pursuant to this section shall be remitted to the Department in accordance with its rules and regulations for deposit with the State Treasurer to the credit of the Fisheries Research and Development Fund to be used for the replenishment, protection, and conservation of fish stocks caught by recreational fishermen, for enhancement of recreational fishing opportunities, and for research concerning tidal fishery resources. The Department shall publicly report annually the amounts collected and the expenditures.

(ii) In fiscal year 1999 and in each subsequent fiscal year, the Department, for the purposes set forth in subparagraph (iii) of this paragraph, shall use:

1. \$2 from the sale of each license under subsection (a) of this section;
2. \$20 from the sale of each license under subsection (d)(2) of this section; and
3. \$225 of the special charter boat license under subsection (d)(1) of this section.

(iii) The Department shall use the moneys specified in subparagraph (ii) of this paragraph for:

1. Achieving the maximum federal fund apportionments;
2. Management assessment and sport fishing surveys; and
3. Angler outreach and public fishing information.

**[(5) (4)]** In the preparation of plans for the expenditure of license receipts, the Secretary annually shall solicit the advice and opinions of the Department's Sport Fisheries Advisory Commission, representative fishing and boating associations, and other interested parties.

**(5) IN ADDITION TO ANY OTHER PENALTY PROVIDED FOR IN THIS TITLE, AN AGENT CONVICTED OF VIOLATING THIS SECTION SHALL LOSE THE AGENT'S PRIVILEGES.**

(d) (3) (i) An individual shall register with the Department before fishing in any of the following areas that do not require a Chesapeake Bay and coastal sport fishing license:

1. A free fishing area established under § 4–214(b)(1) of this title with hook and line;

2. On private real property bordering on tidal water as an owner or tenant of the property, or a spouse or an immediate family member who resides on the property with the owner or tenant; and

3. On a boat licensed under paragraph (2) of this subsection.

(ii) There is no fee for registration under this paragraph.

(iii) An individual required to register under this paragraph shall provide all the information requested by the Department [on forms issued by the Department].

(e) (3) A complimentary license is not transferable [and shall be issued on forms the Department designates].

10–301.

(d) [(1) A person may apply for a hunter’s license to any person designated by the Department.

(2) The application shall be on a form the Department prepares and supplies.

(3) The applicant shall fill out, sign, and submit the application to the person designated to issue the hunter’s license.

(4) A person may apply by mail] **A PERSON WHO WISHES TO OBTAIN A HUNTING LICENSE SHALL COMPLETE AND SUBMIT AN APPLICATION TO THE DEPARTMENT OR TO ANY PERSON DESIGNATED BY THE DEPARTMENT TO ISSUE A HUNTING LICENSE.**

(e) [(1) The application shall contain the applicant’s name, height, color of eyes and hair, place of residence, and] **AN APPLICANT FOR A LICENSE ISSUED UNDER THIS SECTION SHALL PROVIDE ALL THE INFORMATION REQUIRED BY THE DEPARTMENT, INCLUDING** the last four digits of the applicant’s Social Security number, if the applicant has a Social Security number.

[(2) If the applicant is a nonresident, the applicant also shall present the applicant’s driver’s license, voter’s card, or resident hunter’s license.]

(f) Before a hunting license may be issued the applicant for the license shall [sign a statement which says:

“I understand that this hunting license does not of itself permit me to hunt on private property, and if I do so without permission of the owner, I may be subject to a fine.”] **ACKNOWLEDGE, AS A COMPONENT OF THE APPLICATION, THAT A HUNTING LICENSE DOES NOT OF ITSELF PERMIT AN INDIVIDUAL TO HUNT ON PRIVATE PROPERTY.**

(h) **(1)** The person designated to sell the hunting licenses and individual hunting stamps shall issue the hunting licenses and individual hunting stamps and collect the fee prescribed in subsection (g) of this section. [A hunting license may not be issued to any person under the age of 16 years without the written consent of the person’s parent or guardian. The Department shall furnish the hunting licenses and individual hunting stamps to the designated person. The issuing person shall countersign the license, and retain the duplicate copy of the license. The duplicate copies and money collected every month shall be mailed to the Department on the first day of the succeeding month each year.]

**(2)** The designated person who sells and issues the hunting licenses and individual hunting stamps shall retain as compensation 75 cents for each resident senior hunting license and individual hunting stamp sold and issued and shall retain as compensation \$1.50 for each resident junior, nonresident junior, resident regular, nonresident regular, **NONRESIDENT SENIOR**, and nonresident 3–day hunting license sold and issued.

(j) The licensee shall [sign the licensee’s name in ink on] **ELECTRONICALLY OR PHYSICALLY SIGN** the hunting license at the time the licensee obtains the hunting license. It may not be transferred to any other person.

10–302.

(a) Any person engaged in a retail business who desires to sell the resident hunting license, either nonresident hunting license or individual hunting stamps as an agent under the Department’s control and supervision shall apply to the Department [on forms prepared and prescribed by the Department. The Department may furnish resident and nonresident hunting licenses of any type and individual hunting stamps on consignment to any agent who provides] **AND PROVIDE** a bond or other security deemed sufficient and adequate by the Department to insure payment for the resident and nonresident hunting licenses of any type and individual hunting stamps.

(b) **[(1)** The agent shall fill out every license and duplicate license in a legible and proper manner.

**(2)** The agent shall submit any necessary report of sale together with the duplicate license after the first day of each month as long as the agent sells these licenses

in accordance with § 10–301 of this subtitle. The report and duplicate licenses shall reach the Department by the seventh day of each succeeding month.

(3) The Department shall reimburse any agent not operating on consignment the sum paid for unissued resident and nonresident hunting licenses of any type and individual hunting stamps provided they are returned intact, and still attached in the issuing books by June 30 of each year, and have been checked and found to be correct by the Department. Every hunting license and individual hunting stamp not returned by June 30 shall be deemed sold and not reimbursable unless accompanied by a statement under oath stating why the hunting license or individual hunting stamp is returned late. The Department, after review, may reimburse the agent] **LICENSE FEES COLLECTED BY AN AGENT SHALL BE FORWARDED TO THE DEPARTMENT ON A SCHEDULE AND IN A MANNER PRESCRIBED BY THE DEPARTMENT.**

(c) (1) [A designated person] **AN AGENT** may not make any false statement concerning any date of issuance or other resident or nonresident hunting license of any type or individual hunting stamp data. [Every hunting license book, duplicate individual hunting license, or individual hunting stamp shall be available for any law enforcement officer to inspect at any time during the regular business day.]

(2) An agent may not issue any hunting license or individual hunting stamp without receiving the fees required by law. [A receipt may not be issued in lieu of a hunting license or individual hunting stamp.]

(d) In addition to any other penalty provided for by the provisions of this title, any agent convicted of violating the provisions of this section shall [have the agent's hunting license and individual hunting stamp issuing privilege rescinded] **LOSE THE AGENT'S PRIVILEGES.**

10–303.

(a) (1) The Department annually may issue a complimentary hunter's license to the President of the United States, the governor of any state, or an official or an enforcement officer of the game and fish management agency of another state which reciprocally offers complimentary hunting licenses.

(2) (i) The Department may issue a lifetime complimentary hunter's license to a Maryland resident who certifies that the resident is a former prisoner of war or 100% service connected disabled American veteran.

(ii) The Department may issue a lifetime complimentary hunter's license to an out-of-state person who certifies that the person is a former prisoner of war or a 100% service connected disabled American veteran if the person's state of residence extends similar privileges to former prisoners of war or 100% service connected disabled American veterans of this State.

(3) A complimentary license is not transferable [and shall be issued on forms designated by the Department].

[10–305.

If any person loses the person's hunter's license, the person may make affidavit stating the date the license was issued, its number, description, and the name of the designated person who issued the license. Upon receipt of this information the Department may issue a duplicate hunting license for a \$5 fee.]

10–307.

The Department may issue a special permit to a disabled person who has a hunting license authorizing the person to hunt from a stopped vehicle which is not on a public highway. The Department shall prescribe regulations requiring applicants to submit reasons for granting this permit, and shall require every licensee to [carry] **POSSESS** this permit while hunting.

10–308.1.

(a) In addition to any other requirement, a person hunting migratory game birds in the State first shall purchase a Maryland migratory game bird stamp.

(b) (1) A person may obtain a Maryland migratory game bird stamp for a fee of \$9.00 from any person designated by the Department. The issuing person designated shall retain the sum of 75 cents as compensation for issuing each stamp. The balance of the fee is paid over and accounted for to the State Treasurer. The Treasurer shall credit all such fees received to the State Wildlife Management and Protection Fund, in accordance with § 10–209 of this title.

(2) The Department may sell expired stamps below face value to the general public for a period of 3 years, after which time the Department shall shred any unsold expired stamps. All revenues derived from the sale of these stamps shall revert back to the Game Management Fund.

(c) [A printed receipt from the Department showing proof of purchase of the Maryland migratory game bird stamp must be carried on the person while hunting migratory game birds] **WHILE HUNTING MIGRATORY GAME BIRDS, A PERSON MUST BE IN POSSESSION OF PROOF OF PURCHASE OF THE MARYLAND MIGRATORY GAME BIRD STAMP.**

10–312.

(a) [A Natural Resources police officer or law enforcement officer shall confiscate] **THE DEPARTMENT SHALL SUSPEND** a person's hunter's license if the license is used or presented **TO A LAW ENFORCEMENT OFFICER** by a person other than the person to whom

the license was issued, **PENDING THE DISPOSITION OF A CRIMINAL PROCEEDING AGAINST THE OTHER PERSON.**

(b) In addition to any penalty provided in this title, if any person is convicted of hunting without a proper hunter's license in the person's possession, or using another person's hunter's license, the hunter's license shall be [confiscated] **RENDERED VOID**. The person upon whom the hunter's license is found and the licensee may not procure a hunter's license the following [calendar] **HUNTING LICENSE** year. However, this section does not apply to a licensee who does not knowingly give the licensee's license to another.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 86

### (House Bill 63)

AN ACT concerning

#### **Natural Resources – Fishing – Regulation and Use of Commercial Finfish Trotlines**

FOR the purpose of authorizing the Department of Natural Resources, in consultation with certain entities, to adopt regulations defining and governing the use of commercial finfish trotlines; establishing an exception to the prohibition against using more than a certain number of hooks or sets of hooks for each commercial rod or line by authorizing a tidal fish licensee to use a finfish trotline; providing for the termination of this Act; and generally relating to the regulation and use of commercial finfish trotlines.

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 4–221 and 4–710(h)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

#### **Article – Natural Resources**

4–221.

(a) The authority provided by this section is in addition to any other authority of the Secretary provided by law.

(b) (1) Subject to paragraph (2) of this subsection, the Secretary, after consultation with the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission, may adopt regulations to define and govern the use of:

- (i) Recreational fishing gear; and
- (ii) The following types of commercial fishing gear:
  1. Fish pots;
  2. Bank traps;
  3. Fyke nets; [and]
  4. Hoop nets; AND
  5. **FINFISH TROTLINE.**

(2) The Department shall consider relevant biological, ecological, and socioeconomic factors before adopting regulations under this subsection.

4-710.

(h) (1) Except **WHEN USING A FINFISH TROTLINE OR** in State waters in the Atlantic Ocean, a tidal fish licensee may not use more than 2 hooks or 2 sets of hooks for each rod or line.

(2) For the purposes of this subsection, artificial lures or plugs with multiple or gang hooks are considered 1 set of hooks.

**SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect July 1, 2016. It shall remain effective for a period of 3 years and, at the end of June 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

**Approved by the Governor, April 12, 2016.**

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## Chapter 87

### (House Bill 65)

**Tree Expert License – Application and Renewal – Repeal of Sunset Provision**

FOR the purpose of repealing the termination provision of certain provisions of law relating to the application for and renewal of a tree expert license; and generally relating to tree expert licenses.

BY repealing and reenacting, without amendments,  
Article – Natural Resources  
Section 5–419  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Chapter 20 of the Acts of the General Assembly of 2011  
Section 2

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

**Article – Natural Resources**

5–419.

(a) An applicant shall pay to the Department at the time of making application, a fee set by the Department by regulation in an amount not to exceed the costs of processing the application.

(b) (1) A tree expert license shall be renewed in accordance with a timetable and procedure established by the Department by regulation.

(2) A person who holds a license and wishes to renew it shall pay a fee set by the Department by regulation in an amount not to exceed the costs of processing the license renewal.

(3) After September 1, 2017, to qualify for the renewal of a tree expert license, a licensed tree expert shall complete the professional development curriculum established by the Department by regulation.

(c) Fees the Department receives shall be paid into the State Treasury for the Department's use. The Secretary shall prepare an annual report on the number of licenses issued and the receipts and expenses under Part III of this subtitle during each fiscal year.

**Chapter 20 of the Acts of 2011**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011. [It shall remain effective for a period of 5 years and, at the end of

September 30, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## **Chapter 88**

**(House Bill 66)**

AN ACT concerning

### **Residential Child Care Capital Grant Program – Repeal**

FOR the purpose of repealing the Residential Child Care Capital Grant Program, which authorizes the Board of Public Works, on the recommendation of the Executive Director of the Governor’s Office for Children, to make certain grants to counties, municipal corporations, and nonprofit organizations; repealing provisions of law relating to the purposes, administration, and funding of the Program; repealing provisions of law relating to the uses, terms, and conditions of the grants and the State’s recovery of funds expended under the Program; repealing provisions of law relating to the authority of the Board of Public Works and the Governor’s Office for Children to adopt regulations to implement the Program; and generally relating to the Residential Child Care Capital Grant Program.

BY repealing

Article – Human Services

Section 8–901 through 8–911 and the subtitle “Subtitle 9. Residential Child Care Capital Grant Program”

Annotated Code of Maryland

(2007 Volume and 2015 Supplement)

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

#### **Article – Human Services**

**[Subtitle 9. Residential Child Care Capital Grant Program.]**

**[8–901.**

In this subtitle, “nonprofit organization” means:

(1) a bona fide religious organization, no part of the earnings of which inures to the benefit of any individual or is used for any purpose other than the maintenance and operation of a residential child care program, the purchase of equipment to be used in a residential child care program, or the expansion of a residential child care program; or

(2) an organization:

(i) that is chartered as a nonprofit corporation and classified by the Internal Revenue Service as nonprofit; and

(ii) no part of the earnings of which inures to the benefit of any individual or is used for any purpose other than the maintenance and operation of a residential child care program, the purchase of equipment to be used in a residential child care program, or the expansion of a residential child care program.]

[8–902.

(a) There is a Residential Child Care Capital Grant Program.

(b) On the recommendation of the Executive Director, the Board of Public Works may make grants to counties, municipal corporations, and nonprofit organizations for:

(1) the conversion of public buildings or parts of public buildings to residential child care programs;

(2) the acquisition of existing buildings or parts of buildings for use as residential child care programs;

(3) the renovation of residential child care programs;

(4) the purchase of capital equipment for residential child care programs;

or

(5) the planning, design, and construction of residential child care programs.]

[8–903.

(a) A county, municipal corporation, or nonprofit organization sponsoring a project involving work specified in § 8–902 of this subtitle may apply to the Executive Director for a State grant to be applied toward the cost of that project.

(b) An application for a grant shall include:

(1) project plans for the work to be carried out;

(2) a statement listing the personnel employed or to be employed at the residential child care program, including all compensation for personnel services and all other expenses paid or to be paid to the personnel;

(3) all other expenses incurred or to be incurred in operating the residential child care program; and

(4) a statement describing how the residential child care program will provide services in an underserved geographic area of the State, as identified by the Office.

(c) An applicant may amend the project plans submitted with its application during or after the grant application process if the amendments are:

(1) intended to meet the changing needs of the residential child care program or its residents; and

(2) approved by the Executive Director.

(d) On approval of a project and the project plans, the Executive Director shall:

(1) promptly report the application to the Board of Public Works; and

(2) recommend that the Board make funds available as provided in this subtitle.

(e) The amount of the State grant recommended to the Board of Public Works for a project shall be determined after consideration of:

(1) all eligible projects;

(2) the total of unallocated State funds available at the time the grant recommendation is made to the Board of Public Works; and

(3) the priorities established by the Office regarding geographic areas of the State identified as underserved by residential child care programs.]

[8-904.

(a) Beginning in fiscal year 2008 and in each fiscal year thereafter, the Governor may include an appropriation for the Residential Child Care Capital Grant Program in the State capital budget to be distributed and managed in accordance with this subtitle.

(b) (1) The Board of Public Works shall:

(i) make allocations from funds available for the Residential Child Care Capital Grant Program in accordance with this subtitle; and

(ii) certify the allocations to the Comptroller and the Treasurer.

(2) After the Board certifies the allocations, the Treasurer shall make payments to or on behalf of the applicant, when needed, for an approved project.

(3) The Board of Public Works may adopt regulations to implement this subsection.]

[8–905.

(a) A State grant may be used only for the purposes listed under § 8–902 of this subtitle and approved by the Executive Director under § 8–903 of this subtitle.

(b) (1) Any federal or other grant that is received for an eligible project shall be applied first to the cost of the project.

(2) A State grant may not exceed 50% of the cost of eligible work remaining unpaid after all federal grants have been applied.

(3) For purposes of this subtitle, community development block grant funds shall be considered as local matching funds and may not be considered as federal grant funds.

(c) (1) A State grant may not be used:

(i) to further sectarian religious instruction;

(ii) in connection with the design, acquisition, or construction of any building to be used as a place of sectarian religious worship or instruction; or

(iii) in connection with any program or department of divinity for any religious denomination.

(2) On the request of the Board of Public Works, the applicant shall submit evidence satisfactory to the Board that a grant is not being used for a purpose prohibited under this subsection or under applicable federal law.]

[8–906.

(a) Before the State makes any funds available for an approved project, the Office shall cause a notice of the State's right of recovery to be recorded in the land records of the county in which the property is located.

(b) The recording of the notice:

(1) does not create a lien against the property; but

(2) constitutes notice to any potential transferee, transferor, creditor, or any other interested party of the possibility that the State may obtain a lien under this subtitle.]

[8-907.

(a) The State may recover grant funds paid under this subtitle if, within 30 years after completion of a project, the property for which funds have been paid:

(1) is sold or transferred to a person that:

(i) would not qualify as an applicant under this subtitle; or

(ii) is not approved as a transferee by the Board of Public Works; or

(2) ceases to be a residential child care program.

(b) The State may recover from the:

(1) transferor;

(2) transferee; or

(3) owner of a property that has ceased to be a residential child care program.

(c) The State may recover the sum of:

(1) an amount that equals the value of the project property at the time of the recovery multiplied by a fraction:

(i) the numerator of which is the amount of the State funds for the project; and

(ii) the denominator of which is the total eligible cost of the project; and

(2) all costs and reasonable attorneys' fees incurred in the recovery proceedings.

(d) The Board of Public Works may waive the State's right of recovery under this subtitle for good cause.]

[8-908.

(a) (1) The Secretary of the Board of Public Works may file a civil complaint under this subtitle in the circuit court for the county in which the property is located,

against the owner of the property and any other interested parties, including any transferor.

(2) The complaint shall be filed with:

(i) affidavits stating facts on which the allegations of default are based; and

(ii) a detailed justification of the amount claimed.

(b) (1) If the court determines from the State's initial filing that a default described in § 8–907(a) of this subtitle has occurred, the court shall authorize a temporary lien on the property pending full determination of the State's claim.

(2) The temporary lien shall be in the amount of the State's claim, plus any additional amount estimated to be necessary to cover the costs and reasonable attorneys' fees incurred by the State, or another amount that the court determines to be reasonable.

(c) (1) A temporary lien shall take effect:

(i) on the date of the court order authorizing the lien, if the Secretary of the Board of Public Works records a notice of temporary lien in the land records of the county in which the property is located within 10 days after the date of the court order; or

(ii) on the date a notice of temporary lien is recorded.

(2) While the temporary lien is in effect, the owner or any person who acquired an interest in the property after the State first made funds available in connection with the property may not, without the prior written consent of the State:

(i) take any action that would affect the title to the property; or

(ii) institute any proceedings to enforce a security interest or other similar rights in the property.

(d) (1) The owner of the property or any other interested party may obtain release of a temporary lien at any time by filing with the court a bond securing the payment in full of the State's claim and any additional amount necessary to cover the costs and reasonable attorneys' fees incurred by the State.

(2) The owner or other interested party may cause the release to be recorded in the land records.]

(a) Proceedings to determine the State's right to recover and the amount of its recovery under this subtitle shall have priority over other civil proceedings in the circuit courts.

(b) (1) At the conclusion of full adversary proceedings on the issue of default and of any disputes over the amount of the State's recovery, if the court finds that a default described in § 8–907(a) of this subtitle has occurred, the court shall issue a final judgment for the amount it finds to be recoverable by the State.

(2) All parties involved in the default, including the owner of the property, shall be held jointly and severally liable to the State for the amount of the judgment.

(3) If the court finds that a default described in § 8–907(a) of this subtitle has not occurred or if the full amount of the court's judgment is paid to the State within 30 days after the court's final order, any temporary lien shall be released immediately and the Secretary of the Board of Public Works shall cause the release to be recorded in the land records.

(4) (i) If the amount of the final judgment remains unpaid after 30 days following the court's final order, the final judgment shall constitute a lien on the property.

(ii) Except as the State may otherwise provide by a written subordination agreement, the lien is superior to the lien or other interest of a mortgagee, pledgee, purchaser, or judgment creditor whose interest became perfected against third persons after the State first made funds available under this subtitle.

(c) (1) A lien takes effect on the later of:

(i) the 31st day after the court's final order if the Secretary of the Board of Public Works records a notice of lien in the land records of the county in which the property is located on or before the 41st day after the final order; or

(ii) the date a notice of lien is recorded.

(2) (i) When a lien takes effect, any temporary lien is automatically and fully released.

(ii) The recorded notice of a lien constitutes notice of the release of a temporary lien.

(d) A lien imposed under this section may be enforced and foreclosed in accordance with the Maryland Rules, except that the State or any agent appointed by the State to sell the property does not need to file a bond.

(e) (1) The owner or any other interested party may obtain release of a lien at any time by paying to the State the full amount of the judgment entered by the circuit court, together with interest from the date of judgment.

(2) On payment in full, the Secretary of the Board of Public Works shall cause a release to be recorded in the land records.]

[8–910.

All funds recovered under this subtitle shall be deposited in the annuity bond fund and applied to the debt service requirements of the State.]

[8–911.

The Office shall adopt regulations to implement this subtitle.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## **Chapter 89**

### **(House Bill 67)**

AN ACT concerning

#### **Maryland Infants and Toddlers Program – Composition**

FOR the purpose of repealing the requirement for the Maryland Infants and Toddlers Program to include certain early intervention services provided or supervised by the Governor’s Office for Children; and generally relating to the Maryland Infants and Toddlers Program.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 8–416  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

#### **Article – Education**

8–416.

(a) (1) There is a Maryland Infants and Toddlers Program in the Department.

(2) The purpose of the Program is to provide a statewide, community-based interagency system of comprehensive early intervention services to eligible infants and toddlers, from birth until the beginning of the school year following a child's 4th birthday, and their families.

(b) The Department shall be the lead agency for supervising and monitoring the Program.

(c) The Program shall include the early intervention services provided or supervised by the Department, the Department of Health and Mental Hygiene, including the Early Hearing Detection and Intervention Program established under Title 13, Subtitle 6 of the Health – General Article, AND the Department of Human Resources[, and the Governor's Office for Children].

(d) The Program shall be administered in accord with the applicable requirements of Part C of the Individuals with Disabilities Education Act and other applicable federal and State laws.

(e) An interagency coordinating council shall be appointed by the Governor, with the advice and consent of the Senate, and shall:

(1) Advise and assist the Department in the supervision and monitoring of the Program; and

(2) Submit an annual report to the Governor and the federal government.

(f) Local lead agencies shall be established or designated in each county and Baltimore City to administer the Program in their subdivision, under the direction of the Department.

(g) (1) In each county, the county executive or county commissioners, as appropriate, or in Baltimore City, the Mayor, shall establish a local interagency coordinating council to advise and assist the local lead agency in the development and implementation of policies that constitute the local Program.

(2) (i) In each county, the county executive or county commissioners, as appropriate, or in Baltimore City, the Mayor, may designate the local management board to serve as the local interagency coordinating council or establish the local interagency coordinating council as a part of that board.

(ii) Where a local management board and a local interagency coordinating council coexist, they shall work cooperatively.

(h) (1) For fiscal year 2004, the annual per child cost of the Program is \$4,044.

(2) For fiscal year 2005 and each succeeding fiscal year, the annual per child cost of the Program shall be the amount in paragraph (1) of this subsection increased by the same percentage as the increase in the implicit price deflator for State and local government expenditures, as of July of the second fiscal year preceding the year for which the amount is being calculated.

(3) For each fiscal year, if sufficient funds are not available to provide grants in accordance with the formula under paragraph (4) of this subsection, the Governor shall include in the annual budget bill an appropriation for the Maryland Infants and Toddlers Program in an amount not less than the amount of the appropriation for the Program as approved in the State budget as enacted by the General Assembly for the prior fiscal year.

(4) Subject to the availability of funding for the Program in the State budget, the Department shall distribute a grant to the local lead agency for the Program in each county in an amount equal to the product of:

(i) The annual per child cost multiplied by the number of children in the county who received services under the Program in the second fiscal year preceding the year for which the amount is being calculated; and

(ii) .20 for fiscal year 2007 and each succeeding fiscal year.

(i) The Department shall adopt regulations necessary to carry out the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## **Chapter 90**

### **(House Bill 70)**

AN ACT concerning

#### **Business Regulation – Billiard Table License – Repeal**

FOR the purpose of repealing certain provisions of law relating to a license to keep a billiard table for commercial use in the State; and generally relating to a billiard table license.

BY repealing  
Article – Business Regulation

Section 17–501 through 17–505 and the subtitle “Subtitle 5. Billiard Tables”  
Annotated Code of Maryland  
(2015 Replacement Volume and 2015 Supplement)

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

**Article – Business Regulation**

Title 17. Miscellaneous State Business Licenses.

[Subtitle 5. Billiard Tables.]

[17–501.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Billiard table” includes a pool table.
- (c) “Billiard table license” means a license issued by the clerk to keep a billiard table for commercial use.]

[17–502.

- (a) This subtitle does not apply in Washington County.
- (b) This subtitle does not impair the right of Baltimore City or a municipal corporation of the State to impose a tax on billiard tables.]

[17–503.

A person must have a billiard table license whenever the person keeps a billiard table for commercial use in the State.]

[17–504.

An applicant for a billiard table license shall pay to the clerk a license fee of:

- (1) \$10 for each billiard table in a county other than Baltimore City, Baltimore County, or Cecil County;
- (2) \$20 for each billiard table in Cecil County; or
- (3) \$40 for each billiard table in Baltimore City.]

[17–505.

(a) A person may not keep a billiard table for commercial use unless the person has a billiard table license.

(b) A person who violates this section is guilty of a misdemeanor and, on conviction, is subject to a fine of \$500 for each billiard table kept for commercial use in violation of this section.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, April 12, 2016.

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**Chapter 91**

**(House Bill 74)**

AN ACT concerning

**Judgeships – Circuit Courts and District Court**

FOR the purpose of altering the number of resident judges of the circuit court in certain counties and Baltimore City; altering the number of resident judges of the District Court in certain districts; and generally relating to judgeships in the circuit courts and the District Court.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 1–503 and 1–603(b)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

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

**Article – Courts and Judicial Proceedings**

1–503.

(a) In each county in the first seven judicial circuits there shall be the number of resident judges of the circuit court set forth below, including the judge or judges provided for by the Constitution:

- (1) Allegany..... 2

(2) Anne Arundel ..... [12] **13**

(3) Baltimore County..... [18] **20**

(4) Calvert..... 3

(5) Caroline ..... 1

(6) Carroll..... 4

(7) Cecil ..... 4

(8) Charles ..... [4] **5**

(9) Dorchester ..... 1

(10) Frederick ..... [5] **6**

(11) Garrett..... 1

(12) Harford ..... [5] **6**

(13) Howard ..... 5

(14) Kent ..... 1

(15) Montgomery ..... [22] **24**

(16) Prince George’s..... [23] **24**

(17) Queen Anne’s ..... 1

(18) St. Mary’s ..... 3

(19) Somerset..... 1

(20) Talbot..... 1

(21) Washington ..... 5

(22) Wicomico..... 4

(23) Worcester..... 3

(b) In Baltimore City there shall be [33] **35** resident judges of the Circuit Court for Baltimore City.

1–603.

(b) In each of the districts provided for in § 1–602 of this subtitle, there shall be the following number of associate judges of the District Court:

- (1) District 1 — 28
- (2) District 2 — 6, two to be appointed from Wicomico County and two to be appointed from Worcester County
- (3) District 3 — 6, two to be appointed from Cecil County
- (4) District 4 — 6, two to be appointed from Calvert County and three to be appointed from Charles County
- (5) District 5 — [16] **17**
- (6) District 6 — [12] **13**
- (7) District 7 — 9
- (8) District 8 — 13
- (9) District 9 — 4
- (10) District 10 — 7, two to be appointed from Carroll County and five to be appointed from Howard County
- (11) District 11 — 5, three to be appointed from Frederick County and two to be appointed from Washington County
- (12) District 12 — 3, two to be appointed from Allegany County

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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**Chapter 92**

**(House Bill 78)**

AN ACT concerning

**State Fire Marshal – Reporting Requirements – Repeal**

FOR the purpose of repealing a requirement that certain fire investigation reports about chimney fires be filed with the State Fire Marshal; repealing a requirement that the State Fire Marshal establish and maintain a repository of certain chimney fire reports; repealing a requirement that certain insurers report certain losses to the State Fire Marshal within a certain time period in a certain manner; and generally relating to the State Fire Marshal and fire investigation reporting.

BY repealing

Article – Public Safety

Section 6–313 and 6–314

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

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

**Article – Public Safety**

[6–313.

(a) On determining that a chimney contributed to causing a fire, the State Fire Marshal or the local authority with jurisdiction over fire investigations shall file with the State Fire Marshal a report that identifies the chimney as:

- (1) a lined, masonry chimney;
- (2) an unlined, masonry chimney; or
- (3) a prefabricated, metal chimney.

(b) The State Fire Marshal shall establish and maintain a repository of reports filed in accordance with subsection (a) of this section.]

[6–314.

(a) Within 10 days after the adjustment of a loss from a fire in excess of \$5,000 damage sustained by an insurer doing business in the State, the insurer shall report to the State Fire Marshal, on a form provided by the State Fire Marshal, the information that the State Fire Marshal considers necessary.

(b) The report required under subsection (a) of this section is in addition to any information required by the Insurance Commissioner.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, April 12, 2016.

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**Chapter 93**

**(House Bill 90)**

AN ACT concerning

**On-Site Sewage Disposal Systems – Operation and Maintenance Costs –  
Low-Income Homeowners**

FOR the purpose of ~~requiring the Department of the Environment to assist, with money from the Bay Restoration Fund, low-income homeowners with~~ authorizing certain fee revenue collected for the Bay Restoration Fund to be used for financial assistance to certain low-income homeowners for the cost, up to a certain percent, of certain operation and maintenance contracts for on-site sewage disposal systems that utilize nitrogen removal technology; requiring the Department or a local government to determine applicant eligibility and the amount of assistance to be provided; ~~defining certain terms;~~ and generally relating to on-site sewage disposal systems.

BY repealing and reenacting, without amendments,

Article – Environment

Section 9-1605.2(h)(1)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section ~~9-1108~~ 9-1605.2(h)(2)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY adding to

Article – Environment

Section 9-1605.2(h)(7)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

**Article – Environment**

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

~~(2) "LOW INCOME HOMEOWNER" MEANS A HOMEOWNER WITH AN INCOME THAT IS 60% OR LESS OF THE AREA MEDIAN INCOME.~~

~~(3) "Nitrogen removal technology" means the best available technology for the removal of nitrogen.~~

~~[(3)] (4) "On-site sewage disposal system" means a sewage treatment unit, collection system, disposal area, and related appurtenances.~~

~~(5) "VENDOR" HAS THE MEANING STATED IN § 9-1108.1 OF THIS SUBTITLE.~~

(b) ~~A person may not:~~

~~(1) Install, or have installed, on property a person owns in the State in the Chesapeake and Atlantic Coastal Bays Critical Area, an on-site sewage disposal system to service a newly constructed building, unless the on-site sewage disposal system utilizes nitrogen removal technology; or~~

~~(2) Replace or have replaced, an existing on-site sewage disposal system on property a person owns in the State in the Chesapeake and Atlantic Coastal Bays Critical Area, unless the replacement on-site sewage disposal system utilizes nitrogen removal technology.~~

~~(c) (1) Subject to paragraph (2) of this subsection and in accordance with § 9-1605.2(h) of this title, the Department shall assist homeowners in paying the cost difference between a conventional on-site sewage disposal system and a system that utilizes nitrogen removal technology with money from the Bay Restoration Fund, if sufficient funds are available.~~

~~(2) In calendar years 2010, 2011, and 2012, the Department shall assist homeowners by paying 100% of the cost difference between a conventional on-site sewage disposal system and a system that utilizes nitrogen removal technology with money from the Bay Restoration Fund, if the homeowner:~~

~~(i) Is required under subsection (b)(2) of this section to replace an existing on-site sewage disposal system with an on-site sewage disposal system that utilizes nitrogen removal technology; and~~

~~(ii) Has a failing on-site sewage disposal system.~~

~~(d) (1) THE DEPARTMENT SHALL ASSIST LOW INCOME HOMEOWNERS BY PAYING UP TO 50% OF THE COST OF A 3-YEAR OPERATION AND MAINTENANCE~~

~~CONTRACT FOR AN ON-SITE SEWAGE DISPOSAL SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY WITH MONEY FROM THE BAY RESTORATION FUND.~~

~~(2) THE DEPARTMENT OR A LOCAL GOVERNMENT SHALL DETERMINE:~~

~~(I) WHETHER AN APPLICANT IS ELIGIBLE FOR ASSISTANCE UNDER THIS SUBSECTION; AND~~

~~(II) THE AMOUNT OF ASSISTANCE TO BE PROVIDED FOR EACH APPLICANT BASED ON THE AVERAGE COST OF A 3 YEAR OPERATION AND MAINTENANCE CONTRACT PROVIDED BY VENDORS IN THE APPLICANT'S AREA.~~

~~(E) (1) Subject to paragraph (2) of this subsection, a person who violates subsection (b) of this section is subject to the civil and administrative penalties and the enforcement mechanisms provided in §§ 9-334 through 9-342 of this title.~~

~~(2) The penalties imposed under this section may not exceed \$8,000.~~

~~[(c)] (F) (1) The Department shall adopt regulations to implement this section.~~

~~(2) The regulations adopted in accordance with paragraph (1) of this subsection shall include provisions to ensure that appropriate management measures are provided for the operation and maintenance of nitrogen removal technology.~~

9-1605.2.

(h) (1) With regard to the funds collected under subsection (b)(1)(i)1 of this section from users of an on-site sewage disposal system or holding tank that receive a water bill and subsection (b)(1)(i)2 and 3 of this section, beginning in fiscal year 2006, the Comptroller shall:

(i) Establish a separate account within the Bay Restoration Fund;  
and

(ii) Disburse the funds as provided under paragraph (2) of this subsection.

(2) The Comptroller shall:

(i) Deposit 60% of the funds in the separate account to be used for:

1. Subject to paragraphs (3), (4), (5), and (6) of this subsection, with priority first given to failing systems and holding tanks located in the Chesapeake and Atlantic Coastal Bays Critical Area and then to failing systems that the

Department determines are a threat to public health or water quality, grants or loans for up to 100% of:

A. The costs attributable to upgrading an on-site sewage disposal system to the best available technology for the removal of nitrogen;

B. The cost difference between a conventional on-site sewage disposal system and a system that utilizes the best available technology for the removal of nitrogen;

C. The cost of repairing or replacing a failing on-site sewage disposal system with a system that uses the best available technology for nitrogen removal;

D. The cost, up to the sum of the costs authorized under item B of this item for each individual system, of replacing multiple on-site sewage disposal systems located in the same community with a new community sewerage system that is owned by a local government and that meets enhanced nutrient removal standards; or

E. The cost, up to the sum of the costs authorized under item C of this item for each individual system, of connecting a property using an on-site sewage disposal system to an existing municipal wastewater facility that is achieving enhanced nutrient removal or biological nutrient removal level treatment, including payment of the principal, but not interest, of debt issued by a local government for such connection costs;

2. The reasonable costs of the Department, not to exceed 8% of the funds deposited into the separate account, to:

A. Implement an education, outreach, and upgrade program to advise owners of on-site sewage disposal systems and holding tanks on the proper maintenance of the systems and tanks and the availability of grants and loans under item 1 of this item;

B. Review and approve the design and construction of on-site sewage disposal system or holding tank upgrades;

C. Issue grants or loans as provided under item 1 of this item;  
and

D. Provide technical support for owners of upgraded on-site sewage disposal systems or holding tanks to operate and maintain the upgraded systems;  
[and]

3. A portion of the reasonable costs of a local public entity that has been delegated by the Department under § 1-301(b) of this article to administer and enforce environmental laws, not to exceed 10% of the funds deposited into the separate account, to implement regulations adopted by the Department for on-site sewage disposal systems that utilize the best available technology for the removal of nitrogen; and

**4. SUBJECT TO PARAGRAPH (7) OF THIS SUBSECTION, FINANCIAL ASSISTANCE TO LOW-INCOME HOMEOWNERS, AS DEFINED BY THE DEPARTMENT, FOR UP TO 50% OF THE COST OF A ~~3-YEAR~~ AN OPERATION AND MAINTENANCE CONTRACT OF UP TO 5 YEARS FOR AN ON-SITE SEWAGE DISPOSAL SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY; AND**

**(ii) Transfer 40% of the funds to the Maryland Agriculture Water Quality Cost Share Program in the Department of Agriculture in order to fund cover crop activities.**

**(7) THE DEPARTMENT OR A LOCAL GOVERNMENT SHALL DETERMINE:**

**(I) WHETHER AN APPLICANT IS ELIGIBLE FOR FINANCIAL ASSISTANCE UNDER PARAGRAPH (2)(I)4 OF THIS SUBSECTION; AND**

**(II) THE AMOUNT OF FINANCIAL ASSISTANCE TO BE PROVIDED FOR EACH APPLICANT BASED ON THE AVERAGE COST OF A ~~3-YEAR~~ AN OPERATION AND MAINTENANCE CONTRACT OF UP TO 5 YEARS PROVIDED BY VENDORS, AS DEFINED IN § 9-1108.1 OF THIS TITLE, IN THE APPLICANT'S AREA.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 94

(House Bill 119)

AN ACT concerning

### State Board of Physicians – Licensing Exemption – Physicians With Traveling Athletic and Sports Teams

FOR the purpose of authorizing certain physicians, under certain circumstances, to practice medicine in the State without a license issued by the State Board of Physicians and without submitting to a criminal history records check while providing medical care to an athletic team's or a sports team's members, band members, cheerleading squad, mascot, coaches, and other staff; and generally relating to a licensing exemption for physicians with traveling athletic and sports teams.

BY repealing and reenacting, with amendments,

Article – Health Occupations  
Section 14–302  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

**Article – Health Occupations**

14–302.

(A) Subject to the rules, regulations, and orders of the Board, the following individuals may practice medicine without a license if the individuals submit to a criminal history records check in accordance with § 14–308.1 of this subtitle:

(1) A medical student or an individual in a postgraduate medical training program that is approved by the Board, while doing the assigned duties at any office of a licensed physician, hospital, clinic, or similar facility;

(2) A physician licensed by and residing in another jurisdiction, if the physician:

(i) Is engaged in consultation with a physician licensed in the State about a particular patient and does not direct patient care; or

(ii) Meets the requirements of § 14–302.1 of this subtitle;

(3) A physician employed in the service of the federal government while performing the duties incident to that employment;

(4) A physician who resides in and is authorized to practice medicine by any state adjoining this State and whose practice extends into this State, if:

(i) The physician does not have an office or other regularly appointed place in this State to meet patients; and

(ii) The same privileges are extended to licensed physicians of this State by the adjoining state; and

(5) An individual while under the supervision of a licensed physician who has specialty training in psychiatry, and whose specialty training in psychiatry has been approved by the Board, if the individual submits an application to the Board on or before October 1, 1993, and either:

(i) 1. Has a master's degree from an accredited college or university; and

2. Has completed a graduate program accepted by the Board in a behavioral science that includes 1,000 hours of supervised clinical psychotherapy experience; or

(ii) 1. Has a baccalaureate degree from an accredited college or university; and

2. Has 4,000 hours of supervised clinical experience that is approved by the Board.

**(B) A PHYSICIAN LICENSED BY AND RESIDING IN ANOTHER JURISDICTION MAY PRACTICE MEDICINE WITHOUT A LICENSE AND WITHOUT SUBMITTING TO A CRIMINAL HISTORY RECORDS CHECK IF THE PHYSICIAN:**

**(1) HAS AN ACTIVE, UNRESTRICTED LICENSE TO PRACTICE MEDICINE IN THE JURISDICTION WHERE THE PHYSICIAN REGULARLY ENGAGES IN THE PRACTICE OF MEDICINE;**

**(2) IS EMPLOYED BY OR HAS A WRITTEN AGREEMENT WITH AN ATHLETIC TEAM OR A SPORTS TEAM BASED OUTSIDE THE STATE;**

**(3) IS DESIGNATED AS THE TEAM PHYSICIAN BY THE ATHLETIC OR SPORTS TEAM TO PROVIDE MEDICAL CARE TO THE TEAM'S MEMBERS, BAND MEMBERS, CHEERLEADING SQUAD, MASCOT, COACHES, AND OTHER STAFF WHO TRAVEL TO A SPECIFIED SPORTING EVENT TAKING PLACE IN THE STATE;**

**(4) WHILE IN THE STATE, PROVIDES MEDICAL CARE ONLY TO INDIVIDUALS LISTED IN ITEM (3) OF THIS SUBSECTION;**

**(5) DOES NOT PROVIDE MEDICAL CARE IN THE STATE FOR MORE THAN 45 DAYS IN A CALENDAR YEAR; AND**

**(6) DOES NOT ENGAGE IN THE PRACTICE OF MEDICINE AT A HOSPITAL, RELATED INSTITUTION, OR OTHER HEALTH CARE FACILITY, INCLUDING AN ACUTE CARE FACILITY, LOCATED WITHIN THE STATE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, April 12, 2016.

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**Chapter 95****(House Bill 120)**

AN ACT concerning

**State Budget – Department of Budget and Management – Statement of  
Dedicated State Funds**

FOR the purpose of requiring the Secretary of Budget and Management to publish on the Department of Budget and Management's Web site a certain itemized statement, linked to the proposed State budget, of revenues collected by the State that are dedicated by law to a special fund; and generally relating to the Department of Budget and Management and the State budget.

BY adding to

Article – State Finance and Procurement  
Section 7–107  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – State Finance and Procurement**

**7–107.**

**THE SECRETARY SHALL PUBLISH ON THE DEPARTMENT OF BUDGET AND MANAGEMENT'S WEB SITE, IN A MACHINE-READABLE FORMAT, AN ITEMIZED STATEMENT, LINKED TO THE PROPOSED STATE BUDGET, OF REVENUES COLLECTED BY THE STATE THAT ARE DEDICATED BY LAW TO A SPECIAL FUND, INCLUDING:**

- (1) THE NAME OF EACH SPECIAL FUND;**
- (2) A DESCRIPTION OF THE PURPOSE OF THE SPECIAL FUND;**
- (3) THE SOURCE OF REVENUE FOR THE SPECIAL FUND;**
- (4) THE AMOUNT DEPOSITED INTO THE SPECIAL FUND IN THE PREVIOUS FISCAL YEAR; AND**
- (5) THE BALANCE OF REVENUES IN THE SPECIAL FUND AT THE CLOSE OF THE PREVIOUS FISCAL YEAR.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 96

### (House Bill 131)

AN ACT concerning

#### **Commercial Law – Nondisparagement Clauses in Consumer Contracts – Prohibition**

FOR the purpose of prohibiting a contract or a proposed contract for the sale or lease of consumer goods or services from including a provision waiving the consumer's right to make a certain statement; prohibiting a person from threatening or seeking enforcement of a certain contract provision; prohibiting a person from penalizing a consumer for making a certain statement; providing that a waiver of certain provisions of this Act is contrary to public policy and is void and unenforceable; providing for the construction and application of this Act; providing that a violation of this Act is an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act and subject to certain enforcement and penalty provisions; defining certain terms; and generally relating to nondisparagement clauses in consumer contracts.

BY adding to

Article – Commercial Law

Section 14–1325

Annotated Code of Maryland

(2013 Replacement Volume and 2015 Supplement)

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

#### **Article – Commercial Law**

**14–1325.**

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

**(2) “CONSUMER” MEANS AN ACTUAL OR A PROSPECTIVE PURCHASER, LESSEE, OR RECIPIENT OF CONSUMER GOODS OR SERVICES.**

(3) “CONSUMER GOODS OR SERVICES” MEANS GOODS OR SERVICES THAT ARE PRIMARILY FOR PERSONAL, HOUSEHOLD, OR FAMILY PURPOSES.

(B) A CONTRACT OR A PROPOSED CONTRACT FOR THE SALE OR LEASE OF CONSUMER GOODS OR SERVICES MAY NOT INCLUDE A PROVISION WAIVING THE CONSUMER’S RIGHT TO MAKE ANY STATEMENT CONCERNING:

- (1) THE SELLER OR LESSOR;
- (2) EMPLOYEES OR AGENTS OF THE SELLER OR LESSOR; OR
- (3) THE CONSUMER GOODS OR SERVICES.

(C) A PERSON MAY NOT:

(1) THREATEN OR SEEK ENFORCEMENT OF A CONTRACT PROVISION PROHIBITED UNDER SUBSECTION (B) OF THIS SECTION; OR

(2) PENALIZE A CONSUMER FOR MAKING ANY STATEMENT PROTECTED UNDER SUBSECTION (B) OF THIS SECTION.

(D) A WAIVER OF ANY PROVISION OF THIS SECTION IS CONTRARY TO PUBLIC POLICY AND IS VOID AND UNENFORCEABLE.

(E) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT OR LIMIT A PERSON ~~THAT~~:

(1) THAT HOSTS ONLINE CONSUMER REVIEWS OR COMMENTS FROM REMOVING A STATEMENT THAT IS OTHERWISE LAWFUL TO REMOVE; ~~OR~~

(2) FROM INCLUDING IN A CONTRACT OR A PROPOSED CONTRACT FOR THE SALE OR LEASE OF CONSUMER GOODS OR SERVICES A PROVISION PROHIBITING A CONSUMER FROM DISCLOSING PROPRIETARY INFORMATION, TECHNIQUES, OR PROCESSES; OR

(3) FROM BRINGING AN ACTION ALLEGING THAT A STATEMENT MADE BY A CONSUMER IS DEFAMATORY.

(F) A VIOLATION OF THIS SECTION IS:

(1) AN UNFAIR AND DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THIS ARTICLE; AND

**(2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THIS ARTICLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any contract entered into before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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**Chapter 97**

**(House Bill 137)**

AN ACT concerning

**Charles County – Taxing Districts for Infrastructure Improvements – Repeal of Restriction**

FOR the purpose of repealing a certain restriction on the exercise of authority granted to Charles County to establish certain taxing districts for certain infrastructure improvements; and generally relating to authority for Charles County to establish taxing districts for certain infrastructure improvements.

BY repealing and reenacting, with amendments,  
Article – Local Government  
Section 21–521  
Annotated Code of Maryland  
(2013 Volume and 2015 Supplement)

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

**Article – Local Government**

21–521.

(a) [Charles County may exercise the authority granted under this subtitle only in a commercial or light industrial zone.

(b)] Charles County may exercise the authority granted under this subtitle to provide financing, refinancing, or reimbursement of costs for the purposes under §

21–504(a) of this subtitle relating to the development of resort hotels and conference centers in a waterfront planned community.

**[(c)] (B)** (1) In addition to imposing ad valorem or special taxes under this subtitle, Charles County may impose a hotel rental tax in a special taxing district to provide financing, refinancing, or reimbursement of costs for the purposes under § 21–504(a) of this subtitle relating to the development of resort hotels and conference centers in a waterfront planned community.

(2) The taxes provided under this subtitle for payment of bonds and pledged to the special fund may include the hotel rental tax authorized under this subsection.

(3) The hotel rental tax authorized under this subsection is in addition to the hotel rental tax authorized under Title 20, Subtitle 4 of this article.

(4) The rate of the hotel rental tax authorized under this subsection may not exceed the rate of the hotel rental tax imposed under Title 20, Subtitle 4 of this article in effect on the day the governing body of Charles County establishes a special taxing district under this subtitle.

(5) The proceeds from the hotel rental tax authorized under this subsection may be used only for the purposes authorized under this subtitle.

(6) Charles County may not impose the hotel rental tax authorized under this subsection outside a special taxing district established under this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 98

### (House Bill 164)

AN ACT concerning

### **State Personnel Management System – Background Investigation and Criminal History Records Check – Prospective and Current Employees**

FOR the purpose of authorizing certain appointing authorities in the State Personnel Management System to require certain prospective or current employees to provide certain information for a certain background investigation; authorizing certain appointing authorities to request from the Criminal Justice Information System

Central Repository a State and national criminal history records check for certain prospective and current employees; establishing certain procedures to apply for a criminal history records check; requiring the Central Repository to forward criminal history record information to certain prospective or current employees; providing that certain information is confidential and may be used only for certain purposes; requiring the Central Repository to provide a revised printed statement of a certain ~~State~~ criminal history record under certain circumstances; authorizing an individual who is the subject of a criminal history records check under this Act to contest certain information in the record; authorizing the Secretary of Budget and Management to adopt certain regulations, guidelines, and policies; defining a certain term; and generally relating to background investigations and criminal history records checks for employees in the State Personnel Management System.

BY adding to

Article – State Personnel and Pensions  
Section 7–104  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – State Personnel and Pensions**

**7–104.**

**(A) IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

**(B) IN CONNECTION WITH AN INITIAL APPLICATION FOR EMPLOYMENT OR AS A CONDITION OF CONTINUED EMPLOYMENT IN A POSITION IN THE STATE PERSONNEL MANAGEMENT SYSTEM FOR WHICH THE JOB DUTIES INCLUDE ACCESS TO FEDERAL TAX INFORMATION THAT IS DEEMED CONFIDENTIAL OR SENSITIVE UNDER FEDERAL OR STATE LAW OR REGULATION, AN APPOINTING AUTHORITY MAY:**

**(1) REQUIRE A PROSPECTIVE OR CURRENT EMPLOYEE TO PROVIDE INFORMATION FOR A BACKGROUND INVESTIGATION, INCLUDING, FOR AT LEAST THE PREVIOUS ~~10-YEAR~~ 5-YEAR PERIOD, THE PROSPECTIVE OR CURRENT EMPLOYEE’S:**

**(I) ADDRESS HISTORY; AND**

**(II) EMPLOYMENT AND EDUCATION HISTORY, INCLUDING THE NAMES AND ADDRESSES OF ALL PREVIOUS EMPLOYERS AND SCHOOLS ATTENDED; AND**

(2) REQUEST A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FROM THE CENTRAL REPOSITORY FOR THE PROSPECTIVE OR CURRENT EMPLOYEE.

(C) (1) THE APPOINTING AUTHORITY SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH PROSPECTIVE OR CURRENT EMPLOYEE FOR WHOM A RECORDS CHECK IS SOUGHT UNDER SUBSECTION (B)(2) OF THIS SECTION.

(2) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE APPOINTING AUTHORITY SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) TWO COMPLETE SETS OF THE PROSPECTIVE OR CURRENT EMPLOYEE'S LEGIBLE FINGERPRINTS TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO CRIMINAL HISTORY RECORD INFORMATION; AND

(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(3) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE OR CURRENT EMPLOYEE AND THE APPOINTING AUTHORITY THE PROSPECTIVE OR CURRENT EMPLOYEE'S CRIMINAL HISTORY RECORD INFORMATION.

(4) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBSECTION:

(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

(II) MAY BE USED ONLY FOR EMPLOYMENT PURPOSES AUTHORIZED UNDER DIVISION I OF THIS ARTICLE.

(5) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE APPOINTING

**AUTHORITY A REVISED PRINTED STATEMENT OF THE PROSPECTIVE OR CURRENT EMPLOYEE'S ~~STATE~~ CRIMINAL HISTORY RECORD.**

**(6) A PROSPECTIVE OR CURRENT EMPLOYEE WHO IS THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10–223 OF THE CRIMINAL PROCEDURE ARTICLE.**

**(D) A PROSPECTIVE OR CURRENT EMPLOYEE WHO REFUSES TO COMPLY WITH OR FAILS, AS DEFINED BY REGULATION, THE BACKGROUND INVESTIGATION OR CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION IS DEEMED TO BE UNQUALIFIED FOR EMPLOYMENT AND, IF A CURRENT EMPLOYEE, SUBJECT TO DISCIPLINARY ACTION UNDER THIS ARTICLE.**

**(E) THE SECRETARY MAY ADOPT REGULATIONS, GUIDELINES, AND POLICIES TO CARRY OUT THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## **Chapter 99**

**(House Bill 185)**

AN ACT concerning

### **State Board of Physicians – Licensed Physicians – Continuing Education Requirements**

FOR the purpose of prohibiting the State Board of Physicians from establishing a continuing education requirement that every licensed physician complete a specific course or program as a condition to the renewal of a license; and generally relating to continuing education requirements for licensed physicians in the State.

BY repealing and reenacting, without amendments,  
Article – Health Occupations  
Section 14–316(a), (b), (c), and (e)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health Occupations

Section 14–316(d)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

**Article – Health Occupations**

14–316.

(a) (1) The Board shall provide for the term and renewal of licenses under this section.

(2) The term of a license may not be more than 3 years.

(3) A license expires at the end of its term, unless the license is renewed for a term as provided by the Board.

(b) (1) Subject to paragraph (2) of this subsection, at least 1 month before the license expires, the Board shall send to the licensee, by electronic or first–class mail to the last known electronic or physical address of the licensee:

(i) A renewal notice that states:

1. The date on which the current license expires;

2. The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license expires; and

3. The amount of the renewal fee; and

(ii) A blank panel data sheet supplied by the Health Care Alternative Dispute Resolution Office.

(2) If the Board chooses to send renewal notices exclusively by electronic mail under paragraph (1) of this subsection, the Board shall send a renewal notice by first–class mail to a licensee on request of the licensee.

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

(1) Otherwise is entitled to be licensed;

(2) Pays to the Board a renewal fee set by the Board; and

(3) Submits to the Board:

(i) A renewal application on the form that the Board requires; and

(ii) Satisfactory evidence of compliance with any continuing education requirements set under this section for license renewal.

(d) (1) In addition to any other qualifications and requirements established by the Board, the Board may establish continuing education requirements as a condition to the renewal of licenses under this section.

(2) In establishing these requirements, the Board shall evaluate existing methods, devices, and programs in use among the various medical specialties and other recognized medical groups.

(3) The Board shall adopt regulations that allow a licensee seeking renewal to receive up to 5 continuing education credits per renewal period for providing uncompensated, voluntary medical services during each renewal period.

(4) The Board may not establish or enforce these requirements if they would so reduce the number of physicians in a community as to jeopardize the availability of adequate medical care in that community.

**(5) THE BOARD MAY NOT ESTABLISH A CONTINUING EDUCATION REQUIREMENT THAT EVERY LICENSEE COMPLETE A SPECIFIC COURSE OR PROGRAM AS A CONDITION TO THE RENEWAL OF A LICENSE UNDER THIS SECTION.**

**[(5)] (6)** The Board may impose a civil penalty of up to \$100 per continuing medical education credit in lieu of a sanction under § 14-404 of this title, for a first offense, for the failure of a licensee to obtain the continuing medical education credits required by the Board.

(e) The Board 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, 2016.

**Approved by the Governor, April 12, 2016.**

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**Chapter 100**

**(House Bill 331)**

AN ACT concerning

### Program Open Space – Funding for Capital Improvements

FOR the purpose of altering the funds under Program Open Space that are authorized to be used for certain capital improvements under certain circumstances; making this Act an emergency measure; and generally relating to funding for capital improvements under Program Open Space.

BY repealing and reenacting, with amendments,  
 Article – Natural Resources  
 Section 5–903(g)(1)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Tax – Property  
 Section 13–209(d)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

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

#### Article – Natural Resources

5–903.

(g) (1) Any amount appropriated in the State budget, and for each subsequent fiscal year, up to 25 percent of the State’s share of funds that would be available under the program if 100 percent of the funds not required under § 13–209(b) of the Tax – Property Article were available for distribution as provided in § [13–209(d)(3)] **13–209(D)** of the Tax – Property Article may be used for capital improvements on land owned by the State for the use of the Department, the Maryland Historical Trust for museums operated by the Trust, or the Historic St. Mary’s Commission, if the improvements are:

- (i) Approved in the State budget; and
- (ii) Compatible with:
  1. Any master plan developed for the land; and
  2. The natural features of the land.

#### Article – Tax – Property

13–209.

(d) Subject to subsections (d–1) and (e) of this section, for the fiscal year beginning July 1, 2002 and for each subsequent fiscal year, the balance of the revenue in the special fund, not required under subsection (b) of this section and not allocated to the General Fund under subsection (c)(1) of this section shall be allocated in the State budget as follows:

(1) (i) 75.15% for the purposes specified in Title 5, Subtitle 9 of the Natural Resources Article (Program Open Space); and

(ii) an additional 1% for Program Open Space, for land acquisition purposes as specified in § 5–903(a)(2) of the Natural Resources Article;

(2) 17.05% for the Agricultural Land Preservation Fund established under § 2–505 of the Agriculture Article;

(3) 5% for the Rural Legacy Program established under § 5–9A–01 of the Natural Resources Article; and

(4) 1.8% for the Heritage Conservation Fund established under § 5–1501 of the Natural Resources 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.

**Approved by the Governor, April 12, 2016.**

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## Chapter 101

**(House Bill 357)**

AN ACT concerning

### **Frederick County – Local Government Tort Claims Act – Notice of Claim**

FOR the purpose of requiring notice of a claim against Frederick County under the Local Government Tort Claims Act to be given to the county solicitor or county attorney; and generally relating to notice of a claim under the Local Government Tort Claims Act.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 5–304  
Annotated Code of Maryland

(2013 Replacement Volume and 2015 Supplement)

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

**Article – Courts and Judicial Proceedings**

5–304.

(a) This section does not apply to an action against a nonprofit corporation described in § 5–301(d)(23), (24), (25), (26), (28), or (29) of this subtitle or its employees.

(b) (1) Except as provided in subsections (a) and (d) of this section, an action for unliquidated damages may not be brought against a local government or its employees unless the notice of the claim required by this section is given within 1 year after the injury.

(2) The notice shall be in writing and shall state the time, place, and cause of the injury.

(c) (1) The notice required under this section shall be given in person or by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, by the claimant or the representative of the claimant.

(2) Except as otherwise provided, if the defendant local government is a county, the notice required under this section shall be given to the county commissioners or county council of the defendant local government.

(3) If the defendant local government is:

(i) Baltimore City, the notice shall be given to the City Solicitor;

(ii) Howard County or Montgomery County, the notice shall be given to the County Executive; and

(iii) Anne Arundel County, Baltimore County, **FREDERICK COUNTY**, Harford County, or Prince George's County, the notice shall be given to the county solicitor or county attorney.

(4) For any other local government, the notice shall be given to the corporate authorities of the defendant local government.

(d) Notwithstanding the other provisions of this section, unless the defendant can affirmatively show that its defense has been prejudiced by lack of required notice, upon motion and for good cause shown the court may entertain the suit even though the required notice was not given.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 102

### (House Bill 366)

AN ACT concerning

#### **Anne Arundel County – Property Tax Credit – Blind Individuals ~~and Surviving Spouses~~**

FOR the purpose of authorizing the governing body of Anne Arundel County and of a municipal corporation in Anne Arundel County to grant, by law, a property tax credit against the county and municipal corporation property tax imposed on certain residential property owned by certain blind individuals ~~or surviving spouses of blind individuals~~; requiring that a property tax credit authorized by this Act shall be granted in addition to any property tax exemption authorized by law, except under certain circumstances; authorizing the governing body of Anne Arundel County and of a municipal corporation in the county to provide, by law, for regulations, procedures, and any other provisions necessary to administer the tax credit; defining certain terms; providing for the application of this Act; and generally relating to a property tax credit for certain residential property in Anne Arundel County.

BY adding to

Article – Tax – Property

Section 9–303(b)(5)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

#### **Article – Tax – Property**

9–303.

(b) (5) (I) 1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

2. “BLIND INDIVIDUAL” MEANS AN INDIVIDUAL WHO HAS A PERMANENT IMPAIRMENT OF BOTH EYES THAT:

A. CAUSES CENTRAL VISUAL ACUITY, WITH CORRECTIVE GLASSES, OF 20/200 OR LESS IN THE BETTER EYE; OR

B. CAUSES CENTRAL VISUAL ACUITY OF MORE THAN 20/200 IF THERE IS A FIELD DEFECT IN WHICH THE PERIPHERAL FIELD HAS CONTRACTED SO THAT THE WIDEST DIAMETER OF VISUAL FIELD SUBTENDS AN ANGULAR DISTANCE NO GREATER THAN 20 DEGREES IN THE BETTER EYE.

3. "DWELLING HOUSE" MEANS REAL PROPERTY THAT:

A. IS THE LEGAL RESIDENCE OF A BLIND INDIVIDUAL ~~OR A SURVIVING SPOUSE~~;

B. IS OCCUPIED BY NOT MORE THAN TWO FAMILIES; AND

C. INCLUDES THE LOT OR CURTILAGE, AND STRUCTURES NECESSARY TO USE THE REAL PROPERTY AS A RESIDENCE.

~~4. "SURVIVING SPOUSE" MEANS THE SURVIVING SPOUSE OF A BLIND INDIVIDUAL, IF THE SURVIVING SPOUSE HAS NOT REMARRIED.~~

(II) THE GOVERNING BODY OF ANNE ARUNDEL COUNTY OR OF A MUNICIPAL CORPORATION IN ANNE ARUNDEL COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS PARAGRAPH AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON \$15,000 OF THE ASSESSMENT VALUE OF A DWELLING HOUSE THAT IS OWNED BY:

~~1.~~ A BLIND INDIVIDUAL; ~~OR~~

~~2.~~ ~~A SURVIVING SPOUSE.~~

(III) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, IF A PROPERTY TAX CREDIT UNDER THIS PARAGRAPH IS GRANTED, IT SHALL BE GRANTED IN ADDITION TO ANY PROPERTY TAX EXEMPTION AUTHORIZED BY LAW.

2. AN INDIVIDUAL MAY NOT RECEIVE BOTH A PROPERTY TAX CREDIT UNDER THIS PARAGRAPH AND AN EXEMPTION UNDER § 7-208 OF THIS ARTICLE.

(IV) THE GOVERNING BODY OF ANNE ARUNDEL COUNTY OR OF A MUNICIPAL CORPORATION IN ANNE ARUNDEL COUNTY MAY PROVIDE, BY LAW, FOR:

1. REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND
2. ANY OTHER PROVISION NECESSARY TO ADMINISTER THE TAX CREDIT UNDER THIS PARAGRAPH.

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.

Approved by the Governor, April 12, 2016.

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## Chapter 103

(House Bill 389)

AN ACT concerning

### Chesapeake and Atlantic Coastal Bays Critical Area Protection Program – Intrafamily Transfers

FOR the purpose of altering the definition of “immediate family” as it relates to intrafamily transfers of certain property authorized in a local jurisdiction’s Chesapeake and Atlantic Coastal Bays Critical Area protection program; making this Act an emergency measure; and generally relating to the Chesapeake and Atlantic Coastal Bays Critical Area protection program.

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 8–1808.2  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

#### Article – Natural Resources

8–1808.2.

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

(2) “Bona fide intrafamily transfer” means a transfer to a member of the owner’s immediate family of a portion of the owner’s property for the purpose of establishing a residence for that family member.

(3) “Immediate family” means a father, mother, son, daughter, grandfather, grandmother, grandson, [or] granddaughter, **OR SIBLING**.

(b) Notwithstanding density limitations established in criteria of the Commission, as part of its local program, a local jurisdiction may submit provisions by which an owner of a parcel of land in the resource conservation area may be permitted to make bona fide intrafamily transfers.

(c) If a local jurisdiction includes provisions for bona fide intrafamily transfers as part of its local program, the local jurisdiction shall permit a bona fide intrafamily transfer to be made only from parcels of land that:

(1) Were of record on March 1, 1986 in the Chesapeake Bay Critical Area or on June 1, 2002 in the Atlantic Coastal Bays Critical Area; and

(2) Are 7 acres or more and less than 60 acres in size.

(d) A bona fide intrafamily transfer from a parcel of land shall be a subdivision of the parcel of land that is subject to local approval under Title 5 or Title 23 of the Land Use Article or under any subdivision control provisions of a charter county.

(e) (1) A local jurisdiction:

(i) May approve the subdivision of a parcel of land into the number of lots indicated in this subsection by means of a bona fide intrafamily transfer; and

(ii) May not approve any greater subdivision of the parcel of land or any portion of the parcel of land.

(2) A parcel that is 7 acres or more and less than 12 acres in size may be subdivided into 2 lots.

(3) A parcel that is 12 acres or more and less than 60 acres in size may be subdivided into 3 lots. The lots may be created at different times.

(f) (1) As a condition of approval, a local jurisdiction shall require that:

(i) Any deed for a lot that is created by a bona fide intrafamily transfer shall contain a covenant stating that the lot is created subject to the provisions of this section; and

(ii) A lot created by a bona fide intrafamily transfer may not be conveyed subsequently to any person other than a member of the owner’s immediate family, except under procedures established pursuant to subsection (g) of this section.

(2) This subsection does not prevent the conveyance of the lot to a third party as security for a mortgage or deed of trust.

(g) If a local jurisdiction includes provisions for bona fide intrafamily transfers as part of the local jurisdiction's local program, the local jurisdiction shall establish standards and procedures, subject to the approval of the Commission, by which the local jurisdiction will permit the subsequent conveyance of lots to persons other than immediate family members. The standards and procedures shall assure that:

(1) The lot was created as part of a bona fide intrafamily transfer and not with the intent of subdividing the original parcel of land for purposes of ultimate commercial sale; and

(2) (i) A change in circumstances has occurred since the original transfer was made that is not inconsistent with this subtitle and that warrants an exception; or

(ii) Other circumstances that are consistent with this subtitle and with the Commission's criteria to maintain land areas necessary to support the protective uses of agriculture, forestry, open space, and natural habitats in resource conservation areas warrant an exception.

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

**Approved by the Governor, April 12, 2016.**

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## **Chapter 104**

**(House Bill 411)**

AN ACT concerning

### **General Assembly – Joint Committee on Ending Homelessness – Membership**

FOR the purpose of altering the membership of the Joint Committee on Ending Homelessness; requiring that members of the Joint Committee appointed as a result of this Act reflect the geographic diversity of the State; and generally relating to the membership of the Joint Committee on Ending Homelessness.

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 2–10A–15  
Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

**Article – State Government**

2–10A–15.

(a) There is a Joint Committee on Ending Homelessness.

(b) (1) The Committee consists of [10] **16** members.

(2) Of the [10] **16** members:

(i) [five] **EIGHT** shall be members of the Senate of Maryland, appointed by the President of the Senate; and

(ii) [five] **EIGHT** shall be members of the House of Delegates, appointed by the Speaker of the House.

(c) (1) The members of the Committee serve at the pleasure of the presiding officer who appointed them.

(2) (i) If a vacancy occurs among the Senators on the Committee, a successor promptly shall be appointed by the President of the Senate.

(ii) If a vacancy occurs among the Delegates on the Committee, a successor promptly shall be appointed by the Speaker of the House.

(d) From among the membership of the Committee, the President of the Senate shall appoint a Senator to serve as the Senate Chair of the Committee, and the Speaker of the House shall appoint a Delegate to serve as the House Chair of the Committee.

(e) A majority of the full authorized membership of the Committee is a quorum.

(f) The Department of Legislative Services shall provide staff assistance to the Committee.

(g) The Committee shall hold:

(1) an organizational meeting promptly after the appointment of its members; and

(2) any other meetings that the Committee considers necessary to carry out its duties efficiently.

(h) The Committee may:

(1) hold a hearing on any matter relating to the functions of the Committee;  
and

(2) consider a vote on a bill or resolution referred to the Committee by the President of the Senate or the Speaker of the House.

(i) To ensure that public resources, programs, and policies are coordinated and effective in preventing, mitigating the effects of, and ending homelessness in Maryland, the Committee shall:

(1) study issues relating to homelessness, including:

(i) housing;

(ii) income;

(iii) health care;

(iv) education;

(v) government supports; and

(vi) veterans experiencing homelessness;

(2) consult with governmental agencies, community-based organizations, and other stakeholders to identify State policies, programs, and actions that should or could prevent, mitigate the effects of, and end homelessness in Maryland;

(3) review and make recommendations to align State statutes, regulations, programs, services, and budgetary priorities with the State policies and actions described in item (2) of this subsection;

(4) search for any intradepartmental or interdepartmental gaps, inconsistencies, and inefficiencies in the implementation or attainment of the State policies, programs, and actions described in item (2) of this subsection; and

(5) identify new laws, regulations, programs, services, and budgetary priorities that are needed to prevent, mitigate the effects of, and end homelessness in Maryland.

(j) The Governor's Interagency Council on Homelessness shall:

(1) cooperate fully with the Committee;

(2) keep the Committee fully informed as to its priorities and progress; and

(3) submit an annual report, subject to § 2–1246 of this title, to the Committee on or before October 1 of each year that includes:

- (i) a description of the Council’s work;
- (ii) a report on the Council’s priorities and progress; and
- (iii) recommendations for new laws, regulations, programs, services, and budgetary priorities that are needed to prevent, mitigate the effects of, and end homelessness in Maryland.

(k) (1) Subject to § 2–1246 of this title, the Committee shall submit a report to the General Assembly on or before December 1 each year.

(2) The report shall include:

- (i) a description of the work of the Committee; and
- (ii) any recommendations of the Committee.

SECTION 2. AND BE IT FURTHER ENACTED, That the members of the Joint Committee on Ending Homelessness appointed as a result of this Act shall reflect the geographic diversity of the State.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 105

### (House Bill 443)

AN ACT concerning

#### **Agriculture – Industrial Hemp – Agricultural or Academic Research**

FOR the purpose of authorizing the Department of Agriculture or an institution of higher education to grow or cultivate industrial hemp if the industrial hemp is grown or cultivated for agricultural research or academic research purposes; requiring certain sites used to grow or cultivate industrial hemp to be certified by and registered with the Department; authorizing the Department to adopt certain regulations; defining ~~a certain term~~ certain terms; providing for the termination of this Act; and generally

relating to growing or cultivating industrial hemp for agricultural research or academic research purposes.

BY adding to

Article – Agriculture

Section 14–101 and 14–102 to be under the new title “Title 14. Industrial Hemp”

Annotated Code of Maryland

(2007 Replacement Volume and 2015 Supplement)

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

### Article – Agriculture

#### TITLE 14. INDUSTRIAL HEMP.

##### 14–101.

~~IN THIS SUBTITLE, “INDUSTRIAL HEMP” MEANS THE PLANT CANNABIS SATIVA~~

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

(B) (1) “INDUSTRIAL HEMP” MEANS THE PLANT CANNABIS SATIVA L. AND ANY PART OF SUCH PLANT, WHETHER GROWING OR NOT, WITH A DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED 0.3% ON A DRY WEIGHT BASIS.

(2) “INDUSTRIAL HEMP” DOES NOT INCLUDE ANY PLANT OR PART OF A PLANT INTENDED FOR A USE THAT IS REGULATED UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE.

(C) “INSTITUTION OF HIGHER EDUCATION” HAS THE MEANING STATED IN § 10–101 OF THE EDUCATION ARTICLE.

##### 14–102.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT OR AN INSTITUTION OF HIGHER EDUCATION MAY GROW OR CULTIVATE INDUSTRIAL HEMP IF THE INDUSTRIAL HEMP IS GROWN OR CULTIVATED FOR AGRICULTURAL RESEARCH OR ACADEMIC RESEARCH PURPOSES.

(B) A SITE USED BY THE DEPARTMENT OR AN INSTITUTION OF HIGHER EDUCATION TO GROW OR CULTIVATE INDUSTRIAL HEMP SHALL BE CERTIFIED BY AND REGISTERED WITH THE DEPARTMENT.

**(C) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016. It shall remain effective until the taking effect of Chapter 456 of the Acts of the General Assembly of 2015. If Chapter 456 takes effect, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

**Approved by the Governor, April 12, 2016.**

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## **Chapter 106**

**(House Bill 470)**

AN ACT concerning

### **Health Occupations – Dental Hygienists – Administration of Nitrous Oxide**

FOR the purpose of authorizing, subject to certain requirements, dental hygienists to administer nitrous oxide to certain patients; altering a certain definition; making certain conforming changes; and generally relating to the administration of nitrous oxide by dental hygienists.

BY repealing and reenacting, without amendments,  
 Article – Health Occupations  
 Section 4–101(a)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Health Occupations  
 Section 4–101(k)(9), 4–205(a)(1)(ix), and 4–206.2  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2015 Supplement)

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

### **Article – Health Occupations**

4–101.

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

(k) “Practice dental hygiene” means to:

(9) [Monitor,] **ADMINISTER NITROUS OXIDE** in accordance with § 4–206.2 of this title[, a patient to whom nitrous oxide is administered]; or

4–205.

(a) In addition to the powers set forth elsewhere in this title, the Board may:

(1) Adopt regulations governing:

(ix) Reasonable requirements for:

1. The education, training, evaluation, and examination of a dental hygienist before a dental hygienist may [monitor a patient to whom] **ADMINISTER** nitrous oxide [is being administered, subject to] **UNDER** § 4–206.2 of this subtitle; and

2. [Monitoring] **ADMINISTERING NITROUS OXIDE** by a dental hygienist[, in accordance with] **UNDER** § 4–206.2 of this subtitle[, of a patient to whom nitrous oxide is being administered];

4–206.2.

(a) **[A] SUBJECT TO THE REQUIREMENTS OF SUBSECTIONS (B) AND (C) OF THIS SECTION, A** dental hygienist may [monitor a patient to whom] **ADMINISTER** nitrous oxide [is administered provided the monitoring of the] **TO A patient PROVIDED THE ADMINISTRATION OF NITROUS OXIDE** is under the supervision of a dentist who [is]:

**(1) IS physically present on the premises; AND**

**(2) PRESCRIBES THE ADMINISTRATION OF NITROUS OXIDE BY THE DENTAL HYGIENIST.**

(b) Before a dental hygienist may [monitor a patient to whom] **ADMINISTER** nitrous oxide [is administered] **UNDER SUBSECTION (A) OF THIS SECTION**, the dental hygienist shall successfully complete the following:

(1) Any educational requirements established by the Board; and

(2) A written and clinical examination as required by the Board.

(c) A dental hygienist shall complete the educational requirements established by the Board under subsection (b)(1) of this section through an accredited dental hygiene program.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 107

### (House Bill 523)

AN ACT concerning

#### **E-ZPass Accounts – Transponder Theft – ~~Notice~~ Reporting and Unauthorized Charges**

FOR the purpose of ~~requiring~~ authorizing the holder of an E-ZPass account to report the theft of a certain transponder to the Maryland Transportation Authority and a local law enforcement agency and to report certain charges assessed to the Authority; ~~requiring the Authority to review certain records following the reported theft of a transponder and provide copies of certain records to the account holder under certain circumstances;~~ providing that an account holder is not responsible for certain tolls under certain circumstances; ~~requiring the Authority to provide certain notice to an account holder under certain circumstances;~~ defining certain terms; and generally relating to the theft of transponders associated with E-ZPass accounts.

BY adding to

Article – Transportation

Section 21-1416

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

#### **Article – Transportation**

#### **21-1416.**

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

(2) “AUTHORITY” MEANS THE MARYLAND TRANSPORTATION AUTHORITY.

(3) “E-ZPASS ACCOUNT” MEANS A FINANCIAL RELATIONSHIP BETWEEN THE AUTHORITY AND A PERSON WHO AGREES TO ABIDE BY THE TERMS AND CONDITIONS ESTABLISHED FOR THE ELECTRONIC COLLECTION OF TOLLS.

(4) “TRANSPONDER” MEANS A DEVICE THAT IS DESIGNED TO TRANSMIT INFORMATION USED TO COLLECT TOLLS AND IS ASSOCIATED WITH A PARTICULAR ACCOUNT.

(B) A HOLDER OF AN E-ZPASS ACCOUNT ~~SHALL~~ MAY:

(1) REPORT A THEFT OF A TRANSPONDER ASSOCIATED WITH THE E-ZPASS ACCOUNT TO A LOCAL LAW ENFORCEMENT AGENCY AND THE AUTHORITY WITHIN 2 WEEKS OF THE FIRST ACCOUNT STATEMENT AFTER THE THEFT; AND

(2) IDENTIFY ANY UNAUTHORIZED CHARGES TO THE HOLDER’S E-ZPASS ACCOUNT AND REPORT THE UNAUTHORIZED CHARGES TO THE AUTHORITY FOR VERIFICATION.

~~(C) ON RECEIPT OF A TIMELY REPORT OF THEFT OF A TRANSPONDER AND UNAUTHORIZED E-ZPASS ACCOUNT CHARGES, THE AUTHORITY SHALL:~~

~~(1) REVIEW RETAINED RECORDS TO VERIFY THE UNAUTHORIZED TOLL CHARGES; AND~~

~~(2) PROVIDE THE E-ZPASS ACCOUNT HOLDER WITH COPIES OF ANY RECORDS VERIFYING UNAUTHORIZED CHARGES.~~

~~(D)~~ A HOLDER OF AN E-ZPASS ACCOUNT WHO REPORTS THE THEFT OF A TRANSPONDER IN ACCORDANCE WITH THIS SECTION IS NOT RESPONSIBLE FOR UNAUTHORIZED TOLL CHARGES:

~~(1) VERIFIED UNAUTHORIZED TOLL CHARGES OVER \$50 INCURRED BEFORE THE DATE THE THEFT WAS REPORTED~~ IF THE AUTHORITY:

(I) IDENTIFIES THE INDIVIDUAL WHO UNLAWFULLY USED THE TRANSPONDER; AND

(II) COLLECTS THE PROPER TOLL CHARGES FROM THE INDIVIDUAL; OR

~~(2) UNAUTHORIZED TOLL CHARGES INCURRED~~ INCURRED AFTER THE DATE THE THEFT WAS REPORTED TO THE AUTHORITY.

~~(E) THE AUTHORITY SHALL NOTIFY A PERSON WITH AN E-ZPASS ACCOUNT WHEN A TOLL IS CHARGED TO THE ACCOUNT FOR A VEHICLE WITH A DIFFERENT NUMBER OF AXLES THAN THE MOTOR VEHICLE GENERALLY ASSOCIATED WITH THE E-ZPASS ACCOUNT.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 108

(House Bill 549)

AN ACT concerning

### Caroline County – Alcoholic Beverages – Refillable Container Permit

FOR the purpose of authorizing the Board of License Commissioners for Caroline County to issue a refillable container permit for draft beer to a holder of a Class B alcoholic beverages license or a Class H alcoholic beverages license; and generally relating to alcoholic beverages in Caroline County.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 15–1101

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724)(6lr1406) of the Acts of the General Assembly of 2016)

BY adding to

Article – Alcoholic Beverages

Section 15–1102

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724)(6lr1406) of the Acts of the General Assembly of 2016)

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

### Article – Alcoholic Beverages

15–1101.

(a) The following sections of Title 4, Subtitle 11 (“Additional License Privileges”) of Division I of this article apply in the County without exception or variation:

(1) § 4–1102 (“Corkage — Consuming wine not purchased from license holder on licensed premises”); and

(2) § 4–1103 (“Removal of partially consumed bottle of wine from licensed premises”).

(b) [The following sections] **SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”)** of Title 4, Subtitle 11 (“Additional License Privileges”) of Division I of this article [do] **DOES** not apply in the County[:

(1) § 4–1104 (“Refillable container permit — Draft beer”); and

(2) § 4–1105 (“Refillable container permit — Wine”)].

**(C) SECTION 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 15–1102 OF THIS SUBTITLE.**

**15–1102.**

**(A) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS B OR CLASS H LICENSE.**

**(B) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT BEGIN AT THE SAME TIME FOR THE UNDERLYING LICENSE AND END AT MIDNIGHT.**

**(C) THE ANNUAL PERMIT FEE IS \$500.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 109

**(House Bill 639)**

AN ACT concerning

**Health Insurance – Provider Claims – Payment by Credit Card – ~~Prohibited or~~  
Electronic Funds Transfer Payment Method**

FOR the purpose of ~~prohibiting~~ authorizing an insurer, nonprofit health service plan, or health maintenance organization ~~from paying, under certain circumstances, to pay~~ certain claims for reimbursement submitted by certain providers of health care services using a credit card or electronic funds transfer payment method that imposes a fee or similar charge; requiring the acceptance by a certain provider or the provider's designee of a certain payment method to apply to certain claims; defining a certain term; and generally relating to the payment by insurers, nonprofit health service plans, and health maintenance organizations of claims for reimbursement submitted by health care providers.

BY repealing and reenacting, with amendments,  
 Article – Insurance  
 Section 15–1005  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2015 Supplement)

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

### Article – Insurance

15–1005.

(a) In this section, “clean claim” means a claim for reimbursement, as defined in regulations adopted by the Commissioner under § 15–1003 of this subtitle.

(b) To the extent consistent with the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1001 et seq., this section applies to an insurer, nonprofit health service plan, or health maintenance organization that acts as a third party administrator.

(c) Except as provided in § 15–1315 of this title and subsection [(h)] (I) of this section, within 30 days after receipt of a claim for reimbursement from a person entitled to reimbursement under § 15–701(a) of this title or from a hospital or related institution, as those terms are defined in § 19–301 of the Health – General Article, an insurer, nonprofit health service plan, or health maintenance organization shall:

(1) mail or otherwise transmit payment for the claim in accordance with this section; or

(2) send a notice of receipt and status of the claim that states:

(i) that the insurer, nonprofit health service plan, or health maintenance organization refuses to reimburse all or part of the claim and the reason for the refusal;

(ii) that, in accordance with § 15–1003(d)(1)(ii) of this subtitle, the legitimacy of the claim or the appropriate amount of reimbursement is in dispute and additional information is necessary to determine if all or part of the claim will be reimbursed and what specific additional information is necessary; or

(iii) that the claim is not clean and the specific additional information necessary for the claim to be considered a clean claim.

~~(D) (1) IN THIS SUBSECTION, “CREDIT CARD” MEANS ANY CARD OR OTHER DEVICE ISSUED BY A CREDIT CARD ISSUER FOR THE USE OF THE CARDHOLDER IN OBTAINING MONEY, GOODS, SERVICES, OR ANYTHING OF VALUE ON CREDIT.~~

~~(2) AN INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION MAY NOT PAY A CLAIM UNDER SUBSECTION (C) OF THIS SECTION OR A PORTION OF A CLAIM UNDER SUBSECTION (F) OF THIS SECTION, USING A CREDIT CARD.~~

(D) (1) (I) IN THIS SUBSECTION, “CREDIT CARD” MEANS A CREDIT, DEBIT, PREPAID, OR STORED-VALUE CARD USED TO MAKE A PAYMENT THROUGH A PRIVATE CARD NETWORK.

(II) “CREDIT CARD” INCLUDES A METHOD OF PAYMENT TO A PROVIDER WHERE NO PHYSICAL CARD IS PRESENTED.

(2) AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION MAY PAY A CLAIM UNDER SUBSECTION (C) OF THIS SECTION, OR A PORTION OF A CLAIM UNDER SUBSECTION (F) OF THIS SECTION, USING A CREDIT CARD OR AN ELECTRONIC FUNDS TRANSFER PAYMENT METHOD THAT IMPOSES ON THE PROVIDER A FEE OR SIMILAR CHARGE TO PROCESS THE PAYMENT IF:

(I) THE INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION NOTIFIES THE PROVIDER IN ADVANCE OF THE PAYMENT THAT:

1. A FEE OR SIMILAR CHARGE ASSOCIATED WITH THE USE OF THE CREDIT CARD OR ELECTRONIC FUNDS TRANSFER PAYMENT METHOD WILL APPLY; AND

2. THE PROVIDER WILL NEED TO CONSULT THE PROVIDER’S MERCHANT PROCESSOR OR FINANCIAL INSTITUTION FOR THE SPECIFIC RATES;

**(II) THE INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION OFFERS THE PROVIDER AN ALTERNATIVE PAYMENT METHOD THAT DOES NOT IMPOSE A FEE OR SIMILAR CHARGE ON THE PROVIDER; AND**

**(III) THE PROVIDER OR THE PROVIDER'S DESIGNEE ELECTS TO ACCEPT PAYMENT OF THE CLAIM OR A PORTION OF THE CLAIM USING THE CREDIT CARD OR ELECTRONIC FUNDS TRANSFER PAYMENT METHOD.**

**(3) IF A PROVIDER PARTICIPATES ON A PROVIDER PANEL OF AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION, THE ACCEPTANCE BY THE PROVIDER OR THE PROVIDER'S DESIGNEE OF A PAYMENT METHOD OFFERED UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION OR ELECTED UNDER PARAGRAPH (2)(III) OF THIS SUBSECTION SHALL APPLY TO ALL CLAIMS PAID FOR BY THE INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION UNLESS OTHERWISE NOTIFIED BY THE PROVIDER OR THE PROVIDER'S DESIGNEE.**

**[(d)] (E)** (1) An insurer, nonprofit health service plan, or health maintenance organization shall permit a provider a minimum of 180 days from the date a covered service is rendered to submit a claim for reimbursement for the service.

(2) If an insurer, nonprofit health service plan, or health maintenance organization wholly or partially denies a claim for reimbursement, the insurer, nonprofit health service plan, or health maintenance organization shall permit a provider a minimum of 90 working days after the date of denial of the claim to appeal the denial.

(3) If an insurer, nonprofit health service plan, or health maintenance organization erroneously denies a provider's claim for reimbursement submitted within the time period specified in paragraph (1) of this subsection because of a claims processing error, and the provider notifies the insurer, nonprofit health service plan, or health maintenance organization of the potential error within 1 year of the claim denial, the insurer, nonprofit health service plan, or health maintenance organization, on discovery of the error, shall reprocess the provider's claim without the necessity for the provider to resubmit the claim, and without regard to timely submission deadlines.

**[(e)] (F)** (1) If an insurer, nonprofit health service plan, or health maintenance organization provides notice under subsection (c)(2)(i) of this section, the insurer, nonprofit health service plan, or health maintenance organization shall mail or otherwise transmit payment for any undisputed portion of the claim within 30 days of receipt of the claim, in accordance with this section.

(2) If an insurer, nonprofit health service plan, or health maintenance organization provides notice under subsection (c)(2)(ii) of this section, the insurer, nonprofit health service plan, or health maintenance organization shall:

(i) mail or otherwise transmit payment for any undisputed portion of the claim in accordance with this section; and

(ii) comply with subsection (c)(1) or (2)(i) of this section within 30 days after receipt of the requested additional information.

(3) If an insurer, nonprofit health service plan, or health maintenance organization provides notice under subsection (c)(2)(iii) of this section, the insurer, nonprofit health service plan, or health maintenance organization shall comply with subsection (c)(1) or (2)(i) of this section within 30 days after receipt of the requested additional information.

**[(f)] (G)** (1) If an insurer, nonprofit health service plan, or health maintenance organization fails to pay a clean claim for reimbursement or otherwise violates any provision of this section, the insurer, nonprofit health service plan, or health maintenance organization shall pay interest on the amount of the claim that remains unpaid 30 days after receipt of the initial clean claim for reimbursement at the monthly rate of:

(i) 1.5% from the 31st day through the 60th day;

(ii) 2% from the 61st day through the 120th day; and

(iii) 2.5% after the 120th day.

(2) The interest paid under this subsection shall be included in any late reimbursement without the necessity for the person that filed the original claim to make an additional claim for that interest.

**[(g)] (H)** An insurer, nonprofit health service plan, or health maintenance organization that violates a provision of this section is subject to:

(1) a fine not exceeding \$500 for each violation that is arbitrary and capricious, based on all available information; and

(2) the penalties prescribed under § 4–113(d) of this article for violations committed with a frequency that indicates a general business practice.

**[(h)] (I)** (1) An insurer, a nonprofit health service plan, or a health maintenance organization may suspend review of a claim for reimbursement for a preauthorized or approved health care service if the insurer, nonprofit health service plan, or health maintenance organization sends written notice within 30 days after receipt of the claim that informs the person filing the claim, that:

(i) review of the claim is suspended during the second or third month of a grace period under 45 C.F.R. § 156.270(d); and

(ii) on receipt of the payment of premium, the insurer, nonprofit health service plan, or health maintenance organization is required to comply with paragraph (2) of this subsection.

(2) Within 30 days after receipt of the payment of premium, an insurer, a nonprofit health service plan, or a health maintenance organization shall comply with subsection (c)(1) or (2) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 110

### (House Bill 642)

AN ACT concerning

#### Anne Arundel County – Alcoholic Beverages – Licenses

FOR the purpose of authorizing in Anne Arundel County a holder of a ~~certain~~ Class BLX license to be issued a music permit, an entertainment permit, an outdoor permit, or an outdoor entertainment permit; authorizing a holder of a ~~certain~~ Class BLX license to be issued a dancing permit, except under certain circumstances; exempting certain alcoholic beverages licenses in the county from a prohibition against issuing multiple licenses to any one person; exempting a certain class of license from a prohibition against issuing an alcoholic beverages license for a location within a certain distance from a place of worship or school; allowing a license holder to be issued a second or third alcoholic beverages license of a certain type for a restaurant if the restaurant is located in a shopping center that has a certain zoning classification; and generally relating to alcoholic beverages licenses in Anne Arundel County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 11–102

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724)(6lr1406) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 11–1102, 11–1507, 11–1603, and 11–1607

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724)(6lr1406) of the Acts of the General Assembly of 2016)

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

**Article – Alcoholic Beverages**

11–102.

This title applies only in Anne Arundel County.

11–1102.

(a) (1) On the premises, or on adjacent property over which a license holder has ownership or control, a license holder:

but (i) may allow piped–in background music or one television screen;

(ii) unless issued a permit described in this section that authorizes the activity, may not allow:

1. the playing of music, including live music;
2. the operation of a karaoke machine;
3. the playing of music by a disc jockey; or
4. dancing, floor shows, or any other similar type of entertainment.

(2) The Board may issue a permit described in this section only if the Board finds that:

(i) the applicant can control the individuals using the licensed premises;

(ii) the operation of the premises under the permit will not unduly disturb the peace of the residents of the neighborhood in which the place of business is located; and

(iii) the issuing of the permit:

1. is necessary to accommodate the public;
2. will not be detrimental to the public welfare; and

3. will not violate a County fire, health, or building regulation.

(b) (1) There is a music permit.

(2) The Board may issue the permit to a holder of a Class B license, A **CLASS BLX LICENSE**, a Class D license, or a Class H license.

(3) The permit authorizes the playing of recorded music or live music with not more than two musicians.

(4) The permit holder may not allow dancing, floor shows, or similar live entertainment.

(5) The annual permit fee is \$100.

(c) (1) There is an entertainment permit.

(2) The Board may issue the permit to a holder of a Class B license, A **CLASS BLX LICENSE**, a Class D license, or a Class H license.

(3) The permit authorizes:

(i) live music with not more than four musicians; and

(ii) the playing of:

1. more than one television;

2. a karaoke machine; and

3. music by a disc jockey.

(4) The permit holder may not allow dancing, floor shows, or similar live entertainment.

(5) The annual permit fees are:

(i) \$200 for a holder of a beer and wine license; and

(ii) \$300 for a holder of a beer, wine, and liquor license.

(d) (1) There is a dancing permit.

(2) The Board may issue the permit to a holder of:

(i) a Class B license;

(ii) **EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A CLASS BLX LICENSE;**

(iii) a Class C license;

~~[(iii)]~~ (iv) a Class D license; or

~~[(iv)]~~ (v) except as provided in paragraph (4) of this subsection, a Class H license.

(3) The permit authorizes the holder to provide music, dancing, and other legal forms of entertainment.

(4) The Board may not issue the permit to a holder of a **CLASS BLX LICENSE OR A** Class H license if the premises for which the **CLASS BLX LICENSE OR** Class H license is issued is within 1,000 feet in a straight line from entry to entry from a place of worship or school.

(5) The annual permit fees are:

(i) \$200 for a holder of a beer and wine license;

(ii) \$400 for a holder of a beer, wine, and liquor license; and

(iii) no charge for a holder of a Class C license.

(e) (1) There is an outdoor permit.

(2) The Board may issue the permit to a holder of a Class B license, **A CLASS BLX LICENSE**, a Class C license, a Class D license, or a Class H license.

(3) The permit authorizes the holder to provide outdoor table service to customers on the grounds of the licensed establishment.

(4) The annual permit fee is \$100.

(5) Before the permit may be renewed, a holder shall obtain approval from the Board.

(f) (1) There is an outdoor entertainment permit.

(2) The Board may issue the permit to a holder of a Class B license, **A CLASS BLX LICENSE**, a Class C license, a Class D license, or a Class H license who also holds a music permit, an entertainment permit, or a dancing permit under this section.

(3) The permit authorizes the holder to provide:

(i) the same form of entertainment outdoors that the holder is allowed to provide indoors under the holder's music permit, entertainment permit, or dancing permit; and

(ii) outdoor table service or cafe service.

11-1507.

The prohibition against issuing multiple licenses to an individual or for use of an entity does not apply to:

(1) resort complexes;

(2) entertainment facilities, including entertainment concessions;

(3) motel-restaurant complexes; [or]

(4) hotel-restaurant complexes having at least 100 rooms; **OR**

**(5) HOTEL-LIMITED SERVICE (ON-SALE) LICENSES.**

11-1603.

(a) Except as provided in subsection (b) of this section, the Board may not issue a new license for an establishment whose entry is within 1,000 feet in a straight line from the entry of a place of worship or school.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to:

(1) the transfer of a license from the current license holder to a new license holder, unless the transfer would allow the sale of alcoholic beverages by another establishment within the 1,000-foot restriction;

(2) a nonprofit club or nonprofit organization;

(3) a restaurant that held a license at the time the restaurant was destroyed by fire, flood, windstorm, or other act of God, if a new place of worship or school has not been constructed within the 1,000-foot restriction;

(4) the issuance of a Class H beer and wine (on-sale) license or beer, wine, and liquor (on-sale) license; [or]

(5) the issuance of a motel–restaurant complex or hotel–restaurant complex beer, wine, and liquor (on–sale) license; **OR**

**(6) THE ISSUANCE OF A CLASS BLX (DELUXE RESTAURANT) (ON–SALE) BEER, WINE, AND LIQUOR LICENSE.**

(c) For an establishment that is within 1,000 feet of the grounds of a place of worship or school, the Board:

(1) may renew a license;

(2) may extend the area of the licensed premises; but

(3) may not change the operational classification of an existing license, unless the change is from a Class B, Class C, or Class D license to a Class H license.

11–1607.

(a) (1) A license holder may hold not more than 10 licenses of any class in accordance with this section.

(2) Of the licenses held by a license holder:

(i) not more than four licenses may be licenses in which the license holder holds a direct interest; and

(ii) the remaining licenses may only be licenses in which the license holder holds an indirect interest, as evidenced by any of the following relationships involving the license holder and another license holder or the license holder and an applicant for a license:

1. a common parent company;

2. a franchise agreement;

3. a licensing agreement;

4. a concession agreement;

5. membership by the license holder and the other person in a chain of businesses commonly owned and operated and so portrayed to the public;

6. sharing of directors or stockholders or sharing of directors or stockholders of parent companies or subsidiaries;

7. common direct or indirect sharing of profit from the sale of alcoholic beverages;

8. sharing of a common trade name, trademark, logo, or theme; or

9. except for hotels and motels, sharing of a mode of operation identifiable by the public.

(b) The Board may issue one Class B license, Class BLX license, or Class H license to a person for a restaurant located anywhere in the County.

(c) The Board may issue a second license to a license holder if:

(1) the license holder holds a Class B license that has a restriction prohibiting off-sales, a Class H license, or a Class BLX license;

(2) the license sought is a Class H license or a Class BLX license; and

(3) the restaurant for which the license is sought is located in:

(i) the Glen Burnie Urban Renewal Area;

(ii) the Parole Town Center Growth Management Area;

(iii) the Odenton Town Center Growth Management Area;

(iv) the Baltimore–Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by the County in accordance with § 6–301(f)(8) of the Economic Development Article;

(v) a shopping center with a gross area of at least 1,000,000 square feet that is zoned C3 ~~OR MDX-C~~ General Commercial OR MXD-C (MIXED USE COMMERCIAL) by the zoning article of the County Code;

(vi) the Route 198 corridor, consisting of properties located within 500 feet of the right-of-way of Maryland Route 198, from Maryland Route 32 on the east to the Prince George’s County–Anne Arundel County line on the west;

(vii) a community revitalization zone with a designation in the series “A” through “P”, inclusive, as shown on the map adopted by the County Council by Bill 97–01 of the County ordinances;

(viii) the Severn Commercial District, consisting of properties designated as “commercial zoning” by the comprehensive rezoning maps adopted by the County Council and located on that portion of Maryland Route 174 west of Maryland Route 100 and east of the railroad right-of-way owned by the National Railroad Passenger Corporation (Parcel 117, Anne Arundel County Tax Map 29);

(ix) the Edgewater/Mayo Commercial District, consisting of those properties that are designated “commercial zoning districts” on the comprehensive rezoning maps adopted by the County Council for the Edgewater/Mayo Small Area Planning District;

(x) the Pasadena Commercial District, consisting of those properties that are designated “commercial zoning areas”, including Lake Shore Crossing, Lake Shore Plaza, and the Mountain Marketplace Shopping Center on the comprehensive zoning maps adopted by the County Council for the Pasadena Small Area Planning District; or

(xi) the area in Pasadena known as the Brumwell Property.

(d) The Board may issue a third license to a license holder if:

(1) the license sought is a Class BLX license; and

(2) the restaurant for which the license is sought is located in:

(i) the Glen Burnie Urban Renewal Area;

(ii) the Parole Town Center Growth Management Area;

(iii) the Odenton Town Center Growth Management Area;

(iv) the Baltimore–Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by the County in accordance with § 6–301(f)(8) of the Economic Development Article;

(v) a shopping center with a gross area of at least 1,000,000 square feet that is zoned C3 ~~OR MDX-C~~ General Commercial OR MXD-C (MIXED USE COMMERCIAL) by the zoning article of the County Code;

(vi) the Route 198 corridor, consisting of properties located within 500 feet of the right-of-way of Maryland Route 198, from Maryland Route 32 on the east to the Prince George’s County–Anne Arundel County line on the west;

(vii) a community revitalization zone with a designation in the series “A” through “P”, inclusive, as shown on the map adopted by the County Council by Bill 97–01 of the County ordinances;

(viii) the Severn Commercial District, consisting of properties designated as “commercial zoning” by the comprehensive rezoning maps adopted by the County Council and located on that portion of Maryland Route 174 west of Maryland Route 100 and east of the railroad right-of-way owned by the National Railroad Passenger Corporation (Parcel 117, Anne Arundel County Tax Map 29);

(ix) the Edgewater/Mayo Commercial District, consisting of those properties that are designated “commercial zoning districts” on the comprehensive rezoning maps adopted by the County Council for the Edgewater/Mayo Small Area Planning District;

(x) the Pasadena Commercial District, consisting of those properties that are designated “commercial zoning areas”, including Lake Shore Crossing, Lake Shore Plaza, and the Mountain Marketplace Shopping Center on the comprehensive zoning maps adopted by the County Council for the Pasadena Small Area Planning District; or

(xi) the area in Pasadena known as the Brumwell Property.

(e) (1) The Board may issue a fourth, fifth, sixth, seventh, eighth, ninth, or tenth license to a license holder if the license sought is a Class BLX license.

(2) The restaurant for which the license is sought may be located anywhere in the County.

(f) (1) Except as provided in paragraph (2) of this subsection, a license that was issued on or before June 30, 2006, and in which a license holder holds a direct interest or an indirect interest shall be counted against the maximum number of 10 licenses that the license holder may hold under this section but is exempt from the restrictions under subsections (b) through (e) of this section.

(2) A Class H license that was issued in the period beginning on March 14, 2005, and ending on December 1, 2005, may not be counted against the maximum number of 10 licenses that the license holder may hold under this section.

(g) The Board shall adopt regulations to carry out this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## **Chapter 111**

### **(House Bill 680)**

AN ACT concerning

#### **Health Occupations – Dental Hygienists – Local Anesthesia**

FOR the purpose of altering the circumstances under which a dental hygienist may administer local anesthesia by infiltration or inferior nerve block; and generally relating to the administration of local anesthesia by dental hygienists.

BY repealing and reenacting, without amendments,  
Article – Health Occupations  
Section 4–101(a), (k), and (l)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 4–206.1 and 4–206.3  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

### **Article – Health Occupations**

4–101.

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

(k) “Practice dental hygiene” means to:

(1) Perform a preliminary dental examination;

(2) Perform a complete prophylaxis, including the removal of any deposit, accretion, or stain from the surface of a tooth or a restoration;

(3) Polish a tooth or a restoration;

(4) Chart cavities, restorations, missing teeth, periodontal conditions, and other features observed during preliminary examination, prophylaxis, or polishing;

(5) Apply a medicinal agent to a tooth for a prophylactic purpose;

(6) Take a dental X ray;

(7) Perform a manual curettage in conjunction with scaling and root planning;

(8) Administer local anesthesia in accordance with § 4–206.1 or § 4–206.3 of this title;

(9) Monitor, in accordance with § 4–206.2 of this title, a patient to whom nitrous oxide is administered; or

(10) Perform any other intraoral function that the Board authorizes by a rule or regulation adopted under § 4–206 of this title.

(l) “Practice dentistry” means to:

(1) Be a manager, a proprietor, or a conductor of or an operator in any place in which a dental service or dental operation is performed intraorally;

(2) Perform or attempt to perform any intraoral dental service or intraoral dental operation;

(3) Diagnose, treat, or attempt to diagnose or treat any disease, injury, malocclusion, or malposition of a tooth, gum, or jaw, or structures associated with a tooth, gum, or jaw if the service, operation, or procedure is included in the curricula of an accredited dental school or in an approved dental residency program of an accredited hospital or teaching institution;

(4) Perform or offer to perform dental laboratory work;

(5) Place or adjust a dental appliance in a human mouth; or

(6) Administer anesthesia for the purposes of dentistry and not as a medical specialty.

4–206.1.

(a) Subject to the requirements of subsections (b) and (c) of this section, a dental hygienist may administer local anesthesia by infiltration [for the purpose of anesthetizing soft tissue] to facilitate the [performance] **PRACTICE** of dental hygiene [procedures] **BY A DENTAL HYGIENIST OR THE PRACTICE OF DENTISTRY BY A DENTIST**, but not as a medical specialty, provided the administration of local anesthesia is under the supervision of a dentist who:

(1) Is physically present on the premises; and

(2) Prescribes the administration of local anesthesia by the dental hygienist.

(b) Before a dental hygienist may administer local anesthesia under subsection (a) of this section, the dental hygienist shall successfully complete the following:

(1) Any educational requirements established by the Board; and

(2) A written and clinical examination as required by the Board.

(c) A dental hygienist shall obtain the educational requirements established by the Board under subsection (b)(1) of this section from an accredited dental hygiene program.

4–206.3.

(a) Subject to the requirements of subsection (b) of this section, a dental hygienist may administer local anesthesia by inferior alveolar nerve block [for the purpose of anesthetizing soft tissue] to facilitate the [performance] **PRACTICE** of dental hygiene [procedures] **BY A DENTAL HYGIENIST OR THE PRACTICE OF DENTISTRY BY A DENTIST**, but not as a medical specialty, provided the administration of the local anesthesia is under the supervision of a dentist who:

- (1) Is physically present on the premises; and
- (2) Prescribes the administration of local anesthesia by the dental hygienist.

(b) (1) Before a dental hygienist may administer local anesthesia under subsection (a) of this section, the dental hygienist shall successfully complete the following:

- (i) Any educational requirements established by the Board; and
- (ii) A written and clinical examination as required by the Board.

(2) A dental hygienist shall obtain the education required under paragraph (1) of this subsection from an accredited dental hygiene program.

(3) A dental hygienist who successfully completed the education requirements and examination required under paragraph (1) of this subsection before October 1, 2011, shall take and successfully complete a refresher course and a clinical examination from an accredited dental hygiene program.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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**Chapter 112**

**(House Bill 697)**

AN ACT concerning

**Worcester County – Alcoholic Beverages – Class A Beer, Wine, and Liquor  
License**

FOR the purpose of ~~repealing a certain provision of law that prohibits the issuance of a Class A beer, wine, and liquor license in Worcester County;~~ establishing a Class A beer, wine, and liquor license in Worcester County; authorizing the Board of License Commissioners to issue the license to an individual for use at a certain store or certain establishments under certain conditions; providing that a certain distance restriction expires on the earlier of certain dates; specifying the scope of authorization of the license; authorizing the Worcester County Board of License Commissioners to issue the license for an establishment that is outside a certain distance of a Worcester County owned or operated retail dispensary; authorizing the Worcester County Board of License Commissioners to issue the license for an establishment that is within a certain distance of a Worcester County owned or operated dispensary, with the consent of the Worcester County Commissioners; specifying a certain annual fee for a Class A beer, wine, and liquor license; providing that the license authorizes the sale of beer, wine, and liquor at the place described in the license for off-premises consumption under certain conditions; providing for an annual license fee and hours and days of sale; and generally relating to the sale of alcoholic beverages licenses in Worcester County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 33-102

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 33-901

Annotated Code of Maryland

(As enacted by Chapter 41 ~~(S.B. \_\_\_\_\_)(6hr1406)~~ (S.B. 724) of the Acts of the General Assembly of 2016)

BY adding to

Article – Alcoholic Beverages

Section ~~33-901~~ 33-2005(a)

Annotated Code of Maryland

(As enacted by Chapter 41 ~~(S.B. \_\_\_\_\_)(6hr1406)~~ (S.B. 724) of the Acts of the General Assembly of 2016)

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

**Article – Alcoholic Beverages**

~~[33-901.~~

~~A Class A beer, wine, and liquor license may not be issued in the County.]~~

~~33-901.~~

~~(A) THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.~~

33-102.

This title applies only in Worcester County.

33-901.

(A) [A] THERE IS A Class A beer, wine, and liquor license [may not be issued in the County].

(B) (1) THE BOARD MAY ISSUE THE LICENSE TO AN INDIVIDUAL FOR USE AT:

(I) A STORE PREVIOUSLY OPERATED BY THE DEPARTMENT OF LIQUOR CONTROL;

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ESTABLISHMENT OUTSIDE A 10-BLOCK RADIUS OF A STORE PREVIOUSLY OPERATED BY THE DEPARTMENT OF LIQUOR CONTROL THAT IS IN OCEAN CITY; OR

(III) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ESTABLISHMENT OUTSIDE A 1-MILE RADIUS OF A STORE PREVIOUSLY OPERATED BY THE DEPARTMENT OF LIQUOR CONTROL THAT IS NOT IN OCEAN CITY.

(2) A DISTANCE RESTRICTION DESCRIBED IN PARAGRAPH (1)(II) OR (III) OF THIS SUBSECTION ON ISSUING LICENSES TO ESTABLISHMENTS EXPIRES ON THE EARLIER OF:

(I) JULY 1, 2017; OR

(II) THE DATE A LICENSE IS ISSUED FOR USE BY A STORE PREVIOUSLY OPERATED BY THE DEPARTMENT OF LIQUOR CONTROL TO WHICH THE DISTANCE RESTRICTION APPLIES.

~~(B)~~ (C) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER SHALL SELL THE BEER, WINE, AND LIQUOR IN A SEALED PACKAGE OR CONTAINER.

(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER, WINE, AND LIQUOR IS SOLD.

~~(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE MAY BE ISSUED ONLY FOR AN ESTABLISHMENT THAT IS OUTSIDE A 10-MILE RADIUS OF A COUNTY OWNED OR COUNTY OPERATED DISPENSARY.~~

~~(2) THE LICENSE MAY BE ISSUED FOR AN ESTABLISHMENT THAT IS WITHIN A 10-MILE RADIUS OF A COUNTY OWNED OR COUNTY OPERATED DISPENSARY IF THE COUNTY COMMISSIONERS CONSENT.~~

(D) THE ANNUAL LICENSE FEE IS \$4,500.

33-2005.

(A) A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 113

(Senate Bill 967)

AN ACT concerning

### Worcester County – Alcoholic Beverages – Class A Beer, Wine, and Liquor License

FOR the purpose of establishing a Class A beer, wine, and liquor license in Worcester County; authorizing the Board of License Commissioners to issue the license to an individual for use at a certain store or certain establishments under certain conditions; providing that a certain distance restriction expires on the earlier of certain dates; providing that the license authorizes the sale of beer, wine, and liquor at the place described in the license for off-premises consumption under certain conditions; providing for an annual license fee and hours and days of sale; and generally relating to alcoholic beverages licenses in Worcester County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 33–102

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 33–901

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY adding to

Article – Alcoholic Beverages

Section 33–2005(a)

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

**Article – Alcoholic Beverages**

33–102.

This title applies only in Worcester County.

33–901.

(A) [A] **THERE IS A** Class A beer, wine, and liquor license [may not be issued in the County].

(B) (1) **THE BOARD MAY ISSUE THE LICENSE TO AN INDIVIDUAL FOR USE AT:**

(I) **A STORE PREVIOUSLY OPERATED BY THE DEPARTMENT OF LIQUOR CONTROL;**

(II) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ESTABLISHMENT OUTSIDE A 10–BLOCK RADIUS OF A STORE PREVIOUSLY OPERATED BY THE DEPARTMENT OF LIQUOR CONTROL THAT IS IN OCEAN CITY; OR**

(III) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ESTABLISHMENT OUTSIDE A 1–MILE RADIUS OF A STORE PREVIOUSLY OPERATED BY THE DEPARTMENT OF LIQUOR CONTROL THAT IS NOT IN OCEAN CITY.**

**(2) A DISTANCE RESTRICTION DESCRIBED IN PARAGRAPH (1)(II) OR (III) OF THIS SUBSECTION ON ISSUING LICENSES TO ESTABLISHMENTS EXPIRES ON THE EARLIER OF:**

**(I) JULY 1, 2017; OR**

**(II) THE DATE A LICENSE IS ISSUED FOR USE BY A STORE PREVIOUSLY OPERATED BY THE DEPARTMENT OF LIQUOR CONTROL TO WHICH THE DISTANCE RESTRICTION APPLIES.**

~~(B)~~ **(C) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER, WINE, AND LIQUOR IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER, WINE, OR LIQUOR IS SOLD.**

~~(E)~~ **(D) THE ANNUAL LICENSE FEE IS \$4,500.**

33-2005.

**(A) A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## **Chapter 114**

**(House Bill 718)**

AN ACT concerning

### **Consumer Protection – Asset Recovery for Exploited Seniors Act**

FOR the purpose of authorizing the Division of Consumer Protection of the Office of the Attorney General to bring a civil action for damages against a certain person who

violates certain provisions of law on behalf of a certain person; authorizing the Division to recover certain damages; authorizing the Division to recover certain costs under certain circumstances; providing that a certain criminal conviction is not a prerequisite for maintenance of an action under this Act; providing for the application of this Act; and generally relating to the authority of the Division of Consumer Protection of the Office of the Attorney General to bring civil actions.

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 8–801

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 13–204

Annotated Code of Maryland

(2013 Replacement Volume and 2015 Supplement)

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

### **Article – Criminal Law**

8–801.

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

(2) “Deception” has the meaning stated in § 7–101 of this article.

(3) “Deprive” has the meaning stated in § 7–101 of this article.

(4) “Obtain” has the meaning stated in § 7–101 of this article.

(5) “Property” has the meaning stated in § 7–101 of this article.

(6) (i) “Undue influence” means domination and influence amounting to force and coercion exercised by another person to such an extent that a vulnerable adult or an individual at least 68 years old was prevented from exercising free judgment and choice.

(ii) “Undue influence” does not include the normal influence that one member of a family has over another member of the family.

(7) “Value” has the meaning stated in § 7–103 of this article.

(8) “Vulnerable adult” has the meaning stated in § 3–604 of this article.

(b) (1) A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is a vulnerable adult with intent to deprive the vulnerable adult of the vulnerable adult's property.

(2) A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is at least 68 years old, with intent to deprive the individual of the individual's property.

(c) (1) (i) A person convicted of a violation of this section when the value of the property is at least \$1,000 but less than \$10,000 is guilty of a felony and:

1. is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both; and

2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(ii) A person convicted of a violation of this section when the value of the property is at least \$10,000 but less than \$100,000 is guilty of a felony and:

1. is subject to imprisonment not exceeding 15 years or a fine not exceeding \$15,000 or both; and

2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(iii) A person convicted of a violation of this section when the value of the property is \$100,000 or more is guilty of a felony and:

1. is subject to imprisonment not exceeding 25 years or a fine not exceeding \$25,000 or both; and

2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(2) A person convicted of a violation of this section when the value of the property is less than \$1,000 is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding 18 months or a fine not exceeding \$500 or both; and

(ii) shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act or acts establishing the violation of this section.

(e) (1) If a defendant fails to restore fully the property taken or its value as ordered under subsection (c) of this section, the defendant is disqualified, to the extent of the defendant's failure to restore the property or its value, from inheriting, taking, enjoying, receiving, or otherwise benefiting from the estate, insurance proceeds, or property of the victim of the offense, whether by operation of law or pursuant to a legal document executed or entered into by the victim before the defendant shall have been convicted under this section.

(2) The defendant has the burden of proof with respect to establishing under paragraph (1) of this subsection that the defendant has fully restored the property taken or its value.

(f) This section may not be construed to impose criminal liability on a person who, at the request of the victim of the offense, the victim's family, or the court appointed guardian of the victim, has made a good faith effort to assist the victim in the management of or transfer of the victim's property.

#### **Article – Commercial Law**

13–204.

(A) In addition to any other of its powers and duties, the Division has the powers and duties to:

(1) Receive and investigate complaints from any person affected by any potential or actual violation of this title;

(2) Initiate its own investigation of any unfair or deceptive trade practice;

(3) In accordance with § 13–402 of this title, conciliate all matters covered by this title;

(4) In accordance with § 13–403 of this title, issue a cease and desist order with respect to any practice found by the Division to be an unfair or deceptive trade practice;

(5) In cooperation with the Department of Labor, Licensing, and Regulation, suspend or revoke the license of any merchant who refuses to cease and desist from engaging in an unfair or deceptive trade practice;

(6) Report to the appropriate law enforcement officer any information concerning violations of any consumer protection law;

(7) Assist, advise, and cooperate with local and federal agencies and officials to protect and promote the interests of consumers in the State;

(8) Assist, develop, and conduct programs of consumer education and information through publications and other materials prepared for distribution to consumers;

(9) Undertake activities to encourage business and industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion, and sale or lease or rental of consumer goods, consumer realty, and consumer services and in the extension of consumer credit;

(10) Assess against any violator of this title the costs of investigation by the Division and damages which flow from the improper, incomplete or untimely restitution by the violator to the consumer of money, property, or other thing received from the consumer in connection with a violation of this title;

(11) Exercise and perform any other function, power, and duty appropriate to protect and promote the welfare of consumers;

(12) In accordance with § 13–205 of this subtitle, adopt rules, regulations, and standards which:

(i) Are necessary to assure the orderly operation of the Division; and

(ii) Further define unfair or deceptive trade practices for purposes of this title;

(13) Enter into reciprocal agreements with consumer protection agencies of other states, in which each state mutually agrees to receive and investigate complaints from the foreign state's consumer protection agency on behalf of their consumers against businesses in the receiving and investigating state; and

(14) Maintain a list of nonprofit organizations that:

(i) Solely offer counseling or advice to homeowners in foreclosure or loan default; [and]

(ii) Are not directly or indirectly related to and do not contract for services with for-profit lenders or foreclosure purchasers, as defined in § 7–301 of the Real Property Article; AND

**(15) (I) BRING A CIVIL ACTION FOR DAMAGES AGAINST A PERSON WHO VIOLATES § 8–801 OF THE CRIMINAL LAW ARTICLE ON BEHALF OF A VICTIM OF THE OFFENSE OR, IF THE VICTIM IS DECEASED, THE VICTIM'S ESTATE;**

(II) RECOVER DAMAGES UNDER THIS ITEM FOR PROPERTY LOSS OR DAMAGE; AND

(III) IF THE DIVISION PREVAILS IN AN ACTION BROUGHT UNDER THIS ITEM, RECOVER THE COSTS OF THE ACTION FOR THE USE OF THE ~~STATE~~ OFFICE OF THE ATTORNEY GENERAL.

(B) A CONVICTION FOR AN OFFENSE UNDER § 8–801 OF THE CRIMINAL LAW ARTICLE IS NOT A PREREQUISITE FOR MAINTENANCE OF AN ACTION UNDER SUBSECTION (A)(15) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 115

(House Bill 745)

AN ACT concerning

### **Business Regulation – State and Harford County Juke Box Licenses – Repeal**

FOR the purpose of repealing certain provisions of law relating to licenses for keeping juke boxes for public entertainment in the State and in Harford County; and generally relating to licenses for keeping juke boxes.

BY repealing

Article – Business Regulation

Section 17–1301 through 17–1318 and the subtitle “Subtitle 13. Juke Boxes”

Annotated Code of Maryland

(2015 Replacement Volume and 2015 Supplement)

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

### **Article – Business Regulation**

[Subtitle 13. Juke Boxes.]

[Part I. Definitions.]

[17-1301.

In this subtitle, "State juke box license" means a license issued by the clerk to keep a juke box for public entertainment.]

[Part II. State Licensing.]

[17-1304.

Whenever a person keeps a juke box for public entertainment in the State, the person must have a State juke box license for that juke box.]

[17-1305.

(a) An applicant for a State juke box license shall pay to the clerk a license fee of \$10 for each juke box.

(b) The clerk shall pay to the Comptroller all license fees collected under this subtitle.]

[17-1306.

The clerk shall issue each State juke box license in the name of the owner of the juke box.]

[17-1307.

A State juke box license is transferable.]

[17-1308.

Each State juke box licensee shall display the State juke box license on the premises where the juke box is located.]

[17-1309.

(a) A person may not keep a juke box for public entertainment in the State unless the person has a State juke box license that covers that juke box.

(b) A person who violates this section is guilty of a misdemeanor and, on conviction, is subject to a fine of \$100.]

## [Part III. Harford County Licensing.]

[17–1312.

In Part III of this subtitle, “Harford County juke box license” means a license issued by the clerk to keep a juke box for public entertainment in Harford County.]

[17–1313.

Whenever a person keeps a juke box for public entertainment in Harford County, the person must have both a State juke box license and a Harford County juke box license for that juke box.]

[17–1314.

An applicant for a Harford County juke box license shall pay to the clerk a license fee of \$10 for each juke box.]

[17–1315.

The clerk shall issue each Harford County juke box license in the name of the owner of the juke box.]

[17–1316.

A Harford County juke box license is transferable.]

[17–1317.

Each Harford County juke box licensee shall display the Harford County juke box license on the premises where the juke box is located.]

[17–1318.

(a) A person may not keep a juke box for public entertainment in Harford County unless the person has a Harford County juke box license that covers that juke box.

(b) A person who violates this section is guilty of a misdemeanor and, on conviction, is subject to a fine of \$100.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 116

(House Bill 752)

AN ACT concerning

### **Physicians – Prescriptions Written by Physician Assistants or Nurse Practitioners – Preparing and Dispensing**

FOR the purpose of providing that certain provisions of law do not prohibit a licensed physician who complies with certain requirements from personally preparing and dispensing a prescription written by a physician assistant in accordance with a certain delegation agreement or a nurse practitioner who is authorized to practice under a certain provision of law and is working with the physician in a certain setting ~~if the physician complies with certain requirements~~; making this Act an emergency measure; and generally relating to ~~delegation agreements between physicians and physician assistants and~~ the preparing and dispensing by physicians of prescriptions ~~by physicians~~ written by physician assistants or nurse practitioners.

BY repealing and reenacting, with amendments,  
 Article – Health Occupations  
 Section 12–102(c)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2015 Supplement)

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

### **Article – Health Occupations**

12–102.

(c) (1) This subsection does not apply to a licensed dentist who obtains a permit from the State Board of Dental Examiners under subsection (h) of this section.

(2) This title does not prohibit:

(i) A licensed veterinarian from personally preparing and dispensing the veterinarian's prescriptions;

(ii) A licensed dentist, physician, or podiatrist from personally preparing and dispensing the dentist's, physician's, or podiatrist's prescriptions when:

1. The dentist, physician, or podiatrist:

A. Has applied to the board of licensure in this State which licensed the dentist, physician, or podiatrist;

B. Has demonstrated to the satisfaction of that board that the dispensing of prescription drugs or devices by the dentist, physician, or podiatrist is in the public interest;

C. Has received a written permit from that board to dispense prescription drugs or devices except that a written permit is not required in order to dispense starter dosages or samples without charge; and

D. Posts a sign conspicuously positioned and readable regarding the process for resolving incorrectly filled prescriptions or includes written information regarding the process with each prescription dispensed;

2. The person for whom the drugs or devices are prescribed is a patient of the prescribing dentist, physician, or podiatrist;

3. The dentist, physician, or podiatrist does not have a substantial financial interest in a pharmacy; and

4. The dentist, physician, or podiatrist:

A. Complies with the dispensing and labeling requirements of this title;

B. Records the dispensing of the prescription drug or device on the patient's chart;

C. Allows the Division of Drug Control to enter and inspect the dentist's, physician's, or podiatrist's office at all reasonable hours and in accordance with § 12–102.1 of this subtitle;

D. On inspection by the Division of Drug Control, signs and dates an acknowledgment form provided by the Division of Drug Control relating to the requirements of this section;

E. Except for starter dosages or samples without charge, provides the patient with a written prescription, maintains prescription files in accordance with § 12–403(c)(13) of this title, and maintains a separate file for Schedule II prescriptions;

F. Does not direct patients to a single pharmacist or pharmacy in accordance with § 12–403(c)(8) of this title;

G. Does not receive remuneration for referring patients to a pharmacist or pharmacy;

H. Complies with the child resistant packaging requirements regarding prescription drugs under Title 22, Subtitle 3 of the Health – General Article;

I. Complies with drug recalls;

J. Maintains biennial inventories and complies with any other federal and State record-keeping requirements relating to controlled dangerous substances;

K. Purchases prescription drugs from a pharmacy or wholesale distributor who holds a permit issued by the Board of Pharmacy, as verified by the Board of Pharmacy;

L. Annually reports to the respective board of licensure whether the dentist, physician, or podiatrist has personally prepared and dispensed prescription drugs within the previous year; and

M. Completes ten continuing education credits over a 5-year period relating to the preparing and dispensing of prescription drugs, offered by the Accreditation Council for Pharmacy Education (ACPE) or as approved by the Secretary, in consultation with each respective board of licensure, as a condition of permit renewal; [or]

**(III) A LICENSED PHYSICIAN WHO COMPLIES WITH THE REQUIREMENTS OF ITEM (II) OF THIS PARAGRAPH FROM PERSONALLY PREPARING AND DISPENSING A PRESCRIPTION WRITTEN BY A:**

**1. A PHYSICIAN ASSISTANT IN ACCORDANCE WITH A DELEGATION AGREEMENT THAT COMPLIES WITH TITLE 15, SUBTITLE 3 OF THIS ARTICLE ~~IF THE PHYSICIAN COMPLIES WITH THE REQUIREMENTS OF ITEM (II) OF THIS PARAGRAPH;~~ OR**

**2. A NURSE PRACTITIONER WHO IS AUTHORIZED TO PRACTICE UNDER TITLE 8, SUBTITLE 3 OF THIS ARTICLE AND IS WORKING WITH THE PHYSICIAN IN THE SAME OFFICE SETTING; OR**

**[(iii)] (IV)** A hospital-based clinic from dispensing prescriptions to its patients.

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

**Approved by the Governor, April 12, 2016.**

**Chapter 117****(House Bill 766)**

AN ACT concerning

**Natural Resources – Fish and Fisheries**

FOR the purpose of clarifying the uses of the Fisheries Research and Development Fund; authorizing the Department of Natural Resources to establish by regulation certain vessel marking requirements; altering certain standards, procedures, and requirements governing scientific collection permits for fisheries; requiring the Department to adopt regulations to establish fishing areas where a trout stamp is required; altering the standards that apply to the requirement to obtain a trout stamp; altering a certain trout stamp exemption; repealing restrictions on the use of certain fishing gear; repealing the prohibition against a nonresident fishing with a net in nontidal waters; authorizing the use of a gig and gig iron only for recreational fishing purposes in certain State waters; repealing certain obsolete coordinate language related to an area in which a certain pound net may be used; repealing a provision of law requiring a Natural Resources police officer to inspect certain fishing equipment and take certain action under certain circumstances; clarifying the time period when a person is prohibited from fishing with a haul seine under certain circumstances; clarifying the time period when a person may catch carp in Baltimore County and Harford County under certain circumstances; repealing a duplicative provision of law prohibiting the hauling of a seine in certain waters on certain dates; clarifying a certain boundary line in the Wicomico River in Charles County related to catching fish with a net; repealing certain obsolete boundary lines related to fishing with a hook and line, an eel pot, or a certain net in Dorchester County; clarifying the minimum publication frequency of certain public notices for certain regulations; authorizing the Department to issue certain annual complimentary fishing licenses to certain individuals; establishing certain maximums for the number of certain complimentary fishing licenses that may be outstanding at one time; repealing a provision of law exempting a certain person crabbing from a “for hire” boat from obtaining a certain license under certain circumstances; making technical corrections; and generally relating to fish and fisheries.

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 4–209(a), (b), (c), and (f), 4–711(a), 4–729, 4–745(a)(1), and 4–803(a)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–209(g), 4–210(e)(1), 4–614, 4–617, 4–701(b) and (r), 4–710(a), 4–711(f)(1),  
4–713, 4–718(c), 4–719(e), 4–739, 4–745(e), 4–803(c), and 4–804

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing

Article – Natural Resources

Section 4–212, 4–618, and 4–716

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY adding to

Article – Natural Resources

Section 4–212

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

**Article – Natural Resources**

4–209.

(a) In this section, “Fund” means the Fisheries Research and Development Fund.

(b) There is a Fisheries Research and Development Fund in the Department.

(c) The purpose of the Fund is to:

(1) Finance the replenishment of fisheries resources and related research;

and

(2) Match federal funds available for research and development of fisheries

resources.

(f) The Fund consists of:

(1) Any money received under this title for:

(i) Commercial licenses and permits;

(ii) Service fees, taxes, and royalties paid to the State for oyster shells and clam shells removed from the bottom beneath the tidal waters of the State;

(iii) The sale of seed oysters under § 4–1103 of this title; and

(iv) Any fine or forfeiture collected under § 4–1202 of this title;

(2) Any investment earnings of the Fund;

(3) Money received from any other source; and

(4) Money appropriated from the General Fund of the State in accordance with subsection (j) of this section.

(g) Subject to §§ 4–701(q), 4–1020, 4–1028, and 4–1035 of this title, the Fund may be used **ONLY** for:

(1) Replenishing fisheries resources and related research;

(2) Matching federal funds available for research and development of fisheries resources; and

(3) Administrative costs calculated in accordance with § 1–103(b)(2) of this article.

4–210.

(e) (1) The Secretary may establish by regulation **VESSEL MARKING**, first aid, and safety requirements with which all licensed fishing guides shall comply.

[4–212.

(a) Notwithstanding any other provision of this title, the Secretary may grant certificates to any properly accredited person of known scientific attainment, permitting him to collect fish, fish eggs, crustaceans, or mollusks for scientific purposes or educational purposes only. To obtain a certificate the applicant shall submit proof of necessity and pay a \$25 fee to the Department. The fee shall be deposited to the credit of the State Fisheries Management and Protection Fund. The certificate expires December 31 of the issuing year. On proof that the holder of the certificate has captured or killed any fish, fish eggs, crustaceans, or mollusks for other than scientific or educational purposes, the certificate is void.

(b) The Secretary may adopt regulations governing the issuance, revocation, terms, and conditions of the certificate.

(c) Nothing contained within this subtitle shall preempt, restrict or supersede the authority of the Secretary of Health and Mental Hygiene as provided by law.]

4–212.

**(A) ANY PROPERLY ACCREDITED PERSON OF KNOWN SCIENTIFIC ATTAINMENT DESIRING TO COLLECT FISH, FISH EGGS, SHELLFISH, OR AQUATIC INVERTEBRATES FROM THE WILD FOR SCIENTIFIC OR EDUCATIONAL PURPOSES SHALL FIRST OBTAIN A SCIENTIFIC COLLECTION PERMIT FROM THE SECRETARY.**

**(B) THE SECRETARY MAY ISSUE A SCIENTIFIC COLLECTION PERMIT, ON THE PAYMENT OF A REASONABLE FEE ESTABLISHED BY THE DEPARTMENT IN REGULATION, TO ANY PROPERLY ACCREDITED PERSON WHO HAS DEMONSTRATED A LEGITIMATE SCIENTIFIC OR EDUCATIONAL NEED FOR THE REQUESTED SPECIES AND SUBMITTED AN APPLICATION ON A FORM PROVIDED BY THE DEPARTMENT.**

**(C) THE SECRETARY MAY ADOPT REGULATIONS GOVERNING THE ISSUANCE, REVOCATION, TERMS, AND CONDITIONS OF THE PERMIT.**

**(D) THE PERMIT:**

**(1) SHALL EXPIRE DECEMBER 31 OF THE ISSUING YEAR; AND**

**(2) MAY NOT BE TRANSFERRED TO ANOTHER PERSON.**

**(E) THE PERMIT MAY BECOME VOID ON PROOF THAT THE PERMITTEE HAS:**

**(1) VIOLATED ANY PROVISION OF THE PERMIT;**

**(2) CAPTURED OR KILLED ANY FISH, FISH EGGS, SHELLFISH, OR AQUATIC INVERTEBRATES IN VIOLATION OF THE TERMS AND CONDITIONS OF THE PERMIT;**

**(3) TAKEN ANY NESTS OR EGGS FOR OTHER THAN SCIENTIFIC OR EDUCATIONAL PURPOSES; OR**

**(4) TAKEN OR POSSESSED ANY FISH, FISH EGGS, SHELLFISH, OR AQUATIC INVERTEBRATES NOT AUTHORIZED BY THE PERMIT.**

4-614.

**(a) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ESTABLISH FISHING AREAS WHERE A TROUT STAMP IS REQUIRED.**

**(2)** Except as provided in paragraph **[(2)](3)** of this subsection, a person may not fish [in a special catch-and-return trout management area or possess trout while fishing in nontidal waters] **OR POSSESS TROUT IN AN AREA ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION** unless the person first obtains a trout stamp in addition to an angler's license.

**[(2)] (3)** A trout stamp is not required of the following:

**(i)** A holder of a current resident consolidated senior sport fishing license issued under § 4-216 of this title;

(ii) A holder of a lifetime complimentary angler’s license for 100% service CONNECTED disabled AMERICAN veterans or former prisoners of war issued under § 4–607(a)(2) of this subtitle;

(iii) A person authorized by a disability exemption issued under § 4–217 of this title;

(iv) A resident serving in the armed forces of the United States while on leave if the resident possesses a copy of the resident’s official leave order while fishing; or

(v) A person under 16 years of age.

[(3)] (4) The stamp may be obtained from the Department or an authorized agent of the Department.

(b) A person is not required to have a trout stamp to possess trout taken from:

(1) Any privately owned lake or pond that is stocked with trout artificially propagated by commercial hatcheries or purchased from persons licensed to sell fish; or

(2) Any fee fishing lake or pond operated under § 4–11A–20 of this title.

(c) The following annual trout stamp fees shall apply:

(1) Resident.....\$5

(2) Nonresident.....\$10

(d) The Department or any authorized agent of the Department may issue a duplicate trout stamp for a fee not exceeding \$1 if a person indicates that the trout stamp is lost and is on record for previously purchasing a trout stamp.

4–617.

[(a)] (a) A slat basket, commonly known as the Chesapeake Bay eel pot, may not be used to catch eels.

(b) A State resident who has secured a resident angler’s license may fish by use of a dip net only from January 1 through April 15 only in the following nontidal waters:

(1) The Susquehanna River in Cecil and Harford counties;

(2) In Allegany and Washington counties; and

(3) The Monocacy and Potomac rivers in Carroll and Frederick counties. However, dip nets may not be used within 50 yards of the mouth of any tributary or the breast of any dam of these rivers. A dip net may not be used in any of the waters of the State which are stocked with trout.

(c) (1) Only a person with a resident angler's license may use a bush-bob or bank pole;

(2) Bush-bobs or bank poles not exceeding a total of 25 in all and not exceeding one hook to a pole or bob may be used only in the waters of the Potomac or Monocacy River within Carroll, Washington, and Frederick counties.

(3) Bush-bobs or bank poles may not be used on any streams stocked with trout.

(4) A bush-bob or bank pole which has been baited with scale bait or live bait may not be used to catch suckers, catfish, carp, eels, gudgeons and every species of sunfish, including bluegills and rock bass, commonly known as redeye.

(5) A bush-bob or bank pole may not be used except between sunset and sunrise.

(d) (A) The Department may regulate, supervise, and control ice-fishing.

[(e) (B) White shad, hickory shad, and herring may be caught or taken only by angling, unless otherwise provided.

[(f) (C) A person may catch large or small mouth black bass from nontidal waters of the State only by angling. An artificial lure is legal.

[4-618.

A nonresident may not fish in the nontidal waters of the State with nets of any description.]

4-701.

(b) (1) ~~¶~~The Department shall utilize a single, commercial license, to be known and designated as a tidal fish license.

(2)~~¶~~ A tidal fish license authorizes a licensee:

(i) To engage in each activity indicated on the license; and

(ii) For catching crabs, to utilize the number of crew members authorized under § 4-814 of this title.

~~[(3)] (2)~~ Except for a person receiving a license as a beneficiary of a deceased licensee under subsection [(j)(4)(i)] ~~(K)(4)(I)~~ of this section, the Department may not issue a tidal fish license to an individual who is younger than 14 years of age.

~~[(4)] (3)~~ A person may not guide fishing parties or catch, sell, buy, process, transport, export, or otherwise deal in fish caught in tidal waters unless licensed under this section.

(r) ~~[(1)]~~ This subsection applies only to a person who, on April 1, 1997:

(i) Held a valid fishing guide license; and

(ii) Either:

1. Owned two or more vessels used to carry passengers for fishing;

2. Owned or operated a federally licensed vessel of 50 tons or more that was used to carry passengers for fishing; or

3. Owned or operated a marina from which 10 or more vessels operate to carry passengers for fishing.

(2) A person who meets the requirements of paragraph (1) of this subsection may obtain an annual master fishing guide license by:

(i) Filing an application on a form provided by the Department;

(ii) Supplying with the application proofs of ownership of the required vessels; and

(iii) Paying the master fishing guide license fee set forth in subsection (d)(2)(ii)1 of this section.~~]~~

~~[(3)] (1)~~ A person holding a master fishing guide license may:

(i) Employ other persons to guide fishing parties on vessels owned by the master fishing guide; and

(ii) Allow a person who holds a valid Coast Guard license to operate a vessel to carry passengers for fishing from the marina owned or operated by the master guide license holder ~~]~~authorized under paragraph (1)(ii)3 of this subsection~~]~~ as follows:

1. One person for 10 vessels;

2. Two persons for 11 to 20 vessels;
3. Three persons for 21 to 30 vessels;
4. Four persons for 31 to 40 vessels;
5. Five persons for 41 to 50 vessels; and
6. Six persons for 51 or more vessels.

~~[(4)] (2)~~ (i) The Department shall issue a number of copies of the master fishing guide license corresponding to the number of vessels owned or operated by the master fishing guide, with each copy bearing the registration number of one of the vessels.

(ii) The master fishing guide shall ensure that when a vessel is operated, the appropriate copy of the license is on board.

~~[(5)] (3)~~ If a master fishing guide employs another person to operate a vessel to carry passengers for fishing, for purposes of the license suspension criteria in subsection [(m)] (N) of this section, the master fishing guide shall be held responsible for any violations committed by the person employed to operate the vessel.

4-710.

(a) **(1)** A person may not catch finfish for any purpose in the tidal waters of the State by use of any [gig, gig iron,] purse net, beam trawl, otter trawl, trammel net, troll net, or drag net.

**(2) A PERSON MAY USE A GIG OR GIG IRON TO CATCH FINFISH ONLY FOR RECREATIONAL PURPOSES IN THE TIDAL WATERS OF THE STATE.**

**(3)** Any person who violates this section by catching fish with any of the equipment or devices referred to in this subsection, with the exception of a gig or gig iron, is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding one year, or both, with costs imposed in the discretion of the court.

**(4)** Any person who illegally catches fish with a gig or gig iron is subject to the penalties provided by this title.

4-711.

(a) A person may not set any pound net or any line of these nets that is greater in length than one third the distance across the waters of the bay, sound, river, creek, cove, or inlet where it is set, or is set so that it impedes or obstructs navigation on or blocks in

any way the main channel of the bay, sound, river, creek, cove, or inlet. The length limit provided here shall not be construed to apply to any line of nets running parallel to the bank or shore of any bay, sound, river, creek, cove, or inlet, but no net may be set across the mouth on any tributary, harbor, or navigation channel.

(f) A single line of stakes, including the pound or head and the leader or hedging, may not have a length greater than the following:

(1) In Chesapeake Bay, south of a line from Sandy Point to Love Point and in the Choptank River from the mouth of the Choptank River to a line drawn from [the center of house with white roof in vicinity of] Drum Point to [the easterly of two silos in the vicinity of] Kate Point — 1500 feet.

4–713.

(a) A person who fishes with haul seine equipment shall carry a tidal fish license to catch finfish.

(b) [A Natural Resources police officer shall inspect every haul seine prior to its use in any portion of the waters of the Chesapeake Bay or its tributaries. If the Natural Resources police officer determines that the seine complies with the provisions of this section, he shall affix a seal and number certifying that the haul seine is inspected and in compliance with provisions of this section. Any haul seine without a State seal or with a broken seal is an illegal one, and a person may not operate it.

(c) Haul seines shall be limited to a depth or width of 15 feet graduating to a width of 22 feet at the bunt or back. A haul seine may not have a length of its bunt or back greater than 100 feet, which is a “hung” measure.

[(d)] (C) A person may not use a seine exceeding 50 feet in length and 5 feet in width to catch minnows in the tidal waters of the State.

[(e)] (D) If the haul seine is used in the Chesapeake Bay, the length of brail line used on either end of the haul seine may not exceed 1500 feet. If the haul seine is used in the rivers and tributaries of the Chesapeake Bay, the maximum length of brail line may not exceed 750 feet.

[(f)] (E) A person may not drag or haul any seine with two or more vessels or boats propelled by power, or use any haul seine more than 1800 feet in length. A power winch anchored in a vessel or boat, not propelled by power, may be used if the winch boat is anchored in 4 feet depth of water or less.

[(g)] (F) A person may not empty a seine on the shore or beach, or in any water less than 12 inches deep so as to leave the small fish to perish. A person always shall empty the seine in waters of sufficient depth to enable the small fish to return to the waters for growth.

**[(h)] (G)** A person may not haul any seine in waters covering leased oyster ground unless the permission of the lessee is obtained.

**[(i)] (H)** (1) Except as provided in paragraph (2) of this subsection, a person may not fish with a haul seine during the period from **[Friday midnight] 12:01 A.M. SATURDAY** until sunrise on Monday in the tidal waters of the State.

(2) (i) In Baltimore County and Harford County, on prior notification to the Department a person may catch carp during the period from **[Friday midnight] 12:01 A.M. SATURDAY** until sunrise on Monday, except in areas where it is prohibited by the Department.

(ii) Except in areas where it is prohibited by the Department, a person may set a **[licensed]** haul seine at a distance greater than one-third the distance across a river, creek, cove, or inlet in any of the tributary waters of Baltimore County or Harford County only to catch carp and catfish, notwithstanding any other provision of this subtitle regarding the distance across which a haul seine may be set. A person may not set the **[licensed]** haul seine to impede or obstruct navigation or block in any way the main channel of the river, creek, cove, or inlet. Any person who catches fish of a variety other than carp or catfish in any **[licensed]** haul seine shall return them immediately to the water unharmed. A person always shall attend a **[licensed]** haul seine for catching carp or catfish. Any person whose **[licensed]** haul seine is found more than one-third the distance across the waters where it is set without a person in attendance is guilty of violating this subsection.

(iii) The Department, by regulation:

1. Shall establish procedures for the prior notification required under **[subparagraph] PARAGRAPH (2)(i)** of this subsection; and

2. May prohibit fishing for carp and catfish in certain areas as provided in **[subparagraph] PARAGRAPH (2)(ii)** of this subsection.

**[4-716.**

A person may not haul a seine of any description to catch fish in the waters of the Choptank River and its tributaries in Caroline County from May 21 to July 31, both dates inclusive.]

**4-718.**

(c) A person may not set a net of any description to catch fish in the Wicomico River proper above Woodland Point **[House]** in Charles County.

**4-719.**

(e) A person may fish only with hook and line, eel pot, or gill net with at least a three-inch mesh in [the following waters:

(1) Cabin Creek above a line drawn from the residence of Joseph Era in a northeasterly direction to the residence on the opposite side on what is known as the Travers Farm;

(2) Warwick River above a line drawn from the east end of a sand bar extending from the Hughlett Farm in a northerly direction across the river to the nearest point of marsh on Warwick Manor; and

(3)] Goose Creek and Indian Creek.

4-729.

A person may not set a haul seine of any description in the waters of the Choptank River and its tributaries from May 21 to July 31, both dates inclusive.

4-739.

(a) The Department may make rules and regulations governing catching sturgeon in the waters of the State or possessing and selling within the State sturgeon caught in the waters of the State.

(b) The rules and regulations of the Department become effective only after a public hearing is held. The time, place, and purpose of the public hearing shall be advertised in one newspaper of general daily circulation in the State, and at least one newspaper circulated in each county, **AT LEAST ONCE PER WEEK** for two successive weeks in advance of the hearing. After the hearing and adoption of the rules and regulations, they shall be published [for one week] in the newspapers which published the notice of the hearing.

4-745.

(a) (1) Except as provided in subsections (c) and (d) of this section and § 4-217 of this title, a person may not fish for finfish in the Chesapeake Bay or in its tributaries up to tidal boundaries or in State waters of the Atlantic Ocean and the Atlantic coastal bays and their tributaries without first obtaining a Chesapeake Bay and coastal sport fishing license or registration issued under subsection (d)(3) of this section and possessing evidence of the license or registration.

(e) (1) In this subsection, “former prisoner of war” means a person who, while serving in the active military, naval, or air service of the United States, was forcibly detained or interned in the line of duty by an enemy government or its agents, or a hostile force, during a period of armed conflict.

(2) The Department may issue a lifetime complimentary Chesapeake Bay and coastal sport fishing license to any Maryland resident who certifies that the resident is a former prisoner of war or a 100% service connected disabled American veteran.

(3) A complimentary license is not transferable and shall be issued on forms the Department designates.

**(4) THE DEPARTMENT MAY ISSUE ANNUALLY A COMPLIMENTARY CHESAPEAKE BAY AND COASTAL SPORT FISHING LICENSE TO THE PRESIDENT OF THE UNITED STATES, THE GOVERNOR OF ANY STATE, AND ANY OFFICIAL OF THE GAME AND FISH DEPARTMENT OF ANY OTHER STATE.**

**(5) NOT MORE THAN 20 COMPLIMENTARY LICENSES FOR EACH STATE OTHER THAN MARYLAND SHALL BE OUTSTANDING AT ANY TIME.**

4-803.

(a) The Department may adopt rules and regulations to effectuate the following purposes:

(1) To restrict catching and possessing any blue crab;

(2) The methods by which crabs are taken;

(3) To close or open any specified area to catch crabs;

(4) To prohibit or restrict devices used to catch crabs;

(5) To establish seasons to catch crabs;

(6) To establish that the workday for tidal fish licensees who catch crabs using trotline gear may begin earlier than 1 hour before sunrise; and

(7) To establish minimum size limits for hard, soft, and peeler crabs. However, this section does not permit the Department to change existing license fees for catching, picking, canning, packing, or shipping cooked hard or soft crabs or crab meat; or for selling, or shipping live hard or soft crabs by barrel or crate. The Department may set license fees on types of gear or equipment if not otherwise set by law.

(c) The Department's regulations may not become effective under this section until the Department first holds public hearings. The Department shall advertise the time, place, and purpose of the hearings in one newspaper of general daily circulation in the State, and at least in one newspaper circulated in the affected region of each county whose waters may be directly affected by the proposed regulations **AT LEAST ONCE PER WEEK** for 2 successive weeks in advance of the hearings.

4–804.

[(a)] Any person who owns or is in charge of operating a vessel utilized to catch crabs in the waters of the State for commercial purposes shall obtain a license.

[(b)] Any person crabbing from a “for hire” boat operated by the owner, who is present on the boat and is licensed to catch crabs for commercial purposes, is not required to obtain a license.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 118

### (House Bill 779)

AN ACT concerning

#### **Alcoholic Beverages – Washington County – Local Penalties**

FOR the purpose of authorizing the Board of License Commissioners of Washington County to impose a certain fine on an employee of a holder of an alcoholic beverages license in the County under certain circumstances; and generally relating to the imposition of fines by the Board of License Commissioners of Washington County.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 31–2702

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724)(6lr1406) of the Acts of the General Assembly of 2016)

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

#### **Article – Alcoholic Beverages**

31–2702.

(a) A license holder or an employee of a license holder who is charged with a violation of § 6–304 of this article:

(1) shall receive a summons to appear in court on a certain day to answer the charges placed against the license holder or employee; and

(2) may not be required to post bail pending trial in any court in the State.

(b) A license holder or an employee of a license holder may not be found guilty of a violation of § 6–304 of this article if:

(1) the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21 years; and

(2) the individual was not a resident of the State.

**(C) IF AN EMPLOYEE OF A LICENSE HOLDER VIOLATES § 6–304 OF THIS ARTICLE, THE BOARD MAY IMPOSE ON THE EMPLOYEE A FINE NOT EXCEEDING \$200.**

**[(c)] (D)** The granting of probation before judgment to a license holder or an employee of the license holder for a violation of § 6–304 of this article does not bar the Board from proceeding administratively against the license holder for the violation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 119

**(House Bill 788)**

AN ACT concerning

### **Procurement – Small Business Reserve Program – Program Oversight and Continuation**

FOR the purpose of designating the Governor's Office of Minority Affairs rather than the Department of General Services as the agency responsible for adopting certain regulations to establish procedures for compiling and maintaining a certain bidder's list of qualified small businesses that is to be posted on the Internet; repealing the requirement that the Department of General Services post a certain list on the Department's Web site; requiring the Governor's Office of Minority Affairs to establish certain guidelines, ensure agency compliance, provide certain training and assistance to agency personnel, and collect certain data relating to the Small Business Reserve Program; repealing a certain termination provision that applies to

the Small Business Reserve Program; and generally relating to oversight and continuation of the Small Business Reserve Program.

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 14–503  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,  
Chapter 75 of the Acts of the General Assembly of 2004, as amended by Chapter 514  
of the Acts of the General Assembly of 2007 and Chapter 22 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 – State Finance and Procurement**

14–503.

(a) ~~The Department of General Services~~ **GOVERNOR’S OFFICE OF MINORITY AFFAIRS** shall adopt regulations to establish procedures for compiling and maintaining a comprehensive bidder’s list of qualified small businesses that shall be posted on the ~~Department’s Web site~~ **INTERNET**.

(b) **THE GOVERNOR’S OFFICE OF MINORITY AFFAIRS SHALL:**

**(1) ESTABLISH GUIDELINES FOR SMALL BUSINESS RESERVE PROGRAM ADMINISTRATION;**

**(2) ENSURE AGENCY COMPLIANCE WITH THE SMALL BUSINESS RESERVE PROGRAM;**

**(3) PROVIDE TRAINING AND TECHNICAL ASSISTANCE TO AGENCY PERSONNEL; AND**

**(4) COLLECT DATA REGARDING THE STATE’S UTILIZATION OF SMALL BUSINESS RESERVE VENDORS.**

(c) Each designated procurement unit shall ensure compliance with the regulations set forth in subsection (a) of this section.

**Chapter 75 of the Acts of 2004, as amended by Chapter 514 of the Acts of 2007  
and Chapter 22 of the Acts of 2010**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2004. [It shall remain effective for a period of 12 years and, at the end of September 30, 2016, with no further action required by the General Assembly, this Act, and any regulations adopted under the provisions of this Act, shall be abrogated and of no further force and effect.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## **Chapter 120**

### **(House Bill 791)**

AN ACT concerning

#### **Carroll County – Alcoholic Beverages – Beer, Wine, and Liquor Tasting License**

FOR the purpose of creating in Carroll County a beer, wine, and liquor (BWL) tasting license; specifying to whom the license may be issued; authorizing the license holder and the holder of a solicitor's permit to allow the consumption of beer, wine, and liquor for tasting by certain individuals under certain circumstances; requiring the Board of License Commissioners to regulate the quantity of beer and wine served to certain individuals and the number of bottles of beer or wine or other containers of beer from which a certain quantity is served; specifying the quantity of liquor an individual may consume at a liquor tasting; specifying the time the license is valid; specifying a certain license fee; and generally relating to alcoholic beverages in Carroll County.

BY adding to

Article – Alcoholic Beverages

Section 16–308.1

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724)(6lr1406) of the Acts of the General Assembly of 2016)

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

#### **Article – Alcoholic Beverages**

**16–308.1.**

(A) THERE IS A BEER, WINE, AND LIQUOR (BWL) TASTING LICENSE.

(B) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER, WINE, AND LIQUOR (BWL) LICENSE.

(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER AND THE HOLDER OF A SOLICITOR'S PERMIT TO ALLOW THE CONSUMPTION OF BEER, WINE, AND LIQUOR FOR TASTING BY A CUSTOMER OR AN EMPLOYEE OF THE LICENSE HOLDER IF:

(1) THE LICENSE HOLDER IS AUTHORIZED TO SELL THE BEER, WINE, AND LIQUOR; AND

(2) THE CUSTOMER OR THE EMPLOYEE IS NOT CHARGED FOR THE BEER, WINE, AND LIQUOR.

(D) THE BOARD SHALL REGULATE:

(1) THE QUANTITY OF BEER SERVED TO EACH INDIVIDUAL;

(2) THE NUMBER OF BOTTLES OR OTHER CONTAINERS OF BEER FROM WHICH THE QUANTITY IS SERVED;

(3) THE SIZE OF THE BEER BOTTLES OR OTHER CONTAINERS;

(4) THE QUANTITY OF WINE SERVED TO EACH INDIVIDUAL; AND

(5) THE NUMBER OF BOTTLES OF WINE FROM WHICH THE QUANTITY IS SERVED.

(E) AN INDIVIDUAL MAY CONSUME LIQUOR AT A LIQUOR TASTING IN A QUANTITY OF NOT MORE THAN:

(1) ONE-HALF OUNCE FROM EACH OFFERING OF LIQUOR; AND

(2) FIVE OFFERINGS IN 1 DAY.

(F) A LICENSE IS VALID DURING BUSINESS HOURS.

(G) IN ADDITION TO THE COST OF A BWL LICENSE, THE ANNUAL LICENSE FEE IS \$150.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 121

### (House Bill 798)

AN ACT concerning

#### **Health Insurance – Reporting Requirements – Repeal**

FOR the purpose of repealing a requirement that an annual report be filed with the Maryland Insurance Commissioner by insurers, nonprofit health service plans, health maintenance organizations, dental plan organizations, and certain other persons or entities regarding a summary description of certain clinical issues and diagnostic and therapeutic services; repealing a requirement that an annual report be submitted to the Commissioner by insurers, nonprofit health service plans, and health maintenance organizations regarding health benefit plans; repealing a requirement that a private review agent submit to the Commissioner certain criteria and standards and modifications or revisions to the criteria and standards; making a conforming change; and generally relating to the repeal of reporting requirements for health insurance carriers and private review agents.

BY repealing

Article – Insurance

Section 15–123(k) and 15–10B–05(b)

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–123(l), (m), and (n), 15–605(a), and 15–10B–05(c), (d), and (e)

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

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

#### **Article – Insurance**

15–123.

[(k) (1) Each carrier shall file annually with the Commissioner a summary description of the clinical issues and diagnostic and therapeutic services that were

evaluated and the conclusion of the evaluation, including the opinions of the clinical experts.

(2) The Commissioner shall:

(i) make each carrier's filing under paragraph (1) of this subsection available to the public for inspection and review; and

(ii) provide a copy of a carrier's filing under paragraph (1) of this subsection to any person upon request in a timely manner and at a reasonable cost to the person.]

**[(l)] (K)** After notifying a carrier and providing an opportunity for a hearing, the Commissioner may issue an order under § 4–113(d) of this article for a violation of this section.

**[(m)] (L)** (1) The Commissioner may waive the application of subsection (f) of this section for a carrier that has in place a process for evaluating emerging medical and surgical treatments used for the purpose of making coverage decisions, if the Commissioner determines that the carrier's process is substantially equivalent to, or exceeds, the requirements of this section.

(2) A carrier receiving a waiver under paragraph (1) of this subsection shall report any change in its process for evaluating emerging medical and surgical treatments to the Commissioner.

(3) The Commissioner may withdraw a waiver granted under paragraph (1) of this subsection whenever the Commissioner determines that the carrier's process for evaluating emerging medical and surgical treatments is not substantially equivalent to the requirements of this section.

**[(n)] (M)** The Commissioner may adopt regulations to carry out this section.

15–605.

(a) (1) On or before March 1 of each year, an annual report that meets the specifications of paragraph (2) of this subsection shall be submitted to the Commissioner by[:

(i) each authorized insurer that provides health insurance in the State;

(ii) each nonprofit health service plan that is authorized by the Commissioner to operate in the State;

(iii) each health maintenance organization that is authorized by the Commissioner to operate in the State; and

(iv)], as applicable in accordance with regulations adopted by the Commissioner, each managed care organization that is authorized to receive Medicaid prepaid capitation payments under Title 15, Subtitle 1 of the Health – General Article.

(2) The annual report required under this subsection shall:

(i) be submitted in a form required by the Commissioner; and

(ii) include for the preceding calendar year the following data for all health benefit plans specific to the State:

1. premiums written;
2. premiums earned;
3. total amount of incurred claims including reserves for claims incurred but not reported at the end of the previous year;
4. total amount of incurred expenses, including commissions, acquisition costs, general expenses, taxes, licenses, and fees, estimated if necessary;
5. loss ratio; and
6. expense ratio.

(3) The data required under paragraph (2) of this subsection shall be reported[:

(i) by product delivery system for health benefit plans that are issued under Subtitle 12 of this title;

(ii) in the aggregate for health benefit plans that are issued to individuals;

(iii)] in the aggregate [for a managed care organization that operates under Title 15, Subtitle 1 of the Health – General Article; and

(iv) in a manner determined by the Commissioner in accordance with this subsection for all other health benefit plans].

(4) The Commissioner, in consultation with the Secretary of Health and Mental Hygiene, shall establish and adopt by regulation a methodology to be used in the annual report that ensures a clear separation of all medical and administrative expenses whether incurred directly or through a subcontractor.

(5) The Commissioner may conduct an examination to ensure that an annual report submitted under this subsection is accurate.

[(6) Failure of an insurer, nonprofit health service plan, or health maintenance organization to submit the information required under this subsection in a timely manner shall result in a penalty of \$500 for each day after March 1 that the information is not submitted.]

15–10B–05.

[(b) (1) At least 10 days before a private review agent requires any revisions or modifications to existing specific criteria and standards to be used in conducting utilization review of proposed or delivered services, the private review agent shall submit those revisions or modifications to the Commissioner.

(2) At least 10 days before a private review agent requires specific criteria and standards to be used in conducting utilization review of proposed or delivered services in which there are no existing criteria or standards, the private review agent shall submit the criteria and standards to the Commissioner.]

[(c) (B) On the written request of any person or health care facility, the private review agent shall provide 1 copy of the specific criteria and standards to be used in conducting utilization review of proposed or delivered services and any subsequent revisions, modifications, or additions to the specific criteria and standards to be used in conducting utilization review of proposed or delivered services to the person or health care facility making the request.

[(d) (C) The private review agent may charge a reasonable fee for a copy of the specific criteria and standards or any subsequent revisions, modifications, or additions to the specific criteria to any person or health care facility requesting a copy under subsection [(c) (B) of this section.

[(e) (D) A private review agent shall advise the Commissioner, in writing, of a change in:

(1) ownership, medical director, or chief executive officer within 30 days of the date of the change;

(2) the name, address, or telephone number of the private review agent within 30 days of the date of the change; or

(3) the private review agent's scope of responsibility under a contract.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 122

### (House Bill 801)

AN ACT concerning

#### Health Insurance – Required Conformity With Federal Law

FOR the purpose of repealing certain provisions of law permitting certain preexisting condition limitations in group and blanket health insurance contracts and policies; altering certain provisions of law relating to certain preexisting condition exclusions in individual health benefit plans to comply with certain requirements of the federal Patient Protection and Affordable Care Act; altering the definition of “member”, for purposes of provisions of law governing a certain complaint process for coverage decisions, to include a certain individual who is denied coverage under a health benefit plan; altering a certain provision of law relating to participation requirements for health benefit plans in the small employer market to refer to a bronze level health plan instead of a Standard Plan; altering certain provisions of law relating to certain special open enrollment periods in the small employer health insurance market; clarifying the circumstances in which a grace period provision applies under a qualified health plan; requiring a student health plan to comply with the requirements of certain federal regulations, as interpreted and implemented by the federal Centers for Medicare and Medicaid Services; defining a certain term; making conforming changes; correcting a certain cross reference; and generally relating to health insurance and required conformity with federal law.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–137.1(b), 15–508.1, 15–10D–01(k), 15–1206(c), 15–1208.1, ~~and~~  
15–1208.2(d), 15–1315, and 15–1318

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

BY repealing

Article – Insurance

Section 15–508

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

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

## Article – Insurance

15–137.1.

(b) The provisions of subsection (a) of this section do not apply to coverage for excepted benefits, as defined in 45 C.F.R. § [146.145(c)] **146.145**.

[15–508.

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

(2) “Carrier” has the meaning stated in § 15–1301 of this title.

(3) “Enrollment date” has the meaning stated in § 15–1301 of this title.

(4) “Late enrollee” has the meaning stated in § 15–1401 of this title.

(5) “Plan year” means a calendar year or other consecutive 12–month period during which a health benefit plan provides coverage for health benefits.

(6) “Policy or certificate” means any group or blanket health insurance contract or policy that is issued or delivered in the State by an insurer or nonprofit health service plan that provides hospital, medical, or surgical benefits on an expense–incurred basis.

(7) “Preexisting condition provision” has the meaning stated in § 15–1301 of this title.

(b) (1) This section does not apply to a policy or certificate issued to an individual in accordance with Subtitle 13 of this title.

(2) This section applies to carriers for plan years that begin before January 1, 2014.

(c) Except as otherwise provided in subsection (d) of this section, a carrier may impose a preexisting condition provision only if it:

(1) relates to a condition, regardless of the cause of the condition, for which medical advice, diagnosis, care, or treatment was recommended or received within the 6–month period ending on the enrollment date;

(2) extends for a period of not more than 12 months after the enrollment date or 18 months in the case of a late enrollee; and

(3) is reduced by the aggregate of the periods of creditable coverage, as defined in Subtitle 14 of this title.

(d) (1) Subject to paragraph (4) of this subsection, a carrier may not impose any preexisting condition provision on an individual who, as of the last day of the 30-day period beginning with the date of birth, is covered under creditable coverage.

(2) Subject to paragraph (4) of this subsection, a carrier may not impose any preexisting condition provisions on a child who:

(i) is adopted or placed for adoption before attaining 18 years of age; and

(ii) as of the last day of the 30-day period beginning on the date of adoption or placement for adoption, is covered under creditable coverage.

(3) A carrier may not impose any preexisting condition provisions relating to pregnancy.

(4) Paragraphs (1) and (2) of this subsection do not apply to an individual after the end of the first 63-day period during all of which the individual was not covered under any creditable coverage.]

15-508.1.

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

(2) “Carrier” means an insurer or a nonprofit health service plan.

(3) [“Creditable coverage” has the meaning stated in § 15-1301 of this title.

(4)] “Exclusionary rider” means an endorsement to an individual health benefit plan that excludes benefits for one or more named conditions that are discovered by a carrier during the underwriting process.

[(5)] (4) “Health benefit plan” has the meaning stated in § 15-1301 of this title.

[(6)] (5) “Individual health benefit plan” means a health benefit plan issued by a carrier that insures:

(i) only one individual; or

(ii) one individual and one or more family members of the individual.

(b) This section applies to individual health benefit plans that are issued or delivered in the State before [January 1, 2014] **MARCH 23, 2010**.

(c) A carrier may not attach an exclusionary rider to an individual health benefit plan unless the carrier obtains the prior written consent of the policyholder.

(d) [Except as provided in subsection (e) of this section, a] A carrier may impose a preexisting condition exclusion or limitation on an individual for a condition that was not discovered during the underwriting process for an individual health benefit plan only if the exclusion or limitation:

(1) relates to a condition of the individual, regardless of its cause, for which medical advice, diagnosis, care, or treatment was recommended or received within the 12-month period immediately preceding the effective date of the individual's coverage; **AND**

(2) extends for a period of not more than 12 months after the effective date of the individual's coverage[; and

(3) is reduced by the aggregate of any applicable periods of creditable coverage].

[(e) (1) Subject to paragraph (2) of this subsection, a carrier may not impose a preexisting condition exclusion or limitation on an individual who, as of the last day of the 30-day period beginning with the date of the individual's birth, is covered under any creditable coverage.

(2) The limitation on the imposition of a preexisting condition exclusion or limitation under paragraph (1) of this subsection does not apply after the end of the first 63-day period during all of which the individual was not covered under any creditable coverage.]

15-10D-01.

(k) (1) "Member" means:

(I) a person entitled to health care services under a policy, plan, or contract issued or delivered in the State by a carrier; **OR**

(II) **WITH REGARD TO AN INDIVIDUAL WHO IS DETERMINED BY A CARRIER NOT TO BE ELIGIBLE FOR A HEALTH BENEFIT PLAN, AN INDIVIDUAL WHO HAS APPLIED FOR COVERAGE UNDER A HEALTH BENEFIT PLAN.**

(2) "Member" includes:

(i) a subscriber; and

(ii) unless preempted by federal law, a Medicare recipient.

(3) "Member" does not include a Medicaid recipient.

15–1206.

(c) (1) Subject to the approval of the Commissioner and as provided under this subsection and § 15–1209(d) of this subtitle, a carrier may impose reasonable minimum participation requirements.

(2) A carrier may not impose a requirement for minimum participation by the eligible employees of a small employer that is greater than 75%.

(3) In applying a minimum participation requirement to determine whether the applicable percentage of participation is met, a carrier may not consider as eligible employees:

(i) those who have group spousal coverage under a public or private plan of health insurance or another employer's health benefit arrangement, including Medicare, Medicaid, and CHAMPUS, that provides benefits similar to or exceeding the benefits provided under [the Standard Plan] **A BRONZE LEVEL HEALTH PLAN AS DESCRIBED IN 45 C.F.R. § 156.140**; or

(ii) employees who are under the age of 26 years who are covered under their parent's health benefit plan.

(4) A carrier may not impose a minimum participation requirement for a small employer group if any member of the group participates in a medical savings account.

(5) A carrier may not impose a minimum participation requirement for a qualified employer if the qualified employer designates a coverage level within which its employees may choose any qualified health plan in the SHOP Exchange, as provided for in § 31–111(c)(1) of this article.

(6) A carrier may not impose a minimum participation requirement for a small employer group if the small employer group applies for coverage during the period that begins on November 15 and extends through December 15 of any year.

15–1208.1.

(a) A carrier shall provide the special enrollment periods described in this section in each small employer health benefit plan.

(b) A carrier shall allow an eligible employee or dependent who is eligible, but not enrolled, for coverage under the terms of the employer's health benefit plan to enroll for coverage under the terms of the plan if:

(1) the eligible employee or dependent was covered under an employer-sponsored plan or group health benefit plan at the time coverage was previously offered to the employee or dependent;

(2) the eligible employee states in writing, at the time coverage was previously offered, that coverage under an employer–sponsored plan or group health benefit plan was the reason for declining enrollment, but only if the plan sponsor or carrier requires the statement and provides the employee with notice of the requirement;

(3) the eligible employee’s or dependent’s coverage described in item (1) of this subsection:

(i) was under a COBRA continuation provision, and the coverage under that provision was exhausted; or

(ii) was not under a COBRA continuation provision, and either the coverage was terminated as a result of loss of eligibility for the coverage, including loss of eligibility as a result of legal separation, divorce, death, termination of employment, or reduction in the number of hours of employment, or employer contributions towards the coverage were terminated; and

(4) under the terms of the plan, the eligible employee requests enrollment not later than 30 days after:

(i) the date of exhaustion of coverage described in item (3)(i) of this subsection; or

(ii) termination of coverage or termination of employer contributions described in item (3)(ii) of this subsection.

(c) All small employer health benefit plans shall provide a special enrollment period during which the following individuals may be enrolled under the health benefit plan:

(1) an individual who becomes a dependent of the eligible employee through marriage, birth, adoption, placement for adoption, or placement for foster care;

(2) an eligible employee who acquires a new dependent through marriage, birth, adoption, placement for adoption, placement for foster care, or through a child support order or other court order;

(3) the spouse of an eligible employee at the birth or adoption of a child, placement of a child for foster care, or through a child support order or other court order, provided the spouse is otherwise eligible for coverage; and

(4) at the option of the SHOP Exchange, an enrollee who is the eligible employee or the spouse of the eligible employee, if:

(i) the enrollee loses a dependent or is no longer considered to be a dependent due to divorce or legal separation; or

(ii) the employee or the employee's dependent dies.

(d) An eligible employee may not enroll a dependent during a special enrollment period unless the eligible employee:

(1) is enrolled under the health benefit plan; or

(2) applies for coverage for the eligible employee during the same special enrollment period.

(e) The special enrollment period under subsection (c) of this section shall be a period of not less than 31 days and shall begin on the later of:

(1) the date dependent coverage is made available; or

(2) the date of the marriage, birth, adoption, placement for adoption, [or] placement for foster care, **CHILD SUPPORT ORDER OR OTHER COURT ORDER, DIVORCE, LEGAL SEPARATION, OR DEATH**, whichever is applicable.

(f) If an eligible employee enrolls any of the individuals described in subsection (c) of this section during the first 31 days of the special enrollment period, the coverage shall become effective as follows:

(1) in the case of marriage, not later than the first day of the first month beginning after the date the completed request for enrollment is received;

(2) in the case of a dependent's birth, as of the date of the dependent's birth;

(3) in the case of a dependent's adoption or placement for adoption, the date of adoption or placement for adoption, whichever occurs first; [and]

(4) in the case of a dependent's placement for foster care, the date of placement; **AND**

**(5) IN THE CASE OF A DEPENDENT ADDED DUE TO A CHILD SUPPORT ORDER OR ANY OTHER COURT ORDER:**

**(I) THE DATE THE CHILD SUPPORT ORDER OR OTHER COURT ORDER IS EFFECTIVE; OR**

**(II) FOR SHOP EXCHANGE PLANS, IF THE SHOP EXCHANGE PERMITS THE ELIGIBLE EMPLOYEE TO SELECT AN EFFECTIVE DATE BASED ON THE DATE THE ~~APPLICATION~~ PLAN SELECTION IS RECEIVED BY THE SHOP EXCHANGE:**

1. THE FIRST DAY OF THE MONTH FOLLOWING RECEIPT OF THE ~~APPLICATION~~ PLAN SELECTION, IF THE ~~APPLICATION~~ PLAN SELECTION IS RECEIVED BETWEEN THE FIRST AND FIFTEENTH DAY, INCLUSIVE, OF THE MONTH; AND

2. THE FIRST DAY OF THE SECOND MONTH FOLLOWING RECEIPT OF THE ~~APPLICATION~~ PLAN SELECTION, IF THE ~~APPLICATION~~ PLAN SELECTION IS RECEIVED BETWEEN THE SIXTEENTH AND THE LAST DAY, INCLUSIVE, OF THE MONTH.

(G) IF THE SHOP EXCHANGE PERMITS THE SPECIAL ENROLLMENT PERIODS DESCRIBED IN SUBSECTION (C)(4) OF THIS SECTION, THE COVERAGE SHALL BECOME EFFECTIVE AS FOLLOWS:

(1) FOR SPECIAL ENROLLMENT PERIODS IN THE SHOP EXCHANGE DUE TO DEATH OF THE EMPLOYEE OR DEPENDENT:

(I) THE FIRST DAY OF THE MONTH FOLLOWING PLAN SELECTION; OR

(II) IF THE SHOP EXCHANGE PERMITS THE ELIGIBLE EMPLOYEE TO SELECT AN EFFECTIVE DATE BASED ON THE DATE THE ~~APPLICATION~~ PLAN SELECTION IS RECEIVED BY THE SHOP EXCHANGE:

1. THE FIRST DAY OF THE MONTH FOLLOWING RECEIPT OF THE ~~APPLICATION~~ PLAN SELECTION, IF THE ~~APPLICATION~~ PLAN SELECTION IS RECEIVED BETWEEN THE FIRST AND FIFTEENTH DAY, INCLUSIVE, OF THE MONTH; AND

2. THE FIRST DAY OF THE SECOND MONTH FOLLOWING RECEIPT OF THE ~~APPLICATION~~ PLAN SELECTION, IF THE ~~APPLICATION~~ PLAN SELECTION IS RECEIVED BETWEEN THE SIXTEENTH AND THE LAST DAY, INCLUSIVE, OF THE MONTH; AND

(2) FOR SPECIAL ENROLLMENT PERIODS IN THE SHOP EXCHANGE DUE TO DIVORCE OR LEGAL SEPARATION, IF THE ~~APPLICATION~~ PLAN SELECTION IS RECEIVED BY THE SHOP EXCHANGE:

(I) BETWEEN THE FIRST AND FIFTEENTH DAY, INCLUSIVE, OF THE MONTH, THE FIRST DAY OF THE MONTH FOLLOWING RECEIPT OF THE ~~APPLICATION~~ PLAN SELECTION; AND

**(II) BETWEEN THE SIXTEENTH AND THE LAST DAY, INCLUSIVE, OF THE MONTH, THE FIRST DAY OF THE SECOND MONTH FOLLOWING RECEIPT OF THE ~~APPLICATION~~ PLAN SELECTION.**

15-1208.2.

(d) (1) A carrier shall provide an open enrollment period for each individual who experiences a triggering event described in paragraph (4) of this subsection.

(2) The open enrollment period shall be for at least 30 days, beginning on the date of the triggering event.

(3) During the open enrollment period for an individual who experiences a triggering event, a carrier shall permit the individual to enroll in or change from one health benefit plan offered by the small employer to another health benefit plan offered by the small employer.

(4) A triggering event occurs when:

(i) subject to paragraph (5) of this subsection, an eligible employee or dependent loses minimum essential coverage;

(ii) an eligible employee or a dependent loses pregnancy-related coverage described under § 1902(a)(10)(A)(i)(IV) and (a)(10)(A)(ii)(IX) of the Social Security Act, which is considered to occur on the last day the eligible employee or dependent would have pregnancy-related coverage;

(iii) an eligible employee or a dependent loses medically needy coverage as described under § 1902(a)(10)(C) of the Social Security Act, which is considered to occur on the last day the eligible employee or dependent would have medically needy coverage;

(iv) an eligible employee or a dependent who is enrolled in a qualified health plan in the SHOP Exchange:

1. adequately demonstrates to the SHOP Exchange that the qualified health plan in which the eligible employee or a dependent is enrolled substantially violated a material provision of the qualified health plan's contract in relation to the eligible employee or a dependent;

2. gains access to new qualified health plans as a result of a permanent move; or

3. demonstrates to the SHOP Exchange, in accordance with guidelines issued by the federal Department of Health and Human Services, that the eligible employee or a dependent meets other exceptional circumstances as the SHOP Exchange may provide;

(v) an eligible employee or a dependent:

1. loses eligibility for coverage under a Medicaid plan under Title XIX of the Social Security Act or a state child health plan under Title XXI of the Social Security Act; or

2. becomes eligible for assistance, with respect to coverage under the SHOP Exchange, under a Medicaid plan or state child health plan, including any waiver or demonstration project conducted under or in relation to a Medicaid plan or a state child health plan; [or]

(vi) for SHOP Exchange health benefit plans:

1. an eligible employee's or a dependent's enrollment or nonenrollment in a qualified health plan is, as evaluated and determined by the Exchange:

A. unintentional, inadvertent, or erroneous; and

B. the result of the error, misrepresentation, misconduct, or inaction of an officer, employee, or agent of the Exchange or the federal Department of Health and Human Services, or its instrumentalities, or a non-Exchange entity providing enrollment assistance or conducting enrollment activities; or

2. an eligible employee is an Indian as defined in § 4 of the federal Indian Health Care Improvement Act; OR

**(VII) AN ELIGIBLE EMPLOYEE OR A DEPENDENT HAS A LOSS OF COVERAGE UNDER A NONCALENDAR YEAR GROUP HEALTH BENEFIT PLAN OR INDIVIDUAL HEALTH BENEFIT PLAN, EVEN IF THE ELIGIBLE EMPLOYEE OR DEPENDENT HAS THE OPTION TO RENEW THE COVERAGE UNDER THE INDIVIDUAL OR GROUP HEALTH BENEFIT PLAN.**

(5) Loss of minimum essential coverage under paragraph (4)(i) of this subsection does not include loss of coverage due to:

(i) voluntary termination of coverage;

(ii) failure to pay premiums on a timely basis, including COBRA premiums prior to expiration of COBRA coverage; or

(iii) a rescission authorized under 45 C.F.R. § 147.128.

(6) The triggering event described in paragraph (4)(iii) of this subsection is permitted only once per year per individual.

(7) If an eligible employee or a dependent meets the requirements for the triggering event described in paragraph (4)(vi)1 of this subsection, the Exchange may take any action necessary to correct or eliminate the effects of the error, misrepresentation, or inaction.

(8) If an eligible employee meets the requirements for the triggering event described in paragraph (4)(vi)2 of this subsection, the eligible employee may enroll in a qualified health plan or change from one qualified health plan to another one time per month.

(9) An eligible employee or a dependent who meets the requirements for the triggering event described in paragraph (4)(v) of this subsection shall have 60 days from the triggering event to select a health benefit plan.

**(10) A LOSS OF COVERAGE UNDER A HEALTH BENEFIT PLAN DESCRIBED IN PARAGRAPH (4)(VII) OF THIS SUBSECTION IS CONSIDERED TO BE THE LAST DAY OF THE PLAN OR POLICY YEAR OF THE HEALTH BENEFIT PLAN.**

15-1315.

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

(2) “Individual Exchange” has the meaning stated in § 31-101 of this article.

(3) “Qualified health plan” has the meaning stated in § 31-101 of this article.

(4) “Qualified individual” has the meaning stated in § 31-101 of this article.

(b) This section applies to a qualified health plan that is issued on or after January 1, 2014, by a carrier through the Individual Exchange.

(c) A qualified health plan subject to this section shall include a grace period provision applicable to a qualified individual who:

(1) is receiving advance payments of federal premium tax credits; and

(2) [has paid at least 1 full month’s premium during the benefit year]

**FAILS TO PAY PREMIUMS TIMELY.**

(d) The grace period provision shall:

(1) provide a grace period of 3 consecutive months **AFTER THE INITIAL PREMIUM PAYMENT TO BEGIN COVERAGE HAS BEEN PAID;**

(2) APPLY TO QUALIFIED HEALTH PLANS RENEWED IN ACCORDANCE WITH § 15-1309 OF THIS SUBTITLE WITHOUT THE QUALIFIED INDIVIDUAL HAVING TO PAY THE FIRST MONTH’S PREMIUM FOLLOWING RENEWAL; and

[(2)] (3) be in addition to any other grace period provision required by any other applicable State law.

(e) During the grace period, a carrier that issues a qualified health plan subject to this section:

(1) shall pay all appropriate claims for services rendered to the qualified individual during the first month of the grace period;

(2) may pend claims for services rendered to the qualified individual in the second and third months of the grace period;

(3) shall notify the federal Department of Health and Human Services that the qualified individual is in the grace period; and

(4) shall notify providers of the possibility that claims may be denied when a qualified individual is in the second and third months of the grace period.

15-1318.

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

(2) “Institution of higher education” has the meaning stated in the federal Higher Education Act of 1965.

(3) “Student administrative health fee” means a fee charged by an institution of higher education on a periodic basis to students of the institution of higher education to offset the cost of providing health care through health clinics regardless of whether the students utilize the health clinics or enroll in student health plan coverage.

(4) “Student health plan” means an individual health benefit plan that is provided to students enrolled in an institution of higher education and their dependents under a written agreement that:

(i) is between the institution of higher education and a carrier;

(ii) does not make coverage under the health benefit plan available other than in connection with enrollment as a student or as a dependent of a student in the institution of higher education; and

(iii) does not condition eligibility for the health benefit plan on any health status-related factor relating to a student or a dependent of a student.

(b) A carrier that offers student health plans is not required to:

(1) accept individuals who are not:

(i) students; or

(ii) dependents of students covered under the student health plan;

(2) establish open enrollment periods;

(3) establish effective dates that are based on a calendar year;

(4) offer health benefit plan contracts that are on a calendar year basis; or

(5) renew, or continue in force, coverage for individuals who are no longer students or dependents of students.

(c) A student health plan is not subject to the requirement of a single risk pool under § 1312(c) of the Affordable Care Act.

**(D) A STUDENT HEALTH PLAN SHALL COMPLY WITH THE REQUIREMENTS OF 45 C.F.R. § 147.145, AS INTERPRETED AND IMPLEMENTED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES.**

**[(d)] (E) A student administrative health fee is not considered a cost-sharing requirement with respect to specified recommended preventive services.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 123

(House Bill 803)

AN ACT concerning

### Life Insurance – Freedom to Travel Act

FOR the purpose of prohibiting an insurer from taking certain actions relating to life insurance coverage solely for reasons associated with an applicant's or insured's future lawful travel; establishing a certain exception; requiring an insurer to maintain certain data and documents and to make the data and documents available

on request from the Maryland Insurance Commissioner; and generally relating to life insurance and future lawful travel.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 27–208(a)

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

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

### Article – Insurance

27–208.

(a) (1) A person may not make or allow unfair discrimination between individuals of the same class and equal expectation of life in:

(i) the rates charged for a contract of life insurance or an annuity contract;

(ii) the dividends or other benefits payable on a contract of life insurance or an annuity contract; or

(iii) any of the other terms or conditions of a contract of life insurance or an annuity contract.

(2) (i) Notwithstanding any other provision of this section, an insurer may not make or allow a differential in ratings, premium payments, or dividends for contracts of life insurance or annuity contracts for a reason based on the blindness or other physical handicap or disability of an applicant or policyholder.

(ii) Actuarial justification for the differential may be considered for a physical handicap or disability other than blindness or hearing impairment.

(3) Unless there is actuarial justification, an insurer may not refuse to insure or make or allow a differential in ratings, premium payments, or dividends in connection with life insurance and annuity contracts solely because the applicant or policyholder has the sickle-cell trait, thalassemia-minor trait, hemoglobin C trait, Tay-Sachs trait, or a genetic trait that is harmless in itself.

(4) **[An] WITH RESPECT TO A LIFE INSURANCE CONTRACT, AN** insurer may not refuse to insure, refuse to continue to insure, limit the amount or extent or kind of coverage available to an individual, or charge an individual a different rate for the same coverage solely for reasons associated with an applicant's or insured's past lawful travel experiences.

**(5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, WITH RESPECT TO A LIFE INSURANCE CONTRACT, AN INSURER MAY NOT REFUSE TO INSURE, REFUSE TO CONTINUE TO INSURE, LIMIT THE AMOUNT OR EXTENT OR KIND OF COVERAGE AVAILABLE TO AN INDIVIDUAL, OR CHARGE AN INDIVIDUAL A DIFFERENT RATE FOR THE SAME COVERAGE SOLELY FOR REASONS ASSOCIATED WITH AN APPLICANT'S OR INSURED'S FUTURE LAWFUL TRAVEL.**

**(II) 1. SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT PROHIBIT AN INSURER FROM EXCLUDING OR LIMITING COVERAGE OF SPECIFIC FUTURE LAWFUL TRAVEL, OR CHARGING A DIFFERENTIAL RATE FOR SUCH COVERAGE, WHEN BONA FIDE DIFFERENCES IN RISK OR EXPOSURE HAVE BEEN SUBSTANTIATED BY THE USE OF RELEVANT DATA FROM AT LEAST ONE INDEPENDENT RELIABLE SOURCE, INCLUDING STATISTICAL OR OTHER MATHEMATICAL ANALYSIS OF AVAILABLE DATA THAT ESTABLISHES A MATERIAL VARIATION IN ACTUAL OR REASONABLY ANTICIPATED EXPERIENCE THAT CORRELATES TO THE RISK OF SPECIFIC FUTURE LAWFUL TRAVEL.**

**2. TRAVEL ADVISORIES ISSUED BY THE UNITED STATES DEPARTMENT OF STATE DO NOT QUALIFY AS:**

~~**A. THE SOLE SOURCE OF DATA FOR PURPOSES OF THIS SUBPARAGRAPH; OR**~~

~~**B. A SOURCE OF DATA FOR PURPOSES OF THIS SUBPARAGRAPH, IF A UNITED STATES DEPARTMENT OF STATE DESK OFFICER STATES THAT TRAVEL TO THE AREA IS SAFE.**~~

**3. AN INSURER SHALL:**

**A. MAINTAIN THE DATA AND DOCUMENTS THAT SUPPORT THE INSURER'S DETERMINATION THAT BONA FIDE DIFFERENCES IN RISK OR EXPOSURE EXIST; AND**

**B. MAKE THE DATA AND DOCUMENTS AVAILABLE ON REQUEST BY THE COMMISSIONER.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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**Chapter 124****(House Bill 827)**

AN ACT concerning

**Newborn Infant Screening – Testing by Nonpublic Laboratories – ~~Authorization~~  
Notification**

FOR the purpose of ~~authorizing certain laboratories to perform certain screening tests for hereditary and congenital disorders under certain circumstances; authorizing a parent or guardian of a newborn infant to request that a certain laboratory perform certain initial tests to screen for hereditary and congenital disorders; requiring a health care provider to obtain and deliver certain test specimens to screen for hereditary and congenital disorders to certain laboratories under certain circumstances; requiring the Department of Health and Mental Hygiene, in consultation with a certain council, to establish protocols for health care providers to obtain and deliver certain test specimens to certain laboratories; requiring that the~~ coordinated statewide system for newborn screening that the Department of Health and Mental Hygiene is required to maintain include notifying parents and guardians of newborn infants that laboratories other than the Department's public health laboratory are authorized to perform postscreening confirmatory or diagnostic tests on newborn infants for hereditary and congenital disorders; and generally relating to newborn infant screening for hereditary and congenital disorders.

BY repealing and reenacting, without amendments,

Article – Health – General  
Section 13–111(a) through (c)  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health – General  
Section 13–111(d) ~~and 13–112~~  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – Health – General**

13–111.

(a) The Department shall establish a coordinated statewide system for screening all newborn infants in the State for certain hereditary and congenital disorders associated

with severe problems of health or development, except when the parent or guardian of the newborn infant objects.

(b) Except as provided in § 13–112 of this subtitle, the Department’s public health laboratory is the sole laboratory authorized to perform tests on specimens from newborn infants collected to screen for hereditary and congenital disorders as determined under subsection (d)(2) of this section.

(c) The system for newborn screening shall include:

(1) Laboratory testing and the reporting of test results; and

(2) Follow-up activities to facilitate the rapid identification and treatment of an affected child.

(d) In consultation with the State Advisory Council on Hereditary and Congenital Disorders, the Department shall:

(1) Establish protocols for a health care provider to obtain and deliver test specimens to ~~the~~

~~(I) THE~~ Department’s public health laboratory; ~~AND~~

~~(II) OTHER LABORATORIES AUTHORIZED TO PERFORM INITIAL TESTS ON SPECIMENS UNDER § 13–112(B)(1) OF THIS SUBTITLE;~~

(2) Determine the screening tests that the Department’s public health laboratory is required to perform;

(3) Maintain a coordinated statewide system for newborn screening that carries out the purpose described in subsection (c) of this section that includes:

(i) Communicating the results of screening tests to the health care provider of the newborn infant;

(ii) Locating newborn infants with abnormal test results;

(iii) Sharing newborn screening information between hospitals, health care providers, treatment centers, and laboratory personnel; ~~and~~

(iv) Delivering needed clinical, diagnostic, and treatment information to health care providers, parents, and caregivers; and

**(V) NOTIFYING PARENTS AND GUARDIANS OF NEWBORN INFANTS THAT LABORATORIES OTHER THAN THE DEPARTMENT’S PUBLIC HEALTH LABORATORY ARE AUTHORIZED TO PERFORM POSTSCREENING CONFIRMATORY OR**

DIAGNOSTIC TESTS ON NEWBORN INFANTS FOR HEREDITARY AND CONGENITAL DISORDERS; AND

(4) Adopt regulations that set forth the standards and requirements for newborn screening for hereditary and congenital disorders that are required under this subtitle, including:

- (i) Performing newborn screening tests;
- (ii) Coordinating the reporting, follow-up, and treatment activities with parents, caregivers, and health care providers; and
- (iii) Establishing fees for newborn screening that do not exceed an amount sufficient to cover the administrative, laboratory, and follow-up costs associated with the performance of screening tests under this subtitle.

~~13-112.~~

~~(a) The Secretary may contract or delegate the screening required under § 13-111 of this subtitle to another entity with the approval of the State Advisory Council on Hereditary and Congenital Disorders.~~

~~(b) Subject to subsection (c) of this section, a laboratory other than the Department's public health laboratory may [perform].~~

~~(1) AT THE REQUEST OF THE PARENT OR GUARDIAN OF A NEWBORN INFANT, PERFORM THE INITIAL TESTS ON SPECIMENS COLLECTED TO SCREEN FOR HEREDITARY AND CONGENITAL DISORDERS, INCLUDING THE TESTS THE DEPARTMENT'S PUBLIC HEALTH LABORATORY OTHERWISE WOULD PERFORM UNDER § 13-111 OF THIS SUBTITLE; AND~~

~~(2) PERFORM postscreening confirmatory or diagnostic tests on newborn infants for hereditary and congenital disorders.~~

~~(c) Before offering or performing a SCREENING OR postscreening test on a newborn infant for hereditary and congenital disorders under subsection (b) of this section, a laboratory shall:~~

~~(1) Obtain and maintain a license issued by the Secretary as required by Title 17 of this article; and~~

~~(2) Meet all the standards and requirements for a laboratory to perform tests on newborn infants for hereditary and congenital disorders that are established by the Secretary.~~

~~(D) (1) A PARENT OR GUARDIAN OF A NEWBORN INFANT MAY REQUEST THAT A LABORATORY OTHER THAN THE DEPARTMENT'S PUBLIC HEALTH LABORATORY PERFORM THE INITIAL TESTS ON SPECIMENS COLLECTED TO SCREEN FOR HEREDITARY AND CONGENITAL DISORDERS, INCLUDING THE TESTS THE DEPARTMENT'S PUBLIC HEALTH LABORATORY OTHERWISE WOULD PERFORM UNDER § 13-111 OF THIS SUBTITLE.~~

~~(2) AT THE REQUEST OF THE PARENT OR GUARDIAN OF A NEWBORN INFANT, A HEALTH CARE PROVIDER SHALL OBTAIN AND DELIVER TEST SPECIMENS COLLECTED FROM THE NEWBORN INFANT TO SCREEN FOR HEREDITARY AND CONGENITAL DISORDERS TO A LABORATORY:~~

~~(I) AUTHORIZED TO PERFORM INITIAL SCREENING TESTS UNDER SUBSECTION (B)(1) OF THIS SECTION; AND~~

~~(H) SELECTED BY THE PARENT OR GUARDIAN TO PERFORM THE SCREENING TESTS.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 125

(House Bill 832)

AN ACT concerning

### Cecil County – Marriage Licenses – Applications

FOR the purpose of repealing the requirement that, in Cecil County, both parties to be married appear together before the clerk to apply for a marriage license; and generally relating to applications for marriage licenses in Cecil County.

BY repealing and reenacting, with amendments,  
 Article – Family Law  
 Section 2-402  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

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

## Article – Family Law

2–402.

(a) An applicant for a license may apply to the clerk only at the office of the clerk during regular office hours.

(b) Except as provided in [subsections] SUBSECTION (d) [and (e)] of this section, to apply for a license, 1 of the parties to be married shall:

(1) appear before the clerk and give, under oath, the following information, which shall be placed on an application form by the clerk:

(i) the full name of each party;

(ii) the place of residence of each party;

(iii) the age of each party;

(iv) whether the parties are related by blood or marriage and, if so, in which degree of relationship;

(v) the marital status of each party; and

(vi) whether either party was married previously, and the date and place of each death or judicial determination that ended any former marriage;

(2) sign the application form; and

(3) provide the clerk with the Social Security number of each party who has a Social Security number.

(c) The Social Security numbers of the parties:

(1) shall be included in the electronic file for the marriage license application; and

(2) except as provided in § 4–334 of the General Provisions Article, may not be disclosed as part of the public record of the marriage license application.

(d) If the parties to be married are not residents of the county where the marriage ceremony is to be performed, the clerk shall accept, instead of the application specified in subsection (b) of this section, an affidavit from 1 of the parties to be married. The affidavit shall:

(1) contain the information required by subsection (b) of this section; and

(2) be sworn to under oath before a clerk or other comparable official in the county, state, province, or country where the party resides.

(e) [In Cecil County both parties to be married shall appear together before the clerk to apply for a license.

(f) Until a license becomes effective, a clerk may not disclose the fact that an application for a license has been made except to the parent or guardian of a party to be married.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 126

### (House Bill 841)

AN ACT concerning

#### Frederick County – Alcoholic Beverages – Hotel Lobby License

FOR the purpose of establishing in Frederick County a hotel lobby license; authorizing the Board of License Commissioners to issue the license for use by a certain hotel; establishing that the license authorizes the license holder to sell beer and wine by the bottle to patrons of the hotel for on–premises consumption; providing for the hours of sale; specifying an annual license fee; and generally relating to alcoholic beverages in Frederick County.

BY adding to

Article – Alcoholic Beverages

Section 20–1007.1

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724)(6lr1406) of the Acts of the General Assembly of 2016)

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

#### Article – Alcoholic Beverages

**20–1007.1.**

**(A) THERE IS A HOTEL LOBBY LICENSE.**

(B) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A HOTEL THAT DOES NOT HAVE A RESTAURANT.

(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE BY THE BOTTLE FROM A STORE IN THE HOTEL LOBBY TO PATRONS OF THE HOTEL FOR ON-PREMISES CONSUMPTION.

(D) THE LICENSE HOLDER MAY SELL BEER AND WINE:

(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(2) ON SUNDAY, FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY.

(E) THE LICENSE FEE IS \$100.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 127

(House Bill 843)

AN ACT concerning

### Frederick County – Alcoholic Beverages – Beauty Salon License

FOR the purpose of establishing in Frederick County a beauty salon beer and wine license; requiring that a recipient of the license be a holder of a beauty salon permit; authorizing a holder of the license to provide beer and wine by the glass for consumption by a certain customer when a certain cosmetology service is provided or a certain fund-raising event is held; prohibiting the license from being transferred to another location; specifying the hours that the license privilege may be exercised; specifying an annual license fee; providing that an establishment for which the license is issued is subject to certain alcohol awareness training requirements; and generally relating to alcoholic beverages licenses in Frederick County.

BY renumbering

Article – Alcoholic Beverages

Section 20–1002 through 20–1014, respectively

to be Section 20–1003 through 20–1015, respectively

Annotated Code of Maryland  
 (As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of  
 2016)

BY adding to

Article – Alcoholic Beverages

Section ~~20-1001.1~~ 20-1002

Annotated Code of Maryland

~~(As enacted by Chapter \_\_\_\_\_ (S.B. \_\_\_\_\_)(6hr1406) of the Acts of the General  
 Assembly of 2016)~~

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of  
 2016);

BY repealing and reenacting, without amendments,

Article – Business Occupations and Professions

Section 5-101(a), (c), (d), (l), (m), (n), and (o) and 5-501

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 That Section(s) 20-1002 through 20-1014, respectively, of Article – Alcoholic Beverages of  
 the Annotated Code of Maryland be renumbered to be Section(s) 20-1003 through 20-1015,  
 respectively.

~~SECTION 1. 2. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND~~  
 AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### Article – Alcoholic Beverages

#### ~~20-1001.1.~~ 20-1002.

(A) THERE IS A BEAUTY SALON BEER AND WINE LICENSE.

~~(A) (B)~~ THE BOARD MAY ISSUE A SPECIAL BEAUTY SALON BEER AND WINE  
THE LICENSE TO A HOLDER OF A BEAUTY SALON PERMIT UNDER § 5-501 OF THE  
BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.

~~(B) (C)~~ A BEAUTY SALON THE LICENSE AUTHORIZES THE LICENSE  
HOLDER TO PROVIDE NO MORE THAN 5 OUNCES OF BEER OR WINE BY THE GLASS  
FOR ON-PREMISES CONSUMPTION BY A BEAUTY SALON CUSTOMER:

(1) WHEN THE CUSTOMER IS PROVIDED A COSMETOLOGY SERVICE  
UNDER § 5-101(L) DESCRIBED IN § 5-101(L)(1) OF THE BUSINESS OCCUPATIONS  
AND PROFESSIONS ARTICLE; OR

**(2) WHILE THE CUSTOMER IS ATTENDING A FUND-RAISING EVENT AT THE BEAUTY SALON FOR WHICH THE DEPARTMENT OF PERMITS AND INSPECTIONS, IF REQUIRED, HAS ISSUED A PERMIT.**

~~(C)~~ **(D) A BEAUTY SALON THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.**

~~(D)~~ **(E) A HOLDER OF THE THE LICENSE HOLDER MAY PROVIDE BEER AND WINE FOR ON-PREMISES CONSUMPTION DURING NORMAL BUSINESS HOURS BUT NOT LATER THAN 9 P.M.**

~~(E)~~ **THE ANNUAL LICENSE FEE IS \$100.**

~~(F)~~ **AN THE ESTABLISHMENT FOR WHICH A BEAUTY SALON LICENSE IS ISSUED IS SUBJECT TO THE ALCOHOL AWARENESS TRAINING REQUIREMENTS UNDER § 4-505 OF THIS ARTICLE, SUBJECT TO § 20-1903 OF THIS TITLE.**

~~(G)~~ **THE ANNUAL LICENSE FEE IS \$100.**

#### Article – Business Occupations and Professions

5-101.

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

(c) (1) “Beauty salon” means any commercial establishment, except a barbershop, in which an individual practices cosmetology.

(2) “Beauty salon” does not include a clinic in a cosmetology school.

(d) “Beauty salon permit” means a permit issued by the Board to operate a beauty salon.

(l) (1) “Practice cosmetology” means to engage in any of the following for compensation:

- (i) providing hair services;
- (ii) arching or dyeing eyebrows;
- (iii) dyeing eyelashes;
- (iv) providing esthetic services; or
- (v) providing nail technician services.

(2) The practice of cosmetology does not include:

(i) the mere sale, fitting, or styling of wigs or hairpieces;

(ii) the mere shampooing of hair; or

(iii) a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking, or braiding by hand or mechanical device, provided that the service does not include the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair.

(m) "Provide esthetic services" means to provide to an individual, for compensation, the service of:

(1) cleansing, exercising, massaging, stimulating, or performing any other similar procedure on the skin or scalp by electrical, mechanical, or any other means;

(2) applying to the face an alcohol, cream, lotion, astringent, or cosmetic preparation; or

(3) removing superfluous hair by the use of a depilatory, tweezers, or wax.

(n) "Provide hair services" means to provide to an individual for compensation the service of beautifying, cleaning, or embellishing the hair of the individual by:

(1) arranging the hair;

(2) bleaching the hair;

(3) cleansing the hair;

(4) coloring the hair;

(5) curling the hair;

(6) cutting the hair;

(7) dressing the hair;

(8) singeing the hair;

(9) permanent waving the hair;

(10) waving the hair; or

(11) performing any other similar procedure intended to beautify, clean, or embellish the hair.

(o) “Provide nail technician services” means to provide to an individual, for compensation, the service of:

- (1) manicuring or pedicuring the individual’s nails;
- (2) applying artificial nail enhancement products; or
- (3) maintaining artificial nail enhancement products.

5–501.

(a) A person shall hold a beauty salon permit issued by the Board before the person may operate a beauty salon in the State.

(b) A beauty salon may operate as a limited practice beauty salon by offering cosmetology services limited to:

- (1) providing esthetic services;
- (2) providing hair services; or
- (3) providing nail technician services.

(c) A separate beauty salon permit is required for each beauty salon that a person operates.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 128

**(House Bill 844)**

AN ACT concerning

### **Frederick County – Alcohol Awareness Program – Absence From Licensed Premises**

FOR the purpose of authorizing in Frederick County an individual certified by an approved alcohol awareness program to be absent from a licensed premises for a personal or

business reason under certain circumstances; and generally relating to alcoholic beverages in Frederick County.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 20–1903

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724)(6lr1406) of the Acts of the General Assembly of 2016)

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

### **Article – Alcoholic Beverages**

20–1903.

(a) (1) The individual certified by an approved alcohol awareness program may be absent from the licensed premises for **A PERSONAL OR BUSINESS REASON OR** an emergency if:

(i) the **PERSONAL OR BUSINESS REASON OR** emergency meets standards that the Board sets by regulation; and

(ii) the absence lasts for not more than 2 hours.

(2) The Board shall require the license holder to keep a log book on the licensed premises that documents each temporary absence, the length of time of the absence, and the reason for the absence, in the form that the Board requires.

(b) A license holder who violates this section is subject to:

(1) for a first offense, a \$100 fine; and

(2) for each subsequent offense, a fine not exceeding \$500 or a suspension or revocation of the license or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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**Chapter 129**

**(House Bill 890)**

AN ACT concerning

**St. Mary's County – Local Landlord and Tenant Law – Repeal**

FOR the purpose of repealing a certain provision of law concerning the return of goods to a tenant in an action for distress for rent in St. Mary's County; and generally relating to landlord and tenant laws in St. Mary's County.

BY repealing

The Public Local Laws of St. Mary's County  
Section 71–1 and the chapter “Chapter 71. Landlord and Tenant”  
Article 19 – Public Local Laws of Maryland  
(2007 Edition and March 2014 Supplement, as amended)

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

**Article 19 – St. Mary's County**

[Chapter 71  
Landlord and Tenant]

[71–1.

In all cases where property distrained for rent in St. Mary's county is in the hands of a constable or agent of the landlord, the tenant shall go before the District Court and confess judgment in favor of the landlord for the amount of rent claimed and the costs of the distraint and shall also make before the Court a supersedeas, which shall be substantially in the following form:

“State of Maryland \_\_\_\_\_ of \_\_\_\_\_ to wit: We do confess judgment to \_\_\_\_\_, for the sum of \_\_\_\_\_ and \_\_\_\_\_ costs, which were confessed by \_\_\_\_\_ in favor of the \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ before \_\_\_\_\_ District Court of the State of Maryland, the debt and costs to be levied on our goods, chattels, land and tenements, for the use of \_\_\_\_\_ in case the \_\_\_\_\_ shall not pay and satisfy to \_\_\_\_\_ the judgment and costs, with any additional costs at the expiration of six (6) months from the date of the judgment.” The supersedeas shall be signed by one (1) or more sureties, who shall severally make oath before the District Court, that he is worth double the amount of debt, interest and costs, over and above all debts and exemptions. The District Court shall judge the sufficiency of the supersedeas to secure the amount of debt, interest and costs and shall require same to be sufficient to secure the debts, interest and costs. When the supersedeas is filed with the District Court and the Court is satisfied of its sufficiency as a security for the debt confessed, the District Court shall issue an order to the landlord, constable or agent to release the property in his possession, and all further proceedings in the distraint shall be null and void.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 130

### (House Bill 1090)

AN ACT concerning

### Howard County – Alcoholic Beverages – Continuing Care Retirement Community License

#### Ho. Co. 15–16

FOR the purpose of creating in Howard County an exception to the alcoholic beverages license application or renewal requirements for a Class C (continuing care retirement community) beer, wine, and liquor license issued to a nonprofit organization; requiring that the license be applied for and issued to a manager or supervisor and two officers under certain circumstances; allowing residents and their guests in a continuing care retirement community that holds the license to consume ~~wine~~ beer, wine, or liquor not purchased from the community under certain circumstances; and generally relating to continuing care retirement community alcoholic beverages licenses in Howard County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 23–102

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724)(6lr1406) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 23–1404(a) and 23–2704

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724)(6lr1406) of the Acts of the General Assembly of 2016)

BY adding to

Article – Alcoholic Beverages

Section 23–1404(d)

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724)(6lr1406) of the Acts of the General Assembly of 2016)

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

**Article – Alcoholic Beverages**

23–102.

This title applies only in Howard County.

23–1404.

(a) Except as provided in [subsection (c)] **SUBSECTIONS (C) AND (D)** of this section, an applicant for a new license for a corporation or limited liability company shall certify that as long as the applicant is the holder of the license, the applicant shall:

(1) own at least 10% of the stock in the corporation or interest in the limited liability company; or

(2) (i) serve as the manager or supervisor of the corporation or limited liability company; and

(ii) be physically present on a full-time basis at the licensed premises of the corporation or limited liability company to conduct the daily business involving transactions concerning alcoholic beverages sales.

**(D) (1) THE REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION DO NOT APPLY TO AN APPLICATION FOR OR RENEWAL OF A CLASS C (CONTINUING CARE RETIREMENT COMMUNITY) BEER, WINE, AND LIQUOR LICENSE BY A NONPROFIT ORGANIZATION IF THE MANAGER OR SUPERVISOR OF THE CONTINUING CARE RETIREMENT COMMUNITY:**

**(I) IS IDENTIFIED ON THE APPLICATION;**

**(II) RECEIVES ALCOHOL AWARENESS TRAINING FROM AN APPROVED ALCOHOL AWARENESS TRAINING PROGRAM; AND**

**(III) IS PHYSICALLY PRESENT AT THE CONTINUING CARE RETIREMENT COMMUNITY ON A FULL-TIME BASIS.**

**(2) A CONTINUING CARE RETIREMENT COMMUNITY LICENSE SHALL BE ISSUED TO:**

**(I) A MANAGER OR SUPERVISOR; AND**

**(II) TWO OFFICERS, ONE OF WHOM SHALL HAVE BEEN A RESIDENT OF THE COUNTY FOR AT LEAST 2 YEARS BEFORE THE APPLICATION IS FILED AND BE A REGISTERED VOTER AND TAXPAYER OF THE COUNTY WHEN THE APPLICATION IS FILED.**

23-2704.

(a) **(1)** The prohibitions in §§ 6-308 and 6-319 of this article concerning the on-premises consumption of alcoholic beverages not purchased from a license holder do not apply to a social event, including a dance, wedding, or fundraiser, that is held in a hall rented from and located on the premises of a veterans organization that holds a license.

**[(b)] (2)** The veterans organization may not sell or provide alcoholic beverages to the individuals attending the social event.

**(B) RESIDENTS AND GUESTS OF RESIDENTS IN A CONTINUING CARE RETIREMENT COMMUNITY THAT HOLDS A CLASS C (CONTINUING CARE RETIREMENT COMMUNITY) BEER, WINE, AND LIQUOR LICENSE MAY CONSUME ~~WINE~~ BEER, WINE, OR LIQUOR NOT PURCHASED FROM THE CONTINUING CARE RETIREMENT COMMUNITY IF:**

**(1) ~~THE WINE~~ THE BEER, WINE, OR LIQUOR IS CONSUMED WITH A MEAL IN THE DINING ROOM; AND**

**(2) THE CONTINUING CARE RETIREMENT COMMUNITY:**

**(I) IS OPERATED BY A NONPROFIT ORGANIZATION FOR THE CONTINUING CARE RETIREMENT OF INDIVIDUALS AT LEAST 60 YEARS OLD;**

**(II) HAS BEEN INCORPORATED FOR AT LEAST 1 YEAR;**

**(III) HAS OBTAINED A CERTIFICATE OF REGISTRATION FROM THE DEPARTMENT OF AGING UNDER TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE; AND**

**(IV) PREPARES AND SERVES MEALS DURING REGULAR OPERATING HOURS TO RESIDENTS AND THEIR GUESTS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, April 12, 2016.

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**Chapter 131****(House Bill 1101)**

AN ACT concerning

**Municipal Corporations – Closed Swimming Lake – Regulation****MC 32-16**

FOR the purpose of providing that certain closed swimming lakes are not subject to certain regulations; requiring that a municipal corporation that maintains a closed swimming lake establish a policy to assess and monitor the water quality of the lake; requiring the policy to be consistent with certain requirements; defining a certain term; and generally relating to the regulation of closed swimming lakes.

BY adding to

Article – Environment

Section 9-321.2

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

**Article – Environment****9-321.2.**

(A) IN THIS SECTION, “CLOSED SWIMMING LAKE” MEANS A BODY OF WATER THAT:

- (1) IS NO MORE THAN 1.5 ACRES IN SURFACE AREA;
- (2) IS USED FOR SWIMMING; AND
- (3) DOES NOT HAVE A CIRCULATION SYSTEM.

(B) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (C)(2) OF THIS SECTION, A CLOSED SWIMMING LAKE LOCATED WITHIN AND MAINTAINED BY A MUNICIPAL CORPORATION AND ONLY ACCESSIBLE TO RESIDENTS OF THE MUNICIPAL CORPORATION IS NOT SUBJECT TO THE REGULATIONS THAT APPLY TO PUBLIC BATHING BEACHES UNDER COMAR 26.08.09 OR ANY COUNTY REGULATIONS RELATED TO PUBLIC SWIMMING FACILITIES.

(C) (1) ~~A~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A MUNICIPAL CORPORATION THAT MAINTAINS A CLOSED SWIMMING LAKE SHALL ESTABLISH A POLICY TO ASSESS AND MONITOR THE WATER QUALITY OF THE CLOSED SWIMMING LAKE.

(2) THE POLICY ESTABLISHED UNDER THIS SUBSECTION SHALL BE CONSISTENT WITH REQUIREMENTS UNDER:

- (I) COMAR 26.08.09.06;
- (II) COMAR 26.08.09.07; AND
- (III) COMAR 26.08.09.08.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 132

(House Bill 1105)

AN ACT concerning

### Howard County Public School System – Access to Public Information

Ho. Co. 9–16

FOR the purpose of requiring the custodian of a public record to provide written notice to an applicant regarding the right to file a certain complaint with the State Public Information Act Compliance Board; requiring the Public Access Ombudsman to investigate, evaluate, and issue a report concerning the Howard County Public School System concerning certain matters; requiring the Howard County Board of Education, Howard County Superintendent of Schools, and the Howard County Public School System, as applicable, to provide the Ombudsman with certain records; requiring the Ombudsman to maintain the confidentiality of certain records; and generally relating to the Howard County Public School System and access to public information.

BY repealing and reenacting, without amendments,

Article – General Provisions

Section 4–1A–01, 4–1A–04(a), 4–1A–05(a), 4–1B–01, and 4–1B–04(a)

Annotated Code of Maryland

(2014 Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 4–206

Annotated Code of Maryland

(2014 Volume and 2015 Supplement)

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

### **Article – General Provisions**

4–1A–01.

There is a State Public Information Act Compliance Board.

4–1A–04.

(a) The Board shall:

(1) receive, review, and, subject to § 4–1A–07 of this subtitle, resolve complaints filed under § 4–1A–05 of this subtitle from any applicant or the applicant’s designated representative alleging that a custodian charged an unreasonable fee under § 4–206 of this title;

(2) issue a written opinion as to whether a violation has occurred; and

(3) if the Board finds that the custodian charged an unreasonable fee under § 4–206 of this title, order the custodian to reduce the fee to an amount determined by the Board to be reasonable and refund the difference.

4–1A–05.

(a) Any applicant or the applicant’s designated representative may file a written complaint with the Board seeking a written opinion and order from the Board if:

(1) a custodian charged a fee under § 4–206 of this title of more than \$350;  
and

(2) the complainant alleges in the complaint that the fee is unreasonable.

4–1B–01.

In this subtitle, “Ombudsman” means the Public Access Ombudsman.

4–1B–04.

(a) Subject to subsection (b) of this section, the Ombudsman shall make reasonable attempts to resolve disputes between applicants and custodians relating to requests for public records under this title, including disputes over:

- (1) the custodian's application of an exemption;
- (2) redactions of information in the public record;
- (3) the failure of the custodian to produce a public record in a timely manner or to disclose all records relevant to the request;
- (4) overly broad requests for public records;
- (5) the amount of time a custodian needs, given available staff and resources, to produce public records;
- (6) a request for or denial of a fee waiver under § 4-206(e) of this title; and
- (7) repetitive or redundant requests from an applicant.

4-206.

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

(2) "Indigent" means an individual's family household income is less than 50% of the median family income for the State as reported in the Federal Register.

(3) "Reasonable fee" means a fee bearing a reasonable relationship to the recovery of actual costs incurred by a governmental unit.

(b) (1) Subject to the limitations in this section, the official custodian may charge an applicant a reasonable fee for:

(i) the search for, preparation of, and reproduction of a public record prepared, on request of the applicant, in a customized format; and

(ii) the actual costs of the search for, preparation of, and reproduction of a public record in standard format, including media and mechanical processing costs.

(2) The staff and attorney review costs included in the calculation of actual costs incurred under this section shall be prorated for each individual's salary and actual time attributable to the search for and preparation of a public record under this section.

(c) The official custodian may not charge a fee for the first 2 hours that are needed to search for a public record and prepare it for inspection.

(d) (1) If another law sets a fee for a copy, an electronic copy, a printout, or a photograph of a public record, that law applies.

(2) The official custodian may charge for the cost of providing facilities for the reproduction of the public record if the custodian did not have the facilities.

(e) The official custodian may waive a fee under this section if:

(1) the applicant asks for a waiver; and

(2) (i) the applicant is indigent and files an affidavit of indigency; or

(ii) after consideration of the ability of the applicant to pay the fee and other relevant factors, the official custodian determines that the waiver would be in the public interest.

**(F) IN HOWARD COUNTY, IF THE CUSTODIAN OF A PUBLIC RECORD FOR THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM CHARGES AN APPLICANT A FEE UNDER SUBSECTION (B) OF THIS SECTION, THE CUSTODIAN SHALL PROVIDE WRITTEN NOTICE TO THE APPLICANT THAT THE APPLICANT MAY FILE A COMPLAINT WITH THE BOARD TO CONTEST THE FEE.**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) in addition to the duties prescribed under § 4–1B–04(a) of the General Provisions Article of the Code, on or before January 1, 2017, the Public Access Ombudsman shall investigate, evaluate, and issue a report to the public concerning the Howard County Public School System, to cover the period from July 1, 2012, through December 31, 2015, concerning:

(i) the integrity and propriety of any refusal by the custodian of a public record for the Howard County Public School System, on the request of an applicant, to disclose the public record;

(ii) the validity of any declaration by the custodian of a public record for the Howard County Public School System that a public record requested by an applicant does not exist and cannot be produced; and

(iii) the reasonableness of any complaint by an applicant for a public record from the Howard County Public School System as to:

1. any delay by a custodian in furnishing the public record that was requested; and

2. any other matter involving compliance by a custodian with the requirements of Title 4 of the General Provisions Article of the Code (the Public Information Act); and

(2) (i) on the request of the Ombudsman, the Howard County Board of Education, Howard County Superintendent of Schools, or Howard County Public School System, as applicable, shall provide the Ombudsman with any public record that the Ombudsman deems necessary to conduct the review, evaluation, and publication of the report required under paragraph (1) of this section; and

(ii) the Ombudsman shall maintain and preserve as confidential any public record that the Ombudsman obtains from the Howard County Board of Education, Howard County Superintendent of Schools, or the Howard County Public School System for the purposes of this section that the board, county superintendent, or public school system has determined to be confidential.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 133

### (House Bill 1109)

AN ACT concerning

### **Frederick County – Dry Election Districts – Repeal**

FOR the purpose of repealing certain provisions of law that prohibit the Board of License Commissioners for Frederick County from issuing certain alcoholic beverages licenses in certain election districts in the County; providing that the Board may issue anywhere in the County, regardless of election district, any license authorized under a certain provision of law except as otherwise provided under a certain provision; requiring that a certain public hearing be held for a license; specifying that the Board may issue a Class C beer, wine, and liquor license to certain organizations; and generally relating to alcoholic beverages licenses in Frederick County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 20–102

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 20–1602

Annotated Code of Maryland

(As enacted by Chapter 41 (S.B. 724) of the Acts of the General Assembly of 2016)

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

**Article – Alcoholic Beverages**

20–102.

This title applies only in Frederick County.

20–1602.

[(a) (1) Except as otherwise provided in this section, the Board may not issue a license for an establishment in any of the following election districts:

- (i) Catoctin (6th);
- (ii) Hauvers (10th);
- (iii) Jackson (16th);
- (iv) Linganore (19th); and
- (v) Ballenger (23rd).

(2) This subsection does not apply to a Class 8 farm brewery license issued under § 2–210 of this article.

(3) The Board may issue the following licenses for an establishment in the Ballenger election district:

- (i) a Class 7 micro–brewery license;
- (ii) a Class B–CC license;
- (iii) a Class B license; and
- (iv) a Class MEC license.

(b) (1) Except as provided in paragraph (2) of this subsection, the Board may issue a Class A, Class B, or Class C beer license for an establishment in any of the following election districts:

- (i) Jefferson (14th);
- (ii) Johnsville (17th); and
- (iii) Burkittsville (22nd).

(2) The Board may issue a Class B–CI (country inn) on–sale beer, wine, and liquor license for the use of an establishment in the Burkittsville (22nd) election district.

(c) The Board may issue a Class A, Class B, or Class C beer and wine license or a Class A, Class B, or Class C beer, wine, and liquor license for an establishment in any of the following election districts:

- (1) Buckeystown (1st);
- (2) Frederick (2nd);
- (3) Creagerstown (4th);
- (4) Emmitsburg (5th);
- (5) Urbana (7th);
- (6) Liberty (8th);
- (7) New Market (9th);
- (8) Woodsboro (11th);
- (9) Petersville (12th);
- (10) Mt. Pleasant (13th);
- (11) Thurmont (15th);
- (12) Woodville (18th);
- (13) Lewistown (20th);
- (14) Tuscarora (21st);
- (15) Braddock (24th);
- (16) Brunswick (25th); and

(17) Walkersville (26th).

(d) The Board may issue a Class C beer, wine, and liquor license for an establishment in the 3rd election district.

(e) (1) The Board may issue within the municipal boundaries of Middletown:

(i) Class A, Class B, or Class C beer licenses;

(ii) Class B beer, wine, and liquor (on-sale) licenses, if the licensed premises derives at least 70% of its monthly gross revenue from the sale of food; and

(iii) Middletown Wine Festival licenses.

(2) In all other areas of the Middletown (3rd) election district, the Board may issue only:

(i) Class A, Class B, or Class C beer licenses; or

(ii) Middletown Wine Festival licenses.

(f) (1) Wine may be sold as provided under a winery license, a limited winery license, or a Class A wine license in any election district.

(2) A holder of a limited winery license may provide tables and chairs on the premises of the licensed facility for the sale, by the glass, of wine and pomace brandy made at the facility to an individual who participates in a guided tour of the facility or attends a scheduled promotional event or other organized activity at the licensed premises.]

**(A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE BOARD MAY ISSUE ANY LICENSE:**

**(1) AUTHORIZED UNDER THIS TITLE ANYWHERE IN THE COUNTY, REGARDLESS OF ELECTION DISTRICT; AND**

**(2) FOR WHICH A PUBLIC HEARING IS HELD.**

to: **[(g)] (B)** (1) The Board may issue a **CLASS C** beer, wine, and liquor license

(i) a religious organization;

(ii) a fraternal organization;

(iii) a civic organization;

- (iv) a war veterans' organization; and
- (v) a patriotic organization.

(2) A license issued under this subsection may be used only for on-premises consumption.

(3) All net proceeds from the sale of alcoholic beverages by an organization listed in paragraph (1) of this subsection shall be used solely for charitable purposes or otherwise to further the purposes of the organization.

[(h) The Board may issue Class C (golf and country club) licenses for establishments in the 16th election district.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 134

(House Bill 1144)

AN ACT concerning

### Gas and Electric Companies – Retail Choice Customer Education and Protection Fund

FOR the purpose of establishing the Retail Choice Customer Education and Protection Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Public Service Commission to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring that certain civil penalties be paid into the Fund; defining a certain term; and generally relating to the Retail Choice Customer Education and Protection Fund.

BY adding to

Article – Public Utilities

Section 7-310

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Utilities

Section 7–505(b)(7), 7–507, 7–603, 7–604, 7–606, and 13–201(b)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Public Utilities  
Section 13–201(e)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

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

**Article – Public Utilities**

**7–310.**

**(A) IN THIS SECTION, “FUND” MEANS THE RETAIL CHOICE CUSTOMER EDUCATION AND PROTECTION FUND.**

**(B) THERE IS A RETAIL CHOICE CUSTOMER EDUCATION AND PROTECTION FUND.**

**(C) THE PURPOSE OF THE FUND IS TO PROVIDE RESOURCES TO IMPROVE THE COMMISSION’S ABILITY TO:**

**(1) EDUCATE CUSTOMERS ON RETAIL ELECTRIC AND GAS CHOICE;**  
**AND**

**(2) PROTECT CUSTOMERS FROM UNFAIR, FALSE, MISLEADING, OR DECEPTIVE PRACTICES BY ELECTRICITY OR GAS SUPPLIERS.**

**(D) THE COMMISSION SHALL ADMINISTER THE FUND.**

**(E) (1) THE FUND IS A SPECIAL, NONLAPPING 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 § 13–201(E)(3) OF THIS ARTICLE;**

(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(G) THE FUND MAY BE USED ONLY TO:

(1) EDUCATE RETAIL ELECTRIC OR GAS CUSTOMERS ON RETAIL CHOICE; AND

(2) IMPROVE CUSTOMER PROTECTIONS FOR RETAIL ELECTRIC OR GAS CUSTOMERS.

(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 INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

7-505.

(b) (7) An electricity supplier may not engage in marketing, advertising, or trade practices that are unfair, false, misleading, or deceptive.

7-507.

(a) A person, other than an electric company providing standard offer service under § 7-510(c) of this subtitle or a municipal electric utility serving customers solely in its distribution territory, may not engage in the business of an electricity supplier in the State unless the person holds a license issued by the Commission.

(b) An application for an electricity supplier license shall:

(1) be made to the Commission in writing on a form adopted by the Commission;

(2) be verified by oath or affirmation; and

(3) contain information that the Commission requires, including:

(i) proof of technical and managerial competence;

(ii) proof of compliance with all applicable requirements of the Federal Energy Regulatory Commission, and any independent system operator or regional or system transmission operator to be used by the licensee;

(iii) a certification of compliance with applicable federal and State environmental laws and regulations that relate to the generation of electricity; and

(iv) payment of the applicable licensing fee.

(c) The Commission shall, by regulation or order:

(1) require proof of financial integrity;

(2) require a licensee to post a bond or other similar instrument, if, in the Commission's judgment, the bond or similar instrument is necessary to insure an electricity supplier's financial integrity;

(3) require a licensee to:

(i) provide proof that it is qualified to do business in the State with the Department of Assessments and Taxation; and

(ii) agree to be subject to all applicable taxes; and

(4) adopt any other requirements it finds to be in the public interest, which may include different requirements for:

(i) electricity suppliers that serve only large customers; and

(ii) the different categories of electricity suppliers.

(d) A license issued under this section may not be transferred without prior Commission approval.

(e) The Commission shall adopt regulations or issue orders to:

(1) protect consumers, electric companies, and electricity suppliers from anticompetitive and abusive practices;

(2) require each electricity supplier to provide, in addition to the requirements under § 7-505(b)(5) of this subtitle, adequate and accurate customer information to enable customers to make informed choices regarding the purchase of any electricity services offered by the electricity supplier;

(3) establish reasonable restrictions on telemarketing;

- (4) establish procedures for contracting with customers;
  - (5) establish requirements and limitations relating to deposits, billing, collections, and contract cancellations;
  - (6) establish provisions providing for the referral of a delinquent account by an electricity supplier to the standard offer service under § 7–510(c) of this subtitle; and
  - (7) establish procedures for dispute resolution.
- (f) In accordance with regulations or orders of the Commission, electricity bills, for competitive and regulated electric services, provided to consumers may provide, in addition to the requirements of § 7–505(b)(5) of this subtitle and subsection (e)(2) of this section, the following information:
- (1) the identity and phone number of the electricity supplier of the service;
  - (2) sufficient information to evaluate prices and services; and
  - (3) information identifying whether the price is regulated or competitive.
- (g) (1) An electricity supplier or any person or governmental unit may not, without first obtaining the customer's permission:
- (i) make any change in the electricity supplier for a customer; or
  - (ii) add a new charge for a new or existing service or option.
- (2) The Commission shall adopt regulations or issue orders establishing procedures to prevent the practices prohibited under paragraph (1) of this subsection.
- (h) (1) An electricity supplier may not discriminate against any customer based wholly or partly on race, color, creed, national origin, or sex of an applicant for service or for any arbitrary, capricious, or unfairly discriminatory reason.
- (2) An electricity supplier may not refuse to provide service to a customer except by the application of standards that are reasonably related to the electricity supplier's economic and business purposes.
- (i) An electricity supplier shall be subject to all applicable federal and State environmental laws and regulations.
  - (j) An electricity supplier shall post on the Internet information that is readily understandable about its services and rates for small commercial and residential electric customers.

(k) (1) The Commission may revoke or suspend the license of an electricity supplier, impose a civil penalty or other remedy, order a refund or credit to a customer, or impose a moratorium on adding or soliciting additional customers by the electricity supplier, for just cause on the Commission's own investigation or on complaint of the Office of People's Counsel, the Attorney General, or an affected party.

(2) A civil penalty may be imposed in addition to the Commission's decision to revoke, suspend, or impose a moratorium.

(3) Just cause includes:

(i) intentionally providing false information to the Commission;

(ii) switching, or causing to be switched, the electricity supply for a customer without first obtaining the customer's permission;

(iii) failing to provide electricity for its customers;

(iv) committing fraud or engaging in deceptive practices;

(v) failing to maintain financial integrity;

(vi) violating a Commission regulation or order;

(vii) failing to pay, collect, remit, or calculate accurately applicable State or local taxes;

(viii) violating a provision of this article or any other applicable consumer protection law of the State;

(ix) conviction of a felony by the licensee or principal of the licensee or any crime involving fraud, theft, or deceit; and

(x) suspension or revocation of a license by any State or federal authority.

(l) (1) An electricity supplier or person selling or offering to sell electricity in the State in violation of this section, after notice and an opportunity for a hearing, is subject to:

(i) a civil penalty of not more than \$10,000 for the violation; or

(ii) license revocation or suspension.

(2) Each day a violation continues is a separate violation.

(3) The Commission shall determine the amount of any civil penalty after considering:

(i) the number of previous violations of any provision of this division;

(ii) the gravity of the current violation; and

(iii) the good faith of the electricity supplier or person charged in attempting to achieve compliance after notification of the violation.

(m) In connection with a consumer complaint or Commission investigation under this section, an electricity supplier shall provide to the Commission access to any accounts, books, papers, and documents which the Commission considers necessary to resolve the matter at issue.

(n) The Commission may order the electricity supplier to cease adding or soliciting additional customers or to cease serving customers in the State.

(o) The Commission shall consult with the Consumer Protection Division of the Office of the Attorney General before issuing regulations designed to protect consumers.

(p) The People's Counsel shall have the same authority in licensing, complaint, and dispute resolution proceedings as it has in Title 2 of this article.

(q) Nothing in this subtitle may be construed to affect the authority of the Division of Consumer Protection in the Office of the Attorney General to enforce violations of Titles 13 and 14 of the Commercial Law Article or any other applicable State law or regulation in connection with the activities of electricity suppliers.

7-603.

(a) The Commission shall license gas suppliers and shall have the same authority as the Commission has under § 7-507 of this title for electricity suppliers, including the authority to:

(1) revoke or suspend a license;

(2) impose a moratorium, civil penalty, or other remedy; or

(3) order a refund for or credit to a customer.

(b) The Commission shall adopt licensing requirements and procedures for gas suppliers that protect consumers, the public interest, and the collection of all State and local taxes.

7-604.

(a) On or before July 1, 2001, the Commission shall adopt consumer protection orders or regulations for gas suppliers that:

(1) protect consumers from discriminatory, unfair, deceptive, and anticompetitive acts and practices in the marketing, selling, or distributing of natural gas;

(2) provide for contracting, enrollment, and billing practices and procedures; and

(3) the Commission considers necessary to protect the consumer.

(b) In adopting orders and regulations under this section, unless the Commission determines that the circumstances do not require consistency, the Commission shall:

(1) provide customers with protections consistent with applicable protections provided to retail electric customers; and

(2) impose appropriate requirements on gas suppliers that are consistent with applicable requirements imposed on electricity suppliers.

7-606.

The Commission may adopt regulations or adopt orders to implement this subtitle that it considers necessary and in the public interest.

13-201.

(b) (1) Except as provided in paragraph (2) of this subsection, the Commission may impose a civil penalty not exceeding \$25,000 against a person who violates a provision of this division, or an effective and outstanding direction, ruling, order, rule, or regulation of the Commission.

(2) The civil penalty that the Commission may impose on a common carrier for each violation may not exceed \$2,500.

(e) (1) Except as provided in [paragraph (2)] **PARAGRAPHS (2) AND (3)** of this subsection, a civil penalty collected under this section shall be paid into the General Fund of the State.

(2) A civil penalty assessed for a violation of a service quality and reliability standard under § 7-213 of this article shall be paid into the Electric Reliability Remediation Fund under § 7-213(j) of this article.

**(3) A CIVIL PENALTY ASSESSED FOR A VIOLATION OF § 7-505(B)(7), § 7-507, § 7-603, § 7-604, OR § 7-606 OF THIS ARTICLE, OR A RULE, AN ORDER, OR A REGULATION ADOPTED UNDER ANY OF THOSE SECTIONS, SHALL BE PAID INTO THE**

**RETAIL CHOICE CUSTOMER EDUCATION AND PROTECTION FUND UNDER § 7-310 OF THIS ARTICLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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**Chapter 135****(House Bill 1161)**

AN ACT concerning

**Municipalities – Boat Docking and Storage – User Fees – Authorized Uses**

FOR the purpose of authorizing a municipality to use revenue from a certain user fee on charges for the docking and storage of boats for land acquisition and the related construction and maintenance of public facilities to enhance public use and water access; and generally relating to municipal user fees on charges for the docking and storage of boats.

BY repealing and reenacting, with amendments,  
Article – Local Government  
Section 20–608  
Annotated Code of Maryland  
(2013 Volume and 2015 Supplement)

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

**Article – Local Government**

20–608.

(a) By ordinance, a municipality may impose a user fee on charges for the docking and storage of boats.

(b) (1) Subject to paragraph (2) of this subsection, a municipality shall set the rate of the user fee.

(2) The rate of the user fee may not exceed 5% of the rental charges for the docking and storage of boats.

(c) The total amount of user fees charged per boat slip under this section may not exceed \$100 annually.

(d) A municipality shall use any revenue from the user fee authorized under this section:

(1) to maintain and enhance:

[(1)] (I) water quality;

[(2)] (II) water and wastewater treatment facilities;

[(3)] (III) marinas;

[(4)] (IV) law enforcement;

[(5)] (V) public safety; or

[(6)] (VI) fire services; OR

(2) FOR LAND ACQUISITION AND THE RELATED CONSTRUCTION AND MAINTENANCE OF PUBLIC FACILITIES TO ENHANCE PUBLIC USE AND WATER ACCESS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 136

(House Bill 1220)

AN ACT concerning

### **Department of Health and Mental Hygiene – Health Program Integrity and Recovery Activities**

FOR the purpose of authorizing the Inspector General or a certain Assistant Inspector General in the Department of Health and Mental Hygiene to subpoena any person or evidence, administer oaths, and take depositions and other testimony for the purpose of investigating fraud, waste, or abuse of departmental health program funds; authorizing a certain court to take certain actions under certain circumstances if a person fails to comply with a certain order or subpoena;

authorizing the Inspector General to impose a civil money remedy against a provider for a certain violation under certain circumstances; establishing the maximum amount of a civil money remedy; specifying the factors that must be considered in setting the amount of a civil money remedy; requiring the Inspector General to provide certain notice and order to a provider of the imposition of a civil money remedy; requiring the notice and order to be served in a certain manner and to include certain information; establishing a certain right to appeal from an order imposing a civil money remedy; requiring a provider to pay a civil money remedy within a certain period under certain circumstances; requiring the Inspector General to adopt certain regulations; authorizing the Inspector General or a certain person acting on behalf of the Inspector General to use extrapolation to determine the rate of error or overpayment under certain circumstances; providing that an audit of a provider may be conducted using extrapolation to determine the rate of error or overpayment for certain claims made by the provider; specifying the types of claims that may not be included in a sample to be used for extrapolation; specifying the qualifications of certain individuals conducting an audit for the Inspector General; requiring the Inspector General to provide certain notice of an audit within a certain time frame to a provider; requiring the Inspector General to conduct an exit conference and provide certain information to a provider under certain circumstances; authorizing a provider to challenge certain findings and conclusions within a certain period of time after the exit conference; requiring the Inspector General to review certain additional documentation and to issue a final report and recovery letter; authorizing a health care provider to appeal a final determination by the Inspector General in a certain manner; authorizing a provider to challenge the accuracy of a certain audit; authorizing the Department to adopt certain findings of the federal government under certain circumstances; requiring the Department to provide a provider with an audit report of the federal government and certain other information under certain circumstances; authorizing a provider to challenge certain findings and conclusions within a certain period of time after receipt of a certain recovery letter; defining certain terms; and generally relating to the Department of Health and Mental Hygiene and health program integrity and recovery activities.

BY repealing and reenacting, with amendments,

Article – Health – General  
Section 2–503  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY adding to

Article – Health – General  
Section 2–504.1; and 2–701 through 2–705 to be under the new subtitle “Subtitle 7.  
Use of Extrapolation in Recovery of Health Claim Overpayments”  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – Health – General**

2–503.

**(A) The Inspector General:**

(1) May investigate fraud, waste, and abuse of departmental funds;

(2) Shall cooperate with and coordinate investigative efforts with the Medicaid Fraud Control Unit and where a preliminary investigation establishes a sufficient basis to warrant referral, shall refer such matters to the Medicaid Fraud Control Unit; and

(3) Shall cooperate with and coordinate investigative efforts with departmental programs and other State and federal agencies to ensure a provider is not subject to duplicative audits.

**(B) (1) THE INSPECTOR GENERAL OR A DESIGNATED ASSISTANT INSPECTOR GENERAL MAY SUBPOENA ANY PERSON OR EVIDENCE, ADMINISTER OATHS, AND TAKE DEPOSITIONS AND OTHER TESTIMONY FOR THE PURPOSE OF INVESTIGATING FRAUD, WASTE, OR ABUSE OF DEPARTMENTAL FUNDS.**

**(2) IF A PERSON FAILS TO COMPLY WITH A LAWFUL ORDER OR SUBPOENA ISSUED UNDER THIS SUBSECTION, ON PETITION OF THE INSPECTOR GENERAL OR A DESIGNATED ASSISTANT INSPECTOR GENERAL, A COURT OF COMPETENT JURISDICTION MAY COMPEL:**

**(I) COMPLIANCE WITH THE ORDER OR SUBPOENA; OR**

**(II) TESTIMONY OR THE PRODUCTION OF EVIDENCE.**

2–504.1.

**(A) EXCEPT AS OTHERWISE PROHIBITED BY STATE OR FEDERAL LAW, IN THE SOLE DISCRETION OF THE INSPECTOR GENERAL, THE INSPECTOR GENERAL MAY IMPOSE A CIVIL MONEY REMEDY AGAINST A PROVIDER FOR A VIOLATION OF STATE OR FEDERAL LAW GOVERNING THE CONDITIONS OF PAYMENT FOR ANY SERVICE OR ITEM FOR WHICH THE PROVIDER SUBMITTED A CLAIM FOR PAYMENT AND RECEIVED PAYMENT.**

**(B) A CIVIL MONEY REMEDY IMPOSED UNDER THIS SECTION:**

**(1) IS IN LIEU OF FULL PAYMENT OR FULL ADJUSTMENT OF THE PAID CLAIM AND NOT IN ADDITION TO REPAYMENT OF THE CLAIM;**

(2) MAY NOT BE LESS THAN THE FEDERAL FINANCIAL PARTICIPATION SHARE OF THE IDENTIFIED IMPROPER CLAIM AMOUNT;

(3) MAY NOT BE IMPOSED IF THE CLAIM WAS INCLUDED IN THE UNIVERSE OF CLAIMS UNDER AN EXTRAPOLATION CALCULATION; AND

(4) IS ONLY AVAILABLE IF THE PROVIDER HAS NOT BEEN SUBJECTED TO A REPAYMENT PENALTY OR FINE, A CRIMINAL ACTION, OR A CIVIL FALSE CLAIMS ACTION UNDER EITHER FEDERAL OR STATE LAW FOR THE SAME CLAIM.

(c) (1) A CIVIL MONEY REMEDY MAY NOT EXCEED THE AMOUNT OF REIMBURSEMENT THAT THE PROVIDER RECEIVED FOR THE PAID CLAIM.

(2) IN DETERMINING WHETHER TO IMPOSE A CIVIL MONEY REMEDY UNDER THIS SECTION AND IN SETTING THE AMOUNT OF THE CIVIL MONEY REMEDY, THE INSPECTOR GENERAL SHALL CONSIDER:

(I) THE NUMBER, NATURE, AND SERIOUSNESS OF THE VIOLATIONS;

(II) THE PROVIDER'S HISTORY OF COMPLIANCE;

(III) THE EFFORTS MADE BY THE PROVIDER TO CORRECT THE VIOLATIONS AND ANY CONTINUATION OF CONDUCT AFTER NOTIFICATION OF POSSIBLE VIOLATIONS;

(IV) THE PROVIDER'S LEVEL OF COOPERATION WITH THE DEPARTMENT OR INSPECTOR GENERAL AS IT RELATES TO THE REVIEW OF THE CLAIM;

(V) THE DEGREE OF RISK TO THE HEALTH, LIFE, OR SAFETY OF CONSUMERS AS A RESULT OF THE VIOLATIONS; AND

(VI) ANY OTHER REASONABLE FACTORS AS FAIRNESS MAY REQUIRE.

(3) IN WEIGHING THE FACTORS SET FORTH IN PARAGRAPH (2) OF THIS SUBSECTION, THE INSPECTOR GENERAL SHALL, IF APPROPRIATE, GIVE SPECIAL CONSIDERATION TO THE EXTENT TO WHICH THE PROVIDER'S SIZE, OPERATIONS, OR FINANCIAL CONDITION:

(I) MAY HAVE CONTRIBUTED TO THE VIOLATIONS; AND

**(II) MAY AFFECT THE PROVIDER'S ABILITY TO PROVIDE CARE AND CONTINUE OPERATIONS AFTER PAYMENT OF A CIVIL MONEY REMEDY.**

**(D) IF A CIVIL MONEY REMEDY IS IMPOSED UNDER THIS SECTION, THE INSPECTOR GENERAL SHALL ISSUE A WRITTEN NOTICE AND ORDER TO THE PROVIDER THAT:**

**(1) STATES THE TOTAL AMOUNT OF THE CIVIL MONEY REMEDY; AND**

**(2) INCLUDES THE FOLLOWING INFORMATION:**

**(i) THE BASIS ON WHICH THE ORDER IS MADE;**

**(ii) EACH REGULATION OR STATUTE VIOLATED;**

**(iii) THE AMOUNT OF EACH CIVIL MONEY REMEDY IMPOSED FOR EACH VIOLATION;**

**(iv) THE NUMBER OF CLAIMS AND TOTAL VALUE OF THE CLAIMS IDENTIFIED WITH ERRORS; AND**

**(v) THE MANNER IN WHICH THE AMOUNT OF THE CIVIL MONEY REMEDY WAS CALCULATED.**

**(E) THE NOTICE AND ORDER SHALL BE SERVED ON THE PROVIDER BY CERTIFIED MAIL AND SHALL INCLUDE A STATEMENT THAT EXPLAINS THE PROVIDER'S RIGHT TO APPEAL THE ORDER IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**

**(F) (1) AN ORDER THAT IMPOSES A CIVIL MONEY REMEDY IS FINAL WHEN THE PROVIDER HAS EXHAUSTED ALL OPPORTUNITIES TO CONTEST THE CIVIL MONEY REMEDY IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**

**(2) AFTER EXHAUSTION OF ALL APPEALS, A PROVIDER SHALL PAY A CIVIL MONEY REMEDY TO THE DEPARTMENT WITHIN 10 DAYS AFTER THE PROVIDER RECEIVES A FINAL ORDER THAT AFFIRMS THE IMPOSITION OF THE CIVIL MONEY REMEDY UNLESS THE INSPECTOR GENERAL NEGOTIATES AND APPROVES A REPAYMENT SCHEDULE.**

**(G) THE INSPECTOR GENERAL, IN CONSULTATION WITH STAKEHOLDERS, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.**

**SUBTITLE 7. USE OF EXTRAPOLATION IN RECOVERY OF HEALTH CLAIM  
OVERPAYMENTS.**

**2-701.**

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

(B) “CLAIM” HAS THE MEANING STATED IN § 2-501 OF THIS TITLE.

(C) “EXTRAPOLATION” MEANS THE PROCESS OF ESTIMATING AN UNKNOWN VALUE BY PROJECTING, WITH A CALCULATED PRECISION OR MARGIN OF ERROR, THE RESULTS OF THE REVIEW OF A SAMPLE TO THE UNIVERSE FROM WHICH THE SAMPLE WAS DRAWN USING A STATISTICALLY VALID SAMPLING METHODOLOGY.

(D) “FEDERAL GOVERNMENT” MEANS AN AGENCY OF THE UNITED STATES GOVERNMENT OR A CONTRACTOR RETAINED BY THE AGENCY OF THE UNITED STATES GOVERNMENT.

(E) “OVERPAYMENT” MEANS A PAYMENT THAT:

(1) IS MADE BY THE DEPARTMENT TO A PROVIDER FOR SERVICES OR GOODS FOR WHICH THE PROVIDER SUBMITTED A CLAIM TO THE DEPARTMENT;

(2) IS FOUND TO BE INCORRECT; AND

(3) RESULTS IN A PAYMENT GREATER THAN THAT TO WHICH THE PROVIDER IS ENTITLED.

(F) “PROGRAM” HAS THE MEANING STATED IN § 2-501 OF THIS TITLE.

(G) “PROVIDER” HAS THE MEANING STATED IN § 2-501 OF THIS TITLE.

(H) “STATISTICALLY VALID SAMPLING METHODOLOGY” MEANS A METHODOLOGY USED FOR EXTRAPOLATION THAT HAS A CONFIDENCE LEVEL OF 90% OR GREATER AND IS VALIDATED BY A STATISTICIAN WHO POSSESSES AT LEAST A MASTER’S DEGREE IN STATISTICS.

(I) “UNIVERSE” MEANS A DEFINED POPULATION OF CLAIMS SUBMITTED BY A PROVIDER TO THE DEPARTMENT AND PAID TO THE PROVIDER BY THE DEPARTMENT DURING A SPECIFIED TIME PERIOD.

**2-702.**

**(A) SUBJECT TO THE REQUIREMENTS OF THIS SUBTITLE, THE INSPECTOR GENERAL, OR A CONTRACTOR OR AN AGENT ACTING ON BEHALF OF THE INSPECTOR GENERAL, MAY USE EXTRAPOLATION DURING AN AUDIT TO RECOVER AN OVERPAYMENT FROM A PROVIDER IF:**

**(1) THE FEDERAL GOVERNMENT HAS ALSO CONDUCTED AN AUDIT OF THE PROGRAM FOR OVERPAYMENT; AND**

**(2) THE MONETARY RECOVERY AMOUNT DETERMINED TO BE DUE BY THE PROGRAM TO THE FEDERAL GOVERNMENT IS BASED ON THE FEDERAL GOVERNMENT'S USE OF EXTRAPOLATION.**

**(B) AN AUDIT CONDUCTED BY THE INSPECTOR GENERAL OR A CONTRACTOR OR AGENT ACTING ON BEHALF OF THE INSPECTOR GENERAL UNDER SUBSECTION (A) OF THIS SECTION SHALL BE LIMITED TO THE SCOPE OF THE FEDERAL AUDIT, INCLUDING CLAIMS FOR THE SAME AUDIT TIME PERIOD AND THE SAME TYPE OF CLAIMS.**

**2-703.**

**(A) ON A FINDING OF AN OVERPAYMENT TO A PROVIDER, THE INSPECTOR GENERAL MAY NOT USE EXTRAPOLATION UNLESS THERE IS A DETERMINATION OF A SUSTAINED OR HIGH LEVEL OF PAYMENT ERROR, AS DEFINED BY REGULATION.**

**(B) WHEN USING EXTRAPOLATION TO DETERMINE AN OVERPAYMENT, THE SAMPLE TO BE USED MAY NOT INCLUDE CLAIMS:**

**(1) IN WHICH THE ALLEGED OVERPAYMENT WOULD HAVE NO FISCAL IMPACT ON THE ENTIRE SAMPLE;**

**(2) THAT WERE SUBMITTED IN ACCORDANCE WITH THE DEPARTMENT'S, INSPECTOR GENERAL'S, OR PROGRAM'S DIRECTIVES, POLICIES, GUIDELINES, OR REGULATIONS; OR**

**(3) THAT ARE THE RESULT OF AN UNINTENTIONAL OVERLAP IN SERVICES AMONG UNRELATED PROVIDERS CAUSED BY CIRCUMSTANCES BEYOND THE CONTROL OF THE PROVIDER THAT IS SUBJECT TO THE AUDIT, IN WHICH CASE THE INSPECTOR GENERAL MAY RECOVER THE ORIGINAL OVERPAYMENT.**

**2-704.**

**(A) THE INSPECTOR GENERAL OR A CONTRACTOR OR AN AGENT OF THE INSPECTOR GENERAL THAT CONDUCTS AN AUDIT UNDER THIS SUBTITLE IN WHICH EXTRAPOLATION MAY BE USED SHALL:**

**(1) PERFORM THE AUDIT IN ACCORDANCE WITH A METHODOLOGY USED BY THE FEDERAL GOVERNMENT OR CONDUCTED IN ACCORDANCE WITH GENERALLY ACCEPTED AUDITING STANDARDS (GAAS) AND THE STATEMENT ON ACCOUNTING STANDARDS (SAS);**

**(2) USE A STATISTICALLY VALID SAMPLING METHODOLOGY; AND**

**(3) MEET THE FOLLOWING QUALIFICATIONS:**

**(I) HAVE AT LEAST 3 YEARS OF AUDITING EXPERIENCE;**

**(II) HAVE EXPERIENCE IN THE PROCEDURAL CODING PROGRAM USED FOR THE CLAIM;**

**(III) BE FAMILIAR, EITHER INDEPENDENTLY OR THROUGH TRAINING BY THE PROVIDER, WITH THE FORMAT AND CONTENT OF PAPER AND ELECTRONIC MEDICAL RECORDS AND CLAIM FORMS USED BY THE PROVIDER; AND**

**(IV) HAVE GENERAL KNOWLEDGE OF THE PARTICULAR HEALTH CARE ITEM OR SERVICE THAT IS THE SUBJECT OF THE AUDIT AND THE PROGRAM RULES THAT GOVERN THE HEALTH CARE ITEM OR SERVICE AT THE TIME THE ITEM OR SERVICE WAS PROVIDED.**

**(B) (1) IF THE MEDICAL NECESSITY OF THE CLAIM IS THE SUBJECT OF THE AUDIT, THE ENTITY THAT CONDUCTS THE AUDIT SHALL INCLUDE AS PART OF THE AUDIT TEAM AN INDIVIDUAL LICENSED IN THE SAME HEALTH OCCUPATION AS THE PROVIDER.**

**(2) THE INDIVIDUAL INCLUDED IN THE AUDIT TEAM UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL HAVE SIGNIFICANT KNOWLEDGE OF THE AUDITED PROCEDURE BUT IS NOT REQUIRED TO BE IN THE SAME SPECIALTY OR PRACTICE AREA AS THE AUDITED PROVIDER.**

**2-705.**

**(A) NOT LESS THAN 15 CALENDAR DAYS BEFORE COMMENCEMENT OF AN AUDIT BY THE INSPECTOR GENERAL UNDER THIS SUBTITLE, THE INSPECTOR GENERAL SHALL GIVE TO THE PROVIDER WRITTEN NOTICE OF THE AUDIT, INCLUDING:**

(1) THE STATISTICALLY VALID SAMPLING METHODOLOGY TO BE USED;

(2) THE NAME, CONTACT INFORMATION, AND CREDENTIALS OF EACH INDIVIDUAL CONDUCTING THE AUDIT, INCLUDING THE INDIVIDUAL VALIDATING THE METHODOLOGY;

(3) THE AUDIT LOCATION, INCLUDING WHETHER THE AUDIT WILL BE CONDUCTED ON-SITE AT THE LOCATION OF THE PROVIDER OR THROUGH RECORD SUBMISSION; AND

(4) THE MANNER IN WHICH THE INFORMATION REQUESTED MUST BE SUBMITTED.

(B) (1) EXCEPT IN CASES WHERE THE INSPECTOR GENERAL REFERS THE AUDIT FINDINGS AND CONCLUSIONS TO THE OFFICE OF THE ATTORNEY GENERAL MEDICAID FRAUD CONTROL UNIT OR OTHER APPLICABLE LAW ENFORCEMENT AGENCY, THE INSPECTOR GENERAL SHALL, ON COMPLETION OF THE AUDIT, CONDUCT AN EXIT CONFERENCE WITH THE PROVIDER THAT IS THE SUBJECT OF THE AUDIT.

(2) DURING THE EXIT CONFERENCE, THE INSPECTOR GENERAL SHALL:

(I) PRESENT THE PROVIDER WITH THE AUDIT DRAFT WRITTEN FINDINGS AND CONCLUSIONS AND THE ESTIMATED AMOUNT OF RECOVERY DUE AS A RESULT OF OVERPAYMENT TO THE PROVIDER; AND

(II) GIVE THE PROVIDER THE FOLLOWING INFORMATION IN WRITING:

1. A CLEAR DESCRIPTION OF THE UNIVERSE FROM WHICH THE SAMPLE WAS DRAWN;

2. THE SAMPLE SIZE AND THE METHOD USED TO SELECT THE SAMPLE;

3. THE FORMULAS AND CALCULATION PROCEDURES USED TO DETERMINE THE AMOUNT TO BE RECOVERED;

4. THE LIST OF CLAIMS THAT WERE REVIEWED;

5. A DESCRIPTION OF EACH CLAIM, NOTING THE ERRORS THAT RESULTED IN AN OVERPAYMENT; AND

6. A SPECIFIC LIST OF THE REGULATIONS, STATUTES, AND TRANSMITTALS ON WHICH THE INSPECTOR GENERAL RELIED IN DETERMINING THAT THE CLAIM WAS IMPROPER.

(3) (I) A PROVIDER MAY CHALLENGE THE DRAFT FINDINGS AND CONCLUSIONS WITHIN 30 DAYS AFTER THE EXIT CONFERENCE UNLESS, BECAUSE OF THE SIZE AND SCOPE OF THE AUDIT, THE PROVIDER:

1. HAS NEGOTIATED A LONGER PERIOD WITH THE INSPECTOR GENERAL THROUGH A MUTUAL GOOD FAITH PROCESS; AND

2. HAS SUBMITTED ADDITIONAL INFORMATION REGARDING THE CLAIMS TO THE INSPECTOR GENERAL.

(II) THE ADDITIONAL INFORMATION SUBMITTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY INCLUDE EVIDENCE SHOWING THAT:

1. THE CLAIMS USED IN THE SAMPLE WERE EITHER PAID PROPERLY OR PAID IN ACCORDANCE WITH § 2-703 OF THIS SUBTITLE; OR

2. THE AUDIT DOES NOT MEET APPLICABLE REQUIREMENTS OR REACH VALID FINDINGS AND CONCLUSIONS.

(4) FAILURE TO CHALLENGE THE DRAFT FINDINGS AND CONCLUSIONS CONTAINED IN THE PRELIMINARY REPORT DOES NOT PRECLUDE A PROVIDER FROM APPEALING THE FINAL REPORT AND RECOVERY LETTER UNDER SUBSECTION (D) OF THIS SECTION.

(c) (1) THE INSPECTOR GENERAL SHALL REVIEW ANY ADDITIONAL DOCUMENTATION SUBMITTED BY THE PROVIDER UNDER SUBSECTION (B) OF THIS SECTION OR PRESENTED AT ANY TIME DURING THE AUDIT.

(2) AFTER REVIEW OF ANY ADDITIONAL DOCUMENTATION SUBMITTED BY THE PROVIDER, THE INSPECTOR GENERAL SHALL, WHEN APPROPRIATE, RECALCULATE THE ERROR RATE USED IN EXTRAPOLATION AND ISSUE ITS FINAL REPORT AND RECOVERY LETTER.

(3) THE FINAL REPORT AND RECOVERY LETTER SHALL STATE THAT THE PROVIDER HAS 30 DAYS AFTER THE DATE OF THE RECOVERY LETTER TO APPEAL THE FINDINGS IN THE REPORT IN ACCORDANCE WITH § 2-207 OF THIS

**ARTICLE, TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE, AND COMAR 10.01.03 AND 28.02.01.**

**(D) (1) ON APPEAL, THE PROVIDER MAY PRESENT EVIDENCE OF A SECOND AUDIT USING THE SAME SAMPLING METHODOLOGY BUT BASED ON A DIFFERENT SAMPLE OF CLAIMS IDENTIFIED AND PRODUCED BY THE INSPECTOR GENERAL.**

**(2) ON REQUEST OF THE PROVIDER, THE INSPECTOR GENERAL SHALL PROVIDE A NEW SAMPLE OF CLAIMS TO THE PROVIDER WITHIN 30 DAYS AFTER RECEIPT OF THE REQUEST.**

**(3) THE PROVIDER SHALL HAVE 60 DAYS AFTER RECEIPT OF THE NEW SAMPLE TO CONDUCT THE AUDIT AND PROVIDE THE RESULTS TO THE INSPECTOR GENERAL, UNLESS THE PROVIDER HAS NEGOTIATED A LONGER PERIOD WITH THE INSPECTOR GENERAL.**

**(4) THE INSPECTOR GENERAL MAY REVIEW THE PROVIDER'S AUDIT FOR COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBTITLE.**

**(E) THE RECOVERY SHALL BE STAYED UNTIL COMPLETION OF THE ADMINISTRATIVE APPEAL PROCESS.**

**(F) THIS SUBTITLE DOES NOT LIMIT A PROVIDER FROM CHALLENGING THE ACCURACY OF THE INSPECTOR GENERAL'S AUDIT, INCLUDING:**

**(1) THE STATISTICAL AND EXTRAPOLATION METHODOLOGY USED IN THE AUDIT;**

**(2) THE CREDENTIALS OF ANY INDIVIDUAL WHO PERFORMED OR REVIEWED THE AUDIT; OR**

**(3) ANY OTHER REASONABLE BASIS.**

**(G) (1) THE DEPARTMENT MAY ADOPT THE FINDINGS OF THE FEDERAL GOVERNMENT, INCLUDING THE ERROR RATE, IF THE FEDERAL GOVERNMENT CONDUCTS AN AUDIT THAT:**

**(I) CONCLUDES THAT A PROVIDER RECEIVED AN OVERPAYMENT;**

**(II) USES AN ERROR RATE THAT IS SPECIFIC TO A SINGLE PROVIDER;**

(III) DERIVES THE OVERPAYMENT FROM A STATISTICALLY VALID SAMPLE; AND

(IV) PROVIDES ALL SUPPORTING DOCUMENTATION OF THE AUDIT.

(2) IF THE DEPARTMENT ADOPTS THE FINDINGS OF THE FEDERAL GOVERNMENT, THE DEPARTMENT SHALL PROVIDE TO THE PROVIDER A COPY OF THE FEDERAL GOVERNMENT'S AUDIT REPORT AND SUPPORTING DOCUMENTATION WITH THE PRELIMINARY RECOVERY LETTER STATING THE AMOUNT DUE TO THE STATE AND THE PROVIDER'S APPEAL RIGHTS.

(3) (I) WITHIN 30 DAYS AFTER RECEIPT OF THE PRELIMINARY RECOVERY LETTER, THE PROVIDER MAY CHALLENGE THE DRAFT FINDINGS AND CONCLUSIONS UNLESS, DUE TO THE SIZE AND SCOPE OF THE AUDIT, THE PROVIDER:

1. HAS NEGOTIATED A LONGER PERIOD WITH THE INSPECTOR GENERAL THROUGH A MUTUAL GOOD FAITH PROCESS; AND

2. HAS SUBMITTED ADDITIONAL INFORMATION TO THE INSPECTOR GENERAL.

(II) THE ADDITIONAL INFORMATION SUBMITTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY INCLUDE EVIDENCE SHOWING THAT:

1. THE CLAIMS USED IN THE SAMPLE WERE EITHER PAID PROPERLY OR PAID IN ACCORDANCE WITH § 2-703 OF THIS SUBTITLE; OR

2. THE AUDIT DID NOT MEET APPLICABLE REQUIREMENTS OR REACH VALID FINDINGS AND CONCLUSIONS.

(4) FAILURE TO CHALLENGE THE DRAFT FINDINGS AND CONCLUSIONS CONTAINED IN THE PRELIMINARY RECOVERY LETTER DOES NOT PRECLUDE A PROVIDER FROM APPEALING THE FINAL REPORT AND RECOVERY LETTER UNDER SUBSECTION (D) OF THIS SECTION.

(H) THIS SUBTITLE DOES NOT APPLY TO AUDITS CONDUCTED IN RESPONSE TO FEDERAL AUDITS INITIATED BEFORE OCTOBER 1, 2016.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, April 12, 2016.

**Chapter 137****(House Bill 1408)**

AN ACT concerning

**Property and Casualty Insurance – Commercial Policies and Workers’  
Compensation Insurance Policies – Notices of Premium Increases**

FOR the purpose of altering the scope of certain provisions of law that require an insurer to send to certain persons a certain notice of a premium increase for policies of commercial insurance and policies of workers’ compensation insurance; providing that the provisions of law do not apply to policies for which the renewal policy premium is an increase of a certain percentage or less over the expiring policy premium; clarifying that an insurer that sends certain documents and notices and a certain offer to certain persons at a certain time may not be required to comply with a certain notice requirement; providing for the application of this Act; and generally relating to notices of premium increases for property and casualty insurance.

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 27–608  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

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

**Article – Insurance**

27–608.

- (a) (1) This section applies to:
- (i) policies of commercial insurance; and
  - (ii) policies of workers’ compensation insurance.
- (2) This section does not apply to policies:
- (i) issued to exempt commercial policyholders, as defined in § 11–206(j) of this article; or
  - (ii) for which the renewal policy premium is:
    - 1. in excess of \$1,000; and

2.] an increase over the expiring policy premium of [the lesser of 3% or \$300] **15% OR LESS.**

(b) Unless an insurer has given notice of its intention not to renew a policy subject to this section, if the insurer seeks to increase the renewal policy premium, the insurer shall send a notice to the named insured and insurance producer, if any, not less than 45 days prior to the renewal date of the policy.

(c) Subject to subsection (d) of this section, a notice under this section shall include:

(1) both the expiring policy premium and the renewal policy premium; and

(2) the telephone number for the insurer or insurance producer, if any, together with a statement that the insured may call to request additional information about the premium increase.

(d) (1) If an insurer seeks to increase the renewal policy premium and the insurer's rating methodology requires the insured to provide information to calculate the renewal policy premium, an insurer shall provide a reasonable estimate of the renewal policy premium if:

(i) the insurer has requested the required information from the insured; and

(ii) the insurer has not received the requested information.

(2) A reasonable estimate under this subsection shall be based upon the information available to the insurer at the time the notice is sent.

(e) The requirements of this section do not apply to the extent that the premium increase results from:

(1) an increase in the units of exposure;

(2) the application of an experience rating plan;

(3) the application of a retrospective rating plan;

(4) a change made by the insured that increases the insurer's exposure; or

(5) an audit of the insured.

(f) A notice required by this section shall be sent by first-class mail and may be sent together with the renewal policy.

(g) An insurer [shall be considered to have met the] **MAY NOT BE REQUIRED TO COMPLY WITH ANY** notice requirement of this section if, not less than 45 days before the effective date of the renewal policy, the insurer has sent:

(1) (i) to the named insured, a renewal policy that includes the renewal policy premium; and

(ii) to the independent insurance producer, if any:

1. a copy of the renewal policy that includes the renewal policy premium through postal or electronic mail; or

2. at the same time as the insurer sends the renewal policy to the insured, a notice of the availability of the renewal policy through the insurer's online electronic system;

(2) to the named insured and insurance producer, if any, a written notice of renewal or continuation of coverage that includes the renewal or continuation premium; or

(3) to the named insured and insurance producer, if any, a renewal offer that includes a reasonable estimate of the renewal policy premium.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies of commercial insurance and all policies of workers' compensation insurance issued, delivered, or renewed in the State on or after October 1, 2016.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## **Chapter 138**

**(House Bill 1445)**

AN ACT concerning

### **Calvert County – Property Tax Credit – Commerce Zones**

FOR the purpose of authorizing a certain property tax credit for certain business entities that obtain certain new or expanded premises in a certain commerce zone in Calvert County; providing for the amount and duration of the property tax credit; authorizing the governing body of Calvert County to provide, by law, for certain matters relating to the tax credit; defining certain terms; providing for the

application of this Act; and generally relating to a property tax credit in Calvert County for real property located in certain commerce zones.

BY adding to

Article – Tax – Property

Section 9–306(h)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

**Article – Tax – Property**

9–306.

**(H) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(II) “COMMERCE ZONE” MEANS A PRIORITY FUNDING AREA IN CALVERT COUNTY DESIGNATED BY THE GOVERNING BODY OF CALVERT COUNTY AS A COMMERCE ZONE.**

**(III) “NEW OR EXPANDED PREMISES” MEANS COMMERCIAL OR INDUSTRIAL REAL PROPERTY, INCLUDING A BUILDING OR PART OF A BUILDING THAT HAS NOT BEEN PREVIOUSLY OCCUPIED, WHERE A BUSINESS ENTITY LOCATES TO CONDUCT BUSINESS.**

**(2) THE GOVERNING BODY OF CALVERT COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SECTION AGAINST THE COUNTY PROPERTY TAX IMPOSED ON REAL PROPERTY OWNED BY A BUSINESS ENTITY THAT MEETS THE REQUIREMENTS SPECIFIED UNDER THIS SUBSECTION.**

**(3) TO QUALIFY FOR A PROPERTY TAX CREDIT UNDER THIS SUBSECTION, A BUSINESS ENTITY SHALL OBTAIN NEW OR EXPANDED PREMISES IN A COMMERCE ZONE BY PURCHASING NEWLY CONSTRUCTED PREMISES, CONSTRUCTING NEW PREMISES, OR CAUSING NEW PREMISES TO BE CONSTRUCTED.**

**(4) IF A BUSINESS ENTITY MEETS THE REQUIREMENTS UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE PROPERTY TAX CREDIT GRANTED UNDER THIS SUBSECTION SHALL EQUAL A PERCENTAGE OF THE AMOUNT OF COUNTY PROPERTY TAX IMPOSED ON THE ASSESSMENT OF THE NEW OR EXPANDED PREMISES, AS FOLLOWS:**

**(I) 50% FOR EACH OF THE FIRST 5 TAXABLE YEARS;**

- (II) ~~40%~~ 25% IN TAXABLE YEARS 6 AND 7;
- (III) ~~30%~~ 15% IN TAXABLE YEARS 8 THROUGH 10; AND
- (IV) ~~20% IN TAXABLE YEARS 11 AND 12;~~
- ~~(V) 15% IN TAXABLE YEARS 13 AND 14;~~
- ~~(VI) 10% IN TAXABLE YEAR 15; AND~~
- ~~(VII) 0% IN TAXABLE YEAR 16 AND~~ FOR EACH TAXABLE YEAR THEREAFTER.

(5) THE GOVERNING BODY OF CALVERT COUNTY MAY PROVIDE, BY LAW, FOR:

- (I) THE SPECIFIC ELIGIBILITY REQUIREMENTS FOR THE TAX CREDIT AUTHORIZED UNDER THIS SUBSECTION;
- (II) ANY ADDITIONAL LIMITATIONS ON ELIGIBILITY FOR THE CREDIT; AND
- (III) ANY OTHER PROVISION NECESSARY TO IMPLEMENT THE CREDIT.

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.

**Approved by the Governor, April 12, 2016.**

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## Chapter 139

(House Bill 1457)

AN ACT concerning

### Land Surveyors – Qualifications for License – Education, Experience, and Examination Requirements

FOR the purpose of altering and adding certain higher education, experience, and examination requirements that certain applicants for a license to practice land surveying must meet to qualify for a license; repealing certain dates after which, and certain dates on or before which, certain applicants must possess a certain minimum

number of credit hours in certain land surveying–related courses, must have a certain minimum number of years of certain experience in land surveying, or must apply for a license to practice land surveying; authorizing the State Board of Land Surveyors to allow a certain credit up to a certain maximum towards certain experience requirements for certain applicants under certain circumstances; requiring certain applicants to apply for a license on or before a certain date; and generally relating to qualifications of applicants for a license to practice land surveying.

BY repealing and reenacting, with amendments,  
 Article – Business Occupations and Professions  
 Section 15–305  
 Annotated Code of Maryland  
 (2010 Replacement Volume and 2015 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**

15–305.

(a) In addition to the other qualifications for a license to practice land surveying, an applicant shall qualify under this section by meeting the educational, experience, and examination requirements set forth in subsection (b), (c), (d), [or] (e), **OR (F)** of this section.

(b) An applicant qualifies under this section if the applicant:

(1) has graduated on completion of at least a 4–year curriculum **IN LAND SURVEYING THAT THE BOARD APPROVES** from a college or university that is accredited by, or is a constituent unit of an institution accredited by, the Middle States Association of Colleges and Schools or the equivalent regional accrediting association of other regional areas;

(2) [beginning on October 1, 2023, possesses a minimum of 32 credit hours of land surveying–related courses that the Board approves;

(3) (i) on or before September 30, 2017,] has at least 2 years of experience in land surveying that is satisfactory to the Board and that indicates to the Board that the applicant may be competent to practice land surveying;[or

(ii) beginning on October 1, 2017, has at least 4 years of experience in land surveying that is satisfactory to the Board and that indicates to the Board that the applicant may be competent to practice land surveying;] and

[(4)] **(3)** has passed the following examinations:

(i) fundamentals of surveying;

(ii) the principles and practice of surveying; and

(iii) unless excused by the Board, State-specific examination modules specified and approved by the Board that pertain to the practice of surveying in the State.

(c) **(1)** An applicant qualifies under this section if the applicant:

**[(1)** applies for a license on or before December 31, 2023;

**(2)] (I)** has graduated on completion of at least a 4-year curriculum **IN PHYSICAL SCIENCES OR APPLIED SCIENCES** from a college or university that is accredited by, or is a constituent unit of an institution accredited by, the Middle States Association of Colleges and Schools or the equivalent regional accrediting association of other regional areas;

**[(3) (i)] (II)** **[on or before September 30, 2017,] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,** has at least 4 years of experience in land surveying that is satisfactory to the Board and that indicates to the Board that the applicant may be competent to practice land surveying; **[or**

**(ii)** beginning on October 1, 2017, has at least 6 years of experience in land surveying that is satisfactory to the Board and that indicates to the Board that the applicant may be competent to practice land surveying;] and

**[(4)] (III)** has passed the following examinations:

**[(i)] 1.** fundamentals of surveying;

**[(ii)] 2.** the principles and practice of surveying; and

**[(iii)] 3.** unless excused by the Board, State-specific examination modules specified and approved by the Board that pertain to the practice of surveying in the State.

**(2) FOR EACH 30 SEMESTER HOURS OR ITS EQUIVALENT THAT AN APPLICANT COMPLETES IN LAND SURVEYING-RELATED COURSES THAT THE BOARD APPROVES, THE BOARD MAY ALLOW A 1-YEAR CREDIT TOWARDS THE EXPERIENCE REQUIREMENTS OF PARAGRAPH (1)(II) OF THIS SUBSECTION FOR A MAXIMUM OF 3 YEARS.**

**(D) (1) AN APPLICANT QUALIFIES UNDER THIS SECTION IF THE APPLICANT:**

**(I) HAS GRADUATED ON COMPLETION OF AT LEAST A 4-YEAR CURRICULUM FROM A COLLEGE OR UNIVERSITY THAT IS ACCREDITED BY, OR IS A CONSTITUENT UNIT OF AN INSTITUTION ACCREDITED BY, THE MIDDLE STATES ASSOCIATION OF COLLEGES AND SCHOOLS OR THE EQUIVALENT REGIONAL ACCREDITING ASSOCIATION OF OTHER REGIONAL AREAS;**

**(II) HAS A MINIMUM OF 30 CREDIT HOURS OF LAND SURVEYING-RELATED COURSES THAT THE BOARD APPROVES;**

**(III) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, HAS AT LEAST 4 YEARS OF EXPERIENCE IN LAND SURVEYING THAT IS SATISFACTORY TO THE BOARD AND THAT INDICATES TO THE BOARD THAT THE APPLICANT MAY BE COMPETENT TO PRACTICE LAND SURVEYING; AND**

**(IV) HAS PASSED THE FOLLOWING EXAMINATIONS:**

- 1. FUNDAMENTALS OF SURVEYING;**
- 2. THE PRINCIPLES AND PRACTICE OF SURVEYING; AND**
- 3. UNLESS EXCUSED BY THE BOARD, STATE-SPECIFIC EXAMINATION MODULES SPECIFIED AND APPROVED BY THE BOARD THAT PERTAIN TO THE PRACTICE OF SURVEYING IN THE STATE.**

**(2) FOR EACH ADDITIONAL 30 SEMESTER HOURS OR ITS EQUIVALENT THAT AN APPLICANT COMPLETES IN LAND SURVEYING-RELATED COURSES THAT THE BOARD APPROVES, THE BOARD MAY ALLOW A 1-YEAR CREDIT TOWARDS THE EXPERIENCE REQUIREMENTS OF PARAGRAPH (1)(III) OF THIS SUBSECTION FOR A MAXIMUM OF 3 YEARS.**

**[(d)] (E) (1) An applicant qualifies under this section if the applicant:**

- (i) [applies for a license on or before December 31, 2025;**
- (ii)] is a high school graduate or the equivalent;**

**(II) HAS A MINIMUM OF 30 CREDIT HOURS OF LAND SURVEYING-RELATED COURSES THAT THE BOARD APPROVES;**

(iii) subject to paragraph (2) of this subsection, has at least **[12] 6** years **OF** experience in land surveying that is satisfactory to the Board and that indicates to the Board that the applicant may be competent to practice land surveying; and

(iv) has passed the following examinations:

**1. FUNDAMENTALS OF SURVEYING;**

**[1.] 2.** the principles and practice of surveying; and

**[2.] 3.** unless excused by the Board, State-specific examination modules specified and approved by the Board that pertain to the practice of surveying in the State.

(2) For each **ADDITIONAL** 30 semester hours or its equivalent that an applicant completes in land surveying-related courses that the Board approves, the Board may allow a 1-year credit towards the experience requirements of paragraph (1)(iii) of this subsection for a maximum of 3 years.

**[(e)] (F)** (1) An applicant qualifies under this section if the applicant:

**(I) APPLIES FOR A LICENSE ON OR BEFORE DECEMBER 31, 2025;**

**[(i)] (II)** is a high school graduate or the equivalent;

**[(ii)]** beginning on October 1, 2023, possesses a minimum of 32 credit hours of land surveying-related courses that the Board approves;]

(iii) subject to paragraph (2) of this subsection, has at least **[4] 9** years of experience in land surveying that is satisfactory to the Board and that indicates to the Board that the applicant may be competent to practice land surveying;

(iv) has passed the following examinations:

1. fundamentals of surveying;

2. the principles and practice of surveying; and

3. unless excused by the Board, State-specific examination modules specified and approved by the Board that pertain to the practice of surveying in the State.

(2) For each 30 semester hours or its equivalent that an applicant completes in land surveying-related courses that the Board approves, the Board may allow

a 1-year credit towards the experience requirements of paragraph (1)(iii) of this subsection for a maximum of 3 years.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 140

### (House Bill 1493)

AN ACT concerning

#### **Calvert County – Economic Development Incentive Fund – Eligibility Criteria**

FOR the purpose of altering the number of full-time jobs a certain applicant must plan to create in order to be eligible for a direct loan or grant from the Economic Development Incentive Fund in Calvert County; and generally relating to the Economic Development Incentive Fund in Calvert County.

BY repealing and reenacting, with amendments,  
 The Public Local Laws of Calvert County  
 Section 11-405  
 Article 5 – Public Local Laws of Maryland  
 (2002 Edition and May 2015 Supplement, as amended)

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

#### **Article 5 – Calvert County**

11-405.

(a) The Director shall accept requests from applicants that plan to:

(1) Establish new operations or facilities in Calvert County or significantly expand existing operations or facilities in Calvert County;

(2) Create at least **[25] 10** new full-time jobs or full-time equivalent jobs in Calvert County; and

(3) (i) Make a capital investment of at least \$1,000,000; or

(ii) Remain in Calvert County for at least five years.

(b) A request by an applicant must be consistent with the Calvert County Comprehensive Plan.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**

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## Chapter 141

(House Bill 1503)

AN ACT concerning

### **Adult Education – GED Testing Fees – Exemption for Homeless Youth**

FOR the purpose of exempting certain homeless youth from certain GED testing fees under certain circumstances; requiring the Department of Labor, Licensing, and Regulation to verify a certain individual's status as a homeless youth; authorizing the Department to use certain individuals to verify a certain individual's status as a homeless youth; requiring the Department to adopt certain regulations; defining a certain term; and generally relating to GED testing fees for homeless youth.

BY adding to

Article – Labor and Employment

Section 11–809

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

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

### **Article – Labor and Employment**

**11–809.**

(A) IN THIS SECTION, “HOMELESS YOUTH” HAS THE SAME MEANING AS PROVIDED IN THE FEDERAL MCKINNEY–VENTO HOMELESS ASSISTANCE ACT.

(B) AN INDIVIDUAL IS EXEMPT FROM PAYING GED TESTING FEES IF:

(1) THE INDIVIDUAL IS A HOMELESS YOUTH;

(2) THE INDIVIDUAL HAS HAD A CONSISTENT PRESENCE IN THE STATE FOR AT LEAST 1 YEAR BEFORE THE INDIVIDUAL APPLIES TO TAKE THE GED TEST, AS EVIDENCED BY SCHOOL, EMPLOYMENT, OR OTHER RECORDS; AND

(3) THE DEPARTMENT VERIFIES THAT THE INDIVIDUAL IS A HOMELESS YOUTH.

(C) THE DEPARTMENT MAY USE THE FOLLOWING INDIVIDUALS TO VERIFY THAT AN INDIVIDUAL IS A HOMELESS YOUTH:

(1) A HOMELESS LIAISON FROM A LOCAL SCHOOL SYSTEM THAT THE INDIVIDUAL ATTENDED;

(2) A DIRECTOR OR A DESIGNEE OF THE DIRECTOR OF A PROGRAM IN THE STATE FUNDED UNDER THE RUNAWAY AND HOMELESS YOUTH ACT; OR

(3) A DIRECTOR OR A DESIGNEE OF THE DIRECTOR OF A PROGRAM IN THE STATE FUNDED UNDER TITLE IV, SUBTITLE B OF THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.

(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, April 12, 2016.

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## Chapter 142

(House Bill 1527)

AN ACT concerning

### Environment – Water Appropriation Permit – Aquaculture Exemption

FOR the purpose of creating an exemption from the requirement to obtain a water appropriation permit under certain circumstances for certain use of tidal waters for oyster aquaculture purposes; making this Act an emergency measure; and generally relating to an exemption for aquaculture purposes from the requirement to obtain a water appropriation permit.

BY repealing and reenacting, without amendments,

Article – Environment  
Section 5–502(a)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 5–502(b)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

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

**Article – Environment**

5–502.

(a) Every person is required to obtain a permit from the Department to appropriate or use or begin to construct any plant, building, or structure which may appropriate or use any waters of the State, whether surface water or groundwater. The permit is obtained upon written application to the Department. The applicant shall provide the Department with satisfactory proof that the proposed withdrawal of water will not jeopardize the State's natural resources.

(b) This section does not apply to:

(1) Use of water for domestic purposes other than for heating and cooling;

(2) Use of water for agricultural purposes, if the average annual water use is less than 10,000 gallons per day, except as provided in subsection (c)(2) of this section;  
[or]

**(3) USE OF TIDAL WATERS FOR OYSTER AQUACULTURE PURPOSES, IF THE WATER IS RETURNED TO THE SAME BODY OF WATER FROM WHICH IT IS APPROPRIATED; OR**

**[(3)] (4)** Use of groundwater at an average annual water use of 5,000 gallons of water per day or less, provided that:

(i) 1. The use is not for a public water system that:

A. Serves at least 15 service connections used by year-round residents of the area served by the system; or

B. Regularly serves at least 25 year-round residents; or

2. The use will not occur within a water management strategy area established by the Department; and

(ii) The user files a notice of exemption with the Department at least 30 days before the use is proposed to begin.

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

**Approved by the Governor, April 12, 2016.**

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## **Chapter 143**

**(Senate Bill 190)**

**Budget Bill**

**(Fiscal Year 2017)**

AN ACT for the purpose of making the proposed appropriations contained in the State Budget for the fiscal year ending June 30, 2017, in accordance with Article III, Section 52 of the Maryland Constitution; and generally relating to appropriations and budgetary provisions made pursuant to that section.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That subject to the provisions hereinafter set forth and subject to the Public General Laws of Maryland relating to the Budget procedure, the several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for the several purposes specified for the fiscal year beginning July 1, 2016, and ending June 30, 2017, as hereinafter indicated.

### **PAYMENTS TO CIVIL DIVISIONS OF THE STATE**

#### **A15000.01 Disparity Grants**

General Fund Appropriation, provided that \$1,000,000 of this appropriation made for the purpose of a disparity grant to Baltimore City may not be expended until Baltimore City submits to the Department of Legislative Services the Uniform Financial Report and audit report for fiscal

2014, 2015, and 2016. Funds restricted pending receipt of these reports may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the reports are not submitted to the Department of Legislative Services.

Further provided that \$1,500,000 of this appropriation made for the purpose of a disparity grant to Baltimore City may not be expended until Baltimore City submits a report demonstrating that the funding which Baltimore City received for the Maryland Center for Veterans Education and Training has been provided to the center. The report shall be submitted to the budget committees prior to the disbursement of funds, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the committees.

Further provided that ~~\$10,000,000~~ \$5,000,000 of this appropriation for Baltimore City may not be distributed as a grant to Baltimore City until the Maryland State Department of Education (MSDE) certifies that Baltimore City has appropriated for fiscal 2017 an additional ~~\$10,000,000~~ \$5,000,000 for the Baltimore City Public Schools over the fiscal 2016 appropriation. If MSDE does not certify that Baltimore City has appropriated an additional ~~\$10,000,000~~ \$5,000,000 for the school system, then the funds may not be expended for this purpose or transferred for any other purpose, and shall revert to the General Fund at the end of the fiscal year.

Further provided that \$5,000,000 of this appropriation for Baltimore City may not

be distributed as a grant to Baltimore City until Baltimore City and the Baltimore City Public Schools submit a joint report on the potential for cost efficiencies in shared costs and other financial arrangements, including other postemployment benefits, between the city and school system. The report shall be submitted to the budget committees by January 15, 2017, and the budget committees shall have 45 days to review and comment on the report.

Provided that the report is submitted by the due date, Baltimore City must appropriate, in addition to the \$5,000,000 required above, an additional \$5,000,000 for the Baltimore City Public Schools over the fiscal 2016 appropriation. If MSDE does not certify that Baltimore City has appropriated an additional \$5,000,000 for the school system, then \$5,000,000 of this appropriation may not be distributed as a grant to Baltimore City or transferred for any other purpose, and shall revert to the General Fund at the end of the fiscal year. If the report is not submitted by the due date, then \$5,000,000 of this appropriation may not be distributed as a grant to Baltimore City, and authority is hereby granted to transfer \$5,000,000 to R00A02.01 to be provided as a grant to Baltimore City Public Schools. If the funds are not transferred for this purpose, then they may not be expended or transferred for any other purpose and shall revert to the General Fund at the end of the fiscal year ...

136,718,945

A15000.02 Teacher Retirement Supplemental Grants  
 General Fund Appropriation .....

27,658,661

SUMMARY

Total General Fund Appropriation .....

164,377,606

B75A01.01 Senate	
General Fund Appropriation .....	13,109,471
B75A01.02 House of Delegates	
General Fund Appropriation .....	24,460,678
B75A01.03 General Legislative Expenses	
General Fund Appropriation .....	1,029,028

## DEPARTMENT OF LEGISLATIVE SERVICES

B75A01.04 Office of the Executive Director	
General Fund Appropriation .....	11,868,480
B75A01.05 Office of Legislative Audits	
General Fund Appropriation .....	13,802,286
B75A01.06 Office of Legislative Information Systems	
General Fund Appropriation .....	5,430,493
B75A01.07 Office of Policy Analysis	
General Fund Appropriation .....	17,501,870

## SUMMARY

Total General Fund Appropriation .....	87,202,306
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JUDICIARY

Provided that 34 positions and \$3,786,876 in general funds are contingent upon the enactment of HB 74 or SB 117.

Further provided that the general fund appropriation shall be increased by \$322,691 and 3.0 new regular positions shall be created for a new circuit court judge in Baltimore City, a courtroom clerk, and law clerk, contingent upon enactment of HB 74 or SB 117. The Chief Judge shall allocate this increase and new positions across the Judicial Branch.

Further provided that \$650,000 in general funds is eliminated and that turnover for employees is increased to 4.23%.

**Further provided that it is the intent of the General Assembly that the Judiciary provide to the Maryland State Archives the remaining \$2,500,000 in funds from the Land Records Improvement Fund under the fiscal 2016 Memorandum of Understanding between the two departments. It is also the intent of the General Assembly that the Judiciary provide \$5,000,000 from the Land Records Improvement Fund to the Maryland State Archives in fiscal 2017.**

C00A00.01 Court of Appeals	
General Fund Appropriation .....	11,364,302
C00A00.02 Court of Special Appeals	
General Fund Appropriation .....	12,379,493
C00A00.03 Circuit Court Judges	
General Fund Appropriation .....	68,032,805

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for

operating expenses in this program.

C00A00.04 District Court

General Fund Appropriation, provided that \$10,000,000 of the general fund appropriation may be expended only for the purpose of providing attorneys for required representation at initial appearances before District Court commissioners consistent with the holding of the Court of Appeals in DeWolfe v. Richmond. Any funds not expended for this purpose shall revert to the General Fund. Further provided that the Chief Judge is authorized to process a budget amendment to transfer up to \$10,000,000 in general funds to the appropriate unit of State government upon the enactment of legislation designating that unit of government to assume responsibility for providing attorneys for required representation at initial appearances before District Court commissioners.

~~Further provided that, contingent upon enactment of SB 1134 obligating counties to pay the cost of this representation in excess of the amount restricted for this purpose in the State budget, any State funds to provide attorneys for required representation at initial appearances before District Court commissioners shall be distributed on the basis of the calendar 2015 distribution of initial appearances within each county. If the allotment for a specific county is expended before the end of the fiscal year, then any further costs shall be addressed first by reallocating any unspent amounts remaining from other county allotments at the end of the fiscal year, and any final unresolved amounts to be paid by that county.~~

Further provided that \$340,000 of this appropriation made for operating expenditures is eliminated. The Chief Judge shall allocate the reduction across

the District Court program ..... 186,629,668

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C00A00.06 Administrative Office of the Courts		
General Fund Appropriation .....	66,106,768	
Special Fund Appropriation .....	16,500,000	
Federal Fund Appropriation .....	161,115	82,767,883

C00A00.07 Court Related Agencies		
General Fund Appropriation .....		3,007,376

C00A00.08 State Law Library		
General Fund Appropriation .....	3,375,245	
Special Fund Appropriation .....	9,400	3,384,645

C00A00.09 Judicial Information Systems		
General Fund Appropriation .....	40,586,004	
Special Fund Appropriation .....	8,401,542	48,987,546

C00A00.10 Clerks of the Circuit Court		
General Fund Appropriation, <u>provided that \$500,000 of this appropriation made for operating expenditures is eliminated. The Chief Judge shall allocate this reduction across the Clerks of the Circuit Court program</u> .....	92,596,922	

Special Fund Appropriation .....	19,962,137	112,559,059
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C00A00.12 Major Information Technology Development Projects

Special Fund Appropriation .....	14,457,098
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SUMMARY

Total General Fund Appropriation .....	484,078,583
Total Special Fund Appropriation .....	59,330,177
Total Federal Fund Appropriation .....	161,115

Total Appropriation .....	543,569,875
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OFFICE OF THE PUBLIC DEFENDER

C80B00.01 General Administration		
General Fund Appropriation .....		7,861,146

C80B00.02 District Operations		
General Fund Appropriation .....	87,518,710	
Special Fund Appropriation .....	265,677	87,784,387

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C80B00.03 Appellate and Inmate Services		
General Fund Appropriation .....		6,479,211

C80B00.04 Involuntary Institutionalization Services		
General Fund Appropriation .....		1,434,933

SUMMARY

Total General Fund Appropriation .....	103,294,000
Total Special Fund Appropriation .....	265,677

Total Appropriation .....	103,559,677
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OFFICE OF THE ATTORNEY GENERAL

C81C00.01 Legal Counsel and Advice

General Fund Appropriation .....	5,076,924	
Special Fund Appropriation .....	1,215,034	6,291,958
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C81C00.04 Securities Division		
General Fund Appropriation .....		2,854,630

C81C00.05 Consumer Protection Division		
Special Fund Appropriation .....		5,786,854

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C81C00.06 Antitrust Division		
General Fund Appropriation .....		917,904

C81C00.09 Medicaid Fraud Control Unit		
General Fund Appropriation .....	1,203,228	
Federal Fund Appropriation .....	3,582,387	4,785,615
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C81C00.10 People’s Insurance Counsel Division		
Special Fund Appropriation .....		573,509

C81C00.12 Juvenile Justice Monitoring Program		
General Fund Appropriation .....		588,127

C81C00.14 Civil Litigation Division		
General Fund Appropriation .....	2,483,299	
Special Fund Appropriation .....	480,511	2,963,810
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C81C00.15 Criminal Appeals Division General Fund Appropriation .....	2,825,692
C81C00.16 Criminal Investigation Division General Fund Appropriation .....	1,830,617
C81C00.17 Educational Affairs Division General Fund Appropriation .....	481,020
C81C00.18 Correctional Litigation Division General Fund Appropriation .....	334,559

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C81C00.20 Contract Litigation Division

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C81C00.21 Mortgage Foreclosure Settlement Program Special Fund Appropriation .....	<del>5,654,338</del> <u>2,654,338</u>
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SUMMARY

Total General Fund Appropriation .....	18,596,000
Total Special Fund Appropriation .....	10,710,246
Total Federal Fund Appropriation .....	3,582,387

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Total Appropriation .....	32,888,633
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OFFICE OF THE STATE PROSECUTOR

C82D00.01 General Administration General Fund Appropriation .....	1,463,971
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MARYLAND TAX COURT

C85E00.01 Administration and Appeals		
General Fund Appropriation .....		644,478
		<u><u>644,478</u></u>

PUBLIC SERVICE COMMISSION

C90G00.01 General Administration and Hearings			
Special Fund Appropriation .....			19,853,844
C90G00.02 Telecommunications, Gas, and Water Division			
Special Fund Appropriation .....			545,385
C90G00.03 Engineering Investigations			
Special Fund Appropriation .....	1,555,922		
Federal Fund Appropriation .....	568,796		2,124,718
		<u>1,555,922</u>	
C90G00.04 Accounting Investigations			
Special Fund Appropriation .....			695,493
C90G00.05 Common Carrier Investigations			
Special Fund Appropriation .....			1,665,049
C90G00.06 Washington Metropolitan Area Transit Commission			
Special Fund Appropriation .....			408,275
C90G00.07 Electricity Division			
Special Fund Appropriation .....			563,733
C90G00.08 Public Utility Law Judge			
Special Fund Appropriation .....			849,995
C90G00.09 Staff Counsel			
Special Fund Appropriation .....			1,083,798
C90G00.10 Energy Analysis and Planning Division			
Special Fund Appropriation .....			745,896

SUMMARY

Total Special Fund Appropriation .....			27,967,390
Total Federal Fund Appropriation .....			568,796
			<u>27,967,390</u>

Total Appropriation .....	28,536,186
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## OFFICE OF THE PEOPLE'S COUNSEL

C91H00.01 General Administration	
Special Fund Appropriation .....	4,052,968

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## SUBSEQUENT INJURY FUND

C94I00.01 General Administration	
Special Fund Appropriation .....	2,334,233

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## UNINSURED EMPLOYERS' FUND

C96J00.01 General Administration	
Special Fund Appropriation .....	1,588,320

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## WORKERS' COMPENSATION COMMISSION

C98F00.01 General Administration	
Special Fund Appropriation .....	14,602,952

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BOARD OF PUBLIC WORKS

D05E01.01 Administration Office	
General Fund Appropriation .....	916,423

D05E01.02 Contingent Fund	
To the Board of Public Works to be used by the Board in its judgment (1) for supplementing appropriations made in the budget for fiscal 2017 when the regular appropriations are insufficient for the operating expenses of the government beyond those that are contemplated at the time of the appropriation of the budget for this fiscal year, or (2) for any other contingencies that might arise within the State or other governmental agencies during the fiscal year or any other purposes provided by law, when adequate provision for such contingencies or purposes has not been made in this budget.	
General Fund Appropriation .....	500,000

D05E01.05 Wetlands Administration	
General Fund Appropriation .....	221,441

D05E01.10 Miscellaneous Grants to Private Non-Profit Groups	
General Fund Appropriation .....	6,021,136

To provide annual grants to private groups and sponsors that have statewide implications and merit State support.	
Council of State Governments .....	166,927
Historic Annapolis Foundation .....	789,000
Maryland Zoo in Baltimore .....	4,815,209
Western Maryland Scenic Railroad .....	250,000

SUMMARY

Total General Fund Appropriation .....	7,659,000
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EXECUTIVE DEPARTMENT – GOVERNOR

D10A01.01 General Executive Direction and Control	
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General Fund Appropriation .....	11,424,892
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OFFICE OF THE DEAF AND HARD OF HEARING

D11A04.01 Executive Direction		
General Fund Appropriation .....		430,581
		<hr/> <hr/>

DEPARTMENT OF DISABILITIES

D12A02.01 General Administration		
General Fund Appropriation .....	3,381,439	
Special Fund Appropriation .....	279,903	
Federal Fund Appropriation .....	9,077,845	12,739,187
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MARYLAND ENERGY ADMINISTRATION

D13A13.01 General Administration

Special Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of General Administration may not be expended until the Maryland Energy Administration submits program-specific performance measures in the fiscal 2018 Managing for Results (MFR) submission. The budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of the program-specific performance measures may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the measures are not included in the MFR submission.

~~Further provided that, contingent on the enactment of HB 705 or SB 726, \$2,300,000 \$3,300,000 of this appropriation made for the purpose of General Administration may not be expended for that purpose but~~

~~instead may be used only for a grant to the Maryland Clean Energy Center for operating support and assistance. If either HB 705 or SB 726 are enacted, funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled. If both HB 705 and SB 726 fail, the restricted funds may be used by the Maryland Energy Administration for General Administration~~ ***Further provided that \$3,300,000 of this appropriation made for the purpose of General Administration may not be expended for that purpose but instead may be used only for a grant to the Maryland Clean Energy Center for operating support and assistance. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled ...***

~~5,411,733~~  
4,846,587

Federal Fund Appropriation .....	776,795	<del>6,188,528</del>
		<u>5,623,382</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D13A13.02 The Jane E. Lawton Conservation Loan Program – Capital Appropriation Special Fund Appropriation .....		1,500,000
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D13A13.03 State Agency Loan Program – Capital Appropriation Special Fund Appropriation .....	1,200,000	
Federal Fund Appropriation .....	1,000,000	2,200,000

D13A13.06 Energy Efficiency and Conservation Programs, Low and Moderate Income Residential Sector

Special Fund Appropriation .....		10,305,000
D13A13.07 Energy Efficiency and Conservation Programs, All Other Sectors		
Special Fund Appropriation .....	5,750,000	
Federal Fund Appropriation .....	5,145,275	10,895,275
	<hr/>	
D13A13.08 Renewable and Clean Energy Programs and Initiatives		
Special Fund Appropriation .....		34,450,000
SUMMARY		
Total Special Fund Appropriation .....		58,051,587
Total Federal Fund Appropriation .....		6,922,070
		<hr/>
Total Appropriation .....		64,973,657
		<hr/> <hr/>

#### BOARDS, COMMISSIONS, AND OFFICES

D15A05.01 Survey Commissions		
General Fund Appropriation .....		117,784
D15A05.03 Office of Minority Affairs		
General Fund Appropriation .....		1,384,582
D15A05.05 Governor's Office of Community Initiatives		
General Fund Appropriation .....	2,422,163	
Special Fund Appropriation .....	283,025	
Federal Fund Appropriation .....	4,426,513	7,131,701
	<hr/>	
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
D15A05.06 State Ethics Commission		
General Fund Appropriation .....	876,406	
Special Fund Appropriation .....	323,959	1,200,365
	<hr/>	

D15A05.07 Health Care Alternative Dispute Resolution Office		
General Fund Appropriation .....	393,992	
Special Fund Appropriation .....	46,394	440,386
<hr/>		
D15A05.16 Governor's Office of Crime Control and Prevention		
General Fund Appropriation .....	103,278,112	
Special Fund Appropriation .....	2,183,706	
Federal Fund Appropriation .....	<del>44,004,830</del>	<del>149,466,657</del>
	<u>43,270,487</u>	<u>148,732,305</u>
<hr/>		

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D15A05.20 State Commission on Criminal Sentencing Policy		
General Fund Appropriation .....		490,109
D15A05.22 Governor's Grants Office		
General Fund Appropriation .....	368,923	
Special Fund Appropriation .....	30,000	398,923
<hr/>		

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D15A05.23 State Labor Relations Board		
General Fund Appropriation .....		381,144

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D15A05.24 Contract Appeals Resolution

Provided that funds appropriated for Program

D15A05.24 Contract Appeals Resolution may be expended only for that purpose. No funds appropriated to this unit may be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund or be canceled.

General Fund Appropriation .....	727,079
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SUMMARY

Total General Fund Appropriation .....	110,440,294
Total Special Fund Appropriation .....	2,867,084
Total Federal Fund Appropriation .....	47,697,000
<hr/>	
Total Appropriation .....	161,004,378
<hr/> <hr/>	

SECRETARY OF STATE

D16A06.01 Office of the Secretary of State		
General Fund Appropriation .....	1,954,064	
Special Fund Appropriation .....	849,719	2,803,783
	<hr/>	<hr/> <hr/>

HISTORIC ST. MARY'S CITY COMMISSION

D17B01.51 Administration		
General Fund Appropriation .....	2,584,693	
Special Fund Appropriation .....	873,563	3,458,256
	<hr/>	<hr/> <hr/>

GOVERNOR'S OFFICE FOR CHILDREN

D18A18.01 Governor's Office for Children		
General Fund Appropriation .....		1,778,992
		<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

BOARD OF PUBLIC WORKS – INTERAGENCY COMMITTEE  
ON SCHOOL CONSTRUCTION

D25E03.01 General Administration

General Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of General Administration may not be expended until the Interagency Committee on School Construction submits fiscal 2015 and 2016 annual maintenance reports to the budget committees. The reports shall be submitted by October 1, 2016, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees .....

1,934,129

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DEPARTMENT OF AGING

D26A07.01 General Administration

General Fund Appropriation .....  
 Special Fund Appropriation .....  
 Federal Fund Appropriation .....

~~3,292,723~~  
3,253,582  
 553,641  
 2,841,696

~~6,688,060~~  
6,648,919

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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D26A07.02 Senior Citizens Activities Centers Operating Fund

General Fund Appropriation .....

500,000

D26A07.03 Community Services

General Fund Appropriation .....  
 Federal Fund Appropriation .....

18,698,866  
 24,039,870

42,738,736

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Funds are appropriated in other agency budgets to pay for services provided by this

program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation .....		22,452,448
Total Special Fund Appropriation .....		553,641
Total Federal Fund Appropriation .....		26,881,566
		<hr/>
Total Appropriation .....		49,887,655
		<hr/> <hr/>

MARYLAND COMMISSION ON CIVIL RIGHTS

D27L00.01 General Administration		
General Fund Appropriation .....	2,630,893	
Federal Fund Appropriation .....	718,675	3,349,568
	<hr/>	<hr/> <hr/>

MARYLAND STADIUM AUTHORITY

D28A03.02 Maryland Stadium Facilities Fund		
Special Fund Appropriation .....		20,000,000
D28A03.55 Baltimore Convention Center		
General Fund Appropriation .....		8,088,552
D28A03.58 Ocean City Convention Center		
General Fund Appropriation .....		1,491,330
D28A03.59 Montgomery County Conference Center		
General Fund Appropriation .....		1,558,000
D28A03.60 Hippodrome Performing Arts Center		
General Fund Appropriation .....		1,392,483
D28A03.66 Baltimore City Public School Construction Financing Fund		
Special Fund Appropriation .....		20,000,000

SUMMARY

Total General Fund Appropriation .....		12,530,365
Total Special Fund Appropriation .....		40,000,000
		<hr/>

Total Appropriation .....	52,530,365
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STATE BOARD OF ELECTIONS

D38I01.01 General Administration

General Fund Appropriation, *provided that \$50,000 of this appropriation made for the purpose of administration may not be expended until a post-election tabulation audit following the 2016 general election utilizing the voter-verifiable paper records provided by the State's new optical scan voting system or electronic images of the voter-verifiable paper records is completed and the State Board of Elections (SBE) submits a report that includes:*

- (1) a detailed description of the post-election tabulation audit performed after the 2016 general election;*
- (2) the manner in which the public was permitted to comment on the audit procedures before the audit, observe the audit, and comment on the conduct and results of the audit after the audit is complete;*
- (3) the cause of any discrepancies revealed by the audit and how any discrepancies revealed by the audit were resolved;*
- (4) the final results of the audit for each contest that is audited;*
- (5) the calculated risk that the reported outcome of each audited contest is incorrect;*
- (6) the cost of the audit;*

- (7) if an audit is conducted using electronic images of voter-verifiable paper records, how the electronic images were used to validate the election results and why hand and eye inspection of actual voter-verified paper ballots is not necessary to reliably determine the intent of the voters; and
- (8) how SBE plans to conduct post-election tabulation audits in future elections.

The report shall be submitted by December 31, 2016 to the House Appropriations Committee, House Ways and Means Committee, Senate Budget and Taxation Committee, and Senate Education, Health, and Environmental Affairs Committee. The committees shall have 45 days to review and comment. Funds restricted pending the submission of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted .....

	4,319,641	
Special Fund Appropriation .....	93,453	4,413,094
D38I01.02 Help America Vote Act		
General Fund Appropriation .....	3,067,042	
Special Fund Appropriation .....	7,963,789	
Federal Fund Appropriation .....	204,256	11,235,087
D38I01.03 Major Information Technology Development Projects		
Special Fund Appropriation .....		5,619,862
D38I01.04 Campaign Finance Fund		
General Fund Appropriation .....		<del>1,823,816</del>

1,032,852

SUMMARY

Total General Fund Appropriation .....	8,419,535	
Total Special Fund Appropriation .....	13,677,104	
Total Federal Fund Appropriation .....	204,256	
		<hr/>
Total Appropriation .....	22,300,895	<hr/> <hr/>

DEPARTMENT OF PLANNING

D40W01.01 Operations Division		
General Fund Appropriation .....		3,245,544
D40W01.02 State Clearinghouse		
General Fund Appropriation .....		543,976
D40W01.03 Planning Data and Research		
General Fund Appropriation .....	2,716,021	
Special Fund Appropriation .....	10,179	2,726,200
		<hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.04 Planning Coordination		
General Fund Appropriation .....	2,033,359	
Federal Fund Appropriation .....	49,218	2,082,577
		<hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.07 Management Planning and Educational Outreach		
General Fund Appropriation .....	1,102,631	
Special Fund Appropriation .....	3,224,897	
Federal Fund Appropriation .....	670,375	4,997,903

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D40W01.08 Museum Services		
General Fund Appropriation .....	2,119,978	
Special Fund Appropriation .....	608,167	
Federal Fund Appropriation .....	141,403	2,869,548

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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.09 Research Survey and Registration		
General Fund Appropriation .....	820,528	
Special Fund Appropriation .....	156,282	
Federal Fund Appropriation .....	346,113	1,322,923

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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.10 Preservation Services		
General Fund Appropriation .....	653,407	
Special Fund Appropriation .....	402,495	
Federal Fund Appropriation .....	248,233	1,304,135

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D40W01.11 Historic Preservation – Capital Appropriation		
Special Fund Appropriation .....		150,000

D40W01.12 Sustainable Communities Tax Credit		
General Fund Appropriation .....		9,000,000

SUMMARY

Total General Fund Appropriation .....		22,235,444
Total Special Fund Appropriation .....		4,552,020
Total Federal Fund Appropriation .....		1,455,342
		<hr/>
Total Appropriation .....		28,242,806

MILITARY DEPARTMENT

MILITARY DEPARTMENT OPERATIONS AND MAINTENANCE

D50H01.01 Administrative Headquarters		
General Fund Appropriation .....	2,688,046	
Special Fund Appropriation .....	39,976	
Federal Fund Appropriation .....	364,875	3,092,897
	<hr/>	
D50H01.02 Air Operations and Maintenance		
General Fund Appropriation .....	752,510	
Federal Fund Appropriation .....	4,324,298	5,076,808
	<hr/>	
D50H01.03 Army Operations and Maintenance		
General Fund Appropriation .....	4,078,279	
Special Fund Appropriation .....	121,991	
Federal Fund Appropriation .....	10,565,476	14,765,746
	<hr/>	
D50H01.04 Capital Appropriation		
Federal Fund Appropriation .....		4,329,000
D50H01.05 State Operations		
General Fund Appropriation .....	2,981,627	
Federal Fund Appropriation .....	3,495,474	6,477,101
	<hr/>	
D50H01.06 Maryland Emergency Management Agency		
General Fund Appropriation .....	2,154,538	
Special Fund Appropriation .....	18,125,000	
Federal Fund Appropriation .....	34,975,806	55,255,344
	<hr/>	

SUMMARY

Total General Fund Appropriation .....		12,655,000
Total Special Fund Appropriation .....		18,286,967
Total Federal Fund Appropriation .....		58,054,929
		<hr/>
Total Appropriation .....		88,996,896
		<hr/> <hr/>

## MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS

D53T00.01 General Administration		
Special Fund Appropriation .....	15,893,384	
Federal Fund Appropriation .....	2,354,744	18,248,128
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

## DEPARTMENT OF VETERANS AFFAIRS

D55P00.01 Service Program		
General Fund Appropriation .....		1,535,739
D55P00.02 Cemetery Program		
General Fund Appropriation .....	1,670,059	
Special Fund Appropriation .....	666,550	
Federal Fund Appropriation .....	1,749,816	4,086,425
	<hr/>	
D55P00.03 Memorials and Monuments Program		
General Fund Appropriation .....		436,902
D55P00.04 Cemetery Program – Capital Appropriation		
General Fund Appropriation .....		2,180,000
D55P00.05 Veterans Home Program		
General Fund Appropriation .....	2,820,000	
Special Fund Appropriation, <u>provided that</u> <u>\$654,731 of this appropriation is</u> <u>contingent upon the enactment of</u> <u>HB 186</u> .....	854,731	
Federal Fund Appropriation .....	16,514,116	20,188,847
	<hr/>	
D55P00.08 Executive Direction		
General Fund Appropriation .....		1,054,078
D55P00.11 Outreach and Advocacy		
General Fund Appropriation .....		205,223

SUMMARY

Total General Fund Appropriation .....		9,902,001
Total Special Fund Appropriation .....		1,521,281
Total Federal Fund Appropriation .....		18,263,932
		<hr/>
Total Appropriation .....		29,687,214
		<hr/> <hr/>

STATE ARCHIVES

D60A10.01 Archives		
General Fund Appropriation .....	2,108,465	
Special Fund Appropriation .....	<del>7,307,524</del>	
	<u>6,883,800</u>	
Federal Fund Appropriation .....	45,777	<del>9,461,766</del>
		<u>9,038,042</u>
	<hr/>	
D60A10.02 Artistic Property		
General Fund Appropriation .....	351,535	
Special Fund Appropriation .....	115,890	467,425
	<hr/>	

SUMMARY

Total General Fund Appropriation .....		2,460,000
Total Special Fund Appropriation .....		6,999,690
Total Federal Fund Appropriation .....		45,777
		<hr/>
Total Appropriation .....		9,505,467
		<hr/> <hr/>

MARYLAND HEALTH BENEFIT EXCHANGE

D78Y01.01 Maryland Health Benefit Exchange		
Special Fund Appropriation .....	<del>24,564,492</del>	
	<del>24,434,434</del>	
	<del>24,503,636</del>	
	<u>24,564,492</u>	
Federal Fund Appropriation .....	26,273,238	<del>50,837,730</del>
		<del>50,707,672</del>
		<del>50,776,874</del>
		<u>50,837,730</u>
	<hr/>	

D78Y01.02 Major Information Technology Development Projects		
Special Fund Appropriation .....	10,435,508	
Federal Fund Appropriation .....	21,102,486	31,537,994
		<hr/>

D78Y01.03 Reinsurance Program		
Special Fund Appropriation .....		40,090,000

## SUMMARY

Total Special Fund Appropriation .....		75,090,000
Total Federal Fund Appropriation .....		47,375,724
		<hr/>

Total Appropriation .....		122,465,724
		<hr/> <hr/>

## MARYLAND INSURANCE ADMINISTRATION

## INSURANCE ADMINISTRATION AND REGULATION

D80Z01.01 Administration and Operations		
Special Fund Appropriation .....	32,706,419	
Federal Fund Appropriation .....	778,989	33,485,408
		<hr/>

D80Z01.02 Major Information Technology Development Projects		
Special Fund Appropriation .....		355,000

## SUMMARY

Total Special Fund Appropriation .....		33,061,419
Total Federal Fund Appropriation .....		778,989
		<hr/>

Total Appropriation .....		33,840,408
		<hr/> <hr/>

## CANAL PLACE PRESERVATION AND DEVELOPMENT AUTHORITY

D90U00.01 General Administration		
General Fund Appropriation .....	129,000	
Special Fund Appropriation .....	566,870	695,870
		<hr/> <hr/>

OFFICE OF ADMINISTRATIVE HEARINGS

D99A11.01 General Administration

Special Fund Appropriation .....

44,000



Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

COMPTROLLER OF MARYLAND

Provided that ~~\$200,000~~ \$150,000 of this general fund appropriation made for the purpose of Travel and Motor Vehicles may not be used for that purpose but instead may only be used to provide turnover relief in order to improve customer service outcomes for the office. Funds not used for this restricted purpose may not be transferred, by budget amendment or otherwise, to any other purpose and shall revert to the General Fund. The Comptroller shall submit a report to the budget committees by October 1, 2016, detailing how funds will be spent and how it will result in improved customer service.

OFFICE OF THE COMPTROLLER

E00A01.01 Executive Direction		
General Fund Appropriation .....	3,754,350	
Special Fund Appropriation .....	660,443	4,414,793
	<hr/>	
E00A01.02 Financial and Support Services		
General Fund Appropriation .....	2,844,365	
Special Fund Appropriation .....	510,907	3,355,272
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation .....		6,598,715
Total Special Fund Appropriation .....		1,171,350
		<hr/>
Total Appropriation .....		7,770,065
		<hr/> <hr/>

E00A02.01 Accounting Control and Reporting		
General Fund Appropriation .....		5,721,835
		<u><u>5,721,835</u></u>

BUREAU OF REVENUE ESTIMATES

E00A03.01 Estimating of Revenues		
General Fund Appropriation .....		1,602,247
		<u><u>1,602,247</u></u>

REVENUE ADMINISTRATION DIVISION

E00A04.01 Revenue Administration		
General Fund Appropriation .....	28,573,978	
Special Fund Appropriation .....	4,606,591	33,180,569
	<u>28,573,978</u>	
E00A04.02 Major Information Technology Development Projects		
Special Fund Appropriation .....		8,800,000

SUMMARY

Total General Fund Appropriation .....		28,573,978
Total Special Fund Appropriation .....		13,406,591
		<u>28,573,978</u>
Total Appropriation .....		41,980,569
		<u><u>41,980,569</u></u>

E00A05.01 Compliance Administration		
General Fund Appropriation .....	25,227,881	
Special Fund Appropriation.....	10,874,247	36,102,128
	<u>25,227,881</u>	
		<u><u>36,102,128</u></u>

FIELD ENFORCEMENT DIVISION

E00A06.01 Field Enforcement Administration		
General Fund Appropriation .....	3,189,583	
Special Fund Appropriation .....	3,650,326	6,839,909
	<u>3,189,583</u>	
		<u><u>6,839,909</u></u>

CENTRAL PAYROLL BUREAU

E00A09.01 Payroll Management		
General Fund Appropriation .....	2,570,492	
Special Fund Appropriation .....	181,076	2,751,568

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

INFORMATION TECHNOLOGY DIVISION

E00A10.01 Annapolis Data Center Operations

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

E00A10.02 Comptroller IT Services

General Fund Appropriation .....	18,835,778	
Special Fund Appropriation .....	3,231,560	22,067,338

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

STATE TREASURER'S OFFICE

TREASURY MANAGEMENT

E20B01.01 Treasury Management

General Fund Appropriation .....	5,090,500	
Special Fund Appropriation .....	686,511	5,777,011

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

INSURANCE PROTECTION

E20B02.01 Insurance Management

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

E20B02.02 Insurance Coverage

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

BOND SALE EXPENSES

E20B03.01 Bond Sale Expenses

General Fund Appropriation .....	24,500	
Special Fund Appropriation .....	1,159,000	1,183,500
	<hr/>	<hr/> <hr/>

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

Provided that no funds in this budget may be expended for the acquisition or creation of aerial images for the purpose of conducting property tax assessments.

E50C00.01 Office of the Director

General Fund Appropriation .....	2,956,501	
Special Fund Appropriation .....	152,332	3,108,833
	<hr/>	

E50C00.02 Real Property Valuation

General Fund Appropriation .....	<del>10,213,080</del>	
	18,113,080	
Special Fund Appropriation .....	<del>10,213,080</del>	<del>38,426,160</del>
	18,113,080	36,226,160
	<hr/>	

E50C00.04 Office of Information Technology

General Fund Appropriation .....	1,982,822	
Special Fund Appropriation .....	1,983,822	3,966,644
	<hr/>	

E50C00.05 Business Property Valuation

General Fund Appropriation .....	1,808,769	
Special Fund Appropriation .....	1,808,769	3,617,538
<hr/>		
E50C00.06 Tax Credit Payments		
General Fund Appropriation .....		85,722,000
E50C00.08 Property Tax Credit Programs		
General Fund Appropriation .....	1,915,780	
Special Fund Appropriation .....	1,080,257	2,996,037
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E50C00.10 Charter Unit		
General Fund Appropriation .....	72,280	
Special Fund Appropriation .....	5,370,162	5,442,442
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## SUMMARY

Total General Fund Appropriation .....		112,571,232
Total Special Fund Appropriation .....		28,508,422
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Total Appropriation .....		141,079,654
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## MARYLAND LOTTERY AND GAMING CONTROL AGENCY

E75D00.01 Administration and Operations		
Special Fund Appropriation .....		67,923,663
E75D00.02 Video Lottery Terminal and Gaming Operations		
General Fund Appropriation .....	21,806,259	
Special Fund Appropriation .....	9,569,383	31,375,642
<hr/>		

## SUMMARY

Total General Fund Appropriation .....		21,806,259
Total Special Fund Appropriation .....		77,493,046
<hr/>		
Total Appropriation .....		99,299,305
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## PROPERTY TAX ASSESSMENT APPEALS BOARDS

E80E00.01 Property Tax Assessment Appeals  
Boards  
General Fund Appropriation .....

1,055,123



DEPARTMENT OF BUDGET AND MANAGEMENT

OFFICE OF THE SECRETARY

F10A01.01 Executive Direction	
General Fund Appropriation .....	2,037,757
<p>Funds are appropriated in other agency budgets and funds will be transferred from the Employees’ and Retirees’ Health Insurance Non–Budgeted Fund Accounts to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>	
F10A01.02 Division of Finance and Administration	
General Fund Appropriation .....	1,189,036
F10A01.03 Central Collection Unit	
Special Fund Appropriation .....	14,126,067
F10A01.04 Division of Procurement Policy and Administration	
General Fund Appropriation .....	2,329,874

SUMMARY

Total General Fund Appropriation .....	5,556,667
Total Special Fund Appropriation .....	14,126,067
	<hr/>
Total Appropriation .....	19,682,734
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OFFICE OF PERSONNEL SERVICES AND BENEFITS

F10A02.01 Executive Direction	
General Fund Appropriation .....	2,120,787

Funds will be transferred from other agency budgets and the Employees’ and Retirees’ Health Insurance Non–Budgeted Fund Accounts to pay for administration services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this

program.

F10A02.02 Division of Employee Benefits

Funds will be transferred from the Employees' and Retirees' Health Insurance Non-Budgeted Fund Accounts to pay for administration services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A02.04 Division of Personnel Services

General Fund Appropriation ..... 1,478,364

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A02.06 Division of Classification and Salary

General Fund Appropriation ..... 2,412,874

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A02.07 Division of Recruitment and Examination

General Fund Appropriation ..... 1,510,577

F10A02.08 Statewide Expenses

General Fund Appropriation, provided that funds appropriated for salary increments, State Law Enforcement Officers Labor Alliance Bargaining agreement provisions and Annual Salary Reviews may be transferred to programs of other State agencies .....

~~87,342,688~~

86,902,688

Special Fund Appropriation, provided that funds appropriated for salary increments, State Law Enforcement Officers Labor Alliance Bargaining agreement provisions

and Annual Salary Reviews may be transferred to programs of other State agencies ..... ~~15,648,523~~  
15,558,523

Federal Fund Appropriation, provided that funds appropriated for salary increments and Annual Salary Reviews may be transferred to programs of other State agencies ..... ~~8,790,813~~ ~~111,782,024~~  
8,680,813 111,142,024

SUMMARY

Total General Fund Appropriation ..... 94,425,290  
 Total Special Fund Appropriation ..... 15,558,523  
 Total Federal Fund Appropriation ..... 8,680,813

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Total Appropriation ..... 118,664,626

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OFFICE OF BUDGET ANALYSIS

F10A05.01 Budget Analysis and Formulation  
 General Fund Appropriation ..... 2,992,041

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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF CAPITAL BUDGETING

F10A06.01 Capital Budget Analysis and Formulation  
 General Fund Appropriation ..... 1,194,988

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DEPARTMENT OF INFORMATION TECHNOLOGY

MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT FUND

F50A01.01 Major Information Technology Development Project Fund

General Fund Appropriation, provided that funds appropriated herein for Major Information Technology Development projects may be transferred to programs of the respective financial agencies .....	<del>21,158,248</del>	
	<u>20,158,248</u>	
Special Fund Appropriation, provided that funds appropriated herein for Major Information Technology Development projects may be transferred to programs of the respective financial agencies .....	18,217,128	<del>30,375,376</del>
		<u>38,375,376</u>
	<hr/>	<hr/> <hr/>

OFFICE OF INFORMATION TECHNOLOGY

F50B04.01 State Chief of Information Technology

General Fund Appropriation, provided that \$500,000 of this appropriation made for the purpose of funding the State Chief of Information Technology may not be expended until the Department of Information Technology (DoIT) submits a report to the budget committees on its efforts to consolidate information technology services. The report should discuss which agencies are supported by DoIT, the cost to DoIT for supporting these agencies, costs saved or avoided, and how the quality of the support provided by DoIT will be measured. The report shall be submitted by January 1, 2017, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees ...

Special Fund Appropriation .....	4,311,757	
Federal Fund Appropriation .....	74,099	
	397,075	4,782,931
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for

operating expenses in this program.

F50B04.02 Enterprise Information Systems

General Fund Appropriation ..... 4,793,261

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.03 Application Systems Management

General Fund Appropriation ..... 8,347,367

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.04 Networks Division

Special Fund Appropriation ..... 1,894,000

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.05 Strategic Planning

General Fund Appropriation ..... 2,226,923

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.06 Major Information Technology  
Development Projects

Special Fund Appropriation ..... 1,875,000

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.07 Web Systems	
General Fund Appropriation .....	2,443,854

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.09 Telecommunications	Access	of	
Maryland			
Special Fund Appropriation .....			3,963,545

SUMMARY

Total General Fund Appropriation .....	22,123,162
Total Special Fund Appropriation .....	7,806,644
Total Federal Fund Appropriation .....	397,075

Total Appropriation .....	30,326,881
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MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

STATE RETIREMENT AGENCY

G20J01.01 State Retirement Agency

Special Fund Appropriation .....	<del>20,697,587</del>
	<u>20,358,894</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

TEACHERS AND STATE EMPLOYEES SUPPLEMENTAL RETIREMENT PLANS

G50L00.01 Maryland Supplemental Retirement  
Plan Board and Staff  
Special Fund Appropriation .....

1,773,446

DEPARTMENT OF GENERAL SERVICES

OFFICE OF THE SECRETARY

H00A01.01 Executive Direction		
General Fund Appropriation .....		1,372,260
H00A01.02 Administration		
General Fund Appropriation .....		2,373,636

SUMMARY

Total General Fund Appropriation .....		3,745,896
		<u><u>3,745,896</u></u>

OFFICE OF FACILITIES SECURITY

H00B01.01 Facilities Security		
General Fund Appropriation .....	9,430,313	
Special Fund Appropriation .....	87,503	
Federal Fund Appropriation .....	306,611	9,824,427
	<u>9,824,427</u>	<u><u>9,824,427</u></u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF FACILITIES OPERATION AND MAINTENANCE

H00C01.01 Facilities Operation and Maintenance		
General Fund Appropriation .....	33,411,398	
Special Fund Appropriation .....	551,635	
Federal Fund Appropriation .....	988,973	34,952,006
	<u>34,952,006</u>	<u><u>34,952,006</u></u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

H00C01.04 Saratoga State Center

Funds are appropriated in other agency budgets to pay for services provided by this

program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

H00C01.05 Reimbursable Lease Management

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

H00C01.07 Parking Facilities

General Fund Appropriation .....	866,490
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SUMMARY

Total General Fund Appropriation .....	34,277,888
Total Special Fund Appropriation .....	551,635
Total Federal Fund Appropriation .....	988,973
	<hr/>
Total Appropriation .....	35,818,496
	<hr/> <hr/>

OFFICE OF PROCUREMENT AND LOGISTICS

H00D01.01 Procurement and Logistics

General Fund Appropriation .....	3,503,050	
Special Fund Appropriation .....	1,635,920	5,138,970
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF REAL ESTATE

H00E01.01 Real Estate Management

General Fund Appropriation .....	1,669,872	
Special Fund Appropriation .....	375,397	2,045,269
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this

program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF FACILITIES PLANNING, DESIGN AND CONSTRUCTION

H00G01.01 Facilities Planning, Design and Construction

General Fund Appropriation, provided that the amount appropriated herein for Maryland Environmental Service critical maintenance projects shall be transferred to the appropriate State facility effective July 1, 2016.

Further provided that \$500,000 of this appropriation made for the purpose of the statewide Critical Maintenance Program may not be expended for that purpose but instead may be used only to establish a facilities conditions assessment program within the Office of Facilities Planning, Design and Construction. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund. Further provided it is the intent of the General Assembly that the Governor shall create an additional 7 new positions in the Office of Facilities Planning, Design and Construction through the Board of Public Works with these restricted funds .....

14,983,043

Special Fund Appropriation .....

~~1,862,177~~

~~16,845,220~~

1,436,079

16,419,122

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

## DEPARTMENT OF TRANSPORTATION

Provided that it is the intent of the General Assembly that projects and funding levels appropriated for capital projects, as well as total estimated project costs within the Consolidated Transportation Program, shall be expended in accordance with the plan approved during the legislative session. The department shall prepare a report to notify the budget committees of the proposed changes in the event that the department modifies the program to:

- (1) add a new project to the construction program or development and evaluation program meeting the definition of a “major project” under Section 2-103.1 of the Transportation Article that was not previously contained within a plan reviewed in a prior year by the General Assembly and will result in the need to expend funds in the current budget year; or
- (2) change the scope of a project in the construction program or development and evaluation program meeting the definition of a “major project” under Section 2-103.1 of the Transportation Article that will result in an increase of more than 10% or \$1,000,000, whichever is greater, in the total project costs as reviewed by the General Assembly during a prior session.

For each change, the report shall identify the project title, justification for adding the new project or modifying the scope of the existing project, current year funding levels, and the total project cost as approved by the General Assembly during the prior session compared with the

proposed current year funding and total project cost estimate resulting from the project addition or change in scope.

Further provided that notification of project additions, as outlined in paragraph (1) above; changes in the scope of a project, as outlined in paragraph (2) above; or moving projects from the development and evaluation program to the construction program, shall be made to the General Assembly 45 days prior to the expenditure of funds or the submission of any contract for approval to the Board of Public Works.

The Maryland Department of Transportation (MDOT) may not expend funds on any job or position of employment approved in this budget in excess of 9,258.5 positions and 40.7 contractual full-time equivalent (FTE) positions paid through special payments payroll (defined as the quotient of the sum of the hours worked by all such employees in the fiscal year divided by 2,080 hours) of the total authorized amount established in the budget for MDOT at any one time during fiscal 2017. The level of contractual FTE positions may be exceeded only if MDOT notifies the budget committees of the need and justification for additional contractual personnel due to:

- (1) business growth at the Helen Delich Bentley Port of Baltimore or Baltimore/ Washington International Thurgood Marshall Airport, which demands additional personnel; or
- (2) emergency needs that must be met, such as transit security or highway maintenance.

The Secretary shall use the authority under Sections 2-101 and 2-102 of the Transportation Article to implement this

provision. However, any authorized job or position to be filled above the regular position ceiling approved by the Board of Public Works shall count against the Rule of 100 imposed by the General Assembly. The establishment of new jobs or positions of employment not authorized in the fiscal 2017 budget shall be subject to Section 7-236 of the State Finance and Procurement Article and the Rule of 100.

THE SECRETARY’S OFFICE

J00A01.01 Executive Direction		
Special Fund Appropriation .....		28,150,579

J00A01.02 Operating Grants–In–Aid  
 Special Fund Appropriation, provided that no more than \$3,989,395 of this appropriation may be expended for operating grants–in–aid, except for:

- (1) any additional special funds necessary to match unanticipated federal fund attainments; or
- (2) any proposed increase either to provide funds for a new grantee or to expand funds for an existing grantee.

Further provided that no expenditures in excess of \$3,989,395 may occur unless the department provides notification to the budget committees to justify the need for additional expenditures due to either item (1) or (2) above, and the committees provide review and comment or 45 days elapse from the date such notification is provided to the committees .....

	3,989,395	
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Federal Fund Appropriation .....	8,906,409	12,895,804
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J00A01.03 Facilities and Capital Equipment

Special Fund Appropriation, provided that

these funds intended as transportation grants shall be allocated as follows:

Baltimore City .....	<del>5,544,159</del> <b>2,000,000</b>
County Governments.....	<del>27,720,795</del> <b>4,000,000</b>
Municipal Governments.....	<del>20,328,583</del> <b>19,000,000</b>

Further provided that ~~\$27,720,795~~ **\$4,000,000** of this appropriation to county governments and ~~\$20,328,583~~ **\$19,000,000** to municipal governments shall be allocated to eligible counties and municipalities as provided in Sections 8-404 and 8-405 of the Transportation Article and may be expended only in accordance with Section 8-408 of the Transportation Article.

Further provided that no funds may be expended by the Secretary’s Office for any system preservation or minor project with a total project cost in excess of \$500,000 that is not currently included in the fiscal 2016–2021 Consolidated Transportation Program except as outlined below:

- (1) the Secretary shall notify the budget committees of any proposed system preservation or minor project with a total project cost in excess of \$500,000, including the need and justification for the project, and its total cost; and
- (2) the budget committees shall have 45 days to review and comment on the proposed system preservation or minor project.

~~Further provided that \$53,593,537 of this appropriation made for the purpose of providing transportation grants to local governments may not be expended for that purpose but instead is authorized to be transferred by budget amendment to the~~

~~operating program of the State Highway Administration Program J00B01.05 County and Municipality Funds to be distributed as a portion of the local share of Highway User Revenues. This authorization to transfer funds is contingent upon the enactment of legislation increasing the local share of Highway User Revenues. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled.~~

~~Further provided that, contingent upon the enactment of legislation increasing the local share of Highway User Revenues, \$53,593,537 of this appropriation made for the purpose of providing transportation grants to local governments may only be transferred by budget amendment to the operating program of the State Highway Administration Program J00B01.05 County and Municipality Funds to be distributed as a portion of the local share of Highway User Revenues~~ .....

~~91,916,778~~  
**63,323,241**

Federal Fund Appropriation ..... 51,554,000 ~~143,470,778~~  
**114,877,241**

J00A01.04 Washington Metropolitan Area  
Transit – Operating  
Special Fund Appropriation ..... 323,422,000

J00A01.05 Washington Metropolitan Area  
Transit – Capital  
Special Fund Appropriation ..... ~~153,567,000~~  
**127,567,000**

J00A01.07 Office of Transportation Technology  
Services  
Special Fund Appropriation ..... 42,011,055

J00A01.08 Major Information Technology  
Development Projects

Special Fund Appropriation .....	306,318
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SUMMARY

Total Special Fund Appropriation .....	588,769,588
Total Federal Fund Appropriation .....	60,460,409

Total Appropriation .....	649,229,997
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DEBT SERVICE REQUIREMENTS

Consolidated Transportation Bonds may be issued in any amount provided that the aggregate outstanding and unpaid balance of these bonds and bonds of prior issues may not exceed \$2,773,900,000 as of June 30, 2017. Further provided that the amount paid for debt service shall be reduced by any proceeds generated from net bond sale premiums, provided that those revenues are recognized by the department and reflected in the Transportation Trust Fund forecast. Further provided that the appropriation for debt service shall be reduced by any proceeds generated from net bond sale premiums. To achieve this reduction, the Maryland Department of Transportation (MDOT) may either use the proceeds from the net premium to reduce the size of the bond issuance and/or apply the proceeds from the net premium to eligible debt service.

MDOT shall submit with its annual September and January financial forecasts information on:

- (1) anticipated and actual nontraditional debt outstanding as of June 30 of each year; and
- (2) anticipated and actual debt service payments for each outstanding nontraditional debt issuance from

fiscal 2016 through 2026.

Nontraditional debt is defined as any debt instrument that is not a Consolidated Transportation Bond or a Grant Anticipation Revenue Vehicle bond; such debt includes, but is not limited to, Certificates of Participation, debt backed by customer facility charges, passenger facility charges, or other revenues, and debt issued by the Maryland Economic Development Corporation or any other third party on behalf of MDOT.

The total aggregate outstanding and unpaid principal balance of nontraditional debt, defined as any debt instrument that is not a Consolidated Transportation Bond or a Grant Anticipation Revenue Vehicle bond issued by MDOT, may not exceed \$609,630,000 as of June 30, 2017. Provided, however, that in addition to the limit established under this provision, MDOT may increase the aggregate outstanding unpaid and principal balance of nontraditional debt so long as:

- (1) MDOT provides notice to the Senate Budget and Taxation Committee and the House Appropriations Committee stating the specific reason for the additional issuance and providing specific information regarding the proposed issuance, including information specifying the total amount of nontraditional debt that would be outstanding on June 30, 2017, and the total amount by which the fiscal 2017 debt service payment for all nontraditional debt would increase following the additional issuance; and
- (2) the Senate Budget and Taxation Committee and the House Appropriations Committee have 45

days to review and comment on the proposed additional issuance before the publication of a preliminary official statement. The Senate Budget and Taxation Committee and the House Appropriations Committee may hold a public hearing to discuss the proposed increase and shall signal their intent to hold a hearing within 45 days of receiving notice from MDOT.

J00A04.01 Debt Service Requirements

Special Fund Appropriation .....

309,911,986



STATE HIGHWAY ADMINISTRATION

It is the intent of the General Assembly that the funding for transportation-related Watershed Implementation Plan projects mandated by Section 8-613.3 of the Transportation Article be provided through appropriation from the Transportation Trust Fund.

J00B01.01 State System Construction and Equipment

**It is the intent of the General Assembly that the Project Information Form for the interchange at the Greenbelt Metro Station be revised for the fiscal 2018-2022 Consolidated Transportation Program to include six-year funding for the interchange and infrastructure improvements at the Greenbelt Metro Station site at a level of at least \$170,000,000.**

Special Fund Appropriation, provided that \$2,000,000 of this appropriation made for the purpose of constructing Safety, Congestion Relief and Community Enhancements projects may not be expended for that purpose but instead may

be used only to provide grants to counties to construct sound barriers. The funds shall be allocated to each county based on the number of county road miles in each county as a percent of total county road miles in all counties. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled.

Further provided that \$22,000,000 of this appropriation made for the purpose of constructing Safety, Congestion Relief and Community Enhancements projects may not be expended for that purpose but may be used only to construct infrastructure improvements to the Greenbelt Metro Station site designed to make the site more attractive as a location for the **headquarters for the Federal Bureau of Investigation. These funds may be expended only for this restricted purpose if the Greenbelt Metro Station site is selected as the Federal Bureau of Investigation headquarters location.** Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled .....

	995,125,000	
Federal Fund Appropriation .....	493,825,000	1,488,950,000
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J00B01.02 State System Maintenance		
Special Fund Appropriation .....	249,599,362	
Federal Fund Appropriation .....	11,458,005	261,057,367
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J00B01.03 County and Municipality Capital Funds		
Special Fund Appropriation .....	4,850,000	
Federal Fund Appropriation .....	65,850,000	70,700,000
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J00B01.04 Highway Safety Operating Program		
Special Fund Appropriation .....	6,715,900	
Federal Fund Appropriation .....	3,835,971	10,551,871
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J00B01.05 County and Municipality Funds

Special Fund Appropriation, provided that \$5,845 of this appropriation made for the purpose of providing transportation aid to the Town of Deer Park in Garrett County may not be expended until the town has submitted audit reports and Uniform Financial Reports as required under Sections 16-304 and 16-306 of the Local Government Article for fiscal 2013, 2014, and 2015. Funds restricted pending the receipt of these documents may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled.

Further provided that \$1,633 of this appropriation made for the purpose of providing transportation aid to Caroline County on behalf of Marydel may not be expended until the town has submitted audit reports and Uniform Financial Reports as required under Sections 16-304 and 16-306 of the Local Government Article for fiscal 2012, 2013, 2014, and 2015. Funds restricted pending the receipt of these documents may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled .....

177,413,088

J00B01.08 Major Information Technology

Development Projects

Special Fund Appropriation ..... 2,509,000

Federal Fund Appropriation ..... 4,959,000 7,468,000

SUMMARY

Total Special Fund Appropriation ..... 1,436,212,350

Total Federal Fund Appropriation ..... 579,927,976

Total Appropriation ..... 2,016,140,326

J00D00.01 Port Operations		
Special Fund Appropriation .....		51,562,088
 J00D00.02 Port Facilities and Capital Equipment		
Special Fund Appropriation .....	110,221,997	
Federal Fund Appropriation .....	6,683,000	116,904,997
	<hr/>	

SUMMARY

Total Special Fund Appropriation .....		161,784,085
Total Federal Fund Appropriation .....		6,683,000
		<hr/>
Total Appropriation .....		168,467,085
		<hr/> <hr/>

MOTOR VEHICLE ADMINISTRATION

J00E00.01 Motor Vehicle Operations		
Special Fund Appropriation .....	191,950,260	
Federal Fund Appropriation .....	178,911	192,129,171
	<hr/>	
 J00E00.03 Facilities and Capital Equipment		
Special Fund Appropriation .....	25,064,155	
Federal Fund Appropriation .....	103,000	25,167,155
	<hr/>	
 J00E00.04 Maryland Highway Safety Office		
Special Fund Appropriation .....	1,225,666	
Federal Fund Appropriation .....	12,715,329	13,940,995
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

J00E00.08 Major Information Technology Development Projects		
Special Fund Appropriation .....		4,429,000

SUMMARY

Total Special Fund Appropriation .....		222,669,081
Total Federal Fund Appropriation .....		12,997,240
		<hr/>
Total Appropriation .....		235,666,321
		<hr/> <hr/>

MARYLAND TRANSIT ADMINISTRATION

J00H01.01 Transit Administration			
Special Fund Appropriation .....			55,149,866
J00H01.02 Bus Operations			
Special Fund Appropriation .....	335,780,882		
Federal Fund Appropriation .....	19,958,706		355,739,588
		<hr/>	
J00H01.04 Rail Operations			
Special Fund Appropriation .....	220,413,195		
Federal Fund Appropriation .....	18,997,696		239,410,891
		<hr/>	
J00H01.05 Facilities and Capital Equipment			
Special Fund Appropriation .....	205,748,000		
Federal Fund Appropriation .....	457,758,000		663,506,000
		<hr/>	
J00H01.06 Statewide Programs Operations			
Special Fund Appropriation .....	117,223,101		
Federal Fund Appropriation .....	20,544,262		137,767,363
		<hr/>	
J00H01.08 Major Information Technology Development Projects			
Special Fund Appropriation .....			11,790,000

SUMMARY

Total Special Fund Appropriation .....		946,105,044
Total Federal Fund Appropriation .....		517,258,664
		<hr/>
Total Appropriation .....		1,463,363,708
		<hr/> <hr/>

MARYLAND AVIATION ADMINISTRATION

J00I00.02 Airport Operations		
Special Fund Appropriation .....	186,506,459	
Federal Fund Appropriation .....	645,500	187,151,959
	<hr/>	
J00I00.03 Airport Facilities and Capital Equipment		
Special Fund Appropriation .....	114,975,000	
Federal Fund Appropriation .....	5,478,000	120,453,000
	<hr/>	
J00I00.08 Major Information Technology Development Projects		
Special Fund Appropriation .....		50,000

## SUMMARY

Total Special Fund Appropriation .....		301,531,459
Total Federal Fund Appropriation .....		6,123,500
		<hr/>
Total Appropriation .....		307,654,959
		<hr/> <hr/>

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE SECRETARY

K00A01.01 Secretariat		
General Fund Appropriation .....	2,116,564	
Special Fund Appropriation .....	1,556,445	
Federal Fund Appropriation .....	92,400	3,765,409
	<hr/>	
K00A01.02 Office of the Attorney General		
General Fund Appropriation .....	717,570	
Special Fund Appropriation .....	1,037,184	1,754,754
	<hr/>	
K00A01.03 Finance and Administrative Services		
General Fund Appropriation .....	4,282,329	
Special Fund Appropriation .....	2,993,335	
Federal Fund Appropriation .....	142,741	7,418,405
	<hr/>	
K00A01.04 Human Resource Service		
General Fund Appropriation .....	699,509	
Special Fund Appropriation .....	551,940	
Federal Fund Appropriation .....	37,900	1,289,349
	<hr/>	
K00A01.05 Information Technology Service		
General Fund Appropriation .....	1,523,502	
Special Fund Appropriation .....	2,699,135	
Federal Fund Appropriation .....	105,100	4,327,737
	<hr/>	
K00A01.06 Office of Communications		
General Fund Appropriation .....	488,517	
Special Fund Appropriation .....	515,068	1,003,585
	<hr/>	

SUMMARY

Total General Fund Appropriation .....		9,827,991
Total Special Fund Appropriation .....		9,353,107
Total Federal Fund Appropriation .....		378,141
		<hr/>
Total Appropriation .....		19,559,239
		<hr/> <hr/>

## FOREST SERVICE

K00A02.09 Forest Service		
General Fund Appropriation .....	3,915,781	
Special Fund Appropriation .....	5,766,562	
Federal Fund Appropriation .....	2,003,504	11,685,847
	<hr/>	<hr/> <hr/>

Funds are appropriated in other units of the Department of Natural Resources budget and other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

## WILDLIFE AND HERITAGE SERVICE

K00A03.01 Wildlife and Heritage Service		
General Fund Appropriation .....	85,000	
Special Fund Appropriation .....	5,944,247	
Federal Fund Appropriation .....	6,331,417	12,360,664
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

## MARYLAND PARK SERVICE

K00A04.01 Statewide Operations		
General Fund Appropriation .....	47,999	
Special Fund Appropriation .....	40,110,161	
Federal Fund Appropriation .....	135,000	40,293,160
	<hr/>	

Funds are appropriated in other units of the Department of Natural Resources budget and other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A04.06 Revenue Operations	
Special Fund Appropriation .....	1,900,002

SUMMARY

Total General Fund Appropriation .....	47,999
Total Special Fund Appropriation .....	42,010,163
Total Federal Fund Appropriation .....	135,000

Total Appropriation .....	42,193,162
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LAND ACQUISITION AND PLANNING

K00A05.05 Land Acquisition and Planning	
Special Fund Appropriation .....	5,952,619

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A05.10 Outdoor Recreation Land Loan  
Special Fund Appropriation, provided that \$16,500,000 of this appropriation is contingent on the enactment of legislation to increase funding for land preservation programs as follows:

Program	Open	Space	–
State Acquisition .....			\$2,638,000
Program	Open	Space	–
Direct	Grant		for
Eager Park .....			\$4,000,000
Program	Open	Space	–
Local Share .....			\$5,000,000
Rural Legacy .....			\$4,862,000
Total .....			\$16,500,000

Further provided that of the Special Fund allowance, \$41,594,509 represents that share of Program Open Space revenues available for State projects and \$21,690,973 represents that share of

Program Open Space revenues available for local programs. These amounts may be used for any State projects or local share authorized in Chapter 403, Laws of Maryland, 1969 as amended, or in Chapter 81, Laws of Maryland, 1984; Chapter 106, Laws of Maryland, 1985; Chapter 109, Laws of Maryland, 1986; Chapter 121, Laws of Maryland, 1987; Chapter 10, Laws of Maryland, 1988; Chapter 14, Laws of Maryland, 1989; Chapter 409, Laws of Maryland, 1990; Chapter 3, Laws of Maryland, 1991; Chapter 4, 1st Special Session, Laws of Maryland, 1992; Chapter 204, Laws of Maryland, 1993; Chapter 8, Laws of Maryland, 1994; Chapter 7, Laws of Maryland, 1995; Chapter 13, Laws of Maryland, 1996; Chapter 3, Laws of Maryland, 1997; Chapter 109, Laws of Maryland, 1998; Chapter 118, Laws of Maryland, 1999; Chapter 204, Laws of Maryland, 2000; Chapter 102, Laws of Maryland, 2001; Chapter 290, Laws of Maryland, 2002; Chapter 204, Laws of Maryland, 2003; Chapter 432, Laws of Maryland, 2004; Chapter 445, Laws of Maryland, 2005; Chapter 46, Laws of Maryland, 2006; Chapter 488, Laws of Maryland, 2007; Chapter 336, Laws of Maryland, 2008; Chapter 485, Laws of Maryland, 2009; Chapter 483, Laws of Maryland, 2010; Chapter 396, Laws of Maryland, 2011; Chapter 444, Laws of Maryland, 2012; Chapter 424, Laws of Maryland, 2013; Chapter 463, Laws of Maryland, 2014; Chapter 495, Laws of Maryland, 2015; and for any of the following State and local projects.....

63,285,482

Allowance, Local Projects .....\$21,690,973  
 Land Acquisitions .....\$16,138,729

Department of Natural Resources Capital  
 Improvements:  
 Natural Resource  
 Development Fund .....\$3,062,000  
 Ocean City Beach

Maintenance .....	\$500,000	
Critical Maintenance		
Program .....	\$6,000,696	
	<hr/>	
Subtotal .....	\$9,562,696	
Heritage Conservation Fund .....	\$3,229,699	
Rural Legacy .....	\$12,663,385	
Allowance, State Projects .....	\$41,594,509	
Federal Fund Appropriation .....	5,750,000	69,035,482
	<hr/>	

SUMMARY

Total Special Fund Appropriation .....		69,238,101
Total Federal Fund Appropriation .....		5,750,000
		<hr/>
Total Appropriation .....		74,988,101
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LICENSING AND REGISTRATION SERVICE

K00A06.01 Licensing and Registration Service		
Special Fund Appropriation .....		3,850,568
		<hr/> <hr/>

NATURAL RESOURCES POLICE

K00A07.01 General Direction		
General Fund Appropriation .....	10,588,529	
Special Fund Appropriation .....	1,033,700	
Federal Fund Appropriation .....	4,596,772	16,219,001
	<hr/>	
K00A07.04 Field Operations		
General Fund Appropriation .....	20,419,652	
Special Fund Appropriation .....	6,636,749	
Federal Fund Appropriation .....	2,362,250	29,418,651
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SUMMARY

Total General Fund Appropriation .....		31,008,181
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Total Special Fund Appropriation .....		7,670,449
Total Federal Fund Appropriation .....		6,959,022

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Total Appropriation .....		45,637,652
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ENGINEERING AND CONSTRUCTION

K00A09.01 General Direction

General Fund Appropriation .....	115,980	
Special Fund Appropriation .....	4,946,719	5,062,699

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Funds are appropriated in other units of the Department of Natural Resources budget and other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A09.06 Ocean City Maintenance

Special Fund Appropriation .....		500,000
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SUMMARY

Total General Fund Appropriation .....	115,980	
Total Special Fund Appropriation .....		5,446,719

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Total Appropriation .....		5,562,699
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CRITICAL AREA COMMISSION

K00A10.01 Critical Area Commission

General Fund Appropriation .....		2,035,667
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

BOATING SERVICES

K00A11.01 Boating Services		
Special Fund Appropriation .....	6,806,739	
Federal Fund Appropriation .....	507,700	7,314,439
<hr/>		
K00A11.02 Waterway Improvement Capital Projects		
Special Fund Appropriation, <u>provided that \$250,000 of this appropriation made for the purpose of Waterway Improvement Program capital projects may not be expended for waterway improvement projects submitted by the Administration but may be used only for the purpose of dredging projects specified by the Department of Natural Resources at Deep Creek Lake</u> .....		
	10,500,000	
Federal Fund Appropriation .....	2,100,000	12,600,000
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SUMMARY

Total Special Fund Appropriation .....		17,306,739
Total Federal Fund Appropriation .....		2,607,700
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Total Appropriation .....		19,914,439
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RESOURCE ASSESSMENT SERVICE

K00A12.05 Power Plant Assessment Program		
Special Fund Appropriation, <u>provided that \$250,000 of this appropriation made for the purposes of providing funding to the Maryland Energy Administration (MEA) for administrative and fiscal support for studies relating to the conservation or production of electric energy shall be reduced contingent upon the enactment of SB 389 or HB 459 repealing the requirement to provide support to MEA</u> ....		
		6,009,871
K00A12.06 Monitoring and Ecosystem Assessment		
General Fund Appropriation .....	2,533,817	
Special Fund Appropriation .....	2,517,534	

Federal Fund Appropriation .....	1,645,259	6,696,610
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Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A12.07 Maryland Geological Survey		
General Fund Appropriation .....	1,363,213	
Special Fund Appropriation .....	508,391	
Federal Fund Appropriation .....	207,264	2,078,868
	<hr/>	

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation .....	3,897,030
Total Special Fund Appropriation .....	9,035,796
Total Federal Fund Appropriation .....	1,852,523
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Total Appropriation .....	14,785,349
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MARYLAND ENVIRONMENTAL TRUST

K00A13.01 Maryland Environmental Trust	
General Fund Appropriation .....	588,103

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

CHESAPEAKE AND COASTAL SERVICE

K00A14.02 Chesapeake and Coastal Service		
General Fund Appropriation .....	1,568,766	
Special Fund Appropriation.....	53,795,071	
Federal Fund Appropriation .....	6,391,071	61,754,908
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Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

FISHERIES SERVICE

K00A17.01 Fisheries Service		
General Fund Appropriation .....	6,465,198	
Special Fund Appropriation .....	9,985,983	
Federal Fund Appropriation .....	4,410,567	20,861,748
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPARTMENT OF AGRICULTURE  
OFFICE OF THE SECRETARY

L00A11.01 Executive Direction		
General Fund Appropriation .....		1,641,720
L00A11.02 Administrative Services		
General Fund Appropriation .....		2,952,413
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
L00A11.03 Central Services		
General Fund Appropriation .....	1,015,313	
Federal Fund Appropriation .....	350,000	1,365,313
<hr/> <p>Funds are appropriated in other units of the Department of Agriculture budget to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
L00A11.04 Maryland Agricultural Commission		
General Fund Appropriation .....		95,339
L00A11.05 Maryland Agricultural Land Preservation Foundation		
Special Fund Appropriation .....		1,740,678
L00A11.11 Capital Appropriation		
Special Fund Appropriation, provided that \$3,500,000 of this appropriation is contingent on the enactment of legislation to increase funding for land preservation programs .....		21,227,744

SUMMARY

Total General Fund Appropriation .....		5,704,785
Total Special Fund Appropriation .....		22,968,422
Total Federal Fund Appropriation .....		350,000

Total Appropriation .....		29,023,207
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OFFICE OF MARKETING, ANIMAL INDUSTRIES, AND CONSUMER SERVICES

L00A12.01 Office of the Assistant Secretary		
General Fund Appropriation .....		226,380
L00A12.02 Weights and Measures		
General Fund Appropriation .....	364,274	
Special Fund Appropriation .....	1,917,229	2,281,503
L00A12.03 Food Quality Assurance		
General Fund Appropriation .....	167,816	
Special Fund Appropriation .....	1,772,392	
Federal Fund Appropriation .....	150,726	2,090,934
L00A12.04 Maryland Agricultural Statistics Services		
General Fund Appropriation .....		21,000
L00A12.05 Animal Health		
General Fund Appropriation .....	2,283,475	
Special Fund Appropriation .....	458,212	
Federal Fund Appropriation .....	441,972	3,183,659
L00A12.07 State Board of Veterinary Medical Examiners		
Special Fund Appropriation .....		727,218
L00A12.08 Maryland Horse Industry Board		
Special Fund Appropriation .....		293,979
L00A12.10 Marketing and Agriculture Development		
General Fund Appropriation .....	681,577	
Special Fund Appropriation .....	6,239,156	
Federal Fund Appropriation .....	1,421,469	8,342,202

Funds are appropriated in other agency budgets to pay for services provided by this

program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A12.11 Maryland Agricultural Fair Board Special Fund Appropriation .....		1,460,000
L00A12.13 Tobacco Transition Program Special Fund Appropriation .....		1,000,000
L00A12.18 Rural Maryland Council General Fund Appropriation .....		2,167,000
L00A12.19 Maryland Agricultural Education and Rural Development Assistance Fund General Fund Appropriation .....		167,000
L00A12.20 Maryland Agricultural and Resource-Based Industry Development Corporation General Fund Appropriation .....		2,875,000

#### SUMMARY

Total General Fund Appropriation .....		8,953,522
Total Special Fund Appropriation .....		13,868,186
Total Federal Fund Appropriation .....		2,014,167
		<hr/>
Total Appropriation .....		24,835,875
		<hr/> <hr/>

#### OFFICE OF PLANT INDUSTRIES AND PEST MANAGEMENT

L00A14.01 Office of the Assistant Secretary General Fund Appropriation .....		212,176
L00A14.02 Forest Pest Management General Fund Appropriation .....	916,615	
Special Fund Appropriation.....	114,703	
Federal Fund Appropriation .....	304,187	1,335,505
		<hr/>
L00A14.03 Mosquito Control General Fund Appropriation .....	1,009,817	
Special Fund Appropriation .....	1,642,708	2,652,525
		<hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A14.04 Pesticide Regulation		
Special Fund Appropriation .....	710,804	
Federal Fund Appropriation .....	318,814	1,029,618

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L00A14.05 Plant Protection and Weed Management		
General Fund Appropriation .....	738,745	
Special Fund Appropriation .....	245,562	
Federal Fund Appropriation .....	256,919	1,241,226

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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A14.06 Turf and Seed		
General Fund Appropriation .....	770,397	
Special Fund Appropriation .....	326,502	1,096,899

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L00A14.09 State Chemist		
Special Fund Appropriation .....	2,967,021	
Federal Fund Appropriation .....	109,166	3,076,187

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SUMMARY

Total General Fund Appropriation .....		3,647,750
Total Special Fund Appropriation .....		6,007,300
Total Federal Fund Appropriation .....		989,086

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Total Appropriation .....		10,644,136
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L00A15.01 Office of the Assistant Secretary			
General Fund Appropriation .....			231,091
L00A15.02 Program Planning and Development			
General Fund Appropriation .....	436,649		
Federal Fund Appropriation .....	175,600		612,249
		<hr/>	
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>			
L00A15.03 Resource Conservation Operations			
General Fund Appropriation .....			7,941,332
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>			
L00A15.04 Resource Conservation Grants			
General Fund Appropriation .....	827,415		
Special Fund Appropriation .....	13,341,812		14,169,227
		<hr/>	
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>			
L00A15.06 Nutrient Management			
General Fund Appropriation .....	1,443,031		
Special Fund Appropriation .....	82,484		1,525,515
		<hr/>	
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>			
L00A15.07 Watershed Implementation			
General Fund Appropriation .....	273,426		

Federal Fund Appropriation .....	100,695	374,121
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation .....	11,152,944
Total Special Fund Appropriation .....	13,424,296
Total Federal Fund Appropriation .....	276,295
	<hr/>
Total Appropriation .....	24,853,535
	<hr/> <hr/>

## DEPARTMENT OF HEALTH AND MENTAL HYGIENE

## OFFICE OF THE SECRETARY

## M00A01.01 Executive Direction

General Fund Appropriation .....	10,267,993	
Federal Fund Appropriation .....	2,348,918	12,616,911

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

## M00A01.02 Operations

General Fund Appropriation .....	14,788,879	
Federal Fund Appropriation .....	14,133,849	28,922,728

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

## M00A01.08 Major Information Technology

Development Projects		
Special Fund Appropriation .....		273,648

## SUMMARY

Total General Fund Appropriation .....		25,056,872
Total Special Fund Appropriation .....		273,648
Total Federal Fund Appropriation .....		16,482,767

Total Appropriation .....		41,813,287
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## REGULATORY SERVICES

## M00B01.03 Office of Health Care Quality

General Fund Appropriation .....	12,574,769	
Special Fund Appropriation .....	535,294	
Federal Fund Appropriation .....	7,295,625	20,405,688

M00B01.04 Health Professionals Boards and Commissions		
General Fund Appropriation .....	492,013	
Special Fund Appropriation .....	<del>17,787,542</del>	<del>18,279,555</del>
	<u>17,287,542</u>	<u>17,779,555</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00B01.05 Board of Nursing		
Special Fund Appropriation, provided that <u>\$100,000 of the appropriation made for the purpose of administration may not be expended until the Board of Nursing submits a report to the budget committees containing information regarding the availability of online instruction for the nonclinical component of training for forensic nurse examiners to become certified to perform sexual assault forensic examinations, including recommendations on improving the availability of this instruction. The report shall be submitted by October 1, 2016, and the budget committees shall have 45 days to review and comment. Funds restricted for this purpose may not be transferred by budget amendment or otherwise to any other purpose, and if the report is not submitted, the funds shall be canceled</u> .....		9,168,107
M00B01.06 Maryland Board of Physicians		
Special Fund Appropriation .....		10,172,990

SUMMARY

Total General Fund Appropriation .....		13,066,782
Total Special Fund Appropriation .....		37,163,933
Total Federal Fund Appropriation .....		7,295,625
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Total Appropriation .....		57,526,340

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 DEPUTY SECRETARY FOR PUBLIC HEALTH SERVICES

M00F01.01 Executive Direction		
General Fund Appropriation .....	5,486,161	
Special Fund Appropriation .....	364,820	
Federal Fund Appropriation .....	799,524	6,650,505
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

## OFFICE OF POPULATION HEALTH IMPROVEMENT

M00F02.01 Health Systems and Infrastructure Services		
General Fund Appropriation .....	836,676	
Federal Fund Appropriation .....	640,915	1,477,591
	<hr/>	
M00F02.07 Core Public Health Services		
General Fund Appropriation .....	49,488,474	
Federal Fund Appropriation .....	4,493,000	53,981,474
	<hr/>	

## SUMMARY

Total General Fund Appropriation .....		50,325,150
Total Federal Fund Appropriation .....		5,133,915
		<hr/>
Total Appropriation .....		55,459,065
		<hr/> <hr/>

## PREVENTION AND HEALTH PROMOTION ADMINISTRATION

M00F03.01 Infectious Disease and Environmental Health Services		
General Fund Appropriation .....	15,495,363	
Special Fund Appropriation .....	64,307,025	
Federal Fund Appropriation .....	51,886,323	131,688,711
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00F03.04 Family Health and Chronic Disease Services		
General Fund Appropriation .....	22,014,209	
Special Fund Appropriation .....	49,650,913	
Federal Fund Appropriation .....	155,087,256	226,752,378
	<hr/>	

SUMMARY

Total General Fund Appropriation .....		37,509,572
Total Special Fund Appropriation .....		113,957,938
Total Federal Fund Appropriation .....		206,973,579
		<hr/>
Total Appropriation .....		358,441,089
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OFFICE OF THE CHIEF MEDICAL EXAMINER

M00F05.01 Post Mortem Examining Services		
General Fund Appropriation .....		11,866,309
		<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF PREPAREDNESS AND RESPONSE

M00F06.01 Office of Preparedness and Response		
General Fund Appropriation .....	183,300	
Federal Fund Appropriation .....	17,693,900	17,877,200
	<hr/>	<hr/> <hr/>

WESTERN MARYLAND CENTER

M00I03.01 Services and Institutional Operations		
General Fund Appropriation .....	24,203,423	
Special Fund Appropriation .....	324,072	24,527,495

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEER’S HEAD CENTER

M00I04.01 Services and Institutional Operations		
General Fund Appropriation .....	21,475,013	
Special Fund Appropriation .....	2,977,074	24,452,087

LABORATORIES ADMINISTRATION

M00J02.01 Laboratory Services		
General Fund Appropriation .....	37,242,582	
Special Fund Appropriation .....	7,082,682	
Federal Fund Appropriation .....	2,884,949	47,210,213

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPUTY SECRETARY FOR BEHAVIORAL HEALTH

M00K01.01 Executive Direction		
General Fund Appropriation .....		2,093,256

BEHAVIORAL HEALTH ADMINISTRATION

M00L01.01 Program Direction		
General Fund Appropriation, <u>provided that \$100,000 of this appropriation made for the purpose of administration may not be expended until the Department of Health and Mental Hygiene submits a report to the budget committees outlining the recommendations made by the department’s security review of the State-operated psychiatric hospitals, how</u>		

the department will implement those recommendations, and what barriers to implementation exist, including those of a legislative, regulatory, or resource-based nature. The report shall be submitted by July 1, 2016, and the committees shall have 45 days to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted.....

	16,991,211	
Special Fund Appropriation .....	61,090	
Federal Fund Appropriation .....	4,594,280	21,646,581

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00L01.02 Community Services		
General Fund Appropriation .....	145,106,272	
Special Fund Appropriation .....	35,644,870	
Federal Fund Appropriation .....	70,838,798	251,589,940

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00L01.03 Community Services for Medicaid State Fund Recipients		
General Fund Appropriation .....		63,562,437

SUMMARY

Total General Fund Appropriation .....	225,659,920	
Total Special Fund Appropriation .....	35,705,960	
Total Federal Fund Appropriation .....	75,433,078	
		<hr/>
Total Appropriation .....		336,798,958
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## THOMAS B. FINAN HOSPITAL CENTER

M00L04.01 Services and Institutional Operations		
General Fund Appropriation .....	19,660,166	
Special Fund Appropriation .....	1,364,435	21,024,601
	<hr/>	<hr/> <hr/>

REGIONAL INSTITUTE FOR CHILDREN  
AND ADOLESCENTS – BALTIMORE

M00L05.01 Services and Institutional Operations		
General Fund Appropriation .....	11,650,469	
Special Fund Appropriation .....	1,902,566	
Federal Fund Appropriation .....	74,302	13,627,337
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## EASTERN SHORE HOSPITAL CENTER

M00L07.01 Services and Institutional Operations		
General Fund Appropriation .....	20,137,095	
Special Fund Appropriation .....	5,009	20,142,104
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## SPRINGFIELD HOSPITAL CENTER

M00L08.01 Services and Institutional Operations		
General Fund Appropriation .....	74,109,209	
Special Fund Appropriation .....	168,867	74,278,076
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

## SPRING GROVE HOSPITAL CENTER

M00L09.01 Services and Institutional Operations		
General Fund Appropriation .....	82,183,711	
Special Fund Appropriation .....	2,915,481	
Federal Fund Appropriation .....	20,093	85,119,285
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Funds are appropriated in other agency budgets to pay for services provided by this

program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

CLIFTON T. PERKINS HOSPITAL CENTER

M00L10.01 Services and Institutional Operations		
General Fund Appropriation .....	65,148,036	
Special Fund Appropriation .....	118,165	65,266,201
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

JOHN L. GILDNER REGIONAL INSTITUTE FOR CHILDREN AND ADOLESCENTS

M00L11.01 Services and Institutional Operations		
General Fund Appropriation .....	11,029,938	
Special Fund Appropriation .....	153,079	
Federal Fund Appropriation .....	49,335	11,232,352
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

BEHAVIORAL HEALTH ADMINISTRATION FACILITY MAINTENANCE

M00L15.01 Services and Institutional Operations		
General Fund Appropriation .....	866,414	
Special Fund Appropriation .....	358,183	1,224,597
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEVELOPMENTAL DISABILITIES ADMINISTRATION

M00M01.01 Program Direction		
General Fund Appropriation .....	5,494,557	
Federal Fund Appropriation .....	4,703,073	10,197,630
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M00M01.02 Community Services		
General Fund Appropriation, <u>provided that \$214,000 of this appropriation made for the purpose of funding the Supports Intensity Scale and Individual Indicator Rating Scale may not be made for that purpose and may be spent only to provide funding for the PACT Helping Children program. Funds restricted for this purpose may not be transferred by budget amendment or otherwise to any other purpose and if not expended shall revert to the General Fund..</u>	<del>589,217,368</del> 589,143,868	
Special Fund Appropriation .....	5,788,111	
Federal Fund Appropriation.....	<del>504,730,559</del> 504,518,059	<del>1,099,736,038</del> 1,099,450,038
	<hr/>	

SUMMARY

Total General Fund Appropriation .....		594,638,425
Total Special Fund Appropriation .....		5,788,111
Total Federal Fund Appropriation .....		509,221,132
		<hr/>
Total Appropriation .....		1,109,647,668
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HOLLY CENTER

M00M05.01 Services and Institutional Operations		
General Fund Appropriation .....	17,444,019	
Special Fund Appropriation .....	87,791	17,531,810
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DELIVERY SYSTEM

M00M06.01 Services and Institutional Operations		
General Fund Appropriation .....		8,975,621

POTOMAC CENTER

M00M07.01 Services and Institutional Operations		
General Fund Appropriation .....	13,573,201	
Special Fund Appropriation .....	5,000	13,578,201

DEVELOPMENTAL DISABILITIES ADMINISTRATION FACILITY MAINTENANCE

M00M15.01 Services and Institutional Operations		
General Fund Appropriation .....	1,062,117	
Special Fund Appropriation .....	348,674	1,410,791

MEDICAL CARE PROGRAMS ADMINISTRATION

M00Q01.01 Deputy Secretary for Health Care Financing		
General Fund Appropriation .....	1,531,842	
Federal Fund Appropriation .....	1,782,780	3,314,622

M00Q01.02 Office of Systems, Operations and Pharmacy		
General Fund Appropriation .....	7,490,007	
Federal Fund Appropriation .....	16,535,558	24,025,565

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00Q01.03 Medical Care Provider Reimbursements

All appropriations provided for Program M00Q01.03 Medical Care Provider Reimbursements are to be used for the purposes herein appropriated, and there

shall be no budgetary transfer to any other program or purpose.

*The General Assembly is concerned about the substantial operating losses sustained by the Managed Care Organizations during calendar 2015 due to changes in the State enrollment and reenrollment process and other factors. It is the intent of the General Assembly that the Department of Health and Mental Hygiene shall consider any data provided by the Managed Care Organizations and their outside actuary, calendar 2015 financial statements filed with the Maryland Insurance Administration, and any appropriate data from other sources:*

- (1) to recognize the factors which resulted in the calendar 2015 losses; and*
- (2) to the extent that these same factors continue to undermine the soundness of the current calendar 2016 rates:*
  - (a) make an appropriate calendar 2016 mid-year rate adjustment (including potential adjustments retroactive to January 1, 2016); and*
  - (b) inform calendar 2017 rates in order to bring financial stability to the HealthChoice program; place the Managed Care Organizations on a sound financial footing; and allow for enrollee access to services, improvement in the quality of care, and continued wide plan*

choice.

General Fund Appropriation, provided that no part of this General Fund appropriation may be paid to any physician or surgeon or any hospital, clinic, or other medical facility for or in connection with the performance of any abortion, except upon certification by a physician or surgeon, based upon his or her professional judgment that the procedure is necessary, provided one of the following conditions exists: where continuation of the pregnancy is likely to result in the death of the woman; or where the woman is a victim of rape, sexual offense, or incest that has been reported to a law enforcement agency or a public health or social agency; or where it can be ascertained by the physician with a reasonable degree of medical certainty that the fetus is affected by genetic defect or serious deformity or abnormality; or where it can be ascertained by the physician with a reasonable degree of medical certainty that termination of pregnancy is medically necessary because there is substantial risk that continuation of the pregnancy could have a serious and adverse effect on the woman's present or future physical health; or before an abortion can be performed on the grounds of mental health there must be certification in writing by the physician or surgeon that in his or her professional judgment there exists medical evidence that continuation of the pregnancy is creating a serious effect on the woman's present mental health and if carried to term there is a substantial risk of a serious or long lasting effect on the woman's future mental health.

Further provided that \$100,000 of this appropriation made for provider reimbursements may not be expended until the Department of Health and Mental Hygiene (DHMH) submits a report to the budget committees detailing (1) ways to

further incentivize managed care organizations (MCO) to increase the level of lead screening for children enrolled in Medicaid; (2) ways to encourage MCOs to take advantage of existing services available under Medicaid that are not being used; (3) how it can work with other State agencies to maximize access to existing funding for lead remediation activities in the homes of children identified by MCOs as having elevated blood lead levels; (4) other funding sources for remediation activities; (5) whether it might be able to pursue a waiver for lead remediation activities like that recently requested by the State of Michigan; and (6) data on the number of children identified with elevated blood lead levels and those that receive a second confirmatory screening. To assist in the development of the report, DHMH may require MCOs to detail current activities undertaken to identify and screen children with elevated blood lead levels as well as future activities that they intend to implement. The report shall be submitted by November 15, 2016, and the committees shall have 45 days to review and comment. Funds restricted pending the receipt of the report may not be expended or transferred to any other purpose and shall revert to the General Fund if the report is not received.

Further provided that \$100,000 of this appropriation made for provider reimbursements may not be made for that purpose and instead may be expended only on an independent review of the organization of eligibility determination entry points for health and social services in other states to serve as a potential model for Maryland in order to (1) maximize access to those services; (2) reduce duplication, inefficiency, and costs; and (3) maximize federal fund participation. The review, together with a joint response to that review from the Department of Health

and Mental Hygiene, the Department of Human Resources, the Maryland Health Benefit Exchange, and any other interested State agencies, shall be submitted to the budget committees by December 15, 2016, and the committees shall have 45 days to review and comment. To assist in the review, on request of the independent reviewer, State agencies that currently serve as an entry point for health and social services shall submit how many individuals they currently enroll or reenroll, the mechanism by which those individuals enroll or reenroll, outreach and enrollment strategies, the number of personnel directly involved in enrollment or reenrollment activities, funding to support those personnel or any other contract related to enrollment or reenrollment activities, and any other relevant requested information. *The independent review shall be solicited by the Department of Budget and Management.* Funds restricted for the purpose of conducting the review may not be expended or transferred to any other purpose and shall revert to the General Fund if the review is not undertaken .....

2,572,656,843

Special Fund Appropriation .....  
Federal Fund Appropriation .....

916,203,943  
5,181,143,573      8,670,004,359

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00Q01.04 Office of Health Services  
General Fund Appropriation .....  
Special Fund Appropriation .....  
Federal Fund Appropriation .....

11,919,846  
2,833,733  
34,643,627      49,397,206

M00Q01.05 Office of Finance  
General Fund Appropriation .....

1,467,701

Federal Fund Appropriation .....	1,695,632	3,163,333
M00Q01.06 Kidney Disease Treatment Services		
General Fund Appropriation .....	6,482,386	
Special Fund Appropriation .....	18,290,700	24,773,086
M00Q01.07 Maryland Children’s Health Program		
General Fund Appropriation, provided that no part of this General Fund appropriation may be paid to any physician or surgeon or any hospital, clinic, or other medical facility for or in connection with the performance of any abortion, except upon certification by a physician or surgeon, based upon his or her professional judgment that the procedure is necessary, provided one of the following conditions exists: where continuation of the pregnancy is likely to result in the death of the woman; or where the woman is a victim of rape, sexual offense, or incest that has been reported to a law enforcement agency or a public health or social agency; or where it can be ascertained by the physician with a reasonable degree of medical certainty that the fetus is affected by genetic defect or serious deformity or abnormality; or where it can be ascertained by the physician with a reasonable degree of medical certainty that termination of pregnancy is medically necessary because there is substantial risk that continuation of the pregnancy could have a serious and adverse effect on the woman’s present or future physical health; or before an abortion can be performed on the grounds of mental health there must be certification in writing by the physician or surgeon that in his or her professional judgment there exists medical evidence that continuation of the pregnancy is creating a serious effect on the woman’s present mental health and if carried to term there is a substantial risk of a serious or long lasting effect on the woman’s future mental health .....	33,924,534	

Special Fund Appropriation .....	1,158,265	
Federal Fund Appropriation .....	248,779,904	283,862,703
<hr/>		
M00Q01.08 Major Information Technology Development Projects		
Federal Fund Appropriation .....		26,911,168
M00Q01.09 Office of Eligibility Services		
General Fund Appropriation .....	4,788,342	
Federal Fund Appropriation .....	9,225,118	14,013,460
<hr/>		
M00Q01.10 Medicaid Behavioral Health Provider Reimbursements		

All appropriations for Program M00Q01.10 Medicaid Behavioral Health Provider Reimbursements are to be used for the purposes herein appropriated, and there shall be no budgetary transfer to any other program or purpose except that funding may be transferred to Programs M00L01.02 Community Services and M00L01.03 Community Services for Medicaid State Fund Recipients, to cover shortfalls in fee-for-service community behavioral health funding for Medicaid-eligible services or services to the uninsured.

General Fund Appropriation, provided that \$2,130,000 of this appropriation made for provider reimbursements may not be spent for that purpose and instead may only be transferred as follows:

- (1) \$1,200,000 to Program M00L08.01 Springfield Hospital Center to restore the positions and operational expenses reduced due to the privatization of the dietary function;
- (2) \$530,000 to Program M00L11.01 John L. Gildner Regional Institute for Children and Adolescents to

restore the positions and operational expenses reduced due to the privatization of the dietary function; and

- (3) \$400,000 to Program M00L05.01 Regional Institute for Children and Adolescents – Baltimore to restore the positions and operational expenses reduced due to a reduction in the number of beds at the facility.

Funds restricted for these purposes may not be transferred by budget amendment or otherwise to any other purpose and if not expended for these purposes shall revert to the General Fund .....

	373,718,083	
Special Fund Appropriation .....	11,114,687	
Federal Fund Appropriation .....	657,617,821	1,042,450,591
	373,718,083	1,042,450,591

SUMMARY

Total General Fund Appropriation .....	3,013,979,584	
Total Special Fund Appropriation .....	949,601,328	
Total Federal Fund Appropriation .....	6,178,335,181	
	9,142,916,093	
Total Appropriation .....	10,141,916,093	10,141,916,093

HEALTH REGULATORY COMMISSIONS

M00R01.01 Maryland Health Care Commission		
Special Fund Appropriation .....		34,146,869

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00R01.02 Health Services Cost Review Commission		
Special Fund Appropriation .....		188,098,489

M00R01.03 Maryland Community Health Resources Commission Special Fund Appropriation .....	8,091,768
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SUMMARY

Total Special Fund Appropriation .....	230,337,126
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Total Appropriation .....	230,337,126
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DEPARTMENT OF HUMAN RESOURCES

OFFICE OF THE SECRETARY

N00A01.01 Office of the Secretary

General Fund Appropriation, provided that since the Department of Human Resources (DHR) Local Department Operations Unit has had four or more repeat audit findings in the most recent fiscal compliance audit issued by the Office of Legislative Audits (OLA), \$100,000 of this agency's administrative appropriation may not be expended unless:

- (1) DHR has reported the corrective action taken with respect to all repeat findings on or before January 1, 2017; and
- (2) a report is submitted to the budget committees by OLA listing each repeat finding along with an assessment of the corrective action taken by DHR for each repeat finding. The budget committees shall have 45 days to review and comment to allow funds to be released prior to the end of fiscal 2017 .....

Federal Fund Appropriation .....	7,631,779	
	6,763,155	14,394,934

N00A01.02 Citizen's Review Board for Children

General Fund Appropriation .....	780,019	
Federal Fund Appropriation .....	66,676	846,695
	66,676	

N00A01.03 Maryland Commission for Women

General Fund Appropriation .....		134,361
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N00A01.04 Maryland Legal Services Program

General Fund Appropriation, provided that \$12,170,861 of this appropriation made for the purpose of the Maryland Legal Services Program may be expended only for that

<u>purpose. Funds not used for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund</u> .....	12,170,861	
Federal Fund Appropriation .....	1,922,765	14,093,626
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SUMMARY

Total General Fund Appropriation .....		20,717,020
Total Federal Fund Appropriation .....		8,752,596
		<hr/>
Total Appropriation .....		29,469,616
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SOCIAL SERVICES ADMINISTRATION

N00B00.04 General Administration – State		
General Fund Appropriation .....	9,563,116	
Federal Fund Appropriation .....	16,176,292	25,739,408
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OPERATIONS OFFICE

N00E01.01 Division of Budget, Finance, and Personnel		
General Fund Appropriation .....	13,134,023	
Federal Fund Appropriation .....	6,867,153	20,001,176
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N00E01.02 Division of Administrative Services		
General Fund Appropriation .....	5,119,619	
Federal Fund Appropriation .....	5,536,820	10,656,439
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SUMMARY

Total General Fund Appropriation .....		18,253,642
Total Federal Fund Appropriation .....		12,403,973
		<hr/>
Total Appropriation .....		30,657,615
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OFFICE OF TECHNOLOGY FOR HUMAN SERVICES

N00F00.02 Major Information Technology Development Projects Federal Fund Appropriation .....			1,245,000
N00F00.04 General Administration General Fund Appropriation .....	31,573,624		
Special Fund Appropriation .....	1,423,162		
Federal Fund Appropriation .....	36,549,760	69,546,546	

SUMMARY

Total General Fund Appropriation .....		31,573,624	
Total Special Fund Appropriation .....		1,423,162	
Total Federal Fund Appropriation .....		37,794,760	
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Total Appropriation .....		70,791,546	<hr/> <hr/>

LOCAL DEPARTMENT OPERATIONS

N00G00.01 Foster Care Maintenance Payments  
 General Fund Appropriation, provided that funds appropriated herein may be used to develop a broad range of services to assist in returning children with special needs from out-of-state placements, to prevent unnecessary residential or institutional placements within Maryland, and to work with local jurisdictions in these regards. Policy decisions regarding the expenditures of such funds shall be made jointly by the Executive Director of the Governor’s Office for Children, the Secretaries of Health and Mental Hygiene, Human Resources, Juvenile Services, Budget and Management, and the State Superintendent of Education.

Further provided that these funds are to be used only for the purposes herein appropriated, and there shall be no budgetary transfer to any other program or purpose. Funds not expended shall revert to the General Fund .....

177,800,005

Special Fund Appropriation .....	2,233,985	
Federal Fund Appropriation .....	82,286,160	262,320,150
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N00G00.02 Local Family Investment Program		
General Fund Appropriation .....	52,429,759	
Special Fund Appropriation .....	2,512,376	
Federal Fund Appropriation .....	112,186,048	167,128,183
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N00G00.03 Child Welfare Services		
General Fund Appropriation, <u>provided that these funds are to be used only for the purposes herein appropriated, and there shall be no budgetary transfer to any other program or purpose except that funds may be transferred to program N00G00.01 Foster Care Maintenance Payments. Funds not expended or transferred shall revert to the General Fund.</u> .....	169,435,768	
Special Fund Appropriation .....	1,491,121	
Federal Fund Appropriation .....	66,145,200	237,072,089
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N00G00.04 Adult Services		
General Fund Appropriation .....	9,514,873	
Special Fund Appropriation .....	1,596,443	
Federal Fund Appropriation .....	36,404,419	47,515,735
<hr/>		
N00G00.05 General Administration		
General Fund Appropriation .....	28,011,315	
Special Fund Appropriation .....	2,703,108	
Federal Fund Appropriation .....	14,544,596	45,259,019
<hr/>		
N00G00.06 Local Child Support Enforcement Administration		
General Fund Appropriation .....	16,619,100	
Special Fund Appropriation .....	545,704	
Federal Fund Appropriation .....	32,285,627	49,450,431
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N00G00.08 Assistance Payments		
General Fund Appropriation .....	68,195,837	
Special Fund Appropriation .....	13,318,408	

Federal Fund Appropriation .....	1,255,552,861	1,337,067,106
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N00G00.10 Work Opportunities		
Federal Fund Appropriation .....		33,311,034

SUMMARY

Total General Fund Appropriation .....		522,006,657
Total Special Fund Appropriation .....		24,401,145
Total Federal Fund Appropriation .....		1,632,715,945
		<hr/>
Total Appropriation .....		2,179,123,747
		<hr/> <hr/>

CHILD SUPPORT ENFORCEMENT ADMINISTRATION

N00H00.08 Support Enforcement – State		
General Fund Appropriation .....	2,467,068	
Special Fund Appropriation .....	9,720,521	
Federal Fund Appropriation .....	30,417,521	42,605,110
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FAMILY INVESTMENT ADMINISTRATION

N00I00.04 Director’s Office  
General Fund Appropriation, provided that since the Department of Human Resources (DHR) Family Investment Administration has had four or more repeat findings in the most recent fiscal compliance audit issued by the Office of Legislative Audits (OLA), \$100,000 of this agency’s administrative appropriation may not be expended unless:

- (1) DHR has taken corrective action with respect to all repeat audit findings on or before November 1, 2016; and
- (2) a report is submitted to the budget committees by OLA listing each repeat audit finding along with a determination that each repeat finding was corrected. The budget committees shall have 45 days to

review and comment to allow for funds to be released prior to the end of fiscal 2017.

Further provided that ~~\$250,000~~ \$100,000 of this appropriation may not be expended until the Department of Human Resources (DHR) submits a report including the results of a weighted caseload analysis to the budget committees. The weighted caseload analysis shall consider (1) the number of public assistance cases; (2) the type of public assistance cases; and (3) the time and effort each type of public assistance case requires. The analysis shall be conducted for each jurisdiction. The report should also discuss whether the planned information technology modernization would allow DHR to conduct these types of analyses in the future. The report on the results of the analysis shall be submitted by May 15, 2017, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted. It is the intent of the General Assembly that the Executive Director of the Family Investment Administration (FIA) and Secretary of DHR use the results of the analysis to allocate personnel to efficiently and effectively carry out the public assistance programs of FIA .....

10,820,169

Special Fund Appropriation .....  
Federal Fund Appropriation .....

381,991  
23,147,924

34,350,084

N00I00.05 Maryland Office for Refugees and Asylees  
Federal Fund Appropriation .....

14,215,543

N00I00.06 Office of Home Energy Programs  
Special Fund Appropriation .....

77,588,858

Federal Fund Appropriation .....	63,216,048	140,804,906
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N00I00.07 Office of Grants Management		
General Fund Appropriation .....	12,006,659	
Federal Fund Appropriation .....	1,174,473	13,181,132
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## SUMMARY

Total General Fund Appropriation .....	22,826,828
Total Special Fund Appropriation .....	77,970,849
Total Federal Fund Appropriation .....	101,753,988
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Total Appropriation .....	202,551,665
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DEPARTMENT OF LABOR, LICENSING, AND REGULATION  
 OFFICE OF THE SECRETARY

P00A01.01 Executive Direction			
General Fund Appropriation .....	4,600,061		
Special Fund Appropriation .....	545,299		
Federal Fund Appropriation .....	1,215,267		6,360,627
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P00A01.02 Program Analysis and Audit			
General Fund Appropriation .....	68,912		
Special Fund Appropriation .....	78,568		
Federal Fund Appropriation .....	291,452		438,932
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P00A01.05 Legal Services			
General Fund Appropriation .....	1,328,167		
Special Fund Appropriation .....	1,569,381		
Federal Fund Appropriation .....	1,387,875		4,285,423
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P00A01.08 Office of Fair Practices			
General Fund Appropriation .....	53,822		
Special Fund Appropriation .....	61,374		
Federal Fund Appropriation .....	227,698		342,894
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P00A01.09 Governor's Workforce Investment Board			
General Fund Appropriation .....			66,713
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>			
P00A01.11 Board of Appeals			
Special Fund Appropriation .....	62,066		
Federal Fund Appropriation .....	1,374,577		1,436,643
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P00A01.12 Lower Appeals			
Special Fund Appropriation .....	64,939		
Federal Fund Appropriation .....	6,223,562		6,288,501
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## SUMMARY

Total General Fund Appropriation .....	6,117,675	
Total Special Fund Appropriation .....	2,381,627	
Total Federal Fund Appropriation .....	10,720,431	
		<hr/>
Total Appropriation .....	19,219,733	<hr/> <hr/>

## DIVISION OF ADMINISTRATION

P00B01.03 Office of Budget and Fiscal Services		
General Fund Appropriation .....	<del>1,403,721</del>	
	<del>1,328,436</del>	
	<b>1,366,079</b>	
Special Fund Appropriation .....	<del>1,266,994</del>	
	<del>1,142,870</del>	
	<b>1,204,932</b>	
Federal Fund Appropriation .....	<del>3,608,669</del>	<del>6,270,384</del>
	<del>3,575,444</del>	<del>6,046,750</del>
	<b>3,592,056</b>	<b>6,163,067</b>
	<hr/>	
P00B01.04 Office of General Services		
General Fund Appropriation .....	765,175	
Special Fund Appropriation .....	927,128	
Federal Fund Appropriation .....	3,300,819	4,993,122
	<hr/>	
Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
P00B01.05 Office of Information Technology		
General Fund Appropriation .....	613,823	
Special Fund Appropriation .....	1,919,923	
Federal Fund Appropriation .....	5,176,202	7,709,948
	<hr/>	
P00B01.06 Office of Human Resources		
General Fund Appropriation .....	316,142	
Special Fund Appropriation .....	360,495	
Federal Fund Appropriation .....	1,337,341	2,013,978
	<hr/>	

SUMMARY

Total General Fund Appropriation .....		3,061,219
Total Special Fund Appropriation .....		4,412,478
Total Federal Fund Appropriation .....		13,406,418
		<hr/>
Total Appropriation .....		20,880,115
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DIVISION OF FINANCIAL REGULATION

P00C01.02 Financial Regulation		
General Fund Appropriation .....	1,257,956	
Special Fund Appropriation .....	9,277,667	10,535,623
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DIVISION OF LABOR AND INDUSTRY

P00D01.01 General Administration		
General Fund Appropriation .....	66,794	
Special Fund Appropriation .....	459,752	
Federal Fund Appropriation .....	226,110	752,656
	<hr/>	
P00D01.02 Employment Standards		
General Fund Appropriation .....	928,262	
Special Fund Appropriation .....	1,002,194	1,930,456
	<hr/>	
P00D01.03 Railroad Safety and Health		
Special Fund Appropriation .....		431,153
P00D01.05 Safety Inspection		
Special Fund Appropriation .....		5,428,105
P00D01.06 Apprenticeship and Training		
General Fund Appropriation .....	203,273	
Special Fund Appropriation .....	87,486	290,759
	<hr/>	
P00D01.07 Prevailing Wage		
General Fund Appropriation .....		1,013,150
P00D01.08 Occupational Safety and Health Administration		

Special Fund Appropriation .....	4,950,632	
Federal Fund Appropriation .....	4,948,315	9,898,947

## SUMMARY

Total General Fund Appropriation .....		2,136,194
Total Special Fund Appropriation .....		12,235,198
Total Federal Fund Appropriation .....		5,141,200

Total Appropriation .....		19,512,592
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## DIVISION OF RACING

P00E01.02 Maryland Racing Commission		
General Fund Appropriation .....	536,777	
Special Fund Appropriation .....	58,851,899	59,388,676

P00E01.03 Racetrack Operation		
General Fund Appropriation .....	1,695,830	
Special Fund Appropriation .....	574,614	2,270,444

P00E01.05 Maryland Facility Redevelopment Program		
Special Fund Appropriation .....		8,921,953

P00E01.06 Share of Video Lottery Terminal Revenue for Local Impact Grants		
Special Fund Appropriation.....		62,856,120

## SUMMARY

Total General Fund Appropriation .....		2,232,607
Total Special Fund Appropriation .....		131,204,586

Total Appropriation .....		133,437,193
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## DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

P00F01.01 Occupational and Professional		
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Licensing		
General Fund Appropriation .....	3,214,853	
Special Fund Appropriation .....	5,985,420	9,200,273
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING

P00G01.07 Workforce Development		
General Fund Appropriation .....	2,190,000	
Special Fund Appropriation .....	1,963,133	
Federal Fund Appropriation .....	65,934,062	70,087,195
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00G01.12 Adult Education and Literacy Program		
General Fund Appropriation .....	918,883	
Special Fund Appropriation .....	49,206	
Federal Fund Appropriation .....	3,393,380	4,361,469
	<hr/>	

P00G01.13 Adult Corrections Program		
General Fund Appropriation .....		15,998,700

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00G01.14 Aid to Education		
General Fund Appropriation .....	8,011,986	
Federal Fund Appropriation .....	7,899,972	15,911,958
	<hr/>	

SUMMARY

Total General Fund Appropriation .....		27,119,569
Total Special Fund Appropriation .....		2,012,339
Total Federal Fund Appropriation .....		77,227,414
		<hr/>
Total Appropriation .....		106,359,322
		<hr/> <hr/>

#### DIVISION OF UNEMPLOYMENT INSURANCE

P00H01.01 Office of Unemployment Insurance		
Special Fund Appropriation .....	3,421,597	
Federal Fund Appropriation .....	66,300,254	69,721,851
	<hr/>	
P00H01.02 Major Information Technology		
Development Projects		
Special Fund Appropriation .....	500,000	
Federal Fund Appropriation .....	22,547,651	23,047,651
	<hr/>	

#### SUMMARY

Total Special Fund Appropriation .....		3,921,597
Total Federal Fund Appropriation .....		88,847,905
		<hr/>
Total Appropriation .....		92,769,502
		<hr/> <hr/>

DEPARTMENT OF PUBLIC SAFETY AND  
CORRECTIONAL SERVICES

Provided that no more than 107 correctional officer positions may be reclassified in this appropriation.

OFFICE OF THE SECRETARY

Q00A01.01 General Administration		
General Fund Appropriation .....	37,663,495	
Special Fund Appropriation .....	581,984	38,245,479
<hr/>		
Q00A01.02 Information Technology and Communications Division		
General Fund Appropriation .....	27,190,061	
Special Fund Appropriation .....	5,932,617	
Federal Fund Appropriation .....	2,300,000	35,422,678
<hr/>		
Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
Q00A01.03 Intelligence and Investigative Division		
General Fund Appropriation .....		8,455,808
Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
Q00A01.04 9-1-1 Emergency Number Systems		
Special Fund Appropriation .....		56,868,531
Q00A01.06 Division of Capital Construction and Facilities Maintenance		
General Fund Appropriation .....		3,943,546
Q00A01.07 Major Information Technology Development Projects		
Special Fund Appropriation .....	1,500,000	
Federal Fund Appropriation .....	2,300,000	3,800,000

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SUMMARY

Total General Fund Appropriation .....		77,252,910
Total Special Fund Appropriation .....		64,883,132
Total Federal Fund Appropriation .....		4,600,000
		146,736,042
		146,736,042

DEPUTY SECRETARY FOR OPERATIONS

Q00A02.01 Administrative Services		
General Fund Appropriation .....		8,240,489
Q00A02.03 Field Support Services		
General Fund Appropriation .....	4,351,107	
Special Fund Appropriation .....	245,798	4,596,905
		4,596,905

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00A02.04 Security Operations		
General Fund Appropriation .....		35,726,472
Q00A02.05 Central Home Detention Unit		
General Fund Appropriation .....	7,961,274	
Special Fund Appropriation .....	60,000	8,021,274
		8,021,274

SUMMARY

Total General Fund Appropriation .....		56,279,342
Total Special Fund Appropriation .....		305,798
		56,585,140
		56,585,140

MARYLAND CORRECTIONAL ENTERPRISES

Q00A03.01 Maryland Correctional Enterprises		
Special Fund Appropriation .....		60,571,150
		<hr/> <hr/>

DIVISION OF CORRECTION – HEADQUARTERS

Q00B01.01 General Administration		
General Fund Appropriation, provided that		
<del>\$100,000</del> <del>\$250,000</del> <u>\$125,000</u> of this		
<u>appropriation made for the purpose of</u>		
<u>General Administration may not be</u>		
<u>expended until the Department of Public</u>		
<u>Safety and Correctional Services submits</u>		
<u>monthly inmate banking account</u>		
<u>reconciliation reports, including indication</u>		
<u>of corrective actions to be taken for any</u>		
<u>identified differences, to the budget</u>		
<u>committees. Monthly reports shall be</u>		
<u>submitted by the first of each month,</u>		
<u>beginning on July 1, 2016, and ending May</u>		
<u>1, 2017. Funds may not be released until all</u>		
<u>11 reports have been received. The budget</u>		
<u>committees shall have 45 days from receipt</u>		
<u>of the final report to review and comment.</u>		
<u>Funds restricted pending the receipt of the</u>		
<u>reports may not be transferred by budget</u>		
<u>amendment or otherwise to any other</u>		
<u>purpose and shall revert to the General</u>		
<u>Fund if the reports are not submitted to the</u>		
<u>budget committees</u> .....		16,191,462
		<hr/> <hr/>

MARYLAND PAROLE COMMISSION

Q00C01.01 General Administration and Hearings		
General Fund Appropriation .....		5,966,316
		<hr/> <hr/>

DIVISION OF PAROLE AND PROBATION

Q00C02.01 Division of Parole and Probation –		
Support Services		
General Fund Appropriation .....	16,038,144	
Special Fund Appropriation .....	100,000	16,138,144
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency

budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

PATUXENT INSTITUTION

Q00D00.01 Patuxent Institution			
General Fund Appropriation .....	54,166,780		
Special Fund Appropriation .....	161,424		
Federal Fund Appropriation .....	<del>400,000</del>	<del>54,728,204</del>	
	<u>300,000</u>	<u>54,628,204</u>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

INMATE GRIEVANCE OFFICE

Q00E00.01 General Administration			
Special Fund Appropriation .....			1,164,130

POLICE AND CORRECTIONAL TRAINING COMMISSIONS

Q00G00.01 General Administration			
General Fund Appropriation .....	9,536,320		
Special Fund Appropriation .....	461,000		
Federal Fund Appropriation .....	128,629	10,125,949	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

CRIMINAL INJURIES COMPENSATION BOARD

Q00K00.01 Administration and Awards			
Special Fund Appropriation .....	3,531,195		
Federal Fund Appropriation .....	1,700,000	5,231,195	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MARYLAND COMMISSION ON CORRECTIONAL STANDARDS

Q00N00.01 General Administration		
General Fund Appropriation .....		559,582

DIVISION OF CORRECTION – WEST REGION

Q00R02.01 Maryland Correctional Institution – Hagerstown		
General Fund Appropriation .....	75,021,984	
Special Fund Appropriation .....	512,024	75,534,008

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00R02.02 Maryland Correctional Training Center		
General Fund Appropriation .....	75,175,597	
Special Fund Appropriation .....	811,382	75,986,979

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00R02.03 Roxbury Correctional Institution		
General Fund Appropriation .....	54,113,879	
Special Fund Appropriation .....	442,099	54,555,978

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00R02.04 Western Correctional Institution		
General Fund Appropriation .....	59,052,072	
Special Fund Appropriation .....	439,738	59,491,810
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00R02.05 North Branch Correctional Institution		
General Fund Appropriation .....	62,089,961	
Special Fund Appropriation .....	314,219	62,404,180
	<hr/>	

SUMMARY

Total General Fund Appropriation .....		325,453,493
Total Special Fund Appropriation .....		2,519,462
		<hr/>
Total Appropriation .....		327,972,955
		<hr/> <hr/>

DIVISION OF PAROLE AND PROBATION – WEST REGION

Q00R03.01 Field Support Services		
General Fund Appropriation .....	19,789,703	
Special Fund Appropriation .....	2,505,563	22,295,266
	<hr/>	<hr/> <hr/>

DIVISION OF CORRECTION – EAST REGION

Q00S02.01 Jessup Correctional Institution		
General Fund Appropriation .....	73,615,257	
Special Fund Appropriation .....	497,247	74,112,504
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.02 Maryland Correctional Institution –

Jessup		
General Fund Appropriation .....	41,435,881	
Special Fund Appropriation .....	345,519	41,781,400
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.03 Maryland Correctional Institution for Women		
General Fund Appropriation .....	39,737,981	
Special Fund Appropriation .....	302,427	40,040,408
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.04 Brockbridge Correctional Facility		
General Fund Appropriation .....	24,523,511	
Special Fund Appropriation .....	182,685	24,706,196
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.06 Southern Maryland Pre-Release Unit		
General Fund Appropriation .....	5,442,560	
Special Fund Appropriation .....	207,258	5,649,818
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.07 Eastern Pre-Release Unit		
General Fund Appropriation .....	5,598,781	

Special Fund Appropriation .....	157,000	5,755,781
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.08 Eastern Correctional Institution

General Fund Appropriation .....	112,792,098	
Special Fund Appropriation .....	1,011,850	
Federal Fund Appropriation .....	1,318,186	115,122,134

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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.09 Dorsey Run Correctional Facility

General Fund Appropriation .....	32,038,306	
Special Fund Appropriation .....	226,500	32,264,806

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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.10 Central Maryland Correctional Facility

General Fund Appropriation .....	16,331,758	
Special Fund Appropriation .....	166,176	16,497,934

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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation .....		351,516,133
Total Special Fund Appropriation .....		3,096,662

Total Federal Fund Appropriation .....		1,318,186
		<hr/>
Total Appropriation .....		355,930,981
		<hr/> <hr/>

DIVISION OF PAROLE AND PROBATION – EAST REGION

Q00S03.01 Division of Parole and Probation – East Region		
General Fund Appropriation .....	26,512,294	
Special Fund Appropriation .....	2,020,222	28,532,516
	<hr/>	<hr/> <hr/>

DIVISION OF PAROLE AND PROBATION – CENTRAL REGION

Q00T03.01 Division of Parole and Probation – Central Region		
General Fund Appropriation .....	40,152,043	
Special Fund Appropriation .....	1,522,378	41,674,421
	<hr/>	

Q00T03.02 Pretrial Release Services		
General Fund Appropriation .....		6,392,656

SUMMARY

Total General Fund Appropriation .....		46,544,699
Total Special Fund Appropriation .....		1,522,378
		<hr/>
Total Appropriation .....		48,067,077
		<hr/> <hr/>

DIVISION OF PRETRIAL DETENTION

Q00T04.01 Chesapeake Detention Facility		
Special Fund Appropriation .....	90,000	
Federal Fund Appropriation .....	24,859,871	24,949,871
	<hr/>	
Q00T04.04 Baltimore Central Booking and Intake Center		
General Fund Appropriation .....	56,732,767	
Special Fund Appropriation .....	151,859	56,884,626
	<hr/>	

Q00T04.05 Baltimore Pretrial Complex		
General Fund Appropriation .....	83,408,030	
Special Fund Appropriation .....	960,031	
Federal Fund Appropriation .....	5,000	84,373,061
	<hr/>	

Q00T04.06 Maryland Reception, Diagnostic and Classification Center		
General Fund Appropriation .....	36,259,103	
Special Fund Appropriation .....	78,000	36,337,103
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00T04.07 Baltimore City Correctional Center		
General Fund Appropriation .....	14,106,857	
Special Fund Appropriation .....	474,700	14,581,557
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00T04.08 Metropolitan Transition Center		
General Fund Appropriation .....	39,171,657	
Special Fund Appropriation .....	263,500	39,435,157
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Q00T04.09 General Administration		
General Fund Appropriation, <del>provided that \$100,000 of this appropriation made for the purpose of General Administration may not be expended until the Department of Public Safety and Correctional Services submits a report outlining a plan for complying with the final settlement agreement in Jerome Duvall, et al. v. Lawrence Hogan, Jr., et al., including any associated costs, to the budget committees. The report shall be submitted by December 31, 2016. The budget committees shall</del>		

have 45 days from receipt of the final report to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees, provided that ~~\$500,000~~ \$200,000 of this appropriation made for the purpose of General Administration may not be expended until the Department of Public Safety and Correctional Services submits a staffing analysis report for the Baltimore City detention facilities, including explanation of any changes in staffing levels from prior staffing analyses. The report shall be submitted by October 1, 2016. The budget committees shall have 45 days from receipt of the final report to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees .....

2,510,408

SUMMARY

Total General Fund Appropriation .....	232,188,822
Total Special Fund Appropriation .....	2,018,090
Total Federal Fund Appropriation .....	24,864,871
	<hr/>
Total Appropriation .....	259,071,783
	<hr/> <hr/>

STATE DEPARTMENT OF EDUCATION

HEADQUARTERS

Provided that it is the intent of the General Assembly that no individual loaned educator be engaged by the Maryland State Department of Education (MSDE) for more than six years. For loaned educators engaged in fiscal 2010, the time already served at MSDE may not be counted toward the six-year limit.

Further provided that it is the intent of the General Assembly that all loaned educators submit annual financial disclosure statements, as is required for State employees in similar positions.

Further provided that MSDE shall provide an annual census report on the number of loaned educator contracts and any conversion of these personnel to regular positions to the General Assembly by December 15, 2016, and every year thereafter. The annual report shall include job function, title, salary, fund source(s) for the contract, the first year of the contract, the number of years that the loaned educator has been employed by the State, and whether the educator files a financial disclosure statement. MSDE shall also provide a report to the budget committees prior to entering into any new loaned educator contract to provide temporary assistance to the State. The budget committees shall have 45 days to review and comment from the date of receipt of any report on new contracts.

R00A01.01 Office of the State Superintendent			
General Fund Appropriation .....		9,394,069	
Special Fund Appropriation .....		802,231	
Federal Fund Appropriation .....		1,873,713	
		<hr/>	12,070,013

R00A01.02 Division of Business Services

General Fund Appropriation .....	1,237,282	
Special Fund Appropriation .....	83,186	
Federal Fund Appropriation .....	6,518,194	7,838,662
	<hr/>	
R00A01.03 Division of Academic Policy and Innovation		
General Fund Appropriation .....	1,045,127	
Federal Fund Appropriation .....	77,983	1,123,110
	<hr/>	
R00A01.04 Division of Accountability and Assessment		
General Fund Appropriation .....	38,563,725	
Special Fund Appropriation .....	489,929	
Federal Fund Appropriation .....	7,477,690	46,531,344
	<hr/>	
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
R00A01.05 Office of Information Technology		
General Fund Appropriation .....	3,700,352	
Special Fund Appropriation .....	116,135	
Federal Fund Appropriation .....	2,855,317	6,671,804
	<hr/>	
R00A01.07 Office of School and Community Nutrition Programs		
General Fund Appropriation .....	256,454	
Special Fund Appropriation .....	21,974	
Federal Fund Appropriation .....	9,630,031	9,908,459
	<hr/>	
R00A01.10 Division of Early Childhood Development		
General Fund Appropriation .....	12,853,850	
Federal Fund Appropriation .....	47,446,587	60,300,437
	<hr/>	
R00A01.11 Division of Curriculum, Assessment, and Accountability		
General Fund Appropriation .....	1,858,128	
Special Fund Appropriation .....	1,972,050	

Federal Fund Appropriation .....	2,786,888	6,617,066
	<hr/>	
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
R00A01.12 Division of Student, Family and School Support		
General Fund Appropriation .....	1,883,114	
Federal Fund Appropriation .....	3,419,851	5,302,965
	<hr/>	
R00A01.13 Division of Special Education/Early Intervention Services		
General Fund Appropriation .....	540,757	
Special Fund Appropriation .....	1,021,765	
Federal Fund Appropriation .....	10,210,664	11,773,186
	<hr/>	
R00A01.14 Division of Career and College Readiness		
General Fund Appropriation .....	1,169,003	
Federal Fund Appropriation .....	1,934,709	3,103,712
	<hr/>	
R00A01.15 Juvenile Services Education Program		
General Fund Appropriation, <u>provided that it is the intent of the General Assembly that a portion of this appropriation shall be used to provide incentives to recruit and retain highly effective teachers and principals in the Juvenile Services Education Program. Further provided that the Maryland State Department of Education shall report to the budget committees on a plan outlining how much of the appropriation will be used for incentives and how these incentives will be implemented. The report shall be submitted by July 1, 2016</u> .....	16,682,921	
Federal Fund Appropriation .....	956,332	17,639,253
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this

program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R00A01.17 Division of Library Development and Services		
General Fund Appropriation .....	2,820,414	
Federal Fund Appropriation .....	1,890,165	4,710,579
	<hr/>	
R00A01.18 Division of Certification and Accreditation		
General Fund Appropriation .....	2,315,625	
Special Fund Appropriation .....	222,572	
Federal Fund Appropriation .....	164,158	2,702,355
	<hr/>	
R00A01.20 Division of Rehabilitation Services – Headquarters		
General Fund Appropriation .....	1,585,090	
Special Fund Appropriation .....	90,178	
Federal Fund Appropriation .....	9,775,585	11,450,853
	<hr/>	
R00A01.21 Division of Rehabilitation Services – Client Services		
General Fund Appropriation .....	9,591,313	
Federal Fund Appropriation .....	24,318,533	33,909,846
	<hr/>	
R00A01.22 Division of Rehabilitation Services – Workforce and Technology Center		
General Fund Appropriation .....	1,603,582	
Federal Fund Appropriation .....	7,837,053	9,440,635
	<hr/>	
R00A01.23 Division of Rehabilitation Services – Disability Determination Services		
Federal Fund Appropriation .....		42,256,014
R00A01.24 Division of Rehabilitation Services – Blindness and Vision Services		
General Fund Appropriation .....	1,512,382	
Special Fund Appropriation .....	2,637,005	
Federal Fund Appropriation .....	4,123,372	8,272,759
	<hr/>	

## SUMMARY

Total General Fund Appropriation .....	108,613,188	
Total Special Fund Appropriation .....	7,457,025	
Total Federal Fund Appropriation .....	185,552,839	
		<hr/>
Total Appropriation .....	301,623,052	<hr/> <hr/>

## AID TO EDUCATION

Provided that the Maryland State Department of Education shall notify the budget committees of any intent to transfer the funds from Program R00A02 Aid to Education to any other budgetary unit. The budget committees shall have 45 days to review and comment on the planned transfer prior to its effect.

R00A02.01 State Share of Foundation Program		
General Fund Appropriation .....	2,732,028,894	
Special Fund Appropriation .....	458,844,212	3,190,873,106
		<hr/>
R00A02.02 Compensatory Education		
General Fund Appropriation .....		1,309,111,285
R00A02.03 Aid for Local Employee Fringe Benefits		
General Fund Appropriation .....		787,908,173
R00A02.04 Children at Risk		
General Fund Appropriation .....	10,300,895	
Special Fund Appropriation .....	4,800,000	
Federal Fund Appropriation .....	17,039,422	32,140,317
		<hr/>
R00A02.05 Formula Programs for Specific Populations		
General Fund Appropriation .....		2,400,000
R00A02.06 Maryland Prekindergarten Expansion Program Financing Fund		
General Fund Appropriation .....	4,300,000	
Federal Fund Appropriation .....	14,250,000	18,550,000

## R00A02.07 Students With Disabilities

General Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of funding the Infants and Toddlers Program may not be expended until the Maryland State Department of Education provides the budget committees with a report on data from local education agencies that specifies all local, State, and federal funds, including transportation funds, spent for prekindergarten children with disabilities ages three through five in fiscal 2015 and 2016. This report shall also provide analysis on how funds are targeted to support:

- (1) the provision of special education services in public and private early childhood programs and settings where children with disabilities learn alongside nondisabled peers; and
- (2) meaningful access to early childhood curricula in public and private general education early childhood programs for children with disabilities.

This report shall also include a description of the relationship of both (1) and (2) as outlined above to improved results for prekindergarten children with disabilities.

This report shall be submitted to the budget committees on or before November 1, 2016. The budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees .....

434,858,582

To provide funds as follows:

Formula .....	279,607,502
Non-Public Placement Program .....	126,617,896
Infants and Toddlers Program ..	10,389,104
Autism Waiver .....	18,244,080

Provided that funds appropriated for nonpublic placements may be used to develop a broad range of services to assist in returning children with special needs from out-of-state placements to Maryland; to prevent out-of-state placements of children with special needs; to prevent unnecessary separate day school, residential or institutional placements within Maryland; and to work with local jurisdictions in these regards. Policy decisions regarding the expenditures of such funds shall be made jointly by the Executive Director of the Governor’s Office for Children and the Secretaries of Health and Mental Hygiene, Human Resources, Juvenile Services, Budget and Management, and the State Superintendent of Education.

R00A02.08 Assistance to State for Educating Students With Disabilities Federal Fund Appropriation .....		201,294,786
R00A02.09 Gifted and Talented Federal Fund Appropriation .....		800,000
R00A02.12 Educationally Deprived Children Federal Fund Appropriation .....		217,608,134
R00A02.13 Innovative Programs General Fund Appropriation, <u>provided that \$104,000 of this appropriation made for the purpose of providing Pathways in Technology High (P-TECH) schools grants shall be distributed proportionately based on enrollment in P-TECH schools in the 2016–2017 school year</u> .....	8,096,000	
Federal Fund Appropriation .....	2,231,215	10,327,215

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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R00A02.15 Language Assistance			
Federal Fund Appropriation .....			10,076,648
R00A02.18 Career and Technology Education			
Federal Fund Appropriation .....			13,056,307
R00A02.24 Limited English Proficient			
General Fund Appropriation .....			227,201,204
R00A02.25 Guaranteed Tax Base			
General Fund Appropriation .....			54,511,367
R00A02.27 Food Services Program			
General Fund Appropriation .....	11,236,664		
Federal Fund Appropriation .....	418,104,008	429,340,672	
		<hr/>	
R00A02.31 Public Libraries			
General Fund Appropriation .....	36,379,660		
Federal Fund Appropriation .....	1,050,000	37,429,660	
		<hr/>	
R00A02.32 State Library Network			
General Fund Appropriation .....			17,016,786
R00A02.39 Transportation			
General Fund Appropriation .....			270,858,167
R00A02.52 Science and Mathematics Education Initiative			
Federal Fund Appropriation .....			1,647,200
R00A02.55 Teacher Development			
General Fund Appropriation .....	3,200,000		
Special Fund Appropriation .....	300,000		
Federal Fund Appropriation .....	31,700,000	35,200,000	
		<hr/>	
R00A02.57 Transitional Education Funding Program			
General Fund Appropriation .....	10,575,000		

Special Fund Appropriation .....	1,320,000	11,895,000
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R00A02.58 Head Start		
General Fund Appropriation .....		1,800,000
R00A02.59 Child Care Subsidy Program		
General Fund Appropriation .....	40,847,835	
Federal Fund Appropriation .....	56,602,127	97,449,962
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## SUMMARY

Total General Fund Appropriation .....		5,962,630,512
Total Special Fund Appropriation .....		465,264,212
Total Federal Fund Appropriation .....		985,459,847
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Total Appropriation .....		7,413,354,571
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## FUNDING FOR EDUCATIONAL ORGANIZATIONS

R00A03.01 Maryland School for the Blind		
General Fund Appropriation .....		21,497,258
R00A03.02 Blind Industries and Services of Maryland		
General Fund Appropriation .....		531,115
R00A03.03 Other Institutions		
General Fund Appropriation .....		6,266,446
Alice Ferguson Foundation	79,378	
Alliance of Southern Prince George's Communities, Inc.	31,752	
American Visionary Art Museum	15,040	
Arts Excel – Baltimore Symphony Orchestra	63,503	
B&O Railroad Museum	60,161	
Baltimore Museum of Industry	80,214	
Best Buddies International (MD Program)	158,756	
Calvert Marine Museum	50,000	
Chesapeake Bay Foundation	416,945	
Chesapeake Bay Maritime		

Museum	20,053
Citizenship Law-Related Education	29,244
College Bound	35,930
The Dyslexia Tutoring Program, Inc.	35,930
Echo Hill Outdoor School	53,476
Imagination Stage	238,136
Jewish Museum of Maryland	12,533
Junior Achievement of Central Maryland	40,106
Living Classrooms Foundation	304,145
Maryland Academy of Sciences	873,169
Maryland Historical Society	119,484
Maryland Humanities Council	41,777
Maryland Leadership Workshops	43,450
Maryland Mathematics, Engineering and Science Achievement	76,035
Maryland Zoo in Baltimore – Education Component	812,171
National Aquarium in Baltimore	474,601
National Great Blacks in Wax Museum	40,106
National Museum of Ceramic Art and Glass	20,053
Northbay Adventure	927,558
Olney Theatre	139,539
Outward Bound	127,006
Port Discovery	111,130
Salisbury Zoological Park	17,546
Sotterley Foundation	12,533
South Baltimore Learning Center	40,106
State Mentoring Resource Center	76,036
Sultana Projects	20,053
Super Kids Camp	391,043
The Village Learning Place, Inc.	43,450
Walters Art Museum	15,875
Ward Museum	33,423
Young Audiences of Maryland	85,000

Special Fund Appropriation, provided that this appropriation shall be for the purchase of textbooks or computer hardware and software and other electronically delivered learning materials as permitted under Title IID, Section 2416(b)(4), (6), and (7) of the No Child Left Behind Act for loan to students in eligible nonpublic schools with a maximum distribution of \$65 per eligible nonpublic school student for participating schools, except that at schools where ~~at least 20% of the students~~ **from 20% to 40% of the students** are eligible for the free or reduced price lunch program there shall be a distribution of \$95 per student, **and at schools where more than 40% of the students are eligible for the free or reduced-price lunch program there shall be a distribution of \$155 per student.** To be eligible to participate, a nonpublic school shall:

- (1) Hold a certificate of approval from or be registered with the State Board of Education;
- (2) Not charge more tuition to a participating student than the statewide average per pupil expenditure by the local education agencies, as calculated by the department, with appropriate exceptions for special education students as determined by the department; and
- (3) Comply with Title VI of the Civil Rights Act of 1964, as amended.

The department shall establish a process to ensure that the local education agencies are effectively and promptly working with the nonpublic schools to assure that the nonpublic schools have appropriate access to federal funds for which they are eligible.

Further provided that the Maryland State

Department of Education shall:

- (1) Assure that the process for textbook, computer hardware, and computer software acquisition uses a list of qualified textbook, computer hardware, and computer software vendors and of qualified textbooks, computer hardware, and computer software; uses textbooks, computer hardware, and computer software that are secular in character and acceptable for use in any public elementary or secondary school in Maryland; and
- (2) Receive requisitions for textbooks, computer hardware, and computer software to be purchased from the eligible and participating schools, and forward the approved requisitions and payments to the qualified textbook, computer hardware, or computer software vendor who will send the textbooks, computer hardware, or computer software directly to the eligible school, which will:
  - (i) Report shipment receipt to the department;
  - (ii) Provide assurance that the savings on the cost of the textbooks, computer hardware, or computer software will be dedicated to reducing the cost of textbooks, computer hardware, or computer software for students; and
  - (iii) Since the textbooks, computer hardware, or computer software shall remain property of the State, maintain appropriate

shipment receipt records for audit purposes.

Further provided that a nonpublic school participating in the Aid to Non–Public Schools Program R00A03.04 shall certify compliance with Title 20, Subtitle 6 of the State Government Article. A nonpublic school participating in the program may not discriminate in student admissions on the basis of race, color, national origin, or sexual orientation. Nothing herein shall require any school or institution to adopt any rule, regulation, or policy that conflicts with its religious or moral teachings. However, all participating schools must agree that they will not discriminate in student admissions on the basis of race, color, national origin, or sexual orientation. The sole legal remedy for violation of these provisions is ineligibility for participating in the Aid to Non–Public Schools Program..

6,040,000

R00A03.05 Student Assistance Organization  
Business Entity Grants

Special Fund Appropriation, ~~provided that this appropriation shall be contingent upon the enactment of legislation establishing a tax credit program for education~~ **provided that this appropriation may not be expended as provided in the budget as introduced. This appropriation shall be canceled at the end of the fiscal year unless expended for the program and in the manner specified below:**

**Broadening Options and Opportunities for Students Today**

**Provided that this appropriation shall be for a Broadening Options and Opportunities for Students Today (BOOST) Program that provides scholarships for students who are eligible for the free or reduced–price lunch program to attend eligible nonpublic schools. The Maryland State**

Department of Education (MSDE) shall administer the grant program in accordance with the following guidelines:

- (1) To be eligible to participate in the BOOST Program, a nonpublic school must:

  - (a) participate in Program R00A03.04 Aid to Non-Public Schools Program for textbooks and computer hardware and software administered by MSDE;
  - (b) provide more than only prekindergarten and kindergarten programs;
  - (c) administer assessments to all students in accordance with federal and State law; and
  - (d) comply with Title VI of the Civil Rights Act of 1964 as amended, Title 20, Subtitle 6 of the State Government Article, and not discriminate in student admissions on the basis of race, color, national origin, or sexual orientation. Nothing herein shall require any school or institution to adopt any rule, regulation, or policy that conflicts with its religious or moral teachings. However, all participating schools must agree that they will not discriminate in student admissions on the

basis of race, color, national origin, or sexual orientation. If a nonpublic school does not comply with these requirements, it shall reimburse MSDE all scholarship funds received under the BOOST Program and may not charge the student tuition and fees instead. The only other legal remedy for violation of this provision is ineligibility for participating in the BOOST Program.

- (2) MSDE shall establish procedures for the application and award process for scholarships for students who are eligible for the free or reduced-price lunch program. The procedures shall include consideration for award adjustments if an eligible student becomes ineligible during the course of the school year.
- (3) MSDE shall compile and certify a list of applicants that ranks eligible students by family income expressed as a percent of the most recent federal poverty levels.
- (4) MSDE shall submit the ranked list of applicants to the BOOST Advisory Board.
- (5) There is a BOOST Advisory Board that shall be appointed as follows: 2 members appointed by the Governor, 2 members appointed by the President of

the Senate, 2 members appointed by the Speaker of the House of Delegates, and 1 member jointly appointed by the President and the Speaker to serve as the chair. A member of the BOOST Advisory Board may not be an elected official and may not have any financial interest in an eligible nonpublic school.

- (6) The BOOST Advisory Board shall review and certify the ranked list of applicants and shall determine the scholarship award amounts.
- (7) MSDE shall make scholarship awards to eligible students as determined by the BOOST Advisory Board.
- (8) The amount of a scholarship award may not exceed the lesser of:
- (a) the statewide average per pupil expenditure by local education agencies, as calculated by MSDE; or
- (b) the tuition of the nonpublic school.

Further provided that up to \$150,000 of the appropriation may be used by MSDE to cover the reasonable costs of administering the BOOST Program.

Further provided that MSDE shall submit a report to the budget committees by December 15, 2016, that includes the number of students that received scholarships, the amount of the scholarships, and the nonpublic schools that the students are

attending. The report must also include the number of certified and noncertified teachers in core subject areas for each nonpublic school participating in the BOOST Program.

~~for grants equal to no more than 50% of the certified amount a business entity contributes to a student assistance organization to provide financial assistance to students attending nonpublic schools that meet the eligibility requirements to participate in Program R00A03.04 Aid to Non-Public Schools Program for Textbooks and Computer Hardware and Software administered by the Maryland State Department of Education. The Department of Commerce shall administer the grant program. The Department of Commerce shall:~~

- ~~(1) Establish a process and requirements for 501(c)(3) charitable organizations to be designated as student assistance organizations, including requiring organizations to spend a minimum amount, but not less than 95%, of grant eligible funds annually on financial assistance for qualified education expenses as provided in Section 530(b)(3)(a) of the Internal Revenue Code;~~
- ~~(2) Establish a process and requirements for contributions by business entities to be certified by the Department prior to making a contribution as eligible to receive a grant under this program on a first come, first served basis, including an annual cap on the amount of contributions per business entity that are eligible for a grant of up to 50%;~~
- ~~(3) Designate qualified education~~

~~expenses for which student assistance organizations may provide financial assistance to students attending nonpublic schools, including requiring organizations to provide financial assistance to students attending at least 4 eligible nonpublic schools on a priority basis first to students who are eligible to receive free and reduced-price meals and then to other students based on financial need; and~~

- ~~(4) Establish a process and reporting requirements for student assistance organizations to ensure compliance with the program's requirements .....~~

5,000,000

SUMMARY

Total General Fund Appropriation .....	28,294,819
Total Special Fund Appropriation .....	11,040,000

Total Appropriation .....	39,334,819
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CHILDREN'S CABINET INTERAGENCY FUND

R00A04.01 Children's Cabinet Interagency Fund  
General Fund Appropriation, provided that \$1,823,709 of this appropriation made for the purpose of early intervention and prevention activities may be used only to fund these activities through Youth Services Bureaus. Further provided that the allocation of funding among Youth Services Bureaus shall be distributed in the same proportions as provided in fiscal 2016. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

*Further provided that \$1,665,915 of this appropriation made for the purpose of early intervention and prevention activities may be used only to fund ~~family navigator~~ **navigation or case management services. Appropriations shall be distributed in the following amounts:***

<b><u>(a)</u></b>	<b><u>Allegany</u></b>	<b><u>68,994</u></b>
<b><u>(b)</u></b>	<b><u>Anne Arundel</u></b>	<b><u>91,069</u></b>
<b><u>(c)</u></b>	<b><u>Baltimore City</u></b>	<b><u>126,847</u></b>
<b><u>(d)</u></b>	<b><u>Baltimore</u></b>	<b><u>131,903</u></b>
<b><u>(e)</u></b>	<b><u>Calvert</u></b>	<b><u>65,583</u></b>
<b><u>(f)</u></b>	<b><u>Caroline</u></b>	<b><u>32,900</u></b>
<b><u>(g)</u></b>	<b><u>Carroll</u></b>	<b><u>78,858</u></b>
<b><u>(h)</u></b>	<b><u>Charles</u></b>	<b><u>43,778</u></b>
<b><u>(i)</u></b>	<b><u>Frederick</u></b>	<b><u>48,136</u></b>
<b><u>(j)</u></b>	<b><u>Garrett</u></b>	<b><u>26,675</u></b>
<b><u>(k)</u></b>	<b><u>Harford</u></b>	<b><u>109,028</u></b>
<b><u>(l)</u></b>	<b><u>Howard</u></b>	<b><u>64,800</u></b>
<b><u>(m)</u></b>	<b><u>Kent</u></b>	<b><u>50,000</u></b>
<b><u>(n)</u></b>	<b><u>Montgomery</u></b>	<b><u>120,000</u></b>
<b><u>(o)</u></b>	<b><u>Prince George’s</u></b>	<b><u>75,321</u></b>
<b><u>(p)</u></b>	<b><u>Queen Anne’s</u></b>	<b><u>33,965</u></b>
<b><u>(q)</u></b>	<b><u>St. Mary’s</u></b>	<b><u>72,043</u></b>
<b><u>(r)</u></b>	<b><u>Talbot</u></b>	<b><u>31,450</u></b>
<b><u>(s)</u></b>	<b><u>Wicomico</u></b>	<b><u>115,000</u></b>
<b><u>(t)</u></b>	<b><u>Worcester</u></b>	<b><u>110,876</u></b>
<b><u>(u)</u></b>	<b><u>Competitive</u></b>	<b><u>168,689</u></b>

*Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund .....*

20,745,000

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MARYLAND LONGITUDINAL DATA SYSTEM CENTER

R00A05.01 Maryland Longitudinal Data System Center		
General Fund Appropriation .....	2,182,932	
Federal Fund Appropriation .....	585,000	2,767,932

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R13M00.00 Morgan State University		
<u>Current Unrestricted Appropriation, provided that \$1,443,344 of this appropriation made for the purpose of increasing expenditures on institutional need-based financial aid above the level provided in fiscal 2016 may be expended only for that purpose. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund</u> .....		
	189,230,398	
Current Restricted Appropriation .....	50,642,858	239,873,256

ST. MARY'S COLLEGE OF MARYLAND

R14D00.00 St. Mary's College of Maryland		
Current Unrestricted Appropriation .....	67,856,342	
Current Restricted Appropriation .....	5,100,000	72,956,342

MARYLAND PUBLIC BROADCASTING COMMISSION

R15P00.01 Executive Direction and Control		
Special Fund Appropriation .....		843,790
R15P00.02 Administration and Support Services		
General Fund Appropriation .....	8,098,000	
Special Fund Appropriation .....	986,781	
Federal Fund Appropriation .....	3,000,000	12,084,781
R15P00.03 Broadcasting		
Special Fund Appropriation .....	11,951,924	
Federal Fund Appropriation .....	491,350	12,443,274
R15P00.04 Content Enterprises		
General Fund Appropriation .....	100,000	
Special Fund Appropriation .....	5,582,118	
Federal Fund Appropriation .....	535,949	6,218,067

SUMMARY

Total General Fund Appropriation .....		8,198,000
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Total Special Fund Appropriation .....		19,364,613
Total Federal Fund Appropriation .....		4,027,299

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Total Appropriation .....		31,589,912
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## UNIVERSITY SYSTEM OF MARYLAND

## UNIVERSITY OF MARYLAND, BALTIMORE

R30B21.00 University of Maryland, Baltimore		
Current Unrestricted Appropriation .....	618,600,966	
Current Restricted Appropriation .....	476,212,828	1,094,813,794

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## UNIVERSITY OF MARYLAND, COLLEGE PARK

R30B22.00 University of Maryland, College Park		
Current Unrestricted Appropriation .....	1,536,045,836	
Current Restricted Appropriation .....	427,290,886	1,963,336,722

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## BOWIE STATE UNIVERSITY

R30B23.00 Bowie State University		
Current Unrestricted Appropriation .....	100,335,418	
Current Restricted Appropriation .....	22,000,000	122,335,418

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## TOWSON UNIVERSITY

R30B24.00 Towson University		
Current Unrestricted Appropriation .....	432,919,533	
Current Restricted Appropriation .....	50,112,331	483,031,864

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## UNIVERSITY OF MARYLAND EASTERN SHORE

R30B25.00 University of Maryland Eastern Shore		
Current Unrestricted Appropriation .....	108,561,617	
Current Restricted Appropriation .....	33,381,537	141,943,154

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## FROSTBURG STATE UNIVERSITY

R30B26.00 Frostburg State University

Current Unrestricted Appropriation .....	103,979,713	
Current Restricted Appropriation .....	13,146,000	117,125,713
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COPPIN STATE UNIVERSITY

R30B27.00 Coppin State University

Current Unrestricted Appropriation, <u>provided it is the intent of the General Assembly that Coppin State University (CSU) reduce funded nonfaculty and faculty positions to achieve salary savings by the amount of the projected deficit in fiscal 2017 and that these positions be related to low-demand courses and programs. Further provided that it is the intent of the General Assembly that CSU retain these savings to support operations of the university. A report shall be submitted to the budget committees by December 15, 2016, detailing the reduction of positions and associated savings</u> .....	75,094,158	
Current Restricted Appropriation .....	18,000,000	93,094,158
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UNIVERSITY OF BALTIMORE

R30B28.00 University of Baltimore

Current Unrestricted Appropriation .....	114,577,728	
Current Restricted Appropriation .....	25,102,610	139,680,338
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SALISBURY UNIVERSITY

R30B29.00 Salisbury University

Current Unrestricted Appropriation .....	183,131,507	
Current Restricted Appropriation .....	13,225,000	196,356,507
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UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE

R30B30.00 University of Maryland University College

Current Unrestricted Appropriation .....	364,962,880	
Current Restricted Appropriation .....	42,274,732	407,237,612
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## UNIVERSITY OF MARYLAND BALTIMORE COUNTY

R30B31.00 University of Maryland Baltimore County		
Current Unrestricted Appropriation .....	343,343,419	
Current Restricted Appropriation .....	86,911,233	430,254,652
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## UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE

R30B34.00 University of Maryland Center for Environmental Science		
Current Unrestricted Appropriation .....	29,933,093	
Current Restricted Appropriation .....	18,203,113	48,136,206
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## UNIVERSITY SYSTEM OF MARYLAND OFFICE

R30B36.00 University System of Maryland Office		
Current Unrestricted Appropriation .....	<del>36,736,841</del>	
	<del>36,390,143</del>	
	<b>36,594,638</b>	
Current Restricted Appropriation .....	2,500,000	<del>30,236,841</del>
		<del>38,890,143</del>
		<b>39,094,638</b>
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## MARYLAND HIGHER EDUCATION COMMISSION

R62I00.01 General Administration		
General Fund Appropriation .....	5,375,779	
Special Fund Appropriation .....	1,005,555	
Federal Fund Appropriation .....	462,365	6,843,699
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R62I00.02 College Prep/Intervention Program		
General Fund Appropriation .....		750,000

R62I00.03 Joseph A. Sellinger Formula for Aid to Non-Public Institutions of Higher Education		
General Fund Appropriation .....		50,812,427

R62I00.05 The Senator John A. Cade Funding Formula for the Distribution of Funds to Community Colleges General Fund Appropriation .....	251,003,343
R62I00.06 Aid to Community Colleges – Fringe Benefits General Fund Appropriation .....	63,331,673

R62I00.07 Educational Grants

Provided that it is the intent of the General Assembly that institutional grants to a public four-year institution should be transferred only by budget amendment to that institution.

General Fund Appropriation, <u>provided that \$4,900,000 in general funds designated to enhance the State’s four historically black colleges and universities may not be expended until the Maryland Higher Education Commission submits a report by July 1, 2016, to the budget committees outlining how the funds will be spent. The budget committees shall have 45 days to review and comment on the report. Funds restricted pending receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees ...</u>	8,893,000	
Federal Fund Appropriation .....	2,000,000	10,893,000

To provide Education Grants to various State, Local and Private Entities

Complete College Maryland .....	250,000
Improving Teacher Quality .....	975,000
OCR Enhancement Fund .....	4,900,000
Regional Higher Education Centers .....	2,150,000
College Access Challenge Grant Program .....	1,000,000
Washington Center for Internships	

and Academic Seminars .....	175,000	
UMB–WellMobile .....	285,000	
John R. Justice Grant.....	25,000	
St. Mary’s College of Maryland Information Technology Grant ..	1,133,000	
 R62I00.09 2 + 2 Transfer Scholarship Program Special Fund Appropriation .....		200,000
 R62I00.10 Educational Excellence Awards General Fund Appropriation .....		80,011,525
 R62I00.12 Senatorial Scholarships General Fund Appropriation .....		6,486,000
 R62I00.14 Edward T. Conroy Memorial Scholarship Program General Fund Appropriation .....		570,474
 R62I00.15 Delegate Scholarships General Fund Appropriation .....		6,319,000
 R62I00.16 Charles W. Riley Fire and Emergency Medical Services Scholarship Program Special Fund Appropriation .....		358,000
 R62I00.17 Graduate and Professional Scholarship Program General Fund Appropriation .....		1,174,473
 R62I00.21 Jack F. Tolbert Memorial Student Grant Program General Fund Appropriation .....		200,000
 R62I00.26 Janet L. Hoffman Loan Assistance Repayment Program General Fund Appropriation .....	1,313,895	
Special Fund Appropriation .....	75,000	1,388,895
 R62I00.28 Maryland Loan Assistance Repayment Program for Physicians Special Fund Appropriation .....		1,032,282

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted

to use these receipts as special funds for operating expenses in this program.

R62I00.33 Part-Time Grant Program	
General Fund Appropriation .....	5,087,780
R62I00.36 Workforce Shortage Student Assistance Grants	
General Fund Appropriation .....	1,229,853
R62I00.37 Veterans of the Afghanistan and Iraq Conflicts Scholarship and Fund	
General Fund Appropriation .....	750,000
R62I00.38 Nurse Support Program II	
Special Fund Appropriation .....	18,677,724
R62I00.39 Health Personnel Shortage Incentive Grant Program	
Special Fund Appropriation .....	750,000

SUMMARY

Total General Fund Appropriation .....	483,309,222
Total Special Fund Appropriation .....	22,098,561
Total Federal Fund Appropriation .....	2,462,365
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Total Appropriation .....	507,870,148
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HIGHER EDUCATION

R75T00.01 Support for State Operated Institutions of Higher Education

The following amounts constitute the General Fund appropriation for the State operated institutions of higher education. The State Comptroller is hereby authorized to transfer these amounts to the accounts of the programs indicated below in four equal allotments; said allotments to be made on July 1 and October 1 of 2016 and January 1 and April 1 of 2017. Neither this appropriation nor the amounts herein enumerated constitute a lump sum

appropriation as contemplated by Sections 7–207 and 7–233 of the State Finance and Procurement Article of the Code.

Program	Title	
R30B21	University of Maryland, Baltimore .....	210,446,852
R30B22	University of Maryland, College Park.....	473,841,931
R30B23	Bowie State University ...	40,991,030
R30B24	Towson University .....	110,179,665
R30B25	University of Maryland Eastern Shore .....	37,821,746
R30B26	Frostburg State University .....	38,737,269
R30B27	Coppin State University .....	43,773,137
R30B28	University of Baltimore ...	34,423,291
R30B29	Salisbury University .....	48,190,382
R30B30	University of Maryland University College .....	39,317,036
R30B31	University of Maryland Baltimore County .....	110,481,070
R30B34	University of Maryland Center for Environmental Science.....	21,691,236
R30B36	University System of Maryland Office .....	<del>29,630,300</del> <del>29,386,636</del> <b><u>29,530,399</u></b>
Subtotal University System of Maryland.....		<del>1,239,525,044</del> <del>1,239,281,281</del> <b><u>1,239,425,044</u></b>
R95C00	Baltimore City Community College.....	40,814,442
R14D00	St. Mary's College of Maryland.....	21,476,709
R13M00	Morgan State University.....	88,552,424
General Fund Appropriation, provided that <u>\$1,443,344 of the Morgan State University</u> <u>appropriation made for the purpose of</u> <u>increasing expenditures on institutional</u>		

need-based financial aid above the level provided in fiscal 2016 may be expended only for that purpose. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

Further provided that \$50,000 of this appropriation made for the purpose of operations at Baltimore City Community College (BCCC) may not be expended until the Board of Trustees of BCCC submits a comprehensive report by the University of Baltimore's Schaefer Center for Public Policy to the budget committees by August 1, 2016. The report shall include an analysis of, and recommendations for, the appropriate niche for BCCC to fill in the Baltimore metropolitan area higher education landscape that will best meet the needs of residents and employers of Baltimore City and the State, including an alignment of BCCC's academic and noncredit offerings with workforce needs. The report shall also include an analysis of the institution's governance structure, relationship with Baltimore City, and role in the city's economic and workforce development plans, and any recommendations to alter or improve them. The report shall also include recommendations for improving the financial situation of the college, including revenue and real estate holdings; and any other topics deemed appropriate by the Schaefer Center.

Further provided that \$50,000 of this appropriation made for the purpose of BCCC operations may not be released until the Board of Trustees submits BCCC's response to the Schaefer Center's report to the budget committees by October 1, 2016. The response should indicate how BCCC will implement the consultant's recommendations and, if any are not to be

implemented, why not.

The budget committees shall have 45 days to review and comment from the date of receipt of the reports. Funds restricted pending the receipt of the comprehensive report and the follow-up report may not be transferred by budget amendment or otherwise to any other purpose and shall revert if the reports are not submitted to the budget committees .....

~~1,390,368,619~~  
~~1,390,124,856~~  
**1,390,268,619**

The following amounts constitute an estimate of Special Fund revenues derived from the Higher Education Investment Fund and the Maryland Emergency Medical System Operations Fund. These revenues support the Special Fund appropriation for the State operated institutions of higher education. The State Comptroller is hereby authorized to transfer these amounts to the accounts of the programs indicated below in four allotments; said allotments to be made on July 1 and October 1 of 2016 and January 1 and April 1 of 2017. To the extent revenue attainment is lower than estimated, the State Comptroller shall adjust the transfers at year’s end. Neither this appropriation nor the amounts herein enumerated constitute a lump sum appropriation as contemplated by Sections 7-207 and 7-233 of the State Finance and Procurement Article of the Code.

Program	Title	
R30B21	University of Maryland, Baltimore .....	10,652,768
R30B22	University of Maryland, College Park.....	32,276,151
R30B23	Bowie State University .....	2,059,993
R30B24	Towson University .....	5,322,363
R30B25	University of Maryland Eastern Shore .....	1,883,765
R30B26	Frostburg State University .....	1,903,042

R30B27 Coppin State University .....	2,207,186		
R30B28 University of Baltimore .....	1,712,905		
R30B29 Salisbury University .....	2,338,368		
R30B30 University of Maryland University College .....	1,953,896		
R30B31 University of Maryland Baltimore County .....	5,513,933		
R30B34 University of Maryland Center for Environmental Science.....	1,096,173		
R30B36 University System of Maryland Office .....	1,149,641		
<hr/>			
Subtotal University System of Maryland.....	70,070,184		
R14D00 St. Mary's College of Maryland.....	2,549,840		
R13M00 Morgan State University.....	2,143,109		
<hr/>			
Special Fund Appropriation, provided that \$8,465,133 of this appropriation shall be used by the University of Maryland, College Park (R30B22) for no other purpose than to support the Maryland Fire and Rescue Institute as provided in Section 13-955 of the Transportation Article .....		74,763,133	<del>1,465,131,752</del> <del>1,464,887,989</del> <b>1,465,031,752</b>
		<hr/>	<hr/> <hr/>

BALTIMORE CITY COMMUNITY COLLEGE

R95C00.00 Baltimore City Community College  
Current Unrestricted Appropriation, provided that \$50,000 of this appropriation made for the purpose of operations at Baltimore City Community College (BCCC) may not be expended until the Board of Trustees of BCCC submits a comprehensive report by the University of Baltimore's Schaefer Center for Public Policy to the budget committees by August 1, 2016. The report shall include an analysis of, and recommendations for, the appropriate

niche for BCCC to fill in the Baltimore metropolitan area higher education landscape that will best meet the needs of residents and employers of Baltimore City and the State, including an alignment of BCCC’s academic and noncredit offerings with workforce needs. The report shall also include an analysis of the institution’s governance structure, relationship with Baltimore City, and role in the city’s economic and workforce development plans, and any recommendations to alter or improve them. The report shall also include recommendations for improving the financial situation of the college, including revenue and real estate holdings; and any other topics deemed appropriate by the Schaefer Center.

Further provided that \$50,000 of this appropriation made for the purpose of BCCC operations may not be released until the Board of Trustees submits BCCC’s response to the Schaefer Center’s report to the budget committees by October 1, 2016. The response should indicate how BCCC will implement the consultant’s recommendations and, if any are not to be implemented, why not.

The budget committees shall have 45 days to review and comment from the date of receipt of the reports. Funds restricted pending the receipt of the comprehensive report and the follow-up report may not be transferred by budget amendment or otherwise to any other purpose and shall revert if the reports are not submitted to the budget committees .....

	67,041,783	
Current Restricted Appropriation .....	24,001,279	91,043,062
	_____	=====

MARYLAND SCHOOL FOR THE DEAF

R99E01.00 Services and Institutional Operations		
General Fund Appropriation .....	30,954,917	

Special Fund Appropriation .....	337,436	
Federal Fund Appropriation .....	574,886	31,867,239
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

## OFFICE OF THE SECRETARY

S00A20.01 Office of the Secretary		
Special Fund Appropriation .....	2,700,942	
Federal Fund Appropriation .....	943,213	3,644,155
	<hr/>	
S00A20.03 Office of Management Services		
Special Fund Appropriation .....	1,675,996	
Federal Fund Appropriation .....	1,235,739	2,911,735
	<hr/>	

## SUMMARY

Total Special Fund Appropriation .....		4,376,938
Total Federal Fund Appropriation .....		2,178,952
		<hr/>
Total Appropriation .....		6,555,890
		<hr/> <hr/>

## DIVISION OF CREDIT ASSURANCE

S00A22.01 Maryland Housing Fund		
Special Fund Appropriation .....		478,565
S00A22.02 Asset Management		
Special Fund Appropriation .....		5,109,722
S00A22.03 Maryland Building Codes		
Special Fund Appropriation .....		859,320

## SUMMARY

Total Special Fund Appropriation .....		6,447,607
		<hr/> <hr/>

## DIVISION OF NEIGHBORHOOD REVITALIZATION

S00A24.01 Neighborhood Revitalization		
General Fund Appropriation .....	4,546,000	
Special Fund Appropriation .....	11,530,989	
Federal Fund Appropriation .....	12,253,406	28,330,395
	<hr/>	

S00A24.02 Neighborhood Revitalization – Capital		
Appropriation		
Special Fund Appropriation .....	1,600,000	
Federal Fund Appropriation .....	9,000,000	10,600,000
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SUMMARY

Total General Fund Appropriation .....		4,546,000
Total Special Fund Appropriation .....		13,130,989
Total Federal Fund Appropriation .....		21,253,406
		<hr/>
Total Appropriation .....		38,930,395
		<hr/> <hr/>

DIVISION OF DEVELOPMENT FINANCE

S00A25.01 Administration		
Special Fund Appropriation .....		3,815,896
S00A25.02 Housing Development Program		
Special Fund Appropriation .....	4,418,824	
Federal Fund Appropriation .....	300,000	4,718,824
	<hr/>	
S00A25.03 Single Family Housing		
Special Fund Appropriation .....	5,216,260	
Federal Fund Appropriation .....	899,913	6,116,173
	<hr/>	
S00A25.04 Housing and Building Energy Programs		
Special Fund Appropriation .....	41,265,773	
Federal Fund Appropriation .....	5,855,433	47,121,206
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

S00A25.05 Rental Services Programs		
Special Fund Appropriation .....	50,000	
Federal Fund Appropriation .....	220,802,821	220,852,821
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

S00A25.07 Rental Housing Programs – Capital Appropriation		
Special Fund Appropriation .....	15,500,000	
Federal Fund Appropriation .....	4,000,000	19,500,000
	<hr/>	
S00A25.08 Homeownership Programs – Capital Appropriation		
Special Fund Appropriation .....		1,400,000
S00A25.09 Special Loans Program – Capital Appropriation		
Special Fund Appropriation .....	2,300,000	
Federal Fund Appropriation .....	2,000,000	4,300,000
	<hr/>	
S00A25.10 Partnership Rental Housing – Capital Appropriation		
Special Fund Appropriation .....		500,000
S00A25.14 Maryland BRAC Preservation Loan Fund – Capital Appropriation		
Special Fund Appropriation .....		3,500,000
S00A25.15 Housing and Building Energy Programs – Capital Appropriation		
Special Fund Appropriation .....	6,850,000	
Federal Fund Appropriation .....	700,000	7,550,000
	<hr/>	

#### SUMMARY

Total Special Fund Appropriation .....		84,816,753
Total Federal Fund Appropriation .....		234,558,167
		<hr/>
Total Appropriation .....		319,374,920
		<hr/> <hr/>

S00A26.01 Information Technology

Special Fund Appropriation .....	2,949,224	
Federal Fund Appropriation .....	1,536,958	4,486,182

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DIVISION OF FINANCE AND ADMINISTRATION

S00A27.01 Finance and Administration

Special Fund Appropriation .....	8,667,714	
Federal Fund Appropriation .....	2,077,356	10,745,070

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MARYLAND AFRICAN AMERICAN MUSEUM CORPORATION

S50B01.01 General Administration

General Fund Appropriation .....		1,959,000
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## DEPARTMENT OF COMMERCE

## OFFICE OF THE SECRETARY

## T00A00.01 Office of the Secretary

General Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of administration may not be expended until the department submits a report on statewide customer service improvements. The report shall include an update on any activities undertaken by the department, and by the other departments represented on the Governor's Commerce Subcabinet, to improve customer service. Further, the report shall also include recommendations on additional improvements to State government customer service; including any recommendations to expand the Commerce Subcabinet to other departments, agencies, and commissions with frequent and regular interaction with the public, including the Public Service Commission. The report shall be submitted to the budget committees no later than December 31, 2016, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of this report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund .....

1,481,031

Special Fund Appropriation .....

128,894

Federal Fund Appropriation .....

32,002

1,641,927

## T00A00.02 Office of Policy and Research

General Fund Appropriation .....

1,483,210

Special Fund Appropriation .....

160,288

Federal Fund Appropriation .....

21,000

1,664,498

## T00A00.03 Office of the Attorney General

General Fund Appropriation .....

91,664

Special Fund Appropriation .....

1,409,097

Federal Fund Appropriation .....

8,564

1,509,325

T00A00.06 Division of Marketing and Communications		
General Fund Appropriation .....	1,848,809	
Special Fund Appropriation .....	699,145	2,547,954
<hr/>		
T00A00.07 Office of International Investment and Trade		
General Fund Appropriation .....	2,643,197	
Special Fund Appropriation .....	105,468	
Federal Fund Appropriation .....	100,000	2,848,665
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T00A00.08 Office of Administration and Technology		
General Fund Appropriation .....	3,804,105	
Special Fund Appropriation .....	745,689	
Federal Fund Appropriation .....	120,060	4,669,854
<hr/>		
T00A00.09 Office of Military and Federal Affairs		
General Fund Appropriation .....	856,981	
Special Fund Appropriation .....	103,197	
Federal Fund Appropriation .....	754,817	1,714,995
<hr/>		
T00A00.10 Maryland Marketing Partnership		
General Fund Appropriation .....		1,000,000
SUMMARY		
Total General Fund Appropriation .....		13,208,997
Total Special Fund Appropriation .....		3,351,778
Total Federal Fund Appropriation .....		1,036,443
<hr/>		
Total Appropriation .....		17,597,218
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DIVISION OF BUSINESS AND INDUSTRY SECTOR DEVELOPMENT

T00F00.01 Managing Director of Business and Industry Sector Development		
General Fund Appropriation .....	329,586	
Special Fund Appropriation .....	124,918	454,504
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T00F00.02 Office of BioHealth

General Fund Appropriation, ~~provided that \$200,000 of this appropriation made for the purpose of operating the Office of BioHealth may not be expended until the Department of Commerce submits a report on the goals, objectives, performance measures, and activities of the newly created Office of BioHealth within the Division of Business and Industry Sector Development. The report should include a discussion of the office’s activities to foster the life sciences industry sector; the types of business assistance provided; the types and scale of targeted businesses; and how the office is working with industry partners. The report shall be submitted to the budget committees no later than December 31, 2016, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of this report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund, provided that \$400,000 of this appropriation made for the purpose of biotechnology business support may not be expended for that purpose and instead may only be transferred by budget amendment to the Maryland Technology Development Corporation (Program T50T01) to fulfill the intent of the General Assembly as established in Chapter 141 of 2015. Funds not used for this restricted purpose may not be expended or otherwise transferred and shall revert to the General Fund~~ ..... 1,678,706

T00F00.03 Maryland Small Business Development

Financing Authority  
 Special Fund Appropriation ..... 1,827,716

T00F00.04 Office of Business Development

General Fund Appropriation ..... 3,632,599  
 Special Fund Appropriation ..... 684,740



T00F00.05 Office of Strategic Industries and Entrepreneurship General Fund Appropriation ..... Special Fund Appropriation .....	1,073,093 327,076	1,400,169
T00F00.06 Office of Cybersecurity and Aerospace General Fund Appropriation .....		1,385,788
T00F00.08 Office of Finance Programs Special Fund Appropriation .....		4,135,941
T00F00.09 Maryland Small Business Development Financing Authority – Business Assistance General Fund Appropriation ..... Special Fund Appropriation .....	1,500,000 4,755,000	6,255,000
T00F00.11 Maryland Not–For–Profit Development Fund Special Fund Appropriation .....		110,000
T00F00.12 Maryland Biotechnology Investment Tax Credit Reserve Fund General Fund Appropriation .....		12,000,000
T00F00.15 Small, Minority, and Women–Owned Business Investment Account Special Fund Appropriation, <u>provided that \$100,000 of this appropriation made for the purpose of fund manager expense reimbursement may not be expended until the Department of Commerce submits a report to the budget committees on ways to improve the administration of the Small, Minority, and Women–Owned Business Account. The report should consider legislative and administrative changes related to the procurement, oversight, and reimbursement of fund managers; geographic distribution of program assistance; and program performance evaluation. The report shall be submitted by December 1, 2016, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of the report may not be</u>		

	<u>transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted to the committees</u> .....		13,678,812
T00F00.16	Economic Development Opportunity Fund Special Fund Appropriation .....		5,000,000
T00F00.18	Military Personnel and Service-Disabled Veteran Loan Program General Fund Appropriation .....	300,000	
	Special Fund Appropriation .....	100,000	400,000
<hr/>			
T00F00.19	CyberMaryland Investment Incentive Tax Credit Program General Fund Appropriation .....		2,000,000
T00F00.20	Maryland E-Nnovation Initiative General Fund Appropriation .....	500,000	
	Special Fund Appropriation .....	8,000,000	8,500,000
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T00F00.21	Maryland Economic Adjustment Fund Special Fund Appropriation .....		200,000
T00F00.23	Maryland Economic Development Assistance Authority and Fund General Fund Appropriation, <u>provided that \$150,000 of this appropriation made for the purpose of providing business financial assistance may not be expended for that purpose and instead may be used only to provide a grant to the National Center for the Veteran Institute for Procurement to provide training and procurement opportunities to Maryland-based veteran-owned businesses or entrepreneurs. Funds not used for this restricted purpose may not be expended or otherwise transferred and shall revert to the General Fund</u> .....	13,673,234	
	Special Fund Appropriation .....	6,176,766	19,850,000
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T00F00.42	Maryland Industrial Development		

Financing Authority	
Federal Fund Appropriation .....	7,828,741

SUMMARY

Total General Fund Appropriation .....	38,073,006
Total Special Fund Appropriation .....	45,120,969
Total Federal Fund Appropriation .....	7,828,741
	<hr/>
Total Appropriation .....	91,022,716
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DIVISION OF TOURISM, FILM AND THE ARTS

T00G00.01 Office of the Assistant Secretary		
General Fund Appropriation .....		757,152
T00G00.02 Office of Tourism Development		
General Fund Appropriation .....		3,639,586
T00G00.03 Maryland Tourism Development Board		
General Fund Appropriation .....	8,250,000	
Special Fund Appropriation .....	300,000	8,550,000
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

T00G00.05 Maryland State Arts Council		
General Fund Appropriation .....	17,440,721	
Special Fund Appropriation .....	300,000	
Federal Fund Appropriation .....	623,667	18,364,388
		<hr/>

T00G00.06 Film Production Rebate Program		
General Fund Appropriation .....		11,510,000

T00G00.08 Preservation of Cultural Arts Program  
 Special Fund Appropriation, provided that \$2,000,000 of this appropriation shall be transferred to the Maryland State Arts Council contingent upon the enactment of legislation directing the distribution of

electronic bingo and tip jar revenue under Section 2–202(a)(1)(ii) of the Tax – General Article to the Maryland State Arts Council.....	2,000,000
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SUMMARY

Total General Fund Appropriation .....	41,597,459
Total Special Fund Appropriation .....	2,600,000
Total Federal Fund Appropriation .....	623,667
	<hr/>
Total Appropriation .....	44,821,126
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MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION

T50T01.01 Technology Development, Transfer and Commercialization General Fund Appropriation .....	4,674,480
T50T01.03 Maryland Stem Cell Research Fund General Fund Appropriation .....	9,093,000
T50T01.04 Maryland Innovation Initiative General Fund Appropriation .....	4,800,000
T50T01.05 Cybersecurity Investment Fund General Fund Appropriation .....	900,000
T50T01.06 Enterprise Investment Fund Administration Special Fund Appropriation .....	1,344,532
T50T01.07 Enterprise Investment Fund and Challenge Programs Special Fund Appropriation .....	6,000,000

SUMMARY

Total General Fund Appropriation .....	19,467,480
Total Special Fund Appropriation .....	7,344,532
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Total Appropriation .....	26,812,012
	<hr/> <hr/>

DEPARTMENT OF THE ENVIRONMENT

OFFICE OF THE SECRETARY

U00A01.01 Office of the Secretary		
General Fund Appropriation .....	897,025	
Special Fund Appropriation .....	500,810	
Federal Fund Appropriation .....	894,699	2,292,534
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U00A01.03 Capital Appropriation – Water Quality Revolving Loan Fund		
Special Fund Appropriation .....	89,248,000	
Federal Fund Appropriation .....	33,960,000	123,208,000
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Funds are appropriated in other units of the Department of the Environment to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

U00A01.04 Capital Appropriation – Hazardous Substance Clean-Up Program		
General Fund Appropriation .....		200,000

U00A01.05 Capital Appropriation – Drinking Water Revolving Loan Fund		
Special Fund Appropriation .....	10,638,000	
Federal Fund Appropriation .....	10,359,000	20,997,000
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Funds are appropriated in other units of the Department of the Environment to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

U00A01.11 Capital Appropriation – Bay Restoration Fund – Wastewater		
Special Fund Appropriation .....		80,000,000

U00A01.12 Capital Appropriation – Bay Restoration Fund – Septic Systems		
Special Fund Appropriation .....		14,000,000

U00A01.14 Capital Appropriation – Energy –  
Water Infrastructure Program

Special Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of providing grants to water and wastewater treatment plant owners to develop energy efficient and resilient projects shall be restricted pending the submission of two reports. The first report shall be submitted by July 1, 2016, and specify the qualitative and quantitative criteria that will be used to evaluate and select projects to be funded by the Energy–Water Infrastructure Program under both the \$1,000,000 per project allocation for energy efficient equipment and the \$3,000,000 per project allocation for combined heat and power projects. The second report shall be submitted by January 1, 2017, and provide the following for each project selected for funding:

- (1) an energy use baseline;
- (2) a 20% energy reduction target;
- (3) the expected payback period for the energy efficient equipment or combined heat and power project as if the project were to be funded as an energy performance contract; and
- (4) the expected amount and timing of the modification of any user rates associated with the entity receiving funding as a result of the energy efficient equipment or combined heat and power project funded.

The budget committees shall have 45 days to review and comment. Funding shall be released in \$50,000 increments pending submission of each report. Funds restricted pending the receipt of the reports may not be transferred by budget amendment or

<u>otherwise to any other purpose and shall be canceled if the reports are not submitted to the budget committees</u> .....	16,200,000
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SUMMARY

Total General Fund Appropriation .....	1,097,025	
Total Special Fund Appropriation .....	210,586,810	
Total Federal Fund Appropriation .....	45,213,699	
Total Appropriation .....	256,897,534	

OPERATIONAL SERVICES ADMINISTRATION

U00A02.02 Operational Services Administration		
General Fund Appropriation .....	5,073,578	
Special Fund Appropriation .....	2,252,662	
Federal Fund Appropriation .....	1,601,213	8,927,453

WATER MANAGEMENT ADMINISTRATION

U00A04.01 Water Management Administration		
General Fund Appropriation .....	13,505,466	
Special Fund Appropriation .....	8,574,792	
Federal Fund Appropriation .....	7,951,864	30,032,122

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SCIENCE SERVICES ADMINISTRATION

U00A05.01 Science Services Administration		
General Fund Appropriation .....	4,798,217	
Special Fund Appropriation .....	1,049,156	
Federal Fund Appropriation .....	6,741,036	12,588,409

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted

to use these receipts as special funds for operating expenses in this program.

LAND MANAGEMENT ADMINISTRATION

U00A06.01 Land Management Administration		
General Fund Appropriation .....	2,359,939	
Special Fund Appropriation .....	21,718,717	
Federal Fund Appropriation .....	9,830,577	33,909,233
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

AIR AND RADIATION MANAGEMENT ADMINISTRATION

U00A07.01 Air and Radiation Management Administration		
General Fund Appropriation .....	1,009,205	
Special Fund Appropriation .....	12,794,221	
Federal Fund Appropriation .....	3,834,704	17,638,130
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

COORDINATING OFFICES

U00A10.01 Coordinating Offices		
General Fund Appropriation .....	4,540,490	
Special Fund Appropriation .....	15,954,926	
Federal Fund Appropriation .....	2,668,737	23,164,153
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

U00A10.03 Bay Restoration Fund Debt Service

Special Fund Appropriation ..... 26,000,000

SUMMARY

Total General Fund Appropriation ..... 4,540,490

Total Special Fund Appropriation ..... 41,954,926

Total Federal Fund Appropriation ..... 2,668,737

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Total Appropriation ..... 49,164,153

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## DEPARTMENT OF JUVENILE SERVICES

## OFFICE OF THE SECRETARY

## V00D01.01 Office of the Secretary

General Fund Appropriation, *provided that*  
~~\$1,500,000~~ \$1,000,000 of this  
appropriation made for the purpose of  
departmental operations may not be  
expended until the Department of Juvenile  
Services (DJS) submits the following  
information to the budget committees:

- (1) all written policies regarding the  
use of shackling youth in DJS  
custody, including the policies for  
the use of shackling within DJS  
facilities and at off-site locations  
(e.g., during transport, medical  
visits, court hearings, etc.);
- (2) the department's rationale for  
determining who, when, and for  
what purpose shackles are used on a  
youth in DJS custody;
- (3) the expressed policies or rules  
established by each court  
jurisdiction regarding the use of  
shackling;
- (4) the number of incidences in fiscal  
2015 and 2016 where a youth in  
DJS custody was shackled,  
delineated by reason;
- (5) the age range of youth who were  
shackled by the department in fiscal  
2015 and 2016;
- (6) all written policies regarding the  
use of strip searches for youth in  
DJS custody;
- (7) the department's rationale for  
determining who, when, and for  
what purpose a youth in DJS

custody is strip searched;

- (8) the number of incidences in fiscal 2015 and 2016 where a youth in DJS custody was strip searched;
- (9) the age range of youth who were strip searched by the department in fiscal 2015 and 2016; and
- (10) the department's plans for addressing the General Assembly's expressed concerns with the existing shackling and strip search policies.

The report shall be submitted to the budget committees no later than July 15, 2016, and the budget committees shall have 45 days from the date of receipt of the report to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that it is the intent of the budget committees that DJS cease indiscriminate shackling and strip searches in its facilities and during transportation .....

4,018,949

DEPARTMENTAL SUPPORT

V00D02.01 Departmental Support		
General Fund Appropriation .....	26,194,706	
Federal Fund Appropriation .....	183,774	26,378,480
	<hr/>	<hr/> <hr/>

RESIDENTIAL AND COMMUNITY OPERATIONS

V00E01.01 Residential and Community Operations		
General Fund Appropriation .....	4,747,416	
Special Fund Appropriation .....	81,963	
Federal Fund Appropriation .....	554,125	5,383,504
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

## BALTIMORE CITY REGION

V00G01.01	Baltimore City Region Operations		
	General Fund Appropriation .....	<del>58,795,923</del>	
		<u>58,594,923</u>	
	Special Fund Appropriation .....	800,949	
	Federal Fund Appropriation .....	735,441	<del>60,332,313</del>
			<u>60,131,313</u>

## CENTRAL REGION

V00H01.01	Central Region Operations		
	General Fund Appropriation .....	36,968,359	
	Special Fund Appropriation .....	364,757	
	Federal Fund Appropriation .....	382,572	37,715,688

## WESTERN REGION

V00I01.01	Western Region Operations		
	General Fund Appropriation .....	47,995,974	
	Special Fund Appropriation .....	1,099,891	
	Federal Fund Appropriation .....	1,169,772	50,265,637

## EASTERN SHORE REGION

V00J01.01	Eastern Shore Region Operations		
	General Fund Appropriation .....	22,375,142	
	Special Fund Appropriation .....	340,628	
	Federal Fund Appropriation .....	350,226	23,065,996

## SOUTHERN REGION

V00K01.01	Southern Region Operations		
	General Fund Appropriation .....	24,715,162	
	Special Fund Appropriation .....	316,570	
	Federal Fund Appropriation .....	452,178	25,483,910

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METRO REGION

V00L01.01 Metro Region Operations

General Fund Appropriation .....	59,515,278	
Special Fund Appropriation .....	859,338	
Federal Fund Appropriation .....	1,012,084	61,386,700
	<hr/>	<hr/> <hr/>

## DEPARTMENT OF STATE POLICE

## MARYLAND STATE POLICE

W00A01.01 Office of the Superintendent		
General Fund Appropriation .....		21,186,666
W00A01.02 Field Operations Bureau		
General Fund Appropriation .....	131,464,992	
Special Fund Appropriation .....	94,102,867	225,567,859

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

W00A01.03 Criminal Investigation Bureau		
General Fund Appropriation .....	46,371,513	
Special Fund Appropriation .....	439,378	
Federal Fund Appropriation .....	2,201,450	49,012,341

W00A01.04 Support Services Bureau		
General Fund Appropriation .....	60,972,232	
Special Fund Appropriation .....	30,000	
Federal Fund Appropriation .....	7,500,000	68,502,232

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

W00A01.08 Vehicle Theft Prevention Council		
Special Fund Appropriation .....		1,983,778

## SUMMARY

Total General Fund Appropriation .....		259,995,403
Total Special Fund Appropriation .....		96,556,023
Total Federal Fund Appropriation .....		9,701,450
		<hr/>
Total Appropriation .....		366,252,876

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FIRE PREVENTION COMMISSION AND FIRE MARSHAL

W00A02.01 Fire Prevention Services

General Fund Appropriation .....

8,055,535

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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

PUBLIC DEBT

X00A00.01 Redemption and Interest on State Bonds		
General Fund Appropriation .....	283,000,000	
Special Fund Appropriation .....	892,639,657	
Federal Fund Appropriation .....	11,539,169	1,187,178,826
	<hr/>	<hr/> <hr/>

## STATE RESERVE FUND

## Y01A01.01 Revenue Stabilization Account

General Fund Appropriation, provided that ~~\$79,959,234~~ ~~\$78,959,234~~ \$79,959,234 of this appropriation may not be credited to the Revenue Stabilization Account and shall revert to the General Fund unless the entire amount is transferred by budget amendment to appropriations for the following projects or programs in the following specified amounts:

- (1) \$18,999,234 to Program R00A02.03 Aid for Local Employee Fringe Benefits to provide additional one-time funding to local education agencies to support a portion of their share of the actual normal cost of pensions for their teachers. Funding may only be allocated as follows:

(a)	<u>Allegany</u>	<u>32,640</u>
(b)	<u>Anne Arundel</u>	<u>1,965,794</u>
(c)	<u>Baltimore City</u>	<u>876,027</u>
(d)	<u>Baltimore</u>	<u>2,202,654</u>
(e)	<u>Calvert</u>	<u>102,489</u>
(f)	<u>Caroline</u>	<u>142,999</u>
(g)	<u>Carroll</u>	<u>173,948</u>
(h)	<u>Cecil</u>	<u>250,811</u>
(i)	<u>Charles</u>	<u>625,177</u>
(j)	<u>Dorchester</u>	<u>118,197</u>
(k)	<u>Frederick</u>	<u>1,137,362</u>
(l)	<u>Garrett</u>	<u>0</u>
(m)	<u>Harford</u>	<u>4,558</u>
(n)	<u>Howard</u>	<u>2,296,283</u>
(o)	<u>Kent</u>	<u>0</u>
(p)	<u>Montgomery</u>	<u>6,181,760</u>
(q)	<u>Prince George's</u>	<u>1,317,125</u>
(r)	<u>Queen Anne's</u>	<u>130,269</u>
(s)	<u>St. Mary's</u>	<u>313,970</u>
(t)	<u>Somerset</u>	<u>59,572</u>
(u)	<u>Talbot</u>	<u>100,977</u>
(v)	<u>Washington</u>	<u>471,617</u>
(w)	<u>Wicomico</u>	<u>393,517</u>
(x)	<u>Worcester</u>	<u>101,488</u>

- (2) \$13,200,000 to Program M00Q01.03 Medical Care Provider Reimbursements to increase primary and specialty physician evaluation and management rates to 96% of Medicare effective July 1, 2016;
- (3) \$880,000 to Program M00Q01.10 Medicaid Behavioral Health Provider Reimbursements to increase psychiatrist evaluation and management rates to 96% of Medicare effective July 1, 2016;
- (4) ~~\$1,500,000~~ **\$500,000** to Program M00Q01.03 Medical Care Provider Reimbursements to increase funding over that provided in the fiscal 2017 budget to the Baltimore City Health Department for the Administrative Care Coordination Unit;
- (5) \$500,000 to Program M00Q01.03 Medical Care Provider Reimbursements for lead remediation activities in the homes of Medicaid children with a confirmed elevated blood lead level of over 10 micrograms/deciliter;
- (6) \$15,000,000 for the Facilities Renewal Fund to provide funds for the repair and rehabilitation of State-owned capital facilities (Statewide);
- (7) \$6,109,000 for the Aging Schools Program to provide additional grants for capital improvements, repairs, and deferred maintenance work at existing public school buildings. Grants shall be distributed to local boards of education in proportion to grants

received under Section 5–206 of the Education Article, *provided that funds may only be spent on costs that were eligible under the rules and regulations governing the program that were in effect on January 1, 2016:*

- (8) \$9,190,000 for the Public Safety Communication System to provide funds to continue to design, construct, and equip a statewide unified public safety communication;
- (9) ~~\$7,581,000~~ \$6,581,000 for the Demolition of Buildings at the Baltimore City Correctional Complex to provide funds to begin design and demolition of the buildings at the Baltimore City Correctional Complex;
- (10) \$6,000,000 for the Maryland Agricultural Cost–Share Program to provide funds for financial assistance for the implementation of best management practices that reduce soil and nutrient runoff from Maryland farms. The funds appropriated for this purpose shall be administered in accordance with Sections 8–701 through 8–705 of the Agriculture Article; ~~and~~
- (11) \$1,000,000 to Program N00G00.08 Assistance Payments to provide funds to support a State supplement to the Food Supplement Program;
- (12) *\$200,000 for the National Great Blacks in Wax Museum;*
- (13) *\$300,000 for the Maryland Business Roundtable on Education;*

(14) \$175,000 for the Maryland Humanities Council;

(15) \$37,500 for Arts Everyday;

(16) \$37,500 for 901 Arts;

(17) \$250,000 for the Maryland Center for Construction Education and Innovation; and

(18) \$1,000,000 as a grant to the Baltimore City Health Department to fund the operation of the Baltimore City Safe Streets Program .....

235,335,792

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OFFICE OF THE PUBLIC DEFENDER

FY 2016 Deficiency Appropriation

C80B00.01 General Administration

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for consolidating and relocating the information technology unit as well as the lease financing of replacement information technology equipment.

General Fund Appropriation ..... 160,706

C80B00.02 District Operations

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to cover fiscal 2015 expenses for case-related expenditures and accrued leave payouts that exceeded the appropriation for the agency.

General Fund Appropriation ..... 4,894,813

C80B00.02 District Operations

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to decrease the agency's turnover expectancy.

General Fund Appropriation ..... 1,000,000

OFFICE OF THE STATE PROSECUTOR

FY 2016 Deficiency Appropriation

C82D00.01 General Administration

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to cover fiscal 2015 expenses for supplies and materials that exceeded the appropriation for the agency.

General Fund Appropriation ..... 4,857

C82D00.01 General Administration

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for various operational expenses and to decrease the agency’s turnover expectancy.

General Fund Appropriation ..... 48,744

EXECUTIVE DEPARTMENT – BOARDS,  
COMMISSIONS AND OFFICES

FY 2016 Deficiency Appropriation

D15A05.24 Contract Appeals Resolution

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to support operating expenses for the office.

General Fund Appropriation ..... 14,000

INTERAGENCY COMMITTEE ON SCHOOL  
CONSTRUCTION

FY 2016 Deficiency Appropriation

D25E03.01 General Administration

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to reduce agency turnover expectancy and support the reclassification of positions.

General Fund Appropriation ..... 67,999

DEPARTMENT OF AGING

FY 2016 Deficiency Appropriation

D26A07.01 General Administration

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to address audit findings and resolve prior year shortfalls.

General Fund Appropriation .....	5,125,614
	<u><u>                    </u></u>

D26A07.01 General Administration

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to offset a federal fund shortfall in fiscal 2016.

General Fund Appropriation .....	1,000,000
	<u><u>                    </u></u>

D26A07.02 Senior Citizens Activities Centers Operating Fund

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to hold harmless jurisdictions that applied for and received less funding in fiscal 2016 than in fiscal 2015 from the Senior Citizens Activities Centers Operating Fund.

General Fund Appropriation .....	291,500
	<u><u>                    </u></u>

D26A07.03 Community Services

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to hold harmless jurisdictions that applied for and received less State Information & Assistance and State Nutrition funding in fiscal 2016 than in fiscal 2015.

General Fund Appropriation .....	168,190
	<u><u>                    </u></u>

MARYLAND STADIUM AUTHORITY

FY 2016 Deficiency Appropriation

D28A03.55 Baltimore Convention Center

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for the State’s portion of the Baltimore Convention Center’s fiscal 2015 operating deficit.

General Fund Appropriation .....	1,132,645
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D28A03.55 Baltimore Convention Center

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for the State’s portion of the Baltimore Convention Center’s fiscal 2016 operating deficit.

General Fund Appropriation .....	270,758
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STATE BOARD OF ELECTIONS

FY 2016 Deficiency Appropriation

D38I01.02 Help America Vote Act

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for staffing at the local jurisdictions and transportation of equipment for the primary election.

General Fund Appropriation .....	757,508
Special Fund Appropriation .....	757,508

1,515,016

DEPARTMENT OF PLANNING

FY 2016 Deficiency Appropriation

D40W01.03 Planning Data and Research

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to support personnel expenses in the Parcel Mapping section.

General Fund Appropriation .....	200,000
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D40W01.07 Management Planning and Educational Outreach

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to repair the spars, fighting tops, and running rigging of the U.S.S. Constellation to maintain its historic appearance.

Federal Fund Appropriation .....	94,076
	<u><u>          </u></u>

D40W01.09 Research Survey and Registration

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to inventory and provide historic context for historic properties in Maryland associated with the women’s suffrage movement, and to prepare a National Historic Landmark nomination for Tolson’s Chapel.

Federal Fund Appropriation .....	66,250
	<u><u>          </u></u>

MILITARY DEPARTMENT

FY 2016 Deficiency Appropriation

D50H01.05 State Operations

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for the operation of the Freestate ChalleNGe Academy program.

General Fund Appropriation .....	140,000
Federal Fund Appropriation .....	420,000
	<u>          </u>
	<u><u>560,000</u></u>

DEPARTMENT OF VETERANS AFFAIRS

FY 2016 Deficiency Appropriation

D55P00.04 Cemetery Program – Capital Appropriation

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for design modification fees related to the Eastern Shore Veterans Cemetery expansion project.

General Fund Appropriation .....	26,000
	<u><u>          </u></u>

D55P00.08 Executive Direction

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to

provide funds to resolve prior year shortfalls.

General Fund Appropriation ..... 1,038,640

=====

MARYLAND HEALTH BENEFIT EXCHANGE

FY 2016 Deficiency Appropriation

D78Y01.01 Maryland Health Benefit Exchange

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to cover fiscal 2015 expenses for the consolidated service center and legal services that exceeded the appropriation for the agency.

General Fund Appropriation ..... 1,558,554

=====

D78Y01.01 Maryland Health Benefit Exchange

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for an expansion of the consolidated service center.

General Fund Appropriation ..... 5,659,804

Federal Fund Appropriation ..... 6,390,715

=====

12,050,519

=====

D78Y01.01 Maryland Health Benefit Exchange

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for legal services.

General Fund Appropriation ..... 868,436

=====

COMPTROLLER OF MARYLAND

FY 2016 Deficiency Appropriation

REVENUE ADMINISTRATION DIVISION

E00A04.01 Revenue Administration

To become available immediately upon passage of this

budget to supplement the fiscal 2016 appropriation to provide funds to process local income tax refunds as a result of the decision in the U.S. Supreme Court case of Comptroller v. Wynne, Case No. 13-485 (May 18, 2015).

Special Fund Appropriation ..... 700,000

=====

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

FY 2016 Deficiency Appropriation

E50C00.02 Real Property Valuation

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for employee benefits.

Special Fund Appropriation ..... 101,202

=====

DEPARTMENT OF BUDGET AND MANAGEMENT

FY 2016 Deficiency Appropriation

OFFICE OF PERSONNEL SERVICES AND BENEFITS

F10A02.04 Division of Personnel Services

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to implement the Human Resources Shared Services initiative.

General Fund Appropriation ..... 217,340

=====

F10A02.08 Statewide Expenses

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to implement the provisions of the fiscal 2016 State Law Enforcement Officers Labor Alliance bargaining agreement. Funds will be transferred to other State agencies by budget amendment.

Provided that \$2,185,060 in general funds and ~~\$342,197~~ \$342,917 in special funds are contingent on the

enactment of SB 378 or HB 454.

General Fund Appropriation, provided that funds appropriated for the provisions of the fiscal 2016 State Law Enforcement Officers Labor Alliance bargaining agreement may be transferred to other State agencies .....	2,185,060
Special Fund Appropriation, provided that funds appropriated for the provisions of the fiscal 2016 State Law Enforcement Officers Labor Alliance bargaining agreement may be transferred to other State agencies .....	342,917
	<hr/>
	2,527,977
	<hr/> <hr/>

DEPARTMENT OF GENERAL SERVICES

FY 2016 Deficiency Appropriation

OFFICE OF FACILITIES SECURITY

H00B01.01 Facilities Security

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to support security positions in the Crownsville Complex.

General Fund Appropriation .....	46,621
	<hr/> <hr/>

H00B01.01 Facilities Security

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to upgrade security features at State-owned complexes.

General Fund Appropriation .....	911,683
	<hr/> <hr/>

OFFICE OF FACILITIES OPERATION AND MAINTENANCE

H00C01.01 Facilities Operation and Maintenance

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for State agency moving costs and

facilities maintenance in the Crownsville Complex.

General Fund Appropriation ..... 2,387,569

=====

H00C01.05 Reimbursable Lease Management

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to fulfill lease obligations for non-Department of General Services rent charges.

General Fund Appropriation ..... 436,963

=====

DEPARTMENT OF TRANSPORTATION

FY 2016 Deficiency Appropriation

MARYLAND TRANSIT ADMINISTRATION

J00H01.01 Transit Administration

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for the creation of two positions related to the Baltimore Transit Plan.

Special Fund Appropriation ..... 39,674

=====

J00H01.02 Bus Operations

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for the creation of 26 positions related to the Baltimore Transit Plan.

Special Fund Appropriation ..... 383,327

=====

J00H01.04 Rail Operations

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for the creation of 12 positions related to the Baltimore Transit Plan.

Special Fund Appropriation ..... 140,809

=====

DEPARTMENT OF NATURAL RESOURCES

FY 2016 Deficiency Appropriation

FOREST SERVICE

K00A02.09 Forest Service

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to cover expenses associated with additional Forest Service grants. Projects include treatment for Emerald Ash Borer, technical assistance to increase forest buffer restoration, and wildfire risk reduction.

Federal Fund Appropriation ..... 477,000

=====

WILDLIFE AND HERITAGE SERVICE

K00A03.01 Wildlife and Heritage Service

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to cover expenses associated with Wildlife Management Areas as well as research studies and projects. Funds are also needed to purchase a dump truck.

Federal Fund Appropriation ..... 673,796

=====

LAND ACQUISITION AND PLANNING

K00A05.05 Land Acquisition and Planning

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to reflect revenue distributions to the Boys and Girls Club of North Beach, the Town of North Beach, and Town of Chesapeake Beach.

Special Fund Appropriation ..... 918,000

=====

K00A05.10 Outdoor Recreation Land Loan

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to support Critical Maintenance work on

the Washington Monument (\$250,000), Wicks Property (\$500,000), Newtowne Neck State Park (\$250,000), and the House Maintenance Fund (\$100,000).

Special Fund Appropriation ..... 1,100,000

=====

NATURAL RESOURCES POLICE

K00A07.01 General Direction

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to purchase intelligence sharing-related equipment.

Special Fund Appropriation ..... 196,000

=====

CHESAPEAKE AND COASTAL SERVICE

K00A14.02 Chesapeake and Coastal Service

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for passive acoustic monitoring and to provide assistance to local governments and communities to advance watershed planning and implementation efforts in the Chesapeake Bay Watershed.

Federal Fund Appropriation ..... 1,007,281

=====

DEPARTMENT OF AGRICULTURE

FY 2016 Deficiency Appropriation

OFFICE OF MARKETING, ANIMAL INDUSTRIES, AND CONSUMER SERVICES

L00A12.05 Animal Health

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for the reimbursement of expenses related to preparation for a potential Highly Pathogenic Avian Influenza outbreak.

General Fund Appropriation ..... 354,960

Federal Fund Appropriation .....	55,283
	<hr/>
	410,243
	<hr/> <hr/>

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

FY 2016 Deficiency Appropriation

PREVENTION AND HEALTH PROMOTION ADMINISTRATION

M00F03.04 Family Health and Chronic Disease Services  
 To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to pay the State share of Certificate of Need expenses for the proposed new Regional Medical Center in Prince George’s County per an agreement with the University of Maryland Medical System.

General Fund Appropriation .....	1,456,208
	<hr/> <hr/>

WESTERN MARYLAND CENTER

M00I03.01 Services and Institutional Operations  
 To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to support the management staffing contract between Meritus and Western Maryland Center.

General Fund Appropriation .....	829,114
	<hr/> <hr/>

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

FY 2016 Deficiency Appropriation

DEPUTY SECRETARY FOR OPERATIONS

Q00A02.01 Administrative Services  
 To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for replacement vehicles and accrued

leave payout expenses.

General Fund Appropriation ..... 3,728,163

=====

DIVISION OF CORRECTION – WEST REGION

Q00R02.01 Maryland Correctional Institution – Hagerstown  
To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for custodial overtime, replace a box truck for food service operations, and increase support for a power plant upgrade.

General Fund Appropriation ..... 2,464,637

=====

DIVISION OF CORRECTION – EAST REGION

Q00S02.01 Jessup Correctional Institution  
To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for custodial overtime and an emergency gas line repair.

General Fund Appropriation ..... 2,255,161

=====

DIVISION OF PRETRIAL DETENTION

Q00T04.04 Baltimore Central Booking and Intake Center  
To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for custodial overtime, a replacement radio system, emergency maintenance repairs, and the installation of a cell phone managed access system.

General Fund Appropriation ..... 11,247,961

=====

Q00T04.05 Baltimore Pretrial Complex  
To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for custodial overtime, emergency maintenance repairs, and the purchase of two box trucks for food service operations.

General Fund Appropriation .....	9,188,468
	<u><u>                    </u></u>

Q00T04.06 Maryland Reception, Diagnostic, and Classification Center

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for emergency maintenance repairs and the installation of a cell phone managed access system.

General Fund Appropriation .....	3,041,971
	<u><u>                    </u></u>

STATE DEPARTMENT OF EDUCATION

FY 2016 Deficiency Appropriation

HEADQUARTERS

R00A01.01 Office of the State Superintendent

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to enable the Department to revert federal indirect costs to the General Fund per Statewide Cost Allocation Plan requirements.

General Fund Appropriation .....	3,600,000
Federal Fund Appropriation .....	-3,600,000
	<u>                    </u>
	<u>                    </u>
	0

R00A01.04 Division of Accountability and Assessment

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to develop and score the State assessments.

General Fund Appropriation .....	8,115,248
	<u><u>                    </u></u>

AID TO EDUCATION

R00A02.01 State Share of Foundation Program

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to replace Education Trust Fund revenues with general

funds due to a Video Lottery Terminal revenue shortfall in fiscal 2015.

General Fund Appropriation .....	5,466,385
Special Fund Appropriation .....	-5,466,385
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	0
	<hr/> <hr/>

R00A02.01 State Share of Foundation Program

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to replace Education Trust Fund revenues with general funds due to revised Video Lottery Terminal revenue shortfall for fiscal 2016.

General Fund Appropriation .....	6,122,748
Special Fund Appropriation .....	-6,122,748
	<hr/>
	0
	<hr/> <hr/>

R00A02.03 Aid for Local Employee Fringe Benefits

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for anticipated expenditures for Montgomery County Optional Library Retirement.

General Fund Appropriation .....	600,000
	<hr/> <hr/>

R00A02.07 Students with Disabilities

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to cover fiscal 2015 expenses for the Nonpublic Placements program that exceeded the appropriation for the agency.

General Fund Appropriation .....	12,410,913
	<hr/> <hr/>

R00A02.07 Students with Disabilities

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for anticipated expenditures in the Nonpublic Placements program.

General Fund Appropriation ..... 7,896,115

R00A02.13 Innovative Programs

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for planning grants in equal amounts to establish ~~four~~ six P-TECH schools in Maryland, including two P-TECH schools for Baltimore City Public Schools, one being located at Paul Laurence Dunbar High School and one located at Carver Vocational-Technical High School, two P-TECH schools in Prince George’s County, one on the Eastern Shore, and one in Western Maryland.

General Fund Appropriation ..... 600,000

R00A02.27 Food Services Program

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to cover fiscal 2015 expenses for the Maryland Meals for Achievement program.

General Fund Appropriation ..... 443,238

ST. MARY’S COLLEGE OF MARYLAND

FY 2016 Deficiency Appropriation

R14D00.06 Institutional Support

To become available immediately upon passage of this budget to reduce the fiscal 2016 appropriation to accurately reflect the college’s actual expenditure need.

Current Unrestricted Fund Appropriation ..... -2,000,000

R14D00.06 Institutional Support

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to upgrade the college’s existing information technology infrastructure.

Current Unrestricted Fund Appropriation ..... 1,603,000

MARYLAND PUBLIC BROADCASTING  
COMMISSION

FY 2016 Deficiency Appropriation

R15P00.04 Content Enterprises

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for an event in conjunction with the broadcast of the Maryland Vietnam War Stories documentary.

General Fund Appropriation ..... 325,000

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UNIVERSITY SYSTEM OF MARYLAND

FY 2016 Deficiency Appropriation

UNIVERSITY SYSTEM OF MARYLAND OFFICE

R30B36.06 Institutional Support

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to support an unexpected increase in health insurance expenditures.

Current Unrestricted Fund Appropriation, provided that, contingent on enactment of SB 1052 or HB 1607, \$3,200,000 of this appropriation shall be encumbered to be used only for expenses related to relocating the University System of Maryland Office to Baltimore. If SB 1052 or HB 1607 is not enacted, then the funds may be expended only on completion initiatives at University System of Maryland institutions. A report shall be submitted to the budget committees by June 30, 2016, on the allocation and use of the funds .....

16,465,448

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MARYLAND HIGHER EDUCATION COMMISSION

FY 2016 Deficiency Appropriation

R62I00.01 General Administration

To become available immediately upon passage of this

budget to supplement the fiscal 2016 appropriation to provide funds to pay for legal services.

General Fund Appropriation ..... 311,300

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R62I00.05 The Senator John A. Cade Funding Formula for the Distribution of Funds to Community Colleges

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to resolve prior year unfunded liabilities in the Statewide and Health Manpower programs.

General Fund Appropriation ..... 2,697,609

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R62I00.06 Aid To Community Colleges – Fringe Benefits

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to resolve prior year unfunded liabilities in the Optional Retirement Program.

General Fund Appropriation ..... 1,712,597

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R62I00.06 Aid To Community Colleges – Fringe Benefits

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to meet fiscal 2016 obligations of the Optional Retirement Program.

General Fund Appropriation ..... 1,340,000

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R62I00.10 Educational Excellence Awards

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to fund Educational Excellence Awards.

General Fund Appropriation ..... 1,664,078

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R62I00.26 Janet L. Hoffman Loan Assistance Repayment Program

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to resolve prior year unfunded liabilities in the Janet L.

Hoffman Loan Assistance Repayment Program.

General Fund Appropriation ..... 306,823

=====

HIGHER EDUCATION INSTITUTIONS

FY 2016 Deficiency Appropriation

R75T00.01 Support for State Operated Institutions of Higher Education

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to the University System of Maryland for an unexpected shortfall in health insurance expenditures and to St. Mary’s College of Maryland to upgrade the College’s existing information technology infrastructure.

~~General Fund Appropriation, provided that, contingent on enactment of SB 1052 or HB 1607, \$3,200,000 of this appropriation shall be encumbered to be used only for expenses related to relocating the University System of Maryland Office to Baltimore. If SB 1052 or HB 1607 is not enacted, then the funds may be expended only on completion initiatives at University System of Maryland institutions. A report shall be submitted to the budget committees by June 30, 2016, on the allocation and use of the funds~~ .....

18,068,448

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DEPARTMENT OF THE ENVIRONMENT

FY 2016 Deficiency Appropriation

LAND MANAGEMENT ADMINISTRATION

U00A06.01 Land Management Administration

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to reimburse costs through the Oil Containment Site Environmental Cleanup Program, support additional contractual employees working with lead property registrations, and improve lead registry databases.

Special Fund Appropriation ..... 1,450,000

COORDINATING OFFICES

U00A10.01 Coordinating Offices

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to support water system improvements in the City of Salisbury.

Federal Fund Appropriation ..... 485,000

DEPARTMENT OF STATE POLICE

FY 2016 Deficiency Appropriation

MARYLAND STATE POLICE

W00A01.02 Field Operations Bureau

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds to reduce the agency’s turnover expectancy.

General Fund Appropriation ..... 5,226,000

W00A01.02 Field Operations Bureau

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to cover fiscal 2015 expenses for operations that exceeded the appropriation for the agency.

General Fund Appropriation ..... 4,526,331

STATE RESERVE FUND

FY 2016 Deficiency Appropriation

Y01A02.01 Dedicated Purpose Account

To become available immediately upon passage of this budget to supplement the fiscal 2016 appropriation to provide funds for information technology upgrades for units of Maryland’s State government.



SECTION 2. AND BE IT FURTHER ENACTED, That in order to carry out the provisions of these appropriations the Secretary of the Department of Budget and Management (DBM) is authorized:

(a) To allot all or any portion of the funds herein appropriated to the various departments, boards, commissions, officers, schools and institutions by monthly, quarterly or seasonal periods and by objects of expense ~~and may place any funds appropriated but not allotted in contingency reserve available for subsequent allotment. Upon the Secretary's own initiative or upon the request of the head of any State agency, the Secretary may authorize a change in the amount of funds so allotted.~~

The Secretary shall, before the beginning of the fiscal year, file with the Comptroller of the Treasury a list limited to the appropriations restricted in this Act, to be placed in contingency reserve ~~a schedule of allotments, if any.~~ The Comptroller shall not authorize any expenditure or obligation in excess of the allotment made and any expenditure so made shall be illegal.

~~(b) To allot all or any portion of funds coming into the hands of any department, board, commission, officer, school and institution of the State, from sources not estimated or calculated upon in the budget.~~

~~(c)~~ (b) ~~The Secretary is authorized to~~ To fix the number and classes of positions, including temporary and permanent positions, or person years of authorized employment for each agency, unit, or program thereof, not inconsistent with the Public General Laws in regard to classification of positions. The Secretary shall make such determination before the beginning of the fiscal year and shall base them on the positions or person years of employment authorized in the budget as amended by approved budgetary position actions. No payment for salaries or wages nor any request for or certification of personnel shall be made except in accordance with the Secretary's determinations. At any time during the fiscal year the Secretary may amend the number and classes of positions or person years of employment previously fixed by the Secretary; the Secretary may delegate all or part of this authority. The governing boards of public institutions of higher education shall have the authority to transfer positions between programs and campuses under each institutional board's jurisdiction without the approval of the Secretary, as provided in Section 15-105 of the Education Article.

~~(d)~~ (c) To prescribe procedures and forms for carrying out the above provisions.

SECTION 3. AND BE IT FURTHER ENACTED, That in accordance with Section 7-109 of the State Finance and Procurement Article of the Annotated Code of Maryland, it is the intention of the General Assembly to include herein a listing of nonclassified flat rate or per diem positions by unit of State government, job classification, the number in each job classification and the amount proposed for each classification. The Chief Judge of the Court of Appeals may make adjustments to positions contained in the Judicial portion of this section (including judges) that are impacted by changes in salary plans or by salary actions in the executive agencies.

## JUDICIARY

Chief Judge, Court of Appeals	1	195,433
Judge, Court of Appeals (@ 176,433)	6	1,058,598
Chief Judge, Court of Special Appeals	1	166,633
Judge, Court of Special Appeals (@ 163,633)	14	2,290,862
Judge, Circuit Court (@ 154,433)	172	26,562,476
Chief Judge, District Court of Maryland	1	163,633
Judge, District Court (@ 141,333)	117	16,535,961
Judiciary Clerk of Court A (@ 108,600)	7	760,200
Judiciary Clerk of Court B (@ 111,600)	6	669,600
Judiciary Clerk of Court C (@ 112,750)	6	676,500
Judiciary Clerk of Court D (@ 114,500)	5	572,500

## OFFICE OF THE PUBLIC DEFENDER

Public Defender	1	154,433
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## OFFICE OF THE ATTORNEY GENERAL

Attorney General	1	145,500
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## OFFICE OF THE STATE PROSECUTOR

State Prosecutor	1	154,433
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## MARYLAND TAX COURT

Chief Judge Tax Court	1	43,413
Judge Tax Court (@ 37,170)	4	148,680

## PUBLIC SERVICE COMMISSION

Commissioner (@ 139,364)	4	557,456
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## WORKERS' COMPENSATION COMMISSION

Chairman	1	143,033
Commissioner (@ 141,333)	9	1,271,997

## EXECUTIVE DEPARTMENT – GOVERNOR

Governor	1	175,000
Lieutenant Governor	1	145,500

EXECUTIVE DEPARTMENT – BOARDS,  
COMMISSIONS AND OFFICES

Chairman	1	124,811
Member (@ 112,572)	2	225,144

## SECRETARY OF STATE

Secretary of State	1	102,500
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MARYLAND INSTITUTE FOR EMERGENCY  
MEDICAL SERVICES SYSTEMS

EMS Executive Director	1	255,225
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## OFFICE OF THE COMPTROLLER

Comptroller	1	145,500
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## STATE TREASURER'S OFFICE

Treasurer	1	145,500
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## STATE LOTTERY AND GAMING CONTROL AGENCY

Lottery and Gaming Commissioner (@ 18,000)	7	126,000
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## MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

State Retirement Administrator	1	142,097
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## MARYLAND DEPARTMENT OF TRANSPORTATION

## State Highway Administration

State Highway Administrator	1	160,742
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## Maryland Port Administration

Executive Director	1	289,221
Deputy Executive Director, Development and Administration	1	172,264

Director, Operations	1	157,295
Director, Marketing	1	143,457
CFO and Treasurer (MIT)	1	133,300
Director, Maritime Commercial Management	1	140,630
Director, Engineering	1	131,115
Director, Security	1	100,303
Deputy Director, Harbor Development	1	125,676
BCO Trade Development Executive	1	98,940
General Manager, Cruise MD Marketing	1	98,982
ADD–Director Intermodal Trade Development	1	136,275

Maryland Transit Administration

Maryland Transit Administrator	1	196,203
Senior Deputy Administrator, Transit Operations	1	163,200
Executive Director of Safety and Risk Management	1	139,265
Executive Project Director New Starts	1	147,090
Executive Project Director New Starts	1	122,013
Executive Project Director New Starts	1	120,022
MTA Police Chief	1	126,818

Maryland Aviation Administration

Executive Director	1	294,304
Chief Engineer	1	151,356
Chief Administrative Officer	1	148,250
Chief Financial Officer	1	165,565
Director, Planning and Environmental Services	1	134,486
Director, Commercial Management	1	140,676
Director, Marketing, Communications and Customer Service	1	130,570
Director, Regional Aviation Assistance	1	110,313
Chief Operating Officer	1	168,655
Director of Engineering and Construction	1	137,971
Director of Martin State Airport	1	117,176
Director of Maintenance and Utilities	1	127,500

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Office of the Chief Medical Examiner

Resident Forensic Pathologist (@ 57,115)	3	171,345
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MARYLAND SCHOOL FOR THE DEAF

MSD Non–Faculty Manager III	1	113,659
MSD Non–Faculty Manager III	1	106,026

MSD Non-Faculty Manager I	1	89,126
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## DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

## Maryland Parole Commission

Chairman	1	106,452
Member (@ 94,214)	9	847,926

## PUBLIC EDUCATION

## State Department of Education – Headquarters

State Superintendent of Schools	1	210,000
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SECTION 4. AND BE IT FURTHER ENACTED, That if any person holding an office of profit within the meaning of Article 35 of the Declaration of Rights, Constitution of Maryland, is appointed to or otherwise becomes the holder of a second office within the meaning of Article 35 of the Declaration of Rights, Constitution of Maryland, then no compensation or other emolument, except expenses incurred in connection with attendance at hearings, meetings, field trips, and working sessions, shall be paid from any funds appropriated by this bill to that person for any services in connection with the second office.

SECTION 5. AND BE IT FURTHER ENACTED, That amounts received pursuant to Sections 2–201 and 7–217 of the State Finance and Procurement Article may be expended by approved budget amendment.

SECTION 6. AND BE IT FURTHER ENACTED, That funds appropriated by this bill may be transferred among programs in accordance with the procedure provided in Sections 7–205 through 7–212, inclusive, of the State Finance and Procurement Article.

SECTION 7. AND BE IT FURTHER ENACTED, That, except as otherwise provided, amounts received from sources estimated or calculated upon in the budget in excess of the estimates for any special or federal fund appropriations listed in this bill may be made available by approved budget amendment.

SECTION 8. AND BE IT FURTHER ENACTED, That authorization is hereby granted to transfer by budget amendment General Fund amounts for the operations of State office buildings and facilities to the budgets of the various agencies and departments occupying the buildings.

SECTION 9. AND BE IT FURTHER ENACTED, That \$10,537,800 is appropriated in the various agency budgets for tort claims (including motor vehicles) under the provisions of the State Government Article, Title 12, Subtitle 1, the Maryland Tort Claims Act (MTCA). These funds are to be transferred to the State Insurance Trust Fund; these funds, together with funds appropriated in prior budgets for tort claims but unexpended, are the only funds available to make payments under the provisions of the MTCA.

(A) Tort claims for incidents or occurrences occurring after October 1, 1999, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$200,000 to a single claimant for injuries arising from a single incident or occurrence.

(B) Tort claims for incidents or occurrences occurring after July 1, 1996, and before October 1, 1999, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$100,000 to a single claimant for injuries arising from a single incident or occurrence.

(C) Tort claims for incidents or occurrences resulting in death on or after July 1, 1994, and before July 1, 1996, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$75,000 to a single claimant. All other tort claims occurring on or after July 1, 1994, and before July 1, 1996, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$50,000 to a single claimant for injuries arising from a single incident or occurrence.

(D) Tort claims for incidents or occurrences occurring prior to July 1, 1994, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$50,000 to a single claimant for injuries arising from a single incident or occurrence.

SECTION 10. AND BE IT FURTHER ENACTED, That authorization is hereby granted to transfer by budget amendment General Fund amounts, budgeted to the various State agency programs and subprograms which comprise the indirect cost pools under the Statewide Indirect Cost Plan, from the State agencies providing such services to the State agencies receiving the services. It is further authorized that receipts by the State agencies providing such services from charges for the indirect services may be used as special funds for operating expenses of the indirect cost pools.

SECTION 11. AND BE IT FURTHER ENACTED, That certain funds appropriated to the various State agency programs and subprograms in Comptroller Object 0882 (In-State Services – Computer Usage – ADC Only) shall be utilized to pay for services provided by the Comptroller of the Treasury, Data Processing Division, Computer Center Operations (E00A10.01) consistent with the reimbursement schedule provided for in the supporting budget documents. The expenditure or transfer of these funds for other purposes requires the prior approval of the Secretary of Budget and Management. Notwithstanding any other provision of law, the Secretary of Budget and Management may transfer amounts appropriated in Comptroller Object 0882 between State departments and agencies by approved budget amendment in fiscal 2017.

SECTION 12. AND BE IT FURTHER ENACTED, That, pursuant to Section 8–102 of the State Personnel and Pensions Article, the salary schedule for the executive pay plan during fiscal 2017 shall be as set forth below. Adjustments to the salary schedule may be made during the fiscal year in accordance with the provisions of Sections 8–108 and 8–109

of the State Personnel and Pensions Article. Notwithstanding the inclusion of salaries for positions which are determined by agencies with independent salary setting authority in the salary schedule set forth below, such salaries may be adjusted during the fiscal year in accordance with such salary setting authority.

Fiscal 2017  
Executive Salary Schedule

	Scale	Minimum	Maximum
ES 4	9904	79,953	106,604
ES 5	9905	85,902	114,600
ES 6	9906	92,333	123,236
ES 7	9907	99,275	132,569
ES 8	9908	106,773	142,646
ES 9	9909	114,874	153,532
ES 10	9910	123,618	165,281
ES 11	9911	133,069	177,977
ES 91	9991	153,027	256,866

Classification Title	Scale
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OFFICE OF THE PUBLIC DEFENDER

Deputy Public Defender	9909
Executive VI	9906

OFFICE OF THE ATTORNEY GENERAL

Deputy Attorney General	9909
Deputy Attorney General	9909
Senior Executive Associate Attorney General	9908
Senior Executive Associate Attorney General	9908
Senior Executive Associate Attorney General	9908

PUBLIC SERVICE COMMISSION

Chair	9991
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OFFICE OF THE PEOPLE'S COUNSEL

People's Counsel	9906
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SUBSEQUENT INJURY FUND

Executive Director	9906
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UNINSURED EMPLOYERS' FUND

Executive Director	9906
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EXECUTIVE DEPARTMENT – GOVERNOR

Executive Senior	9991
Executive VIII	9908
Executive Aide XI	9911
Executive Aide XI	9911
Executive Aide X	9910
Executive Aide IX	9909
Executive Aide VIII	9908

DEPARTMENT OF DISABILITIES

Secretary	9909
Deputy Secretary	9906

MARYLAND ENERGY ADMINISTRATION

Executive Aide VIII	9908
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EXECUTIVE DEPARTMENT – BOARDS, COMMISSIONS AND OFFICES

Executive Aide IX	9909
Executive Aide VIII	9908
Executive Aide VIII	9908

GOVERNOR'S OFFICE FOR CHILDREN

Executive Aide VIII	9908
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INTERAGENCY COMMITTEE FOR SCHOOL CONSTRUCTION

Executive VII	9907
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DEPARTMENT OF AGING

Secretary	9909
Deputy Secretary	9906

## MARYLAND COMMISSION ON CIVIL RIGHTS

Executive Director	9906
Deputy Director	9904

## STATE BOARD OF ELECTIONS

State Administrator of Elections	9907
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## DEPARTMENT OF PLANNING

Secretary	9909
Deputy Director	9906
Executive V	9905

## MILITARY DEPARTMENT

## Military Department Operations and Maintenance

The Adjutant General	9909
Executive IX	9909
Executive VII	9907
Executive VII	9907

## DEPARTMENT OF VETERANS AFFAIRS

Secretary	9905
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## STATE ARCHIVES

State Archivist	9907
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## MARYLAND HEALTH BENEFIT EXCHANGE

Executive Senior	9991
Health Benefit Exchange Executive XI	9911
Health Benefit Exchange Executive XI	9911
Health Benefit Exchange Executive X	9910
Executive Aide IX	9909
Executive Aide IX	9909
Executive Aide IX	9909

## MARYLAND INSURANCE ADMINISTRATION

Maryland Insurance Commissioner	9911
Maryland Deputy Insurance Commissioner	9908

## OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge	9908
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## COMPTROLLER OF MARYLAND

## Office of the Comptroller

Chief Deputy Comptroller	9910
Executive Aide X	9910

## General Accounting Division

Assistant State Comptroller VII	9907
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## Bureau of Revenue Estimates

Assistant State Comptroller VII	9907
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## Revenue Administration Division

Assistant State Comptroller VII	9907
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## Compliance Division

Assistant State Comptroller VII	9907
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## Field Enforcement Division

Assistant State Comptroller VI	9906
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## Central Payroll Bureau

Assistant State Comptroller V	9905
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## Information Technology Division

Assistant State Comptroller VII	9907
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## STATE TREASURER'S OFFICE

Chief Deputy Treasurer	9909
Executive VIII	9908
Executive VIII	9908
Executive VI	9906
Executive V	9905
Executive V	9905

Executive V	9905
Executive V	9905
Executive IV	9904

## STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

Director	9908
Deputy Director	9906
Executive V	9905

## MARYLAND LOTTERY AND GAMING CONTROL AGENCY

Director	9911
Executive VIII	9908
Executive VII	9907
Executive VII	9907
Executive VII	9907

## DEPARTMENT OF BUDGET AND MANAGEMENT

## Office of the Secretary

Secretary	9911
Deputy Secretary	9909

## Office of Personnel Services and Benefits

Executive VIII	9908
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## Office of Budget Analysis

Executive VIII	9908
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## Office of Capital Budgeting

Executive VII	9907
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## DEPARTMENT OF INFORMATION TECHNOLOGY

Secretary	9911
Executive IX	9909
Deputy Secretary	9908
Executive VIII	9908

## MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

Executive Director	9909
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## TEACHERS AND STATE EMPLOYEES SUPPLEMENTAL RETIREMENT PLANS

Executive VII	9907
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## DEPARTMENT OF GENERAL SERVICES

## Office of the Secretary

Secretary	9909
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Executive VII	9907
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Office of Facilities Operation and  
Maintenance

Executive V	9905
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## Office of Procurement and Logistics

Executive V	9905
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## Office of Real Estate

Executive V	9905
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Office of Facilities Planning, Design  
and Construction

Executive VI	9906
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## DEPARTMENT OF NATURAL RESOURCES

## Office of the Secretary

Secretary	9910
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Deputy Secretary	9908
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Executive VI	9906
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Executive VI	9906
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## Critical Area Commission

Chairman	9906
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## DEPARTMENT OF AGRICULTURE

## Office of the Secretary

Secretary	9909
Deputy Secretary	9907
Executive V	9905

Office of Marketing, Animal Industries and Consumer Services

Executive V	9905
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Office of Plant Industries and Pest Management

Executive V	9905
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Office of Resource Conservation

Executive V	9905
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DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Office of the Secretary

Secretary	9911
Deputy Secretary	9908
Executive VII	9907
Executive VII	9907
Executive V	9905

Office of the Chief Medical Examiner

Chief Medical Examiner Post Mortem	9991
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Laboratories Administration

Executive VI	9906
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Deputy Secretary for Behavioral Health

Executive V	9905
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Developmental Disabilities Administration

Executive VII	9907
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Medical Care Programs Administration

Deputy Secretary	9910
Executive VI	9906
Executive VI	9906

Executive VI 9906

Health Regulatory Commissions

Executive VIII 9908

DEPARTMENT OF HUMAN RESOURCES

Office of the Secretary

Secretary 9911

Deputy Secretary 9908

Deputy Secretary 9908

Deputy Secretary 9908

Social Services Administration

Executive VI 9906

Child Support Enforcement Administration

Executive Director 9906

Family Investment Administration

Executive VI 9906

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Office of the Secretary

Secretary 9910

Deputy Secretary 9908

Division of Labor and Industry

Executive VI 9906

Division of Occupational and Professional Licensing

Executive VI 9906

Division of Workforce Development and Adult Learning

Executive VII 9907

Division of Unemployment Insurance



Assistant State Superintendent	9906
Assistant State Superintendent	9906
Assistant State Superintendent	9906

Maryland Longitudinal Data System Center

Executive VI	9906
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Maryland Higher Education Commission

Secretary	9910
Assistant Secretary	9907

Maryland School for the Deaf

Superintendent	9907
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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Office of the Secretary

Secretary	9910
Deputy Secretary	9908
Executive VIII	9908

Division of Credit Assurance

Executive VI	9906
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Division of Neighborhood Revitalization

Executive VI	9906
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Division of Development Finance

Executive VI	9906
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DEPARTMENT OF COMMERCE

Office of the Secretary

Secretary	9911
Deputy Secretary	9909

Division of Business and Industry Sector Development

Executive VIII	9908
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## Division of Tourism, Film and the Arts

Executive VIII	9908
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## DEPARTMENT OF THE ENVIRONMENT

## Office of the Secretary

Secretary	9910
Deputy Secretary	9908
Executive VIII	9908

## Water Management Administration

Executive VI	9906
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## Land Management Administration

Executive VI	9906
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## Air and Radiation Management Administration

Executive VI	9906
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## DEPARTMENT OF JUVENILE SERVICES

## Office of the Secretary

Secretary	9911
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## Departmental Support

Deputy Secretary	9908
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## Residential and Community Operations

Deputy Secretary	9908
Assistant Secretary	9905

## DEPARTMENT OF STATE POLICE

## Maryland State Police

Superintendent	9911
Executive VIII	9908
Deputy Secretary	9907

SECTION 13. AND BE IT FURTHER ENACTED, That pursuant to Section 2–103.4(h) of the Transportation Article of the Annotated Code of Maryland, the salary schedule for the Department of Transportation executive pay plan during fiscal 2017 shall be as set forth below. Adjustments to the salary schedule may be made during the fiscal year in accordance with the provisions of Section 2–103.4(h) of the Transportation Article. Notwithstanding the inclusion of salaries for positions that are determined by agencies with independent salary setting authority in the salary schedule set forth below, such salaries may be adjusted during the fiscal year in accordance with such salary setting authority.

Fiscal 2017  
Executive Salary Schedule

	Scale	Minimum	Maximum
ES 4	9904	79,953	106,604
ES 5	9905	85,902	114,600
ES 6	9906	92,333	123,236
ES 7	9907	99,275	132,569
ES 8	9908	106,773	142,646
ES 9	9909	114,874	153,532
ES 10	9910	123,618	165,281
ES 11	9911	133,069	177,977
ES 91	9991	153,027	256,866

DEPARTMENT OF TRANSPORTATION

The Secretary's Office

Secretary	9911
Deputy Secretary	9909
Deputy Secretary	9909

Motor Vehicle Administration

Motor Vehicle Administrator	9909
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SECTION 14. AND BE IT FURTHER ENACTED, That if a person is placed by the Departments of Health and Mental Hygiene, Human Resources, or Juvenile Services or the State Department of Education in a facility or program that becomes eligible for Medical Assistance Program (Medicaid) participation, and the Medical Assistance Program makes payment for such services, general funds equal to the general funds paid by the Medical Assistance Program to such a facility or program may be transferred from the previously mentioned departments to the Medical Assistance Program. Further, should the facility or program become eligible subsequent to payment to the facility or program by any of the previously mentioned departments, and the Medical Assistance Program makes subsequent additional payments to the facility or program for the same services, any

recoveries of overpayment, whether paid in this or prior fiscal years, shall become available to the Medical Assistance Program for provider reimbursement purposes.

SECTION 15. AND BE IT FURTHER ENACTED, That all funds appropriated to the various State departments and agencies in Comptroller Object 0831 (Office of Administrative Hearings) to conduct administrative hearings by the Office of Administrative Hearings are to be transferred to the Office of Administrative Hearings (D99A11.01) on July 1, 2016, and may not be expended for any other purpose.

SECTION 16. AND BE IT FURTHER ENACTED, That funds budgeted in the State Department of Education and the Departments of Health and Mental Hygiene, Human Resources, and Juvenile Services may be transferred by budget amendment to the Children's Cabinet Interagency Fund (R00A04.01). Funds transferred would represent costs associated with local partnership agreements approved by the Children's Cabinet Interagency Fund.

SECTION 17. AND BE IT FURTHER ENACTED, That funds appropriated to the various State agency programs and subprograms in Comptroller Objects 0152 (Health Insurance), 0154 (Retirees Health Insurance Premiums), 0175 (Workers' Compensation), 0217 (Health Insurance), 0305 (DBM Paid Telecommunications), 0322 (Capital Lease Telecommunications), 0839 (HR Shared Services), 0874 (Office of Attorney General Administrative Fee), 0876 (DoIT IT Services Allocation), 0894 (State Personnel System Allocation), 0897 (Enterprise Budget System Allocation), and 1303 (rent paid to DGS) are to be utilized for their intended purposes only. ~~The expenditure or transfer of these funds for other purposes requires the prior approval of the Secretary of Budget and Management.~~ Notwithstanding any other provision of law, the Secretary of Budget and Management may transfer amounts appropriated in Comptroller Objects 0152, 0154, 0217, 0305, 0322, and 0876 between State departments and agencies by approved budget amendment in fiscal 2016 and fiscal 2017. All funds budgeted in or transferred to Comptroller Objects 0152 and 0154, and any funds restricted in this budget for use in the employee and retiree health insurance program that are unspent shall be credited to the fund as established in accordance with Section 2-516 of the State Personnel and Pensions Article of the Annotated Code of Maryland.

Further provided that each agency that receives funding in this budget in any of the restricted Comptroller Objects listed within this section shall establish within the State's accounting system a structure of accounts to separately identify for each restricted Comptroller Object, by fund source, the legislative appropriation, monthly transactions, and final expenditures. It is the intent of the General Assembly that an accounting detail be established so that the Office of Legislative Audits may review the disposition of funds appropriated for each restricted Comptroller Object as part of each closeout audit to ensure that funds are used only for the purposes for which they are restricted and that unspent funds are reverted or canceled.

SECTION 18. AND BE IT FURTHER ENACTED, That all funds appropriated to the various State departments and agencies in Comptroller Object 0875 (Retirement Administrative Fee) to support the Maryland State Retirement agency operations are to be

transferred to the Maryland State Retirement agency (G20J01.01) on July 1, 2016, and may not be expended for any other purpose.

SECTION 19. AND BE IT FURTHER ENACTED, That for fiscal 2017 funding for health insurance shall be reduced by ~~\$17,531,823~~ \$18,819,914 in Executive Branch agencies to reflect health insurance savings due to a revised collections estimate. Funding for this purpose shall be reduced in Comptroller Object 0154 (Retirees Health Insurance) within Executive Branch agencies in fiscal 2017 by the following amounts in accordance with a schedule determined by the Governor:

Agency	General Funds
<u>C00</u> <u>Judiciary</u>	<u>1,209,001</u>
C80 Office of the Public Defender	263,021
C81 Office of the Attorney General	43,536
C82 State Prosecutor	2,586
C85 Maryland Tax Court	1,854
D05 Board of Public Works (BPW)	2,717
D10 Executive Department – Governor	19,811
D11 Office of the Deaf and Hard of Hearing	863
D12 Department of Disabilities	4,121
D15 Boards and Commissions	20,556
D16 Secretary of State	4,486
D17 Historic St. Mary’s City Commission	7,454
D18 Governor’s Office for Children	5,112
D25 BPW Interagency Committee for School Construction	7,575
D26 Department of Aging	7,618
D27 Maryland Commission on Civil Rights	8,098
D38 State Board of Elections	6,445
D40 Department of Planning	35,360
D50 Military Department	26,700
D55 Department of Veterans Affairs	13,293
D60 Maryland State Archives	6,468
E00 Comptroller of Maryland	232,043
E20 State Treasurer’s Office	6,997
E50 Department of Assessments and Taxation	86,694
E75 Maryland Lottery and Gaming Control Agency	36,294
E80 Property Tax Assessment Appeals Board	2,029
F10 Department of Budget and Management	38,663
F50 Department of Information Technology	29,068
H00 Department of General Services	69,222
K00 Department of Natural Resources	144,850
L00 Department of Agriculture	75,273
M00 Department of Health and Mental Hygiene	1,424,451
N00 Department of Human Resources	871,985
P00 Department of Labor, Licensing and Regulation	72,985
Q00 Department of Public Safety and Correctional Services	3,260,505
R00 State Department of Education	124,955

R15	Maryland Public Broadcasting Commission	20,069
R62	Maryland Higher Education Commission	6,883
R75	Support for State Operated Institutions of Higher Education	3,835,064
R99	Maryland School for the Deaf	91,119
T00	Department of Commerce	48,934
U00	Department of the Environment	81,574
V00	Department of Juvenile Services	575,868
W00	Department of State Police	610,389
	Total General Funds	<u>12,233,588</u>
		<u>13,442,589</u>

Agency	Special Funds	
<u>C00</u> <u>Judiciary</u>	<u>79,090</u>	
C81	Office of the Attorney General	17,478
C90	Public Service Commission	40,214
C91	Office of the People's Counsel	7,039
C94	Subsequent Injury Fund	5,036
C96	Uninsured Employers Fund	4,558
C98	Workers' Compensation Commission	35,040
D12	Department of Disabilities	366
D13	Maryland Energy Administration	5,707
D15	Boards and Commissions	263
D16	Secretary of State	1,718
D17	Historic St. Mary's City Commission	1,368
D26	Department of Aging	798
D38	State Board of Elections	556
D40	Department of Planning	2,617
D53	Maryland Institute for Emergency Medical Services Systems	27,590
D55	Department of Veterans Affairs	1,802
D60	Maryland State Archives	9,909
D78	Maryland Health Benefit Exchange	13,086
D80	Maryland Insurance Administration	78,214
D90	Canal Place Preservation and Development Authority	386
E00	Comptroller of Maryland	45,148
E20	State Treasurer's Office	756
E50	Department of Assessments and Taxation	94,335
E75	Maryland Lottery and Gaming Control Agency	39,686
F10	Department of Budget and Management	36,598
F50	Department of Information Technology	1,853
G20	State Retirement Agency	43,266
G50	Teachers and State Employees Supplemental Retirement Plans	4,348
H00	Department of General Services	2,337

J00	Department of Transportation	1,842,652
K00	Department of Natural Resources	203,033
L00	Department of Agriculture	31,338
M00	Department of Health and Mental Hygiene	132,440
N00	Department of Human Resources	25,722
P00	Department of Labor, Licensing and Regulation	82,890
Q00	Department of Public Safety and Correctional Services	78,308
R00	State Department of Education	7,596
R15	Maryland Public Broadcasting Commission	23,772
R62	Maryland Higher Education Commission	1,165
S00	Department of Housing and Community Development	70,408
T00	Department of Commerce	14,670
U00	Department of the Environment	126,696
W00	Department of State Police	148,943

## Total Special Funds

~~3,311,705~~3,390,795

Agency	Federal Funds	
C81	Office of the Attorney General	9,013
C90	Public Service Commission	1,244
D12	Department of Disabilities	3,058
D13	Maryland Energy Administration	1,125
D15	Boards and Commissions	5,977
D26	Department of Aging	5,057
D27	Maryland Commission on Civil Rights	2,025
D40	Department of Planning	2,725
D50	Military Department	48,497
D55	Department of Veterans Affairs	2,253
D78	Maryland Health Benefit Exchange	9,984
D80	Maryland Insurance Administration	1,346
H00	Department of General Services	1,260
J00	Department of Transportation	264
K00	Department of Natural Resources	28,479
L00	Department of Agriculture	3,976
M00	Department of Health and Mental Hygiene	251,138
N00	Department of Human Resources	873,521
P00	Department of Labor, Licensing and Regulation	282,858
Q00	Department of Public Safety and Correctional Services	65,485
R00	State Department of Education	281,098
R15	Maryland Public Broadcasting Commission	1,235
R62	Maryland Higher Education Commission	456
R99	Maryland School for the Deaf	1,860
S00	Department of Housing and Community Development	24,957
T00	Department of Commerce	2,162
U00	Department of the Environment	70,976

V00	Department of Juvenile Services	4,501
	Total Federal Funds	<u>1,986,530</u>
		<u>Current Unrestricted Funds</u>
	Agency	
R13	Morgan State University	183,701
R30	University System of Maryland	3,651,363
	Total Current Unrestricted Funds	<u>3,835,064</u>
	Less: General Funds in Higher Education	3,835,064
	Net Current Unrestricted Funds	<u>- 0 -</u>

SECTION 20. AND BE IT FURTHER ENACTED, That the Governor shall abolish 657 vacant regular full-time equivalent positions, inclusive of any legislative position reductions, and reduce general funds of \$20,000,000 and special funds of \$5,000,000 in fiscal 2017. Positions and funding for this purpose shall be reduced within Executive Branch agencies in fiscal 2017 in accordance with a schedule determined by the Governor.

Further provided that the Administration shall have the Board of Public Works approve the position abolitions before July 1, 2016. The Administration shall also provide a list of abolished positions to the budget committees and the Department of Legislative Services.

SECTION 21. AND BE IT FURTHER ENACTED, That the Governor is hereby authorized to transfer by approved budget amendment from State agencies to the F50B04 Department of Information Technology (DoIT), positions and funding related to statewide enterprise services to be provided by DoIT in fiscal 2017.

SECTION 22. AND BE IT FURTHER ENACTED, That the Governor's budget books shall include a forecast of the impact of the Executive budget proposal on the long-term fiscal condition of the General Fund, the Transportation Trust Fund, and higher education Current Unrestricted Fund accounts. This forecast shall estimate aggregate revenues, expenditures, and fund balances in each account for the fiscal year last completed, the current year, the budget year, and four years thereafter. Expenditures shall be reported at such agency, program or unit levels, or categories as may be determined appropriate after consultation with the Department of Legislative Services. A statement of major assumptions underlying the forecast shall also be provided, including but not limited to general salary increases, inflation, and growth of caseloads in significant program areas.

SECTION 23. AND BE IT FURTHER ENACTED, That all across-the-board reductions applied to the Executive Branch, unless otherwise stated, shall apply to current unrestricted and general funds in the University System of Maryland, St. Mary's College

of Maryland, Morgan State University, and Baltimore City Community College.

SECTION 24. AND BE IT FURTHER ENACTED, That the General Accounting Division of the Comptroller of Maryland shall establish a subsidiary ledger control account to debit all State agency funds budgeted under subobject 0175 (Workers' Compensation coverage) and to credit all payments disbursed to the Chesapeake Employers' Insurance Company (CEIC) via transmittal. The control account shall also record all funds withdrawn from CEIC and returned to the State and subsequently transferred to the General Fund. CEIC shall submit monthly reports to the Department of Legislative Services concerning the status of the account.

SECTION 25. AND BE IT FURTHER ENACTED, That the Governor's budget books shall include a summary statement of federal revenues by major federal program sources supporting the federal appropriations made therein along with the major assumptions underpinning the federal fund estimates. The Department of Budget and Management (DBM) shall exercise due diligence in reporting this data and ensure that they are updated as appropriate to reflect ongoing congressional action on the federal budget. In addition, DBM shall provide to the Department of Legislative Services (DLS) data for the actual, current, and budget years listing the components of each federal fund appropriation by Catalog of Federal Domestic Assistance number or equivalent detail for programs not in the catalog. Data shall be provided in an electronic format subject to the concurrence of DLS.

SECTION 26. AND BE IT FURTHER ENACTED, That in the expenditure of federal funds appropriated in this budget or subsequent to the enactment of this budget by the budget amendment process:

(1) State agencies shall administer these federal funds in a manner that recognizes that federal funds are taxpayer dollars that require prudent fiscal management, careful application to the purposes for which they are directed, and strict attention to budgetary and accounting procedures established for the administration of all public funds.

(2) For fiscal 2017, except with respect to capital appropriations, to the extent consistent with federal requirements:

(i) when expenditures or encumbrances may be charged to either State or federal fund sources, federal funds shall be charged before State funds are charged except that this policy does not apply to the Department of Human Resources with respect to federal funds to be carried forward into future years for child welfare or welfare reform activities;

(ii) when additional federal funds are sought or otherwise become available in the course of the fiscal year, agencies shall consider, in consultation with the Department of Budget and Management (DBM), whether opportunities exist to use these federal revenues to support existing operations rather than to expand programs or establish new ones; and

(iii) DBM shall take appropriate actions to effectively establish the provisions of this section as policies of the State with respect to the administration of federal funds by executive agencies.

SECTION 27. AND BE IT FURTHER ENACTED, That the Department of Budget and Management (DBM) shall provide an annual report on indirect costs to the General Assembly in January 2017 as an appendix in the Governor's fiscal 2018 budget books. The report must detail by agency for the actual fiscal 2016 budget the amount of statewide indirect cost recovery received, the amount of statewide indirect cost recovery transferred to the General Fund, and the amount of indirect cost recovery retained for use by each agency. In addition, the report must list the most recently available federally approved statewide and internal agency cost-recovery rates. As part of the normal fiscal/compliance audit performed for each agency once every three years, the Office of Legislative Audits shall assess available information on the timeliness, completeness, and deposit history of indirect cost recoveries by State agencies. Further provided that for fiscal 2017, excluding the Maryland Department of Transportation, the amount of revenue received by each agency from any federal source for statewide cost recovery shall be transferred only to the General Fund and may not be retained in any clearing account or by any other means, nor may DBM or any other agency or entity approve exemptions to permit any agency to retain any portion of federal statewide cost recoveries.

SECTION 28. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that all State departments, agencies, bureaus, commissions, boards, and other organizational units included in the State budget, including the Judiciary, shall prepare and submit items for the fiscal 2018 budget detailed by Comptroller subobject classification in accordance with instructions promulgated by the Comptroller of Maryland. The presentation of budget data in the Governor's budget books shall include object, fund, and personnel data in the manner provided for in fiscal 2017 except as indicated elsewhere in this Act; however, this may not preclude the placement of additional information into the budget books. For actual fiscal 2016 spending, the fiscal 2017 working appropriation, and the fiscal 2018 allowance, the budget detail shall be available from the Department of Budget and Management (DBM) automated data system at the subobject level by subobject codes and classifications for all agencies. To the extent possible, except for public higher education institutions, subobject expenditures shall be designated by fund for actual fiscal 2016 spending, the fiscal 2017 working appropriation, and the fiscal 2018 allowance. The agencies shall exercise due diligence in reporting this data and ensuring correspondence between reported position and expenditure data for the actual, current, and budget fiscal years. This data shall be made available on request and in a format subject to the concurrence of the Department of Legislative Services (DLS). Further, the expenditure of appropriations shall be reported and accounted for by the subobject classification in accordance with the instructions promulgated by the Comptroller of Maryland.

Further provided that due diligence shall be taken to accurately report full-time equivalent counts of contractual positions in the budget books. For the purpose of this count, contractual positions are defined as those individuals having an employee-employer relationship with the State. This count shall include those individuals in higher education institutions who meet this definition but are paid with additional assistance funds.

Further provided that DBM shall provide to DLS the allowance for each department, unit, agency, office, and institution, a one-page organizational chart in Microsoft Word or Adobe PDF format that depicts the allocation of personnel across operational and administrative activities of the entity.

Further provided that for each across-the-board reduction to appropriations or positions in the fiscal 2018 budget bill affecting fiscal 2017 or 2018, DBM shall allocate the reduction for each agency in a level of detail not less than the three-digit R\*Stars financial agency code and by each fund type.

Further provided that, ~~for fiscal 2017, any appropriations approved in this Act that are determined to be in excess of the needs of any agency or program above the aggregate estimate of \$30,000,000 in reversions may be withdrawn either through Board of Public Works, in accordance with Section 7-213 of the State Finance and Procurement Article, or through a deficiency appropriation in the fiscal 2018 budget bill.~~ ***for the purposes of developing Appendix A in the Maryland Budget Highlights for fiscal 2018, the Governor may not reflect more than \$30,000,000 in general fund reversions for fiscal 2017. For appropriations approved in this Act that are determined to be in excess of the needs of any agency or program above the aggregate estimate of \$30,000,000 in reversions, the fiscal 2018 budget bill should include negative deficiencies.***

SECTION 29. AND BE IT FURTHER ENACTED, That on or before August 1, 2016, each State agency and each public institution of higher education shall report to the Department of Budget and Management (DBM) any agreements in place for any part of fiscal 2016 between State agencies and any public institution of higher education involving potential expenditures in excess of \$100,000 over the term of the agreement. Further provided that DBM shall provide direction and guidance to all State agencies and public institutions of higher education as to the procedures and specific elements of data to be reported with respect to these interagency agreements, to include at a minimum:

- (1) a common code for each interagency agreement that specifically identifies each agreement and the fiscal year in which the agreement began;
- (2) the starting date for each agreement;
- (3) the ending date for each agreement;
- (4) a total potential expenditure, or not-to-exceed dollar amount, for the services to be rendered over the term of the agreement by any public institution of higher education to any State agency;
- (5) a description of the nature of the goods and services to be provided;
- (6) the total number of personnel, both full-time and part-time, associated with the agreement;

(7) contact information for the agency and the public institution of higher education for the person(s) having direct oversight or knowledge of the agreement;

(8) the amount and rate of any indirect cost recovery or overhead charges assessed by the institution of higher education related to the agreement; and

(9) the justification submitted to DBM for indirect cost recovery rates greater than 20%.

Further provided that DBM shall submit a consolidated report to the budget committees and the Department of Legislative Services by December 1, 2016, that contains information on all agreements between State agencies and any public institution of higher education involving potential expenditures in excess of \$100,000 that were in effect at any time during fiscal 2016.

Further provided that the Secretary shall review each current higher education interagency agreement in excess of \$500,000 to determine why the services cannot be provided by the State agencies and is, therefore, appropriate for using higher education; ensure that agencies maintain documentation of all agreements, amendments, task orders, and invoices; ensure that the overhead charges and direct service costs are not excessive; and ensure that all work performed by higher education is documented. Further provided that no new higher education interagency agreement may be entered into during fiscal 2017 without prior approval of the Secretary.

SECTION 30. AND BE IT FURTHER ENACTED, That any budget amendment to increase the total amount of special, federal, or higher education (current restricted and current unrestricted) fund appropriations, or to make reimbursable fund transfers from the Governor's Office of Crime Control and Prevention or the Maryland Emergency Management Agency, made in Section 1 of this Act shall be subject to the following restrictions:

(1) This section may not apply to budget amendments for the sole purpose of:

(i) appropriating funds available as a result of the award of federal disaster assistance; and

(ii) transferring funds from the State Reserve Fund – Economic Development Opportunities Fund for projects approved by the Legislative Policy Committee.

(2) Budget amendments increasing total appropriations in any fund account by \$100,000 or more may not be approved by the Governor until:

(i) that amendment has been submitted to the Department of Legislative Services (DLS); and

(ii) the budget committees or the Legislative Policy Committee have considered the amendment or 45 days have elapsed from the date of submission of the amendment. Each amendment submitted to DLS shall include a statement of the amount, sources of funds and purposes of the amendment, and a summary of the impact on regular position or contractual full-time equivalent payroll requirements.

(3) Unless permitted by the budget bill or the accompanying supporting documentation or by any other authorizing legislation, and notwithstanding the provisions of Section 3-216 of the Transportation Article, a budget amendment may not:

(i) restore funds for items or purposes specifically denied by the General Assembly;

(ii) fund a capital project not authorized by the General Assembly provided, however, that subject to provisions of the Transportation Article, projects of the Maryland Department of Transportation (MDOT) shall be restricted as provided in Section 1 of this Act;

(iii) increase the scope of a capital project by an amount 7.5% or more over the approved estimate or 5.0% or more over the net square footage of the approved project until the amendment has been submitted to DLS, and the budget committees have considered and offered comment to the Governor or 45 days have elapsed from the date of submission of the amendment. This provision does not apply to MDOT; and

(iv) provide for the additional appropriation of special, federal, or higher education funds of more than \$100,000 for the reclassification of a position or positions.

(4) A budget may not be amended to increase a federal fund appropriation by \$100,000 or more unless documentation evidencing the increase in funds is provided with the amendment and fund availability is certified by the Secretary of the Department of Budget and Management (DBM).

(5) No expenditure or contractual obligation of funds authorized by a proposed budget amendment may be made prior to approval of that amendment by the Governor.

(6) Notwithstanding the provisions of this section, any federal, special, or higher education fund appropriation may be increased by budget amendment upon a declaration by the Board of Public Works that the amendment is essential to maintaining public safety, health, or welfare, including protecting the environment or the economic welfare of the State.

(7) Budget amendments for new major information technology projects, as defined by Sections 3A-301 and 3A-302 of the State Finance and Procurement Article, must include an Information Technology Project Request, as defined in Section 3A-308 of

the State Finance and Procurement Article.

(8) Further provided that the fiscal 2017 appropriation detail as shown in the Governor's budget books submitted to the General Assembly in January 2017 and the supporting electronic detail may not include appropriations for budget amendments that have not been signed by the Governor, exclusive of the MDOT pay-as-you-go capital program.

(9) Further provided that it is the policy of the State to recognize and appropriate additional special, higher education, and federal revenues in the budget bill as approved by the General Assembly. Further provided that for the fiscal 2018 allowance, DBM shall continue policies and procedures to minimize reliance on budget amendments for appropriations that could be included in a deficiency appropriation.

SECTION 31. AND BE IT FURTHER ENACTED, That:

(1) The Secretary of the Department of Health and Mental Hygiene shall maintain the accounting systems necessary to determine the extent to which funds appropriated for fiscal 2016 in program M00Q01.03 Medical Care Provider Reimbursements have been disbursed for services provided in that fiscal year and shall prepare and submit the periodic reports required under this section for that program.

(2) The State Superintendent of Schools shall maintain the accounting systems necessary to determine the extent to which funds appropriated for fiscal 2016 to program R00A02.07 Students With Disabilities for Non-Public Placements have been disbursed for services provided in that fiscal year and to prepare periodic reports as required under this section for that program.

(3) The Secretary of the Department of Human Resources shall maintain the accounting systems necessary to determine the extent to which funds appropriated for fiscal 2016 in program N00G00.01 Foster Care Maintenance Payments have been disbursed for services provided in that fiscal year, including detail on average monthly caseload, average monthly cost per case, and the total expended for each foster care program, and to prepare the periodic reports required under this section for that program.

(4) For the programs specified, reports must indicate total appropriations for fiscal 2016 and total disbursements for services provided during that fiscal year up through the last day of the second month preceding the date on which the report is to be submitted and a comparison to data applicable to those periods in the preceding fiscal year.

(5) Reports shall be submitted to the budget committees, the Department of Legislative Services, the Department of Budget and Management, and the Comptroller on November 1, 2016; March 1, 2017; and June 1, 2017.

(6) It is the intent of the General Assembly that general funds appropriated for fiscal 2016 to the programs specified that have not been disbursed within a reasonable period, not to exceed 12 months from the end of the fiscal year, shall revert.

SECTION 32. AND BE IT FURTHER ENACTED, That no funds in this budget may be expended to pay the salary of a Secretary or an Acting Secretary of any department whose nomination as Secretary has been rejected by the Senate or an Acting Secretary who was serving in that capacity prior to the 2016 session whose nomination for the Secretary position was not put forward and approved by the Senate during the 2016 session unless the Acting Secretary is appointed under Article II, Section 11 of the Maryland Constitution prior to July 1, 2016.

SECTION 33. AND BE IT FURTHER ENACTED, That the Board of Public Works (BPW), in exercising its authority to create additional positions pursuant to Section 7-236 of the State Finance and Procurement Article, may authorize during the fiscal year no more than 100 positions in excess of the total number of authorized State positions on July 1, 2016, as determined by the Secretary of the Department of Budget and Management (DBM). Provided, however, that if the imposition of this ceiling causes undue hardship in any department, agency, board, or commission, additional positions may be created for that affected unit to the extent that positions authorized by the General Assembly for the fiscal year are abolished in that unit or in other units of State government. It is further provided that the limit of 100 does not apply to any position that may be created in conformance with specific manpower statutes that may be enacted by the State or federal government nor to any positions created to implement block grant actions or to implement a program reflecting fundamental changes in federal/State relationships. Notwithstanding anything contained in this section, BPW may authorize additional positions to meet public emergencies resulting from an act of God and violent acts of man that are necessary to protect the health and safety of the people of Maryland.

BPW may authorize the creation of additional positions within the Executive Branch provided that 1.25 full-time equivalent contractual positions are abolished for each regular position authorized and that there be no increase in agency funds in the current budget and the next two subsequent budgets as the result of this action. It is the intent of the General Assembly that priority is given to converting individuals that have been in contractual positions for at least two years. Any position created by this method may not be counted within the limitation of 100 under this section.

The numerical limitation on the creation of positions by BPW established in this section may not apply to positions entirely supported by funds from federal or other non-State sources so long as both the appointing authority for the position and the Secretary of DBM certify for each position created under this exception that:

(1) funds are available from non-State sources for each position established under this exception; and

(2) any positions created will be abolished in the event that non-State funds are no longer available.

Further provided that this numerical limitation does not apply to 78.5 total positions in the Department of Health and Mental Hygiene's program M00L08.01 Springfield

Hospital Center, program M00L11.01 John L. Gildner Regional Institute for Children and Adolescents, and program M00L05.01 Regional Institute for Children and Adolescents – Baltimore to restore the positions reduced due to privatization and bed reductions.

The Secretary of DBM shall certify and report to the General Assembly by June 30, 2017, the status of positions created with non-State funding sources during fiscal 2013 through 2017 under this provision as remaining, authorized, or abolished due to the discontinuation of funds.

SECTION 34. AND BE IT FURTHER ENACTED, That immediately following the close of fiscal 2016, the Secretary of the Department of Budget and Management (DBM) shall determine the total number of full-time equivalent (FTE) positions that are authorized as of the last day of fiscal 2016 and on the first day of fiscal 2017. Authorized positions shall include all positions authorized by the General Assembly in the personnel detail of the budgets for fiscal 2016 and 2017, including nonbudgetary programs, the Maryland Transportation Authority, the University System of Maryland self-supported activities, and the Maryland Correctional Enterprises.

DBM shall also prepare a report during fiscal 2017 for the budget committees upon creation of regular FTE positions through Board of Public Works action and upon transfer or abolition of positions. This report shall also be provided as an appendix in the fiscal 2018 Governor's budget books. It shall note, at the program level:

- (1) where regular FTE positions have been abolished;
  - (2) where regular FTE positions have been created;
  - (3) from where and to where regular FTE positions have been transferred;
- and
- (4) where any other adjustments have been made.

Provision of contractual FTE position information in the same fashion as reported in the appendices of the fiscal 2018 Governor's budget books shall also be provided.

SECTION 35. AND BE IT FURTHER ENACTED, That the Department of Budget and Management and the Maryland Department of Transportation are required to submit to the Department of Legislative Services (DLS) Office of Policy Analysis:

- (1) a report in Excel format listing the grade, salary, title, and incumbent of each position in the Executive Pay Plan (EPP) as of July 15, 2016; October 15, 2016; January 15, 2017; and April 15, 2017; and

- (2) detail on any lump-sum increases given to employees paid on the EPP subsequent to the previous quarterly report.

Flat-rate employees on the EPP shall be included in these reports. Each position in

the report shall be assigned a unique identifier that describes the program to which the position is assigned for budget purposes and corresponds to the manner of identification of positions within the budget data provided annually to the DLS Office of Policy Analysis.

SECTION 36. AND BE IT FURTHER ENACTED, That no position identification number assigned to a position abolished in this budget may be reassigned to a job or function different from that to which it was assigned when the budget was submitted to the General Assembly. Incumbents in positions abolished may continue State employment in another position.

SECTION 37. AND BE IT FURTHER ENACTED, That the Secretary of the Department of Budget and Management shall include as an appendix in the fiscal 2018 Governor's budget books an accounting of the fiscal 2016 actual, fiscal 2017 working appropriation, and fiscal 2018 estimated revenues and expenditures associated with the employees' and retirees' health plan. The data in this report should be consistent with the budget data submitted to the Department of Legislative Services. This accounting shall include:

(1) any health plan receipts received from State agencies, employees, and retirees, as well as prescription rebates or recoveries, or audit recoveries, and other miscellaneous recoveries;

(2) any premium, capitated, or claims expenditures paid on behalf of State employees and retirees for any health, mental health, dental, or prescription plan, as well as any administrative costs not covered by these plans; and

(3) any balance remaining and held in reserve for future provider payments.

SECTION 38. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Department of Planning, the Department of Natural Resources, the Maryland Department of Agriculture, the Maryland Department of the Environment, and the Department of Budget and Management provide a report to the budget committees by December 1, 2016, on Chesapeake Bay restoration spending. The report shall be drafted subject to the concurrence of the Department of Legislative Services (DLS) in terms of both electronic format to be used and data to be included. The report should include:

(1) fiscal 2016 annual spending by fund, fund source, program, and State government agency; associated nutrient and sediment reduction; and the impact on living resources and ambient water quality criteria for dissolved oxygen, water clarity, and "chlorophyll a" for the Chesapeake Bay and its tidal tributaries to be submitted electronically in disaggregated form to DLS;

(2) projected fiscal 2017 to 2025 annual spending by fund, fund source, program, and State government agency; associated nutrient and sediment reductions; and the impact on living resources and ambient water quality criteria for dissolved oxygen,

water clarity, and “chlorophyll a” for the Chesapeake Bay and its tidal tributaries to be submitted electronically in disaggregated form to DLS;

(3) an overall framework discussing the needed regulations, revenues, laws, and administrative actions and their impacts on individuals, organizations, governments, and businesses by year from fiscal 2016 to 2025 in order to reach the calendar 2025 requirement of having all best management practices in place to meet water quality standards for restoring the Chesapeake Bay to be both written in narrative form and tabulated in spreadsheet form that is submitted electronically in disaggregated form to DLS; and

(4) an analysis of the various options for financing Chesapeake Bay restoration including public–private partnerships, a regional financing authority, nutrient trading, technological developments, and any other policy innovations that would improve the effectiveness of Maryland and other states’ efforts toward Chesapeake Bay restoration.

SECTION 39. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Department of Budget and Management, the Department of Natural Resources, and the Maryland Department of the Environment provide two reports on Chesapeake Bay restoration spending. The reports shall be drafted subject to the concurrence of the Department of Legislative Services (DLS) in terms of both electronic format to be used and data to be included. The scope of the reports is as follows:

(1) Chesapeake Bay restoration operating and capital expenditures by agency, fund type, and particular fund source based on programs that have over 50% of their activities directly related to Chesapeake Bay restoration for the fiscal 2016 actual, fiscal 2017 working appropriation, and fiscal 2018 allowance to be included as an appendix in the Governor’s fiscal 2018 budget books and submitted electronically in disaggregated form to DLS; and

(2) two–year milestones funding by agency, best management practice, fund type, and particular fund source along with associated nutrient and sediment reductions for fiscal 2015, 2016, 2017, and 2018 to be submitted electronically in disaggregated form to DLS.

SECTION 40. AND BE IT FURTHER ENACTED, That the Department of Budget and Management shall provide an annual report on the revenue from the Regional Greenhouse Gas Initiative (RGGI) carbon dioxide emission allowance auctions and set–aside allowances to the General Assembly in conjunction with the submission of the fiscal 2018 budget and annually thereafter as an appendix to the Governor’s budget books. This report shall include information for the actual fiscal 2016 budget, fiscal 2017 working appropriation, and fiscal 2018 allowance. The report shall detail revenue assumptions used to calculate the available Strategic Energy Investment Fund (SEIF) from RGGI auctions for each fiscal year including:

(1) the number of auctions;

- (2) the number of allowances sold;
- (3) the allowance price for both current and future (if offered) control period allowances sold in each auction;
- (4) prior year fund balance from RGGI auction revenue to support the appropriation; and
- (5) anticipated revenue from set-aside allowances.

The report shall also include detail on the amount of the SEIF from RGGI auction revenue available to each agency that receives funding through each required allocation, separately identifying any prior year fund balance for:

- (1) energy assistance;
- (2) energy efficiency and conservation programs, low- and moderate-income sector;
- (3) energy efficiency and conservation programs, all other sectors;
- (4) renewable and clean energy programs and initiatives, education, climate change, and resiliency programs;
- (5) administrative expenditures;
- (6) dues owed to the RGGI, Inc.; and
- (7) transfers or diversions of revenue made to other funds.

SECTION 41. AND BE IT FURTHER ENACTED, That \$1,000,000 of the general fund appropriation within the Department of State Police (DSP) may not be expended until DSP submits the Crime in Maryland, 2015 Uniform Crime Report (UCR) to the budget committees. The budget committees shall have 45 days to review and comment following receipt of the report. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that if DSP encounters difficulty obtaining necessary crime data on a timely basis from local jurisdictions who provide the data for inclusion in the UCR, DSP shall notify the Governor's Office of Crime Control and Prevention (GOCCP). GOCCP shall withhold a portion, totaling at least 15% but no more than 50%, of that jurisdiction's State Aid for Police Protection (SAPP) grant for fiscal 2017 upon receipt of notification from DSP. GOCCP shall withhold SAPP funds until such a time that the jurisdiction submits its crime data to DSP. DSP and GOCCP shall submit a report to the budget committees indicating any jurisdiction from which crime data was not received on a timely basis and the amount of SAPP funding withheld from each jurisdiction.

SECTION 42. AND BE IT FURTHER ENACTED, That \$100,000 of the special fund appropriation in the Motor Vehicle Administration (MVA) and \$100,000 of the special fund appropriation in the Public Service Commission (PSC) may not be expended unless MVA and PSC submit ~~(1) a joint report by October 1, 2016, detailing how each agency plans to~~ *the status of implementation of procedures to comply with the professional license suspension program in the Department of Human Resources – Child Support Enforcement Administration (CSEA), and (2) a follow-up report before December 1, 2016, with the status of implementation of procedures to comply with the professional license suspension program planned in the first report* including the number of referrals made to the licensing agencies to date by CSEA in fiscal 2017 and the number of licenses suspended. *The report should include planned actions to address any identified shortfalls in implementation.* The budget committees shall have 45 days to review and comment.

Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the reports are not submitted to the budget committees.

SECTION 43. AND BE IT FURTHER ENACTED, That \$100,000 of the general fund appropriation within the Department of Juvenile Services (DJS) and \$100,000 of the general fund appropriation within the Juvenile Services Education (JSE) unit of the Maryland State Department of Education (MSDE) may not be expended until:

(1) DJS and MSDE jointly submit a report to the budget committees on:

(a) The advancements made toward addressing the following concerns with DJS education services:

- (i) lack of postsecondary, vocational, and work opportunities;
- (ii) grouping classes by living unit as opposed to skill level;
- (iii) high vacancy rates and turnover for facility staff and a lack of a substitute system;
- (iv) space limitations due to the physical plant and age of the DJS facilities;
- (v) adherence to students' Individualized Education Programs;
- (vi) the potential for establishing a tuition assistance or student loan repayment program for students in higher education institutions who commit to teaching in a JSE facility and a Grow Your Own program; and
- (vii) recordkeeping and transition services between DJS facility schools and local school systems.

(b) The mechanisms for ensuring proper communication between MSDE, DJS, and local school systems, particularly when a lack of services has been identified or a complaint has been lodged.

(c) A detailed accounting of how the additional resources provided in the fiscal 2017 allowance have been utilized, the impact those resources have had on the delivery of education services, and the total amount of education funds allocated to each facility by funding source.

(d) Information on each contract between DJS and a private provider that delivers education services to committed youth, including the education services provided, the cost of those services, and the number of youth served.

(e) The development of measures evaluating the performance of the JSE program, to include but not be limited to the following measures:

(i) average length of time to transition student records between a JSE school and a local school system;

(ii) teacher vacancy rates and length of tenure;

(iii) contacts with local school system liaisons to support student transition into the community;

(iv) students participating in postsecondary opportunities and vocational opportunities; and

(v) the number of classroom hours canceled due to the unavailability of a teacher or substitute.

Provided that the report shall be submitted to the budget committees no later than November 15, 2016, with follow-up reports submitted biannually; and

(2) Data for the identified performance measures shall be included in MSDE's annual Managing for Results performance measure submission beginning with the fiscal 2018 allowance submitted in January 2017.

The budget committees shall have 45 days to review and comment from the date of each submission. It is the intent of the budget committees that \$50,000 be released to each agency upon receipt and approval of the November 2016 report. The remaining \$50,000 shall be released to each agency upon satisfactory submission of the performance measure data with the fiscal 2018 allowance. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

SECTION 44. AND BE IT FURTHER ENACTED, That \$1,000,000 of the general

fund appropriation in Program M00L01.02 Community Services made for the purpose of establishing a Center of Excellence for Prevention and Treatment, \$50,000 of the general fund appropriation in Program N00B00.04 General Administration – State made for the purpose of implementing a heroin screening tool, and \$50,000 of the general fund appropriation in Program V00D02.01 Departmental Support made for the purpose of establishing a heroin screening tool may not be expended for those purposes and instead may only be transferred to Program M00L01.02 Community Services for the purpose of funding an expansion of the current substance use disorder treatment services provided in that program. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

SECTION 46. AND BE IT FURTHER ENACTED, That the following amounts, totaling \$446,000, shall be added to the general fund appropriation for programs of the General Assembly to provide the requested amounts net of the statewide across-the-board reduction for employee and retiree health insurance:

<u>B75A01.01</u>	<u>Senate</u>	<u>80,830</u>
<u>B75A01.02</u>	<u>House of Delegates</u>	<u>140,391</u>
<u>B75A01.03</u>	<u>General Legislative Expenses</u>	<u>1,168</u>
<u>B75A01.04</u>	<u>Office of the Executive Director</u>	<u>54,738</u>
<u>B75A01.05</u>	<u>Office of Legislative Audits</u>	<u>66,967</u>
<u>B75A01.06</u>	<u>Office of Legislative Information Systems</u>	<u>18,634</u>
<u>B75A01.07</u>	<u>Office of Policy Analysis</u>	<u>83,272</u>
	<u>Total General Funds</u>	<u>446,000</u>

SECTION 47. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, in fiscal 2016 and 2017, the Developmental Disabilities Administration within the Department of Health and Mental Hygiene shall:

(1) determine all cost savings realized due to nonpayment to providers for weather-related closures;

(2) implement a methodology to distribute funds from cost savings realized due to nonpayment to providers for weather-related closures to:

(i) providers that experienced loss of revenue due to weather-related closures; and

(ii) residential service providers that experienced weather-related costs including staff overtime, resident relocation, or other costs necessary to ensure health and safety; and

(3) distribute, based on the proportion of financial loss reported by each provider and to the extent funds are available in the budget, all funds from cost savings realized due to nonpayment to providers for weather-related closures to providers submitting required information.

To be eligible to receive redistributed funds from cost savings realized due to nonpayment to providers for weather-related closures, a provider shall report to the department:

- (1) the date or dates of each weather-related absence for which a claim is being submitted;
- (2) a detailed listing of financial losses and/or increased costs directly attributed to each weather-related absence; and
- (3) an explanation of how the claimed amount of financial losses and increased costs were determined.

The department shall prepare guidelines and instructions for providers to submit weather-related claims. In addition, the department must, within 30 days after the end of the fiscal year, report to the committees the amount of funds from cost savings realized due to nonpayment to providers that is distributed to providers in fiscal 2016 and 2017.

SECTION ~~22~~ 48. AND BE IT FURTHER ENACTED, That numerals of this bill showing subtotals and totals are informative only and are not actual appropriations. The actual appropriations are in the numerals for individual items of appropriation. It is the legislative intent that in subsequent printings of the bill the numerals in subtotals and totals shall be administratively corrected or adjusted for continuing purposes of information, in order to be in arithmetic accord with the numerals in the individual items.

SECTION ~~23~~ 49. AND BE IT FURTHER ENACTED, That pursuant to the provisions of Article III, Section 52(5a) of the Maryland Constitution, the following total of all proposed appropriations and the total of all estimated revenues available to pay the appropriations for the 2017 fiscal year are submitted.

**BUDGET SUMMARY (\$)****Fiscal Year 2016**

General Fund Balance, June 30, 2015 available for 2016 Operations		320,393,038
2016 Estimated Revenues (all funds)		40,444,891,468
Reimbursement from reserve for Tax Credits		18,306,619
Transfer from other funds		4,500,000
2016 Appropriations as amended (all funds)	40,439,609,695	
2016 Deficiencies (all funds)	179,723,185	
Specific Reversions	(266,688,140)	
Prior Year Reversions	(37,000,000)	
Estimated Agency Reversions	(30,000,000)	
	<hr/>	
Subtotal Appropriations (all funds)		40,285,644,740
2016 General Funds Reserved for 2017 Operations		502,446,385

**Fiscal Year 2017**

2016 General Funds Reserved for 2017 Operations		502,446,385
2017 Estimated Revenues (all funds)		42,196,927,992
Reimbursement from reserve for Tax Credits		17,110,000
2017 Appropriations (all funds)	42,340,990,668	
Budget Bill Reductions	(42,531,823)	
Estimated Agency General Fund Reversions	(31,431,984)	
	<hr/>	
Subtotal Appropriations (all funds)		42,267,026,860
2017 General Fund Unappropriated Balance		449,457,516

SUPPLEMENTAL BUDGET NO. 1 – FISCAL YEAR 2017

February 5, 2016

Mr. President, Mr. Speaker,  
Ladies and Gentlemen of the General Assembly:

Pursuant to the authority conferred on me by Article III, Section 52, Subsection (5) of the Constitution of Maryland, and in accordance with the consent of the (State Senate) – (House of Delegates), duly granted, I hereby submit a supplement to Senate Bill 190 and/or House Bill 150 in the form of an amendment to the original budget for the Fiscal Year ending June 30, 2017.

Supplemental Budget No. 1 will affect previously estimated funds available for budget operations as shown on the following summary statement.

SUPPLEMENTAL BUDGET SUMMARY

Sources:

Estimated general fund unappropriated balance		
July 1, 2017 (per Original Budget)		449,457,516

Uses:

General Funds	15,000,000	
		<u>15,000,000</u>

Revised estimated general fund unappropriated		
Balance July 1, 2017		434,457,516

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

1. M00F03.04 Family Health and Chronic Disease Services

In addition to the appropriation shown on page 58 of the printed bill (first reading file bill), to provide an operating grant to the Board of Directors of the University of Maryland Medical System to assist in the transition to a new Prince George’s County Regional Medical System.

Object .12 Grants, Subsidies and Contributions .....	15,000,000	
General Fund Appropriation .....		15,000,000

It is the intent of the Administration that a grant to the Board of Directors of the University of Maryland Medical System shall be provided from fiscal 2018 to 2021. The grants shall be \$15,000,000 in fiscal 2018, \$15,000,000 in fiscal year 2019, \$5,000,000 in fiscal 2020, and \$5,000,000 in fiscal 2021.

## SUMMARY

## SUPPLEMENTAL APPROPRIATIONS

	General Funds	Special Funds	Federal Funds	Current Unrestricted Funds	Total Funds
Appropriation					
2016 FY	0	0	0	0	0
2017 FY	<u>15,000,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>15,000,000</u>
Subtotal	<u>15,000,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>15,000,000</u>
Reduction in Appropriation					
2016 FY	0	0	0	0	0
2017 FY	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Net Change in Appropriation	<u><u>15,000,000</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>15,000,000</u></u>

Sincerely,

Lawrence J. Hogan, Jr.  
Governor

## SUPPLEMENTAL BUDGET NO. 2 – FISCAL YEAR 2017

February 11, 2016

Mr. President, Mr. Speaker,  
Ladies and Gentlemen of the General Assembly:

Pursuant to the authority conferred on me by Article III, Section 52, Subsection (5) of the Constitution of Maryland, and in accordance with the consent of the (State Senate) – (House of Delegates), duly granted, I hereby submit a supplement to Senate Bill 190 and/or House Bill 150 in the form of an amendment to the original budget for the Fiscal Year ending June 30, 2017.

Supplemental Budget No. 2 will affect previously estimated funds available for budget operations as shown on the following summary statement.

SUPPLEMENTAL BUDGET SUMMARY

## Sources:

Estimated general fund unappropriated balance July 1, 2017 (per Supplemental Budget #1)		434,457,516
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## Special Funds

J00301 Transportation Trust Fund	11,000,000	
SWF305 Cigarette Restitution Fund	420,644	11,420,644

## Federal Funds

93.778 Medical Assistance Program	82,803	82,803
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Total Available		445,960,963
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## Uses:

General Funds	26,554,092	
Special Funds	11,420,644	
Federal Funds	82,803	38,057,539

Revised estimated general fund unappropriated Balance July 1, 2017		407,903,424
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## DEPARTMENT OF TRANSPORTATION

1. J00B01.01 State System Construction and  
Equipment

In addition to the appropriation shown on page  
37 of the printed bill (first reading file bill),

to provide funds for Watershed Implementation Plan activities in accordance with Section 8-613.3 of the Transportation Article.

Object .14 Land and Structures.....	11,000,000	
Special Fund Appropriation.....		11,000,000

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

2. M00L01.02 Community Services

In addition to the appropriation shown on page 60 of the printed bill (first reading file bill), to provide funds for a 2% rate increase for providers of substance use services for the uninsured.

Object .08 Contractual Services.....	2,282,539	
General Fund Appropriation .....		1,779,092
Special Fund Appropriation.....		420,644
Federal Fund Appropriation.....		82,803

MARYLAND HIGHER EDUCATION COMMISSION

3. R62I00.40 Maryland Early Graduation Scholarship Program

To add an appropriation on page 107 of the printed bill (first reading file bill), to provide funds for the Maryland Early Graduation Scholarship Program.

Object .12 Grants, Subsidies and Contributions .....	3,000,000	
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General Fund Appropriation, provided that \$3,000,000 of this appropriation made for the purpose of the Maryland Early Graduation Scholarship may not be expended for that purpose but instead may only be transferred as follows:

- (1) ~~\$610,000~~ \$460,000 to the Maryland State Department of Education to

be used for Program R00A03 Funding for Education Organizations to provide \$450,000 to the Maryland Academy of Sciences; ~~\$150,000 to the Maryland Zoo in Baltimore;~~ and \$10,000 to the College Bound Foundation;

- (2) contingent on enactment of SB 909 or HB 1488 and provided that no funding is included in a supplemental budget, ~~\$100,000~~ \$150,000 to Program D15A05.05 Governor's Office of Community Initiatives for a Request for Proposal for the Maryland Corps Program;
- (3) contingent on enactment of SB 910 or HB 1399 and provided that no funding is included in a supplemental budget, \$250,000 to the Maryland Education Development Collaborative; ~~and~~
- (4) *contingent on enactment of SB 676 or HB 1014 and provided that no funding is included in a supplemental budget, \$250,000 to Program R62I00.01 Maryland Higher Education Commission General Administration to engage an outside consultant to review the operations of need-based financial aid programs in the Office of Student Financial Assistance and to make recommendations as outlined in the enabling legislation; ~~and~~*
- (5) ***\$300,000 to Program R00A02.13 Innovative Programs within the Maryland State Department of Education to be used to support early college high schools that allow students to earn an associate's degree or credential***

alongside a high school diploma in four years; and

(6) \$1,590,000 transferred to Program R62I00.10 Educational Excellence Awards Program to be used for need-based student financial aid. If funding is provided to any of the programs in paragraphs (2), (3), (4), or (5) in a supplemental budget, the funds restricted in paragraphs (2), (3), (4), or (5) may also be transferred to the Educational Excellence Awards Program.

~~(4) \$2,040,000 \$1,890,000 transferred to the Education Excellence Awards Program to be used for need-based student financial aid. If funding is provided to either program any of the programs in paragraphs (2), or (3), or (4) in the a supplemental budget, the funds restricted in paragraphs (2), or (3), or (4) may also be transferred to the Education Excellence Awards Program.~~

Funds not expended for these restricted purposes may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund .....

3,000,000

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

4. S00A24.02 Neighborhood Revitalization – Capital

In addition to the appropriation shown on page 112 of the printed bill (first reading file bill), \$18,000,000 to support the implementation of Project C.O.R.E., Creating Opportunities for Renewal and Enterprise, in Baltimore City, and \$3,500,000 for strategic demolition projects

across the state.

Object .12 Grants, Subsidies and Contributions .....	21,500,000
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General Fund Appropriation, provided that \$500,000 of this appropriation made for the purpose of the implementation of Project C.O.R.E., Creating Opportunities for Renewal and Enterprise, in Baltimore City may not be expended until the Department of Housing and Community Development submits a report to the budget committees that provides the following information:

- (1) An evaluation of how all State programs and financing options, Baltimore City participation, and Maryland Stadium Authority participation are to be coordinated, including projected timelines for demolition and private redevelopment investment.
  
- (2) The measures the department will use to assess the impact of Project C.O.R.E., including a list of redevelopment projects on sites made available through Project C.O.R.E.

The report shall be submitted by December 31, 2016, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees .....

21,500,000

It is the intent of the Administration to provide a total of \$75,000,000 for the demolition portion of Project C.O.R.E. consistent with the Memorandum of Understanding signed with Baltimore City.

DEPARTMENT OF STATE POLICE

5. W00A01.03 Criminal Investigation Bureau

In addition to the appropriation shown on page 126 of the printed bill (first reading file bill), to implement the recommendations included in the final report of Maryland's Heroin and Opioid Emergency Task Force.

Object .12 Grants, Subsidies and Contributions .....	275,000	
General Fund Appropriation .....		275,000

## SUMMARY

## SUPPLEMENTAL APPROPRIATIONS

	General Funds	Special Funds	Federal Funds	Current Unrestricted Funds	Total Funds
Appropriation					
2016 FY	0	0	0	0	0
2017 FY	<u>26,554,092</u>	<u>11,420,644</u>	<u>82,803</u>	<u>0</u>	<u>38,057,539</u>
Subtotal	<u>26,554,092</u>	<u>11,420,644</u>	<u>82,803</u>	<u>0</u>	<u>38,057,539</u>
Reduction in Appropriation					
2016 FY	0	0	0	0	0
2017 FY	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Net Change in Appropriation	<u><u>26,554,092</u></u>	<u><u>11,420,644</u></u>	<u><u>82,803</u></u>	<u><u>0</u></u>	<u><u>38,057,539</u></u>

Sincerely,

Lawrence J. Hogan, Jr.  
Governor

## SUPPLEMENTAL BUDGET NO. 3 – FISCAL YEAR 2017

March 10, 2016

Mr. President, Mr. Speaker,  
Ladies and Gentlemen of the General Assembly:

Pursuant to the authority conferred on me by Article III, Section 52, Subsection (5) of the Constitution of Maryland, and in accordance with the consent of the (State Senate) – (House of Delegates), duly granted, I hereby submit a supplement to Senate Bill 190 and/or House Bill 150 in the form of an amendment to the original budget for the Fiscal Year ending June 30, 2017.

Supplemental Budget No. 3 will affect previously estimated funds available for budget operations as shown on the following summary statement.

SUPPLEMENTAL BUDGET SUMMARY

## Sources:

Estimated general fund unappropriated balance July 1, 2017 (per Supplemental Budget #2)		407,903,424
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## Adjustment to revenue:

## General Funds

Fiscal Year 2016 Revenues		
Board of Revenue Estimates – March 9, 2016	9,228,177	
Fiscal Year 2017 Revenues		
Board of Revenue Estimates – March 9, 2016	-60,636,507	-51,408,330

## Special Funds

D90302 Rental Income	18,000	
D90305 Capital and Renovation Fund	407,760	
F10301 Various State Agencies	2,419,037	
M00347 Marijuana Citation Fund	275,000	
D79307 Senior Prescription Drug Assistance Program	-2,112,306	
Q00303 Inmate Welfare Funds	-4,000,000	-2,992,509

## Federal Funds

F10501 Various State Agencies	32,637	
93.778 Medical Assistance Program	-57,198,577	
16.754 Harold Rogers Prescription Drug Monitoring Program	270,391	
93.959 Block Grants for Prevention and Treatment of Substance Abuse	1,086,575	
93.958 Block Grants for Community Mental Health Services	1,000,000	

93.537 Affordable Care Act Medicaid Emergency Psychiatric Demonstration	1,000,000	–53,808,974
Adjustment to General Fund Appropriations: Medical Care Provider Reimbursements – FY 2016 Reversion	15,000,000	15,000,000
Total Available		314,693,611
Uses:		
General Funds	68,573,483	
Special Funds	–2,992,509	
Federal Funds	–53,808,974	11,772,000
		<hr/>
Revised estimated general fund unappropriated Balance July 1, 2017		302,921,611

BOARD OF PUBLIC WORKS

1. D06E02.01 Public Works Capital Appropriation

To add an appropriation on page 9 of the printed bill (first reading file bill), to provide funds for the following capital projects. Expenditure of these funds will be made in accordance with State Finance and Procurement Article Sections 3–601 through 3–607 and 7–305.

<del>(1)</del>	<del>Morgan State University – New Student Services Support Building</del>	<del>4,700,000</del>
<del>(2)</del>	<del>Coppin State University – Percy Julian Science Renovation for the College of Business</del>	<del>1,300,000</del>
<del>(3)</del>	<del>University of Maryland Baltimore County – Interdisciplinary Life Sciences Building</del>	<del>5,000,000</del>
<del>(4)</del>	<del>University of Maryland Eastern Shore – School of Pharmacy and Allied Health Professions</del>	<del>3,500,000</del>
<del>(5)</del>	<del>University System of Maryland Office – Biomedical Sciences and Engineering Education Facility at the Universities at Shady Grove</del>	<del>31,700,000</del>
		<hr/>
	Object .14 Land and Structures.....	46,200,000

General Fund Appropriation, provided that \$46,200,000 of this appropriation may not be expended for the projects listed above in order that funding for such projects may be provided using tax exempt debt authorized under SB 191 the Maryland Consolidated Capital Bond Loan of 2016. Further provided that \$46,200,000 of this appropriation may be used only to fund capital appropriations in the amounts and only for the purposes herein listed in order to avoid the additional expense that would result from financing them using taxable general obligation bonds. Funds not expended for the purposes herein listed shall revert to the General Fund:

- (1) Neighborhood Business Development Program. Provide funds for grants and loans to fund community-based economic development activities in revitalization areas designated by local governments, including food desert projects in designated food deserts. The funds shall be administered in accordance with Sections 6-301 through 6-311 of the Housing and Community Development Article ..... 3,400,000
  
- (2) Baltimore Regional Neighborhoods Initiative. Provide funds for grants and loans to nonprofit community development corporations or coalitions to fund comprehensive revitalization strategies for sustainable community areas in Baltimore City, Baltimore County, and Anne Arundel County..... 1,500,000
  
- (3) Homeownership Programs. Provide funds for below-market interest rate mortgages with minimum down payments to low- and moderate-income

- homebuyers. These funds shall be administered in accordance with Sections 4-501, 4-502, 4-801 through 4-810, and 4-814 through 4-816 of the Housing and Community Development Article.... 8,500,000
- (4) Housing and Building Energy Programs. Provide funds in the form of loans or grants to promote energy-efficient improvements either through renovation of existing facilities, the construction of new properties, or the installment of equipment and materials for single-family and rental-housing properties to be administered in accordance with Section 4-218 of the Housing and Community Development Article.... 1,000,000
- (5) Partnership Rental Housing Program. Provide funds to be credited to the Partnership Rental Housing Fund to be administered in accordance with Sections 4-501, 4-503, and 4-1201 through 4-1209 of the Housing and Community Development Article ..... 6,000,000
- (6) Rental Housing Program. Provide funds for rental housing developments that serve low- and moderate-income households. The funds shall be administered in accordance with Sections 4-401 through 4-411, 4-501, and 4-504 of the Housing and Community Development Article ..... 10,000,000
- (7) Special Loan Programs. Provide funds to low- and moderate-income families, sponsors of rental properties occupied primarily by limited-income families, and nonprofit sponsors of housing facilities, including group homes

and shelters to bring housing up to code and remediate lead paint hazards. These funds shall be administered in accordance with Sections 4-501, 4-505, 4-601 through 4-612, 4-701 through 4-712, 4-901 through 4-923, 4-926 through 4-931, and 4-933 of the Housing and Community Development Article ..... 2,100,000

(8) Community Legacy Program. Provide funds to assist neighborhoods with revitalization efforts. The funds shall be administered in accordance with Sections 6-201 through 6-211 of the Housing and Community Development Article and Code of Maryland Regulations (COMAR) 05.17.01. Provided that any financial assistance awarded under this program is not subject to Section 8-301 of the State Finance and Procurement Article ..... 3,905,000

(9) Maryland Drinking Water Revolving Loan Fund. Provide funds to finance drinking water projects. The funds shall be administered in accordance with Section 9-1605.1 of the Environment Article ..... 3,003,000

(10) Maryland Water Quality Revolving Loan Fund. Provide funds to finance water quality improvement projects. The funds shall be administered in accordance with Section 9-1605 of the Environment Article ..... 6,792,000      46,200,000

BOARDS, COMMISSIONS, AND OFFICES

2. D15A05.16 Governor’s Office of Crime Control and Prevention

In addition to the appropriation shown on page 12 of the printed bill (first reading file bill), to transfer the funds associated with the day reporting center pilot program for Maryland’s Heroin and Opioid Emergency Task Force from the Department of Public Safety and Correctional Services to the Governor’s Office of Crime Control and Prevention.

Object .08 Contractual Services.....	540,000	
General Fund Appropriation .....		540,000

MARYLAND STATE BOARD OF CONTRACT APPEALS

3. D39S00.01 Contract Appeals Resolution

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2016 to provide funds for staff leave payouts.

Object .01 Salaries, Wages and Fringe Benefits.....	23,700	
General Fund Appropriation .....		23,700

DEPARTMENT OF VETERANS AFFAIRS

4. D55P00.05 Veterans Home Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2016 to support an Energy Performance Contract payment.

Object .06 Fuel and Utilities.....	57,144	
General Fund Appropriation .....		57,144

MARYLAND HEALTH BENEFIT EXCHANGE

5. D78Y01.01 Maryland Health Benefit Exchange

To become available immediately upon

passage of this budget to supplement the appropriation for fiscal year 2016 to provide funds for legal services.

Object .08 Contractual Services.....	2,800,000	
General Fund Appropriation .....		2,800,000

CANAL PLACE PRESERVATION AND DEVELOPMENT AUTHORITY

6. D90U00.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2016 to provide funds for renovation projects and vehicle replacement.

Object .07 Motor Vehicle Operations and Maintenance.....	18,000	
Object .08 Contractual Services.....	407,760	
	425,760	
Special Fund Appropriation.....		425,760

COMPTROLLER OF MARYLAND

7. E00A04.01 Revenue Administration

In addition to the appropriation shown on page 22 of the printed bill (first reading file bill), to provide funds to administer the Achieving a Better Life Experience (ABLE) subtraction modification.

Object .08 Contractual Services.....	745,000
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General Fund Appropriation, provided that \$745,000 of this appropriation is contingent upon the enactment of SB 355 or HB 431. Further provided that \$642,600 of this appropriation made for the purpose of the Achieving a Better Life Experience (ABLE) program subtraction modification may not be used for that purpose but instead may be used only as a grant to the

College Savings Plan of Maryland Board for the implementation of the ABLE program. Further provided that \$102,400 of this appropriation made for the purpose of subtraction modification may not be used for that purpose but may be used instead for one-time programming costs to implement the ABLE program. Funds not spent for these restricted purposes may not be transferred by budget amendment or otherwise for any other purpose and shall revert to the General Fund .....

745,000

DEPARTMENT OF BUDGET AND MANAGEMENT

8. F10A02.04 Division of Personnel Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2016 to provide funds to implement the Human Resources Shared Services initiative for payroll functions.

Personnel Detail:

Regular Earnings .....	146,440
Fringe Benefits .....	77,274
Turnover Expectancy .....	-5,468

Object .01 Salaries, Wages and Fringe Benefits.....	218,246
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General Fund Appropriation .....	218,246
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9. F10A02.04 Division of Personnel Services

In addition to the appropriation shown on page 28 of the printed bill (first reading file bill), to provide funds to implement the Human Resources Shared Services initiative for payroll functions.

Personnel Detail:

Regular Earnings .....	585,759
Fringe Benefits .....	350,312
Turnover Expectancy .....	-22,375

Object .01 Salaries, Wages and Fringe Benefits.....	913,696	
General Fund Appropriation .....		913,696

10. F10A02.08 Statewide Expenses

In addition to the appropriation shown on pages 28 and 29 of the printed bill (first reading file bill), to provide funds to implement certain collective bargaining agreements. Funds will be transferred to other State agencies by budget amendment.

Personnel Detail:

Shift Differential .....	1,119
Miscellaneous Adjustments .....	7,458,859
Reclassifications .....	4,073,364
Overtime .....	614,544
Other Fringe Benefit Costs .....	1,936

Object .01 Salaries, Wages and Fringe Benefits.....	12,149,822
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General Fund Appropriation, provided that funds appropriated for collective bargaining agreements may be transferred to other State agencies by budget amendment .....	9,698,148
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Special Fund Appropriation, provided that funds appropriated for collective bargaining agreements may be transferred to other State agencies by budget amendment .....	2,419,037
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Federal Fund Appropriation, provided that funds appropriated for collective bargaining agreements may be transferred to other State agencies by budget amendment .....	32,637
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DEPARTMENT OF INFORMATION TECHNOLOGY

11. F50A01.01 Major Information Technology Development Project Fund

In addition to the appropriation shown on page 30 of the printed bill (first reading file bill), to provide funds for the Department of Human Resources Shared Human Services Platform project.

Object .08 Contractual Services..... 13,784,449

General Fund Appropriation, provided that funds appropriated herein for Major Information Technology Development projects may be transferred to programs of the respective financial agencies.

Further provided that \$13,784,449 of this appropriation made for the purpose of the Department of Human Resources (DHR) Shared Human Services Platform project may not be expended until the Department of Information Technology (DoIT) submits a report to the budget committees, in conjunction with DHR, on the status of the project. The report shall address (1) State and federal costs of the project, including an approved Advanced Planning Document; (2) the project timeline, including subsequent components such as the replacement of DHR’s information technology systems; (3) procurement process; (4) agencies involved in the project, including the role of each agency and the funding provided by each agency; and (5) project governance. In addition, DoIT shall provide a standard Information Technology Project Request. The report shall be submitted to the budget committees, and the committees shall have ~~45~~ <sup>30</sup> 15 days to review and comment. Funds restricted pending receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees ...

13,784,449

12. H00B01.01 Facilities Security

In addition to the appropriation shown on page 33 of the printed bill (first reading file bill), to provide five additional security personnel for the Crownsville complex and the surrounding grounds.

Personnel Detail:

Police Officer II	4.00 .....	196,468
Building Security Officer	1.00 .....	30,066
Fringe .....		189,433
Turnover .....		-21,724

Object .01 Salaries, Wages and Fringe Benefits.....		394,243
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General Fund Appropriation .....		394,243
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13. H00C01.01 Facilities Operation and Maintenance

In addition to the appropriation shown on page 33 of the printed bill (first reading file bill), to provide two additional maintenance personnel for the Crownsville complex and the surrounding grounds.

Personnel Detail:

Maintenance Mechanic Senior	2.00.....	67,850
Fringe.....		47,282
Turnover .....		-5,616

Object .01 Salaries, Wages and Fringe Benefits.....		109,516
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General Fund Appropriation .....		109,516
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DEPARTMENT OF HEALTH AND MENTAL HYGIENE

14. M00F06.01 Office of Preparedness and Response

In addition to the appropriation shown on page 59 of the printed bill (first reading file bill), to fund a grant to 2-1-1 Maryland.

Object .12 Grants, Subsidies and		
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Contributions .....	183,300	
General Fund Appropriation .....		183,300
15. M00L01.01 Program Direction		
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2016 to provide funds to be used for salaries in the Behavioral Health Administration.		
Object .01 Salaries, Wages and Fringe Benefits.....	901,423	
Federal Fund Appropriation.....		901,423
16. M00L01.01 Program Direction		
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2016 to provide funds for a contract with Chesapeake Regional Information System for our Patients (CRISP) for the Prescription Drug Monitoring Program and assistance from the Maryland Institute for Policy Analysis and Research for the Overdose Prevention Program.		
Object .08 Contractual Services.....	530,426	
Federal Fund Appropriation.....		530,426
17. M00L01.02 Community Services		
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2016 to provide funds to be used for substance abuse treatment and community mental health services.		
Object .08 Contractual Services.....	2,101,540	
Special Fund Appropriation.....		275,000
Federal Fund Appropriation.....		1,826,540

18. M00L01.02 Community Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2016 to provide funds to be used for behavioral health provider reimbursements.

Object .08 Contractual Services.....	1,289,241	
General Fund Appropriation .....		1,289,241

19. M00L01.02 Community Services

In addition to the appropriation shown on page 60 of the printed bill (first reading file bill), to fund treatment services for Health – General Article Section 8–507 commitments.

Object .08 Contractual Services.....	3,000,000	
General Fund Appropriation .....		3,000,000

20. M00L01.02 Community Services

In addition to the appropriation shown on page 60 of the printed bill (first reading file bill), to provide general funds to account for an anticipated under attainment of special funds.

Object .08 Contractual Services.....	0	
General Fund Appropriation .....		2,112,306
Special Fund Appropriation.....		-2,112,306

21. M00L01.03 Community Services for Medicaid State Fund Recipients

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2016 to provide funds to be used for inpatient hospital services.

Object .08 Contractual Services.....	1,000,000	
Federal Fund Appropriation.....		1,000,000
22. M00L01.03 Community Services for Medicaid State Fund Recipients		
To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2016 to provide funds to be used for behavioral health provider reimbursements.		
Object .08 Contractual Services.....	908,444	
General Fund Appropriation .....		908,444
23. M00L01.03 Community Services for Medicaid State Fund Recipients		
In addition to the appropriation shown on page 60 of the printed bill (first reading file bill), to provide additional funding for placements at Institutions for Mental Disease (IMD).		
Object .08 Contractual Services.....	3,000,000	
General Fund Appropriation .....		3,000,000
24. M00Q01.03 Medical Care Provider Reimbursements		
To reduce the appropriation on page 65 of the printed bill (first reading file bill), to reflect a projected decrease in Medicaid enrollment and utilization.		
Object .08 Contractual Services.....	-116,200,000	
General Fund Appropriation .....		-58,100,000
Federal Fund Appropriation.....		-58,100,000
25. M00Q01.06 Kidney Disease Treatment Services		
To become available immediately upon passage of this budget to supplement the		

appropriation for fiscal year 2016 to provide additional funds for Kidney Disease Program provider reimbursements.

Object .08 Contractual Services..... 2,000,000

General Fund Appropriation ..... 2,000,000

26. M00Q01.07 Maryland Children’s Health Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2016 to provide additional funds for Maryland Children’s Health Program provider reimbursements.

Object .08 Contractual Services..... 10,000,000

General Fund Appropriation ..... 10,000,000

27. M00Q01.10 Medicaid Behavioral Health Provider Reimbursements

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2016 to realign funds for behavioral health provider reimbursements to M00L01.02 and M00L01.03.

Object .08 Contractual Services..... -2,197,685

General Fund Appropriation ..... -2,197,685

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

28. Q00A02.01 Administrative Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2016 to provide funds for staff leave payouts. Funds may be realigned to other units in the Department via budget amendment.

Personnel Detail:		
Accrued Leave Payout.....	750,000	
Object .01 Salaries, Wages and Fringe Benefits.....	750,000	
General Fund Appropriation .....		750,000

29. Q00A02.01 Administrative Services

In addition to the appropriation shown on page 81 of the printed bill (first reading file bill), to provide adequate funds for inmate chaplaincy, education, and legal services programs related to a projected shortfall in the Inmate Welfare Fund. Funds may be realigned to other units in the Department via budget amendment.

Object .08 Contractual Services.....	4,000,000
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General Fund Appropriation, provided that \$4,000,000 of this appropriation made for the purpose of providing adequate funds for inmate services and programs related to a projected shortfall in the Inmate Welfare Fund may not be expended unless the Department of Public Safety and Correctional Services (DPSCS) receives approval from the Board of Public Works (BPW) before July 1, 2016, of a contract modification eliminating the commission from the current inmate payphone equipment and services contract. Upon approval of a contract modification, DPSCS shall provide written notice of the modification to the budget committees. Funds restricted pending approval of the contract modification may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the contract modification is not approved by BPW .....

4,000,000

30. Q00S02.01 Jessup Correctional Institution

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2016 to provide funds for overtime for correctional officers. Funds may be realigned to other units in the Department via budget amendment.

Personnel Detail:

Overtime.....	8,000,000	
	<hr/>	
Object .01 Salaries, Wages and Fringe Benefits.....	8,000,000	
General Fund Appropriation .....		8,000,000

31. Q00T03.01 Division of Parole and Probation – Central Region

To reduce the appropriation on page 87 of the printed bill (first reading file bill), to transfer the funds associated with the day reporting center pilot program for Maryland’s Heroin and Opioid Emergency Task Force from the Department of Public Safety and Correctional Services to the Governor’s Office of Crime Control and Prevention.

Object .08 Contractual Services.....	-540,000	
General Fund Appropriation .....		-540,000

32. Q00T04.04 Baltimore Central Booking and Intake Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2016 to provide funds for required maintenance projects.

Object .08 Contractual Services.....	2,770,000	
General Fund Appropriation .....		2,770,000

33. R00A01.01 Office of the State Superintendent

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2016 to provide funds for the Charter School Study.

Object .08 Contractual Services..... 218,190

General Fund Appropriation ..... 218,190

34. R00A02.01 State Share of Foundation Program

In addition to the appropriation shown on page 93 of the printed bill (first reading file bill), to provide funding for grants to counties with declining student enrollment.

Object .08 Contractual Services..... 13,764,885

General Fund Appropriation, provided that funding may only be allocated as follows:

(a)	<u>Baltimore City</u>	<u>12,674,305</u>	
(b)	<u>Calvert</u>	<u>1,090,580</u>	13,764,885

35. R00A02.07 Students With Disabilities

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2016 to provide funds for projected shortfalls within the Autism Waiver Program.

Object .08 Contractual Services..... 413,501

General Fund Appropriation ..... 413,501

36. R00A03.01 Maryland School for the Blind

In addition to the appropriation shown on page 96 of the printed bill (first reading file bill), to provide enhanced funding for the Maryland School for the Blind.

Object .12 Grants, Subsidies and

Contributions ..... 1,028,104

General Fund Appropriation, provided that this additional appropriation shall be contingent on the enactment of SB 422 or HB 709 ..... 1,028,104

MARYLAND HIGHER EDUCATION COMMISSION

37. R62I00.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2016 to provide funds to pay for legal services.

Object .08 Contractual Services..... 900,000

General Fund Appropriation ..... 900,000

38. R62I00.07 Educational Grants

In addition to the appropriation shown on page 105 of the printed bill (first reading file bill), to provide a grant to the Frederick Center for Research and Education in Science and Technology.

Object .12 Grants, Subsidies and Contributions ..... 244,012

General Fund Appropriation ..... 244,012

39. R62I00.41 Maryland Higher Education Outreach and College Access Pilot Program

To add an appropriation on page 107 of the printed bill (first reading file bill), to provide funding for the Maryland Higher Education Outreach and College Access Pilot Program.

Object .12 Grants, Subsidies and Contributions ..... 250,000

General Fund Appropriation ..... 250,000

AMENDMENTS TO SENATE BILL 190/ HOUSE BILL 150  
(First Reading File Bill)

Amendment No. 1:

On page 80, after line 2, insert “Provided that \$4,000,000 in Inmate Welfare Funds will be reduced throughout the Department related to a projected revenue shortfall.”

*Reduces special funds throughout the Department of Public Safety and Correctional Services due to a projected shortfall in Inmate Welfare Funds for which a general fund deficiency is being provided.*

Amendment No. 2:

On page 105, after line 27, insert “Frederick Center for Research and Education in Science and Technology.....244,012”.

*Technical Correction to add the new grant for Frederick CREST to the list of grants.*

Amendment No. 3:

On page 131, strike lines 8 and 9 in their entirety and replace with “MARYLAND STATE BOARD OF CONTRACT APPEALS”. In line 11, strike “D15A05.24” and replace with “D39S00.01”.

*Technical correction to provide the deficiency where the Board is located in the budget in fiscal year 2016.*

Amendment No. 4:

On page 172, after line 11, insert “SECTION ~~22~~ 45. AND BE IT FURTHER ENACTED. That general fund appropriation for fiscal 2017 shall be reduced by \$904,957 for salaries and wages related to Human Resources Shared Services Initiative in Executive Branch agencies to reflect the transfer of positions to the Department of Budget and Management for this purpose. Funding shall be reduced in Object 01 Salaries and Wages within Executive Branch agencies in fiscal 2017 by the following amounts in accordance with a schedule determined by the Governor:

<u>D26</u>	<u>Department of Aging</u>	<u>59,842</u>
<u>D40</u>	<u>Department of Planning</u>	<u>74,364</u>
<u>D50</u>	<u>Military Department</u>	<u>78,742</u>
<u>H00</u>	<u>Department of General Services</u>	<u>57,604</u>
<u>M00</u>	<u>Department of Health and Mental Hygiene</u>	<u>139,629</u>
<u>N00</u>	<u>Department of Human Resources</u>	<u>77,939</u>
<u>Q00</u>	<u>Department of Public Safety and Correctional Services</u>	<u>194,633</u>
<u>T00</u>	<u>Department of Commerce</u>	<u>74,899</u>
<u>U00</u>	<u>Department of the Environment</u>	<u>58,160</u>
<u>V00</u>	<u>Department of Juvenile Services</u>	<u>89,145</u>
	<u>Total General Funds</u>	<u>904,957</u>

Further provided that the Governor is hereby authorized to transfer by approved budget

amendment from State agencies to the F10 Department of Budget and Management– Office of Personnel Services and Benefits (DBM OPSB), positions and funding related to the Human Resources (HR) Shared Services initiative to be provided by DBM–OPSB in fiscal year 2017.”

~~In line 12, after the word Section, strike “22” and replace with “23”, and in line 18, strike “23” and replace with “24”.~~

*Adds language that authorizes the Governor to transfer funding and positions from State agencies to DBM for the HR shared services initiative ~~and renumbers the Sections of the budget bill accordingly.~~*

## SUMMARY

## SUPPLEMENTAL APPROPRIATIONS

	General Funds	Special Funds	Federal Funds	Current Unrestricted Funds	Total Funds
Appropriation					
2016 FY	28,150,781	700,760	4,258,389	0	33,109,930
2017 FY	99,967,659	2,419,037	32,637	0	102,419,333
	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
Subtotal	128,118,440	3,119,797	4,291,026	0	135,529,263
	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
Reduction in Appropriation					
2016 FY	0	0	0	0	0
2017 FY	-59,544,957	-6,112,306	-58,100,000	0	-123,757,263
	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
Subtotal	-59,544,957	-6,112,306	-58,100,000	0	-123,757,263
	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
Net Change in Appropriation	68,573,483	-2,992,509	-53,808,974	0	11,772,000
	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

Sincerely,

Lawrence J. Hogan, Jr.  
Governor**Enacted under Article III, § 52(6) of the Maryland Constitution, April 12, 2016.**

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**Chapter 144****(Senate Bill 376)**

AN ACT concerning

**Pathways in Technology Early College High (P-TECH)  
Schools Act of 2016**

FOR the purpose of establishing a certain ~~number~~ of State-funded Pathways in Technology Early College High (P-TECH) schools in the State; authorizing certain planning grants for P-TECH schools; requiring certain P-TECH schools to reserve at least a certain percentage of their available space for certain students; requiring certain memorandums of understanding to include certain provisions; requiring the State to provide a certain grant to P-TECH schools beginning in a certain fiscal year for certain costs; providing that the grant may not exceed a certain amount in certain fiscal years; ~~requiring a county board to pay for dual enrollment costs for certain P-TECH students; prohibiting a county board from charging certain P-TECH students for certain costs; prohibiting a community college from charging certain P-TECH students dual enrollment costs; requiring the State Department of Education to reimburse the county board for a certain amount of dual enrollment costs;~~ requiring the Department to adopt certain regulations; ~~authorizing a county board to enter into or amend certain agreements with a community college;~~ defining certain terms; ~~requiring a certain report by a certain date~~ certain reports by certain dates; subjecting certain schools to a certain ~~certification process~~ requirement under certain circumstances; providing for the construction of this Act; and generally relating to P-TECH schools.

BY adding to

Article – Education

Section ~~8-801 and 18-14A-07~~ 7-1701 to be under the new subtitle “Subtitle 17. Pathways in Technology Early College High (P-TECH) Schools”

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

~~Article – Education~~

~~Section 18-14A-04~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2015 Supplement)~~

#### Preamble

WHEREAS, The Pathways in Technology Early College High (P-TECH) School model allows students to graduate from public high school with a high school diploma and an associate degree; and

WHEREAS, Students in a P-TECH school may earn pre-apprenticeship certificates and other career certificates in addition to an associate degree; and

WHEREAS, A P-TECH school does not require academic entrance criteria, which affords all students an opportunity to receive an associate degree; and

WHEREAS, The P-TECH model is a close collaboration between the local school district, a community college, and one or more industry employers to create career-ready students who graduate from high school with an associate degree; and

WHEREAS, The P-TECH model has been successfully established in other states, including New York, Connecticut, and Illinois, and is showing promise; and

WHEREAS, Graduating more high school students with career-ready skills through a P-TECH school is consistent with the College and Career Readiness and College Completion Act of 2013; now, therefore,

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

**Article – Education**

**SUBTITLE 17. PATHWAYS IN TECHNOLOGY EARLY COLLEGE HIGH  
(P-TECH) SCHOOLS.**

~~§ 801.~~ 7-1701.

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

(2) “COMMISSION” MEANS THE MARYLAND HIGHER EDUCATION COMMISSION.

(3) “COUNTY BOARD” INCLUDES A CONSORTIUM OF COUNTY BOARDS THAT HAVE AN AGREEMENT TO OPERATE A P-TECH SCHOOL THAT SERVES THE STUDENTS IN THE LOCAL SCHOOL SYSTEMS THAT ARE PART OF THE CONSORTIUM.

~~(2)~~ (4) “P-TECH CURRICULUM” MEANS A COURSE OF STUDY LEADING TO AN ASSOCIATE DEGREE OR A COMMISSION-APPROVED CERTIFICATE.

~~(3)~~ (5) “P-TECH SCHOOL” MEANS A PATHWAYS IN TECHNOLOGY EARLY COLLEGE HIGH SCHOOL THAT:

(i) IS A PUBLIC SECONDARY SCHOOL SELECTED BY THE DEPARTMENT; ~~AND~~

(ii) ~~HAS~~ PARTNERS WITH AN INSTITUTION OF HIGHER EDUCATION THAT HAS RECEIVED A CERTIFICATE OF APPROVAL FROM THE COMMISSION UNDER TITLE 11, SUBTITLE 2 OF THIS ARTICLE; AND

(iii) 1. SUBMITTED A MEMORANDUM OF UNDERSTANDING TO THE DEPARTMENT ON OR BEFORE MARCH 15, 2016; AND

2. HAS EXECUTED A MEMORANDUM OF UNDERSTANDING IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION ON OR BEFORE JULY 1, 2016.

~~(4)~~ (6) “P-TECH SCHOOL COSTS” MEANS THE FOLLOWING COSTS OF OPERATING A P-TECH SCHOOL AND OFFERING AND ADMINISTERING A P-TECH CURRICULUM:

(I) ADDITIONAL STAFF FOR THE P-TECH SCHOOL TO IMPLEMENT THE P-TECH CURRICULUM;

(II) INSTRUCTIONAL SUPPORT SERVICES SUCH AS PROFESSIONAL DEVELOPMENT FOR STAFF FOR THE P-TECH CURRICULUM, P-TECH CURRICULUM MATERIALS, ADDITIONAL TEACHER PLANNING, AND ADDITIONAL COORDINATION;

(III) EXTENDED DAY PROGRAMS; AND

(IV) STUDENT SUPPORT SERVICES SUCH AS COUNSELING, TUTORING, STUDENT CAREER EXPLORATION, AND STUDENT EVENTS RELATING TO P-TECH CURRICULUM AND DUAL ENROLLMENT.

~~(5)~~ (7) “P-TECH STUDENT” MEANS A FULL-TIME EQUIVALENT STUDENT ENROLLED IN A P-TECH SCHOOL.

~~(B)~~ ~~(1)~~ ~~THERE ARE FOUR STATE FUNDED P-TECH SCHOOLS IN THE STATE.~~

(B) (1) (I) THERE ARE SIX PLANNING GRANTS AUTHORIZED FOR STATE-FUNDED P-TECH SCHOOLS IN THE STATE.

(II) NO MORE THAN TWO PLANNING GRANTS MAY BE AWARDED IN ANY JURISDICTION.

(2) A P-TECH SCHOOL SHALL RESERVE AT LEAST 50% OF ITS AVAILABLE SPACE FOR STUDENTS WHO MEET THE FREE AND REDUCED PRICE MEAL INCOME CRITERIA.

~~(2)~~ (3) A P-TECH SCHOOL MAY BE ESTABLISHED ~~AS A SEPARATE UNIT WITHIN A SCHOOL~~ AS A SCHOOL WITHIN A SCHOOL.

(4) A P-TECH SCHOOL SHALL BE ESTABLISHED THROUGH A MEMORANDUM OF UNDERSTANDING EXECUTED BETWEEN ONE OR MORE INDUSTRY

PARTNERS, ONE OR MORE INSTITUTIONS OF HIGHER EDUCATION DESCRIBED UNDER SUBSECTION (A)(5)(II) OF THIS SECTION, AND A COUNTY BOARD.

(C) THE MEMORANDUM OF UNDERSTANDING EXECUTED UNDER SUBSECTION (B)(4) OF THIS SECTION SHALL INCLUDE THE FOLLOWING PROVISIONS:

(1) SUBSTANTIVE MENTORING OF P-TECH STUDENTS;

(2) AT LEAST ONE PAID SUMMER INTERNSHIP OF AT LEAST 6 WEEKS DURATION PER STUDENT; AND

(3) P-TECH STUDENTS ARE FIRST IN LINE FOR CONSIDERATION OF A JOB AT THE INDUSTRY PARTNER AFTER GRADUATION.

~~(C)~~ (D) (1) (I) BEGINNING IN FISCAL YEAR 2017 AND IN EACH FISCAL YEAR THEREAFTER, THE STATE SHALL DISTRIBUTE P-TECH SCHOOL GRANTS TO COUNTY BOARDS FOR A P-TECH SCHOOL WITHIN A COUNTY.

(II) THE GRANTS SHALL BE DISTRIBUTED PROPORTIONATELY BASED ON ENROLLMENT IN EACH P-TECH SCHOOL.

(2) THE P-TECH SCHOOL GRANTS SHALL BE USED FOR P-TECH SCHOOL COSTS.

~~(D)~~ (E) (1) ~~(I)~~ IN FISCAL YEAR 2017 AND IN EACH FISCAL YEAR THEREAFTER AND IN ADDITION TO ANY OTHER AMOUNT PROVIDED BY LAW, THE AMOUNT PROVIDED FOR EACH P-TECH STUDENT IS \$520.

~~(E)~~ (2) THE STATE CONTRIBUTION IS 50% FOR EACH P-TECH STUDENT.

~~(2) THE TOTAL AMOUNT OF FUNDS APPROPRIATED UNDER THIS SECTION MAY NOT EXCEED AN AMOUNT ADEQUATE TO FUND FOUR P-TECH SCHOOLS FOR THE FOLLOWING MAXIMUM NUMBER OF P-TECH STUDENTS:~~

~~(I) 400 IN FISCAL YEAR 2017;~~

~~(II) 800 IN FISCAL YEAR 2018;~~

~~(III) 1,200 IN FISCAL YEAR 2019;~~

~~(IV) 1,600 IN FISCAL YEAR 2020;~~

~~(V) 2,000 IN FISCAL YEAR 2021;~~

~~(VI) 2,400 IN FISCAL YEAR 2022; AND~~

~~(VII) 2,400 IN EACH FISCAL YEAR THEREAFTER.~~

~~(E)~~ (F) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

(2) THE REGULATIONS SHALL INCLUDE VERIFICATION BY THE SCHOOL DISTRICT OF:

(I) P-TECH STUDENT ENROLLMENT;

(II) P-TECH SCHOOL COSTS;

(III) THE PERFORMANCE OF THE P-TECH STUDENTS ON FEDERAL AND STATE ASSESSMENTS;

(IV) THE NUMBER OF P-TECH STUDENTS DUALY ENROLLED IN THE COMMUNITY COLLEGE; AND

(V) THE NUMBER OF P-TECH STUDENTS GRADUATING FROM THE SCHOOL, RECEIVING AN ASSOCIATE DEGREE OR COMMISSION-APPROVED CERTIFICATE, AND THE YEAR IN WHICH THEY GRADUATED AND RECEIVED THE DEGREE OR CERTIFICATE.

(G) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE DEPARTMENT, IN CONSULTATION WITH THE COMMISSION, SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY REGARDING THE IMPLEMENTATION OF P-TECH SCHOOLS IN THE STATE, INCLUDING:

(1) THE NUMBER OF STUDENTS ENROLLED IN EACH P-TECH SCHOOL;

(2) THE INDUSTRY PARTNERS ASSOCIATED WITH EACH P-TECH SCHOOL;

(3) THE CURRICULUM CREATED FOR EACH P-TECH SCHOOL;

(4) THE PERFORMANCE OF THE P-TECH STUDENTS ON FEDERAL AND STATE ASSESSMENTS;

(5) THE NUMBER OF P-TECH STUDENTS DUALY ENROLLED IN A COMMUNITY COLLEGE; AND

(6) THE NUMBER OF P-TECH STUDENTS GRADUATING FROM THE SCHOOL, RECEIVING AN ASSOCIATE'S DEGREE OR COMMISSION-APPROVED CERTIFICATE, AND THE YEAR IN WHICH THEY GRADUATED AND RECEIVED THE DEGREE OR CERTIFICATE.

~~18-14A-04.~~

~~(A) THIS SECTION DOES NOT APPLY TO DUALY ENROLLED P-TECH STUDENTS AS DEFINED IN § 18-14A-07 OF THIS SUBTITLE.~~

~~[(a)] (B) A public institution of higher education may not charge tuition to a dually enrolled student.~~

~~[(b)] (C) (1) Subject to subsection [(d)] (E) of this section, for each dually enrolled student who is enrolled in a public school in the county, the county board shall pay for up to a maximum of four courses in which the student is enrolled while a student in a public secondary school in the State:~~

~~(i) For a public senior institution of higher education, 75% of the cost of tuition; and~~

~~(ii) For a community college, the lesser of:~~

~~1. 5% of the target per pupil foundation amount established under § 5-202(a) of this article; or~~

~~2. 75% of the cost of tuition.~~

~~(2) For each course in excess of four in which a dually enrolled student is enrolled, the county board shall pay:~~

~~(i) For a public senior institution of higher education, 90% of the cost of tuition; and~~

~~(ii) For a community college, the lesser of:~~

~~1. 5% of the target per pupil foundation amount established under § 5-202(a) of this article; or~~

~~2. 90% of the cost of tuition.~~

~~(3) If there is an agreement before July 1, 2013, between a public school and a public institution of higher education in which the public institution of higher~~

~~education charges less than 75% of the cost of tuition to a dually enrolled student, the county board shall pay the cost of tuition under the existing agreement.~~

~~[(e)] (D) (1) (i) A county board may charge a dually enrolled student a fee not to exceed 90% of the amount paid under subsection [(b)(1)] (C)(1) of this section.~~

~~(ii) A county board may charge a dually enrolled student a fee not to exceed 100% of the amount paid under subsection [(b)(2)] (C)(2) of this section.~~

~~(2) A county board shall consider the financial ability of students when setting fees.~~

~~(3) A county board shall waive the fee for students who are eligible for free and reduced price meals.~~

~~[(d)] (E) If there is an agreement between a public school and a public institution of higher education in which a public school agrees to pay for more than four courses at a public institution of higher education for a dually enrolled student, the public school shall pay for the number of courses under the agreement.~~

#### ~~18-14A-07.~~

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

~~(2) "DUAL ENROLLMENT COSTS" MEANS THE FOLLOWING COSTS AND FEES ASSOCIATED WITH A DUALY ENROLLED P-TECH STUDENT:~~

~~(I) TUITION;~~

~~(II) TEXTBOOKS AND OTHER MATERIALS REQUIRED FOR THE COMMUNITY COLLEGE COURSES;~~

~~(III) COMMUNITY COLLEGE REGISTRATION FEES;~~

~~(IV) TRANSPORTATION TO AND FROM THE COMMUNITY COLLEGE; AND~~

~~(V) ANY OTHER NECESSARY FEES RELATED TO THE ENROLLMENT OF THE P-TECH STUDENT REQUIRED BY THE COMMUNITY COLLEGE.~~

~~(3) "DUALY ENROLLED P-TECH STUDENT" MEANS A P-TECH STUDENT WHO IS DUALY ENROLLED IN:~~

~~(i) A P-TECH SCHOOL IN THE STATE; AND~~

~~(H) A COMMUNITY COLLEGE IN THE STATE.~~

~~(4) "P-TECH SCHOOL" HAS THE MEANING STATED IN § 8-801 OF THIS ARTICLE.~~

~~(5) "P-TECH STUDENT" HAS THE MEANING STATED IN § 8-801 OF THIS ARTICLE.~~

~~(B) A COMMUNITY COLLEGE MAY NOT CHARGE DUAL ENROLLMENT COSTS TO A P-TECH STUDENT.~~

~~(C) THE COUNTY BOARD SHALL PAY FOR THE DUAL ENROLLMENT COSTS FOR EACH DUALLY ENROLLED P-TECH STUDENT.~~

~~(D) A COUNTY BOARD MAY NOT CHARGE A DUALLY ENROLLED P-TECH STUDENT ANY DUAL ENROLLMENT COSTS.~~

~~(E) (1) THE DEPARTMENT SHALL REIMBURSE A COUNTY BOARD FOR 50% OF THE DUAL ENROLLMENT COSTS FOR EACH P-TECH STUDENT.~~

~~(2) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT PROVIDE FOR A SYSTEM OF REIMBURSEMENT FOR DUAL ENROLLMENT COSTS.~~

~~(F) A COUNTY BOARD MAY ENTER INTO AN AGREEMENT WITH A COMMUNITY COLLEGE OR AMEND AN EXISTING AGREEMENT WITH A COMMUNITY COLLEGE FOR THE PAYMENT OF DUAL ENROLLMENT COSTS FOR P-TECH STUDENTS AS PROVIDED FOR IN THIS SECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That:

~~(a) On or before December 1 of each year, the State Department of Education, in consultation with the Maryland Higher Education Commission, shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly regarding the implementation of P-TECH schools in Maryland, including:~~

~~(1) the number of students enrolled in each P-TECH school;~~

~~(2) the business partnership associated with each P-TECH school;~~

~~(3) the curriculum created for each P-TECH school;~~

~~(4) the performance of the P-TECH students on federal and State assessments;~~

~~(5) the number of P-TECH students dually enrolled in the community college; and~~

~~(6) the number of P-TECH students graduating from the school, receiving an associate degree, and the year in which they graduated and received the degree.~~

~~(b) Beginning with the report due on December 1, 2018, the report in subsection (a) of this section shall include information on other school districts interested in P-TECH schools and whether funding should be expanded to include additional P-TECH schools.~~

(a) The State Department of Education, in collaboration with stakeholders, including the Maryland Higher Education Commission, the Maryland Association of Community Colleges, private sector representatives with experience in the P-TECH model, and representatives of proposed P-TECH schools shall determine the optimal funding strategy for P-TECH schools in the State.

(b) On or before December 1, 2016, the State Department of Education and the Maryland Higher Education Commission shall jointly report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the Senate Budget and Taxation Committee, the Senate Education, Health, and Environmental Affairs Committee, the House Appropriations Committee, and the House Committee on Ways and Means regarding:

(1) the status of the planning grants authorized under § 7-1701(b)(1) of the Education Article as enacted by Section 1 of this Act and the implementation of P-TECH schools in the State, including whether any of the planning grants resulted in proposed P-TECH schools that are ready to be implemented in accordance with the requirements of § 7-1701 of the Education Article as enacted by Section 1 of this Act;

(2) the number of credits a P-TECH student is expected to take from both the P-TECH school and the institution of higher education in each year of the program;

(3) the number of students that are expected to graduate with both a high school diploma and an associate's degree or Commission-approved certificate in each cohort that attends a P-TECH school;

(4) whether P-TECH students should be included in the Maryland public school enrollment count in years 5 and 6 of the program, or in any year or semester during which the majority of credits are being taken from the institution of higher education;

(5) if a P-TECH student should be included under item (4) of this subsection, a justification for the inclusion;

(6) a framework for funding the dual enrollment costs of P-TECH students that includes:

(i) the requirements of the P-TECH model to pay for student transportation, fees, and books in addition to tuition; and

(ii) a comparison and explanation for the difference, if any, from current law provisions relating to dual enrollment;

(7) an examination of P-TECH schools in other states; and

(8) recommendations for legislation to be introduced during the 2017 Legislative Session that include:

(i) a justification for, and a reasonable division of, P-TECH model costs among the State, school system, higher education and, in alignment with the P-TECH model, industry partners of the P-TECH schools, while maximizing opportunities to minimize State costs; and

(ii) whether additional P-TECH schools are ready to be implemented based on the status of the planning grants and, if so, where they may be located.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) This Act may not be construed as prohibiting a county board from establishing a P-TECH school without:

~~(1) the per pupil funding as provided in § ~~8-801~~ 7-1701 of the Education Article; or~~

~~(2) the dual enrollment funding as provided in § 18-14A-07 of the Education Article.~~

(b) A P-TECH school established by a county board not funded under § ~~8-801 or~~ § ~~18-14A-07~~ 7-1701 of the Education Article is subject to the ~~certificate of approval process of the Maryland Higher Education Commission in Title 11, Subtitle 2 of the Education Article~~ definition of a P-TECH school described under § 7-1701 of the Education Article as enacted by Section 1 of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

Approved by the Governor, April 26, 2016.

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Chapter 145

(Senate Bill 377)

AN ACT concerning

**Admissions and Amusement Tax – Revenue Distribution – Maryland State Arts Council**

FOR the purpose of altering a certain distribution of revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars; ~~repealing a certain special fund~~; providing that the Maryland State Arts Council is entitled to certain revenue distributed from the State admissions and amusement tax on electronic bingo and electronic tip jars; requiring that certain funds distributed to the Council be included in the Council's prior fiscal year appropriation for purposes of a certain calculation; and generally relating to the distribution of revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars.

~~BY repealing~~

~~Article – Economic Development~~

~~Section 4–801 and the subtitle “Subtitle 8. Special Fund for Preservation of Cultural Arts in Maryland”~~

~~Annotated Code of Maryland~~

~~(2008 Volume and 2015 Supplement)~~

BY repealing and reenacting, without amendments,

Article – Economic Development

Section 4–501(a) and (c)

Annotated Code of Maryland

(2008 Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 4–512(a) and 4–801

Annotated Code of Maryland

(2008 Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 2–202(a)(1)

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 7–325(a)(2)

Annotated Code of Maryland

(2015 Replacement Volume)

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 4-801 and the subtitle “Subtitle 8. Special Fund for Preservation of Cultural Arts in Maryland” of Article – Economic Development of the Annotated Code of Maryland be repealed.~~

~~SECTION 2. 1. AND IT BE FURTHER ENACTED~~ BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – Economic Development

4-501.

- (a) In this subtitle the following words have the meanings indicated.
- (c) “Council” means the Maryland State Arts Council.

4-512.

- (a) The Council is entitled to:

**(1) REVENUE DISTRIBUTED UNDER ~~§ 2-202(A)(1)(H)~~ § 2-202(A)(1)(II)2 OF THE TAX – GENERAL ARTICLE; AND**

- (2) funding in accordance with the State budget.**

4-801.

(a) In this section, “Fund” means the Special Fund for Preservation of Cultural Arts in Maryland.

(b) There is a Special Fund for Preservation of Cultural Arts in Maryland.

(c) The purpose of the Fund is to provide supplemental grants to cultural arts organizations in the State that qualify for general operating support grants from the Maryland State Arts Council.

(d) The Secretary of Commerce 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 [§ 2–202(a)(1)(ii)] § 2–202(A)(1)(II)1 of the Tax – General Article; and

(2) any other money from any other source accepted for the benefit of the Fund.

(g) The Fund shall be used to provide supplemental grants for operating and programmatic improvements that strengthen the organizational capacity and financial stability of cultural arts organizations in the State that qualify for general operating support grants from the Maryland State Arts Council.

(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 investment earnings of the Fund shall be credited to the General Fund of the State.

(i) For each appropriation to the Fund, the Governor may:

(1) include the funds in the State budget subject to appropriation by the General Assembly; or

(2) transfer the funds by budget amendment from the Fund to the expenditure account of the Maryland State Arts Council.

(j) Supplemental grants made from the Fund are supplemental to and may not take the place of funding that otherwise would be appropriated for qualifying organizations.

### **Article – Tax – General**

2–202.

(a) After making the distribution required under § 2–201 of this subtitle, within 20 days after the end of each quarter, the Comptroller shall distribute:

(1) except as provided in subsection (b) of this section, from the revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars under § 4–102(e) of this article:

(i) 1. for fiscal years 2016 through 2021, the revenue attributable to a tax rate of 20% to the Maryland E–Nnovation Initiative Fund under § 6–604 of the Economic Development Article;

2. in fiscal year 2022 and in each fiscal year thereafter, the revenue attributable to a tax rate of 20% to the General Fund of the State; and

(ii) the revenue attributable to a tax rate of 5% **AS FOLLOWS:**

**1.** ~~\$1,000,000~~ to the ~~Special Fund for Preservation of Cultural Arts in Maryland, as provided in § 4–801 of the Economic Development Article, UP TO AN AGGREGATE AMOUNT OF \$1,000,000 IN EACH FISCAL YEAR~~; AND

**2.** THE REMAINDER TO THE MARYLAND STATE ARTS COUNCIL, AS PROVIDED IN § 4–512 OF THE ECONOMIC DEVELOPMENT ARTICLE; and

**Article – State Finance and Procurement**

7–325.

(a) (2) For fiscal year 2013 and each fiscal year thereafter, the Governor shall include in the annual budget bill submitted to the General Assembly a General Fund appropriation for the Maryland State Arts Council in an amount not less than the amount of the General Fund appropriation for the Council as approved in the State budget as enacted by the General Assembly for the prior fiscal year, increased by not less than the percentage by which the projected total General Fund revenues for the upcoming fiscal year exceed the revised estimate of total General Fund revenues for the current fiscal year, as contained in the report of estimated State revenues submitted by the Board of Revenue Estimates to the Governor under § 6–106(b) of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That any funds distributed to the Maryland State Arts Council in accordance with § 2–202 of the Tax – General Article as enacted in this Act shall be included in the Maryland State Arts Council’s prior fiscal year appropriation for purposes of calculating the required appropriation under § 7–325 of the State Finance and Procurement Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 26, 2016.**

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**Chapter 146**

**(Senate Bill 381)**

AN ACT concerning

**Housing and Community Development – Community Development  
Administration – Student and Residential Mortgage Loans**

FOR the purpose of authorizing the Community Development Administration in the Department of Housing and Community Development to ~~provide~~ make, participate in making, and undertake a commitment for financial assistance ~~to homeowners under certain circumstances; authorizing the Administration to provide financial assistance to purchase a home and pay off~~ to a homeowner for purchasing a homeowner's primary residence and making payments on the homeowner's student loan debts debt under certain circumstances; requiring the Secretary of Housing and Community Development to determine the terms and qualifications of certain financial assistance to homeowners; authorizing the Administration to purchase or commit to purchase from a mortgage lender a note or mortgage that evidences a residential mortgage loan for ~~the purchase of~~ purchasing a homeowner's primary residence and ~~pay off~~ making payments on student loan debt of the homeowner under certain circumstances; authorizing the Secretary to waive the requirements for a certain mortgage lender's certificate under certain circumstances; requiring the Administration to give priority to selling residential property owned by the Administration under certain circumstances; requiring the Department to report to the General Assembly on or before a certain date; and generally relating to the Community Development Administration and student and residential mortgage loans.

BY repealing and reenacting, with amendments,  
 Article – Housing and Community Development  
 Section 4–235(b), 4–237(a), 4–238(a)(1), and 4–240  
 Annotated Code of Maryland  
 (2006 Volume and 2015 Supplement)

BY adding to  
Article – Housing and Community Development  
Section 4–242  
Annotated Code of Maryland  
(2006 Volume and 2015 Supplement)

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

### **Article – Housing and Community Development**

4–235.

(b) (1) The Administration may make, participate in making, and undertake a commitment for:

(i) a residential mortgage loan to a family of limited income:

1. for a family that has a disabled family member who will reside in the dwelling;

Secretary;

2. for an emergency housing need as determined by the

3. for settlement and down payment costs; or

4. that is made in conjunction with a loan funded with State appropriated funds if the State appropriated funded loan comprises at least 20% of the total amount loaned;

(ii) financial assistance to a family of limited income:

1. for maintaining or modifying their existing residential mortgage loan; or

2. that is made in conjunction with a new residential mortgage loan to enable a homeowner to refinance an existing residential mortgage loan; [and]

(iii) the refinancing of a residential mortgage loan of a homeowner if the loan was made by the Department or Administration; AND

**(IV) FINANCIAL ASSISTANCE TO A HOMEOWNER FOR:**

**1. PURCHASING THE HOMEOWNER'S PRIMARY RESIDENCE AND MAKING PAYMENTS ON THE HOMEOWNER'S STUDENT LOAN DEBT; OR**

**2. MAKING PAYMENTS ON THE HOMEOWNER'S STUDENT LOAN DEBT IN CONJUNCTION WITH THE HOMEOWNER OBTAINING SEPARATE FINANCIAL ASSISTANCE FROM A SOURCE OTHER THAN THE ADMINISTRATION FOR PURCHASING THE HOMEOWNER'S PRIMARY RESIDENCE.**

(2) The Secretary shall determine the terms and qualifications for financial assistance under paragraph [(1)(ii) and (iii)] **(1)** of this subsection.

4-237.

(a) The Administration may:

(1) purchase or commit to purchase, from a mortgage lender that is eligible under § 4-236 of this subtitle, a note, mortgage, or partial interest in a note or mortgage that evidences:

(i) a residential mortgage loan to a family of limited income;

(ii) a mortgage loan to a sponsor of a community development project or a public purpose project;

(iii) a residential mortgage loan to a homeowner for the purchase or rehabilitation of the homeowner's primary residence if the primary residence is located in a sustainable community; [or]

(iv) a residential mortgage loan for the refinancing of a residential mortgage loan made by the Department or Administration; **OR**

**(V) A RESIDENTIAL MORTGAGE LOAN TO A HOMEOWNER FOR:**

**1. PURCHASING THE HOMEOWNER'S PRIMARY RESIDENCE AND MAKING PAYMENTS ON THE HOMEOWNER'S STUDENT LOAN DEBT; OR**

**2. ~~MAKING PAYMENTS ON THE HOMEOWNER'S STUDENT LOAN DEBT IN CONJUNCTION WITH PURCHASING THE HOMEOWNER'S PRIMARY RESIDENCE~~ PURCHASING THE HOMEOWNER'S PRIMARY RESIDENCE IN CONJUNCTION WITH THE HOMEOWNER OBTAINING SEPARATE FINANCIAL ASSISTANCE FROM THE ADMINISTRATION FOR MAKING PAYMENTS ON THE HOMEOWNER'S STUDENT LOAN DEBT;**

(2) make a loan to an eligible mortgage lender in accordance with this subtitle;

(3) finance, with proceeds of its revenue bonds or notes, all or part of a mortgage purchase program or a loan to a mortgage lenders program; and

(4) take any action necessary or convenient to carry out this subsection, including:

(i) settling or compromising an obligation or debt to the Administration, subject to any agreement with bondholders;

(ii) acquiring an interest in real or personal property by gift, purchase, foreclosure, or otherwise, and selling or otherwise disposing of the property;

(iii) obtaining insurance against loss in connection with its property and other assets, including mortgage loans, in the amount and from the insurer that the Administration considers desirable;

(iv) contracting for servicing of a mortgage loan or an interest in a mortgage loan that the Administration holds or takes as collateral; and

(v) making a contract or commitment that relates to the exercise of any of the powers listed in this subsection.

4–238.

(a) (1) New mortgage loans that the Administration purchases shall be loans to:

(i) families of limited income;

(ii) sponsors of community development projects; or

(iii) homeowners:

1. with primary residences located in sustainable communities; [or]

2. who refinance a residential mortgage loan made by the Department or Administration; **OR**

**3. WHO USE THE LOAN PROCEEDS TO:**

**A. PURCHASE THE HOMEOWNER’S PRIMARY RESIDENCE AND MAKE PAYMENTS ON THE HOMEOWNER’S STUDENT LOAN DEBT; OR**

**~~B. MAKE PAYMENTS ON THE HOMEOWNER’S STUDENT LOAN DEBT IN CONJUNCTION WITH PURCHASING THE HOMEOWNER’S PRIMARY RESIDENCE~~ PURCHASE THE HOMEOWNER’S PRIMARY RESIDENCE IN CONJUNCTION WITH THE HOMEOWNER OBTAINING SEPARATE FINANCIAL ASSISTANCE FROM THE ADMINISTRATION FOR MAKING PAYMENTS ON THE HOMEOWNER’S STUDENT LOAN DEBT.**

4–240.

(a) Except as provided in subsection (c) of this section, a mortgage lender shall make a certificate under this section for every residential mortgage loan that the lender makes under a purchase commitment by the Administration with:

(1) the proceeds of purchase of a mortgage loan by the Administration; or

(2) the proceeds of a loan from the Administration.

(b) The certificate shall state that in the mortgage lender’s opinion, based on information given by the mortgagor and on the lender’s knowledge of the prevailing terms and standards of mortgage lending in the area, the mortgagor could not get a mortgage loan on the property in the unassisted private lending market.

(c) The Secretary may waive the requirement for the mortgage lender's certificate for a residential mortgage loan to a homeowner:

(1) if the homeowner's primary residence is located in a sustainable community, for the purchase or rehabilitation of the homeowner's primary residence; [or]

(2) for the refinancing of a residential mortgage loan of the homeowner if the loan was made by the Department or Administration; **OR**

**(3) ~~FOR THE PURCHASE OF THE HOMEOWNER'S PRIMARY RESIDENCE AND MAKING PAYMENTS ON THE HOMEOWNER'S LOAN DEBT~~ EITHER OF THE PURPOSES SPECIFIED IN § 4-237(A)(1)(V) OF THIS SUBTITLE.**

**4-242.**

**IN PROVIDING FINANCIAL ASSISTANCE TO A HOMEOWNER THAT INCLUDES THE PURCHASE OF THE HOMEOWNER'S PRIMARY RESIDENCE AND PAYMENTS ON THE HOMEOWNER'S STUDENT LOAN DEBT, THE ADMINISTRATION SHALL GIVE PRIORITY TO SELLING RESIDENTIAL PROPERTY THAT IS OWNED BY THE ADMINISTRATION.**

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2018, the Department of Housing and Community Development shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the implementation of this Act, including:

(1) information about the location and source of residential properties sold by the Department as part of any financial assistance provided under this Act; and

(2) recommendations for expanding the scope of the financial assistance provided under this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, April 26, 2016.

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**Chapter 147**

**(House Bill 437)**

AN ACT concerning

### Department of Health and Mental Hygiene – Prescription Drug Monitoring Program – Modifications

FOR the purpose of requiring that certain authorized providers ~~and prescribers~~ be registered with the Prescription Drug Monitoring Program before obtaining a certain new or renewal registration ~~or by a certain date, whichever is sooner~~; requiring that certain prescribers be registered with the Program before obtaining a certain new or renewal registration or by a certain date, whichever is sooner; requiring that certain pharmacists be registered with the Program by a certain date; requiring a prescriber and a pharmacist to complete a certain course of instruction before registering with the Program; altering the mission of the Program; authorizing the Secretary of Health and Mental Hygiene to identify and publish a list of certain monitored prescription drugs; requiring the Secretary, in consultation with the Maryland Health Care Commission and the Advisory Board on Prescription Drug Monitoring, to educate pharmacists, prescriber delegates, and pharmacist delegates about the purpose and operation of the Program; requiring certain regulations adopted by the Secretary to specify a certain frequency for dispensers to submit certain information; ~~altering~~ repealing a requirement that certain regulations adopted by the Secretary specify that a prescriber or dispenser is not required or obligated to access or use certain prescription monitoring data ~~to instead require the regulations to specify the circumstances under which a prescriber or a pharmacist is required to request prescription monitoring data from the Program~~; requiring that certain regulations adopted by the Secretary specify a process for the Program's review of prescription monitoring data and reporting of a possible violation of law or possible breach of professional standards; requiring certain prescribers ~~and pharmacists~~ to request and assess certain prescription monitoring data under certain circumstances; requiring a certain prescriber to document certain information in a patient's medical records under certain circumstances; authorizing a certain prescriber or pharmacist to authorize a prescriber delegate or pharmacist delegate to request prescription monitoring data on behalf of the prescriber or pharmacist under certain circumstances; specifying the circumstances under which certain prescribers ~~and pharmacists~~ are not required to request prescription monitoring data from the Program or to comply with certain provisions of this Act; requiring certain prescribers ~~and pharmacists~~ who do not access prescription monitoring data to take certain actions; requiring a pharmacist or pharmacist delegate to request prescription monitoring data before dispensing a monitored prescription drug under certain circumstances and for a certain purpose; providing that a pharmacist shall have the responsibility described in a certain federal regulation; authorizing the Secretary to adopt regulations regarding certain exemptions; ~~requiring, instead of authorizing, the Program to review prescription monitoring data for signs of certain misuse or abuse and requiring, instead of authorizing, the Program to report the possible misuse or abuse to a certain prescriber or pharmacist~~; requiring authorizing, instead of requiring, the Program to obtain from a certain technical advisory committee certain guidance and interpretation of certain data; authorizing the Program to review prescription monitoring data for indications of a possible violation of law or a possible breach of professional standards by a prescriber or a ~~pharmacist~~ dispenser; requiring authorizing the Program to provide certain notification and

information education under certain circumstances; requiring the Program to obtain certain guidance and certain interpretation of certain data before providing certain notification of certain possible violations; authorizing the Program, under certain circumstances, to request that a certain technical advisory committee review certain requests and provide certain clinical guidance; requiring the Program, in consultation with the Advisory Board on Prescription Drug Monitoring, to consider certain policies and procedures; altering the information that the Advisory Board on Prescription Drug Monitoring must report annually to the Governor and the General Assembly; altering the purpose and membership of a certain technical advisory committee; altering a certain immunity from liability or disciplinary action arising solely from certain actions; providing that prescribers, prescriber delegates, pharmacists, and pharmacist delegates shall be subject to disciplinary action by the appropriate licensing entity for certain violations; providing that a release of prescription monitoring data by a prescriber delegate, pharmacist, or pharmacist delegate under certain circumstances is not a violation of certain provisions of law; requiring the Department of Health and Mental Hygiene to report to certain committees, on or before certain dates, regarding the ongoing implementation and use of the Program; requiring the Department to report to certain committees, on or before a certain date, on certain matters, for a certain purpose; requiring the Department to develop and implement a certain plan; making certain provisions of this Act subject to certain contingencies; requiring the Secretary to give certain notice to the Department of Legislative Services and certain committees of the General Assembly within a certain time period after the Secretary makes a determination that certain contingencies have been satisfied; providing that certain provisions of this Act shall be null and void under certain circumstances; altering certain definitions; defining certain terms; making certain technical corrections; and generally relating to the Prescription Drug Monitoring Program.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 5–304  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 21–2A–01(a), (e), and (f), 21–2A–02(c), and 21–2A–03(a)  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 21–2A–01(d), (g), (h), (i), (j), and (k), 21–2A–02(b), 21–2A–03(b) and (e),  
21–2A–04, 21–2A–05(f)(3)(i) and (ii), 21–2A–06, 21–2A–07(b) and (c),  
21–2A–08(b), and 21–2A–09  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY adding to

Article – Health – General

Section 21–2A–01(h), (i), (k), (o), and (p), 21–2A–04.1, ~~and~~ 21–2A–04.2, and  
21–2A–04.3

Annotated Code of Maryland  
(2015 Replacement Volume)

*BY repealing and reenacting, with amendments,*

*Article – Health – General*

*Section 21–2A–09(b)(3)*

*Annotated Code of Maryland*  
*(2015 Replacement Volume)*

*(As enacted by Section 4 of this Act)*

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

### Article – Criminal Law

5–304.

(a) If an authorized provider is authorized to dispense or conduct research under State law, the Department shall register the authorized provider to dispense a controlled dangerous substance or to conduct research with a controlled dangerous substance listed in Schedule II through Schedule V.

**(B) AN AUTHORIZED PROVIDER WHO PRESCRIBES A CONTROLLED DANGEROUS SUBSTANCE LISTED IN SCHEDULE II THROUGH SCHEDULE V SHALL BE REGISTERED WITH THE PRESCRIPTION DRUG MONITORING PROGRAM DESCRIBED IN TITLE 21, SUBTITLE 2A OF THE HEALTH – GENERAL ARTICLE BEFORE OBTAINING A NEW OR RENEWAL REGISTRATION WITH THE DEPARTMENT UNDER SUBSECTION (A) OF THIS SECTION ~~OR BY JULY 1, 2017, WHICHEVER IS SOONER.~~**

[(b)] (C) The Department need not require separate registration under this section for an authorized provider who is:

(1) engaged in research with a nonnarcotic controlled dangerous substance in Schedule II through Schedule V; and

(2) already registered under this subtitle in another capacity.

[(c)] (D) An authorized provider may conduct research in the State with a controlled dangerous substance listed in Schedule I if the authorized provider is registered under federal law to conduct research with a controlled dangerous substance listed in Schedule I and gives evidence of the registration to the Department.

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

**Article – Health – General**

21–2A–01.

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

(d) (1) “Dispenser” means a person authorized by law to dispense a monitored prescription drug to a patient or the patient’s agent in the State.

(2) “Dispenser” includes a nonresident pharmacy.

(3) “Dispenser” does not include:

(i) A licensed hospital pharmacy that only dispenses a monitored prescription drug for direct administration to an inpatient of the hospital;

(ii) An opioid [maintenance] **TREATMENT SERVICES** program;

(iii) A veterinarian licensed under Title 2, Subtitle 3 of the Agriculture Article when prescribing controlled substances for animals in the usual course of providing professional services;

(iv) A pharmacy issued a waiver permit under COMAR 10.34.17.03 that provides pharmaceutical specialty services exclusively to persons living in assisted living facilities, comprehensive care facilities, and developmental disabilities facilities; and

(v) A pharmacy that:

1. Dispenses medications to an inpatient hospice; and

2. Has been granted a waiver under § 21–2A–03(f) of this subtitle.

(e) “Licensing entity” means an entity authorized under the Health Occupations Article to license, regulate, or discipline a prescriber or dispenser.

(f) “Monitored prescription drug” means a prescription drug that contains a Schedule II, Schedule III, Schedule IV, or Schedule V controlled dangerous substance designated under Title 5, Subtitle 4 of the Criminal Law Article.

(g) “Opioid [maintenance] **TREATMENT SERVICES** program” means a program that:

(1) Is certified **IN ACCORDANCE WITH § 8–401 OF THIS ARTICLE OR LICENSED** by the State under **[§ 8–404] § 7.5–401** of this article;

(2) Is authorized to treat patients with opioid dependence with a medication approved by the federal Food and Drug Administration for opioid dependence;

(3) Complies with:

(i) The Code of Federal Regulations 42, Part 8;

(ii) COMAR 10.47.02.11; and

(iii) Requirements for the secure storage and accounting of opioid medication imposed by the federal Drug Enforcement Administration and the State Division of Drug Control; and

(4) Has been granted a certification for operation by the Department, the federal Substance Abuse and Mental Health Services Administration, and the federal Center for Substance Abuse Treatment.

**(H) “PHARMACIST” MEANS AN INDIVIDUAL WHO IS LICENSED UNDER TITLE 12 OF THE HEALTH OCCUPATIONS ARTICLE TO DISPENSE A MONITORED PRESCRIPTION DRUG.**

**(I) “PHARMACIST DELEGATE” MEANS AN INDIVIDUAL WHO IS:**

**(1) AUTHORIZED BY A REGISTERED PHARMACIST TO REQUEST OR ACCESS PRESCRIPTION MONITORING DATA; AND**

**(2) EMPLOYED BY OR UNDER CONTRACT WITH THE SAME PROFESSIONAL PRACTICE AS THE REGISTERED PHARMACIST.**

**[(h)] (J) “Prescriber” means a licensed health care professional authorized by law to prescribe a monitored prescription drug.**

**(K) “PRESCRIBER DELEGATE” MEANS AN INDIVIDUAL WHO IS:**

**(1) AUTHORIZED BY A REGISTERED PRESCRIBER TO REQUEST OR ACCESS PRESCRIPTION MONITORING DATA; AND**

**(2) EMPLOYED BY OR UNDER CONTRACT WITH THE SAME PROFESSIONAL PRACTICE AS THE PRESCRIBER.**

**[(i)] (L) “Prescription drug” has the meaning stated in § 21–201 of this title.**

**[(j)] (M)** “Prescription monitoring data” means the information submitted to the Program for a monitored prescription drug.

**[(k)] (N)** “Program” means the Prescription Drug Monitoring Program established under this subtitle.

**(O) “REGISTERED” MEANS REGISTERED WITH THE PROGRAM TO REQUEST OR ACCESS PRESCRIPTION MONITORING DATA FOR CLINICAL USE.**

**(P) “TERMINAL ILLNESS” MEANS A MEDICAL CONDITION THAT, WITHIN REASONABLE MEDICAL JUDGMENT, INVOLVES A PROGNOSIS FOR A PATIENT THAT LIKELY WILL RESULT IN THE PATIENT’S DEATH WITHIN 6 MONTHS.**

21-2A-02.

(b) The mission of the Program is to:

(1) Assist prescribers, **[(dispensers)] PHARMACISTS**, and public health professionals in:

(i) The identification and prevention of prescription drug abuse; and

(ii) The identification and investigation of unlawful prescription drug diversion; and

(2) Promote a balanced use of prescription monitoring data to assist appropriate law enforcement activities while preserving the professional practice of health care providers and the access of patients to optimal pharmaceutical care.

(c) To carry out its mission, the Program shall monitor the prescribing and dispensing of all Schedule II, Schedule III, Schedule IV, and Schedule V controlled dangerous substances by all prescribers and dispensers in the State.

21-2A-03.

(a) The Department shall implement the Program, subject to the availability of funds.

(b) The Secretary may:

(1) Assign responsibility for the operation of the Program to any unit in the Department; **[(and)]**

(2) Contract with any qualified person for the efficient and economical operation of the Program; **AND**

**(3) IDENTIFY AND PUBLISH A LIST OF MONITORED PRESCRIPTION DRUGS THAT HAVE A LOW POTENTIAL FOR ABUSE BY INDIVIDUALS.**

(e) The Secretary, in consultation with the Maryland Health Care Commission and the Board, shall:

(1) Determine the appropriate technology to support the operation of the Program; and

(2) Educate dispensers, prescribers, **PHARMACISTS, PRESCRIBER DELEGATES, PHARMACIST DELEGATES**, and consumers about the purpose and operation of the Program.

21-2A-04.

(a) The Secretary, in consultation with the Board, shall adopt regulations to carry out this subtitle.

(b) The regulations adopted by the Secretary shall:

(1) Specify the prescription monitoring data required to be submitted under § 21-2A-03 of this subtitle;

(2) Specify the electronic or other means by which information is to be submitted:

(i) Without unduly increasing the workload and expense on dispensers; and

(ii) In a manner as compatible as possible with existing data submission practices of dispensers;

**(3) SPECIFY THAT THE INFORMATION BE SUBMITTED BY DISPENSERS ONCE EVERY 24 HOURS;**

~~(3)~~ **(4)** Specify that the Program:

(i) Shall provide the information technology software to dispensers necessary to upload prescription drug monitoring data to the Program; and

(ii) May not impose any fees or other assessments on prescribers or dispensers to support the operation of the Program;

~~(4) Specify [that a prescriber or dispenser is not required or obligated to access or use prescription monitoring data available under the Program] **THE CIRCUMSTANCES UNDER WHICH A PRESCRIBER OR PHARMACIST IS REQUIRED TO**~~

~~REQUEST PRESCRIPTION MONITORING DATA FROM THE PROGRAM, AS PROVIDED UNDER § 21-2A-04.2 OF THIS SUBTITLE;~~

(5) Identify the mechanism by which prescription monitoring data are disclosed to a person, in accordance with § 21-2A-06 of this subtitle;

(6) Identify the circumstances under which a person may disclose prescription monitoring data received under the Program;

(7) Specify the process for the Program's review of prescription monitoring data and reporting of [possible]:

(I) **POSSIBLE** misuse or abuse of a monitored prescription drug under § 21-2A-06(c) of this subtitle; OR

(II) **A POSSIBLE VIOLATION OF LAW OR POSSIBLE BREACH OF PROFESSIONAL STANDARDS UNDER § 21-2A-06(D) OF THIS SUBTITLE;**

(8) Establish requirements for Program retention of prescription monitoring data for 3 years; and

(9) Require that:

(i) Confidential or privileged patient information be kept confidential; and

(ii) Records or information protected by a privilege between a health care provider and a patient, or otherwise required by law to be held confidential, be filed in a manner that, except as otherwise provided in § 21-2A-06 of this subtitle, does not disclose the identity of the person protected.

**21-2A-04.1.**

(A) **A PRESCRIBER SHALL BE REGISTERED WITH THE PROGRAM BEFORE OBTAINING A NEW OR RENEWAL REGISTRATION WITH THE DEPARTMENT UNDER § 5-304(A) OF THE CRIMINAL LAW ARTICLE OR BY JULY 1, 2017, WHICHEVER IS SOONER.**

(B) **A PHARMACIST SHALL BE REGISTERED WITH THE PROGRAM BY JULY 1, 2017.**

(C) **BEFORE REGISTERING WITH THE PROGRAM, A PRESCRIBER AND A PHARMACIST SHALL COMPLETE A COURSE OF INSTRUCTION AND TRAINING DEVELOPED BY THE DEPARTMENT, ~~DEVELOPED IN COOPERATION WITH THE DEPARTMENT~~, **ABOUT:****

~~(1) HOW TO USE THE PROGRAM; AND~~

~~(2) SIGNS OF POSSIBLE MISUSE OR ABUSE OF CONTROLLED DANGEROUS SUBSTANCES INCLUDING THE EFFECTIVE USE OF THE PROGRAM.~~

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

Article – Health – General

**21-2A-04.2.**

**(A) (1) BEGINNING JULY 1, 2018, A PRESCRIBER ~~OR PHARMACIST:~~**

**(I) SHALL REQUEST AT LEAST THE PRIOR ~~12~~ 4 MONTHS OF PRESCRIPTION MONITORING DATA FOR A PATIENT BEFORE INITIATING A COURSE OF TREATMENT FOR THE PATIENT THAT INCLUDES PRESCRIBING OR DISPENSING AN OPIOID OR A BENZODIAZEPINE;**

**(II) SHALL, IF A PATIENT'S COURSE OF TREATMENT CONTINUES TO INCLUDE PRESCRIBING OR DISPENSING AN OPIOID OR A BENZODIAZEPINE FOR MORE THAN 90 DAYS AFTER THE INITIAL REQUEST FOR PRESCRIPTION MONITORING DATA, REQUEST PRESCRIPTION MONITORING DATA FOR THE PATIENT AT LEAST EVERY 90 DAYS UNTIL THE COURSE OF TREATMENT HAS ENDED; AND**

**(III) SHALL ASSESS PRESCRIPTION MONITORING DATA REQUESTED FROM THE PROGRAM BEFORE DECIDING WHETHER TO PRESCRIBE OR DISPENSE OR CONTINUE PRESCRIBING OR DISPENSING AN OPIOID OR A BENZODIAZEPINE.**

**(2) IF A PRESCRIBER DECIDES TO PRESCRIBE OR CONTINUE TO PRESCRIBE AN OPIOID OR A BENZODIAZEPINE AFTER REQUESTING PRESCRIPTION MONITORING DATA FROM THE PROGRAM AND ASSESSING THE PRESCRIPTION MONITORING DATA, THE PRESCRIBER SHALL DOCUMENT IN THE PATIENT'S MEDICAL RECORD THAT THE PRESCRIPTION MONITORING DATA WAS REQUESTED AND ASSESSED.**

~~**(B) A PRESCRIBER OR PHARMACIST MAY AUTHORIZE A PRESCRIBER DELEGATE OR PHARMACIST DELEGATE TO REQUEST PRESCRIPTION MONITORING DATA ON BEHALF OF THE PRESCRIBER OR PHARMACIST IF:**~~

~~(1) THE PRESCRIBER OR PHARMACIST TAKES REASONABLE STEPS TO ENSURE THAT THE PRESCRIBER DELEGATE OR PHARMACIST DELEGATE IS COMPETENT IN THE USE OF THE PROGRAM;~~

~~(2) THE PRESCRIBER OR PHARMACIST REMAINS RESPONSIBLE FOR:~~

~~(I) ENSURING THAT ACCESS TO THE PROGRAM BY THE PRESCRIBER DELEGATE OR PHARMACIST DELEGATE IS LIMITED TO PURPOSES AUTHORIZED BY LAW;~~

~~(II) PROTECTING THE CONFIDENTIALITY OF THE PRESCRIPTION MONITORING DATA; AND~~

~~(III) ANY BREACH OF CONFIDENTIALITY BY THE PRESCRIBER DELEGATE OR PHARMACIST DELEGATE; AND~~

~~(3) THE DECISION WHETHER TO PRESCRIBE OR DISPENSE A MONITORED PRESCRIPTION DRUG FOR A PATIENT:~~

~~(I) REMAINS WITH THE PRESCRIBER OR PHARMACIST; AND~~

~~(II) IS REASONABLY INFORMED BY THE PRESCRIPTION MONITORING DATA OBTAINED FROM THE PROGRAM.~~

~~(c)~~ (b) A PRESCRIBER OR PHARMACIST IS NOT REQUIRED TO REQUEST PRESCRIPTION MONITORING DATA FROM THE PROGRAM IF THE OPIOID OR BENZODIAZEPINE IS PRESCRIBED OR DISPENSED TO AN INDIVIDUAL:

(1) IN AN AMOUNT INDICATED FOR A PERIOD NOT TO EXCEED ~~7~~ 3 DAYS;

(2) FOR THE TREATMENT OF CANCER OR ~~ANOTHER CONDITION ASSOCIATED WITH CANCER~~ CANCER-RELATED PAIN;

(3) WHO IS:

~~(I) A PATIENT TREATED AT AN INSTITUTION OF POSTSECONDARY EDUCATION TO THE EXTENT THAT IT PROVIDES INSTRUCTION TO INDIVIDUALS PREPARING TO PRACTICE AS PHYSICIANS, PODIATRISTS, DENTISTS, NURSES, PHYSICIAN ASSISTANTS, OPTOMETRISTS, OR VETERINARIANS;~~

~~(II) A PATIENT AT A RECEIVING TREATMENT IN AN INPATIENT UNIT OF A HOSPITAL, INCLUDING ANY;~~

~~1. OUTPATIENT FACILITY;~~

~~2. CLINIC OF A HOSPITAL; OR~~

~~3. OFFICE OF A HOSPITAL EMPLOYED HEALTH CARE PRACTITIONER, TO THE EXTENT THAT THE HEALTH CARE PRACTITIONER PRACTICES AT THE OFFICE AS A HOSPITAL EMPLOYEE;~~

~~(H) (II) 1. A PATIENT AT A HOSPICE CARE FACILITY LICENSED UNDER TITLE 19, SUBTITLE 9 IN A GENERAL HOSPICE CARE PROGRAM AS DEFINED IN § 19-901 OF THIS ARTICLE; OR~~

2. ANY OTHER PATIENT DIAGNOSED WITH A TERMINAL ILLNESS;

~~(IV) (III) A PATIENT AT A FACILITY MAINTAINED OR OPERATED BY THE STATE;~~

~~(V) A PATIENT AT A NURSING FACILITY LICENSED UNDER TITLE 19, SUBTITLE 3 OF THIS ARTICLE;~~

~~(VI) A PATIENT AT A CLINIC MAINTAINED OR OPERATED BY THE FEDERAL GOVERNMENT; OR~~

~~(VII) A PATIENT AT A CLINIC, FACILITY, OR PRACTICE AT WHICH THE USE OF OPIOIDS OR BENZODIAZEPINES FOR A MAJORITY OF THE PATIENTS IS FOR TREATMENT FOR PAIN IMMEDIATELY BEFORE, DURING, AND NOT MORE THAN 14 DAYS AFTER SURGERY WHO RESIDES IN:~~

1. AN ASSISTED LIVING FACILITY;

2. A LONG-TERM CARE FACILITY;

3. A COMPREHENSIVE CARE FACILITY; OR

4. A DEVELOPMENTAL DISABILITIES FACILITY; OR

(4) TO TREAT OR PREVENT ACUTE PAIN RESULTING FROM A SURGICAL OR OTHER INVASIVE PROCEDURE OR CHILDBIRTH FOR A PERIOD OF NOT MORE THAN 14 DAYS FOLLOWING:

(I) A SURGICAL PROCEDURE IN WHICH GENERAL ANESTHESIA WAS USED;

- (II) A FRACTURE;
- (III) SIGNIFICANT TRAUMA; OR
- (IV) CHILDBIRTH.

~~(D)~~ (C) A PRESCRIBER ~~OR PHARMACIST~~ MAY NOT BE REQUIRED TO COMPLY WITH THE PROVISIONS OF THIS SECTION WHEN:

(1) PRESCRIBING OR DISPENSING AN OPIOID OR A BENZODIAZEPINE DRUG THAT HAS BEEN LISTED BY THE SECRETARY UNDER § 21-2A-03(B)(3) OF THIS SUBTITLE AS HAVING A LOW POTENTIAL FOR ABUSE;

(2) ACCESSING PRESCRIPTION MONITORING DATA WOULD RESULT IN A DELAY IN THE TREATMENT OF A PATIENT THAT WOULD NEGATIVELY IMPACT THE MEDICAL CONDITION OF THE PATIENT;

(3) ELECTRONIC ACCESS TO PRESCRIPTION MONITORING DATA IS NOT OPERATIONAL AS DETERMINED BY THE DEPARTMENT; OR

(4) PRESCRIPTION MONITORING DATA CANNOT BE ACCESSED BY THE PRESCRIBER ~~OR PHARMACIST~~ DUE TO A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE, ~~AS DESCRIBED IN REGULATION.~~

~~(E)~~ (D) IF A PRESCRIBER ~~OR PHARMACIST~~ DOES NOT ACCESS PRESCRIPTION MONITORING DATA FOR ANY OF THE REASONS PROVIDED UNDER SUBSECTION ~~(D)(2)~~ (C)(2), (3), OR (4) OF THIS SECTION:

(1) THE PRESCRIBER ~~OR PHARMACIST~~ SHALL USE REASONABLE MEDICAL JUDGMENT IN DETERMINING WHETHER TO PRESCRIBE OR DISPENSE AN OPIOID OR A BENZODIAZEPINE; AND

(2) THE PRESCRIBER SHALL ENTER AN APPROPRIATE RECORD IN THE PATIENT'S MEDICAL CHART, INCLUDING THE REASON WHY PRESCRIPTION MONITORING DATA WAS NOT ACCESSED.

(E) IF A PHARMACIST OR PHARMACIST DELEGATE HAS A REASONABLE BELIEF THAT A PATIENT MAY BE SEEKING A MONITORED PRESCRIPTION DRUG FOR ANY PURPOSE OTHER THAN THE TREATMENT OF AN EXISTING MEDICAL CONDITION:

(1) BEFORE DISPENSING A MONITORED PRESCRIPTION DRUG TO THE PATIENT, THE PHARMACIST OR PHARMACIST DELEGATE SHALL REQUEST PRESCRIPTION MONITORING DATA TO DETERMINE IF THE PATIENT HAS RECEIVED

OTHER PRESCRIPTIONS THAT INDICATE MISUSE, ABUSE, OR DIVERSION OF A MONITORED PRESCRIPTION DRUG; AND

(2) THE PHARMACIST SHALL HAVE THE RESPONSIBILITY DESCRIBED IN 21 C.F.R. § 1306.04.

(F) THE SECRETARY MAY ADOPT REGULATIONS TO PROVIDE ADDITIONAL CLINICAL, TECHNICAL, OR ADMINISTRATIVE EXEMPTIONS BASED ON NEW STANDARDS OF PRACTICE.

21-2A-09.

*(b) (3) A prescriber or pharmacist who violates § 21-2A-04.1 OR § 21-2A-04.2 of this subtitle shall be subject to disciplinary action by the appropriate licensing entity.*

SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Health – General

21-2A-04.3.

A PRESCRIBER OR PHARMACIST MAY AUTHORIZE A PRESCRIBER DELEGATE OR PHARMACIST DELEGATE TO REQUEST PRESCRIPTION MONITORING DATA ON BEHALF OF THE PRESCRIBER OR PHARMACIST IF:

(1) THE PRESCRIBER OR PHARMACIST TAKES REASONABLE STEPS TO ENSURE THAT THE PRESCRIBER DELEGATE OR PHARMACIST DELEGATE IS COMPETENT IN THE USE OF THE PROGRAM;

(2) THE PRESCRIBER OR PHARMACIST REMAINS RESPONSIBLE FOR:

(I) ENSURING THAT ACCESS TO THE PROGRAM BY THE PRESCRIBER DELEGATE OR PHARMACIST DELEGATE IS LIMITED TO PURPOSES AUTHORIZED BY LAW;

(II) PROTECTING THE CONFIDENTIALITY OF THE PRESCRIPTION MONITORING DATA; AND

(III) ANY BREACH OF CONFIDENTIALITY BY THE PRESCRIBER DELEGATE OR PHARMACIST DELEGATE; AND

(3) THE DECISION WHETHER TO PRESCRIBE OR DISPENSE A MONITORED PRESCRIPTION DRUG FOR A PATIENT;

**(I) REMAINS WITH THE PRESCRIBER OR PHARMACIST; AND**

**(II) IS REASONABLY INFORMED BY THE PRESCRIPTION MONITORING DATA OBTAINED FROM THE PROGRAM.**

21-2A-05.

(f) The Board shall:

(3) Provide annually to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly a report that includes:

(i) The number of prescribers **AND PRESCRIBER DELEGATES** registered with and using the Program;

(ii) The number of [dispensers] **PHARMACISTS AND PHARMACIST DELEGATES** registered with and using the Program;

21-2A-06.

(a) Prescription monitoring data:

(1) Are confidential and privileged, and not subject to discovery, subpoena, or other means of legal compulsion in civil litigation;

(2) Are not public records; and

(3) Except as provided in subsections (b), (c), **(D)**, and **[(e)] (F)** of this section or as otherwise provided by law, may not be disclosed to any person.

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

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

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

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

(4) The State Board of Physicians, on issuance of an administrative subpoena voted on by a quorum of a disciplinary panel, as defined in § 14-101 of the Health

Occupations Article, for the purposes of furthering an existing bona fide investigation of an individual;

(5) A licensing entity other than the State Board of Physicians, on issuance of an administrative subpoena voted on by a quorum of the board of the licensing entity, for the purposes of furthering an existing bona fide individual investigation;

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

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

(8) Subject to subsection [(h)] **(I)** of this section, the authorized administrator of another state's prescription drug monitoring program;

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

(i) The Office of the Chief Medical Examiner;

(ii) The Maryland Medical Assistance Program;

(iii) The Office of the Inspector General;

(iv) The Office of Health Care Quality; and

(v) The Division of Drug Control;

(10) The technical advisory committee established under § 21–2A–07 of this subtitle for the purposes set forth in subsections (c) ~~and, [(d)],~~ **AND (E)** of this section; or

(11) The following entities, on approval of the Secretary and for the purpose of furthering an existing bona fide individual case review:

(i) The State Child Fatality Review Team or a local child fatality review team established under Title 5, Subtitle 7 of this article, on request from the chair of the State or local team;

(ii) A local drug overdose fatality review team established under § 5–902 of this article, on request from the chair of the local team;

(iii) The Maternal Mortality Review Program established under § 13–1203 of this article, on request from the Program; and

(iv) A medical review committee described in § 1–401(b)(3) of the Health Occupations Article, on request from the committee.

(c) (1) In accordance with regulations adopted by the Secretary:

(i) The Program ~~{may}~~ ~~SHALL~~ review prescription monitoring data for indications of possible misuse or abuse of a monitored prescription drug; and

(ii) If the Program's review of prescription monitoring data indicates possible misuse or abuse of a monitored prescription drug, the Program ~~{may}~~ ~~SHALL~~ report the possible misuse or abuse to the prescriber ~~{or dispenser}~~ of the monitored prescription drug ~~OR THE PHARMACIST WHO DISPENSED THE MONITORED PRESCRIPTION DRUG.~~

(2) Before the Program reports the possible misuse or abuse of a monitored prescription drug to a prescriber or dispenser under this subsection, the Program ~~shall~~ MAY obtain from the technical advisory committee:

(i) Clinical guidance regarding indications of possible misuse or abuse; and

(ii) Interpretation of the prescription monitoring data that indicates possible misuse or abuse.

**(D) (1) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY, THE PROGRAM ~~SHALL~~ MAY REVIEW PRESCRIPTION MONITORING DATA FOR INDICATIONS OF A POSSIBLE VIOLATION OF LAW OR A POSSIBLE BREACH OF PROFESSIONAL STANDARDS BY A PRESCRIBER OR A ~~PHARMACIST~~ DISPENSER.**

**(2) ~~IF~~ SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IF THE PROGRAM'S REVIEW INDICATES A POSSIBLE VIOLATION OF LAW OR A POSSIBLE BREACH OF PROFESSIONAL STANDARDS BY A PRESCRIBER OR A ~~PHARMACIST~~ DISPENSER, THE PROGRAM ~~SHALL~~ MAY:**

**(I) NOTIFY THE ~~APPROPRIATE LICENSING ENTITY OR LAW ENFORCEMENT AGENCY~~ PRESCRIBER OR DISPENSER OF THE POSSIBLE VIOLATION OF LAW OR POSSIBLE BREACH OF PROFESSIONAL STANDARDS; AND**

**(II) PROVIDE ~~INFORMATION NECESSARY TO THE LICENSING ENTITY OR LAW ENFORCEMENT AGENCY TO CARRY OUT AN INVESTIGATION~~ EDUCATION TO THE PRESCRIBER OR DISPENSER.**

**(3) BEFORE THE PROGRAM PROVIDES NOTIFICATION OF A POSSIBLE VIOLATION OF LAW OR A POSSIBLE BREACH OF PROFESSIONAL STANDARDS TO A PRESCRIBER OR A DISPENSER, THE PROGRAM ~~SHALL~~ OBTAIN FROM THE TECHNICAL ADVISORY COMMITTEE:**

**(I) CLINICAL GUIDANCE REGARDING INDICATIONS OF A POSSIBLE VIOLATION OF LAW OR A POSSIBLE BREACH OF PROFESSIONAL STANDARDS; AND**

**(II) INTERPRETATION OF THE PRESCRIPTION MONITORING DATA THAT INDICATES A POSSIBLE VIOLATION OF LAW OR A POSSIBLE BREACH OF PROFESSIONAL STANDARDS.**

**[(d)] (E)** (1) Before the Program discloses information under subsection (b)(3), (4), (5), [(7), or (8)] **(6), (8), OR (9)** of this section, **THE PROGRAM MAY REQUEST THAT** the technical advisory committee ~~shall~~:

(i) Review the requests for information;

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

(iii) Provide clinical guidance and interpretation of the information requested to the authorized recipient of the information.

(2) ~~Notwithstanding paragraph (1) of this subsection, the Program may disclose information to the authorized administrator of another state's prescription drug monitoring program for disclosure to the persons listed in subsection (b)(1), (2), and (6) of this section without the review, clinical guidance, and interpretation of the technical advisory committee~~ **THE PROGRAM, IN CONSULTATION WITH THE BOARD, SHALL CONSIDER POLICIES AND PROCEDURES FOR DETERMINING THE CIRCUMSTANCES IN WHICH THE REVIEW OF REQUESTS FOR INFORMATION AND THE PROVISION OF CLINICAL GUIDANCE AND INTERPRETATION OF INFORMATION BY THE TECHNICAL ADVISORY COMMITTEE UNDER PARAGRAPH (1) OF THIS SUBSECTION IS FEASIBLE AND DESIRABLE.**

**[(e)] (F)** Except as provided by regulations adopted by the Secretary, a person who receives prescription monitoring data from the Program may not disclose the data.

**[(f)] (G)** (1) In addition to the disclosures required under subsection (b) of this section, the Program may disclose prescription monitoring data for research, analysis, public reporting, and education:

(i) After redaction of all information that could identify a patient, prescriber, dispenser, or any other individual; and

(ii) In accordance with regulations adopted by the Secretary.

(2) The Secretary may require submission of an abstract explaining the scope and purpose of the research, analysis, public reporting, or education before disclosing prescription monitoring data under this subsection.

[(g)] (H) The Office of the Attorney General may seek appropriate injunctive or other relief to maintain the confidentiality of prescription monitoring data as required under this section.

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

[(i)] (J) The Program may:

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

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

[(j)] (K) The Program may enter into written agreements with other states' prescription drug monitoring programs for the purpose of establishing the terms and conditions for sharing prescription monitoring data under this section.

[(k)] (L) Prescription monitoring data may not be used as the basis for imposing clinical practice standards.

21-2A-07.

(b) The purpose the technical advisory committee is to:

(1) Review requests for information from the Program under § 21-2A-06(b)(3), ~~(4)~~, (5), (6), ~~[(8), and]~~ OR (9) of this subtitle; and

(2) Provide clinical guidance and interpretation to the Program regarding indications of possible misuse or abuse of a monitored prescription drug OR A POSSIBLE VIOLATION OF LAW OR A POSSIBLE BREACH OF PROFESSIONAL STANDARDS BY A PRESCRIBER OR A DISPENSER under § ~~21-2A-06(e)(2)~~ 21-2A-06(C) AND (D) of this subtitle.

(c) The technical advisory committee consists of [the following members,] MEMBERS appointed by the Secretary, INCLUDING:

(1) A board certified anesthesiologist licensed and practicing in the State, nominated by the Maryland Society of Anesthesiologists;

(2) A certified addiction medicine specialist licensed and practicing in the State, nominated by the Maryland Society for Addiction Medicine;

(3) A pharmacist licensed and practicing in the State;

(4) A medical professional, licensed and practicing in the State, who is treating cancer patients; [and]

(5) A board certified physician specializing in the treatment of patients with pain, licensed and practicing in the State, nominated by the Maryland Society of Physical Medicine and Rehabilitation;

**(6) TWO MEDICAL PROFESSIONALS, LICENSED AND PRACTICING IN THE STATE WITH EXPERTISE OR EXPERIENCE IN PROVIDING CARE FOR PATIENTS WITH SUBSTANCE-RELATED OR MENTAL HEALTH DISORDERS;**

**(7) A DENTIST LICENSED AND PRACTICING IN THE STATE; AND**

**(8) A MEDICAL PROFESSIONAL LICENSED AND PRACTICING IN THE STATE IN THE FIELD OF INTERNAL MEDICINE OR FAMILY PRACTICE.**

21-2A-08.

(b) [A] EXCEPT AS PROVIDED IN § 21-2A-09(B)(3) OF THIS SUBTITLE, A prescriber [or dispenser], PRESCRIBER DELEGATE, PHARMACIST, OR PHARMACIST DELEGATE, acting in good faith, is not subject to liability or disciplinary action arising solely from:

(1) Requesting or receiving, or failing to request or receive, prescription monitoring data from the Program; or

(2) Acting, or failing to act, on the basis of prescription monitoring data provided by the Program.

21-2A-09.

(a) A dispenser who knowingly fails to submit prescription monitoring data to the Program as required under this subtitle shall be subject to a civil penalty not exceeding \$500 for each failure to submit required information.

(b) (1) A person who knowingly discloses, uses, obtains, or attempts to obtain by fraud or deceit, prescription monitoring data in violation of this subtitle shall be guilty

of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$10,000 or both.

(2) In addition to the penalties under paragraph (1) of this subsection, a prescriber [or dispenser], **PRESCRIBER DELEGATE, PHARMACIST, OR PHARMACIST DELEGATE** who knowingly discloses or uses prescription monitoring data in violation of this subtitle shall be subject to disciplinary action by the appropriate licensing entity.

**(3) A PRESCRIBER OR PHARMACIST WHO VIOLATES § 21-2A-04.1 ~~OR~~ § 21-2A-04.2 OF THIS SUBTITLE SHALL BE SUBJECT TO DISCIPLINARY ACTION BY THE APPROPRIATE LICENSING ENTITY.**

~~[(3)]~~ (4) The release of prescription monitoring data by a prescriber [or dispenser], **PRESCRIBER DELEGATE, PHARMACIST, OR PHARMACIST DELEGATE** to a licensed health care professional solely for treatment purposes in a manner otherwise consistent with State and federal law is not a violation of this subtitle.

SECTION 5. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene shall report, subject to § 2-1246 of the State Government Article, to the Senate Finance Committee, the House Health and Government Operations Committee, and the Joint Committee on Behavioral Health and Opioid Use Disorders, regarding the ongoing implementation and use of the Prescription Drug Monitoring Program, including:

(1) on or before December 1, 2016:

(i) the technical capacity of the Program to analyze prescription drug monitoring data for possible violations of law and possible breaches of professional standards by a prescriber or a dispenser; and

(ii) an analysis of the possibility of reporting possible violations of law or possible breaches of professional standards by a prescriber or a dispenser to law enforcement agencies, licensing entities, or units of the Department of Health and Mental Hygiene; and

(2) on or before September 1, 2017:

(i) in consultation with the Advisory Board on Prescription Drug Monitoring, the status of the implementation of providing education and notice of a possible violation of law or a possible breach of professional standards to prescribers and dispensers, as authorized under § 21-2A-06(d) of the Health – General Article, as enacted by Section 4 of this Act; and

(ii) a recommendation on whether the authority of the Program to report possible violations of law or possible breaches of professional standards should be expanded to allow reporting to law enforcement agencies, licensing boards, or units of the Department of Health and Mental Hygiene.

SECTION 6. AND BE IT FURTHER ENACTED, That, on or before November 1, 2016, the Department of Health and Mental Hygiene shall report, subject to § 2–1246 of the State Government Article, to the Joint Committee on Behavioral Health and Opioid Use Disorders on the feasibility and desirability of analyzing prescription monitoring data through the regular and ongoing use of statistical and advanced analytical techniques, including outlier detection, cluster analysis, and unsupervised data analysis techniques, for the purpose of:

- (1) understanding patterns in pain management care, patient opioid use, and treatment plans;
- (2) detecting possible high risk opioid behavior;
- (3) improving detection of multiple provider episodes; and
- (4) facilitating the sharing of information contained in State health and criminal justice records, as allowed by State and federal law, and available from interstate data sources.

SECTION 7. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene shall develop and implement a plan to conduct outreach to and education of prescribers and pharmacists about the process for registering with the Prescription Drug Monitoring Program, as required by § 21–2A–04.1 of the Health – General Article, as enacted by Section 2 of this Act.

SECTION 8. AND BE IT FURTHER ENACTED, That:

(a) Section 1 of this Act is contingent on a determination by the Secretary of Health and Mental Hygiene, made in consultation with the Advisory Board on Prescription Drug Monitoring, the Joint Committee on Behavioral Health and Opioid Use Disorders, and stakeholders, that:

(1) the requirement to register with the Prescription Drug Monitoring Program will not adversely affect or delay the issuance of a new or renewal registration by the Department of Health and Mental Hygiene under § 5–304(a) of the Criminal Law Article; and

(2) the process for obtaining a new or renewal registration from the Department of Health and Mental Hygiene under § 5–304(a) of the Criminal Law Article is capable of delivering the registrations in a timely manner.

(b) The Secretary of Health and Mental Hygiene shall notify the Department of Legislative Services and, in accordance with § 2–1246 of the State Government Article, the Senate Finance Committee and the House Health and Government Operations Committee within 5 days after the Secretary determines that the contingencies under subsection (a) of this section have been satisfied.

(c) If the notice required under subsection (b) of this section is not received by the Department of Legislative Services on or before June 30, 2022, Section 1 of this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 9. AND BE IT FURTHER ENACTED, That:

(a) Section 3 of this Act is contingent on a determination by the Secretary of Health and Mental Hygiene, made in consultation with the Advisory Board on Prescription Drug Monitoring, the Joint Committee on Behavioral Health and Opioid Use Disorders, and stakeholders, that:

(1) the technical capabilities of the Prescription Drug Monitoring Program are sufficient to achieve a reasonable standard of access and usability by prescribers and pharmacists; and

(2) requiring a prescriber to request prescription monitoring data for a patient in accordance with § 21-2A-04.2 of the Health – General Article, as enacted by Section 3 of this Act, is important to protect public health and promote good patient care.

(b) The Secretary of Health and Mental Hygiene shall notify the Department of Legislative Services and, in accordance with § 2-1246 of the State Government Article, the Senate Finance Committee and the House Health and Government Operations Committee within 5 days after the Secretary determines that the contingencies under subsection (a) of this section have been satisfied.

(c) If the notice required under subsection (b) of this section is not received by the Department of Legislative Services on or before June 30, 2023, Section 3 of this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION ~~9~~ 10. AND BE IT FURTHER ENACTED, That, subject to Sections 8 and 9 of this Act, this Act shall take effect October 1, 2016.

**Approved by the Governor, April 26, 2016.**

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**Chapter 148**

**(Senate Bill 4)**

AN ACT concerning

**Natural Resources – Maryland Environmental Trust – Trustees**

FOR the purpose of ~~repealing the requirement that certain trustees of the Maryland Environmental Trust be elected in a certain manner; requiring the Governor to~~

~~appoint certain trustees with the advice and consent of the Senate; specifying the terms of the appointed trustees~~ altering the number of trustees of the Maryland Environmental Trust; altering the number of trustees that are elected to the Trust beginning on a certain date; altering the manner in which a trustee is elected; requiring that a certain number of trustees be elected in a certain month and year; specifying that certain recommendations for an elected trustee represent and reflect certain criteria; prohibiting an elected trustee from serving more than a certain number of consecutive terms, subject to a certain exception; prohibiting a trustee from receiving certain compensation, but authorizing the reimbursement of certain expenses; altering the number of times the trustees are required to meet; altering the number of trustees that may request a meeting for which the chair is required to call a meeting; altering the number of trustees that constitute a quorum; declaring the intent of the General Assembly; specifying the expiration of a term for ~~an appointed trustee~~ certain elected trustees; making conforming and stylistic changes; and generally relating to the Maryland Environmental Trust.

BY repealing and reenacting, with amendments,  
 Article – Natural Resources  
 Section 3–202 and 3–204  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

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

### Article – Natural Resources

3–202.

(a) (1) A board of ~~15~~ 19 trustees has and shall exercise the powers and duties of the Trust.

(2) The Governor, the President of the Senate, and the Speaker of the House of Delegates are ex officio members of the board of trustees.

(3) (I) [Of the] ~~THE~~ **SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, BEGINNING ON JUNE 1, 2017, OF THE** remaining ~~12~~ 16 trustees ~~three,~~ **FOUR** shall be elected each year for a term of four years at any regular or special meeting by ~~unanimous~~ **A MAJORITY** vote of the trustees present ~~SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.~~

**(II) IN ORDER TO BRING THE COMPOSITION OF THE BOARD OF TRUSTEES UP TO 16 ELECTED TRUSTEES, FOUR TRUSTEES SHALL BE ELECTED IN OCTOBER 2016.**

**(III) THE TRUSTEES SHALL ELECT A TRUSTEE AS FOLLOWS:**

1. THE GOVERNOR SHALL SUBMIT THREE RECOMMENDATIONS TO THE BOARD OF TRUSTEES, OF WHICH TWO SHALL BE ELECTED;

2. THE PRESIDENT OF THE SENATE SHALL SUBMIT THREE RECOMMENDATIONS TO THE BOARD OF TRUSTEES, OF WHICH ONE SHALL BE ELECTED; AND

3. THE SPEAKER OF THE HOUSE OF DELEGATES SHALL SUBMIT THREE RECOMMENDATIONS TO THE BOARD OF TRUSTEES, OF WHICH ONE SHALL BE ELECTED.

~~(H)~~ (IV) [If an elected trustee for any reason fails to serve or complete any elected term, a successor shall be elected for the remainder of the term at any regular or special meeting by unanimous vote of the trustees present. Elected] ~~THE APPOINTED~~ trustees shall be selected to obtain a broad distribution from the professions and other occupations, and a broad geographical distribution throughout the State, insofar INSOFAR as is practicable and consistent with the purposes of the Trust, THE RECOMMENDATIONS FOR AN ELECTED TRUSTEE SHALL:

1. REPRESENT A BROAD DISTRIBUTION OF PROFESSIONS AND GEOGRAPHIES;

2. REFLECT THE DIVERSITY OF THE STATE; AND

3. REPRESENT INDIVIDUALS WITH EXPERIENCE IN ONE OR MORE OF THE FOLLOWING CATEGORIES:

A. CONSERVATION OR PRESERVATION OF PARKLANDS, AGRICULTURAL LAND, FOREST LAND, HISTORIC AND CULTURAL PROPERTIES, NATURAL AREAS, OR IMPORTANT RECREATIONAL LANDS;

B. AGRICULTURE, INCLUDING THE HORSE INDUSTRY;

C. COMMUNITY PLANNING AND LAND USE POLICY, WITH AN EMPHASIS ON COMMUNITY SUSTAINABILITY, HEALTH COMMUNITIES, COMMUNITY FOOD SYSTEMS, YOUTH DEVELOPMENT AND EDUCATION, OR GREEN INFRASTRUCTURE;

D. ACADEMIC WORK IN NATURAL SCIENCE, SOCIAL SCIENCE, OR CULTURAL SCIENCE AT THE UNIVERSITY LEVEL; AND

**E. BUSINESS LEADERSHIP, GOVERNANCE, OR FUND-RAISING IN ANY OF THE CATEGORIES IDENTIFIED UNDER THIS ITEM.**

~~(H)~~ (V) 1. ~~THE TERM OF AN APPOINTED TRUSTEE IS 4 YEARS.~~

~~2. AN APPOINTED EXCEPT AS PROVIDED UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, AN ELECTED TRUSTEE MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.~~

**2. THE CHAIR MAY SERVE A THIRD CONSECUTIVE TERM IF ELECTED AS CHAIR DURING OR AFTER THE SECOND YEAR OF THE CHAIR'S SECOND TERM.**

3. THE TERMS OF ~~APPOINTED~~ **ELECTED** TRUSTEES ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR TRUSTEES OF THE TRUST ON ~~OCTOBER~~ **JUNE 1, 2016.**

~~4. AT THE END OF A TERM, AN APPOINTED TRUSTEE CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

~~5. A TRUSTEE WHO IS APPOINTED~~ **ELECTED TO FILL A VACANCY THAT ARISES** AFTER A TERM HAS BEGUN ~~SERVES:~~

**A. SHALL BE ELECTED FROM RECOMMENDATIONS SUBMITTED BY THE GOVERNOR, THE PRESIDENT OF THE SENATE, OR THE SPEAKER OF THE HOUSE OF DELEGATES IN ACCORDANCE WITH SUBPARAGRAPH (III) OF THIS PARAGRAPH, AS APPLICABLE; AND**

**B. SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS** ~~APPOINTED AND QUALIFIES~~ **ELECTED.**

(b) [A trustee serves without compensation] **A TRUSTEE:**

**(1) MAY NOT RECEIVE COMPENSATION AS A TRUSTEE OF THE TRUST; BUT**

**(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

(c) (1) An ex officio member of the board of trustees may delegate any of the powers or duties of the member to an authorized representative.

(2) (i) The representative of the Governor shall be a member of the Executive Department of this State.

(ii) The representative of the President of the Senate shall be a member of the Senate.

(iii) The representative of the Speaker of the House shall be a member of the House of Delegates.

3-204.

(A) The trustees shall elect from among the elected membership a [chairman] CHAIR, secretary, and other officers as they determine.

(B) The trustees shall meet at least [twice] FOUR TIMES a year at places and on dates they determine.

(C) The [chairman] CHAIR may call other meetings, and must call one at the request of [four] SIX or more trustees.

(D) The secretary shall notify in writing every trustee of the time and place of every meeting at least seven days in advance of the meeting, except that meetings may be held on shorter notice if all trustees agree.

(E) [Eight] TEN trustees constitute a quorum to conduct business.

(F) If at any time there is no director, the [chairman] CHAIR shall assume the director's duties and powers.

(G) The [chairman] CHAIR with the consent of the trustees may appoint an advisory council.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that an elected trustee of the Maryland Environmental Trust shall serve the rest of the term for which the trustee was elected and until a successor is ~~appointed~~ elected to the Maryland Environmental Trust in accordance with Section 3 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the initial terms of the ~~appointed~~ four trustees of the Maryland Environmental Trust elected under § 3-202(a)(3)(i) of the Natural Resources Article, as enacted by Section 1 of this Act, shall expire as follows:

- (1) in ~~2019 for all trustees~~ 2017 for one trustee appointed in 2016;
- (2) in ~~2020 for all trustees~~ 2018 for one trustee appointed in ~~2017~~ 2016;
- (3) in ~~2021 for all trustees~~ 2019 for one trustee appointed in ~~2018~~ 2016; and

- (4) in ~~2022 for all trustees~~ 2020 for one trustee appointed in ~~2019~~ 2016.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2016.

**Approved by the Governor, April 26, 2016.**

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## Chapter 149

### (Senate Bill 16)

AN ACT concerning

#### **Talbot County – Board of Education – Student Members**

FOR the purpose of increasing the number of student members of the Talbot County Board of Education; requiring that each student member be a student from a certain public high school in Talbot County; making certain conforming changes; and generally relating to student members of the Talbot County Board of Education.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 3–12A–01(a) and (h) and 3–12A–06  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

#### **Article – Education**

3–12A–01.

- (a) The Talbot County Board consists of:

(1) Seven voting members, one member elected from each of the seven election districts for the county board established in accordance with this subtitle; and

(2) **[One] TWO** nonvoting student **[member] MEMBERS** from **[a] THE** public high **[school] SCHOOLS** in the county.

(h) The student **[member] MEMBERS** shall be appointed and serve on the county board in accordance with § 3–12A–06 of this subtitle.

3–12A–06.

(a) (1) There shall be [one] **TWO** nonvoting student [member] **MEMBERS** on the Talbot County Board of Education.

(2) The student [member] **MEMBERS** shall advise the other members of the county board on the viewpoint of students who attend Talbot County public schools.

(b) (1) [The] **EACH OF THE** nonvoting student [member] **MEMBERS** of the county board shall be:

(i) A regularly enrolled 11th or 12th grade student in good standing at a Talbot County public school;

(ii) Qualified according to eligibility requirements established by the county board; and

(iii) Of good character.

(2) [The] **EACH** student member shall be appointed for a 1-year term during the school year prior to the school year that the member is to serve on the county board.

(3) [The position of] **ONE** student member shall [alternate annually between] **BE** a student from St. Michaels High School and **ONE STUDENT MEMBER SHALL BE A STUDENT FROM** Easton High School.

(4) The county board shall adopt procedures for the appointment of the student [member] **MEMBERS**.

(5) If a vacancy in the position of student member occurs during the term of [the] **A** student member, the county board shall appoint another student member to fill the vacancy in accordance with its procedures.

(6) Unless invited to attend by an affirmative vote of a majority of the county board, the student [member] **MEMBERS** may not attend an executive session of the county board.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 26, 2016.**

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**Chapter 150****(House Bill 226)**

AN ACT concerning

**Talbot County – Board of Education – Student Members**

FOR the purpose of increasing the number of student members of the Talbot County Board of Education; requiring that each student member be a student from a certain public high school in Talbot County; making certain conforming changes; and generally relating to student members of the Talbot County Board of Education.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 3–12A–01(a) and (h) and 3–12A–06  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

**Article – Education**

3–12A–01.

(a) The Talbot County Board consists of:

(1) Seven voting members, one member elected from each of the seven election districts for the county board established in accordance with this subtitle; and

(2) **[One] TWO** nonvoting student **[member] MEMBERS** from **[a] THE** public high **[school] SCHOOLS** in the county.

(h) The student **[member] MEMBERS** shall be appointed and serve on the county board in accordance with § 3–12A–06 of this subtitle.

3–12A–06.

(a) (1) There shall be **[one] TWO** nonvoting student **[member] MEMBERS** on the Talbot County Board of Education.

(2) The student **[member] MEMBERS** shall advise the other members of the county board on the viewpoint of students who attend Talbot County public schools.

(b) (1) [The] **EACH OF THE** nonvoting student [member] **MEMBERS** of the county board shall be:

(i) A regularly enrolled 11th or 12th grade student in good standing at a Talbot County public school;

(ii) Qualified according to eligibility requirements established by the county board; and

(iii) Of good character.

(2) [The] **EACH** student member shall be appointed for a 1-year term during the school year prior to the school year that the member is to serve on the county board.

(3) [The position of] **ONE** student member shall [alternate annually between] **BE** a student from St. Michaels High School and **ONE STUDENT MEMBER SHALL BE A STUDENT FROM** Easton High School.

(4) The county board shall adopt procedures for the appointment of the student [member] **MEMBERS**.

(5) If a vacancy in the position of student member occurs during the term of [the] **A** student member, the county board shall appoint another student member to fill the vacancy in accordance with its procedures.

(6) Unless invited to attend by an affirmative vote of a majority of the county board, the student [member] **MEMBERS** may not attend an executive session of the county board.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 26, 2016.**

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## Chapter 151

(Senate Bill 28)

AN ACT concerning

State Government – Web Sites – Language Access

FOR the purpose of providing that, beginning on a certain date, the reasonable steps certain departments, agencies, and programs are required to take under a certain provision of law include the operation and maintenance of equal access versions of certain Web sites in certain languages subject to certain exceptions; authorizing, under certain circumstances, a State department, agency, or program to post a certain disclaimer on its Web site; requiring the Department of Human Resources to consult with the Department of Information Technology on certain matters related to compliance with this Act; requiring the Department of Information Technology to establish certain standards; making conforming changes; stating the intent of the General Assembly; and generally relating to equal access to public services for individuals with limited English proficiency.

BY repealing and reenacting, without amendments,

Article – State Government  
Section 10–1102(a) through (c) and (e)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government  
Section 10–1103 through 10–1105  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

### **Article – State Government**

10–1102.

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

(b) “Equal access” means to be informed of, participate in, and benefit from public services offered by a State department, agency, or program, at a level equal to English proficient individuals.

(c) “Limited English proficiency” means the inability to adequately understand or express oneself in the spoken or written English language.

(e) “Program” means all of the operations of a State department, State agency, or any other instrumentality of the State.

10–1103.

(a) Each State department, agency, or program listed or identified under subsection [(c)] **(D)** of this section shall take reasonable steps to provide equal access to public services for individuals with limited English proficiency.

(b) Reasonable steps to provide equal access to public services include:

(1) the provision of oral language services for individuals with limited English proficiency, which must be through face-to-face, in-house oral language services if contact between the agency and individuals with limited English proficiency is on a weekly or more frequent basis;

(2) (i) the translation of vital documents ordinarily provided to the public into any language spoken by any limited English proficient population that constitutes 3% of the overall population within the geographic area served by a local office of a State program as measured by the United States Census; and

(ii) the provision of vital documents translated under item (i) of this paragraph on a statewide basis to any local office as necessary; and

(3) any additional methods or means necessary to achieve equal access to public services.

**(C) (1) (I) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, BEGINNING OCTOBER 1, 2016, REASONABLE STEPS TO PROVIDE EQUAL ACCESS TO PUBLIC SERVICES INCLUDE THE OPERATION AND MAINTENANCE, FOR EACH WEB SITE THAT MAY REASONABLY BE EXPECTED TO BE AVAILABLE TO AND USED BY MEMBERS OF THE GENERAL PUBLIC, OF EQUAL ACCESS VERSIONS IN ANY LANGUAGE ~~SPOKEN BY ANY LIMITED ENGLISH PROFICIENT POPULATION THAT CONSTITUTES AT LEAST 3% OF THE OVERALL POPULATION WITHIN THE STATE AS MEASURED BY THE MOST RECENT UNITED STATES CENSUS~~ THAT:**

**1. IS SPOKEN BY ANY LIMITED ENGLISH PROFICIENT POPULATION THAT CONSTITUTES AT LEAST 0.5% OF THE OVERALL POPULATION WITHIN THE STATE, AS MEASURED BY THE MOST RECENT UNITED STATES CENSUS; AND**

**2. CAN BE TRANSLATED FREE-OF-CHARGE.**

**(II) IF MACHINE TRANSLATION SERVICES ARE USED TO CARRY OUT THE PROVISIONS OF THIS SUBSECTION, THE STATE DEPARTMENT, AGENCY, OR PROGRAM MAY POST CONSPICUOUSLY ON ITS WEB SITE, A DISCLAIMER THAT THE STATE DEPARTMENT, AGENCY, OR PROGRAM:**

**1. DOES NOT GUARANTEE THE ACCURACY OR RELIABILITY OF THE TRANSLATION; AND**

2. IS NOT LIABLE FOR ANY LOSS OR DAMAGE ARISING OUT OF THE USE OF OR RELIANCE ON THE TRANSLATED CONTENT.

(2) A STATE DEPARTMENT, AGENCY, OR PROGRAM IS NOT REQUIRED TO PROVIDE EQUAL ACCESS TO WEB SITE CONTENT ~~THAT~~ IF:

(I) THE STATE DEPARTMENT, AGENCY, OR PROGRAM DETERMINES THAT AN INACCURATE TRANSLATION OF THE CONTENT COULD LEAD TO A DENIAL OF SERVICES OR BENEFITS; OR

(II) THE CONTENT CANNOT BE TRANSLATED DUE TO THE LIMITATIONS OF MACHINE TRANSLATION SOFTWARE, INCLUDING FILES IN PDF FORMAT, IMAGES, AND VIDEOS.

(3) A UNIT OF LOCAL GOVERNMENT IS ENCOURAGED TO TAKE THE STEPS UNDER PARAGRAPH (1) OF THIS SUBSECTION, BUT MAY NOT BE REQUIRED TO DO SO.

~~[(c)]~~ (D) The provisions of this subtitle shall be fully implemented according to the following schedule:

- (1) on or before July 1, 2003, full implementation by:
  - (i) the Department of Human Resources;
  - (ii) the Department of Labor, Licensing, and Regulation;
  - (iii) the Department of Health and Mental Hygiene;
  - (iv) the Department of Juvenile Services; and
  - (v) the Workers' Compensation Commission;
- (2) on or before July 1, 2004, full implementation by:
  - (i) the Department of Aging;
  - (ii) the Department of Public Safety and Correctional Services;
  - (iii) the Department of Transportation, not including the Maryland Transit Administration;
  - (iv) the Commission on Civil Rights;
  - (v) the Department of State Police; and

(vi) five independent agencies, boards, or commissions, to be determined by the Secretary of Human Resources, in consultation with the Office of the Attorney General;

(3) on or before July 1, 2005, full implementation by:

- (i) the Comptroller of Maryland;
- (ii) the Department of Housing and Community Development;
- (iii) the Maryland Transit Administration;
- (iv) the Department of Natural Resources;
- (v) the Maryland State Department of Education;
- (vi) the Office of the Attorney General; and

(vii) five independent agencies, boards, or commissions to be determined by the Secretary of Human Resources, in consultation with the Office of the Attorney General; and

(4) on or before July 1, 2006, full implementation by:

- (i) the Department of Agriculture;
- (ii) the Department of Economic Competitiveness and Commerce;
- (iii) the Department of Veterans Affairs;
- (iv) the Department of the Environment; and

(v) five independent agencies, boards, or commissions to be determined by the Secretary of Human Resources, in consultation with the Office of the Attorney General.

10-1104.

Each State department, agency, or program not listed or identified under [§ 10-1103(c)] **§ 10-1103(D)** of this subtitle shall monitor its operations to determine if the State department, agency, or program should take reasonable steps to achieve equal access to public services for individuals with limited English proficiency.

10-1105.

(A) The Department of Human Resources, in consultation with the Office of the Attorney General AND THE DEPARTMENT OF INFORMATION TECHNOLOGY, shall provide central coordination and technical assistance to State departments, agencies, and programs to aid compliance with this subtitle.

(B) (1) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL ESTABLISH MINIMUM STANDARDS TO WHICH THE EQUAL ACCESS VERSIONS OF WEB SITES REQUIRED UNDER § 10–1103(C) OF THIS SUBTITLE MUST CONFORM.

(2) THE MINIMUM STANDARDS ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A STANDARD REGARDING THE PROMINENT PLACEMENT OF LINKS ON THE ENGLISH VERSION OF A WEB SITE TO EACH EQUAL ACCESS VERSION OF THE WEB SITE.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that State departments, agencies, and programs begin to comply with § 10–1103(c) of the State Government Article, as enacted by Section 1 of this Act, as soon as practicable, but no later than October 1, 2016.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, April 26, 2016.

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## Chapter 152

(Senate Bill 31)

AN ACT concerning

### Family Law – Child Abuse and Neglect – Expungement of Reports and Records – Time Period

FOR the purpose of ~~requiring a local department of social services to maintain certain reports of suspected abuse or neglect and all assessments and investigative findings for certain periods of time;~~ altering the time period ~~after~~ *within* which a local department *of social services* is required to expunge certain reports and records of suspected child abuse and neglect; *authorizing a local department to immediately expunge certain reports and records of suspected child abuse and neglect under certain circumstances;* and generally relating to reports of child abuse and neglect.

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 5–707

Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

**Article – Family Law**

5–707.

(a) Subject to federal and State law, the Administration shall provide by regulation adopted in accordance with Title 10, Subtitle 1 of the State Government Article:

- (1) procedures for protecting the confidentiality of reports and records made in accordance with this subtitle;
- (2) conditions under which information may be released;
- (3) conditions for determining in cases whether abuse, neglect, or sexual abuse is indicated, ruled out, or unsubstantiated; and
- (4) procedures for the appeal processes provided in this subtitle.

(b) (1) ~~{The} UNLESS AN INVESTIGATION UNDER § 5-706 OF THIS SUBTITLE FINDS THAT THE REPORT IS INDICATED OR THE LOCAL DEPARTMENT HAS RECEIVED ADDITIONAL REPORTS, THE~~ local department shall ~~{expunge}~~ **MAINTAIN** a report of suspected abuse or neglect and all assessments and investigative findings ~~FOR AT LEAST 5 YEARS AFTER THE DATE OF REFERRAL IF:~~

[(1)] (I) ~~{within 5 years after the date of referral if}~~ the investigation under § 5–706 of this subtitle concludes that the report is unsubstantiated, and no further reports of abuse or neglect are received during the 5 years; ~~{and} OR~~

[(2)] (II) [within 120 days after the date of referral if] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WITHIN 2 YEARS AFTER THE DATE OF REFERRAL IF** the report is ruled out, and no further reports of abuse or neglect are received during the [120 days] ~~5 YEARS~~ **2 YEARS**.

(2) ~~THE LOCAL DEPARTMENT SHALL EXPUNGE A REPORT OF SUSPECTED ABUSE OR NEGLECT AND ALL ASSESSMENTS AND INVESTIGATIVE FINDINGS AFTER THE EXPIRATION OF THE PERIOD ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION~~ **IF A REPORT IS RULED OUT, THE LOCAL DEPARTMENT MAY, ON GOOD CAUSE SHOWN, IMMEDIATELY EXPUNGE THE REPORT AND ALL ASSESSMENTS AND INVESTIGATIVE FINDINGS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 26, 2016.**

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## **Chapter 153**

### **(Senate Bill 72)**

AN ACT concerning

#### **Citizens Committee for the Enhancement of Communities Surrounding Baltimore–Washington International Thurgood Marshall Airport – Membership**

FOR the purpose of altering the designation of a certain certified noise zone that is used in determining the membership of the Citizens Committee for the Enhancement of Communities Surrounding Baltimore–Washington International Thurgood Marshall Airport; and generally relating to the Citizens Committee for the Enhancement of Communities Surrounding Baltimore–Washington International Thurgood Marshall Airport.

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 5–414(a) and 5–806  
Annotated Code of Maryland  
(2015 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 5–414(b)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2015 Supplement)

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

#### **Article – Transportation**

5–414.

(a) There is a Citizens Committee for the Enhancement of Communities Surrounding Baltimore–Washington International Thurgood Marshall Airport.

(b) (1) The Citizens Committee consists of 11 members who are appointed by the Secretary after recommendation by the members of the legislative delegation from legislative districts 12, 13, and 32 as follows:

(i) Two members of the Citizens Committee shall be recommended by each of the delegates representing district 32;

(ii) One member of the Citizens Committee shall be recommended by the delegates representing district 12;

(iii) One member of the Citizens Committee shall be recommended by the delegates representing district 13; and

(iv) Three members of the Citizens Committee shall be recommended by the senator representing district 32.

(2) The members shall be representatives of community associations that are either wholly or partially situated:

(i) In the [most recent] certified noise zone[,] **THAT WAS** adopted under § 5–806 of this title **AND EFFECTIVE MARCH 23, 1998**, for Baltimore–Washington International Thurgood Marshall Airport; or

(ii) In a border extending 2 miles outside of the certified noise zone.

5–806.

(a) (1) As to each noise abatement plan the Executive Director approves, the airport operator shall:

(i) Begin to carry out the plan within 6 months of its approval; and

(ii) Except as provided in paragraph (2) of this subsection, fully carry out the plan within 18 months of its approval.

(2) The Executive Director may grant a delay of up to 2 years to carry out the plan fully if the Executive Director finds that, despite the good faith efforts of the operator, the operator cannot comply with the schedule required by this subsection.

(b) After notice and a public hearing, the Executive Director shall certify and publish, as a noise zone for purposes of Parts III and IV of this subtitle, any noise zone that results from an approved assessment or an approved plan.

(c) On application by the airport operator or an affected political subdivision, the Executive Director shall consider any adjustment to an approved plan or noise zone that is needed to reflect potential operational changes, changes in adjoining land uses, or other

factors. Adjustments may be made only by recertification of the noise zone by the Executive Director, after notice and a public hearing.

(d) Before any hearing under this section, the Executive Director shall give the chief executive officer and zoning board of any affected political subdivision an opportunity to comment. After certification of a noise zone, the Administration shall notify them of the certified noise zone.

(e) The Executive Director may adopt rules and regulations for monitoring compliance with approved plans.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 26, 2016.**

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## Chapter 154

**(House Bill 233)**

AN ACT concerning

**Citizens Committee for the Enhancement of Communities Surrounding  
Baltimore–Washington International Thurgood Marshall Airport – Membership**

FOR the purpose of altering the designation of a certain certified noise zone that is used in determining the membership of the Citizens Committee for the Enhancement of Communities Surrounding Baltimore–Washington International Thurgood Marshall Airport; and generally relating to the Citizens Committee for the Enhancement of Communities Surrounding Baltimore–Washington International Thurgood Marshall Airport.

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 5–414(a) and 5–806  
Annotated Code of Maryland  
(2015 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 5–414(b)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2015 Supplement)

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

**Article – Transportation**

5–414.

(a) There is a Citizens Committee for the Enhancement of Communities Surrounding Baltimore–Washington International Thurgood Marshall Airport.

(b) (1) The Citizens Committee consists of 11 members who are appointed by the Secretary after recommendation by the members of the legislative delegation from legislative districts 12, 13, and 32 as follows:

(i) Two members of the Citizens Committee shall be recommended by each of the delegates representing district 32;

(ii) One member of the Citizens Committee shall be recommended by the delegates representing district 12;

(iii) One member of the Citizens Committee shall be recommended by the delegates representing district 13; and

(iv) Three members of the Citizens Committee shall be recommended by the senator representing district 32.

(2) The members shall be representatives of community associations that are either wholly or partially situated:

(i) In the [most recent] certified noise zone[,] **THAT WAS** adopted under § 5–806 of this title **AND EFFECTIVE MARCH 23, 1998**, for Baltimore–Washington International Thurgood Marshall Airport; or

(ii) In a border extending 2 miles outside of the certified noise zone.

5–806.

(a) (1) As to each noise abatement plan the Executive Director approves, the airport operator shall:

(i) Begin to carry out the plan within 6 months of its approval; and

(ii) Except as provided in paragraph (2) of this subsection, fully carry out the plan within 18 months of its approval.

(2) The Executive Director may grant a delay of up to 2 years to carry out the plan fully if the Executive Director finds that, despite the good faith efforts of the operator, the operator cannot comply with the schedule required by this subsection.

(b) After notice and a public hearing, the Executive Director shall certify and publish, as a noise zone for purposes of Parts III and IV of this subtitle, any noise zone that results from an approved assessment or an approved plan.

(c) On application by the airport operator or an affected political subdivision, the Executive Director shall consider any adjustment to an approved plan or noise zone that is needed to reflect potential operational changes, changes in adjoining land uses, or other factors. Adjustments may be made only by recertification of the noise zone by the Executive Director, after notice and a public hearing.

(d) Before any hearing under this section, the Executive Director shall give the chief executive officer and zoning board of any affected political subdivision an opportunity to comment. After certification of a noise zone, the Administration shall notify them of the certified noise zone.

(e) The Executive Director may adopt rules and regulations for monitoring compliance with approved plans.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 26, 2016.**

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## **Chapter 155**

### **(Senate Bill 75)**

AN ACT concerning

#### **Insurance – Public Adjusters – Licensing**

FOR the purpose of repealing certain employment requirements for certain public adjusters; providing for certain initial licensing fees for public adjusters; authorizing renewal notification by e-mail for certain public adjuster licenses; altering the renewal date of certain public adjuster licenses; establishing certain continuing education requirements for renewal of certain public adjuster licenses; authorizing the Maryland Insurance Commissioner to waive continuing education requirements under certain circumstances; providing for the satisfaction of certain continuing education requirements by nonresident license holders under certain circumstances; providing for submission by electronic application for renewal of certain public adjuster licenses; authorizing the Commissioner to adopt certain regulations;

establishing reinstatement requirements for certain public adjusters; providing for a delayed effective date; and generally relating to licensing of public adjusters.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 10–404, 10–408, and 10–408.1

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

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

### Article – Insurance

10–404.

(a) To qualify for a license, an applicant must be:

(1) an individual who meets the requirements of subsection (b) of this section; or

(2) a business entity that meets the requirements of subsection (c) of this section.

(b) (1) An individual applicant must be trustworthy and competent to transact business as a public adjuster so as to safeguard the interests of the public.

(2) [An individual applicant must have been employed regularly by the Administration as an employee or by an insurer, adjuster, insurance producer or public adjuster for a period totaling at least 1 year:

(i) during the 5 years immediately preceding the date of application;  
or

(ii) for a member of the U.S. armed forces, during the 5 years immediately:

1. preceding the date of entrance into the armed forces; or

2. after discharge.

(3) Except as otherwise provided in this subsection, an individual applicant shall:

(i) pass a written examination given by the Commissioner under this subtitle in order to determine the competency of the applicant to act as a public adjuster; **AND**

(ii) pay the [application] LICENSE fee required by § 2–112 of this article[]; and

(iii) after receiving notification that the applicant has passed the examination or is otherwise eligible to be licensed, pay the applicable license fee required by § 2–112 of this article].

[(4)] (3) The examination requirement of paragraph [(3)] (2) of this subsection does not apply to an individual who was licensed as a public adjuster in the State on June 30, 1985.

[(5)] (4) An individual applicant who fails an examination may not take another examination until at least 14 days after the date of the last examination that the applicant failed.

(c) A business entity applicant must:

(1) be trustworthy and competent to transact business as a public adjuster so as to safeguard the interests of the public;

(2) employ one or more individual licensed public adjusters; and

(3) pay the applicable license fee required by § 2–112 of this article.

10–408.

(a) A license expires [at the end of every other June 30 unless it is renewed for a 2–year term as provided in this section] **EVERY OTHER YEAR ON THE DATE STATED ON THE LICENSE UNLESS RENEWED AS PROVIDED IN THIS SECTION.**

(b) At least 1 month before a license expires, the Commissioner shall [mail] **SEND** to the holder of the license, at the last known address **OR E–MAIL ADDRESS** of the holder **ON RECORD**[:

(1) a renewal application form; and

(2)] a notice that states:

**(1) THE PROCESS FOR RENEWING THE LICENSE;**

**[(i)] (2)** the date by which the Commissioner must receive the renewal application for the renewal to be issued and mailed before the license expires; and

**[(ii)] (3)** the amount of the renewal fee.

(c) Before a license expires, the holder of the license may renew it for an additional 2-year term, if the holder:

(1) otherwise is entitled to a license;

(2) files with the Commissioner a renewal application [on the form that the Commissioner provides]:

**(I) ON THE FORM THAT THE COMMISSIONER PROVIDES; OR**

**(II) IN AN ELECTRONIC FORMAT THAT THE COMMISSIONER APPROVES;**

**(3) COMPLETES THE CONTINUING EDUCATION REQUIREMENTS UNDER SUBSECTION (E) OF THIS SECTION; and**

**[(3)] (4) pays to the Commissioner the renewal fee required by § 2-112 of this article.**

**(D) A LICENSE RENEWED UNDER THIS SECTION FOR AN INDIVIDUAL SHALL HAVE AN EXPIRATION DATE THAT IS THE LAST DAY OF THE MONTH IN WHICH THE LICENSE HOLDER WAS BORN.**

**(E) (1) THE COMMISSIONER SHALL REQUIRE A PUBLIC ADJUSTER WHO IS NOT A BUSINESS ENTITY TO RECEIVE CONTINUING EDUCATION AS A CONDITION OF RENEWING A LICENSE OF THE PUBLIC ADJUSTER.**

**(2) THE PUBLIC ADJUSTER SHALL SUCCESSFULLY COMPLETE 24 CREDIT HOURS OF APPROVED CONTINUING EDUCATION FOR EACH 2-YEAR LICENSE PERIOD AS A CONDITION FOR LICENSE RENEWAL UNLESS THE COMMISSIONER MODIFIES THE REQUIREMENT BY REGULATION.**

**(3) OF THE REQUIRED HOURS OF CONTINUING EDUCATION REQUIRED FOR A RENEWAL PERIOD UNDER PARAGRAPH (2) OF THIS SUBSECTION, AT LEAST 3 HOURS SHALL RELATE DIRECTLY TO ETHICS.**

**(4) THE COMMISSIONER MAY GRANT A WAIVER TO A PUBLIC ADJUSTER WHO HAS REQUESTED A WAIVER FOR REASONS THAT THE COMMISSIONER DETERMINES WARRANT THE WAIVER.**

**(5) THIS SUBSECTION MAY NOT APPLY TO A HOLDER OF A LICENSE WHO HAS NOT BEEN LICENSED FOR 1 FULL YEAR BEFORE THE END OF THE APPLICABLE CONTINUING EDUCATION PERIOD.**

**(F) A NONRESIDENT LICENSE HOLDER SHALL BE DEEMED TO HAVE MET THE CONTINUING EDUCATION REQUIREMENTS OF THIS SECTION IF:**

**(1) THE NONRESIDENT LICENSE HOLDER SATISFIES THE CONTINUING EDUCATION REQUIREMENTS OF THE HOME STATE OF THE NONRESIDENT LICENSE HOLDER; AND**

**(2) THE HOME STATE OF THE NONRESIDENT LICENSE HOLDER ALLOWS A PUBLIC ADJUSTER WHO IS A RESIDENT OF THIS STATE TO SATISFY THE CONTINUING EDUCATION REQUIREMENTS OF THE HOME STATE ON THE SAME BASIS BY MEETING THE CONTINUING EDUCATION REQUIREMENTS OF THIS STATE.**

**[(d)] (G) (1) [An] IF MAILED, AN application for renewal of a license shall be considered made in a timely manner if it is postmarked on or before [June 30 of the year of renewal] THE EXPIRATION DATE OF THE LICENSE.**

**(2) IF SUBMITTED ELECTRONICALLY, AN APPLICATION FOR RENEWAL SHALL BE CONSIDERED MADE IN A TIMELY MANNER IF, ON OR BEFORE THE EXPIRATION DATE OF THE LICENSE, THE APPLICATION:**

**(I) IS ADDRESSED PROPERLY OR OTHERWISE DIRECTED PROPERLY TO AN INFORMATION PROCESSING SYSTEM THAT THE ADMINISTRATION HAS DESIGNATED OR USES FOR THE PURPOSE OF RECEIVING ELECTRONIC APPLICATIONS AND FROM WHICH THE ADMINISTRATION IS ABLE TO RETRIEVE THE APPLICATION;**

**(II) IS IN A FORM CAPABLE OF BEING PROCESSED BY THAT SYSTEM; AND**

**(III) 1. ENTERS AN INFORMATION PROCESSING SYSTEM OUTSIDE THE CONTROL OF THE SENDER OR OF A PERSON THAT SENT THE ELECTRONIC APPLICATION ON BEHALF OF THE SENDER; OR**

**2. ENTERS A REGION OF THE INFORMATION PROCESSING SYSTEM DESIGNATED OR USED BY THE ADMINISTRATION THAT IS UNDER THE CONTROL OF THE ADMINISTRATION OR AN AGENT OF THE ADMINISTRATION.**

**[(e)] (H) (1) The Commissioner shall renew the license of each holder who meets the requirements of this section.**

**(2) If the holder of a license files an application for renewal before the license expires, the license shall remain in effect until:**

- (i) the Commissioner issues a renewal license; or
- (ii) 5 days after the Commissioner refuses in writing to renew the license and serves notice of the refusal on the holder.

**(I) THE COMMISSIONER MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

10-408.1.

(a) For up to 1 year after the expiration date, a person whose public adjuster's license has expired may reinstate the expired license by:

(1) filing with the Commissioner the appropriate reinstatement application; [and]

(2) paying to the Commissioner the applicable reinstatement fee required under subsection (b) of this section; **AND**

**(3) SUBMITTING PROOF OF COMPLETION OF THE CONTINUING EDUCATION REQUIREMENTS IN § 10-408 OF THIS SUBTITLE.**

(b) (1) The fee for a reinstatement under this section shall be:

(i) the amount charged for a full renewal period for the type of license held by the person seeking the reinstatement; and

(ii) a reinstatement fee of \$100.

(2) The Commissioner may limit the reinstatement fee to the amount of the renewal fee in cases where the reinstatement applicant did not make timely renewal because of military service, temporary incapacity, hospitalization, or other hardship.

(c) A person whose public adjuster's license has expired is prohibited from acting as a public adjuster until the effective date of reinstatement of the license.

(d) (1) If a person applies for reinstatement of an expired license within 60 days after the license expired, the Commissioner shall reinstate the license retroactively, with the reinstatement effective on the date that the person's license expired.

(2) If a person applies for reinstatement of an expired license more than 60 days after the license expired, the Commissioner shall reinstate the person's license prospectively, with the reinstatement effective on the date that the license is reinstated.

(e) A person who does not comply with subsection (a) of this section on or before 1 year after the expiration date shall apply for a license under § 10–405 of this subtitle and meet the requirements specified by the Commissioner in regulation.

(f) The Commissioner may adopt regulations to carry out this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2017.

**Approved by the Governor, April 26, 2016.**

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## Chapter 156

### (Senate Bill 76)

AN ACT concerning

#### **Enterprise Zones – Reimbursements to Local Governments – Schedule**

FOR the purpose of altering the schedule for the State’s reimbursement of an amount equal to a certain portion of an enterprise zone property tax credit to a county or municipal corporation; establishing a certain date by which a county or municipal corporation shall submit a certain request for reimbursement to the Department of Assessments and Taxation; establishing a certain date by which the Department shall make a certain certification to the Comptroller; establishing a certain date by which the Comptroller shall reimburse a certain county or municipal corporation; requiring the Department to make a certain certification and the Comptroller to make a certain reimbursement ~~as soon as practicable~~ within a certain period of time under certain circumstances; and generally relating to State reimbursements to a county or municipal corporation for enterprise zone property tax credits.

BY repealing and reenacting, without amendments,

Article – Tax – Property

Section 9–103(h)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 9–103(i)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

**Article – Tax – Property**

9–103.

(h) As provided in the State budget, the State shall remit to each county or municipal corporation an amount equal to one-half of the funds that would have been collected if the property tax credit under this section had not been granted.

(i) (1) **(I) [Quarterly or more frequently] FOR A COUNTY OR MUNICIPAL CORPORATION TO RECEIVE A REIMBURSEMENT UNDER SUBSECTION (H) OF THIS SECTION BY AUGUST 31 IN ANY CALENDAR YEAR**, the county or municipal corporation shall submit [a] **AN ANNUAL** request to the Department of Assessments and Taxation for the amount required by subsection (h) of this section **ON OR BEFORE JUNE 30 OF THAT YEAR.**

**[(2)] (II) [Within 5 working days] ON OR BEFORE JULY 31** after the Department of Assessments and Taxation receives the request from the county or municipal corporation **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH**, the Department shall certify to the Comptroller the reimbursement due to each county or municipal corporation.

**[(3)] (III) [Within 5 working days] ON OR BEFORE AUGUST 31** after the Comptroller receives the certification from the Department **UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH**, the Comptroller shall reimburse each county or municipal corporation.

**(2) IF A COUNTY OR MUNICIPAL CORPORATION SUBMITS ITS REQUEST FOR THE AMOUNT REQUIRED UNDER SUBSECTION (H) OF THIS SECTION AFTER JUNE 30:**

**(I) THE DEPARTMENT SHALL ISSUE ITS CERTIFICATION TO THE COMPTROLLER ~~AS SOON AS PRACTICABLE~~ WITHIN 30 DAYS AFTER RECEIPT OF THE REQUEST; AND**

**(II) THE COMPTROLLER SHALL REIMBURSE THE COUNTY OR MUNICIPAL CORPORATION ~~AS SOON AS PRACTICABLE~~ WITHIN 30 DAYS AFTER RECEIPT OF THE CERTIFICATION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Approved by the Governor, April 26, 2016.**

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**Chapter 157****(Senate Bill 77)**

AN ACT concerning

**Human Resources – Transition Planning for Foster Youth**

FOR the purpose of lowering the age at which the juvenile court must determine, during a permanency planning hearing, the services needed to assist a child in transitioning from foster care to successful adulthood; requiring the juvenile court to determine, during a guardianship review hearing, the services needed to assist certain children in transitioning from foster care to successful adulthood; requiring the Department of Human Resources to adopt certain regulations on or before a certain date; correcting certain obsolete references; and generally relating to children in out-of-home placement.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 3–823(e)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 5–326(a)(8) and 5–545(c)(7)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Family Law  
Section 5–545(a) and (b)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

**Article – Courts and Judicial Proceedings**

3–823.

(e) (1) At a permanency planning hearing, the court shall:

(i) Determine the child’s permanency plan, which, to the extent consistent with the best interests of the child, may be, in descending order of priority:

1. Reunification with the parent or guardian;
  2. Placement with a relative for:
    - A. Adoption; or
    - B. Custody and guardianship under § 3–819.2 of this subtitle;
  3. Adoption by a nonrelative;
  4. Custody and guardianship by a nonrelative under § 3–819.2 of this subtitle; or
  5. Another planned permanent living arrangement that:
    - A. Addresses the individualized needs of the child, including the child’s educational plan, emotional stability, physical placement, and socialization needs; and
    - B. Includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child’s life; and
      - (ii) For a child [who has attained the age of 16] **AT LEAST 14** years **OLD**, determine the services needed to assist the child to make the transition from placement to [independent living] **SUCCESSFUL ADULTHOOD**.
- (2) In determining the child’s permanency plan, the court shall consider the factors specified in § 5–525(f)(1) of the Family Law Article.

### Article – Family Law

5–326.

- (a) (8) At each guardianship review hearing for a child, a juvenile court shall:
  - (i) evaluate the child’s safety and act as needed to protect the child;
  - (ii) consider the written report of a local out-of-home placement review board required under § 5–545 of this title;
  - (iii) determine the extent of compliance with the permanency plan;
  - (iv) make a specific factual finding on whether reasonable efforts have been made to finalize the child’s permanency plan and document the finding;

(v) subject to subsection (b) of this section, change the child's permanency plan if a change would be in the child's best interests;

(vi) project a reasonable date by which the permanency plan will be finalized;

**(VII) FOR A CHILD AT LEAST 14 YEARS OLD, DETERMINE THE SERVICES NEEDED TO ASSIST THE CHILD TO MAKE THE TRANSITION FROM PLACEMENT TO SUCCESSFUL ADULTHOOD;**

[(vii)] **(VIII)** enter any order that the juvenile court finds appropriate to implement the permanency plan; and

[(viii)] **(IX)** take all other action that the juvenile court considers to be in the child's best interests, including any order allowed under § 5–324(b)(1)(ii) of this subtitle.

5–545.

(a) (1) Each local board shall review children in out-of-home care in accordance with the regulations adopted by the State Board and the Secretary of Human Resources.

(2) The regulations adopted by the State Board and the Secretary of Human Resources shall require that the local boards review cases based on priorities agreed upon by the Department and the State Board and stated in a memorandum of agreement.

(b) Each local board shall report in writing to the juvenile court and the local department on each minor child whose case is reviewed by the local board.

(c) In the report, the local board shall include, where applicable, the following findings and recommendations:

(7) any reasonable efforts made towards a permanent placement and preparing the child for [independent living] **SUCCESSFUL ADULTHOOD**, if applicable;

*SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2017, the Department of Human Resources shall adopt regulations to define the term “successful adulthood” to conform with the provisions of the federal Preventing Sex Trafficking and Strengthening Families Act (P.L. 113–183).*

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Approved by the Governor, April 26, 2016.**

**Chapter 158****(Senate Bill 80)**

AN ACT concerning

**Commercial Drivers' Licenses – Cancellations and Downgrades  
(Driving Privilege Preservation Act of 2016)**

FOR the purpose of requiring the Motor Vehicle Administration to cancel the commercial driver's license of ~~a person~~ *an individual* who fails to submit to the Administration a certain certificate of physical examination; authorizing the Administration to issue a noncommercial driver's license of an appropriate class to an individual whose commercial driver's license is canceled, under certain circumstances; authorizing the Administration to immediately reinstate and, subject to certain conditions, issue a noncommercial driver's license of an appropriate class to an individual whose commercial driver's license is canceled as a result of the failure to submit a certain certificate of physical examination, under certain circumstances; and generally relating to commercial driver's license cancellations and downgrades.

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 16–812(k) and (o)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

**Article – Transportation**

16–812.

(k) (1) The Administration shall cancel a commercial instructional permit or commercial driver's license if the applicant provides information that is incomplete or incorrect.

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

**(3) THE ADMINISTRATION SHALL CANCEL THE COMMERCIAL DRIVER'S LICENSE OF ANY ~~PERSON~~ INDIVIDUAL WHO FAILS TO SUBMIT TO THE ADMINISTRATION A CURRENT CERTIFICATE OF PHYSICAL EXAMINATION, AS REQUIRED UNDER 49 C.F.R. § 391.43 AND § 391.45.**

(o) **(1)** The Administration may issue a noncommercial driver's license of an appropriate class to an individual who is disqualified **OR WHOSE COMMERCIAL DRIVER'S LICENSE IS CANCELED** under this section if:

**[(1)] (I)** The individual surrenders the commercial instructional permit or commercial driver's license; and

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

**(2) (I) THE ADMINISTRATION MAY IMMEDIATELY REINSTATE AN INDIVIDUAL'S NONCOMMERCIAL DRIVING PRIVILEGE AND, SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ISSUE A NONCOMMERCIAL DRIVER'S LICENSE OF AN APPROPRIATE CLASS TO AN INDIVIDUAL WHOSE COMMERCIAL DRIVER'S LICENSE IS CANCELED UNDER SUBSECTION (K)(3) OF THIS SECTION IF:**

**1. THE CANCELLATION RESULTS SOLELY FROM THE FAILURE TO SUBMIT A CERTIFICATE OF PHYSICAL EXAMINATION;**

**2. THE INDIVIDUAL'S DRIVING PRIVILEGE IS NOT EXPIRED; AND**

**3. THE INDIVIDUAL'S DRIVING PRIVILEGE IS NOT OTHERWISE REFUSED, SUSPENDED, REVOKED, OR CANCELED IN THIS STATE OR ANY OTHER STATE.**

**(II) THE ADMINISTRATION MAY NOT ISSUE A NONCOMMERCIAL DRIVER'S LICENSE UNDER THIS PARAGRAPH UNLESS THE INDIVIDUAL SURRENDERS THE COMMERCIAL DRIVER'S LICENSE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 26, 2016.**

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**Chapter 159**  
**(Senate Bill 108)**

AN ACT concerning

**Nurse Support Program Assistance Fund – Revisions**

FOR the purpose of altering the types of nursing positions that are eligible to receive grants from the Nurse Support Program Assistance Fund; and generally relating to the Nurse Support Program Assistance Fund.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 11–405  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

**Article – Education**

11–405.

- (a) In this section, “Fund” means the Nurse Support Program Assistance Fund.
- (b)
  - (1) There is a Nurse Support Program Assistance Fund in the Commission.
  - (2) The Fund is a continuing, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.
  - (3) The Treasurer shall separately hold and the Comptroller shall account for the Fund.
  - (4) The Fund shall be invested and reinvested in the same manner as other State funds.
  - (5) Any investment earnings of the Fund shall be paid into the Fund.
- (c) The Fund consists of revenue generated through an increase, as approved by the Health Services Cost Review Commission, to the rate structure of all hospitals in accordance with § 19–211 of the Health – General Article.
- (d) Expenditures from the Fund shall be made by an appropriation in the annual State budget or by approved budget amendment as provided under § 7–209 of the State Finance and Procurement Article.

(e) The money in the Fund shall be used for competitive grants and statewide grants to increase the number of qualified [bedside] nurses in Maryland hospitals in accordance with guidelines established by the Commission and the Health Services Cost Review Commission.

(f) The guidelines established under subsection (e) of this section shall provide that a portion of the competitive grants and statewide grants be used to attract and retain minorities to nursing and nurse faculty careers in Maryland.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 26, 2016.**

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## **Chapter 160**

### **(Senate Bill 120)**

AN ACT concerning

#### **Higher Education – Senatorial Scholarships – Awards**

FOR the purpose of authorizing the recipients of certain senatorial scholarships to hold a certain award for a certain undergraduate academic year or a certain semester under certain circumstances; requiring certain awards to be included in certain allocations; making this Act an emergency measure; and generally relating to the recipients of senatorial scholarships.

BY repealing and reenacting, without amendments,  
Article – Education  
Section 18–404(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Education  
Section 18–404(b), 18–406(a), and 18–408  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY adding to  
Article – Education  
Section 18–406.1  
Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

### Article – Education

18–404.

(a) Each Senator may award \$34,500 of senatorial scholarships each year.

(b) (1) The annual allocation under subsection (a) of this section applies to initial–year awards **AND AWARDS MADE UNDER § 18–406.1 OF THIS SUBTITLE**. After 4 years of operation, the annual allocation to each Senator for initial–year and continuing awards may not exceed four times the amount of the Senator’s allocation under subsection (a) of this section.

(2) If a recipient moves to the legislative district of another Senator, the allocation to the recipient shall continue to be drawn on the account of the Senator who originally awarded the scholarship.

18–406.

(a) Except as otherwise provided in this section, each recipient of a senatorial scholarship may hold the scholarship for 4 undergraduate academic years, **SUBJECT TO § 18–406.1 OF THIS SUBTITLE**, and 4 graduate academic years if [he] **THE RECIPIENT**:

(1) Is a full–time student;

(2) Continues to be a resident of this State; and

(3) Continues to be a student at the institution and takes at least 12 semester hours of courses as an undergraduate or 9 semester hours of courses as a graduate student each semester leading to a degree.

**18–406.1.**

**A RECIPIENT MAY HOLD A SCHOLARSHIP FOR A FIFTH UNDERGRADUATE ACADEMIC YEAR OR FOR A SEMESTER SUBSEQUENT TO THE END OF A FOURTH UNDERGRADUATE ACADEMIC YEAR IF THE RECIPIENT:**

**(1) REQUESTS A SCHOLARSHIP FROM THE SENATOR FOR A FIFTH UNDERGRADUATE ACADEMIC YEAR OR FOR A SEMESTER SUBSEQUENT TO THE END OF A FOURTH UNDERGRADUATE ACADEMIC YEAR;**

**(2) IS A FULL–TIME STUDENT;**

- (3) CONTINUES TO BE A RESIDENT OF THE STATE;
- (4) CONTINUES TO BE A STUDENT AT THE INSTITUTION AND TAKES COURSES LEADING TO A DEGREE; AND
- (5) HAS EXHAUSTED THE FUNDS AVAILABLE UNDER § 18–406(A) OF THIS SUBTITLE.

18–408.

(a) If there is no qualified applicant in a legislative district, a qualified applicant who resides in another legislative district may be appointed to receive the senatorial scholarship.

(b) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A senatorial scholarship awarded under this section is for 1 year.

(2) [However, a] A student who receives an appointment under this section is eligible to receive a subsequent appointment for not longer than [3] 4 years.

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

**Approved by the Governor, April 26, 2016.**

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## Chapter 161

(Senate Bill 128)

AN ACT concerning

### **Maryland Higher Education Commission – Religious Educational Institutions – Authority to Operate**

FOR the purpose of repealing a certain condition under which a religious educational institution may operate without a certificate of approval from the Maryland Higher Education Commission and may enroll certain students in a certain online distance education program without a certain registration; and generally relating to the authority of religious educational institutions to operate without certificates of approval from the Maryland Higher Education Commission.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 11–202.1  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

**Article – Education**

11–202.1.

(a) A private nonprofit institution of higher education operating under a charter granted by the General Assembly may operate without a certificate of approval from the Commission.

(b) (1) Subject to the requirements imposed by this section, and except as prohibited in paragraph (2) of this subsection, a religious educational institution may operate without a certificate of approval from the Commission and may enroll Maryland students in a fully online distance education program in the State without a registration from the Commission if the institution:

(i) Is established for religious educational purposes;

(ii) Provides educational programs only for religious vocations or purposes;

(iii) Offers only sectarian instruction designed for and aimed at individuals who hold or seek to learn the particular religious faiths or beliefs taught by the institution; **AND**

(iv) [Does not offer instruction in nonsectarian or general education;  
and

(v)] States on the certificate or diploma the religious nature of the award.

(2) A religious educational institution that is accredited by an accrediting body recognized by the United States Department of Education may not operate without a certificate of approval from the Commission.

(c) Each religious educational institution authorized to operate without a certificate of approval or without a registration under subsection (b) of this section:

(1) Shall submit to the Commission, every 2 years, a renewal application that includes a financial statement reviewed by an independent accountant retained by the institution and a copy of the current catalog of courses; and

(2) May not commence or continue to operate, do business, or function unless the Commission determines on the basis of the financial statement submitted by the institution that the institution possesses adequate financial resources to support the institution's educational program.

(d) The Commission shall adopt regulations establishing procedures and standards for the submission and evaluation of the application for exemption, renewal application, and reports and financial statements submitted by religious educational institutions.

(e) A religious educational institution seeking to operate without a certificate of approval under subsection (b) of this section that is denied the right to operate has the right to judicial review as provided by the Administrative Procedure Act.

(f) Nothing in this section precludes a religious educational institution authorized to operate without a certificate of approval under subsection (b) of this section from seeking a certificate of approval from the Commission.

(g) A religious educational institution authorized to operate without a certificate of approval under subsection (b) of this section shall disclose on all transcripts, catalogs, advertisements, and publications of the institution that the institution does not have a certificate of approval from the Commission.

(h) With regard to a religious educational institution authorized to operate without a certificate of approval under subsection (b) of this section, a person may not:

(1) Make a statement, whether verbal or written, that the institution is approved by, or has a certificate of approval from, the Commission, including a statement on any certificate, diploma, academic transcript, or other document issued by the institution or in any advertisement or publication, or on a Web site; or

(2) Enroll a student in the institution unless, before enrollment, the person gives written notice to and obtains a written acknowledgment from the student that:

(i) The institution's instructional program is only designed for and aimed at persons who hold or seek to learn the particular religious faith or beliefs of the church or religious institution, and provides only educational programs for religious vocations or purposes;

(ii) An institution of higher education is not required to accept for transfer credits earned at the institution;

(iii) An institution of higher education is not required to recognize an award earned at the institution;

(iv) A potential employer may determine that an award earned at the institution does not meet minimum educational requirements for employment;

(v) With respect to a religious counselor program, State licensing boards are not required to recognize the program as a prerequisite of licensure; and

(vi) If applicable, the institution:

1. Is not accredited; or

2. Is accredited by an accrediting body that is not recognized by the United States Department of Education.

(i) The written acknowledgment obtained from a student under subsection (h) of this section shall be:

(1) In a form approved by the Commission;

(2) Signed by both the student and a representative of the institution; and

(3) Permanently retained in the student's file by the institution.

(j) A person who violates subsection (g), (h), or (i) of this section is liable for a penalty of up to \$5,000 for each violation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 26, 2016.**

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## **Chapter 162**

**(House Bill 878)**

AN ACT concerning

### **Maryland Higher Education Commission – Religious Educational Institutions – Authority to Operate**

FOR the purpose of repealing a certain condition under which a religious educational institution may operate without a certificate of approval from the Maryland Higher Education Commission and may enroll certain students in a certain online distance

education program without a certain registration; and generally relating to the authority of religious educational institutions to operate without certificates of approval from the Maryland Higher Education Commission.

BY repealing and reenacting, with amendments,

Article – Education

Section 11–202.1

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

### Article – Education

11–202.1.

(a) A private nonprofit institution of higher education operating under a charter granted by the General Assembly may operate without a certificate of approval from the Commission.

(b) (1) Subject to the requirements imposed by this section, and except as prohibited in paragraph (2) of this subsection, a religious educational institution may operate without a certificate of approval from the Commission and may enroll Maryland students in a fully online distance education program in the State without a registration from the Commission if the institution:

(i) Is established for religious educational purposes;

(ii) Provides educational programs only for religious vocations or purposes;

(iii) Offers only sectarian instruction designed for and aimed at individuals who hold or seek to learn the particular religious faiths or beliefs taught by the institution; **AND**

(iv) **[Does not offer instruction in nonsectarian or general education;**  
and

(v)] States on the certificate or diploma the religious nature of the award.

(2) A religious educational institution that is accredited by an accrediting body recognized by the United States Department of Education may not operate without a certificate of approval from the Commission.

(c) Each religious educational institution authorized to operate without a certificate of approval or without a registration under subsection (b) of this section:

(1) Shall submit to the Commission, every 2 years, a renewal application that includes a financial statement reviewed by an independent accountant retained by the institution and a copy of the current catalog of courses; and

(2) May not commence or continue to operate, do business, or function unless the Commission determines on the basis of the financial statement submitted by the institution that the institution possesses adequate financial resources to support the institution's educational program.

(d) The Commission shall adopt regulations establishing procedures and standards for the submission and evaluation of the application for exemption, renewal application, and reports and financial statements submitted by religious educational institutions.

(e) A religious educational institution seeking to operate without a certificate of approval under subsection (b) of this section that is denied the right to operate has the right to judicial review as provided by the Administrative Procedure Act.

(f) Nothing in this section precludes a religious educational institution authorized to operate without a certificate of approval under subsection (b) of this section from seeking a certificate of approval from the Commission.

(g) A religious educational institution authorized to operate without a certificate of approval under subsection (b) of this section shall disclose on all transcripts, catalogs, advertisements, and publications of the institution that the institution does not have a certificate of approval from the Commission.

(h) With regard to a religious educational institution authorized to operate without a certificate of approval under subsection (b) of this section, a person may not:

(1) Make a statement, whether verbal or written, that the institution is approved by, or has a certificate of approval from, the Commission, including a statement on any certificate, diploma, academic transcript, or other document issued by the institution or in any advertisement or publication, or on a Web site; or

(2) Enroll a student in the institution unless, before enrollment, the person gives written notice to and obtains a written acknowledgment from the student that:

(i) The institution's instructional program is only designed for and aimed at persons who hold or seek to learn the particular religious faith or beliefs of the church or religious institution, and provides only educational programs for religious vocations or purposes;

(ii) An institution of higher education is not required to accept for transfer credits earned at the institution;

(iii) An institution of higher education is not required to recognize an award earned at the institution;

(iv) A potential employer may determine that an award earned at the institution does not meet minimum educational requirements for employment;

(v) With respect to a religious counselor program, State licensing boards are not required to recognize the program as a prerequisite of licensure; and

(vi) If applicable, the institution:

1. Is not accredited; or

2. Is accredited by an accrediting body that is not recognized by the United States Department of Education.

(i) The written acknowledgment obtained from a student under subsection (h) of this section shall be:

(1) In a form approved by the Commission;

(2) Signed by both the student and a representative of the institution; and

(3) Permanently retained in the student's file by the institution.

(j) A person who violates subsection (g), (h), or (i) of this section is liable for a penalty of up to \$5,000 for each violation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 26, 2016.**

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## Chapter 163

(Senate Bill 129)

AN ACT concerning

**Baltimore City Board of School Commissioners – Submission of a  
Comprehensive Master Plan – Repeal of Duplicative Requirement**

FOR the purpose of repealing a certain requirement for the Baltimore City Board of School Commissioners to submit a certain master plan to the State Board of Education; and generally relating to the duplicative requirement for submission of a comprehensive master plan by the Baltimore City Board of School Commissioners.

BY repealing

Article – Education

Section 4–309

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

### **Article – Education**

[4–309.

(a) (1) On or before June 1, 2002, the Chief Executive Officer shall submit a 5–year comprehensive master plan to the board for its review, modification, and final approval.

(2) On or before August 30, 2002, the board shall approve and commence implementation of the master plan.

(3) Following approval of the master plan or by July 30, 2002, whichever is earlier, the master plan shall be submitted to the State Board and to the State Superintendent for their review and approval.

(4) The Chief Executive Officer or designee shall consult with parents, teachers, students, representatives of the business community, and educational instruction and administration experts during the course of the development of the master plan.

(5) (i) The master plan shall be updated annually and submitted to the State Board and the State Superintendent for review and approval on or before August 15 of each year.

(ii) The Chief Executive Officer shall submit with the update required under subparagraph (i) of this paragraph a detailed summary of how the Baltimore City Public School System’s current year approved budget and increases in expenditures over the prior year are consistent with the master plan.

(iii) By October 1 of each year, the Chief Executive Officer shall supplement the update with a summary of how the Baltimore City Public School System’s actual prior year budget and additional expenditures in the prior year’s budget aligned with the master plan.

(6) Notwithstanding any other provision of law or regulation, the master plan requirement shall be the sole master plan required of the Baltimore City Public School System.

(b) The master plan shall provide for the improvement of:

(1) Student achievement in the Baltimore City public schools; and

(2) The management and accountability of the Baltimore City Public School System.

(c) The master plan shall identify the actions necessary to:

(1) Incorporate the key recommendations of the 1992 Towers Perrin/Cresap Management Study report, the 1994 and 1995 MGT of America, Inc. reports, and the report on the December, 2001 final evaluation of the City–State Partnership prepared by Westat;

(2) Address both the compliance efforts as well as the system’s efforts to achieve full organizational and instructional integration of special education and general education including the quality indicators that will be used to evaluate the extent of integration and its impact on student performance;

(3) Provide a balanced and efficient allocation of qualified staff to support the necessary educational and managerial functions of the school system and include in an annual status report on the implementation of the master plan a qualitative and fiscal analysis of the staffing of key central and area office functions;

(4) Provide effective curriculum and instructional programs for the Baltimore City Public School System including the development and dissemination of:

(i) A citywide curriculum framework reflecting State learning outcomes, including Maryland School Performance Program standards, and an appropriate developmental sequence for students;

(ii) An effective program that involves school–based practitioners including teachers, mentors, master teachers, and instructional support teachers, as well as the exclusive employee organization representatives in the design and implementation of high quality, differentiated professional development activities derived from analysis of student performance needs and that complies with the National Staff Development Council Standards for content, context, and process; and

(iii) An effective educational program for meeting the needs of students at risk of educational failure;

(5) Review the requirement of a demonstrated student achievement portfolio for the performance–based evaluation system for teachers and principals and

incorporate design modifications that will enhance teacher and principal investment in the evaluation instrument;

(6) Provide effective management information systems for the Baltimore City Public School System, including the capacity to accurately track student enrollment, attendance, academic records, discipline records, and compliance with the provisions of the federal Individuals with Disabilities Education Act;

(7) Provide an effective financial management and budgeting system for the Baltimore City Public School System to ensure the maximization and appropriate utilization of all available resources;

(8) Provide effective hiring and assignment of teachers and staff;

(9) Develop an effective system of providing instructional materials and support services;

(10) Develop and evaluate model school reform initiatives;

(11) Develop a process with timelines to govern the distribution of student test data to area executive officers and to principals, as well as the central office resources that will be provided to school level practitioners to validate and analyze the student test data;

(12) Provide appropriate methods for student assessment and remediation;

(13) Develop and implement a student code of discipline as required in § 7–306 of this article;

(14) Incorporate the school system's facilities master plan including information about projects currently underway as well as those planned pursuant to the capital improvement program and update this information annually as the master plan is updated;

(15) Develop a program to train principals and assistant principals in methods of increasing parental involvement at the school level, including strategies for connecting parents to the instructional program of the school and for measuring the level of parental involvement through meaningful indicators;

(16) Include measurable outcomes and time lines for the implementation and evaluation of the reforms made in accordance with the master plan and the reporting of this information to the Governor, the Mayor of Baltimore City, and, in accordance with § 2–1246 of the State Government Article, the General Assembly;

(17) Improve the status of schools that are subject to a State reconstitution notice;

(18) Develop an effective system of teacher input regarding implementation of school reform initiatives, curriculum, instruction, and professional development that includes active and ongoing consultation with classroom teachers at the elementary, middle, and high school levels; and

(19) Institute a formal procedure by which the directors of each of the school system's mentoring programs, including React, Blum, and Peer Mentoring, will provide semi-annual reports to the board and senior management concerning the perspectives of the mentoring programs.

(d) It is the intent of the General Assembly that teachers of Baltimore City public high school students inform students of the federal, State, and Baltimore City election processes and the importance of exercising the right to vote and registering to vote.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 26, 2016.**

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## Chapter 164

### (House Bill 163)

AN ACT concerning

#### **Baltimore City Board of School Commissioners – Submission of a Comprehensive Master Plan – Repeal of Duplicative Requirement**

FOR the purpose of repealing a certain requirement for the Baltimore City Board of School Commissioners to submit a certain master plan to the State Board of Education; and generally relating to the duplicative requirement for submission of a comprehensive master plan by the Baltimore City Board of School Commissioners.

BY repealing

Article – Education

Section 4–309

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

#### **Article – Education**

[4–309.

(a) (1) On or before June 1, 2002, the Chief Executive Officer shall submit a 5-year comprehensive master plan to the board for its review, modification, and final approval.

(2) On or before August 30, 2002, the board shall approve and commence implementation of the master plan.

(3) Following approval of the master plan or by July 30, 2002, whichever is earlier, the master plan shall be submitted to the State Board and to the State Superintendent for their review and approval.

(4) The Chief Executive Officer or designee shall consult with parents, teachers, students, representatives of the business community, and educational instruction and administration experts during the course of the development of the master plan.

(5) (i) The master plan shall be updated annually and submitted to the State Board and the State Superintendent for review and approval on or before August 15 of each year.

(ii) The Chief Executive Officer shall submit with the update required under subparagraph (i) of this paragraph a detailed summary of how the Baltimore City Public School System's current year approved budget and increases in expenditures over the prior year are consistent with the master plan.

(iii) By October 1 of each year, the Chief Executive Officer shall supplement the update with a summary of how the Baltimore City Public School System's actual prior year budget and additional expenditures in the prior year's budget aligned with the master plan.

(6) Notwithstanding any other provision of law or regulation, the master plan requirement shall be the sole master plan required of the Baltimore City Public School System.

(b) The master plan shall provide for the improvement of:

(1) Student achievement in the Baltimore City public schools; and

(2) The management and accountability of the Baltimore City Public School System.

(c) The master plan shall identify the actions necessary to:

(1) Incorporate the key recommendations of the 1992 Towers Perrin/Cresap Management Study report, the 1994 and 1995 MGT of America, Inc. reports, and the report on the December, 2001 final evaluation of the City-State Partnership prepared by Westat;

(2) Address both the compliance efforts as well as the system's efforts to achieve full organizational and instructional integration of special education and general education including the quality indicators that will be used to evaluate the extent of integration and its impact on student performance;

(3) Provide a balanced and efficient allocation of qualified staff to support the necessary educational and managerial functions of the school system and include in an annual status report on the implementation of the master plan a qualitative and fiscal analysis of the staffing of key central and area office functions;

(4) Provide effective curriculum and instructional programs for the Baltimore City Public School System including the development and dissemination of:

(i) A citywide curriculum framework reflecting State learning outcomes, including Maryland School Performance Program standards, and an appropriate developmental sequence for students;

(ii) An effective program that involves school-based practitioners including teachers, mentors, master teachers, and instructional support teachers, as well as the exclusive employee organization representatives in the design and implementation of high quality, differentiated professional development activities derived from analysis of student performance needs and that complies with the National Staff Development Council Standards for content, context, and process; and

(iii) An effective educational program for meeting the needs of students at risk of educational failure;

(5) Review the requirement of a demonstrated student achievement portfolio for the performance-based evaluation system for teachers and principals and incorporate design modifications that will enhance teacher and principal investment in the evaluation instrument;

(6) Provide effective management information systems for the Baltimore City Public School System, including the capacity to accurately track student enrollment, attendance, academic records, discipline records, and compliance with the provisions of the federal Individuals with Disabilities Education Act;

(7) Provide an effective financial management and budgeting system for the Baltimore City Public School System to ensure the maximization and appropriate utilization of all available resources;

(8) Provide effective hiring and assignment of teachers and staff;

(9) Develop an effective system of providing instructional materials and support services;

- (10) Develop and evaluate model school reform initiatives;
  - (11) Develop a process with timelines to govern the distribution of student test data to area executive officers and to principals, as well as the central office resources that will be provided to school level practitioners to validate and analyze the student test data;
  - (12) Provide appropriate methods for student assessment and remediation;
  - (13) Develop and implement a student code of discipline as required in § 7–306 of this article;
  - (14) Incorporate the school system’s facilities master plan including information about projects currently underway as well as those planned pursuant to the capital improvement program and update this information annually as the master plan is updated;
  - (15) Develop a program to train principals and assistant principals in methods of increasing parental involvement at the school level, including strategies for connecting parents to the instructional program of the school and for measuring the level of parental involvement through meaningful indicators;
  - (16) Include measurable outcomes and time lines for the implementation and evaluation of the reforms made in accordance with the master plan and the reporting of this information to the Governor, the Mayor of Baltimore City, and, in accordance with § 2–1246 of the State Government Article, the General Assembly;
  - (17) Improve the status of schools that are subject to a State reconstitution notice;
  - (18) Develop an effective system of teacher input regarding implementation of school reform initiatives, curriculum, instruction, and professional development that includes active and ongoing consultation with classroom teachers at the elementary, middle, and high school levels; and
  - (19) Institute a formal procedure by which the directors of each of the school system’s mentoring programs, including React, Blum, and Peer Mentoring, will provide semi–annual reports to the board and senior management concerning the perspectives of the mentoring programs.
- (d) It is the intent of the General Assembly that teachers of Baltimore City public high school students inform students of the federal, State, and Baltimore City election processes and the importance of exercising the right to vote and registering to vote.】

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, April 26, 2016.

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**Chapter 165**

**(Senate Bill 134)**

AN ACT concerning

**Somerset County – Sheriff – Salary**

FOR the purpose of altering the salary of the Sheriff of Somerset County; providing for the application of this Act; and generally relating to the salary of the Sheriff of Somerset County.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 2–309(u)(1)(i)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

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

**Article – Courts and Judicial Proceedings**

2–309.

(u) (1) (i) The Sheriff of Somerset County shall receive a salary of not less than ~~[\$60,000]~~ **\$75,000** and no expense allowance.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the Sheriff of Somerset County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the Sheriff of Somerset County shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, April 26, 2016.

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**Chapter 166****(House Bill 148)**

AN ACT concerning

**Somerset County – Sheriff – Salary**

FOR the purpose of altering the salary of the Sheriff of Somerset County; providing for the application of this Act; and generally relating to the salary of the Sheriff of Somerset County.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 2–309(u)(1)(i)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

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

**Article – Courts and Judicial Proceedings**

2–309.

(u) (1) (i) The Sheriff of Somerset County shall receive a salary of not less than [~~\$60,000~~] **\$75,000** and no expense allowance.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the Sheriff of Somerset County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the Sheriff of Somerset County shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 26, 2016.**

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**Chapter 167****(Senate Bill 135)**

AN ACT concerning

### Somerset County – Commissioners – Salary and Expense Reimbursements

FOR the purpose of altering the salary of the County Commissioners of Somerset County; altering the limit on reimbursements that each Commissioner may receive for certain expenses; ~~altering the types of expenses eligible for reimbursement;~~ *altering the expenses for which each Commissioner may receive reimbursement; altering a certain requirement related to the submission of certain reimbursement vouchers by the Commissioners;* providing for the application of this Act; and generally relating to the salary and expense reimbursement for the County Commissioners of Somerset County.

BY repealing and reenacting, with amendments,  
The Public Local Laws of Somerset County  
Section 2–101  
Article 20 – Public Local Laws of Maryland  
(2015 Edition)

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

#### Article 20 – Somerset County

2–101.

(a) There are 5 County Commissioners for Somerset County, who hold office for 4 years and until their successors are elected and qualified.

(b) (1) Except as provided in paragraph (2) of this subsection, each Commissioner shall receive an annual salary of ~~[\$7,500]~~ **\$8,500**.

(2) The President of the County Commissioners shall receive an annual salary of ~~[\$8,500]~~ **\$9,500**.

(c) Each Commissioner may receive reimbursement of no more than ~~[\$2,500]~~ **\$3,000** a year for ~~food and mileage~~ expenses **INCURRED** for any official duties. The County Commissioner shall submit a reimbursement voucher ~~for each excursion~~, signed by 3 of the 5 Commissioners.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the County Commissioners of Somerset County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the County Commissioners of Somerset County shall take effect at the beginning of the next following term of office. This limitation does

not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 26, 2016.**

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## Chapter 168

### (House Bill 149)

AN ACT concerning

#### **Somerset County – Commissioners – Salary and Expense Reimbursements**

FOR the purpose of altering the salary of the County Commissioners of Somerset County; altering the limit on reimbursements that each Commissioner may receive for certain expenses; altering the expenses for which each Commissioner may receive reimbursement; altering a certain requirement related to the submission of certain reimbursement vouchers by the Commissioners; providing for the application of this Act; and generally relating to the salary and expense reimbursement for the County Commissioners of Somerset County.

BY repealing and reenacting, with amendments,  
 The Public Local Laws of Somerset County  
 Section 2–101  
 Article 20 – Public Local Laws of Maryland  
 (2015 Edition)

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

#### **Article 20 – Somerset County**

2–101.

(a) There are 5 County Commissioners for Somerset County, who hold office for 4 years and until their successors are elected and qualified.

(b) (1) Except as provided in paragraph (2) of this subsection, each Commissioner shall receive an annual salary of ~~[\$7,500]~~ **\$8,500**.

(2) The President of the County Commissioners shall receive an annual salary of ~~[\$8,500]~~ **\$9,500**.

(c) Each Commissioner may receive reimbursement of no more than ~~[\$2,500]~~ **\$3,000** a year for ~~food and mileage~~ expenses **INCURRED** for any official duties. The County Commissioner shall submit a reimbursement voucher ~~for each excursion~~, signed by 3 of the 5 Commissioners.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the County Commissioners of Somerset County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the County Commissioners of Somerset County shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 26, 2016.**

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## Chapter 169

### (Senate Bill 145)

AN ACT concerning

#### **Wicomico County Board of Education – Election and Appointment of Members**

FOR the purpose of requiring that, beginning with a certain election, certain members of the Wicomico County Board of Education be elected by districts and certain members be elected at large; providing that, alternatively, beginning with a certain election, certain members of the Wicomico County Board of Education be elected by districts and certain members be appointed; establishing the composition of the county board; providing for the qualifications, terms of office, and filling of a vacancy of certain members of the county board; establishing certain removal, hearing, and appeal procedures for certain members of the county board; establishing a Wicomico County School Board Nominating Commission to select nominees to be recommended to the Wicomico County Council to fill certain appointments or vacancies on the county board; providing for the membership and duties of the Commission; repealing certain provisions concerning the appointment by the Governor of the members of the Wicomico County Board of Education; providing for the termination of the terms of certain members of the county board; submitting this Act to a referendum of the qualified voters of Wicomico County for their adoption or rejection of certain provisions of this Act; and generally relating to the election and appointment of the members of the Wicomico County Board of Education.

BY repealing and reenacting, with amendments,  
 Article – Education  
 Section 3–105 and 3–114  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2015 Supplement)

BY adding to  
 Article – Education  
 Section 3–13A–01 through 3–13A–06 to be under the new subtitle “Subtitle 13A.  
 Wicomico County”  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2015 Supplement)

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

### **Article – Education**

3–105.

(a) Subsections (b), (c), and (d) of this section do not apply to a county if the number of members of the county board is regulated by other provisions of this title.

(b) If a county school system has an enrollment of less than 50,000 students, the county board shall have five members, except that:

(1) The Worcester County Board shall have the number of members provided in subsection (e) of this section; **AND**

(2) Any county board that had more than five members on July 1, 1969, shall retain that number of members[; and

(3) The Wicomico County Board shall have the number of members provided in subsection (f) of this section].

(c) If a county school system has an enrollment of 50,000 students or more but less than 100,000 students, the county board shall have seven members.

(d) If a county school system has an enrollment of 100,000 students or more, the county board shall have nine members except as provided in § 3–901 of this title for Montgomery County and § 3–1002 of this title for Prince George’s County.

(e) The Worcester County Board consists of seven voting members and one nonvoting student member from each public high school in the county.

[(f) (1) The Wicomico County Board consists of seven members.

- (2) The term of a member is 5 years.]

3–114.

- (a) In the following counties, the members of the county board shall be elected:

- (1) Allegany;
- (2) Calvert;
- (3) Carroll;
- (4) Cecil;
- (5) Charles;
- (6) Dorchester;
- (7) Frederick;
- (8) Garrett;
- (9) Howard;
- (10) Kent;
- (11) Montgomery;
- (12) Queen Anne’s;
- (13) St. Mary’s;
- (14) Somerset;
- (15) Talbot;
- (16) Washington; [and]
- (17) WICOMICO; AND**
- [(17)] (18) Worcester.**

(b) In Baltimore County, in accordance with Subtitle 2A of this title, the members of the county board shall be a combination of members who are elected and appointed.

(c) In Caroline County, in accordance with Subtitle 3A of this title, the members of the county board shall be a combination of members who are elected and appointed.

(d) In Harford County, in accordance with Subtitle 6A of this title, the members of the county board shall be a combination of members who are elected and appointed.

(e) In Prince George's County, in accordance with Subtitle 10 of this title, the members of the county board shall be a combination of members who are elected and appointed.

(f) An individual subject to the authority of the county board may not serve as a member of the county board. At the time of filing a certificate of candidacy for election to a county board, a person shall certify to the local board of supervisors of elections whether or not the person is subject to the authority of the county board. The Governor may not issue a commission of election to a person who has certified affirmatively and who is elected to a county board until the member-elect offers proof that the member-elect is no longer subject to the authority of the county board.

(g) The election of the county boards shall be held as provided in Subtitles 2 through 14 of this title and the Election Law Article.

### **SUBTITLE 13A. WICOMICO COUNTY.**

#### **3-13A-01.**

**(A) (1) THE WICOMICO COUNTY BOARD CONSISTS OF SEVEN NONPARTISAN ELECTED VOTING MEMBERS.**

**(2) THE SEVEN MEMBERS SHALL BE ELECTED AS FOLLOWS:**

**(I) ONE MEMBER FROM EACH OF THE FIVE COUNCILMANIC DISTRICTS IN THE COUNTY, ELECTED BY THE VOTERS OF THAT DISTRICT; AND**

**(II) TWO MEMBERS AT LARGE, ELECTED BY THE VOTERS OF THE COUNTY.**

**(B) (1) A CANDIDATE WHO BECOMES AN ELECTED MEMBER OF THE COUNTY BOARD MUST BE A RESIDENT AND REGISTERED VOTER OF WICOMICO COUNTY.**

**(2) (I) AN ELECTED MEMBER WHO NO LONGER RESIDES IN WICOMICO COUNTY MAY NOT CONTINUE AS A MEMBER OF THE BOARD.**

(II) A MEMBER ELECTED FROM A COUNCILMANIC DISTRICT WHO NO LONGER RESIDES IN THAT DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE BOARD.

(3) IF THE BOUNDARY LINE OF A WICOMICO COUNTY COUNCILMANIC DISTRICT IS CHANGED, THE TERM OF AN INCUMBENT MEMBER OF THE COUNTY BOARD WHO NO LONGER RESIDES IN THAT COUNCILMANIC DISTRICT BECAUSE OF THE CHANGE IS NOT AFFECTED DURING THIS TERM.

**3-13A-02.**

(A) THE SEVEN MEMBERS OF THE WICOMICO COUNTY BOARD SHALL BE ELECTED:

(1) AT THE GENERAL ELECTION IN 2018 AND AT THE GENERAL ELECTION EVERY 4 YEARS THEREAFTER; AND

(2) IN ACCORDANCE WITH § 3-13A-01 OF THIS SUBTITLE AND TITLE 8, SUBTITLE 8 OF THIS ARTICLE.

(B) THE TERMS OF THE MEMBERS ARE AS PROVIDED IN THIS SUBSECTION.

(1) EACH TERM OF OFFICE BEGINS ON THE FIRST MONDAY IN DECEMBER AFTER THE ELECTION OF A MEMBER AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

(2) THE TERM OF OFFICE OF EACH MEMBER IS 4 YEARS.

**3-13A-03.**

(A) (1) THERE IS A WICOMICO COUNTY SCHOOL BOARD NOMINATING COMMISSION.

(2) THE PURPOSE OF THE COMMISSION IS TO SELECT NOMINEES TO RECOMMEND TO THE WICOMICO COUNTY COUNCIL AS QUALIFIED CANDIDATES FOR APPOINTMENT TO FILL A VACANCY ON THE WICOMICO COUNTY BOARD.

(3) WITHIN 60 DAYS OF A VACANCY ON THE COUNTY BOARD, THE COMMISSION SHALL:

(I) DEVELOP AND PUBLICIZE CRITERIA FOR CHOOSING NOMINEES TO FILL THE VACANCY;

(II) MAKE PUBLIC THE NAMES OF THE CANDIDATES THAT APPLY FOR APPOINTMENT TO FILL A VACANCY ON THE COUNTY BOARD;

(III) HOLD AT LEAST TWO PUBLIC HEARINGS ON THE APPLICANTS FOR APPOINTMENT; AND

(IV) MAKE PUBLIC AND SUBMIT TO THE COUNTY COUNCIL THE NAMES OF TWO NOMINEES FOR ANY VACANCY.

(4) (I) WITHIN 60 DAYS AFTER THE COUNTY COUNCIL RECEIVES THE NAMES OF THE NOMINEES FROM THE COMMISSION, THE COUNTY COUNCIL SHALL HOLD A PUBLIC HEARING REGARDING THE NOMINEES.

(II) AFTER THE HEARING, IF THE COUNTY COUNCIL DEEMS AT LEAST ONE OF THE NOMINEES ACCEPTABLE, THE COUNTY COUNCIL SHALL VOTE ON THE NOMINEES AND FILL THE VACANCY.

(III) IF THE COUNTY COUNCIL DEEMS BOTH NOMINEES UNACCEPTABLE, THE COUNTY COUNCIL SHALL RETURN THE NAMES TO THE COMMISSION AND REQUEST THAT THE COMMISSION SUBMIT THE NAMES OF AT LEAST TWO ADDITIONAL QUALIFIED NOMINEES FROM WHICH THE COUNTY COUNCIL SHALL SELECT AN INDIVIDUAL TO FILL THE VACANCY.

(5) (I) THE COMMISSION CONSISTS OF 14 MEMBERS.

(II) THE MEMBERS OF THE COMMISSION SHALL BE APPOINTED ~~BY THE COUNTY EXECUTIVE OF WICOMICO COUNTY, SUBJECT TO CONFIRMATION BY THE COUNTY COUNCIL,~~ FROM THE NAMES SUBMITTED BY THE FOLLOWING ORGANIZATIONS, ENTITIES, OR COMMUNITIES OF INTEREST:

1. ONE MEMBER FROM THE WICOMICO COUNTY BRANCH OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE;

2. ONE MEMBER FROM THE WICOMICO COUNTY EDUCATION ASSOCIATION;

3. ONE MEMBER FROM THE WICOMICO COUNTY AREA CHAMBERS OF COMMERCE, SELECTED BY THE CHAMBERS BY CONSENSUS;

4. ONE MEMBER FROM THE WICOMICO COUNTY EDUCATIONAL SUPPORT PROFESSIONALS ASSOCIATION;

5. ONE MEMBER FROM THE WICOMICO COUNTY COUNCIL OF PTAS;

6. ONE MEMBER FROM EACH OF THE EIGHT INCORPORATED MUNICIPALITIES IN WICOMICO COUNTY; AND

7. ONE MEMBER WHO IS A PARENT OF A CHILD WITH SPECIAL NEEDS IN THE WICOMICO COUNTY PUBLIC SCHOOL SYSTEM AND WHO IS AFFILIATED WITH AN ADVOCACY GROUP FOR CHILDREN WITH SPECIAL NEEDS IN THE COUNTY.

(6) TO THE EXTENT PRACTICABLE, THE COMMISSION SHALL REFLECT THE GENDER, ETHNIC, AND RACIAL MAKEUP OF THE COUNTY.

(7) THE COUNTY EXECUTIVE OF WICOMICO COUNTY SHALL APPOINT THE MEMBERS OF THE COMMISSION, WITH THE ADVICE AND CONSENT OF THE COUNTY COUNCIL, FROM THE NAMES SUBMITTED BY THE ORGANIZATIONS, ENTITIES, OR COMMUNITIES OF INTEREST LISTED UNDER PARAGRAPH (5) OF THIS SUBSECTION.

(8) THE TERM OF A MEMBER OF THE COMMISSION IS 4 YEARS.

(9) THE COMMISSION SHALL SELECT A CHAIR AND VICE CHAIR FROM AMONG THE MEMBERS.

(B) THE WICOMICO COUNTY PUBLIC SCHOOL SYSTEM SHALL PROVIDE STAFF FOR THE COMMISSION.

### 3-13A-04.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE WICOMICO COUNTY COUNCIL SHALL APPOINT AN INDIVIDUAL TO FILL A VACANCY ON THE COUNTY BOARD IN ACCORDANCE WITH § 3-13A-03 OF THIS SUBTITLE.

(B) (1) IF A VACANCY FOR A MEMBER OCCURS BEFORE THE DATE THAT IS 30 DAYS BEFORE THE DATE FOR FILING A CERTIFICATE OF CANDIDACY FOR THE PRIMARY ELECTION IN THE PRESIDENTIAL ELECTION YEAR, THE INDIVIDUAL APPOINTED UNDER SUBSECTION (A) OF THIS SECTION SHALL SERVE ONLY UNTIL A SUCCESSOR IS ELECTED BY THE VOTERS AT THE NEXT GENERAL ELECTION.

(2) CANDIDATES FOR THE VACATED OFFICE MAY BE NOMINATED AT A PRIMARY ELECTION IN THE SAME MANNER AS FOR ANY OTHER POSITION ON THE COUNTY BOARD.

**3-13A-05.**

**(A) THE STATE BOARD MAY REMOVE AN ELECTED OR APPOINTED MEMBER OF THE COUNTY BOARD FOR ANY OF THE FOLLOWING REASONS:**

- (1) IMMORALITY;**
- (2) MISCONDUCT IN OFFICE;**
- (3) INCOMPETENCY;**
- (4) WILLFUL NEGLECT OF DUTY; OR**

**(5) FAILURE TO ATTEND, WITHOUT GOOD CAUSE, AT LEAST 75% OF THE SCHEDULED MEETINGS OF THE COUNTY BOARD IN ANY 1 CALENDAR YEAR.**

**(B) BEFORE REMOVING A MEMBER, THE STATE BOARD SHALL SEND THE MEMBER A COPY OF THE CHARGES AGAINST THE MEMBER AND GIVE THE MEMBER AN OPPORTUNITY TO REQUEST A HEARING WITHIN 10 DAYS.**

**(C) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY PERIOD:**

**(1) THE STATE BOARD PROMPTLY SHALL HOLD A HEARING, BUT A HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS THE MEMBER A NOTICE OF THE HEARING; AND**

**(2) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE IN PERSON OR BY COUNSEL.**

**(D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR WICOMICO COUNTY.**

**3-13A-06.**

**AT THE FIRST MEETING OF THE COUNTY BOARD IN DECEMBER OF EACH YEAR, THE COUNTY BOARD SHALL ELECT A CHAIR AND VICE CHAIR FROM AMONG THE MEMBERS.**

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

**Article - Education**

(a) Subsections (b), (c), and (d) of this section do not apply to a county if the number of members of the county board is regulated by other provisions of this title.

(b) If a county school system has an enrollment of less than 50,000 students, the county board shall have five members, except that:

(1) The Worcester County Board shall have the number of members provided in subsection (e) of this section; **AND**

(2) Any county board that had more than five members on July 1, 1969, shall retain that number of members[; and

(3) The Wicomico County Board shall have the number of members provided in subsection (f) of this section].

(c) If a county school system has an enrollment of 50,000 students or more but less than 100,000 students, the county board shall have seven members.

(d) If a county school system has an enrollment of 100,000 students or more, the county board shall have nine members except as provided in § 3–901 of this title for Montgomery County and § 3–1002 of this title for Prince George’s County.

(e) The Worcester County Board consists of seven voting members and one nonvoting student member from each public high school in the county.

[(f) (1) The Wicomico County Board consists of seven members.

(2) The term of a member is 5 years.]

3–114.

(a) In the following counties, the members of the county board shall be elected:

(1) Allegany;

(2) Calvert;

(3) Carroll;

(4) Cecil;

(5) Charles;

(6) Dorchester;

- (7) Frederick;
- (8) Garrett;
- (9) Howard;
- (10) Kent;
- (11) Montgomery;
- (12) Queen Anne's;
- (13) St. Mary's;
- (14) Somerset;
- (15) Talbot;
- (16) Washington; and
- (17) Worcester.

(b) In Baltimore County, in accordance with Subtitle 2A of this title, the members of the county board shall be a combination of members who are elected and appointed.

(c) In Caroline County, in accordance with Subtitle 3A of this title, the members of the county board shall be a combination of members who are elected and appointed.

(d) In Harford County, in accordance with Subtitle 6A of this title, the members of the county board shall be a combination of members who are elected and appointed.

(e) In Prince George's County, in accordance with Subtitle 10 of this title, the members of the county board shall be a combination of members who are elected and appointed.

**(F) IN WICOMICO COUNTY, IN ACCORDANCE WITH SUBTITLE 13A OF THIS TITLE, THE MEMBERS OF THE COUNTY BOARD SHALL BE A COMBINATION OF MEMBERS WHO ARE ELECTED AND APPOINTED.**

**[(f)] (G)** An individual subject to the authority of the county board may not serve as a member of the county board. At the time of filing a certificate of candidacy for election to a county board, a person shall certify to the local board of supervisors of elections whether or not the person is subject to the authority of the county board. The Governor may not issue a commission of election to a person who has certified affirmatively and who is elected to a county board until the member-elect offers proof that the member-elect is no longer subject to the authority of the county board.

**[(g)] (H)** The election of the county boards shall be held as provided in Subtitles 2 through 14 of this title and the Election Law Article.

**SUBTITLE 13A. WICOMICO COUNTY.**

**3-13A-01.**

**(A) THE WICOMICO COUNTY BOARD OF EDUCATION CONSISTS OF:**

- (1) FIVE NONPARTISAN ELECTED MEMBERS; AND**
- (2) TWO APPOINTED MEMBERS.**

**(B) (1) OF THE SEVEN ELECTED AND APPOINTED MEMBERS OF THE COUNTY BOARD:**

**(I) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE FIVE COUNCILMANIC DISTRICTS IN THE COUNTY, ESTABLISHED BY THE WICOMICO COUNTY COUNCIL, BY THE VOTERS OF THAT DISTRICT; AND**

**(II) TWO MEMBERS SHALL BE APPOINTED BY THE WICOMICO COUNTY COUNCIL FROM THE COUNTY AT LARGE.**

**(2) (I) THE FIVE ELECTED MEMBERS SHALL BE ELECTED AT A GENERAL ELECTION IN ACCORDANCE WITH § 3-13A-02 OF THIS SUBTITLE AND TITLE 8, SUBTITLE 8 OF THIS ARTICLE.**

**(II) THE TWO APPOINTED MEMBERS SHALL BE APPOINTED BY THE WICOMICO COUNTY COUNCIL FROM A LIST OF NOMINEES SUBMITTED BY THE WICOMICO COUNTY SCHOOL BOARD NOMINATING COMMISSION AS PROVIDED IN § 3-13A-03 OF THIS SUBTITLE:**

**1. ON THE EXPIRATION OF THE TERM OF AN INCUMBENT APPOINTED MEMBER AND WITHIN ~~30~~ 60 DAYS AFTER THE GENERAL ELECTION; OR**

**2. WITHIN THE ~~30-DAY~~ 60-DAY PERIOD OTHERWISE REQUIRED UNDER THIS SUBTITLE.**

**(III) WHEN APPOINTING MEMBERS TO THE COUNTY BOARD, THE WICOMICO COUNTY COUNCIL SHALL ENDEAVOR TO ENSURE, TO THE EXTENT PRACTICABLE, THAT THE COUNTY BOARD REFLECTS THE GENDER, ETHNIC, AND RACIAL MAKEUP OF THE COUNTY.**

(3) (I) A MEMBER FROM A DISTRICT MUST BE AT LEAST 21 YEARS OLD, A RESIDENT OF THAT DISTRICT FOR AT LEAST 2 YEARS, AND A REGISTERED VOTER OF THE COUNTY BEFORE THE ELECTION.

(II) A MEMBER FROM A DISTRICT WHO DOES NOT MAINTAIN RESIDENCY IN THAT DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE COUNTY BOARD AND THE OFFICE SHALL BE DEEMED VACANT.

(III) IF THE BOUNDARY LINE OF A DISTRICT IS CHANGED, THE TERM OF AN INCUMBENT MEMBER OF THE COUNTY BOARD WHO NO LONGER RESIDES IN THE DISTRICT BECAUSE OF THE CHANGE IS NOT AFFECTED DURING THIS TERM.

### 3-13A-02.

(A) AT THE GENERAL ELECTION FOR THE ELECTED MEMBERS OF THE COUNTY BOARD, THE BALLOT SHALL PROVIDE THE VOTERS OF THAT DISTRICT WITH THE CHOICE TO CAST A VOTE "FOR" A CANDIDATE FOR ELECTION FROM THAT DISTRICT ONLY.

(B) AFTER THE ELECTION RESULTS ARE CERTIFIED, THE STATE BOARD SHALL DECLARE FOR EACH DISTRICT WHETHER A CANDIDATE HAS BEEN ELECTED.

(C) IN ANY ELECTION, IF NO CANDIDATE FILES A CERTIFICATE OF CANDIDACY FOR THE OFFICE OR IF NO INDIVIDUAL OTHERWISE QUALIFIES TO HAVE THE INDIVIDUAL'S NAME PLACED ON THE BALLOT, THE WICOMICO COUNTY COUNCIL SHALL APPOINT A MEMBER FROM A LIST OF NOMINEES SUBMITTED BY THE WICOMICO COUNTY SCHOOL BOARD NOMINATING COMMISSION TO FILL THAT VACANCY NO LATER THAN 30 DAYS AFTER THE GENERAL ELECTION.

### 3-13A-03.

(A) (1) THERE IS A WICOMICO COUNTY SCHOOL BOARD NOMINATING COMMISSION.

(2) THE PURPOSE OF THE COMMISSION IS TO SELECT NOMINEES TO RECOMMEND TO THE WICOMICO COUNTY COUNCIL AS QUALIFIED CANDIDATES FOR APPOINTMENT TO FILL A VACANCY ON THE WICOMICO COUNTY BOARD.

(3) WITHIN 60 DAYS OF A VACANCY ON THE COUNTY BOARD, THE COMMISSION SHALL:

(I) DEVELOP AND PUBLICIZE CRITERIA FOR CHOOSING NOMINEES TO FILL THE VACANCY;

(II) MAKE PUBLIC THE NAMES OF THE CANDIDATES THAT APPLY FOR APPOINTMENT TO FILL A VACANCY ON THE COUNTY BOARD;

(III) HOLD AT LEAST TWO PUBLIC HEARINGS ON THE APPLICANTS FOR APPOINTMENT; AND

(IV) MAKE PUBLIC AND SUBMIT TO THE COUNTY COUNCIL THE NAMES OF TWO NOMINEES FOR ANY VACANCY.

(4) (I) WITHIN 60 DAYS AFTER THE COUNTY COUNCIL RECEIVES THE NAMES OF THE NOMINEES FROM THE COMMISSION, THE COUNTY COUNCIL SHALL HOLD A PUBLIC HEARING REGARDING THE NOMINEES.

(II) AFTER THE HEARING, IF THE COUNTY COUNCIL DEEMS AT LEAST ONE OF THE NOMINEES ACCEPTABLE, THE COUNTY COUNCIL SHALL VOTE ON THE NOMINEES AND FILL THE VACANCY.

(III) IF THE COUNTY COUNCIL DEEMS BOTH NOMINEES UNACCEPTABLE, THE COUNTY COUNCIL SHALL RETURN THE NAMES TO THE COMMISSION AND REQUEST THAT THE COMMISSION SUBMIT THE NAMES OF AT LEAST TWO ADDITIONAL QUALIFIED NOMINEES FROM WHICH THE COUNTY COUNCIL SHALL SELECT AN INDIVIDUAL TO FILL THE VACANCY.

(5) (I) THE COMMISSION CONSISTS OF 14 MEMBERS.

(II) THE MEMBERS OF THE COMMISSION SHALL BE APPOINTED ~~BY THE COUNTY EXECUTIVE OF WICOMICO COUNTY, SUBJECT TO CONFIRMATION BY THE COUNTY COUNCIL,~~ FROM THE NAMES SUBMITTED BY THE FOLLOWING ORGANIZATIONS, ENTITIES, OR COMMUNITIES OF INTEREST:

1. ONE MEMBER FROM THE WICOMICO COUNTY BRANCH OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE;

2. ONE MEMBER FROM THE WICOMICO COUNTY EDUCATION ASSOCIATION;

3. ONE MEMBER FROM THE WICOMICO COUNTY AREA CHAMBERS OF COMMERCE, SELECTED BY THE CHAMBERS BY CONSENSUS;

4. ONE MEMBER FROM THE WICOMICO COUNTY EDUCATIONAL SUPPORT PROFESSIONALS ASSOCIATION;

5. ONE MEMBER FROM THE WICOMICO COUNTY COUNCIL OF PTAS;

6. ONE MEMBER FROM EACH OF THE EIGHT INCORPORATED MUNICIPALITIES IN WICOMICO COUNTY; AND

7. ONE MEMBER WHO IS A PARENT OF A CHILD WITH SPECIAL NEEDS IN THE WICOMICO COUNTY PUBLIC SCHOOL SYSTEM AND WHO IS AFFILIATED WITH AN ADVOCACY GROUP FOR CHILDREN WITH SPECIAL NEEDS IN THE COUNTY.

(6) TO THE EXTENT PRACTICABLE, THE COMMISSION SHALL REFLECT THE GENDER, ETHNIC, AND RACIAL MAKEUP OF THE COUNTY.

(7) THE COUNTY EXECUTIVE OF WICOMICO COUNTY SHALL APPOINT THE MEMBERS OF THE COMMISSION, WITH THE ADVICE AND CONSENT OF THE COUNTY COUNCIL, FROM THE NAMES SUBMITTED BY THE ORGANIZATIONS, ENTITIES, OR COMMUNITIES OF INTEREST LISTED UNDER PARAGRAPH (5) OF THIS SUBSECTION.

(8) THE TERM OF A MEMBER OF THE COMMISSION IS 4 YEARS.

(9) THE COMMISSION SHALL SELECT A CHAIR AND VICE CHAIR FROM AMONG THE MEMBERS.

(B) THE WICOMICO COUNTY PUBLIC SCHOOL SYSTEM SHALL PROVIDE STAFF FOR THE COMMISSION.

3-13A-04.

(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A MEMBER OF THE COUNTY BOARD SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE FIRST MONDAY IN DECEMBER, IN THE YEAR IN WHICH THE GOVERNOR IS ELECTED, AFTER THE MEMBER'S ELECTION OR APPOINTMENT AND UNTIL A SUCCESSOR IS ELECTED OR APPOINTED AND QUALIFIES.

(2) (I) THE INITIAL TERM OF THE TWO MEMBERS AT LARGE OF THE COUNTY BOARD WHOSE TERM BEGINS IN DECEMBER 2018 IS 2 YEARS.

(II) THE SUCCESSORS OF THE TWO MEMBERS AT LARGE SHALL BE APPOINTED IN 2020 AND BE APPOINTED EVERY 4 YEARS THEREAFTER FOR A TERM OF 4 YEARS.

**(B) AN INDIVIDUAL WHO TAKES OFFICE TO FILL A VACANCY FOR AN ELECTED OR APPOINTED MEMBER SERVES FOR THE REMAINDER OF THE TERM FOR WHICH THE APPOINTMENT WAS MADE AND UNTIL A SUCCESSOR IS ELECTED OR APPOINTED AND QUALIFIES.**

**3-13A-05.**

**(A) THE STATE BOARD MAY REMOVE AN ELECTED OR APPOINTED MEMBER OF THE COUNTY BOARD FOR ANY OF THE FOLLOWING REASONS:**

- (1) IMMORALITY;**
- (2) MISCONDUCT IN OFFICE;**
- (3) INCOMPETENCY;**
- (4) WILLFUL NEGLECT OF DUTY; OR**

**(5) FAILURE TO ATTEND, WITHOUT GOOD CAUSE, AT LEAST 75% OF THE SCHEDULED MEETINGS OF THE COUNTY BOARD IN ANY 1 CALENDAR YEAR.**

**(B) BEFORE REMOVING A MEMBER, THE STATE BOARD SHALL SEND THE MEMBER A COPY OF THE CHARGES AGAINST THE MEMBER AND GIVE THE MEMBER AN OPPORTUNITY TO REQUEST A HEARING WITHIN 10 DAYS.**

**(C) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY PERIOD:**

**(1) THE STATE BOARD PROMPTLY SHALL HOLD A HEARING, BUT A HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS THE MEMBER A NOTICE OF THE HEARING; AND**

**(2) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE IN PERSON OR BY COUNSEL.**

**(D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR WICOMICO COUNTY.**

**3-13A-06.**

**AT THE FIRST MEETING OF THE COUNTY BOARD IN DECEMBER OF EACH YEAR, THE COUNTY BOARD SHALL ELECT A CHAIR AND VICE CHAIR FROM AMONG THE MEMBERS.**

SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the members of the Wicomico County Board of Education in office at the end of December 2, 2018, shall expire at the end of December 2, 2018.

SECTION 4. AND BE IT FURTHER ENACTED, That before this Act becomes effective it shall first be submitted to a referendum of the qualified voters of Wicomico County at the general election to be held in November of 2016. The cost of the election shall be paid by the County governing body. The County governing body and the Wicomico County Board of Elections shall do those things necessary and proper to provide for and hold the referendum required by this section. There shall be printed on the ballot to be used at this election the title of this Act and underneath the title, on separate lines, a square or box for each of the following questions:

Question 1: “For ~~the current system~~ *Retaining the Current System*, a Board of Education with Seven Members Appointed by the Governor”;

Question 2: “For a Board of Education with Five Members Elected by District and Two Members Elected At Large”; and

Question 3: “For a Board of Education with Five Members Elected by District and Two Members Appointed by the Wicomico County Council”.

A voter may cast a vote only on one of the questions.

If the highest number of the votes cast on the three questions is “For ~~the current system~~ *Retaining the Current System*, a Board of Education with Seven Members Appointed by the Governor”, the provisions of Sections 1, 2, and 3 of this Act are of no effect and null and void. If the highest number of votes cast on the three questions is “For a Board of Education with Five Members Elected by District and Two Members Elected At Large”, the provisions of Section 2 of this Act are of no effect and null and void. If the highest number of votes cast on the three questions is “For a Board of Education with Five Members Elected by District and Two Members Appointed by the Wicomico County Council”, the provisions of Section 1 of this Act are of no effect and null and void.

SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 4 of this Act and for the sole purpose of providing for the referendum required by Section 4 of this Act, this Act shall take effect July 1, 2016.

**Approved by the Governor, April 26, 2016.**

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## Chapter 170

(Senate Bill 148)

AN ACT concerning

**Corporations and Real Estate Investment Trusts – Directors and Trustees  
– Duties and Immunity From Liability**

FOR the purpose of clarifying the duties of a director of a corporation and the manner in which a director must act; clarifying that a director who acts in accordance with a certain provision of law shall have certain immunity from liability; clarifying that a director of a corporation is not required to act solely because of the effect the act may have on, or the amount or type of consideration offered or paid to stockholders in, certain transactions involving the corporation; clarifying that an act of a director of a corporation relating to or affecting certain transactions involving the corporation may not be subject to a certain duty or scrutiny; repealing a limitation on the enforcement of a duty of a director; clarifying that certain provisions of law are the sole source of duties of a director of a corporation to the corporation or its stockholders, and apply to any act of a director; clarifying the circumstances under which a director of a corporation is immune from certain liability; making certain provisions of law relating to certain duties and immunity from liability of a director of a corporation applicable to a trustee of a real estate investment trust; defining a certain term; providing for the application of certain provisions of this Act; making certain conforming and stylistic changes; and generally relating to directors of a corporation.

BY repealing and reenacting, with amendments,  
Article – Corporations and Associations  
Section 2–401(a), 2–405.1, and 8–601.1  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 5–417  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

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

**Article – Corporations and Associations**

2–401.

(a) [The] **ALL** business and affairs of a corporation, **WHETHER OR NOT IN THE ORDINARY COURSE**, shall be managed **BY OR** under the direction of a board of directors.

2–405.1.

(A) **IN THIS SECTION, “ACT” INCLUDES, AS THE CONTEXT REQUIRES:**

(1) AN ACT, AN OMISSION, A FAILURE TO ACT, OR A DETERMINATION MADE NOT TO ACT; OR

(2) TO ACT, OMIT TO ACT, FAIL TO ACT, OR MAKE A DETERMINATION NOT TO ACT.

(B) THIS SECTION APPLIES TO ACTS OF AN INDIVIDUAL WHO:

(1) IS OR WAS A DIRECTOR OF A CORPORATION; AND

(2) IS ACTING OR ~~ACTED~~ WAS ACTING IN THE INDIVIDUAL'S OFFICIAL CAPACITY AS A DIRECTOR OF A CORPORATION.

[(a)] (C) A director OF A CORPORATION shall [perform his duties as a director, including his duties as a member of a committee of the board on which he serves] ACT:

(1) In good faith;

(2) In a manner [he] THE DIRECTOR reasonably believes to be in the best interests of the corporation; and

(3) With the care that an ordinarily prudent person in a like position would use under similar circumstances.

[(b)] (D) (1) [In performing his duties, a] A director is entitled to rely on any information, opinion, report, or statement, including any financial statement or other financial data, prepared or presented by:

(i) An officer or employee of the corporation whom the director reasonably believes to be reliable and competent in the matters presented;

(ii) A lawyer, certified public accountant, or other person, as to a matter which the director reasonably believes to be within the person's professional or expert competence; or

(iii) A committee of the board on which the director does not serve, as to a matter within its designated authority, if the director reasonably believes the committee to merit confidence.

(2) A director is not acting in good faith if [he] THE DIRECTOR has any knowledge concerning the matter in question which would cause [such] THE reliance to be unwarranted.

[(c)] (E) A [person] **DIRECTOR** who [performs his duties] **ACTS** in accordance with the standard **OF CONDUCT** provided in this section shall have the immunity from liability described under § 5–417 of the Courts and Judicial Proceedings Article.

[(d)] (F) The [duty of the directors of a corporation] **STANDARD OF CONDUCT PROVIDED IN THIS SECTION** does not require [them] **A DIRECTOR OF A CORPORATION** to:

(1) [Accept] **ACT TO ACCEPT**, recommend, or respond on behalf of the corporation to [any] A proposal by an acquiring person as defined in § 3–801 of this article;

(2) [Authorize] **ACT TO AUTHORIZE** the corporation to redeem any rights under, modify, or render inapplicable, a stockholder rights plan;

(3) [Elect] **ACT TO ELECT** on behalf of the corporation to be subject to or refrain from electing on behalf of the corporation to be subject to any or all of the provisions of Title 3, Subtitle 8 of this article;

(4) [Make] **ACT TO MAKE** a determination under the provisions of Title 3, Subtitle 6 or Subtitle 7 of this article; or

(5) Act [or fail to act] solely because of:

(i) The effect the act [or failure to act] may have on an acquisition or potential acquisition of control of the corporation; or

(ii) The amount or type of [any] consideration that may be offered or paid to stockholders **OF THE CORPORATION** in an acquisition **OR A POTENTIAL ACQUISITION OF CONTROL OF THE CORPORATION**.

[(e)] (G) An act of a director of a corporation is presumed to [satisfy the standards of subsection (a)] **BE IN ACCORDANCE WITH SUBSECTION (C)** of this section.

[(f)] (H) An act of a director **OF A CORPORATION** relating to or affecting an acquisition or a potential acquisition of control of [a] **THE corporation OR ANY OTHER TRANSACTION OR POTENTIAL TRANSACTION INVOLVING THE CORPORATION** may not be subject to a higher duty or greater scrutiny than is applied to any other act of a director.

[(g)] Nothing in this section creates a duty of any director of a corporation enforceable otherwise than by the corporation or in the right of the corporation.]

(I) **THIS SECTION:**

(1) **IS THE SOLE SOURCE OF DUTIES OF A DIRECTOR TO THE CORPORATION OR THE STOCKHOLDERS OF THE CORPORATION, WHETHER OR NOT A**

**DECISION HAS BEEN MADE TO ENTER INTO AN ACQUISITION OR A POTENTIAL ACQUISITION OF CONTROL OF THE CORPORATION OR ENTER INTO ANY OTHER TRANSACTION INVOLVING THE CORPORATION; AND**

**(2) APPLIES TO ANY ACT OF A DIRECTOR, INCLUDING AN ACT AS A MEMBER OF A COMMITTEE OF THE BOARD OF DIRECTORS.**

8-601.1.

Sections 2-201(c), 2-313, [2-405.1(d) through (g),] 2-502(e), and 2-504(f) **OF THIS ARTICLE AND, EXCEPT AS OTHERWISE PROVIDED IN § 8-601 OF THIS SUBTITLE OR IN THE DECLARATION OF TRUST, § 2-405.1** of this article shall apply to real estate investment trusts.

### **Article – Courts and Judicial Proceedings**

5-417.

**(A) IN THIS SECTION, “ACT” HAS THE MEANING STATED IN § 2-405.1 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.**

**(B) A [person] PRESENT OR FORMER DIRECTOR OF A CORPORATION who [performs the duties of that person] WHILE A DIRECTOR ACTS OR ACTED in accordance with the standard OF CONDUCT provided [under] IN § 2-405.1 of the Corporations and Associations Article has no liability [by reason of being or having been a director of a corporation] IN ANY ACTION BASED ON AN ACT OF THE DIRECTOR.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 26, 2016.**

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## **Chapter 171**

**(House Bill 354)**

AN ACT concerning

### **Corporations and Real Estate Investment Trusts – Directors and Trustees – Duties and Immunity From Liability**

FOR the purpose of clarifying the duties of a director of a corporation and the manner in which a director must act; clarifying that a director who acts in accordance with a certain provision of law shall have certain immunity from liability; clarifying that a

director of a corporation is not required to act solely because of the effect the act may have on, or the amount or type of consideration offered or paid to stockholders in, certain transactions involving the corporation; clarifying that an act of a director of a corporation relating to or affecting certain transactions involving the corporation may not be subject to a certain duty or scrutiny; repealing a limitation on the enforcement of a duty of a director; clarifying that certain provisions of law are the sole source of duties of a director of a corporation to the corporation or its stockholders, and apply to any act of a director; clarifying the circumstances under which a director of a corporation is immune from certain liability; making certain provisions of law relating to certain duties and immunity from liability of a director of a corporation applicable to a trustee of a real estate investment trust; defining a certain term; providing for the application of certain provisions of this Act; making certain conforming and stylistic changes; and generally relating to directors of a corporation.

BY repealing and reenacting, with amendments,  
Article – Corporations and Associations  
Section 2–401(a), 2–405.1, and 8–601.1  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 5–417  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

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

### **Article – Corporations and Associations**

2–401.

(a) [The] **ALL** business and affairs of a corporation, **WHETHER OR NOT IN THE ORDINARY COURSE**, shall be managed **BY OR** under the direction of a board of directors.

2–405.1.

**(A) IN THIS SECTION, “ACT” INCLUDES, AS THE CONTEXT REQUIRES:**

**(1) AN ACT, AN OMISSION, A FAILURE TO ACT, OR A DETERMINATION MADE NOT TO ACT; OR**

**(2) TO ACT, OMIT TO ACT, FAIL TO ACT, OR MAKE A DETERMINATION NOT TO ACT.**

**(B) THIS SECTION APPLIES TO ACTS OF AN INDIVIDUAL WHO:**

**(1) IS OR WAS A DIRECTOR OF A CORPORATION; AND**

**(2) IS ACTING OR ~~ACTED~~ WAS ACTING IN THE INDIVIDUAL'S OFFICIAL CAPACITY AS A DIRECTOR OF A CORPORATION.**

**[(a)] (C)** A director **OF A CORPORATION** shall [perform his duties as a director, including his duties as a member of a committee of the board on which he serves] **ACT**:

(1) In good faith;

(2) In a manner [he] **THE DIRECTOR** reasonably believes to be in the best interests of the corporation; and

(3) With the care that an ordinarily prudent person in a like position would use under similar circumstances.

**[(b)] (D)** (1) [In performing his duties, a] **A** director is entitled to rely on any information, opinion, report, or statement, including any financial statement or other financial data, prepared or presented by:

(i) An officer or employee of the corporation whom the director reasonably believes to be reliable and competent in the matters presented;

(ii) A lawyer, certified public accountant, or other person, as to a matter which the director reasonably believes to be within the person's professional or expert competence; or

(iii) A committee of the board on which the director does not serve, as to a matter within its designated authority, if the director reasonably believes the committee to merit confidence.

(2) A director is not acting in good faith if [he] **THE DIRECTOR** has any knowledge concerning the matter in question which would cause [such] **THE** reliance to be unwarranted.

**[(c)] (E)** A [person] **DIRECTOR** who [performs his duties] **ACTS** in accordance with the standard **OF CONDUCT** provided in this section shall have the immunity from liability described under § 5-417 of the Courts and Judicial Proceedings Article.

**[(d)] (F)** The [duty of the directors of a corporation] **STANDARD OF CONDUCT PROVIDED IN THIS SECTION** does not require [them] **A DIRECTOR OF A CORPORATION** to:

(1) [Accept] **ACT TO ACCEPT**, recommend, or respond on behalf of the corporation to [any] A proposal by an acquiring person as defined in § 3–801 of this article;

(2) [Authorize] **ACT TO AUTHORIZE** the corporation to redeem any rights under, modify, or render inapplicable, a stockholder rights plan;

(3) [Elect] **ACT TO ELECT** on behalf of the corporation to be subject to or refrain from electing on behalf of the corporation to be subject to any or all of the provisions of Title 3, Subtitle 8 of this article;

(4) [Make] **ACT TO MAKE** a determination under the provisions of Title 3, Subtitle 6 or Subtitle 7 of this article; or

(5) Act [or fail to act] solely because of:

(i) The effect the act [or failure to act] may have on an acquisition or potential acquisition of control of the corporation; or

(ii) The amount or type of [any] consideration that may be offered or paid to stockholders **OF THE CORPORATION** in an acquisition **OR A POTENTIAL ACQUISITION OF CONTROL OF THE CORPORATION**.

[(e)] **(G)** An act of a director of a corporation is presumed to [satisfy the standards of subsection (a)] **BE IN ACCORDANCE WITH SUBSECTION (C)** of this section.

[(f)] **(H)** An act of a director **OF A CORPORATION** relating to or affecting an acquisition or a potential acquisition of control of [a] **THE** corporation **OR ANY OTHER TRANSACTION OR POTENTIAL TRANSACTION INVOLVING THE CORPORATION** may not be subject to a higher duty or greater scrutiny than is applied to any other act of a director.

[(g)] Nothing in this section creates a duty of any director of a corporation enforceable otherwise than by the corporation or in the right of the corporation.]

**(I) THIS SECTION:**

**(1) IS THE SOLE SOURCE OF DUTIES OF A DIRECTOR TO THE CORPORATION OR THE STOCKHOLDERS OF THE CORPORATION, WHETHER OR NOT A DECISION HAS BEEN MADE TO ENTER INTO AN ACQUISITION OR A POTENTIAL ACQUISITION OF CONTROL OF THE CORPORATION OR ENTER INTO ANY OTHER TRANSACTION INVOLVING THE CORPORATION; AND**

**(2) APPLIES TO ANY ACT OF A DIRECTOR, INCLUDING AN ACT AS A MEMBER OF A COMMITTEE OF THE BOARD OF DIRECTORS.**

Sections 2–201(c), 2–313, [2–405.1(d) through (g),] 2–502(e), and 2–504(f) OF THIS ARTICLE AND, EXCEPT AS OTHERWISE PROVIDED IN § 8–601 OF THIS SUBTITLE OR IN THE DECLARATION OF TRUST, § 2–405.1 of this article shall apply to real estate investment trusts.

### Article – Courts and Judicial Proceedings

5–417.

(A) IN THIS SECTION, “ACT” HAS THE MEANING STATED IN § 2–405.1 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(B) A [person] PRESENT OR FORMER DIRECTOR OF A CORPORATION who [performs the duties of that person] WHILE A DIRECTOR ACTS OR ACTED in accordance with the standard OF CONDUCT provided [under] IN § 2–405.1 of the Corporations and Associations Article has no liability [by reason of being or having been a director of a corporation] IN ANY ACTION BASED ON AN ACT OF THE DIRECTOR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, April 26, 2016.

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## Chapter 172

(Senate Bill 170)

AN ACT concerning

### Voter Registration – Affiliation With Political Party and Participation in Primary Election, Caucus, or Convention

FOR the purpose of requiring certain voter registration applications used in the State to include a certain statement concerning registration with a political party and the effect of the failure of the voter to affiliate with a political party on the voter’s right to participate in primary elections, caucuses, or conventions for a political party; providing that certain voter registration applications may continue to be used after the effective date of this Act; and generally relating to voter registration applications.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 3–202

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Election Law

Section 3–203 and 3–303

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

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

### Article – Election Law

3–202.

(a) (1) The statewide voter registration application shall:

(i) require the signature of the applicant, subject to the penalties of perjury, by which the applicant swears or affirms that the information contained in the registration application is true and that the applicant meets all of the qualifications to become a registered voter;

(ii) state the penalties for the submission of a false application; and

(iii) provide the applicant with the opportunity to cancel a current registration.

(2) The following information shall be made available to each applicant who is completing a statewide voter registration application:

(i) the qualifications to become a registered voter;

(ii) if an individual declines to register, this fact will remain confidential and be used only for voter registration purposes;

(iii) if an individual registers to vote, the office at which the application is submitted will remain confidential and will be used only for voter registration purposes; and

(iv) notification to the applicant that submission of the form to an individual other than an official, employee, or agent of a local board does not assure that the form will be filed or filed in a timely manner.

(3) The statewide voter registration application may not require:

(i) notarization or other formal authentication; or

(ii) any additional information, other than the information necessary to enable election officials to determine the eligibility of the applicant and to administer voter registration and other parts of the election process.

**(4) IN THE SECTION OF THE STATEWIDE VOTER REGISTRATION APPLICATION THAT ASKS THE VOTER WHETHER THE VOTER WANTS TO AFFILIATE WITH A POLITICAL PARTY, THE APPLICATION SHALL LIST THE RECOGNIZED POLITICAL PARTIES IN THE STATE AND INCLUDE THE FOLLOWING STATEMENT: “YOU MUST REGISTER WITH A POLITICAL PARTY IF YOU WANT TO TAKE PART IN THAT POLITICAL PARTY’S PRIMARY ELECTION, CAUCUS, OR CONVENTION. CHECK ONE BOX ONLY.”**

**[(4) (5)** (i) A statewide voter registration application shall be produced exclusively by the State Board.

(ii) No other registration form may be used for registration purposes except:

1. a voter registration application produced by a local board with the approval of the State Board;

2. as provided in subsection (b) of this section;

3. as provided in § 3–203(b) of this subtitle;

4. any other form prescribed by federal law for voter registration; or

5. a federal write-in absentee ballot if used by a voter authorized to vote a federal write-in absentee ballot under federal law.

(b) The voter registration application form prescribed pursuant to the National Voter Registration Act of 1993 shall **SATISFY THE REQUIREMENTS PRESCRIBED UNDER SUBSECTION (A) OF THIS SECTION AND** be accepted by the appropriate election official for purposes of voter registration.

(c) The application described in this section may be used by a registered voter to change the voter’s name, address, or party affiliation.

3–203.

(a) The Motor Vehicle Administration shall provide the opportunity to apply to register to vote or update a voter registration record to each individual who:

(1) applies for or renews a driver’s license or identification card; or

(2) changes a name or address on an existing driver's license or identification card.

(b) (1) The Motor Vehicle Administration shall inquire orally or in writing whether the applicant wishes to register to vote or update a voter registration record during the transactions specified under subsection (a) of this section.

(2) If the applicant chooses to register to vote or to update a voter registration record:

(i) all applicable information received by the Motor Vehicle Administration in the course of completing a transaction under subsection (a) of this section shall be transferred to a voter registration application;

(ii) any additional necessary information shall be obtained by the Motor Vehicle Administration and may not duplicate any information already obtained while completing a transaction under subsection (a) of this section; and

(iii) a voter registration application with all of the applicant's voter registration information shall be presented to the applicant to sign or affirm electronically.

(3) (i) An applicant may decline to register to vote, update the applicant's voter registration record, or change the applicant's name or address by:

1. affirmatively indicating as such on the application; or
2. failing to sign the voter registration application.

(ii) The Motor Vehicle Administration shall maintain declination information in a manner specified jointly by the Motor Vehicle Administration and the State Board.

(4) Within 5 days of the receipt of an application under subsection (a) of this section, the Motor Vehicle Administration shall forward to the State Board the voter registration information in a manner and format specified jointly by the Motor Vehicle Administration and the State Board.

(c) (1) (i) In consultation with the Motor Vehicle Administration, the State Board shall prepare a voter registration application to be used for voter registration at the Motor Vehicle Administration.

(ii) Except as provided in this section, the voter registration portion of the application may not require information that duplicates information required in the driver's license or identification card portion of the application.

(2) The voter registration portion of the application shall:

(i) contain the same information as the statewide voter registration application prescribed in § 3–202(a) of this subtitle; and

(ii) require only the minimum amount of information necessary, including the applicant's telephone number:

1. to prevent duplicate voter registration; and

2. to enable the appropriate election official to assess the eligibility of an applicant and to administer voter registration and other aspects of the election process.

(3) The application shall contain a box for the applicant to check, with the statement, "I do not wish to register to vote at this time".

(d) The Motor Vehicle Administration shall follow the procedures established jointly by the Motor Vehicle Administration and the State Board to process the voter registration information received under this section.

(e) Information relating to the failure of an applicant for a driver's license or identification card to register to vote may not be used for any purpose other than the maintenance of registration statistics.

3–303.

(a) Notification of a change of party affiliation or a change to or from a decline may be made:

(1) by information provided on a voter registration application by the same methods provided for registration under Subtitle 2 of this title;

(2) by written notice, signed by the voter and sent by mail or otherwise delivered to the local board in the county where the voter's current voter registration address is located or to which the voter has moved;

(3) by making application in person at the office of the local board in the county where the voter's current voter registration address is located or to which the voter has moved;

(4) by information on a voter authority card or other appropriate form filled out in a polling place; or

(5) by changing a name or address with the Motor Vehicle Administration.

(b) Party affiliation changes or changes to or from a decline:

(1) shall be processed at any time that registration is open; and

(2) except as provided in subsection (c) of this section, may not be processed when registration is closed.

(c) If a local board receives a request for a party affiliation change after the close of registration, the local board shall make the change and it shall become effective for the next election provided:

(1) there is sufficient evidence, as determined by the local boards pursuant to regulations adopted by the State Board, that the request was mailed on or before the close of registration for that election; or

(2) the request was submitted by the voter to the Motor Vehicle Administration, a voter registration agency, another local board, or the State Board on or before the close of registration for that election.

SECTION 2. AND BE IT FURTHER ENACTED, That a statewide voter registration application produced by the State Board of Elections under § 3–202(a) of the Election Law Article or a voter registration application form produced pursuant to the National Voter Registration Act of 1993 under § 3–202(b) of the Election Law Article ~~and~~ for use for voter registration in the State prior to the effective date of this Act, but that is submitted to an appropriate election official for purposes of voter registration after the effective date of this Act, shall be accepted by the appropriate election official for purposes of voter registration.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Approved by the Governor, April 26, 2016.**

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## Chapter 173

(House Bill 344)

AN ACT concerning

### **Voter Registration – Affiliation With Political Party and Participation in Primary Election, Caucus, or Convention**

FOR the purpose of requiring certain voter registration applications used in the State to include a certain statement concerning registration with a political party and the effect of the failure of the voter to affiliate with a political party on the voter's right to participate in primary elections, caucuses, or conventions for a political party; providing that certain voter registration applications may continue to be used after the effective date of this Act; and generally relating to voter registration applications.

BY repealing and reenacting, with amendments,  
Article – Election Law  
Section 3–202  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Election Law  
Section 3–203 and 3–303  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

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

**Article – Election Law**

3–202.

(a) (1) The statewide voter registration application shall:

(i) require the signature of the applicant, subject to the penalties of perjury, by which the applicant swears or affirms that the information contained in the registration application is true and that the applicant meets all of the qualifications to become a registered voter;

(ii) state the penalties for the submission of a false application; and

(iii) provide the applicant with the opportunity to cancel a current registration.

(2) The following information shall be made available to each applicant who is completing a statewide voter registration application:

(i) the qualifications to become a registered voter;

(ii) if an individual declines to register, this fact will remain confidential and be used only for voter registration purposes;

(iii) if an individual registers to vote, the office at which the application is submitted will remain confidential and will be used only for voter registration purposes; and

(iv) notification to the applicant that submission of the form to an individual other than an official, employee, or agent of a local board does not assure that the form will be filed or filed in a timely manner.

(3) The statewide voter registration application may not require:

(i) notarization or other formal authentication; or

(ii) any additional information, other than the information necessary to enable election officials to determine the eligibility of the applicant and to administer voter registration and other parts of the election process.

**(4) IN THE SECTION OF THE STATEWIDE VOTER REGISTRATION APPLICATION THAT ASKS THE VOTER WHETHER THE VOTER WANTS TO AFFILIATE WITH A POLITICAL PARTY, THE APPLICATION SHALL LIST THE RECOGNIZED POLITICAL PARTIES IN THE STATE AND INCLUDE THE FOLLOWING STATEMENT: “YOU MUST REGISTER WITH A POLITICAL PARTY IF YOU WANT TO TAKE PART IN THAT POLITICAL PARTY’S PRIMARY ELECTION, CAUCUS, OR CONVENTION. CHECK ONE BOX ONLY.”.**

**[(4)] (5)** (i) A statewide voter registration application shall be produced exclusively by the State Board.

(ii) No other registration form may be used for registration purposes except:

1. a voter registration application produced by a local board with the approval of the State Board;

2. as provided in subsection (b) of this section;

3. as provided in § 3–203(b) of this subtitle;

4. any other form prescribed by federal law for voter registration; or

5. a federal write-in absentee ballot if used by a voter authorized to vote a federal write-in absentee ballot under federal law.

(b) The voter registration application form prescribed pursuant to the National Voter Registration Act of 1993 shall **SATISFY THE REQUIREMENTS PRESCRIBED UNDER SUBSECTION (A) OF THIS SECTION** AND be accepted by the appropriate election official for purposes of voter registration.

(c) The application described in this section may be used by a registered voter to change the voter’s name, address, or party affiliation.

(a) The Motor Vehicle Administration shall provide the opportunity to apply to register to vote or update a voter registration record to each individual who:

(1) applies for or renews a driver's license or identification card; or

(2) changes a name or address on an existing driver's license or identification card.

(b) (1) The Motor Vehicle Administration shall inquire orally or in writing whether the applicant wishes to register to vote or update a voter registration record during the transactions specified under subsection (a) of this section.

(2) If the applicant chooses to register to vote or to update a voter registration record:

(i) all applicable information received by the Motor Vehicle Administration in the course of completing a transaction under subsection (a) of this section shall be transferred to a voter registration application;

(ii) any additional necessary information shall be obtained by the Motor Vehicle Administration and may not duplicate any information already obtained while completing a transaction under subsection (a) of this section; and

(iii) a voter registration application with all of the applicant's voter registration information shall be presented to the applicant to sign or affirm electronically.

(3) (i) An applicant may decline to register to vote, update the applicant's voter registration record, or change the applicant's name or address by:

1. affirmatively indicating as such on the application; or
2. failing to sign the voter registration application.

(ii) The Motor Vehicle Administration shall maintain declination information in a manner specified jointly by the Motor Vehicle Administration and the State Board.

(4) Within 5 days of the receipt of an application under subsection (a) of this section, the Motor Vehicle Administration shall forward to the State Board the voter registration information in a manner and format specified jointly by the Motor Vehicle Administration and the State Board.

(c) (1) (i) In consultation with the Motor Vehicle Administration, the State Board shall prepare a voter registration application to be used for voter registration at the Motor Vehicle Administration.

(ii) Except as provided in this section, the voter registration portion of the application may not require information that duplicates information required in the driver's license or identification card portion of the application.

(2) The voter registration portion of the application shall:

(i) contain the same information as the statewide voter registration application prescribed in § 3–202(a) of this subtitle; and

(ii) require only the minimum amount of information necessary, including the applicant's telephone number:

1. to prevent duplicate voter registration; and

2. to enable the appropriate election official to assess the eligibility of an applicant and to administer voter registration and other aspects of the election process.

(3) The application shall contain a box for the applicant to check, with the statement, "I do not wish to register to vote at this time".

(d) The Motor Vehicle Administration shall follow the procedures established jointly by the Motor Vehicle Administration and the State Board to process the voter registration information received under this section.

(e) Information relating to the failure of an applicant for a driver's license or identification card to register to vote may not be used for any purpose other than the maintenance of registration statistics.

3–303.

(a) Notification of a change of party affiliation or a change to or from a decline may be made:

(1) by information provided on a voter registration application by the same methods provided for registration under Subtitle 2 of this title;

(2) by written notice, signed by the voter and sent by mail or otherwise delivered to the local board in the county where the voter's current voter registration address is located or to which the voter has moved;

(3) by making application in person at the office of the local board in the county where the voter's current voter registration address is located or to which the voter has moved;

(4) by information on a voter authority card or other appropriate form filled out in a polling place; or

(5) by changing a name or address with the Motor Vehicle Administration.

(b) Party affiliation changes or changes to or from a decline:

(1) shall be processed at any time that registration is open; and

(2) except as provided in subsection (c) of this section, may not be processed when registration is closed.

(c) If a local board receives a request for a party affiliation change after the close of registration, the local board shall make the change and it shall become effective for the next election provided:

(1) there is sufficient evidence, as determined by the local boards pursuant to regulations adopted by the State Board, that the request was mailed on or before the close of registration for that election; or

(2) the request was submitted by the voter to the Motor Vehicle Administration, a voter registration agency, another local board, or the State Board on or before the close of registration for that election.

SECTION 2. AND BE IT FURTHER ENACTED, That a statewide voter registration application produced by the State Board of Elections under § 3–202(a) of the Election Law Article or a voter registration application form produced pursuant to the National Voter Registration Act of 1993 under § 3–202(b) of the Election Law Article ~~and~~ for use for voter registration in the State prior to the effective date of this Act, but that is submitted to an appropriate election official for purposes of voter registration after the effective date of this Act, shall be accepted by the appropriate election official for purposes of voter registration.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Approved by the Governor, April 26, 2016.**

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## Chapter 174

(Senate Bill 182)

AN ACT concerning

### Public Safety – Rental Dwelling Units – Carbon Monoxide Alarms

FOR the purpose of altering certain requirements relating to carbon monoxide alarms as the requirements apply to certain rental dwelling units; requiring certain rental

dwelling units, on or after a certain date, to have a certain carbon monoxide alarm installed in a certain manner, subject to a certain exception; defining ~~a certain term~~ certain terms; altering a certain definition; and generally relating to carbon monoxide alarms.

BY repealing and reenacting, without amendments,  
Article – Environment  
Section 6–801(a) and (t)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 12–1101, 12–1102, and 12–1104  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Public Safety  
Section 12–1103, 12–1105, and 12–1106  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

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

### **Article – Environment**

6–801.

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

(t) (1) “Rental dwelling unit” means a room or group of rooms that form a single independent habitable rental unit for permanent occupation by one or more individuals that has living facilities with permanent provisions for living, sleeping, eating, cooking, and sanitation.

(2) “Rental dwelling unit” does not include:

(i) An area not used for living, sleeping, eating, cooking, or sanitation, such as an unfinished basement;

(ii) A unit within a hotel, motel, or similar seasonal or transient facility;

(iii) An area which is secured and inaccessible to occupants; or

- (iv) A unit which is not offered for rent.

### Article – Public Safety

12–1101.

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

- (b) “Carbon monoxide alarm” means a device that:

(1) senses carbon monoxide;

(2) when sensing carbon monoxide, is capable of emitting a distinct and audible sound;

(3) is listed and carries the listing of a nationally recognized testing laboratory approved by the Office of the State Fire Marshal; and

(4) (i) is wired into an alternating current (AC) powerline with secondary battery backup; or

(ii) for a hotel [or], a lodging or rooming house, **OR A RENTAL DWELLING UNIT:**

1. is wired ~~OR PLUGGED~~ into an alternating current (AC) powerline with secondary battery backup;

2. is battery-powered, sealed, tamper resistant, and using a long-life battery that has a life of not less than 10 years; or

3. is connected to an on-site control unit that monitors the carbon monoxide alarm remotely so that a responsible party is alerted when the device activates the alarm signal and receives its primary power from a battery or the control unit.

(c) (1) “Dwelling” means a building or part of a building that provides living or sleeping facilities for one or more individuals.

(2) “Dwelling” includes a one or two family dwelling, multifamily dwelling, hotel, lodging or rooming house, or dormitory.

(d) “Hotel” has the meaning stated in § 9–201 of this article.

(e) “Install” means to attach to the wall or ceiling of a dwelling in accordance with:

(1) the National Fire Protection Association (NFPA) 720 standard for the installation of carbon monoxide warning equipment in dwelling units; and

(2) the manufacturer's recommendations.

(f) "Lodging or rooming house" has the meaning stated in § 9–201 of this article.

**(G) "RENTAL DWELLING UNIT" HAS THE MEANING STATED IN § 6–801 OF THE ENVIRONMENT ARTICLE.**

**(H) "SLEEPING AREA" HAS THE MEANING STATED IN § 9–101 OF THIS ARTICLE.**

12–1102.

This subtitle only applies to:

(1) a dwelling that:

(i) relies on the combustion of a fossil fuel for heat, ventilation, hot water, or clothes dryer operation; and

(ii) is a newly constructed dwelling for which a building permit is issued on or after January 1, 2008; or

(2) a hotel [or], a lodging or rooming house, **OR A RENTAL DWELLING UNIT.**

12–1103.

A carbon monoxide alarm may be combined with a smoke alarm if the combined device complies with:

(1) this subtitle;

(2) Title 9 of this article; and

(3) American National Standards Institute (ANSI)/Underwriters Laboratories (UL) standards 217 and 2034 or ANSI/UL 268 and 2075.

12–1104.

(a) Except as provided in [subsection (b)] **SUBSECTIONS (B) AND (C)** of this section, there must be a carbon monoxide alarm installed in a central location outside of each sleeping area within a dwelling subject to this subtitle.

(b) For a [dwelling described in § 12–1102(2) of this subtitle] **HOTEL OR A LODGING OR ROOMING HOUSE**, on or after April 1, 2017, there must be a carbon

monoxide alarm installed within [a hotel or a lodging or rooming house] **THE DWELLING**, as follows:

- (1) on the wall inside each guest room that:
  - (i) contains a device that emits carbon monoxide;
  - (ii) is adjacent to a room or area that contains a device that emits carbon monoxide;
  - (iii) is adjacent to an enclosed unventilated attached garage; or
  - (iv) is connected by ductwork to an enclosed unventilated attached garage or room or area that contains a device that emits carbon monoxide; and
- (2) on a wall in each room or area that:
  - (i) contains a device that emits carbon monoxide;
  - (ii) is adjacent to a room or area that contains a device that emits carbon monoxide; or
  - (iii) is adjacent to an enclosed unventilated attached garage.

**(C) FOR A RENTAL DWELLING UNIT, ON OR AFTER APRIL 1, 2018, THERE MUST BE A CARBON MONOXIDE ALARM INSTALLED WITHIN THE DWELLING AS FOLLOWS:**

**(1) OUTSIDE AND IN THE IMMEDIATE VICINITY OF EACH SEPARATE SLEEPING AREA; AND**

**(2) ON EVERY LEVEL OF THE UNIT, INCLUDING THE BASEMENT, AS FOLLOWS:**

**~~(1) ON THE WALL INSIDE EACH GUEST ROOM THAT:~~**

**~~(I) CONTAINS A DEVICE THAT EMITS CARBON MONOXIDE; OUTSIDE EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS, AND ON EVERY LEVEL OF THE RENTAL DWELLING UNIT, INCLUDING BASEMENTS;~~**

**~~(II) IS ADJACENT TO A ROOM OR AREA THAT CONTAINS A DEVICE THAT EMITS CARBON MONOXIDE;~~**

~~(III) IS ADJACENT TO AN ENCLOSED UNVENTILATED ATTACHED GARAGE; OR~~

~~(IV) IS CONNECTED BY DUCTWORK TO AN ENCLOSED UNVENTILATED ATTACHED GARAGE OR ROOM OR AREA THAT CONTAINS A DEVICE THAT EMITS CARBON MONOXIDE; AND~~

~~(2) ON A WALL IN EACH ROOM OR AREA THAT:~~

~~(I) CONTAINS A DEVICE THAT EMITS CARBON MONOXIDE;~~

~~(II) IS ADJACENT TO A ROOM OR AREA THAT CONTAINS A DEVICE THAT EMITS CARBON MONOXIDE; OR~~

~~(III) IS ADJACENT TO AN ENCLOSED UNVENTILATED ATTACHED GARAGE.~~

**[(c)] (D)** Notwithstanding subsections (a) [and], (b), AND **(C)** of this section, if there is a centralized alarm system that is capable of emitting a distinct and audible sound to warn all occupants, the owner of a dwelling may install a carbon monoxide alarm within 25 feet of any carbon monoxide-producing fixture and equipment.

12-1105.

Except as part of routine maintenance, a person may not render a carbon monoxide alarm inoperable.

12-1106.

This subtitle does not prevent a county or municipal corporation from enacting more stringent laws that relate to carbon monoxide alarms.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 26, 2016.**

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## Chapter 175

(House Bill 849)

AN ACT concerning

**Public Safety – Rental Dwelling Units – Carbon Monoxide Alarms**

FOR the purpose of altering certain requirements relating to carbon monoxide alarms as the requirements apply to certain rental dwelling units; requiring certain rental dwelling units, on or after a certain date, to have a certain carbon monoxide alarm installed in a certain manner, subject to a certain exception; defining ~~a certain term~~ *certain terms*; altering a certain definition; and generally relating to carbon monoxide alarms.

BY repealing and reenacting, without amendments,  
Article – Environment  
Section 6–801(a) and (t)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 12–1101, 12–1102, and 12–1104  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Public Safety  
Section 12–1103, 12–1105, and 12–1106  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

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

### **Article – Environment**

6–801.

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

(t) (1) “Rental dwelling unit” means a room or group of rooms that form a single independent habitable rental unit for permanent occupation by one or more individuals that has living facilities with permanent provisions for living, sleeping, eating, cooking, and sanitation.

(2) “Rental dwelling unit” does not include:

(i) An area not used for living, sleeping, eating, cooking, or sanitation, such as an unfinished basement;

(ii) A unit within a hotel, motel, or similar seasonal or transient facility;

- (iii) An area which is secured and inaccessible to occupants; or
- (iv) A unit which is not offered for rent.

### Article – Public Safety

12–1101.

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

(b) “Carbon monoxide alarm” means a device that:

- (1) senses carbon monoxide;
- (2) when sensing carbon monoxide, is capable of emitting a distinct and audible sound;
- (3) is listed and carries the listing of a nationally recognized testing laboratory approved by the Office of the State Fire Marshal; and
- (4) (i) is wired into an alternating current (AC) powerline with secondary battery backup; or

(ii) for a hotel [or], a lodging or rooming house, **OR A RENTAL DWELLING UNIT:**

- 1. is wired into an alternating current (AC) powerline with secondary battery backup;
- 2. is battery-powered, sealed, tamper resistant, and using a long-life battery that has a life of not less than 10 years; or
- 3. is connected to an on-site control unit that monitors the carbon monoxide alarm remotely so that a responsible party is alerted when the device activates the alarm signal and receives its primary power from a battery or the control unit.

(c) (1) “Dwelling” means a building or part of a building that provides living or sleeping facilities for one or more individuals.

(2) “Dwelling” includes a one or two family dwelling, multifamily dwelling, hotel, lodging or rooming house, or dormitory.

(d) “Hotel” has the meaning stated in § 9–201 of this article.

(e) “Install” means to attach to the wall or ceiling of a dwelling in accordance with:

(1) the National Fire Protection Association (NFPA) 720 standard for the installation of carbon monoxide warning equipment in dwelling units; and

(2) the manufacturer's recommendations.

(f) "Lodging or rooming house" has the meaning stated in § 9-201 of this article.

**(G) "RENTAL DWELLING UNIT" HAS THE MEANING STATED IN § 6-801 OF THE ENVIRONMENT ARTICLE.**

**(H) "SLEEPING AREA" HAS THE MEANING STATED IN § 9-101 OF THIS ARTICLE.**

12-1102.

This subtitle only applies to:

(1) a dwelling that:

(i) relies on the combustion of a fossil fuel for heat, ventilation, hot water, or clothes dryer operation; and

(ii) is a newly constructed dwelling for which a building permit is issued on or after January 1, 2008; or

(2) a hotel [or], a lodging or rooming house, **OR A RENTAL DWELLING UNIT.**

12-1103.

A carbon monoxide alarm may be combined with a smoke alarm if the combined device complies with:

(1) this subtitle;

(2) Title 9 of this article; and

(3) American National Standards Institute (ANSI)/Underwriters Laboratories (UL) standards 217 and 2034 or ANSI/UL 268 and 2075.

12-1104.

(a) Except as provided in [subsection (b)] **SUBSECTIONS (B) AND (C)** of this section, there must be a carbon monoxide alarm installed in a central location outside of each sleeping area within a dwelling subject to this subtitle.

(b) For a [dwelling described in § 12–1102(2) of this subtitle] **HOTEL OR A LODGING OR ROOMING HOUSE**, on or after April 1, 2017, there must be a carbon monoxide alarm installed within [a hotel or a lodging or rooming house] **THE DWELLING**, as follows:

- (1) on the wall inside each guest room that:
  - (i) contains a device that emits carbon monoxide;
  - (ii) is adjacent to a room or area that contains a device that emits carbon monoxide;
  - (iii) is adjacent to an enclosed unventilated attached garage; or
  - (iv) is connected by ductwork to an enclosed unventilated attached garage or room or area that contains a device that emits carbon monoxide; and
- (2) on a wall in each room or area that:
  - (i) contains a device that emits carbon monoxide;
  - (ii) is adjacent to a room or area that contains a device that emits carbon monoxide; or
  - (iii) is adjacent to an enclosed unventilated attached garage.

**(C) FOR A RENTAL DWELLING UNIT, ON OR AFTER APRIL 1, 2018, THERE MUST BE A CARBON MONOXIDE ALARM INSTALLED WITHIN THE DWELLING AS FOLLOWS, ~~AS FOLLOWS~~:**

- ~~(1) ON THE WALL INSIDE EACH GUEST ROOM THAT:~~
  - ~~(i) CONTAINS A DEVICE THAT EMITS CARBON MONOXIDE;~~
- (1) OUTSIDE AND IN THE IMMEDIATE VICINITY OF EACH SEPARATE SLEEPING AREA, AS DEFINED IN § 9-101 OF THIS ARTICLE; AND**
- (2) ON EVERY LEVEL OF THE UNIT, INCLUDING THE BASEMENT.**
  - ~~(ii) IS ADJACENT TO A ROOM OR AREA THAT CONTAINS A DEVICE THAT EMITS CARBON MONOXIDE;~~
  - ~~(iii) IS ADJACENT TO AN ENCLOSED UNVENTILATED ATTACHED GARAGE; OR~~

~~(IV) IS CONNECTED BY DUCTWORK TO AN ENCLOSED UNVENTILATED ATTACHED GARAGE OR ROOM OR AREA THAT CONTAINS A DEVICE THAT EMITS CARBON MONOXIDE; AND~~

~~(2) ON A WALL IN EACH ROOM OR AREA THAT:~~

~~(I) CONTAINS A DEVICE THAT EMITS CARBON MONOXIDE;~~

~~(II) IS ADJACENT TO A ROOM OR AREA THAT CONTAINS A DEVICE THAT EMITS CARBON MONOXIDE; OR~~

~~(III) IS ADJACENT TO AN ENCLOSED UNVENTILATED ATTACHED GARAGE.~~

[(c)] (D) Notwithstanding subsections (a) [and], (b), AND (C) of this section, if there is a centralized alarm system that is capable of emitting a distinct and audible sound to warn all occupants, the owner of a dwelling may install a carbon monoxide alarm within 25 feet of any carbon monoxide-producing fixture and equipment.

12-1105.

Except as part of routine maintenance, a person may not render a carbon monoxide alarm inoperable.

12-1106.

This subtitle does not prevent a county or municipal corporation from enacting more stringent laws that relate to carbon monoxide alarms.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 26, 2016.**

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## Chapter 176

(Senate Bill 194)

AN ACT concerning

**Ethics Commission, Commission on Judicial Disabilities, Judicial Ethics Committee, and Joint Ethics Committee – Duties**

FOR the purpose of providing that the Judicial Ethics Committee as an alternative to the Commission on Judicial Disabilities or another body designated by a certain court, shall administer and implement certain provisions of law that apply to State officials of the Judicial Branch; making stylistic changes; and generally relating to duties of the Ethics Commission, the Commission on Judicial Disabilities, the Judicial Ethics Committee, and the Joint Ethics Committee.

BY repealing and reenacting, with amendments,  
Article – General Provisions  
Section 5–104 and 5–819  
Annotated Code of Maryland  
(2014 Volume and 2015 Supplement)

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

**Article – General Provisions**

5–104.

[This title shall be administered and implemented by:]

**(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, THIS TITLE SHALL BE ADMINISTERED AND IMPLEMENTED BY THE ETHICS COMMISSION.**

**[(1) (B) [the] THE Joint Ethics Committee, acting as an advisory body [as to the application of], SHALL ADMINISTER AND IMPLEMENT Subtitle 5 of this title AS IT APPLIES to members of the General Assembly[;].**

**[(2) (C) [the] THE Commission on Judicial Disabilities, THE JUDICIAL ETHICS COMMITTEE, or another body designated by the Court of Appeals, acting as an advisory body [as to the application of], SHALL ADMINISTER AND IMPLEMENT Subtitles 5 and 6 of this title AS THOSE SUBTITLES APPLY to State officials of the Judicial Branch[; and**

**(3) in all other matters, the Ethics Commission].**

5–819.

(a) A school board shall submit regulations adopted under this part, and amendments to adopted regulations, to the Ethics Commission for review and approval or disapproval.

(b) If the Ethics Commission does not disapprove a regulation or an amendment to a regulation within 60 days after its submission, the regulation or amendment is deemed to have been approved and becomes effective.

(c) (1) The Ethics Commission may disapprove a regulation or an amendment to a regulation only if the Ethics Commission finds that the regulation or amendment is not in substantial compliance with this part.

(2) If the Ethics Commission disapproves a regulation or an amendment, the Ethics Commission shall promptly notify the school board of the action.

(d) On request of a school board, the Ethics Commission shall advise and assist the school board in preparing regulations that comply with this [title] PART.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 26, 2016.**

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## Chapter 177

**(House Bill 496)**

AN ACT concerning

**Ethics Commission, Commission on Judicial Disabilities, Judicial Ethics Committee, and Joint Ethics Committee – Duties**

FOR the purpose of providing that the Judicial Ethics Committee as an alternative to the Commission on Judicial Disabilities or another body designated by a certain court, shall administer and implement certain provisions of law that apply to State officials of the Judicial Branch; making stylistic changes; and generally relating to duties of the Ethics Commission, the Commission on Judicial Disabilities, the Judicial Ethics Committee, and the Joint Ethics Committee.

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 5–104 and 5–819

Annotated Code of Maryland

(2014 Volume and 2015 Supplement)

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

### Article – General Provisions

5–104.

[This title shall be administered and implemented by:]

**(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, THIS TITLE SHALL BE ADMINISTERED AND IMPLEMENTED BY THE ETHICS COMMISSION.**

**[(1) (B) [the] THE Joint Ethics Committee, acting as an advisory body [as to the application of], SHALL ADMINISTER AND IMPLEMENT Subtitle 5 of this title AS IT APPLIES to members of the General Assembly[;].**

**[(2) (C) [the] THE Commission on Judicial Disabilities, THE JUDICIAL ETHICS COMMITTEE, or another body designated by the Court of Appeals, acting as an advisory body [as to the application of], SHALL ADMINISTER AND IMPLEMENT Subtitles 5 and 6 of this title AS THOSE SUBTITLES APPLY to State officials of the Judicial Branch[; and**

**(3) in all other matters, the Ethics Commission].**

5–819.

(a) A school board shall submit regulations adopted under this part, and amendments to adopted regulations, to the Ethics Commission for review and approval or disapproval.

(b) If the Ethics Commission does not disapprove a regulation or an amendment to a regulation within 60 days after its submission, the regulation or amendment is deemed to have been approved and becomes effective.

(c) (1) The Ethics Commission may disapprove a regulation or an amendment to a regulation only if the Ethics Commission finds that the regulation or amendment is not in substantial compliance with this part.

(2) If the Ethics Commission disapproves a regulation or an amendment, the Ethics Commission shall promptly notify the school board of the action.

(d) On request of a school board, the Ethics Commission shall advise and assist the school board in preparing regulations that comply with this [title] PART.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 26, 2016.**